AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, March 11, 2025
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: https://cityofberkeley-info.zoomgov.com/j/1618265658 To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 826 5658** provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

***Government Code Section 84308 (Levine Act)** - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

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

1. Adjourn in Memory of Polly Armstrong, former District 8 City Councilmember
2. Adjourn in Memory of Marty Shiffenbauer, Community Activist

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: *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

In-person attendees wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

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." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move 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".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

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. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker 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. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

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

Consent Calendar

1. Inclusionary Housing Ordinance In-Lieu Fee; Amending Berkeley Municipal Code Chapter 23.328
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,954-N.S. amending Berkeley Municipal Code (BMC) Chapter 23.328 (F) to remove the exemption for projects with 5,000 square feet or less of RUFA.
First Reading Vote: All Ayes
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

2. Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law Related to Electric Vehicle Charging and Technical Edits

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,955-N.S. amending the following sections of the Zoning Ordinance to align the Berkeley Municipal Code (BMC) with state law related to electric vehicle charging, as well as additional non-substantive edits and corrections:

-23.106.020 Lot Coverage
-23.106.080 Building Separation
-23.202.020 Allowed Land Uses (Residential Districts)
-23.204.020 Allowed Land Uses (Commercial Districts)
-23.204.090 C-NS North Shattuck Commercial District
-23.204.100 C-SA South Area Commercial District
-23.204.130 C-DMU Downtown Mixed-Use District
-23.204.140 C-W West Berkeley Commercial District
-23.204.150 C-AC Adeline Corridor Commercial District
-23.206.020 Allowed Land Uses and Permit Requirements (Manufacturing Districts)
-23.206.040 Use-Specific Regulations (Manufacturing Districts)
-23.206.050 Protected Uses (Manufacturing)
-23.302.070 Use-Specific Regulations (Supplemental Use Regulations)
-23.306.010 Purpose (Accessory Dwelling Units)
-23.306.030 Development Standards (Accessory Dwelling Units)
-23.306.040 Permit Procedures (Accessory Dwelling Units)
-23.310.020 General Requirements Excluding Incidental Beer and Wine
-23.310.030 Alcohol Beverage Standards When Incidental to Food Service
-23.322.030 Required Parking Spaces
-23.322.080 Parking Layout and Design
-23.334.030 Transportation Demand Management Program Requirements
-23.502.020 Defined Terms (Glossary)

First Reading Vote: All Ayes

Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

3. Police Accountability Board – Appointment of New Member

From: City Manager

Recommendation: Adopt a Resolution appointing a new member to the Police Accountability Board nominated by Councilmember Humbert.

Financial Implications: See report

Contact: Mark Numainville, City Clerk, (510) 981-6900

Consent Calendar

4. 2025 Updated Commissioners' and Board Members' Manual
From: City Manager
Recommendation: Adopt a Resolution approving the 2025 Commissioners' and Board Members' Manual, with administrative and procedural amendments including new and reorganized commissions, ADA and teleconferencing policy changes, and gender-neutral language; and rescinding Resolution No. 69,063-N.S.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

5. Contract: Edgeworth Integration LLC to Purchase and Provide Installation of New Security System Server at Berkeley Animal Care Services
From: City Manager
Recommendation: Following a positive recommendation from the Police Accountability Board at their February 5, 2025 regular meeting, adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Edgeworth Integration LLC for the purchase and installation of a new security camera system server (cameras already exist) to replace an obsolete server at Berkeley Animal Care Services (BACS) for March 12, 2025, to March 11, 2026, which establishes a contract in an amount not to exceed $57,908.08.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 11, 2025
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

7. Annual Purchase Orders for L.N. Curtis and Sons: Fire Department
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute annual purchase orders and any amendments with L.N. Curtis and Sons for the purchases of: turnouts, and personal protective equipment (PPE) such as wildland coats and pants, gloves, helmets, hearing and eye protection, and fire boots; Firefighting tools and equipment such as firehose, fire extinguishers, foam, ladders, pumps, and related tools and equipment; and the purchase order for FY2026 shall not exceed $330,000, with an annual increase no more than 5% each year through March 27, 2028. A 20% contingency is added to cover costs arising from unforeseen incidents or operations for a total amount not to exceed (NTE) $1,040,324.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

Consent Calendar

8. Contract No. 32400177 Amendment: Health Officer Coverage Contract – Dr. Lisa B. Hernandez
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to amend Contract No. 32400177 with Dr. Lisa B. Hernandez to increase by $60,000 for a total not to exceed amount (NTE) of $180,000.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

9. Joint Homekey+ Application for MLK House at 2942-44 Martin Luther King, Jr. Way
From: City Manager
Recommendation: Adopt two Resolutions approving the following actions in support of a Homekey+ program funding allocation by:
1. Authorizing the City Manager or designee to prepare and submit a joint application with Insight Housing to the State of California Housing and Community Development (HCD) Department's Homekey+ program for the MLK House project, which will provide permanent supportive housing for veterans.
2. Authorizing the City Manager or designee to take all necessary actions for the City's participation in HCD's Homekey+ program, including entering into HCD's Standard Agreement and any amendments.
3. Authorizing the City Manager or designee to execute all original or amended documents or agreements necessary to effectuate these actions.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

10. Authorize Integration of BUSD Preferences with the City of Berkeley's Housing Preference Policy for BUSD Workforce Housing Project (1701 San Pablo)
From: City Manager
Recommendation: Adopt a Resolution authorizing the Berkeley Unified School District (BUSD) Workforce Housing project (1701 San Pablo / SAHA / Abode) to apply both a set of housing preferences ("BUSD Preferences") (Exhibit A) developed by its Governance Committee and the City of Berkeley's Housing Preference Policy ("City Preferences"), integrated, with the following clarifications:
- Lottery results within BUSD preference tiers each will be re-sorted by applicant's total number of City preference points.
- Lottery results for Non-BUSD employees would also be re-sorted by applicant's total number of City preference points.
- The persons experiencing homelessness preference would be applied within the BUSD preference framework.
- Layering of City preferences onto BUSD preferences will be conditional on implementation feasibility, as determined by the City Manager.
- Prior to finalizing the Tenant Selection and Marketing Plan, the project team would need to submit a Fair Housing Analysis to the City.

Financial Implications: None
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

11. Salary Adjustments – Deputy Director of Public Works (Unrepresented) and Deputy Director of Health, Housing, and Community Services (Unrepresented)
From: City Manager
Recommendation: Adopt a Resolution increasing the top step of the Deputy Director of Public Works classification to $110.9807 per hour and of the Deputy Director of Health, Housing, and Community Services to $107.0460 per hour to rectify compaction with salaries of classifications they supervise.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

12. Berkeley Fire Fighters Association – Side Letters Pertaining to Probationary Periods, Pre-Promotional Academies, and Vacation Slots
From: City Manager
Recommendation: Adopt a Resolution approving three side letters with Berkeley Fire Fighters Association to (1) amend Section 33 of the union's Memorandum of Understanding (MOU) with the City to modify the Firefighter probationary period to 18 months; (2) amend Section 34.3.2 of the MOU to allow employees on 40-hour-week schedules to attend pre-promotional academies if placed on Outside the City status; and (3) amend Sections 19.4 and 19.5 of the MOU to create a new structure for vacation slots.
Financial Implications: None.
Contact: Monica Walker, Human Resources, (510) 981-6800

13. Berkeley Chief Fire Officers Association Side Letter – Battalion Coverage
From: City Manager
Recommendation: Adopt a Resolution approving a side letter with Berkeley Chief Fire Officers Association adding Section 2.1.14 (Battalion Coverage) to the City's Memorandum of Understanding with the union.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

Council Consent Items

14. A Referral to the City Manager to make a recommendation for further Council action: Transfer Tax Exemption for 100% Affordable Housing Projects
(Reviewed by the Land Use, Housing & Economic Development Policy Committee)
From: Councilmember Tregub (Author), Councilmember Bartlett (Co-Sponsor) and Councilmember O'Keefe (Co-Sponsor)
Recommendation: Adopt a referral to the City Manager to study the fiscal impacts and feasibility of a transfer tax exemption for 100% affordable housing projects owned and operated by non-profit entities or community land trusts, including but not limited to: the rehabilitation of existing projects; acquisition, rehabilitation, and conversion of market-rate housing complexes into deed-restricted affordable housing; and land donated for the purpose of constructing deed-restricted affordable housing and make a recommendation for further Council action.
Policy Committee Recommendation: Forward item to Council with a Qualified Positive Recommendation that the Council: 1) Clarify that the rehabilitation of the restricted properties, would be included as part of the 100% affordable [housing projects]. 2) Bolster the rationale section of the report with greater detail and analysis.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Council Consent Items

15. Referral to 4 x 4 Committee: Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same Common Area

From: Councilmembers Igor Tregub (Author) and Terry Taplin (Co-Sponsor)

Recommendation: Refer to the 4 x 4 Committee of the Berkeley City Council and Rent Stabilization Board a proposal related to the removal of an on-site manager exemption loophole, which is currently used by certain Berkeley properties to circumvent California Code Regulation, Title 25, Paragraph 42, for certain multi-family properties that are adjacent and/or share the same common area. If the recommended regulation is enacted, it is the intent of the referral to apply it to subject properties in a prospective manner that ensures that the rights of sitting tenants continue to be fully protected (i.e., a fully occupied property will not be required to rent to an on-site manager until at least one unit becomes vacant in accordance to all applicable state and local laws governing good cause eviction protections). The referral further requests that the 4 x 4 Committee discuss and provide recommendations as to:

- Any parameters that may limit the scope of this referral, including but not limited to situations in which one or more of the subject properties are owned by limited liability corporations (LLCs) and/or owners that own multiple other properties in Berkeley, California and/or beyond, with a total number of units or properties under ownership to be determined;
- Any exemptions to the on-site manager requirement for certain circumstances, such as for hardship of the property owner and/or LLC and/or other circumstances in which the interest of justice may supersede the public interest of this requirement;
- The enforcement mechanism and enforcing jurisdiction (i.e., City of Berkeley or Berkeley Rent Stabilization Board, with compensation by the City of Berkeley) that the City of Berkeley should employ in furtherance of the recommended regulation; and
- Any other provisions pertinent to the efficient, just, and fair administration of the recommended regulation.

Financial Implications: See report

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

16. First Year Free - Fill Empty Storefronts Act *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*

From: Councilmember Hahn (Author)

Recommendation: Refer to the City Manager to (1) create and implement a First Year Free Program for Berkeley, modeled after San Francisco's successful program, for an initial period of 5 years and (2) study and report back to Council on other strategies to attract new businesses and fill empty storefronts.

Policy Committee Recommendation: Forward item to Council with a negative recommendation to take no action. The committee will revisit this issue at a later date with the intention of further developing the goals of the item.

Financial Implications: See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during the Action Calendar public comment period on the item

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker 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 items may be reordered at the discretion of the Chair with the consent of Council.

The Presiding Officer may open and close an additional comment period for Action items on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters), at the start of the Action Calendar. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by first the appellant and then the applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking during a public hearing, each speaker 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.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

17. Appeal of Special Assessment Tax Lien – 1806 Walnut St
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution rejecting the property owners' appeal, and allowing the special assessment lien for 1806 Walnut Street (APN 057-2049-004) to be recorded with the County of Alameda as written and approved by the City Manager.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – New Business

18. Adopt an Ordinance to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*
From: Housing Advisory Commission
Recommendation: Adopt an ordinance amending the Municipal Code adding section 13.63 to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units.
Policy Committee Recommendation: Forward item to Council with a Qualified Positive Recommendation to Council with a request to forward to the 4x4 Committee to review the effectiveness of the implementation.
Financial Implications: See report
Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Information Reports

19. FY 2025 First Quarter Investment Report: Ended September 30, 2024
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Public Comment – 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.*

Archived indexed video streams are available at:
https://berkeleyca.gov/your-government/city-council/city-council-agendas.
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the 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 to the City Clerk Department at 2180 Milvia Street. 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 Department for further information.

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 City Hall located at 2180 Milvia Street, and through the City's online records portal: https://records.cityofberkeley.info/.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at:
https://berkeleyca.gov/your-government/city-council/city-council-agendas
and may be accessed at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,

North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

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 ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



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.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

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I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 27, 2025.

Mark Numainville, City Clerk
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Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

Item #18: Adopt an Ordinance to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*

1. Krista C. Gulbransen

Civic Center Park

2. Elana Naftalin-Kelman
3. Yael Galinson
4. Ashley E. McClure
5. David Tepper
6. Lisa Lum (2)
7. Robin Kibby
8. Erik Dreher
9. Daniel Jurnove
10. Ben Buettner
11. Micky Duxbury
12. Catarina Negrin
13. Stacey Zolt Hara
14. Patrick Golier
15. David Kerr
16. Whitney Moss
17. Peggy Scott (2)
18. Lisa Mazur Librizzi
19. Elisabeth Hruska

Encampments

20. Aileen Paterson
21. Russbumper
22. Josh Atwood
23. Aimee Baldwin

Peace and Justice Commission Resolution

24. Haiganoush Preisler
25. Joseph Mutti
26. Jennifer Fechner
27. Tim O'Brien
28. Dorothea Dorenz
29. Chris Taaffe
30. Erika Andersen
31. Alexander Cruzado

32. Sam Long
33. Michael Cassidy
34. 12 Similarly worded form letters

Safety Concerns
35. Cecelia Mautner

Mailbox
36. Elsa Tranter

Public Safety Community Meeting
37. Jack Kurzweil
38. Enrique Marisol
39. Igor Tregub

Sanctuary Protocol
40. Director of Security

Plans
41. Tillymaui

Library Printing Services
42. Alex S. Merenkov
43. Bill Kolb

Daylighting Law
44. Shirley Kirsten (3)
45. Mieka Strawhorn
46. Wahid Amiri
47. Sandra Sanchez

Proposed Public Restroom
48. Aimee Baldwin
49. Wahid Amiri
50. Analisa Madron

Cesar Chavez Park
51. Maggie Dilley
52. Amy Thomson
53. Katherine Westine
54. Randall Gee
55. The Froedin-Morgensen Family
56. Antonio Guzman
57. Wini Williams
58. Lucy Thrupp
59. Save CC (2)

60. Frances Shaw
61. Cameron Woo

Round Park
62. Joseph Lee (3)

Housing Concern
63. Bing Fantasy Football (6)

Bay Wheels Station
64. Alex S. Merenkov
65. Sandra Sanchez

Speed Bumps
66. Lolita Brewster

BOTTLEBIN Smart Bin
67. Tammy E. Apple

2x2 Meeting
68. Rebecca Levenson (2)
69. Jennie Hicks and Ian Wulfson
70. Sasha Courtade

Publicize Effects
71. Kellie Stoddart

Civil Action Petition
72. Ian A. Leipper

Bicycle Plan
73. James McGrath
74. Laura Fujii
75. Octavio Raygoza

Gold Award Project
76. Ona Weiss

Business Safety
77. David Lerman

Literacy Project
78. Pat Kennedy

Up Zoning
79. Deborah Barer

Berkeley Public Eye
80. Bernard Marszalek

PG&E Gas Lines
81. David Lerman

Unit Inspections
82. Alex Merenkov
83. Manreet Gill

Golden Gate Fields
84. Roger Hooks

Intersection Safety Concern
85. Asa Bradman

Certificates
86. Justin Wong

Middle East Conflict
87. Alexander Cruzado

Red Cross Month
88. Teresa Deloach Reed

Traffic Concern
89. Shirley Kirsten (2)

URL's
90. Julie Elis
91. Flip Side
92. Nancy Fox

Forwards
93. Eid
94. Josh Atwood (2)

Mail to the Mayor
95. Eid

BESO Amendments
96. Hannah Wenrich (9)
97. Isabella Almeida (9)

Apartment Values
98. Barbara Gilbert

Healthy Foods
99. Roberto Terrones on behalf of the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE)
100. Kenneth Hecht

GOP Budget Cuts Concern
101. Kellie Stoddart

Commission Vacancies
102. Samuel J. Harvey on behalf of the Fair Campaign Practices Commission/Open Government Commission

Screenshots
103. Josh Atwood

Chess Club
104. Jesse Sheehan

2138 Kittredge St.
105. Carol A. Bagshawe

Supplemental Communications and Reports
Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.

- **Supplemental Communications and Reports 1**
  Available by 5:00 p.m. five days prior to the meeting.

- **Supplemental Communications and Reports 2**
  Available by 5:00 p.m. the day before the meeting.

- **Supplemental Communications and Reports 3**
  Available by 5:00 p.m. two days following the meeting.

01

ORDINANCE NO.7,954-N.S.

AMENDING SECTION 23.328.050 (F) TO REMOVE THE SMALL PROJECT EXEMPTION FROM INCLUSIONARY HOUSING REQUIREMENT

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 23.328.050(F) is amended to read as follows:

BMC Section 23.328.050(F) Exemptions. The following types of Housing Development Projects and Residential Units are exempt from this Chapter:

1. A Housing Development Project for which either a building permit was issued on or before April 1, 2023 or a preliminary application including all of the information required by subdivision (a) of California Government Code section 65941.1 was submitted on or before April 1, 2023 shall be subject to this Chapter's requirements that were in place as of the preliminary application's submittal date but shall otherwise be exempt from this Chapter. This exemption shall expire upon the occurrence of any of the circumstances defined in paragraphs (2), (6), or (7) of subdivision (o) of California Government Code section 65589.5 or in subdivision (d) of California Government Code section 65941.

2. A Residential Unit that replaces a unit existing as of April 1, 2023 that has been destroyed by fire, earthquake or other disaster, or that was previously subject to a mitigation fee or inclusionary housing requirement.

3. A Residential Unit existing as of April 1, 2023 that is expanded, renovated, or rehabilitated.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on February 25, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

02

ORDINANCE NO. 7,955-N.S.

AMENDMENTS TO THE RULES OF MEASUREMENT CHAPTER (BMC 23.106), RESIDENTIAL DISTRICT CHAPTER (BMC 23.202), COMMERCIAL DISTRICT CHAPTER (BMC 23.204), MANUFACTURING DISTRICT CHAPTER (BMC 23.206), USE-SPECIFIC REGULATIONS CHAPTER (BMC 23.302), ACCESSORY DWELLING UNITS CHAPTER (BMC 23.306), ALCOHOLIC BEVERAGE SALES AND SERVICE CHAPTER (BMC 23.310), PARKING AND LOADING CHAPTER (BMC 23.322), TRANSPORTATION DEMAND MANAGEMENT CHAPTER (BMC 23.334), AND GLOSSARY (BMC 23.502) FOR CONSISTENCY WITH STATE LAW, AND TECHNICAL EDITS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That BMC Section 23.106.020 is amended to read as follows:

A. **Lot Coverage Defined.** Lot coverage means all the area of a lot, as projected on a horizontal plane, which is:

   1. Enclosed by the exterior walls of buildings or enclosed accessory structures; or
   2. Covered by decks, porches, stairs and/or landings which cover an enclosed space or paved ground area.
   3. Covered by a pergola, trellises or similar horizontal features.

B. **Exclusions.** The lot coverage calculation excludes:

   1. Uncovered porches, landings and stairs;
   2. Uncovered decks, except that a deck on the roof of a building or accessory structure or over an enclosed space or paved ground area is included in the lot coverage calculation; and
   3. The area of the roof of a subterranean structure, when such a structure is not more than 3 feet above finished grade.
   4. The first 24 inches of eaves extending from a building or structure.
   5. The area of any existing or proposed accessory dwelling unit or junior accessory dwelling unit, up to 800 square feet per lot. See 23.306 Accessory Dwelling Units.

C. **Lot Coverage Standards**. Number of stories of main building(s) shall be used to determine the allowable lot coverage where applicable.

Section 2. That BMC Section 23.106.080(A) is amended to read as follows:

A. **Measurement.** Building separation is measured as the distance between the surface of a main building or ADU's outer wall and the outer wall surface of the closest main building or ADU on the same lot.

Section 3. That the lines named "Alcoholic Beverage Service" is amended and the lines "Hotel, Residential" are hereby added, within Table 23.202-1 within BMC 23.202.020 to read as follows

Table 23.202-1: Allowed Land Uses in Residential Districts

ZC = Zoning Certificate **AUP = ADMINISTRATIVE USE PERMIT** UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	**RESIDENTIAL DISTRICTS**										**USE-SPECIFIC REGULATIONS** **APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)**
	R-1	**ES-R**	**R-2**	**R-2A**	**R-3**	**R-4**	**R-5**	**R-S**	**R-SMU**	**R-BMU****	
Residential Uses											
Hotel, Residential	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	
Commercial Uses											
Alcoholic Beverage Service	NP	NP	NP	NP	NP	NP	NP	NP	UP (PH)*	ZC*	23.310—Alcoholic Beverage Sales and Service

Section 4. That the lines named “Electric Vehicle Charging Station”, “Vehicle Parts Store”, “Construction Products”, “Light Manufacturing”, “Pesticides/Herbicides/Fertilizers”, “Petroleum Refining and Products”, “Pharmaceuticals”, and “Warehouse-based Non-Store Retailer”, are amended in Table 23.204-1 within BMC 23.204.020 to read as follows:

Table 23.204-1. Allowed Uses in the Commercial Districts

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Vehicle Service and Sales Uses												
Vehicle Parts Store	ZC	NP	ZC	ZC	ZC	ZC	ZC	ZC	NP	AUP [1]	ZC	
Industrial and Heavy Commercial Uses												
Construction Products	–	–	–	–	–	–	–	–	–	UP(PH)	--	
Light Manufacturing	–	–	–	–	–	–	–	–	–	AUP [1]	--	
Pesticides/Herbicides/ Fertilizers	–	–	–	–	–	–	–	–	–	UP(PH)	--	
Petroleum Refining and Products	–	–	–	–	–	–	–	–	–	UP(PH)	--	
Pharmaceuticals	–	–	–	–	–	–	–	–	–	UP(PH)	--	
Warehouse-Based Non-Store Retailer	–	–	–	–	–	–	–	–	–	–	--	

Section 5. That Table 23.204-24 within BMC Chapter 23.204.090 is amended to read as follows:

TABLE 23.204--24: C-NS DEVELOPMENT STANDARDS

	Project Land Use		Supplemental Standards
	Non-Residential and Mixed Use	Residential Only	
Lot Area, Minimum			23.304.020
New Lots	4,000 sq. ft.	5,000 sq. ft.	
Per Group Living Accommodation Resident	350 sq. ft. [1]		
Usable Open Space, Minimum			23.304.090–Usable Open Space
Per Dwelling Unit	40 sq. ft. [2]	200 sq. ft.	
Per Group Living Accommodation Resident	No minimum	90 sq. ft.	
Floor Area Ratio, Maximum	1.0 [3]	No maximum	
Main Building Height [4]			
Minimum	2 stories	No minimum	
Maximum	35 ft. and 3 stories	28 ft. and 2 stories	
Lot Line Setbacks, Minimum			23.304.030
Abutting/Confronting a Non-residential District	No minimum	See Table 23.204-25	
Abutting/Confronting a Residential District	See 23.304.030.C.2		
Building Separation, Minimum	No minimum [5]	See Table 23.204-25	23.304.040
Lot Coverage, Maximum	100%	See Table 23.204-26	23.304.120

	Project Land Use		Supplemental Standards
	Non-Residential and Mixed Use	Residential Only	
Notes: [1] One additional resident is allowed for remaining lot area between 200 and 350 square feet. [2] For mixed use projects, usable open space dimensions may be smaller than required in 23.304.090.B.3, but no dimension may be less than 6 feet. [3] For mixed-use residential projects, no maximum floor area ratio. [4] Basement levels devoted exclusively to parking are not counted as a story. [5] For mixed-use projects, minimum building separation shall be as required for residential-only projects. See Table 23.204-25			

Section 6. That BMC 23.204.100(D)(2) is hereby amended to read as follows:

2. **Lots Abutting or Confronting a Residential District.** See 23.304.130 (Non-Residential Districts Abutting a Residential District) for additional building feature requirements for lots that abut or confront a Residential District.
3. **Modification for Mixed Use and Residential Projects.** The ZAB may modify development standards in Table 23.204-27, Table 23.204-28, and Table 23.204-29, and Table 23.20430 – excluding FAR - for a mixed-use or residential-only project with a Use Permit upon making one of the following findings:
    a. The project encourages utilization of public transit and existing off-street parking facilities in the area of the proposed building;
    b. The modification allows consistency with the building setbacks existing in the immediate area where a residential building setback would not serve a useful purpose;
    c. The modification facilitates the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development (HUD) Guidelines; or
    d. The modification provides consistency with the purposes of the district as listed in Section 23.204.100.A (District Purpose).

Section 7. That BMC 23.204.130(E)(3)(b) is amended to read as follows:

(b) **Modifications to Standards.** The ZAB may modify all C-DMU district setback standards with a Use Permit upon finding that the modified setbacks

will not unreasonably limit solar access or create significant increases in wind experienced on the public sidewalk.

Section 8. That BMC Section 23.204.140(B)(3)(a) is amended to read as follows:

(a) As used in this paragraph, “automotive use” means a use classified in Table 23.204-1 as a vehicle service and sales use, except for vehicle parts store. “Automotive site” means a site which was legally used or approved for use as an automotive use as of March 1, 1997.

Section 9. That BMC Section 23.204.140(D)(3) is amended to read as follows:

3. **Ground Floor Uses.** The ground floor of buildings in designated nodes may be used only for the following:

(b) Retail sales

(c) Personal and household services

(d) Retail financial services (banks)

(e) Food and alcohol service

(f) Tourist Hotel and Tourist Motel

(g) Entertainment and assembly uses

(h) Gasoline/vehicle fuel stations

(i) Vehicle repair uses

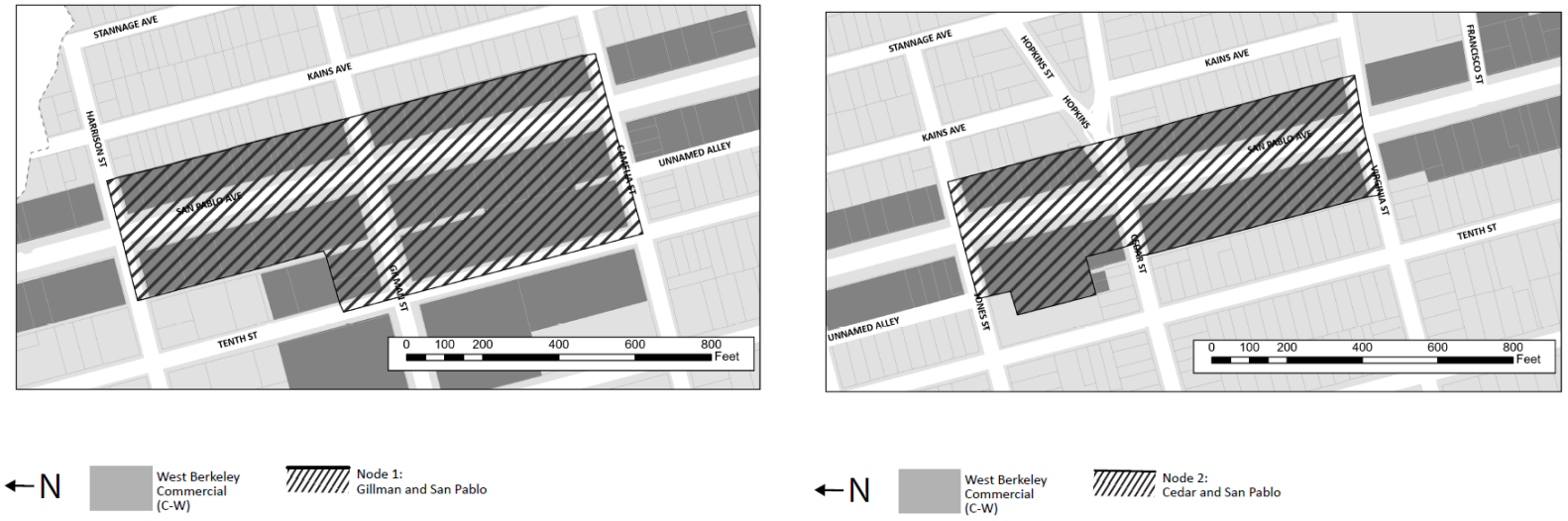
(j) New car sales

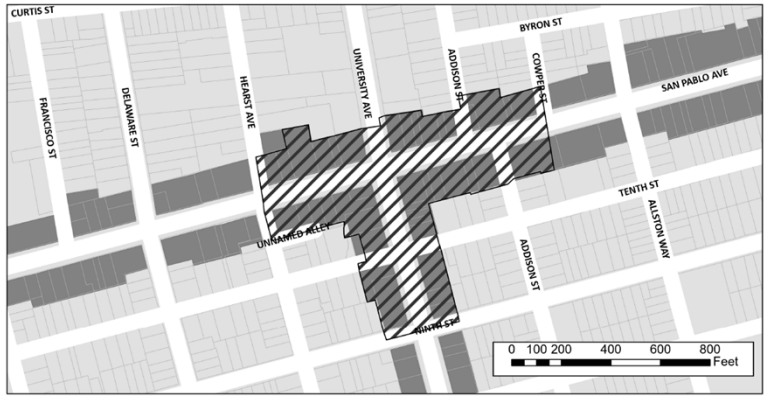
(k) Used vehicles sales

(l) Required access to and lobbies serving upper-story uses

Section 10. That Figure 23.204-7 C-W Designated Nodes within BMC Chapter 23.204.140 is amended to read as follows:

FIGURE 23.204-7: C-W DESIGNATED NODES




CURTIS ST
FRANCISCO ST
DELAWARE ST
HEARST AVE
UNIVERSITY AVE
ADDISON ST
BYRON ST
COWPER ST
SAN PABLO AVE
TENTH ST
ALLSTON WAY
ADDISON ST
UNNAMED ALLEY
NINTH ST
0 100 200 400 600 800
Feet


N
West Berkeley Commercial (C-W)
Node 3: University and San Pablo

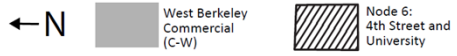

BROWNING ST
MATHEWS ST
WALLACE ST
CURTIS ST
BLAKE ST
PARKER ST
CARLETON ST
DERBY ST
WARD ST
GRAYSON ST
CHAUCER ST
CHANNING WAY
BYRON ST
PARDEE ST
SAN PABLO AVE
DWIGHT WAY
TENTH ST
CARLETON ST
NINTH ST
0 100 200 400 600 800
Feet


N
West Berkeley Commercial (C-W)
Node 4: Dwight and San Pablo

MABEL ST
MATHEWS ST
RUSSELL ST
BURNETT ST
ASHBY AVE
CARRISON ST
HASKELL ST
WALLACE ST
OREGON ST
WALLACE ST
SAN PABLO AVE
GRAYSON ST
HEINZ AVE
TENTH ST
MURRAY ST
FOLGER AVE
NINTH ST
0 100 200 400 600 800
Feet


N
West Berkeley Commercial (C-W)
Node 5: Ashby and San Pablo

SEVENTH ST
DELAWARE ST
SIXTH ST
ALLSTON WAY
HEARST AVE
FIFTH ST
ADDISON ST
VIRGINIA ST
DELAWARE ST
FOURTH ST
UNIVERSITY AVE OVERPASS
UNIVERSITY AVE
BOLIVAR DR
SECOND ST
0 100 200 400 600 800
Feet


N
West Berkeley Commercial (C-W)
Node 6: 4th Street and University

Section 11. That Figure 23.204-8 within BMC Chapter 23.204.140 is removed:

Section 12. That the line "Notes," in Table 23.204-43, C-AC South Shattuck Subarea Development Standards, within BMC Chapter 23.204.150, C-AC Adeline Corridor Commercial District, is amended to read as follows:

TABLE 23.204-43: C-AC SOUTH SHATTUCK SUBAREA DEVELOPMENT STANDARDS

Notes:
[1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.
[2] For the purposes of calculating the State Density Bonus the Tier 1 density shall constitute the maximum allowable gross residential density. Tier 2, 3, and 4 density and 100 percent affordable housing density is authorized as a local density bonus under Government Code section 65915(n).
[3] An AUP may be granted to reduce usable open space requirements if shown to be necessary to build an all-electric building.
[4] Each square-foot of open space that is designated as publicly accessible open space shall be counted as two square-feet of required on-site open space.
[5] Affordable units calculated as percentage of total units

Section 13. That Table 23.204-44, C-AC North and South Adeline Subarea Development Standards, within BMC Chapter 23.204.150, C-AC Adeline Corridor Commercial District, is amended to read as follows:

TABLE 23.204-44: C-AC NORTH AND SOUTH ADELINE SUBAREA DEVELOPMENT STANDARDS

	Project Land Use [6]							
	Residential and Mixed Use Tier 1 (Less than 14% affordable housing)	Residential & Mixed Use Tier 2 (14% affordable housing)	Residential & Mixed Use Tier 3 (21% affordable housing)	Residential & Mixed Use Tier 4 (25% affordable housing)	Residential & Mixed Use (100% affordable housing)	Group Living Accommodation	Non-Residential	Supplemental Standards
Lot Area Minimum								23.304.020-Lot Requirements

New Lots	No minimum							
Per Group Living Accommodation Resident	N/A					350 sq. ft. [1]	N/A	
Usable Open Space, Minimum [3]	40 sq. ft.							
Per Dwelling Unit/GLA Resident [4]	N/A					40 sq. ft.		23.304.090-Usable Open Space
Floor Area Ratio, Maximum	2.0	3.5	4.0	5.0	5.0	2.5	2.8	
Residential Density, Maximum (du/acre) [2]	100	150	210	250	250	1 GLA resident per 350 sf of lot area	N/A	
Main Building Height, Maximum	3 stories 35 feet	5 stories 55 feet	6 stories 65 feet	7 stories 75 feet	7 stories 80 feet	4 stories 45 feet	3 stories 45 feet	
Lot Line Setbacks, Minimum								
Abutting/Confronting a Non-residential District	No minimum							23.304.030-Setbacks

Abutting/Confronting a Residential District	10 ft 20 ft from any shared lot line for any portion exceeding 35 feet 45 ft from front property line for any portion exceeding 45 feet						N/A	23.304.030-Setbacks 23.204.150.E.5
Building Separation, Minimum	No minimum							23.304.040-Building Separation in Residential Districts
Lot Coverage, Maximum								
Interior Lot	60%	90%	90%	90%	90%	60%	100%	
Corner Lot	70%	90%	90%	95%	95%	70%	100%	

Notes:

[1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.

[2] For the purpose State Density Bonus calculation, the Tier 1 density is the maximum allowable gross residential density. Tier 2, 3, and 4 density and 100 percent affordable density is authorized as a local density bonus under Government Code section 65915(n).

[3] An AUP may be granted to reduce useable open space requirements if shown to be necessary to build an all-electric building.

[4] Each square-foot of open space that is designated as publicly accessible open space shall be counted as two square-feet of required on-site open space.

[5] Affordable units calculated as percentage of total units

Section 14. That the lines named "Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting," "Construction Products," and "Light Manufacturing," in Table 23.206-1, within BMC 23.206.020 are amended to read as follows:

Table 23.206-1. Allowed Uses in Manufacturing Districts

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit -- = Permitted with an AUP, see 23.206.020(B) NP = Not Permitted [#] = Floor Area Permit Requirement * Use-Specific Standards Apply	**MANUFACTURING DISTRICTS**				**Use-Specific Standards** Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	M	**MM**	**MU-LI**	**MU-R**	**Use-Specific Regulation**
Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting	NP	NP	NP	See 23.310	
Construction Products	ZC [9]	ZC [9]	UP(PH)	NP	
Light Manufacturing	ZC [7]	ZC [7]	ZC [1]	AUP*[3]	23.206.090(B)(5)

Section 15. That Berkeley Municipal Code 23.206.040(I)(3) be removed:

Section 16. That Berkeley Municipal Code 23.206.050(A)(3) is amended to read as follows:

3. Permit Findings.

(a) To approve a Use Permit to change any amount of ground-floor protected industrial use to a non-protected use in the MM district, or to change more than 20,000 square feet or 25 percent or more of a protected use to a non-protected use in the MU-LI district, the Zoning Adjustments Board (ZAB) must find that replacement space is provided as required by Paragraph 4 (Replacement Space) below.

(b) To approve a Use Permit in the MU-LI district to change 25 percent or more of the floor area from a protected industrial use to a non-protected use, the ZAB must also find that either:

(1) The City has approved necessary Use Permits to provide comparable quality replacement space in Berkeley at a comparable rent that will be available before the demolition or change of use of the space; or

(2) Both of the following:

1. As a result of lawful business and building activities, there are exceptional physical circumstances (exclusive of the presence of hazardous materials in the building(s), soil or groundwater) found at the building not generally found in industrial buildings in the MU-LI district which make it financially infeasible to reuse the building for any of protected industrial uses permitted in the district. The analysis of the financial feasibility effects (which shall be verified by the City) of these physical circumstances shall consider those costs necessary to make the building meet current minimum standards for manufacturing, wholesale trade or warehouse buildings.
2. Appropriate mitigation has been made for loss of the protected industrial use space in excess of 25 percent of that space through providing such space elsewhere in the City, payment into the West Berkeley Building Acquisition Fund, or by other appropriate means.

Section 17. That Berkeley Municipal Code 23.206.050(A)(7)(d)(ii) is amended to read as follows:

ii. 25 percent or more of the total gross floor area in all buildings on the lot(s) remains as a protected industrial use.

Section 18. That Berkeley Municipal Code 23.302.070(E)(1) is amended to read as follows:

1. Outdoor Cafe Seating.

(a) Outdoor cafe seating on private property outside of the public right-of-way is allowed in the commercial districts with the following permits:

(1) Zoning Certificate when seating does not abut a residential district.

(3) AUP when seating abuts a residential district.

(b) Outdoor cafe seating on private property outside of the public right of-way is allowed in the MU-LI and MU-R districts with an AUP.

(c) Sidewalk cafe seating within the public right-of-way is subject to 23.302.060 (Sidewalk Cafe Seating).

Section 19. That Berkeley Municipal Code 23.306.010(A) is amended to read as follows:

A. Implement California Government Code Title 7, Division 1, Chapter 13. Accessory Dwelling Units

Section 20. That Berkeley Municipal Code 23.306.030(A)(1) is amended to read as follow:

1. *Existing Building or Accessory Structure Conversion.* An ADU created entirely through conversion with no modifications to the existing building or accessory structure envelope that exceeds the development standards for maximum gross floor area in Table 23.306-2, ADU Development Standards, is allowed a physical addition of no more than 150 square feet. The addition must comply with maximum height and setback requirements.

Section 21. That Berkeley Municipal Code 23.306.030(A)(2) is amended to read as follow:

2. *Duplex or Multi-Family Dwelling Conversion.* Interior ADU(s) must be created entirely through non-habitable residential portions of an existing main building that are not within the living space of a dwelling unit (e.g. basement, attic, garages, storage room).

Section 22. That Berkeley Municipal Code 23.306.030(A)(8) is amended to read as follows:

8. *Attached ADU, New Construction Height.* Attached ADUs with maximum building height up to 25 feet allowed with a Zoning Certificate.

Section 23. That Berkeley Municipal Code 23.306.030(C)(1) is amended to read as follows:

1. *Outside of the Hillside Overlay*. Chimneys, water heater enclosures, flues, heating and cooling equipment, eaves, cornices, canopies, awnings, bay windows, and balconies may project two feet into the required setbacks, so long as there remains at least a two-foot setback from property lines. Bay windows and balconies may not project into a required rear ADU setback.

Section 24. That Berkeley Municipal Code 23.306.040(A) is amended to read as follows:

A. Zoning Certificate. An application for an ADU or Junior ADU shall be allowed with a Zoning Certificate. Review must be completed within 60 days of submission of a completed application. A completed application must include evidence of compliance with this Chapter, including development standards and deed restrictions..

1. If an application to create an ADU or Junior ADU is submitted as part of a project that requires discretionary review, a Zoning Certificate for a building

permit shall not be issued for the ADU or Junior ADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired. See 23.404.060(A) Post-Decision Provisions (Effective Dates).

2. Issuance of a Zoning Certificate shall not be denied for the construction or conversion of an ADU or Junior ADU that complies with the requirements of Government Code Section 66314.

3. Issuance of a Zoning Certificate for the construction or conversion of an ADU or Junior ADU shall not be denied based on the failure of an applicant to correct a nonconforming zoning condition.

Section 25. That Berkeley Municipal Code 23.306.040(C)(4) is amended to read as follows:

4. If the property includes a Junior ADU, the Junior ADU or the Single Family Dwelling in which the Junior ADU is located shall be owner-occupied. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

Section 26. That Berkeley Municipal Code 23.306.040(D) is amended to read as follows:

D. ADUs Developed by a Qualified Nonprofit Developer. An ADU built or developed by a "qualified nonprofit corporation" may be sold or conveyed separately from the main building to a "qualified buyer," as such terms are defined in Section 66341 the California Government Code. The ADU must be held pursuant to a recorded tenancy in common agreement recorded on or after December 31, 2021 that includes the following elements:

1. Delineation of all areas of the property that are for the exclusive use of a cotenant;
2. Delineation of each cotenant's responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, and improvements associated with the property;
3. Procedures for dispute resolution among cotenants before resorting to legal action;
4. Allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies;
5. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property;

6. A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence; and
7. Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
8. If requested by a utility providing service to the primary residence, the ADU shall have a separate water, sewer, or electrical connection to that utility.

Section 27. That the title of BMC Section 23.310.020 is amended to read as follows:

23.310.020 General Requirements Excluding When Incidental to Food ~~=~~ Service

Section 28. That BMC 23.310.020(B) is amended to read as follows:

B. **Permit Required.**

1. An Administrative Use Permit is required to begin service of alcoholic beverages, except as provided in 23.310.030 (Alcoholic Beverage Service When Incidental to Food Service).
2. To increase sales and service of alcoholic beverages, an existing Administrative Use Permit or Use Permit may be modified with an AUP regardless of the original review authority. An increase in alcoholic beverage sales or service includes, but is not limited to:

(a) Adding the sales or service of distilled spirits to any existing sales or service of beer and/or wine; or

(b) Adding to the capacity, floor area, or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages.

Section 29. That Berkeley Municipal Code 23.310.030(B) is amended to read as follows:

B. Incidental Alcoholic Beverage Standards. The following standards apply to alcoholic beverage service incidental to a food service establishment.

1. Licensing.

(a) The food service establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control.

(b) An operator of the licensed establishment may not have a prior licensed establishment that was the subject of verified complaints or violations regarding

alcohol, public safety, or nuisance statutes or regulations before issuance or transfer of a business license at this location.

2. Service.

   (a) Alcoholic beverage service shall be incidental to the primary food service use.

   (b) Alcoholic beverage service incidental to seated food service shall only be allowed at a bona fide eating place making actual and substantial sales of meals as determined and required by the California Department of Alcoholic Beverage Control.

   (c) The sale of alcoholic beverages for off-site consumption is not permitted.

   (d) Hours of operation are subject to review and amendment by the review authority as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City of Berkeley standards or policies.

3. Operation.

   (a) The food service establishment must operate at least five days a week.

   (b) The service of alcoholic beverage shall be limited to normal meal hours (per California Department of Alcoholic Beverage Control) during the food service establishment's hours of operation.

   (c) During the food service establishment's hours of operation, all customer accessible areas shall be available for meal service and the food service establishment must possess the necessary utensils, and condiment dispensers with which to serve meals to the public.

   (d) The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include:

      i. Signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets; and

      ii. Surveillance to public areas near the establishment, keeping public areas free of trash and litter, providing lighting, and otherwise preventing conduct that might disturb the peace and quiet of residences in the vicinity.

   (e) The operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.

   (f) The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.

4. Advertising.

(a) Establishments shall comply with Municipal Code Chapter 20.67 (Alcohol Product Advertising)

5. Training.

(a) The operator shall finish a Crime Prevention through Environmental Design (CPTED) survey before beginning alcohol service.

(b) All employees selling and/or serving alcoholic beverages , or directly supervising such sales and/or service, shall comply with Municipal Code Section 9.84.030 (Responsible Beverage Service Training) and finish the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within 90 days of employment at the establishment. Employees who have finished the course within the last 12 months are exempt from this requirement.

Section 30. That the lines named "Accessory Dwelling Unit" Table 23.322-1, within BMC 23.322.030 is amended to read as follows:

Land Use	**Number of Required Off-street Parking Spaces**
Residential Uses	
Accessory Dwelling Unit	Junior ADU: None required ADU outside of Hillside Overlay: None required ADU within Hillside Overlay: 1 per ADU unless the parcel satisfies the criteria in subdivision (a) of Government Code Section 66322 , using the definition of public transit as established in subdivision (l) of Government Code 66313

Section 31. That Berkeley Municipal Code 23.322.080(G) is amended to read as follows:

G. **Placement—ADU.**

1. On a lot with an existing or proposed ADU, replacement of off-street parking for a main building, or off-street parking for an ADU, is allowed in any configuration on the lot, including within the front setback; or

2. Within the Hillside Overlay on a lot with an existing or proposed ADU, where no legal off-street parking exists for the main building, required parking provided for the main building is allowed in any configuration on the lot, including within the front setback.

Section 32. That Berkeley Municipal Code 23.334.030(B) is hereby amended to read as follows:

B. **Transit Benefit.**

1. At least one of the following transit benefits shall be offered, at no cost, to project residents for a period of ten years after the issuance of a Certificate of Occupancy.

(a) A monthly pass for unlimited local bus transit service; or

(b) A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager.

2. For projects that include 99 dwelling units or fewer, the project shall provide one transit benefit per bedroom, up to a maximum of two benefits per dwelling unit. For projects of 100 dwelling units or more, the project shall provide one transit benefit for every bedroom in each dwelling unit.

3. For projects that include Group Living Accommodations, the project shall provide one transit pass per Group Living Accommodation bedroom.

4. A notice describing these transportation benefits shall be posted in a location or locations visible to residents.

Section 33. That Berkeley Municipal Code 23.502.020(B)(11)(b) is hereby amended to read as follows:

b) *Main Building.* A building which is designed for, or in which is conducted, the primary use of the lot on which it is situated. In any residential district any dwelling, except an accessory dwelling unit, is a main building on the lot.

Section 34. That Berkeley Municipal Code 23.502.020(E)(2) is hereby amended to read as follows:

2. **Electrical Vehicle Charging Station.** A facility that supplies electric energy for the recharging of plug-in electric vehicles. An electric vehicle charging station is considered an allowed use in all zoning districts.

Section 35. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134

Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on February 25, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

Office of the City Manager

03

CONSENT CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Police Accountability Board – Appointment of New Member

RECOMMENDATION
Adopt a Resolution appointing a new member to the Police Accountability Board nominated by Councilmember Humbert.

FISCAL IMPACTS OF RECOMMENDATION
All PAB commissioners are eligible to receive a stipend of up to $300 per month.

CURRENT SITUATION AND ITS EFFECTS
There are currently three vacant seats on the PAB, including one alternate position.

Councilmember Humbert has nominated Randy Wells to serve on the Police Accountability Board. Mr. Wells meets the eligibility criteria as verified by city staff in accordance with the requirements of the City Charter and may be appointed by a majority vote of the Council.

Commissioner	Nominated By
vacant	Mayor Ishii
Alexander Mozes	Councilmember Kesarwani
David Williams	Councilmember Taplin
John E. Moore	Councilmember Bartlett
Kitty Calavita	Councilmember Tregub
Leah Wilson	Councilmember O'Keefe
Juliet Leftwich	Councilmember Blackaby
Joshua Cayetano	Councilmember Lunaparra
vacant	Councilmember Humbert
vacant	Alternate

Article XVIII, Section 125, Part 6 of the City Charter states, "The Mayor and each City Councilmember shall nominate one candidate from an applicant pool at a meeting of the City Council and that each individual nominee must be approved by a majority vote of the City Council."

Members of the Police Accountability Board must:

- Be a resident of the City
- Be at least 18 years of age
- Not be an employee, officer, or contractor with the City, a current sworn police officer from any agency, or a current employee, official, or representative of an employee association representing sworn police officers
- Be fair minded and objective with a demonstrated commitment to community service

The City Charter indicates that desirable qualities of a Board member are familiarity with human resources, law, police procedures, police oversight, or involvement in civil rights or community organizations and that the City Council shall endeavor to establish a Board that is broadly inclusive and reflective of race, ethnicity, age, gender identity, sexual orientation, economic status, neighborhoods, and various communities of interest in the City.

BACKGROUND

Measure II was adopted on November 3, 2020, by the voters of Berkeley to establish an Office of the Director of Police Accountability and create a new Police Accountability Board (hereafter "Board"), both of which are independent of the City Manager. The members of the Board are approved by vote of the full Council.

In June of 2021 the Mayor and Members of the City Council nominated and appointed the initial nine members of the PAB and also appointed one alternate commissioner.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The appointment is provided for by the City Charter and pursuant to the nomination submitted by Councilmember Humbert.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:
1: Resolution

RESOLUTION NO. -N.S.

APPOINTMENT OF RANDY WELLS TO THE POLICE ACCOUNTABILITY BOARD

WHEREAS, Measure II was adopted on November 3, 2020 by the voters of Berkeley to create a new Police Accountability Board; and

WHEREAS, Article XVIII, Section 125, Part 6 provides for the Council's appointment of board members; and

WHEREAS, the Councilmember Humbert submitted a nominee for appointment by the full council; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the following applicant is hereby appointed to the Police Accountability Board:

Nominee	**Nominated By**
Randy Wells	Councilmember Humbert

04

Office of the City Manager

CONSENT CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: 2025 Updated Commissioners' and Board Members' Manual

RECOMMENDATION

Adopt a Resolution approving the 2025 Commissioners' and Board Members' Manual, with administrative and procedural amendments including new and reorganized commissions, ADA and teleconferencing policy changes, and gender-neutral language; and rescinding Resolution No. 69,063-N.S.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Commissioners' and Board Members' Manual has been revised with a focus on clarity and organization, ensuring that all relevant requirements for commission service are clearly articulated, and that the regulations governing the conduct of commission meetings are precise and easily understood.

Revisions to the Commissioners' Manual were made in consultation with the City Attorney's Office and include recommendations proposed by the Open Government Commission. Please review the tracked changes version in Attachment 2 for all proposed modifications. Key updates include:

- Revision of references and content related to creation of Police Accountability Board (PAB) and sunset of Police Review Commission (PRC)
- Addition of the SAFE STREETS Citizens Oversight Commission created by Measure FF in 2024
- Inclusion of the new ADA policy for remote participation
- Incorporation of the new teleconferencing policy developed by the City Attorney's Office
- Transition to gender-neutral language
- Correction of references related to ad hoc subcommittees following Brown Act noticing and participation requirements pursuant to Council action
- Updating commission names per the commission reorganization in 2022-2024

- Revising appendices to align with policy changes (ADA, Stipends)
- Addition of commissions to the list of Alternate Commissioners in accordance with Council action
- Modified formatting in the Manual to align with Web Content Accessibility Guidelines (WCAG)
- Changes related to increased use of e-mail and paperless processes

BACKGROUND
The Commissioners' and Board Members' Manual serves as a valuable resource for commissioners, commission secretaries, city staff, and the public. It is provided to new commissioners, new commission secretaries, and is accessible to the public through the City Website. As state and local laws evolve and are implemented, updates and clarifications are necessary. The Manual was last updated in 2019, pursuant to Resolution No. 69,063-N.S.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Mark Numainville, City Clerk, (510) 981-6900

ATTACHMENTS:
1) Resolution
Exhibit A: Updated 2025 Commissioners' and Board Members' Manual
2: Track Changes Version (Updated 2019 Version)

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

ADOPTING THE UPDATED EDITION OF THE COMMISSIONERS' MANUAL AND RESCINDING RESOLUTION No. 69,063-N.S.

WHEREAS, the City of Berkeley Commissioners' Manual is an important resource for commissioners, commission secretaries, city staff, and the public; and

WHEREAS, the updated Commissioners' Manual will provide commissioners and commission secretaries with relevant and current reference materials regarding policies, regulations and the conduct of meetings; and

WHEREAS, the Commissioners' Manual was last updated in 2019.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley Commissioners' and Board Members' Manual (Exhibit A) is hereby adopted and set forth as the official policy of the City of Berkley with regards to the service of board members and commissioners, board and commission procedures, and the conduct of meetings.

BE IT FURTHER RESOLVED that Resolution No. 69,063-N.S. is hereby rescinded.

Exhibit A: Updated 2025 Commissioners' and Board Members'_Manual



COMMISSIONERS' AND BOARD MEMBERS' MANUAL
2025 Edition

BACKGROUND INFORMATION
RULES AND PROCEDURES

AMENDED AND OFFICIALLY ADOPTED BY
Resolution No. XX,XXX-N.S.

This material is available in alternative formats upon request. Alternative formats include audio-format, braille, large print, electronic text, etc. Please contact the Disability Services Specialist and allow 7-10 days for production of the material in an alternative format.

Disability Services Specialist
Email: ada@berkeleyca.gov
Phone: 1-510-981-6418
TTY: 1-510-981-6347

MESSAGE FROM THE CITY CLERK:

Members of boards and commissions provide an invaluable service to our City. They advise the City Council on a wide variety of subjects by making recommendations on important policy matters. Without the assistance of the various boards and commissions, the City Council could give many complex and significant matters only a perfunctory review. The detailed studies and considered advice of boards and commissions are often catalysts for innovative programs and improved services.

Serving on a board or commission can be a rewarding experience for community service–minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. Making local government effective and responsive is everybody's responsibility.

On behalf of the City Council, I wish to thank all commissioners for their service and extend an invitation to all residents of the City to give serious consideration to serving on an advisory body.

Again, thank you for your service to the City of Berkeley.

Berkeley City Clerk

Table of Contents

CHAPTER I. INTRODUCTION 9

A. Public Participation 9
B. Commission Origins 9
1) Charter 10
2) Council Action 10
3) Federal and State Mandate 10
4) Ballot Measure Approved by Voters 10
C. Commission Types 11
1) Quasi-Judicial 11
2) Administrative 11
3) Advisory to the City Manager 11
4) Advisory to Council 11
D. Commission Purview 12
E. Development of a Work Plan 12

CHAPTER II. SERVING ON A COMMISSION 13

A. Membership 13
1) Residency Requirements and Affidavit of Residency 13
2) City Employees 13
3) Application Procedure 13
4) Appointments 14
5) Oath of Office 15
6) Terms of Office 15
7) Vacancy 16
8) Commissions with Special Regulations 17
9) Attendance Requirements 17
11) Leaves of Absence (BMC 3.02.030) 19
12) Temporary Appointments 20
13) Automatic Terminations 21
14) Resignation Procedure 21
B. Alternate Commissioners 21
C. Accommodations for Commissioners with Disabilities 22
D. Stipend Information 23
E. Conflict of Interest Prohibited 24
1) Influencing the Making of Contracts and Affecting Other Financial Interests 25
2) Disclosure Statements Required (Form 700) 25
3) Incompatible Public Offices 26
4) Incompatible Activities for Compensation 27
5) State-Mandated Ethics Training 27
F. Commission Organization 27
1) Election of Officers and Terms of Office 27
2) Mandatory Annual Training for Chairs and Vice-Chairs 28
3) Duties of Officers 29
4) Transfer of Chair 29
5) Temporary Ad Hoc Committees 30

CHAPTER III. COORDINATION WITH COUNCIL, STAFF, AND OTHERS 32

A. Coordination with City Council.....32
1) Relationship to City Council 32
2) Referrals from the City Council 32
3) Communicating to the City Council 32
4) Council Meeting Procedures and Commission Participation.....33
B. Coordination with Staff.....34
1) Duties of Secretary.....34
2) Relationship Between Secretary and Commission 35
3) Relationship with the City Manager.....37
C. External Relationships 37
1) Meetings with Other City Commissions.....37
2) Outside Agencies 38
3) General Public.....38
4) Individual Commissioners 39
5) Press and Other Media 39
6) Election-Related Activity.....40
7) Summary 40

CHAPTER IV. PUBLIC MEETINGS.....41

A. Legislative Bodies.....41
B. Meetings.....41
1) Types of Meetings 41
2) Exceptions.....42
3) Violations and Danger Areas.....43
C. Public Comment At Meetings 45
1) Public Comment on Items Not on the Agenda 45
2) No Discussion of Items Raised at Public Comment 45
3) Public Comment Must be Allowed Prior to the Vote.....45
4) Limiting the Time for Public Speaking 46
5) Distinction Between Public Comment at Regular Meetings Versus Special Meetings.....46
6) Formal Participation by the Public/Presentations.....46
7) Recording Meetings 46
D. Meeting Location and Accessibility 46
E. Agenda and Notice Requirements.....47
1) Regular Meetings 47
2) Special Meetings 48
3) Media List for Meetings 48
4) Agenda Titles/Purpose 48
5) Agenda Format/Headings 48
F. Submission of Commission Agenda Reports 50
G. Distribution of Commission Agenda Packets 50
H. Noticing for Cancelled and Adjourned Meetings 51
1) Cancellation of Meetings 51

CHAPTER V. COMMISSION PROCEDURES 53

A. Polling, Quorum, and Voting 53
1) Polling 53
2) Polling for Special Meetings 53
3) Quorum 53
4) Voting 54
B. Basic Rules and Procedures of Commission Meetings 55
1) Teleconferencing 55
2) Establishment of Meeting Rules 56
3) Motions 57
4) Motion to Reconsider a Vote 58
5) Parliamentary Procedure and Robert's Rules of Order 58
C. Order and Decorum 58
1) Conduct of Public in Attendance 58
2) Commission Conduct 59
D. Special Procedures 59
1) Public Hearings 59
2) Closed Sessions 61
E. Administrative Procedures 62
1) Commission and Board Documents 62
2) Minutes 62
3) Recording Meetings 63
4) Official Commission Records 63
F. Berkeley Open Government Ordinance 63
G. Use of the City Logo and Business Card Policy 64

CHAPTER VI. COUNCIL REPORTS AND REPORTS TO COUNCIL 65

A. Agenda Process (Open Government Ordinance and A.R. 5.1) 65
B. COUNCIL Agenda Schedule 65
C. Commission Reports to Council 66
1) Method of Communication 66
2) Basic Steps for Communicating to Council 67
3) Creating Council Reports 67
4) Formatting and Submitting Council Reports 67
5) Timeline 67
6) Votes Needed to Take Action 68
7) Reports to Council: Structure/Content/Format 69
8) Review by Other Commissions 70
D. Distribution with Council Agenda Packet 70
E. Resolutions/Ordinances Accompanying Reports 70

APPENDIX A. BERKELEY MUNICIPAL ORGANIZATION CHART 73

APPENDIX B. BERKELEY CITY CHARTER SECTION 36 74

APPENDIX C. BMC CHAPTER 3.64 INTERPRETING CITY CHARTER SECTION 36 CONCERNING MEMBERSHIP ON BOARDS AND COMMISSIONS 75

APPENDIX D. CITY ATTORNEY MEMO REGARDING CONFLICT OF INTEREST 77

APPENDIX E. BMC 3.02.050 COUNCIL DETERMINATION AS TO INCOMPATIBILITY; RECUSAL; AUTOMATIC VACANCY 81

APPENDIX F. RESOLUTION NO. 53,989-N.S. NOTICE TO POTENTIAL CANDIDATES FOR BERKELEY ELECTIVE OFFICE AND INDIVIDUALS INTERESTED IN SERVING AS MEMBERS OF CITY BOARDS AND COMMISSIONS 83

APPENDIX G. ADMINISTRATIVE REGULATION 3.2 GOVERNING STIPENDS FOR COMMISSIONERS 84

APPENDIX H. RESPONDING TO REQUESTS FOR ACCOMMODATIONS FOR PERSONS WITH DISABILITIES 90

APPENDIX I. GENERAL INFORMATION FOR NEWLY APPOINTED COMMISSIONERS 94

GLOSSARY 96

INDEX 101

MOTION TABLE 103

QUORUM CHART 104

CHAPTER I. INTRODUCTION

CHAPTER I. INDEX

A. Public Participation....9
B. Commission Origins....9
C. Commission Types....11
D. Commission Purview....12
E. Development of a Work Plan....12

A. PUBLIC PARTICIPATION

Berkeley's system of boards and commissions provides members of the public who have special experience or interests a method to participate in the City's decision-making process by advising the City Council on numerous issues. Throughout this manual, the word "commission" is used to denote all boards, commissions, and committees; and "commissioner" denotes all members of a board, commission, or committee.

It is not only the right but also the duty of residents to participate in planning for their future, and the City has a responsibility to provide commissioners with the tools to carry out their charge. That responsibility includes training and useful written procedures. This handbook attempts to fulfill the latter requirement.

The board and commission system provides the opportunity to interact with people of all ages, interests, and backgrounds. A better democracy can be realized when people are able to come together across neighborhood and economic lines to assist in making the community decisions that will shape all of their lives. While commissioners are themselves appointed from within the community, it is important that they in turn ensure that a wide variety of viewpoints from the rest of the community are considered when they make recommendations to the Council. Commissioners should treat these widely varying viewpoints of other commissioners and members of the public with respect so that all residents are encouraged to participate in government.

The City of Berkeley enjoys a wide variety of Council-appointed boards, commissions, and committees that advise the Council on numerous issues. As resident participation has evolved into a vital and integral part of local government, the number of commissions has steadily grown. There are now approximately 33 such bodies functioning within the City of Berkeley. The Board of Education and the Rent Stabilization Board are separately elected, independent of the City Council, and are not within the purview of this Manual.

The roster of commissioners is a public document available in the City Clerk Department. The roster includes the name, residential or mailing address, home or business phone number, appointed by, and term start date of each commissioner.

B. COMMISSION ORIGINS

Commissions originate from four different sources: the City Charter, Council action, federal or state mandate, and a vote of the people.

All commissions share a common characteristic: Some or all commissioners are appointed either by the Council as a whole, or by each individual Councilmember in accordance with the Fair Representation Ordinance, Berkeley Municipal Code (BMC) Sections 2.04.030–2.04.130. Some Commissioners are directly appointed by the Berkeley Unified School District Board.

1) Charter

The present charter, first adopted in 1909, initially authorized the Personnel Board, the Civic Arts Commission, and the Board of Library Trustees, all of which are still active today.

2) Council Action

Indefinite Tenure

The overwhelming majority of commissions are created by ordinance or resolution to perform defined duties within a sphere of interest for an indefinite period of time. From time to time, the Council may create a new commission or consolidate or eliminate commissions as needed.

Limited Tenure

The Council may establish a commission or task force for a specific purpose and a limited period of time. The Council can take action to extend the tenure of a limited tenure commission.

3) Federal and State Mandate

Certain commissions are required by federal or state law, and the purposes and duties are specified by said law.

Examples include the Housing Advisory Commission, Human Welfare & Community Action Commission, and Mental Health Commission.

4) Ballot Measure Approved by Voters

Five bodies derive authority from measures adopted by the voters. These are the Fair Campaign Practices Commission (FCPC), the Police Accountability Board (PAB), the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE), the SAFE STREETS Citizens Oversight Committee (SSCOC), and the Independent Redistricting Commission. The FCPC is exempt from attendance rules cited in Chapter II but is bound by rules contained in its initiative ordinance, the Conflict of Interest program, and procedural rules devised to meet state open meeting standards. The SSBPPE, PAB, and SSCOC follow the rules in this manual.

There are several local and regional advisory bodies to which the Council may appoint only one or two members. The remainder are appointed by other agencies. Appointees may be Councilmembers, staff members, or members of the public. This category includes but is not limited to the Mosquito Abatement District Board, 2x2 Committee (City-BUSD), 4x4 Joint Task Force Committee (City-Rent Board), Alameda County Waste Management Commission, Association of Bay Area Governments, and League of California Cities (East Bay Division). These bodies are not subject to the guidelines in this handbook.

C. COMMISSION TYPES

Commission activities are varied but generally fall into four categories.

1) Quasi-Judicial

Certain commissions have the authority to make binding decisions that require or restrict the action of individuals. Aggrieved parties have the right to appeal the commission decisions to the City Council. Quasi-judicial commissions have provisions in the Municipal Code to hold noticed public hearings. For more information regarding public hearings, see pages 42 and 59.

Quasi-Judicial Commissions:

- Fair Campaign Practices Commission
- Open Government Commission
- Housing Advisory Commission (building official appeals)
- Landmarks Preservation Commission
- Planning Commission
- Police Accountability Board
- Zoning Adjustments Board

2) Administrative

This type of commission has administrative powers to manage the subject under its purview.

Administrative Commission:

- Board of Library Trustees

3) Advisory to the City Manager

These commissions make recommendations to the City Manager.

Advisory to the City Manager:

- Personnel Board

Police Accountability Board

4) Advisory to Council

All commissions listed below advise the City Council concerning policies and programs, within the limitations of their enabling legislation.

Advisory to Council:

- Cannabis Commission
- Civic Arts Commission
- Commission on Aging
- Commission on Disability
- Commission on Labor
- Commission on the Status of Women
- Community Environmental Advisory Commission
- Community Health Commission
- Design Review Committee
- Disaster and Fire Safety Commission
- Elmwood Business Improvement District Advisory Board

- Environment and Climate Commission
- Housing Advisory Commission (policy)
- Human Welfare & Community Action Commission
- Loan Administration Board
- Mental Health Commission
- Parks, Recreation and Waterfront Commission
- Peace & Justice Commission
- Police Accountability Board
- SAFE STREETS Citizens Oversight Committee
- Solano Avenue Business Improvement District Advisory Board
- Sugar-Sweetened Beverage Product Panel of Experts
- Transportation and Infrastructure Commission
- Youth Commission
- Zero Waste Commission

D. COMMISSION PURVIEW

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

In order for commission recommendations to have significant meaning in the eyes of the City Council, all commissions should take special care to ensure that they remain within their subject area purview and the constraints of their enabling legislation. Occasionally two or more commissions will have overlapping subject matter. In these cases, the secretaries should work together to ensure the subject is handled by the proper commission (see Chapter III, Section C, page 37).

E. DEVELOPMENT OF A WORK PLAN

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

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

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

CHAPTER II. SERVING ON A COMMISSION

CHAPTER II. INDEX

A. Membership 13
B. Alternate Commissioners 21
C. Accommodations for Commissioners with Disabilities 22
D. Stipend Information 23
E. Conflict of Interest Prohibited 24
F. Commission Organization 27

A. MEMBERSHIP

1) Residency Requirements and Affidavit of Residency

As required by BMC Section 2.04.140, commissioners appointed by the Council or individual Councilmembers shall be residents of the City unless the commissioner is required by federal or state law or the ordinance establishing the commission to represent a specified organization, agency, group, category, or profession and residency is not required.

Pursuant to BMC Section 2.04.145, most commissioners are required to execute an Affidavit of Residency prior to appointment. The appointing Councilmember submits the executed affidavit with the appointment form. Appointments to the FCPC and PAB and appointments made by the Berkeley Unified School District are exempt from the Affidavit of Residency requirement.

Commissioners must inform the secretary if they are no longer residing in the City of Berkley. The secretary of the commission shall inform the City Clerk in writing within one week after receiving such notification from a commissioner. The term of the commissioner shall expire on the date the notice is received by the City Clerk. If, however, a commissioner states that they are temporarily moving out of Berkeley and fully intend to reestablish residency in Berkeley within six months, the commissioner may continue to serve on the board or commission. At the end of the six months, the commissioner must inform the secretary whether the commissioner has reestablished residency in Berkeley. If the commissioner has not reestablished residency, automatic termination of membership will occur upon receipt of notification by the City Clerk. Commissioners are required to notify the City Clerk and secretary of contact information changes.

2) City Employees

BMC Section 3.80.030 prohibits City employees from being appointed to or sitting on Boards and Commissions as of December 1, 2016 except as specifically provided for in the Charter or BMC.

3) Application Procedure

Commission appointments are made in most cases by individual Councilmembers and sometimes by the Council as a whole. A comprehensive list of current boards and commissions and the applications to apply are available in the City Clerk Department. This information may also be obtained through the City's website at https://berkeleyca.gov/your-government/boards-commissions. Completed application forms must be

returned to the City Clerk. The City Clerk will forward the applications to each member of the City Council. Councilmembers will contact applicants in whom they are interested to discuss appointment or other participation opportunities.

4) Appointments

Appointments to most commissions are regulated by BMC Sections 2.04.030–2.04.130, commonly referred to as the Fair Representation Ordinance, or "FRO." This voter initiative, adopted in 1975, requires that Councilmembers have equal representation on boards and commissions. Most commissions created by the Council are governed by the Fair Representation Ordinance.

Commissions responsible for appointing commissioners to other commissions must follow the rules for appointments in this Manual and the Municipal Code. Furthermore, these appointments to other commissions that arise from membership on a parent commission are terminated if the commissioner is terminated or resigns from the parent commission.

Example: If a ZAB commissioner who is also the ZAB's appointee to the Design Review Commission is terminated, their term on the Design Review Committee also terminates.

Generally, the appointment process begins when a Councilmember submits an appointment form and an Affidavit of Residency to the City Clerk. The City Clerk determines if the person is eligible to serve and processes the appointment. The Clerk then notifies the commission secretary that the appointment is valid. A commissioner may not serve at any commission meeting until the commission secretary receives approval from the City Clerk Department and the commissioner has taken the Oath of Office.

NOTE: Participation of commissioners not deemed eligible by the City Clerk may result in nullification of commission actions.

After a new commissioner is appointed, the City Clerk Department will e-mail a packet of important information and will mail the appointment letter to the commissioner.

Requirement:

Commissioner appointments must be submitted to the City Clerk before 5:00 p.m. the day of the meeting and prior to the beginning of the meeting, to allow sufficient time to determine the appointee's eligibility and process the appointment.

Consequence:

Failure to notify the City Clerk Department of commissioner transactions in a timely manner will result in a delay in the effective date of the transaction. This may lead to unexcused absences, nullification of commission votes, or possible termination from the commission.

5) Oath of Office

Before commissioners can participate as voting members of their commissions, they must take the Oath of Office as required by law (City Charter Article V, Section 18) at the City Clerk Department or through their commission secretaries. Failure to take the Oath of Office within 30 days of the appointment date is cause for automatic termination. Commissioners must take the Oath of Office for every temporary appointment they accept, unless they are appointed as Alternate Commissioners (see page 21).

Secretaries must check with the City Clerk Department prior to the commission meeting to verify that all newly appointed commissioners have taken the Oath of Office before allowing them to be seated. If the secretary is unable to verify if the oath has been taken, they must administer the oath prior to allowing the commissioner to be seated. It is the secretary's responsibility to forward completed oaths of office to the City Clerk Department upon completion.

Requirement:

All commissioners must complete and sign the Oath of Office within 30 days of the appointment date *and* prior to serving in their official capacity.

Consequence:

If a commissioner fails to take the Oath of Office within 30 days, their appointment will be automatically terminated. Serving at a meeting without having taken the Oath of Office may result in nullified votes and items that have to be re-agendized.

6) Terms of Office

Most Berkeley commissioners have both "term minimums" and "term maximums."

Term Minimum

The term minimum ensures that, regardless of the date of appointment, a commissioner cannot be replaced by a Councilmember prior to December 1 in the year in which they were appointed.

If the appointing Councilmember dies, resigns, or is recalled prior to December 1, the term minimum of appointees of that Councilmember expires on the date of death, resignation, or recall (BMC Section 2.04.075).

Commissioners who have reached the term minimum may continue to serve at-will, and retain full voting rights after December 1 until they are replaced, terminated, resign, or reach their eight-year term limit.

Commissioners serve at the pleasure of the Councilmember who appointed them. As a matter of courtesy, it is recommended that the Councilmember should set the date a commissioner is to be replaced on a commission and communicate that date to the commissioner at least two weeks prior to the official date of replacement.

Question:

A commissioner resigned to take a job out of state in March. The Councilmember appointed a new commissioner to the position. In April, the original commissioner returned to Berkeley and requested their appointment back. May the Councilmember terminate the newly appointed commissioner and reappoint the original one?

Answer:

No. The new commissioner serves under the term minimum policy until December 1 of that year. They may only be removed from office through resignation or failure to meet terms of service (e.g., residency, attendance, etc.).

Term Maximum

Commissioners who have served the maximum of eight years on a commission shall not be eligible to serve on that commission until a two-year break in service has occurred (BMC 3.02.040). The City Clerk will notify the commissioner and the secretary in advance of the expiration of the eight-year limit.

The eight-year limit is not affected by interruption of service due to:

- Absence from the commission due to termination for excessive absences, from missing three consecutive meetings, or from missing 50% or more regular meetings in a six-month period (BMC 3.02.020).
- Absence from the commission due to any leave(s) of absence (BMC 3.02.030).
- Absence from the commission due to termination pursuant to the provisions of the City's Conflict of Interest Code or for failure to file the required Statement of Economic Interests.

Question:

If a commissioner begins their term on April 1, 2005, is terminated for lack of attendance on July 1, 2008, and reappointed on October 1, 2008, does their eight-year clock reset with the new appointment date?

Answer:

No. According to BMC, 3.02.040, despite the three-month gap in service in 2008, the commissioner’s term expires on April 1, 2013.

7) Vacancy

Each vacancy on a commission is to be filled through appointment or reappointment by the Councilmember to whom the vacancy is credited. In the case of newly elected first-time Councilmembers, the appointee of the newly elected Councilmember shall replace the appointee of the Councilmember from the same Council district who was not reelected, and the appointee of a newly elected Mayor shall replace the appointee of the outgoing Mayor.

A temporary appointment may not be made to fill a vacancy on any board or commission.

8) Commissions with Special Regulations

Several commissions require special qualifications for appointment. For example, some appointees to the Community Health Commission, Cannabis Commission, Mental Health Commission, the SSCOC, and the Sugar-Sweetened Beverage Product Panel of Experts must satisfy occupational or specific category requirements under state or local law.

Other commissions have unique terms of appointment, such as the PAB (Charter Art. XVIII), which sets terms of four years, and the Youth Commission (BMC 3.42.030), which sets terms of one year. The FCPC (BMC 2.12.175) sets terms the same as the appointing Councilmember or Mayor. Appointments to the Mental Health Commission are made by the Council as a whole for three-year terms (Resolution No. 65,945-N.S.).

The two youth commissioners on the Environment and Climate Commissions are appointed by the Council as a whole from candidates recommended by the Berkeley Unified School District Board of Directors.

If specific rules deviating from the norm concerning appointments and terms exist, these are contained in the BMC sections or resolution that establishes the commission.

9) Attendance Requirements

Failure to comply with attendance rules and other requirements can result in automatic termination and/or lack of a quorum. It is important to note that all commissions, regardless of the frequency of meetings, are subject to these attendance regulations.

Commissioners must attend all meetings in order to avoid being marked absent. A commissioner is determined to be “absent” unless they 1) have been granted an excused absence because the meeting conflicts with a religious or cultural holiday (see below); or 2) The commissioner has obtained an approved leave of absence from their appointing councilmember or commission (see Chapter II, Section A.10). Commissioners who have excused absences, or an approved leave of absence, or who attended, will not be marked as absent.

Commissioners should inform the secretary as far in advance as possible if they cannot attend a meeting. Secretaries should advise these commissioners to request a leave of absence for the meeting.

NOTE: A commissioner must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for purposes of attendance.

Absence from Three Consecutive Regular Meetings

If a commissioner is absent from three consecutive regular meetings their appointment to the commission will be automatically terminated. If a commissioner has been absent from two consecutive regular meetings, the secretary will advise the commissioner that absence from three consecutive regular meetings of the body will result in automatic termination. Within one

week of the third consecutive absence, the commission secretary will notify the City Clerk in writing of the dates of the three absences. The appointment expires on the date the fact of the third absence is reported to the City Clerk. Within one week, the City Clerk will notify the commissioner that they have been terminated and notify the Councilmember or Council, as appropriate, that a vacancy exists on the commission and that an appointment may be made to fill such vacancy (BMC 3.02.020). Attendance at special meetings (any meeting outside the standard meeting schedule) does not count toward attendance requirements.

Absence from 50% of All Regular Meetings

If a commissioner has been absent from 50% or more of all regular meetings held within the reporting period, their appointment to the commission will be terminated (BMC 3.02.020). The secretary of each commission shall report the full attendance record of each commissioner to the City Clerk at the end of each six-month period (June 30 and December 31) on a form provided by the City Clerk. The appointment of the commissioner will terminate on the date the attendance is reported to the City Clerk. Within one week of receiving such attendance report, the City Clerk will notify any commissioner whose appointment has been terminated and report to the appointing Councilmember, or Council, that a vacancy exists and that an appointment may be made to fill the vacancy.

NOTE: A commissioner appointed in January to a commission that held six regular meetings in the January to June reporting period must attend four regular meetings in order to comply with the attendance rules.

Newly appointed commissioners must attend more than half of all regular meetings held during the reporting period since being appointed in order to avoid termination.

Commissions That Meet on a Reduced Schedule

Some commissions may have a fewer number of meetings allowed in a year (less than the standard 10 meetings per year). Secretaries of commissions that meet on a reduced schedule will advise any commissioner who has been absent (as defined above) from one regular meeting that absence from two consecutive regular meetings of the body will result in automatic termination by the same mechanism described above.

The reporting period for a commission that meets on a reduced schedule is the full calendar year. Commissioners on these commissions will be terminated if they are absent from 50% or more of all regular meetings in the calendar year.

Commissions with Special Regulations

The FCPC was created by a ballot measure that was adopted prior to the addition of the automatic termination rules to the Municipal Code. Members of the FCPC are exempt from these provisions.

The ballot measure that created the PAB does provide for standard attendance and termination rules for members of the PAB.

The SSBPPE and SSCOC were created by a ballot measure adopted after the automatic termination provisions were added to the BMC and, thus, the rules for Council-created advisory commissions also apply to these two commissions.

No Quorum—Meeting Cancelled

When it is expected that there will be sufficient commissioners to hold a meeting but at the actual time of the meeting a quorum cannot be assembled and the meeting is cancelled, those commissioners who are absent will have an absence counted against them. Commissioners who have excused absences, or an approved leave of absence, or who attended will not be marked as absent.

If it is known that a quorum will not be achieved, the secretary will notify all commissioners that the meeting will be cancelled. No absence will be recorded against any commissioner. See Chapter IV, Section H for more details on procedures when lack of quorum occurs.

10) Excused Absences

An "excused absence" is only granted when a commissioner must miss a meeting due a religious or cultural holiday. To encourage full participation in commission meetings by all commissioners and the public, the Council encourages commissions to refrain from scheduling meetings on cultural and religious holidays. Commissioners may make a written request in advance of a meeting that an absence be excused due to a conflict between a scheduled commission meeting and a cultural or religious holiday. The excused absence can be granted before or after the scheduled meeting. The secretary will then excuse the absence and note the excused absence in the semi-annual attendance report sent to the City Clerk (BMC 3.02.030).

11) Leaves of Absence (BMC 3.02.030)

An appointing Councilmember may grant a leave of absence (LOA) for a specific meeting, or a period not to exceed three months. Written notice of the LOA must be filed by the Councilmember with the City Clerk prior to the actual absence. For meetings held after business hours, the notice of leave must be received by the City Clerk before 5:00 p.m. on the day of the commission meeting in order to count for that meeting. As per Ordinance No. 7,911-N.S., the Mayor can approve a Leave of Absence for a Commissioner appointed by the Council as a whole.

NOTE: A leave of absence may not be granted or applied retroactively.

Commissioners may seek to be reinstated prior to the end date of their LOA. This request must be made to the appointing Councilmember. If this request is granted, the Councilmember must submit a written request to the City Clerk to terminate the LOA. Once the leave is terminated, any temporary appointee shall have no further right to serve, and the regular commissioner will resume their duties on the commission. The City Clerk will notify the secretary of these transactions.

As stated above, a LOA may be granted for a period not to exceed three months. A subsequent LOA may not be granted to the commissioner if it will extend the total uninterrupted leave beyond three months. The commissioner will be marked absent from any meetings missed beyond the end of the three-month maximum leave. A commissioner must attend at least one meeting in between LOAs.

Youth Commissioners and Peace & Justice Commissioners appointed by a School Board Director must request a LOA from their appointing Director.

Exception for Design Review Committee
Members of the Design Review Committee must request any LOA from the appointing commission. The request must be submitted through the agenda process by the commission secretary of the appointing commission.

Example: If a commissioner is a member of both the Zoning Adjustments Board (ZAB) and the Design Review Committee, that commissioner must obtain a LOA from their appointing Councilmember for ZAB and also have the ZAB grant a LOA for their position on the Design Review Committee.

Question:
If a commissioner is granted a LOA for June 1 through July 31 and the commission does not meet in August, may the commissioner request a LOA for the September meeting?

Answer:
No. A single LOA or consecutive leaves of absence may not extend longer than three months.

12) Temporary Appointments

During the commissioner's authorized LOA, the commission treats the absence as a vacancy; that is, the number required for a quorum drops accordingly (see Chapter V, Section A, page 53-54, for details). The appointing Councilmember or the Council may fill such vacancy by a temporary appointment for a period not to exceed the period of the temporary vacancy. Specific rules for temporary appointments include:

- A temporary appointee cannot obtain a LOA during their tenure.
- A temporary appointee can be terminated for missing three consecutive meetings.
- A temporary appointee can be terminated for non-filing of a required Form 700 within 30 days of appointment.
- If the commissioner on an approved LOA resigns or is terminated, the associated temporary appointee is automatically terminated.
- A temporary appointment may not be made to a vacant seat on any board or commission.

A temporary appointee does not assume any appointments of the regular commissioner such as chair, vice-chair, or seats on other committees.

13) Automatic Terminations

The importance of complying with the requirements of being a commissioner cannot be emphasized enough. Failure to recognize these requirements will result in automatic termination. The following are reasons why commissioners are automatically terminated.

- Absence from three consecutive regular meetings (see Section A.9, page 17, of this chapter for details).
- Absence from 50% or more of all regular meetings in a six-month period (see Section A.9, page 17, of this chapter for details).
- The non-filing of required Conflict of Interest Disclosure statements (see Section E.2, page 25, of this chapter for details).
- Failure to take the Oath of Office within 30 days of the appointment date (see Section A.5, page 15, of this chapter for details).
- Non-residency (see Section A.1, page 13, of this chapter for details).
- Failure to meet any eligibility requirements of the ordinance, resolution, or other law establishing the commission or regulating its membership.

NOTE: A commissioner may not be reappointed to any commission for a period of one year if they are terminated more than four times for any of the above reasons.

If a commissioner is terminated more than four times due to any of the above reasons or a combination of the above reasons, they are terminated from all commissions and committees and may not be appointed again to any commission for one year.

No commissioner may be appointed to any commission if there are outstanding Conflict of Interest statements or fines, and no commissioner may be appointed to any commission for a period of one year if terminated from any commission more than once for failure to file such statements.

14) Resignation Procedure

A commissioner wishing to resign shall submit a written resignation directly to the City Clerk and to the appointing Councilmember or the Council, as appropriate. Either an electronic or a hard copy resignation will be accepted.

Once submitted, a letter of resignation cannot be withdrawn. The effective date of the resignation is the date it is received by the City Clerk unless a future date is indicated. The City Clerk shall then notify the Councilmember, or Council, and the secretary of the commission that a vacancy exists.

B. ALTERNATE COMMISSIONERS

In 2015, Council amended Berkeley Municipal Code Chapter 3.02.035 to allow each Councilmember and the Mayor to appoint a pool of five Alternate Commissioners to serve on designated commissions when their regular appointee is on an approved leave of absence.

Per Resolution No. 71,206–N.S., the designated commissions on which Alternate Commissioners may serve are:

- Community Health Commission
- Environment and Climate Commission

- Housing Advisory Commission
- Landmarks Preservation Commission
- Parks, Recreation, and Waterfront Commission
- Planning Commission
- Sugar-Sweetened Beverage Product Panel of Experts
- Transportation and Infrastructure Commission
- Zero Waste Commission
- Zoning Adjustments Board

NOTE: Appointments of Alternate Commissioners to quasi-judicial commissions must be made at least two business days prior to the meeting.

The Council may add to or remove commissions from this list at its discretion.

All regulations and requirements of the BMC that apply to a Commissioner as defined in 3.02.010.A also apply to Alternate Commissioners except BMC Section 3.02.040 (term maximum).

For any commission with specific requirements for membership, the Alternate Commissioner must meet the same special category requirements in order to serve.

Alternate Commissioners are subject to the December 1 term minimum.

Alternate Commissioners must complete the Oath of Office and file a Form 700 at the time of their appointment as an Alternate Commissioner and not for each temporary appointment to one of the designated Commissions.

The appointment of an Alternate Commissioner to serve as a temporary appointee must be filed by the appointing Councilmember or Mayor with the City Clerk prior to the meeting at which the Alternate Commissioner is to serve. For meetings held after business hours, the temporary appointment must be received by the City Clerk before 5:00 p.m. on the day of the commission meeting in order to be effective for that meeting.

C. ACCOMMODATIONS FOR COMMISSIONERS WITH DISABILITIES

Members of boards, commissions, and the public who have a disability have a right to reasonable accommodations necessary for them to participate in City meetings and programs. The Americans with Disabilities Act (ADA) and other laws mandate that the City provide programmatic access and effective communication in order for people with disabilities to be able to participate in the City's programs, services, and activities including public meetings. More information is available on page 46 and in Appendix H.

Individuals with disabilities who need accommodations to participate at a City of Berkeley meeting should make their requests to the ADA Program Coordinator, who will evaluate the individual's request and determine the appropriate method of accommodation. If possible, individuals are asked to attempt to make a disability-related accommodation request 72 hours in advance of meetings to ensure that the City has an adequate opportunity to provide reasonable

accommodation. The City will make good faith efforts to provide accommodations that are requested less than 72 hours in advance of a meeting.

Requests to the ADA Program Coordinator can be made by calling the ADA Program Coordinator at (510) 981-6418 or emailing ada@berkeleyca.gov.

D. STIPEND INFORMATION

In order to remove economic hardship barriers from public participation, the City Council, by Resolution No. 69,739-N.S., authorized payment in lieu of certain expenses to commissioners of all Council-appointed boards, commissions, committees, task forces, and joint committees who meet certain household income criteria. Committees of commissions designated by the advisory body and not by Council appointment are not eligible for reimbursement.

Eligibility criteria for stipend and reimbursement

- Persons eligible to receive reimbursement in lieu of expenses are those board, commission, committee, task force or joint committee members whose household gross income as filed jointly for federal income tax purposes is below the Alameda County 50% AMI for a 3-person household per year ($70,075 per year as of January 2024).
- Commissioners who are minors (under 18 years old) must have eligibility declaration forms co-signed by a parent or legal guardian attesting that the combined 3-person household income is under the Alameda County 50% AMI ($70,075 per year as of January 2024).
- To establish eligibility, commissioners must file the Annual Declaration form in Appendix G with the secretary of their board, commission, or committee. Commissioners must file a new declaration form annually prior to May 31 in order to maintain eligibility.

An eligible commissioner is authorized to receive

- $100 for each official meeting attended, not to exceed four meetings each month. This amount is indexed for inflation annually.
- Reimbursement for actual childcare expenses incurred while they attend meetings.
- Reimbursement for actual expenses paid to an attendant to provide care for a dependent elderly person while the commissioner attends meetings.
- Reimbursement for actual expenses incurred for disabled support services necessary to participate fully in board, commission, or committee meetings.

If a commissioner is paid $600 or more in stipend payments in one calendar year, an IRS Form 1099 will be generated by the Finance Department.

It is the responsibility of the commission secretary to submit quarterly stipend forms to the Accounts Payable Division. Additional stipend policy and instructions are in Administrative Regulation 3.2, which is included in Appendix G.

Pursuant to the City Charter, PAB members shall receive $100 per regular or special meeting attended, but in no case shall compensation for any one commissioner exceed $300 per month.

E. CONFLICT OF INTEREST PROHIBITED

Members of Berkeley's commissions provide advice to the City Council, study various matters and, in the case of certain commissions, function in a quasi-judicial capacity. All members of commissions should be aware of the need to avoid any instances of conflict of interest. Conflict of interest standards are generally applicable to all commissions. Additional requirements may be applicable to particular boards and commissions.

Government Code Section 1090

Government Code Section 1090 prohibits public officers, acting in their official capacities, from making contracts in which they are financially interested. Violations of Section 1090 are felonies. A memo from the City Attorney regarding how to avoid conflicts of interest under Section 1090 is included as Appendix D. Making recommendations to Council regarding City contracts is considered part of making the contract.

State Political Reform Act and Berkeley Conflict of Interest Code

The state Political Reform Act, Government Code Sections 81000 et seq., and the Berkeley Conflict of Interest Code adopted pursuant to the Act prohibit a commissioner from making, participating in making, or attempting to influence the making of any City decision if the commissioner knows or has reason to know that it is reasonably foreseeable that the decision will have a material financial effect on specific interests of the commissioner or a member of the commissioner's family distinguishable from its effect on the public generally. The state Fair Political Practices Commission (FPPC) enforces these procedures, and the scope of these prohibitions is delineated in FPPC regulations and advice letters. Commissioners may seek the advice of the City Attorney as to whether they should disqualify themselves. However, only a formal advice letter from the FPPC will insulate a commissioner from enforcement actions by the FPPC. Commissioners must seek the advice of the City Attorney or FPPC well before they are required to participate in a matter that would create a possible conflict of interest.

NOTE: Contact the City Attorney's Office at Attorney@berkeleyca.gov or at 510-981-6950 at least two days in advance of a meeting if you think there may be a potential conflict on a matter under consideration by the commission. Contact the FPPC advice line at 1-866-ASK-FPPC for general questions.

In addition to filing required disclosure statements described below, any such conflict of interest must be publicly disclosed and noted in the official record of the commission meeting. In such cases, the commissioner completes the positive act of verbal disclosure, recuses themselves, and refrains from voting.

Recusal for Conflict of Interest

Recusal is the affirmative action of removing oneself from consideration, discussion, and voting on an issue in which a conflict of interest exists. Commissioners must make the required disclosure above and then physically remove themselves from the proceedings. Recusal requires that the commissioner leave the room, or virtual meeting space, where commission discussion is occurring. The commissioner may not reenter the meeting space until after the consideration (including any votes taken) of the issue has concluded.

NOTE: The number of votes needed for action is not reduced when a commissioner who has a disqualifying conflict of interest is recused.

Scenario:

The Environment and Climate Commission has worked for over a year to develop a recommendation to Council to approve a low-cost contract with a solar panel company. One of the commissioners owns stock in the solar panel company but forgot about it, as it was just a small amount.

When the recommendation came before Council, the commissioner's relationship with the recommended vendor was discovered. Council was forced to disregard all of the work the commission did when considering the contract, thus wasting many hours of hard work.

1) Influencing the Making of Contracts and Affecting Other Financial Interests

Section 36 of the Berkeley City Charter and BMC Chapter 3.64 prohibit a commissioner on an advisory body from having an interest in any work or business of the City if the commission of which they are a member has had any role in influencing the making of the contract. These roles would include reviewing the contract itself, reviewing bid specifications, reviewing requests for proposals, discussing funding of the activity that is the subject of the contract, or making other kinds of policy recommendations that directly affect the making of the contract. A commissioner cannot satisfy the Berkeley City Charter and BMC Chapter 3.64 simply by disqualifying themself when the vote or discussion on the contract is taking place. The law prohibits the contract itself.

However, some exceptions to this rule exist. For example, if the commissioner is an officer, member, director, or employee of a nonprofit corporation that is to receive the contract in question, the law does not prohibit the contract itself. The commissioner must disclose their interest, the minutes of the commission must reflect this disclosure, and the individual commissioner must disqualify themself from participating in any manner, either directly or indirectly, in making or influencing any decision related to the contract.

2) Disclosure Statements Required (Form 700)

The Government Code of the State of California requires that designated commissioners file a Form 700 Statement of Economic Interests in which they disclose specified financial interests. The Berkeley Conflict of Interest Code specifies each commission that is subject to this requirement and the interests that must be disclosed.

NOTE: Failure to file Assuming Office and Annual Form 700s on time will result in termination from the commission. Failure to file any required Form 700 by the deadline (Assuming, Annual, Leaving) may result in the assessment of fines.

An Assuming Office Form 700 must be filed with the City Clerk Department within 30 days of appointment. Annual Form 700s must be filed by April 1 of each year. Finally, a Leaving Office Form 700 is required within 30 days of leaving office.

The City Clerk will routinely advise all commissioners affected of these requirements and deadlines. Not all commissioners are required to report at the same degree of disclosure. The Conflict of Interest Code is designed to require only that degree of disclosure needed to protect the public interest while balancing that need with an individual's right to privacy.

If a commissioner serving on a commission specified in the Code fails to file an Assuming Office Form 700 within 30 days of their appointment, their appointment will automatically terminate. Failure to file an Annual Form 700 within 30 days of the City Clerk issuing specific written notice of non-filing will also result in termination of a commissioner's term.

If a person has been terminated from a commission for any reason and a Councilmember wishes to appoint that person again, the commissioner must first file a Leaving Office statement prior to the new appointment. They are then required to file another Assuming Office statement within 30 days of the date of reappointment. If the commissioner is reappointed within 30 days of termination, there is no filing obligation.

No commissioner may be appointed to any commission if there are outstanding Conflict of Interest statements or fines, and no commissioner shall be appointed to any commission for a period of one year if terminated from any commission more than once for failure to file such statements.

Scenario:

A commissioner was terminated in January for failing to file their Assuming Office Form 700 within 30 days of appointment. The Clerk Department processed the termination, noting that they were terminated for the same issue a few months prior. In September of that year, a Councilmember wanted to appoint them to serve on another commission. The appointment was denied because they may not serve on any commission for one year after termination more than once due to non-filing of Form 700.

3) Incompatible Public Offices

The common law doctrine of incompatible public offices prohibits a public official from occupying two public offices that are incompatible in terms of their duties and/or the likelihood of divided loyalties. However, in Berkeley, serving on two or more City boards or commissions, including quasi-judicial bodies, is permitted (BMC Chapter 3.80). A commissioner who already occupies an elected or appointed office other than a City board or commission and wants to apply for appointment to a City commission should seek the City Attorney's advice as to whether the two offices may be deemed incompatible.

4) Incompatible Activities for Compensation

Government Code Section 1126 prohibits a public official from engaging in activities for compensation that are incompatible with their public office. A commissioner engaged in compensated activities that may be incompatible with their duties as a commissioner should consult the City Attorney.

5) State-Mandated Ethics Training

State law (AB 1234) requires certain local agency officials to receive training in ethics. In Berkeley, the officials identified for this requirement are Mayor and City Council, City Auditor, Rent Stabilization Board Commissioners, Board of Library Trustees, and Police Accountability Board members.

These officials will receive a notice from the City Clerk advising them of the required training. The training may be completed on the FPPC website. The training must be completed within one year of the date of appointment and every two years thereafter. A certification of completion must be filed with the City Clerk. For more information, please contact the City Clerk Department.

F. COMMISSION ORGANIZATION

1) Election of Officers and Terms of Office

Unless otherwise provided by ordinance,[1] the chair and vice-chair are elected by the majority of the commission for a one-year term and hold office until their successors are elected or until their terms as members of the commission expire. No commissioner shall serve as chair for more than two consecutive years. There is no term limit for vice-chair.

Unless otherwise provided for in the enabling legislation, the annual election of commission officers should occur during the month of February. The election of officers must be listed as an item on the agenda.

Two meetings prior to the meeting at which officers will be elected, commissions are encouraged to list as an agenda item a discussion of the election, to inform all commissioners of the opportunity to seek nomination and election for the offices of chair and vice chair, to discuss and agree to the nomination process and timing for nominations (if no policy has been enacted by the commission), and to add clarity for commissioners and the public. In order to facilitate an orderly and fair nomination process, commissions may open nominations at the January meeting (or the meeting prior to the February meeting) and then hold the vote on officers at the February meeting. A commission may enact a policy on officer elections in conformance with the requirements stated below, specifying the timing for nominations, the order in which nominations will be voted upon, and any other details that support a fair, orderly and transparent process for election of officers.

[1] Election of officers to the Police Accountability Board is governed by the City Charter. Board of Library Trustees and Landmarks Preservation Commission officer elections are regulated by BMC Sections 3.04.040, and 3.24.030, respectively.

If there are multiple nominees for chair or vice-chair, the commission may wish to use a process by which all nominations can be made prior to voting. Full discussion of nominations is recommended, including the ability of nominees to speak on behalf of their own candidacy.

Additional regulations for officer elections

- Nominations for chair and vice-chair require a motion (with second).
- A commissioner may nominate themself.
- Any member of the commission, regardless of length of tenure on the commission may be elected chair or vice-chair.
- There is no automatic succession from vice-chair to chair.
- Motions to nominate and elect must be voted on in the public forum, and no secret ballots are allowed.
- A roll call vote is recommended for votes on commission officers, and is required if any commissioner requests a roll call vote.
- The results of the vote must be publicly announced and the vote recorded in the minutes. (Resolution No. 63,876-N.S.).
- A commissioner may not be elected chair if they will not be able to finish the term due to the two-year limitation.

Terms of office for officers are determined by the date the election regularly occurs, not by the date it may have actually occurred. If there is a slight variation in the date of the election, the sitting chair may serve on an interim basis provided that they do not exceed the two-year limit.

Scenario:

The chair is elected in February 2024. The chair resigns in April 2024. A new chair is elected in May 2024. The newly elected chair will serve from May 2024 to February 2025, when the next regular election is held.

2) Mandatory Annual Training for Chairs and Vice-Chairs

Chairs and vice-chairs are required to complete mandatory annual training. Resolution Nos. 60,531-N.S. and 63,876-N.S. were adopted by the City Council to implement video training for commission officers.

The chair and vice-chair must view, in its entirety, a training video on commission procedures and legal requirements. Upon completion, the chair and vice-chair must file with the City Clerk an Affirmation of Completion.

This training video must be viewed and the Affirmation of Completion must be filed with the City Clerk no later than 60 calendar days from the date of election as chair or vice-chair. Failure to complete the video training and file the Affirmation of Completion within 60 days of election will result in the immediate forfeiture of the position of chair or vice-chair.

NOTE: Commission officers must file an Affirmation of Completion within 60 days from the date of election or forfeit their seat as chair or vice-chair.

While not mandatory for commissioners other than the chair and vice-chair, completion of this training is encouraged for all commissioners.

The required training video may be viewed online through the city website - https://berkeleyca.gov/your-government/boards-commissions/serving-board-or-commission

3) Duties of Officers

The "presiding officer" (chair or, in their absence, the vice-chair), performs the following duties.

- Presides at all meetings of the commission and ensures that the work of the commission is accomplished. To this end, the chair must exert sufficient control of the meeting to eliminate irrelevant, repetitious, or otherwise unproductive discussion. At the same time, the chair must ensure that all viewpoints are heard and are considered in a fair and impartial manner.
- Ensures that commission bylaws, if any, and procedures are followed. The chair cannot make rules related to the conduct of meetings; only the full commission may do so.
- Appoints commissioners to temporary committees subject to the approval of the full commission.
- Approves the agenda prior to distribution. This is limited to the structure and order of the agenda and does not grant the chair the authority to remove an item submitted by commissioners or staff if submitted by the established deadline.
- Signs correspondence on behalf of the commission.
- Represents the commission before the City Council. Other commissioners may be the representative with the formal approval of the commission by motion and vote.
- Approves commission reports to Council. The chair cannot modify content that was approved by the full commission.
- The chair or a quorum of the commission may call a special meeting.
- The chair and vice-chair have full rights to vote and to make or second motions.

4) Transfer of Chair

In the absence of the chair or their inability to act, the vice-chair presides in place of the chair, but does not assume the office of chair. In the event of the absence or the inability to act of both the chair and the vice-chair, the remaining commissioners elect one of their members to act as temporary chair.

If a chair is terminated from the commission for any reason, or resigns, the office is vacated, and a new election for chair must be held to fill the office. The vice-chair does not assume the office of chair, rather they preside over the meetings and execute the chair's duties as the vice-chair. If a vice-chair is terminated, the office is vacated, and a new election would be held to fill the office. If an officer is terminated and subsequently reappointed to the commission, they shall not resume the office and must be reelected to the office by the majority of the membership.

NOTE: In the event a chair leaves the commission prior to the end of their term, the vice-chair performs the duties of chair but does not assume the office of chair. An election must be agendized and a new chair must be elected at a subsequent meeting. The vice-chair may be elected as chair, as may any other commissioner, but the commission must vote on the election.

5) Temporary Ad Hoc Committees

From time to time, the commission or the chair, with the confirmation of the commission, may appoint several of its members, but fewer than a quorum of the present body, to serve as a temporary ad hoc committee. Commissions are limited to the creation of ad hoc single purpose committees.

Ad hoc committees are defined by all of the following characteristics.

- Composed of less than a quorum of the parent body.
- Composed of only members of the parent body (no members of other commissions or any other persons may be included).
- Have a finite purview established by the parent body.
- Have a set target date to report back to the parent body.
- Terminate within one year, unless the parent body reviews and extends the timeline.
- Have no regular meeting schedule set by the parent body.
- Have no alternate commissioner assigned to attend meetings, even as an observer, if their presence would create a quorum of the parent body.

Ad hoc committees are advisory only to their parent commission, not to Council and are tasked with the study of a specific issue and with making a recommendation to their parent commission. The parent commission has the opportunity for input when the ad hoc committee reports its findings and makes the recommendation(s). The parent commission has final decision-making authority on the disposition of the ad hoc committee's work.

The parent commission must adopt committee recommendations before they can be forwarded to Council. A committee may not represent the parent commission before the Council or other City legislative bodies unless it has first received the authorization of the parent commission to do so.

Only commissioners may become members of the committee; however, the committee should seek input and advice from the public, commissions with relevant subject matter jurisdiction, and other groups. Committees must be reviewed annually by the commission to determine if they should continue their work. The commission secretary should track the creation of committees and notify the commission of the pending expiration a committee. The commission may request that renewal be agendized at a future meeting.

Extensive collaboration between commissions can be accomplished through concurrent meetings of ad hoc committees, meaning committees meet in the same place at the same time. In almost every case, concurrent

meetings facilitate collaborative goals. Rarely, the City Council may choose to approve a joint committee with the members designated by the City Council in accordance with the Fair Representation Ordinance, BMC Sections 2.04.030—2.04.130.

The secretary is not required to attend or take minutes of meetings of committees. City staff may attend and participate in committee meetings. Depending on the desires of the committee members, City staff may participate or may be asked to offer insights or provide information during discussion.

Committees must be comprised of at least two commissioners. If only two commissioners are appointed, then both must be present in order for the committee meeting to be held. In other words, the quorum for a two-member committee is always two.

A temporary appointee does not assume the committee membership(s) of the commissioner for whom they are substituting on the full commission. A committee member who is terminated from the parent commission and subsequently reappointed to the parent commission does not automatically resume membership on the committee; they may, however, be reappointed to the committee by action of the parent commission.

CHAPTER III. COORDINATION WITH COUNCIL, STAFF, AND OTHERS

CHAPTER III. INDEX

A. Coordination with City Council.....32
B. Coordination with Staff.....34
C. External Relationships (Commissions, Agencies, Public).....37

A. COORDINATION WITH CITY COUNCIL

1) Relationship to City Council

The role of a commission is to advise the City Council. The exception is for quasi-judicial commissions that can act under their authorized ordinances or advise the City Council as appropriate. The City Council is responsible for accepting, rejecting, or modifying commission recommendations. The Council relies on the various commissions to increase the variety of viewpoints and talents brought to bear on City problems. By concentrating on specific areas, commissioners use their expertise and conduct detailed analyses that the Council itself may not have the time to pursue. It is expected that commissions will adopt positions of advocacy within their specific purview. However, the City Council's role is to take into consideration the many varied and sometimes conflicting public needs and render its judgment of what will best serve the public good. The Council must weigh the effect of any given recommendation, not only on the particular area of interest but on all other City goals and programs.

Just as the commissions advise the City Council concerning policy but do not create policy, the commissions advise the City Council concerning various programs run by the City but do not themselves operate programs. It is the responsibility of the City Manager and the City staff to operate programs authorized by the City Council. The exception to this rule is the Board of Library Trustees.

2) Referrals from the City Council

The Council may transmit referrals for information or action through formal action on an agenda item. These actions are recorded in the minutes of the Council meeting. The secretary notifies the commission of any such referrals from the Council. When appropriate, the Council may indicate a desired date for response and specify which commissions will be consulted.

Each referral response presented to the City Council on the Council agenda, shall indicate to whom the item was referred, the date of referral, and any other responses. Each commission may elect to respond by means of a separate report or communication.

3) Communicating to the City Council

A commission transmits its findings, responses to referrals, and other recommendations to the Council through the Council agenda. Upon the final vote of a commission to send an item to Council, the secretary submits a completed commission report for the Council agenda to the agenda process no later than three weeks after receiving the final text from the commission. The commission is responsible for providing the content of the report to the secretary. The report will be placed on an upcoming Council agenda based

on City Manager timelines and the Council Rules of Procedure for scheduling matters on the agenda. All reports are due to the City Clerk Department 33 days prior to the meeting date. Departments may have internal deadlines that require reports to be processed earlier.

Commissions may also transmit their findings or recommendations to the Council in the form of a letter. This type of communication is more timely; however, the Council cannot take any official action based solely on a written communication from a commission. Sending a letter to the City Council requires the authorization of the commission. Once approved by the commission, the secretary submits the letter to the City Clerk.

The chair, or an authorized representative of the commission, may officially speak on behalf of the commission at public comment on an issue before the City Council. Other commissioners may speak on the item as private persons. As is the case with a written communication, the Council cannot take an official action based solely on verbal comments from the commission.

For more information on commission reports to Council, see Chapter VI.

4) Council Meeting Procedures and Commission Participation

Regular City Council meetings are generally held twice monthly on Tuesdays. The schedule is established annually, taking into consideration holidays and election dates. Chapter VI has detailed information about how to place items on the agenda.

Council meeting agendas have a specific order: Consent, Public Hearings, and then Action. Information items are not usually discussed or acted on but can be commented on during Public Comment. Many circumstances can change the order in which an item is heard. Council may move items from Consent to Action or from Action to Consent, or they may even move Information items to Action for the purposes of discussion.

Question:

If a commission report appears on the Council agenda as a Consent item, will it be heard at the beginning of the meeting?

Answer:

Not necessarily. The Consent Calendar is heard toward the beginning of meetings, right after procedural and ceremonial items. However, items can be moved from the Consent Calendar to the Action Calendar by Council to be discussed and acted on later in the meeting.

For items on the Action Calendar, the chair, or an authorized representative of the commission, has the right to address the City Council at the time the commission's item is heard. The Chair or the commission's designated representative may address Council from the staff table. Commissioners not delegated to speak as the official representative may utilize the Public Comment period to present information to Councilmembers.

Scenario:

A commission placed an item on the Consent Calendar for a Council meeting. The commission assumed that since the item was on Consent, there would be no discussion or questions and did not send a representative. At the meeting, a Councilmember had some questions and moved the item to Action. Because there was no one from the commission present and no subject matter expert, the Council ended up holding the item over to a future meeting.

B. COORDINATION WITH STAFF

1) Duties of Secretary

The commission secretary is a City employee designated by the City Manager (except for BOLT, FCPC, and PAB). The secretary represents the City Manager and assists the commission in its functions and advises the commission of staff's recommendations. Secretaries perform technical and basic administrative functions as outlined below and do not vote. In addition, as City professionals, they have the responsibility to ensure that the commission is apprised of laws and administrative processes affecting proposed policy recommendations and operational recommendations.

While other staff members may assist the commission from time to time, clerical staff will not be assigned to attend meetings without approval of the City Manager. The commission secretary's presence is only required at commission meetings. Secretaries are not required to attend ad hoc committee meetings.

It is a secretary's responsibility to:

- Prepare commission agenda packets and minutes pursuant to the Brown Act and City procedures.
- Post draft minutes within seven days after the commission meets.
- Notify commissioners of meetings.
- Maintain an accurate subscription mailing list for agendas.
- Attend commission meetings. City staff are not required to attend ad hoc committee meetings.
- Follow the established Council agenda process to submit reports to Council based on the text approved by the commission.
- Advise the City Manager or department director of any requests for extensive staff work or report preparation.
- Notify other commission secretaries regarding items of shared purview.
- Report commissioner attendance to the City Clerk.
- File Commissioner's Annual Declaration Reimbursement (stipend) forms with the Finance Department.
- Submit annual stipend forms and quarterly payment requests.
- Administer the oath to newly appointed commissioners if needed and file completed oath forms with the Clerk.
- Post agendas in hard copy and to the web per Brown Act requirements.
- Post commission meetings to the online Events Calendar.
- Forward final, adopted versions of the minutes to the Records e-mail inbox.

- Submit an information report to the City Council whenever a commission cancels two consecutive meetings for lack of quorum, per Resolution No. 65,127-N.S. (and its successors).
- Retain all documents related to the functions of the commission in accordance with the Citywide Records Retention Schedule. Of primary importance is the proper retention of minutes. Secretaries must sign the hard copy of the final adopted minutes and retain these records permanently. Secretaries may also consult with the Records Coordinator in their department for guidance on records retention.
- Advise the commission of staff's recommendations regarding matters before the commission, and represent council priorities and administrative policies of the City.
- Consider the policy and fiscal impacts of proposals and provide commissioners with early and timely information about the fiscal and policy impacts of proposals and their relationship to department and Citywide priorities.
- Compile and distribute communications from the public.
- Inform the commission of ad hoc committee expiration as needed.

The list of duties above is representative of the requirements placed upon commission secretaries. It is not intended to be exhaustive. Requirements change over time and vary from commission to commission. Secretaries must familiarize themselves with the Brown Act, the enabling legislation, and relevant City policies to ensure they are properly fulfilling their duties.

The City may also post information that is of particular interest to the commission web page including the commission work plan, specific projects, vacancies, and other general information. When posting additional information, it is important that the information be timely and relevant to commission business.

Secretaries should inform commissioners about activities, projects, and work taking place within the organization and among other commissions when the information is available and relevant. This information may be obtained by reviewing agendas or minutes from other commissions and maintaining contact with other secretaries.

Secretaries are encouraged to work with their supervisors or department heads to identify and train an alternate to ensure the critical work continues if they are on vacation or leave.

2) Relationship Between Secretary and Commission

The two main responsibilities of the commission secretary are to assist the commission in its functions and to represent the City Manager.

Generally, the commission secretary is appointed from the department that most nearly encompasses the commission's activities. As a representative of the City Manager, the commission secretary also advises the commission of staff's recommendations. In this sense, the secretary is an active participant with the commission, although without a vote, rather than merely a passive transmitter of information.

NOTE: While the secretary's role is to assist the commission, the secretary and other staff assistants are not employees of the commission. At all times, the staff is directly responsible to the department director and City Manager.

The following are some ways to avoid misunderstandings and to keep the channels of communication open. Commissioners must adhere to the following rules for communication with staff.

- Ensure all contacts from the commission to any member of the staff, including those to a higher-level employee (e.g., the City Manager), are transmitted through the secretary. Conversely, all contacts from staff to the commission go through the secretary.
- Keep all contacts with staff members clearly in the framework of the commission assignment.
- Do not ask for individual reports, favors, or special considerations.
- Direct complaints from the public directly to the secretary, who will respond on behalf of the City.
- Realize that the assigned secretary reports directly to a supervisor and may not be able to carry out every request that the commission may have.

The Commission secretary must also follow the guidelines below to ensure clear communication.

- Keep the commissioners informed of the purpose and goals of the commission.
- Take the initiative to inform commissioners about relevant activities, projects, and work that is taking place elsewhere in the city government and among other commissions.

If a commission desires information, analysis, or other work that will require an excessive amount of staff time, the commission should present the request to the Council for approval in the form of a report. The Council may then consider the request in the context of the citywide work plan and determine the urgency and priority of the request. Following this procedure will prevent staff from being diverted from priority projects.

All appearances by staff before the commission are scheduled through the secretary so that they may be placed on the agenda. A staff person appearing before, or communicating with, a commission as a private individual must advise the commission that they are not acting in an official capacity.

Staff secretaries are professionals who are required to provide their best technical and professional advice both to the commission and to the City Manager. Staff is there to provide information and expertise, not to make decisions or judgments. Occasionally, this will result in staff making an alternate recommendation to that of the commission or suggesting that additional information is needed when communicating with the Council. In these situations, staff prepares a City Manager Companion Report

capturing the alternative recommendation or additional information. Please see Chapter VI, Section C for more information.

3) Relationship with the City Manager

The City Manager has a direct interest in the work of all commissions as they often advise the City Council on issues that will affect the use of staff time and City resources. Commission secretaries are responsible to the City Manager as well as the commission, and they keep the City Manager informed of significant topics that come before their commissions.

For the commissions that are advisory to the City Council, the City Manager is not able to alter commission reports and recommendations, however, the City Manager may propose an alternative to the commission report if they believe that the Council needs additional information or to pursue a different course. Please see Chapter VI, Section C for more information.

As a partner in the public process, the City Manager seeks to work cooperatively with commissions to achieve the best outcome for the community.

C. EXTERNAL RELATIONSHIPS

1) Meetings with Other City Commissions

In order to develop a useful liaison between commissions, each commission should determine which other bodies regularly deal with overlapping subject matter. Commissions with issues that regularly overlap should request agenda, minutes, and relevant reports from each other through the commission secretaries. Where an issue arises that is of concern to two (or more) commissions, they should review the issue with each other before submitting a report to Council as outlined above.

Occasionally, two or more commissions may consider an issue that is within the purview of both. One of the secretary's duties is to collaborate with the other secretaries to ensure they are abreast of potential crossover subject matters. It's important that secretaries are aware of these situations in time for the commissions to address them as outlined below.

Commissions may hold concurrent meetings with other Council-created commissions. This is often referred to as a "joint meeting" between two commissions, but in reality, it is a *concurrent* meeting. Both commissions will publish separate agendas, take separate votes, and produce separate minutes. However, the concurrent meeting allows them to hold a joint discussion about the matter at hand.

The secretaries of the involved commissions should work together to ensure both commissions can communicate with Council as needed. If one commission is going to recommend action regarding an item of interest to another commission, the secretaries must collaborate to ensure both commissions have the opportunity to submit reports to Council representing their purview.

Requests for information or review of proposals from one commission to another are transmitted through the respective secretaries of each commission.

2) Outside Agencies

Commissions function in an advisory capacity and, in the absence of an explicit delegation of the role to act on the City's behalf by the Council on a particular issue, they may not directly communicate with outside agencies.

NOTE: Unless specifically authorized by the Council, commissions may not represent the City or its policies or positions to outside agencies either on their own behalf or on behalf of the City.

If a commission wishes to support or object to a particular policy or program run by an outside agency, it should frame this action as a motion and a recommendation to the City Council. If adopted, the communication to the outside agency will be from the City Council.

When a commission requests that the City Council support or oppose legislation, policies, or actions, the position of the City is generally contained in a letter. The commission must attach the text of the letter to the report to Council. Resolutions are not needed for this type of action. However, should a resolution be requested of Council, such resolution must be in the proper format and attached to the Council report, ready for Council action.

If a request for an official policy statement is received from an outside jurisdiction, the commission may analyze and study the request. It can then make a recommendation to the Council for a response. All communications from outside agencies are transmitted through the secretary.

Furthermore, commissions may not take any action that commits or indicates an intention to commit the City without authorization by the Council and coordination with the City Manager, such as endorsing grant applications, receiving donations and gifts, sponsoring community events, or approving use of City property, facilities, or other resources.

The commission may not act as a sponsor of or participate in (such as having an information booth) community events without the authorization of the City Council.

Commissions cannot hold a joint meeting or joint event with an outside agency. If information from an outside agency is desired, the commission may request that the secretary invite the outside agency to make a presentation and field questions at a regular commission meeting.

3) General Public

The most direct way for the general public to communicate with commissions/commissioners is to attend commission meetings.

Members of the public may also communicate with commissions by sending a letter or an e-mail to the secretary, who will forward the e-mail to the

commission in the agenda packet. If the communication is submitted after the packet is published, copies may be distributed to the commissioners and placed in the public viewing binder.

All communications from the commission to members of the public are transmitted through the commission secretary. Similarly, arriving communications are received by the secretary and relayed to the commission through the agenda packet. The secretary is responsible for including all communications received in the agenda packet according to publication deadlines. If the commission wishes to recommend Council action in response to a public comment or communication, the topic must be agendized at a future meeting for commission discussion and action.

Commissioners may interact with the public; however, if commissioners are contacted by the public outside of a meeting, commissioners should encourage them to send their comments to the secretary for distribution to all commissioners or come to a commission meeting and speak at public comment. This will allow the full commission to hear and consider all pertinent information and points of view.

Commissions may not, without approval of Council, represent City policy or communicate in an official manner outside of Commission meetings. This prohibition includes any type of public surveys and/or polling of the public, distributing informational flyers, newsletters, mass e-mails, or other similar media.

4) Individual Commissioners

Commissioners may not represent their Commission or the City to the general public or the media unless the Council authorizes the commission to authorize the individual commissioner to do so. Similarly, commissioners may not use City logos, branding, or collateral to represent themselves externally. Please see Chapter V, Section G for more detail. A commission may authorize one of its members to appear before another City commission without Council approval.

Any time a commissioner uses their commission title or references their membership on a City commission when speaking publicly, they must state the following:

“I am speaking in an individual capacity and not representing the [Commission Name] or the City of Berkeley.”

Each commissioner also has the obligation to work cooperatively with other commissioners. Commissioners should exercise self-discipline and strive always to be objective, fair, and courteous with each other as well as with staff and the public. A healthy respect for the time of other commissioners, staff, and the public is of critical importance.

5) Press and Other Media

Inquiries from the media should be handled only by the chair or a representative designated by the commission, who may clarify actions

taken by the commission, fairly and accurately recap commission conversations, or outline next steps. The Chair or designee must not editorialize, offer personal opinions, or speculate on future actions when speaking in an official capacity. Any commissioner may recite commission actions taken and state factual accounts of those actions.

6) Election-Related Activity

While potential ballot measures are under consideration for inclusion on the ballot, commissioners may communicate with Council, but they should limit themselves to advisory comments only. If a commission wishes to recommend a ballot item to Council, they should discuss it at a commission meeting, which offers the public a chance to participate, and then make their recommendation to Council via normal channels. Once a measure is placed on the ballot, Council has already taken action, so a commission, as an advisory body to Council, may not endorse or oppose the measure.

Commissions may not take official positions or host a public forum or debate for measures or candidates. Commissioners may engage in election-related activity as community members, and may use their commission title(s), current or former, for identification purposes, so long as they affirmatively declare that they do not represent the City or any legislative body of the City.

7) Summary

When considering the appropriateness of communicating publicly as a commissioner, remember these simple guidelines.

- The City Council speaks for the City
- Commissions speak to the Council
- Commissioners speak as private individuals

CHAPTER IV. PUBLIC MEETINGS

CHAPTER IV. INDEX

A. Legislative Bodies....41
B. Meetings....41
C. Public Comment at Meetings....47
D. Meeting Location and Accessibility....46
E. Agenda and Notice Requirements....47
F. Submission of Commission Agenda Reports....50
G. Distribution of Commission Agenda Packets....50
H. Noticing for Cancelled and Adjourned Meetings....51

This chapter describes the key steps necessary for complying with the Brown Act and City policy for public meetings of boards and commissions.

The Brown Act (Government Code Sections 54950 et seq.[2]) is the state's open meetings act. It is intended to ensure that the public has adequate notice of what actions its elected and appointed local decision makers may take and that those decisions and the deliberations leading to them occur in public.

A. LEGISLATIVE BODIES

The Brown Act applies to any legislative body. This includes all City of Berkeley boards and commissions.

City of Berkeley commissions can only create ad hoc (or temporary) committees. Ad hoc committees are not legislative bodies under the Brown Act.

B. MEETINGS

Any contact between a quorum of the legislative body, either directly or through intermediaries, to hear, discuss, deliberate, or take action “on any matter within the subject matter jurisdiction” of the City or commission is a meeting. All meetings must be conducted in compliance with the Brown Act. Meetings include retreats, forums, workshops, and similar types of events. A meeting can be in person, by telephonic or other electronic medium, or through intermediaries. With a few narrow exceptions not applicable to most commissions, all meetings of legislative bodies must be open to the public (Government Code Section 54953).

1) Types of Meetings

Regular Meetings

Regular Meetings occur at the dates, times, and locations set by formal action of the commission at the beginning of each year to follow for the next 12 months. Regular meetings require 72-hour notice that includes the time and location of the meeting. Commissions may change the meeting schedule by formal action. Council sets the maximum number of meetings the commission may have during a calendar year.

If a commission needs to change the meeting schedule after it is approved, it must agendize and readopt the new schedule at a meeting.

[2] All statutory references in this Chapter are to the Government Code unless otherwise noted.

Special Meetings
Special Meetings are called by the chair or a quorum of the commission to hear a specific item or items. Special meetings require 24-hour notice. Council establishes the number of meetings each commission is allowed to have in a given year. Special meetings count against that total. Absences from special meetings do not, however, affect commissioner attendance records. Any meeting not on the regular meeting schedule is a special meeting.

Public Hearings
Public hearings are held when required by law. Generally, the need for a public hearing is limited to the quasi-judicial commissions: Zoning Adjustments Board, Landmarks Preservation Commission, Housing Advisory Commission, Fair Campaign Practices Commission, Open Government Commission, Police Accountability Board, and Planning Commission. Advisory commissions do not generally require public hearings.

Public hearing noticing practices are specified by law and must be adhered to. Noticing beyond the legal requirements is permitted but is not required.

Please see Chapter V, Section D, for proper public hearing procedures. If needed, the City Attorney's Office or the City Clerk Department can work with a commission secretary determine if a public hearing is required.

NOTE: In the event that a public hearing is continued to a later meeting date, a commissioner who missed the first meeting should review the transcript or video of the previous meeting prior to voting.

Concurrent Meetings of Commissions
Two or more commissions may hold concurrent meetings to discuss an issue that falls under their purview. Such meetings should not be noticed as "Joint Meetings," but as two separate meetings occurring at the same place and time. The secretaries of the commissions must each prepare and post separate agendas. During the meeting, each commission must vote independently on each agenda item. The secretary for each commission must prepare separate minutes for the meeting of their commission as well. Also refer to Chapter III, Section C.

2) Exceptions

Gatherings That Are Not Meetings
Certain gatherings of a quorum of a legislative body are not considered meetings under the Brown Act.

- *Attendance by One Legislative Body at a Meeting of Another*
  Attendance at a meeting of another commission or the City Council does not need to be separately noticed, provided that a quorum of the attending body does not discuss privately among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of that body (Government Code Section 54952.2(c)(4)). This exception includes noticed meetings of

legislative bodies of other public agencies, not just those of City commissions or the Council.

- *Attendance at Conferences and Other Gatherings Open to Members of the Public*
  Attendance at a public conference is permissible as long as a quorum of the body do not discuss among themselves specific business that is within the subject matter jurisdiction of the City.

- *Purely Social or Ceremonial Occasions*
  Attendance at purely social or ceremonial occasions are not considered meetings as long as the participants do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the City (Government Code Section 54952.2(c)(5)).

- *Open and Public Community Meeting Organized by An Entity Other Than the City to Address a Topic of Local Community Concern*
  Attendance at a meeting organized by persons or groups other than the City to address a subject of local community concern may be attended without noticing the meeting as long as members of the legislative body only participate in the public program and do not discuss among themselves matters of specific business within the jurisdiction of the City.

NOTE: Any activity that involves a quorum discussing commission business is a meeting and must be compliant with all Brown Act requirements.

3) Violations and Danger Areas

Serial Meetings

One type of illegal meeting is a “serial meeting.” A serial meeting is one in which a quorum of a legislative body communicates with each other, directly or indirectly, through whatever medium, to develop collective concurrence.

There are many types of serial meetings, all of which are prohibited.

A literal serial meeting is one in which members of a legislative body constituting a quorum meet in smaller groups, serially, or a single member meets with enough other members to constitute a quorum individually, one after the other.

A communication from staff asking a quorum of a legislative body for comment can lead to a serial meeting if feedback from commissioners assists staff in developing a policy or taking an action that takes into account their points of view.

However, a staff member may have separate conversations or communications with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the commission if that staff person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

Special Note:

It is acceptable for staff to provide information to commissioners, communicate meeting information, and answer questions as long as staff does not share commissioners' opinions with other commissioners.

Another type of serial meeting can result—sometimes unintentionally—from improper use of e-mail. E-mail communication between a quorum of a legislative body to develop a collective concurrence constitutes an illegal serial meeting (Government Code Section 54952.2(b)). To avoid this problem, members of legislative bodies should never use the "reply to all" function to an e-mail that may be addressed (even via "bcc") to a quorum of the legislative body. Since it is not always possible to know who might receive a "reply to all," it is better to simply never use the function. Of course, a serial meeting can occur from forwarding an e-mail as well.

Amendments to the Brown Act now include prohibitions on members of a legislative body "liking" or commenting on the social media posts of other members.

Question:

If a commission secretary sends an e-mail to a quorum of their commissioners requesting feedback on a subject under the commission's purview, is it a violation of the Brown Act?

Answer:

It could be. If the secretary shares answers among the commissioners, it could be construed as a serial meeting. If the feedback from the commission assists staff in developing a policy or taking an action, it could be considered collective concurrence.

Question:

If a commissioner is unable to attend a commission meeting but has valuable information for the commission to consider, may they send an e-mail to the full commission?

Answer:

E-mail communication between a quorum of a legislative body can constitute an illegal serial meeting (Government Code Section 54952.2(b)). In this case, it would be best for the commissioner to share their information with the secretary, who can then disseminate it to the full commission and the public.

Retreats, Forums, Workshops

Retreats, forums, study sessions, workshops, and similar are considered meetings. Any such activity, where a quorum of the commission is present and is hearing, deliberating, or discussing commission business, ***is a meeting***. It must meet all the requirements for notice, public participation, location, and accessibility. Any such meeting would count toward the limit on the number of meetings set by Council.

Lobbying
Serial lobbying by members of the public of all commission members is not prohibited *as long as they are not acting as intermediaries between members of the legislative body* (Govt. Code Section 54952.2 (c)(1)).

Question:
A member of the public who is not a member of the commission contacts the chair and advocates for an item the commission will hear at the next meeting. The member of the public states that he already has the support of four out of nine commissioners and asks if he can count on the chair's vote. Is this a Brown Act violation?

Answer:
It is not illegal for a member of the public to advocate for an agenda item. However, when this person tells commissioners about other commissioners' intentions, they may be considered as acting as an intermediary. In this scenario, the chair should suggest the member of the public send an e-mail through the secretary for all the commissioners and the public to read.

C. PUBLIC COMMENT AT MEETINGS

Every agenda for a regular meeting must allow the public to speak on any item in the commission's purview as well as on each specific item of business before the commission. Per the Brown Act, no member of the public can be required to give their name in order to attend or speak at a meeting.

1) Public Comment on Items Not on the Agenda

Members of the public must be allowed to speak on any item under the commission's purview, even if it is not on the agenda. The time allowed for these comments is the same as that for Action or Discussion items (generally two or three minutes per speaker). Non-agenda comments may be at the beginning or end of the meeting depending on the preferred agenda sequence of the commission.

2) No Discussion of Items Raised at Public Comment

Public comment on items that are not on the agenda cannot be used to start a discussion between commissioners or to take action in response to comments. Government Code Section 54954.2 does allow members of the legislative body or its staff to make brief responses to comments made during non-agenda public comment. It is also permissible for a member of a legislative body to ask a question for clarification, make a brief report on their own activities, and make a referral to staff or ask that an item be placed on a future agenda.

3) Public Comment Must be Allowed Prior to the Vote

For items on the agenda, the Brown Act requires that public comment be permitted prior to the commission voting on the item. The procedure for public comment should be the same for all meetings and adopted as a commission policy or in the commission bylaws, if any. Generally, two or three minutes per speaker is allowed.

4) Limiting the Time for Public Speaking

Government Code Section 54954.3(b) allows a commission to adopt reasonable regulations to govern public comments. Typical of such rules are time limits on individual speakers and overall time limit on public comment. The commission should decide whether to set an overall time limit and/or limit per speaker and are encouraged to adopt it in the bylaws, if any, or as a commission policy, to be followed consistently.

5) Distinction Between Public Comment at Regular Meetings Versus Special Meetings

Government Code Section 54954.3(a) requires public comment at special meetings as well as regular meetings. At special meetings, the comment must be confined to the subject matter to be considered at the special meeting. There is no non-agenda public comment at special meetings.

6) Formal Participation by the Public/Presentations

An individual wishing to formally address the commission or make a presentation should prepare a written request to the secretary to be scheduled on a future agenda. The request is discussed at the next meeting, and the commission may grant or deny the request.

7) Recording Meetings

Audio or video recording of the meeting must be allowed except when the legislative body finds that the recording is performed in a manner that constitutes “a persistent disruption of the proceedings” (Government Code Section 54953.5(a)).

D. MEETING LOCATION AND ACCESSIBILITY

Location

Meetings of legislative bodies are generally held in public buildings. Meetings may be held in a privately-owned building or facility provided that all Brown Act requirements for noticing and accessibility are met. In addition, no member of the public shall be required to make a purchase or meet any other requirement of the private establishment as a condition of attending and participating in the meeting.

Meetings must be held within City limits unless a meeting falls within one of the exceptions in Government Code Section 54954(b).

Consult the City Clerk or City Attorney if there is some special reason to have a meeting outside City limits.

Accessibility

The Americans with Disabilities Act (ADA) has always been applicable to the manner in which the City conducts its public meetings, and provisions of the ADA have been expressly incorporated into the Brown Act.

In addition, Council policy requires that all meetings be held in accessible facilities. This includes the approach to the facility, entry, path of travel within the facility, and restrooms. Secretaries should contact the Disability Compliance Program manager for recommended locations or for a location assessment, if necessary. Secretaries should be aware of commission items related to accessibility or

persons with disabilities to prepare for accessible participation needs in advance of the meeting.

Pursuant to City of Berkeley Administrative Regulation 1.12 - Communication Access Policy, all boards and commissions must provide communication access in the form of accommodation to members of the public who have disabilities so that they may have an equal opportunity to participate in and benefit from board and commission meetings. This particularly affects members of the public who are vision or hearing impaired and may involve requests for such accommodations as providing meeting agendas in large print or braille, utilizing assistive listening devices, or the provision of a sign language interpreter at the meeting itself.

Upon request, it is the responsibility of the Disability Compliance Program to arrange for reasonable accommodation at no cost to the requesting individual. Although A.R 1.12 states that three working days advance notice will ensure accommodation availability, every attempt will be made to arrange accommodation even on short notice. Although primary consideration should go to the disabled individual's preferred type of accommodation, when a particular type of accommodation is not available on short notice, an alternative type of accommodation may be considered. For example, if braille or large print isn't available on short notice, staff may read the document to the vision-impaired person as an alternative.

Commissioners with disabilities will receive accommodation through the Disability Compliance Program upon request. Review Appendix H for more information.

E. AGENDA AND NOTICE REQUIREMENTS

The agenda for all regular and special meetings shall specify the time and location of the meeting, the business to be transacted, and shall be posted in the following locations:

1. On the bulletin board at Maudelle Shirek Building at 2134 Martin Luther King Jr. Way.
2. On the City of Berkeley website.
3. At the remote location, by the commissioner, if required pursuant to the City’s teleconference policy.
4. At the physical meeting location if required by statute.

Commission Secretaries must also ensure that commission meetings are posted to the online Events Calendar.

No business, other than that included on the agenda, can be considered by the commission at any type of meeting.

1) Regular Meetings

At least 72 hours before a regular meeting, the commission secretary shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to

be discussed in closed session. A brief general description of an item generally need not exceed 20 words.

2) Special Meetings

Special meetings may be called by the chair or a majority of commissioners. The agendas must be posted no less than 24 hours prior the meeting.

3) Media List for Meetings

In order to give proper notice of a meeting, it is important to ensure that the commission secretary maintain a current list of media. The City Clerk has developed a list of media that is used to give notice of City Council meetings. This list may be used along with any other media outlet that may have requested notice of a particular commission's meetings.

4) Agenda Titles/Purpose

The purpose of the agenda is to inform the public regarding the issues to be discussed. Government Code Section 54954.2 of the Brown Act requires that agenda item titles fully describe the issue or action to be discussed and/or taken. This requirement, therefore, precludes such agenda titles as "University Avenue Improvements" or listing a topic on every meeting agenda to cover the "possibility" of discussion.

In preparing the agenda, consider the position of a member of the public and determine if a reasonable person could determine from the agenda title what the commission is discussing and what action is being proposed.

For example: "University Avenue Improvements" listed on an agenda by itself does not provide enough information. An appropriate title might be:

"Adopt a Recommendation to the City Council to Proceed with the Proposed $5 million University Avenue Landscaping Improvements"

Another example: "Earth Day" listed on an agenda by itself is too vague. An appropriate title might be:

"Discussion of Recommendation to Council to Sponsor Earth Day Parade"

The agenda must be clear on what action, if any, may be taken on an item. The agenda should list the recommendation or action proposed using the 20-word guideline. By using a full explanation in the item title (never use acronyms), members of the public who may be in favor of or opposed to such an issue will know to be present at the commission meeting to discuss their views.

5) Agenda Format/Headings

Prior to each meeting of the commission, the secretary prepares and distributes an agenda, which usually includes but is not limited to the following: Roll Call, Public Comment, Approval of Minutes, Public Hearings, Old Business, New Business (with appropriate description of the item under the headings of Public Hearings, Old Business, and New Business),

Information Items, Communications, and Adjournment. The agenda must be approved by the chair prior to distribution.

Commission agendas may vary to suit commission needs, but the Council agendas provide a good guideline.

Every regular and special meeting agenda must include the following.

- Name of the commission
- Type of Meeting (regular or special)
- Day, date, time, and location of the meeting
- A brief, general description of each item of business, including the recommended action
- Public comment period
- Communication access information (A.R. 1.12) and ADA disclaimer:

   "This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs."

- SB 343 Disclaimer:

  "Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at _____ Department located at _____."

- Communications Disclaimer:

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

Agendas may include the following if applicable:

- Accessibility of Meeting Facilities
  All meeting facilities must be accessible. If, however, the accessible entry or path of travel is other than the main or common entrance or path to the meeting location, such information and directions must be so noted on the agenda.

- Use of Dates
  Items for which material was included in the past and which are not duplicated again as part of the agenda packet should contain the date of the previous agenda packet for reference.

- Identification of Written Reports
  It is always best practice to have complete reports published when the agenda packet is distributed. If reports on agenda items will be delivered at the meeting, they should be identified in the following way: "(to be delivered)."

- Oral Reports
  Agenda items for which there will only be an oral report will be identified in the following way: "(oral report)"

F. SUBMISSION OF COMMISSION AGENDA REPORTS

Any commissioner may submit items to appear on the commission agenda. Commissions should formally adopt procedures and guidelines in their bylaws, if any, or through adoption of a policy, for submitting items to the commission agenda that include, at a minimum these requirements:

- Items will be published as is – commissioners are responsible for typing their own items.
- The subject of the item must be within the commission's purview.
- The item must be submitted at least 10-14 days prior to the meeting in order to provide adequate time to compile and distribute the agenda packet seven days prior to the meeting.

Commissions may adopt procedures for late submissions if desired. The Chair approves the agenda prior to distribution. This authority is limited to the structure and order of the agenda and does not grant the chair the authority to remove any items submitted by commissioners or staff by the established deadline.

G. DISTRIBUTION OF COMMISSION AGENDA PACKETS

When all necessary documents are submitted from the commissioners by the deadlines noted above, the secretary will send complete agenda packets to commissioners no later than seven days before the meeting. The primary format for agenda packets is electronic. All written communications sent to the commission shall be distributed to all commissioners in the packet or at the next meeting. Any commissioner may opt to receive the agenda packet in hard copy format. This request must be made in writing to the secretary of the commission.

Complete agenda packets must be available in the office of the secretary prior to the meeting and be available at the meeting for public perusal. Any supplemental items must also be included in the packet for public perusal at the meeting.

An agenda without supporting materials may be distributed to other commissions or City departments whose area of interest is complementary or whose work directly impinges on the subject to be discussed.

Secretaries must maintain a list of persons requesting mailed notice and agenda packets pursuant to Government Code Section 54954.1. These rules require that any person who requests a copy of the agenda and agenda packet in writing must be mailed a copy of the agenda and packet at the time that the agenda is posted or a distribution is made to a majority of the commission. Such a written request for agendas and packets is effective for the calendar year in which it is requested and must be renewed January 1 of each year. Failure to follow this requirement will not result in the invalidation of the action taken by the legislative body. Per City policy, a fee to cover the cost of mailing and such agendas and supporting documents should be charged. The Brown Act requires that the secretary maintain a continuously updated list of persons who have requested agendas and agenda materials in writing.

H. NOTICING FOR CANCELLED AND ADJOURNED MEETINGS

1) Cancellation of Meetings

When the Meeting Is Cancelled Prior to the Meeting Date

General practice is to post a notice of cancellation, stating that the meeting has been cancelled, in all the locations that the agenda is regularly posted (on the bulletin board at the Maudelle Shirek Building 2134 Martin Luther King Jr. Way, and on the commission web page). Any persons or members of the media on a subscription list for notices and agendas should be notified as soon as possible. This should be done as soon as it is known that the meeting will be cancelled.

The secretary may cancel a meeting if there is no quorum upon polling the commission, or no agenda was posted. In this instance, a notice of cancellation is not required.

When the Meeting Must Be Cancelled Due to Lack of a Quorum

When less than a quorum of a body appears at a noticed meeting, the body may meet as a committee of the parent body, adjourn to a future date pursuant to the provisions of Government Code Sections 54955 or 54954.2(b)(3), or simply consider the meeting to be cancelled. If no members of the legislative body appear at a noticed meeting, the secretary may adjourn the meeting to a future date, determined by the secretary, and provide notice to members of the legislative body and to the media in accordance with the special meeting notice provisions set forth in Government Code Section 54956. The meeting may be cancelled for lack of quorum after waiting for 15 minutes past the noticed start time.

Although it is generally not advisable for the present commissioners to continue in the meeting as a committee because the committee cannot make recommendations to the Council, it may be advisable under some circumstances. For example, when members of the public are present and want to give their input on a policy matter pending before the commission, the commissioners present may wish to continue as a committee in order to obtain the input from the public so as to not inconvenience the members of the public who came to give testimony.

Per Resolution No. 65,127-N.S. (and its successors), commission secretaries must submit an Information Report to the City Council whenever a commission cancels two consecutive meetings for lack of a quorum.

When a Meeting Is Adjourned to a Subsequent Date

Notice of the adjournment, including the date to which the meeting is adjourned, must be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment.

Rescheduling a Cancelled Meeting

In order to reschedule a meeting, the commission must act to modify the meeting schedule through the commission agenda. A special meeting called to replace a cancelled regular meeting counts toward the annual meetings per year limit set by Resolution No. 68,258-N.S. and its successors. Most commissions are limited to 10 meetings per year. Any meeting not on a regular meeting date is a special meeting unless the commission formally voted to amend the annual meeting schedule.

CHAPTER V. COMMISSION PROCEDURES

CHAPTER V. INDEX

A. Polling, Quorum, and Voting....53
B. Basic Rules and Procedures of Commission Meetings....55
C. Order and Decorum....58
D. Special Procedures....59
E. Administrative Procedures....62
F. Berkeley Open Government Ordinance....63
G. Use of the City Logo and Business Card Policy....64

Following proper procedures will ensure the validity and integrity of commission actions. It is essential that secretaries and commissioners remember that the standards of conduct and transparency are higher for public legislative bodies. These procedures ensure clear and efficient conduct of commission business and facilitates a productive public process.

A. POLLING, QUORUM, AND VOTING

1) Polling

The commission secretary should poll commissioners at least three days before the agenda is created to determine if there is a quorum for the meeting and communicate this information to the chair.

2) Polling for Special Meetings

In instances where the Council desires a prompt advisory recommendation and there is no time to consider the Council's request at a regular meeting, a special meeting should be called by the chair or a majority of the commission. If a quorum cannot be assembled for a special meeting, the commission secretary so advises the City Manager and indicates the date that the commission is expected to be able to consider the issue.

3) Quorum

A quorum is the minimum number of commission members who must be present for the valid transaction of business. In order to take any action, a quorum of commissioners must be present. For the purposes of these guidelines, a quorum means a majority of Actual Appointees. Thus, if a commission has nine Actual Appointees (out of a potential of nine), five commissioners constitute a quorum. If there are only five Actual Appointees (out of a potential of nine), three commissioners constitute a quorum.

Vacancies and commissioners who have been granted a Leave of Absence (LOA) are subtracted from the total number of seats to determine the number of Actual Appointees (see table on the last page). The number of Actual Appointees is not reduced when a temporary appointee is absent from a meeting or when a commissioner fails to attend and does not have a LOA.

4) Voting

The number of affirmative votes needed to pass a motion is the same number that constitutes a quorum—a majority of Actual Appointees. This ensures that a majority of those actually appointed to a commission endorse the action being taken. If one were to allow a majority of a quorum to take action (instead of a majority of those actually appointed), formal action could be taken by a very low percentage of those actually appointed (e.g., if there were five Actual Appointees to a nine-member body, a quorum would be three, and action could be taken by two appointees).

Occasionally, a particular enabling ordinance or resolution may create a different requirement. The enabling legislation that established the commission should be consulted for particular requirements.

The following chart indicates the numbers needed to take action.

Total Number of Seats*	Actual Appointees	Quorum**	Votes Needed for Action
9	9	5	5
9	8	5	5
9	7	4	4
9	6	4	4
9	5	3	3
9	4	3	3
9	3	2	2

**This refers to the authorized membership under the commission's enabling legislation.*

***Quorum rules apply to committees. If a commissioner on a committee of four is on an excused LOA, the actual appointees becomes three, and the quorum becomes two. No committee may operate with less than two Actual Appointees. Remember, a temporary appointee does not assume the committee memberships of the commissioner for which they are serving.*

Scenario 1

A commission with nine seats. Two commissioners have a LOA, and one seat is vacant. For one seat, a temporary appointment has been made for the commissioner on leave. The number of Actual Appointees is seven, the quorum is four, and the number of votes needed for action is four.

Scenario 2

A commission with nine seats. Three commissioners do not attend and do *not* have leaves of absence. One seat is vacant. The number of Actual Appointees is eight. The quorum is five. The number of votes needed for action is five.

In Scenario 2, there are five commissioners in attendance, and the votes needed for action is five. All votes must be unanimous in order to complete commission business. This highlights the importance of

requesting a LOA in advance of a meeting. Had the three absent commissioners obtained a LOA, the number of Actual Appointees would have dropped, thus lowering the quorum and the votes needed to take action.

B. BASIC RULES AND PROCEDURES OF COMMISSION MEETINGS

With a few narrow exceptions not applicable to most commissions, all meetings of legislative bodies must be open to the public (Government Code Section 54953).

No one can be required to give their name in order to attend or speak at a meeting.

Audio or video recording of the meeting must be allowed except when the legislative body finds that the recording is performed in a manner that constitutes "a persistent disruption of the proceedings" (Government Code Section 54953.5(a)).

1) Teleconferencing

Teleconferencing by commissioners is permitted only under the circumstances described below.

Teleconferencing as an Accommodation

First, teleconferencing is permitted when provided as a reasonable accommodation under the American with Disabilities Act (ADA) as determined by the ADA Program Coordinator. Teleconferencing accommodations are considered on a case-by-case basis.

Pursuant to the Brown Act, the address from which the commissioner is teleconferencing must be included on the relevant meeting agenda and the meeting agenda must be posted at the teleconferencing location. Additionally, a commissioner appearing by teleconference must publicly disclose whether any other individuals 18 years of age or older are present in the room at the remote location with them, and the general nature of the member's relationship with any such individuals. However, commissioners with disabilities may request a waiver of these requirements by self-attesting to their need for an exemption.

More details on the accommodation process are available in Appendix H.

Teleconferencing for Just Cause or Due to Emergency Circumstances

Second, if resources are available at the meeting location, commissioners may attend meetings of the full commission via teleconference for "just cause" or "emergency circumstances" for up to two (2) meetings per calendar year combined. Regardless of whether the reason for the remote appearance constitutes "just cause" or is an "emergency circumstance" the total number of allowable teleconference uses per year is two. Commissioners may only appear for "just cause" or "emergency circumstances" if the commission secretary ensures, by stating on the record or recording in the meeting minutes, that all of the following requirements are met:

- At least a quorum of the members of the commission or board are participating in person from a singular physical location clearly identified on the agenda.
- Resources available at the meeting are sufficient to allow the public to participate via a two-way digital platform in which the public may remotely hear and visually observe the meeting, and remotely address the commission or board.
- The agenda identifies the means by which the public may access the meeting and offer public comment remotely and at the in-person location.

If these requirements are met, commissioners may teleconference for "just cause" if they notify the commission (through the secretary) at the earliest opportunity possible of their need to participate remotely, and include a general description of the circumstances relating to their need. "Just cause" can include (a) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (b) a contagious illness that prevents a member from attending in person; or (c) a need related to a physical or mental disability not otherwise accommodated through the ADA accommodations process.

If a commissioner's reason for needing to participate remotely does not fall into one of the "just cause" categories, but the commissioner needs to participate remotely due to a physical or family medical emergency that prevents the commissioner from attending in person, the commissioner may teleconference into a meeting due to "emergency circumstances." Commissioners intending to teleconference due to "emergency circumstances" must notify all the other members of the commission, through the commission secretary, as soon as possible of their need to participate remotely, including by providing a general description of the circumstances relating to the emergency. The description need not exceed 20 words and need not disclose any particular medical diagnosis, disability, or personal medical information. If a commission receives a request to participate remotely due to emergency circumstances, it shall take action at the meeting to approve or deny the request. If a commissioner's request is denied, the commission secretary shall promptly disconnect the commissioner from the remote meeting.

Commissioners participating via teleconference for "just cause" or "emergency circumstances" do not need to make a formal request for accommodations through the ADA accommodations process, regardless of whether the reason for the need to teleconference relates to a disability. Such commissioners also need not include the address from which they are teleconferencing on the agenda, post the agenda at the teleconferencing location, or open the teleconferencing location to the public. However, such commissioners must participate through both audio and visual technology, and must publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room with the commissioner at the remote location, and the general nature of the commissioner's relationship with any such individuals.

The ability of commissioners to participate remotely for just cause or emergency circumstances is dependent on the resources available at the meeting location and is not guaranteed. Additionally, teleconferencing for more than two (2) meetings per calendar year, regardless of whether the remote participation is for just cause

or for emergency circumstances, is not permitted unless authorized through the reasonable accommodation process described in Appendix H.

2) Establishment of Meeting Rules

The chair will control the debate among commissioners so that everyone has a chance to speak before others speak for a second time and to expedite the business at hand. To this end, commissions may establish their own rules to limit debate.

3) Motions

A motion is required in order for the commission to take action. If public comment is taken on each item as it is heard, a motion on an agenda item typically takes place after public comment and during the commission's deliberation.

Step One: Make the Motion

Any member of the commission, including the chair and vice-chair, may make a motion by stating, "I move to …" and then clearly explaining the action.

Step Two: Second the Motion

Before any debate or conversation regarding the proposed motion, another member of the commission must clearly state that they second the motion. If no commissioner seconds the motion, then the motion dies. If seconded, a motion may not be withdrawn or revised by the mover without the consent of the commissioner seconding it.

Step Three: Debate

The chair should read the motion prior to debate to ensure the motion is understood by the commission and the public. The commission is then free to debate the motion.

Step Four: Amend If Needed, and Restate

Sometimes the motion may be amended during debate. Amendments may be "friendly" or made by motion. A friendly amendment is an amendment that is proposed by a commissioner and then accepted by the maker and seconder of the motion without the need for a vote. If the maker and seconder do not accept the friendly amendment, the amendment may be proposed in the form of a motion, then must be seconded, and then voted upon. If passed, the amendment becomes part of the main motion.

The motion, whether amended or not, should be restated by the chair prior to the vote.

Step Five: Vote

After discussion has ended and immediately prior to the vote, the secretary or the chair should clearly state the full motion (with any amendments). The commission is then free to vote on the matter. Motions may be adopted by the "no objection" method unless any commissioner prefers voice or roll call vote. A roll call vote is required if any member is participating remotely. A roll call may be required if it is in the commission's bylaws, or if a commissioner requests a roll call vote. While the "no objection" method may expedite a long agenda, a roll call vote may be

preferable to provide greater clarity and understanding on commission proceedings for the commissioners, the secretary, and the public in attendance.

If a roll call vote is used, the secretary then calls the roll (always calling the names in the same order). A commissioner may "pass" and vote last after the first time through the roll. The record must identify those voting ayes, those voting no, those abstaining, and those absent, including any member absent for recusal and the reason for the recusal. After all commissioners have voted, the secretary announces the vote totals and whether or not the motion passes.

If the motion is adopted, the maker's written version of the motion, if any, should be given to the secretary for reference in preparation of the meeting minutes.

4) Motion to Reconsider a Vote

A commission may reconsider their action on a vote taken earlier in the meeting if the meeting is still in session. To reconsider a vote, a commissioner from the prevailing side of the original vote must make a motion to reconsider. Any commissioner may second the motion to reconsider. If the motion to reconsider passes, another motion restating the original motion, and any revisions, must be made, seconded, and voted on.

Once the meeting is adjourned, an agenda item must be resubmitted for a future meeting for it to be reconsidered by the commission.

Scenario:

Commissioner Bob moved, and Commissioner Frank seconded, a motion to recommend the City Council approve a proposal for a new park. The vote was, Ayes: Bob, Frank, Millie, Anna, Ralph, Lee; Noes: Ally, Michael, Bradley. Commissioner Bradley wants to reconsider their vote. Commissioner Bob, Frank, Millie, Anna, Ralph, or Lee are able, if they choose, to make a motion to reconsider the vote. Any commissioner may second the motion. If the motion to reconsider passes, any commissioner may propose the new motion.

5) Parliamentary Procedure and Robert's Rules of Order

More detailed information on parliamentary procedure for chairs and commissioners, the precedence of motions, and voting procedures is contained in informational materials provided by the City Clerk Department. Parliamentary rules derive from Robert's Rules of Order.

C. ORDER AND DECORUM

1) Conduct of Public in Attendance

Persons attending the meeting must observe the rules and procedures of the commission and shall not disrupt commission business, for example, by shouting; making disruptive noises, such as boos or hisses; creating or participating in a physical disturbance; speaking out of turn or in violation of the commission's procedures or rules; preventing or attempting to prevent others who have the floor from speaking; preventing others from observing the meeting; entering into or remaining in an area of the meeting room that is not open to the public; or approaching the commission without consent.

Any request to communicate with the commission while it is in session (outside of public comment) should be through the commission secretary.

Members of the public who do not follow the rules for decorum may be asked to leave the meeting by the chair. If a member of the public creates a significant physical disruption to the conduct of the meeting or acts in a threatening manner toward another member of the public, staff, or commissioners, law enforcement personnel should be called by the staff or the chair to remove the individual from the premises. The Chair may call a short recess and commissioners and staff may leave the room while waiting for an individual to leave the meeting, or for law enforcement personnel to arrive.

Although not required, each person addressing the commission may give their name and city of residence. All remarks should be addressed to the commission as a body and not to any specific commissioner. Only comments from persons recognized by the chair are in order.

Any question asked of a commissioner must be asked through the chair. After being recognized by the chair, a commissioner may briefly respond to comments made during the public comment period or may pose a question to the person speaking at public comment or during a public hearing. See Chapter IV, Section C for public comment regulations and guidelines.

2) Commission Conduct

While the commission is in session, the commissioners should not interrupt the proceedings or any commissioner or member of the public who has the floor.

The chair or the vice-chair may participate in the debate, subject only to such limitations of debate as are imposed on all commissioners. The chair should not be deprived of any of the rights and privileges enjoyed by a commissioner by reason of their acting as the presiding officer.

Every commissioner desiring to speak should address the chair and, upon recognition by the chair, should confine themselves to the question under debate.

A commissioner, once recognized, should not be interrupted when speaking unless it is to call them to order or for a point of personal privilege. If a commissioner, while speaking, is called to order, they should cease speaking until the question of order can be determined, and, if in order, they should be permitted to proceed.

D. SPECIAL PROCEDURES

1) Public Hearings

Public hearings are held only when required by law. When a hearing is required by law, the procedure for that hearing may also be specified by that law. In public hearings held by quasi-judicial commissions such as the ZAB, LPC, HAC, OGC, or FCPC, special rules apply.

Notice of Hearing

Where a public hearing is mandated by law, the form and timing of the advance notice is specified by City or state law. The commission's secretary will handle all such requirements. Noticing beyond legal requirements is permitted but not required.

Certain public hearings require a posting in the area affected by the subject matter. Again, all legal notice requirements are properly handled by the commission's secretary.

Conduct of Hearing

The procedure to be followed for a public hearing varies depending on the governing law or regulation. In the instances where a commission acts in quasi-judicial fashion, certain minimum standards of receiving testimony must be met. These may include, but are not necessarily limited to, an introduction of the subject by either the secretary or the chair, testimony from affected persons or interested members of the public, an opportunity for the parties to the hearing to rebut, disclosure of ex-parte communications by the commission, and receipt of any pertinent documentation. No testimony can be heard after the hearing is closed. However, commissioners may ask specific questions to the parties involved or members of the public and receive a response.

At public hearings, commissions have the responsibility to hear all viewpoints of any subject. In order to ensure that all parties are adequately heard, commissions shall follow the rules below. The commission may adopt its own procedures for public hearings in addition to those listed below, and may adopt alternate time limits for presentations by representatives and comments from the public.

1. If any commissioner must be recused for a conflict of interest, they must do so immediately when the item is taken up.

2. Commissioners shall verbally disclose all ex parte contacts concerning the subject of the hearing. Commissioners shall also submit a report of such contacts to the secretary in writing prior to the commencement of the hearing. Ex parte contacts includes any contact between a commissioner and a person that is a party to the public hearing regarding the subject matter of the hearing.

3. Staff shall introduce the public hearing item and present their comments.

4. The hearing is formally declared open by the chair.

5. Five-minute presentations each by representatives of both sides of the issue. In the case of an appeal, or a single interested party, the representative shall have five minutes to present.

6. Equal rebuttal time may be afforded to both sides.

7. General public comment related to the subject of the public hearing. A speaker that spoke during the five-minute period may not speak again at the public comment portion.

8. The hearing is formally closed by commission motion and vote.

9. The commission deliberation begins after the public hearing is closed.

Action

Any action resulting from the hearing must be clearly stated in the form of a motion, properly seconded, and voted upon. The record must identify those voting ayes, those voting no, those abstaining, and those absent, including any members absent for recusal and the reason for the recusal. A roll call vote is the best voting method to ensure clarity for the public and the secretary. If findings are required as a part of the commission action, such findings should be clearly stated for the record. All potential conflicts of interest, whether they require recusal or not, should be stated at the commencement of the public hearing item.

Action must be by an affirmative vote of at least a quorum of Actual Appointees. See Chapter V, Section A for more information regarding quorums.

Under state law, action is prohibited on any matters that have not been properly noticed.

If no action is to be taken at that meeting, the chair should announce this fact and continue the item, and, if possible, advise the public of the date when action may be expected.

Recording of Hearings and Minutes

In certain quasi-adjudicating hearings, there is a legal requirement for a public hearing to be recorded. In addition, the secretary will provide a written set of action minutes, which, when adopted by the commission, constitute the legal record.

Impartiality and Standards of "Fair Play"

Commissions should be aware of the need to maintain basic standards of fair play, impartiality, and the need to avoid the appearance of bias. The chair has the primary responsibility to ensure that the varying points of view are heard, that the hearing proceeds in a timely and fair manner, and that the options for future action by the commission are clearly stated. Awareness of the varying interests within the Berkeley community is essential because the City Council depends on its boards and commissions to provide thoughtful advice based on the fullest possible study of the subject and input from all relevant segments of the community.

2) Closed Sessions

Closed sessions are rarely permissible for commissions. They are authorized by the Brown Act for certain specified reasons generally only applicable to the City Council. The most common reasons for closed sessions are to discuss pending or threatened litigation with legal counsel, give instructions to a labor negotiator, and to appoint, evaluate, hear charges against, or dismiss an employee. Please contact the City Attorney for advice well in advance of any proposed closed session to ascertain whether, under the particular facts, the commission is authorized to conduct a closed session and, if so, how such a closed session must be noticed and conducted.

E. ADMINISTRATIVE PROCEDURES

1) Commission and Board Documents

The agenda packet for a commission or board meeting contains the agenda, reports related to agenda items, and communications from the public received prior to the distribution of the agenda packet.

All writings or documents, including communications from the public, Commissioners, and Board Members, that are related to any item on an agenda and distributed to a majority of the commission or board members after the agenda packet is distributed, but before or at the meeting, must be made available for public inspection at the time the writing or document is distributed to a majority of the commission or board at a designated location identified on the agenda. The commission or board secretary maintains a public viewing binder for these documents.

All writings or documents, including communications from the public, that are distributed to a majority of the commission or board members at the commission or board meeting must be made available for public inspection as quickly as possible. Members of the public and commissioners and board members submitting written communications at commission or board meetings should be encouraged to bring enough copies for all commissioners and board members, staff and at least five additional copies for members of the public (15 copies total, for most commissions and boards). The secretary is not required to immediately make copies of documents provided at the meeting when adequate copies are not provided by the submitting individual. Documents distributed at the meeting will be available in the public viewing binder the next business day.

2) Minutes

Although the Brown Act does not require minutes, except for closed sessions, the Commissioners' Manual does require minutes of commission meetings. When required, minutes are limited to *action minutes only*. The draft minutes must be converted to PDF and posted on the City's website within seven days after the meeting. Minutes are unofficial until approved by the commission.

The secretary shall keep an accurate record of the commission's proceedings and transactions. The secretary shall provide action minutes similar to those provided to the Council by the City Clerk. Action minutes list the date, time, and place of the meetings; the staff in attendance; the commissioners present and absent; and a clear and concise description of final actions taken. Approved motions are indicated by “moved, seconded, and carried" and include a breakdown of the vote. The vote breakdown includes the commissioners voting yes, no, abstain, absent, recused, and reason for recusal. Reasons for making a motion, debate, content of public comments, and audience reaction are not to be included.

In quasi-judicial proceedings, if no recording is made, more detailed minutes are needed that summarize debate, list findings, tally speakers for and against, and note testimony offered by the appellant, witnesses, and other relevant information.

The secretary will present draft minutes to the commission for approval at the next regular meeting. Minutes are approved by motion with corrections noted, if any, or if the changes are significant, the corrected minutes may be included in the agenda packet for adoption at the next regular meeting. Commissioners not present at a meeting may vote on the approval of minutes from the meeting at which they were absent if they believe they are informed and able to consider the item.

Courtesy copies of the minutes may be distributed via email to other commissions or City departments whose area of interest is complementary or whose work directly relates to the subject that was discussed.

Hard copies of commission minutes must be signed by the secretary. These records are retained permanently. Official, signed commission minutes must also be e-mailed to the City Clerk Department Records Inbox once they have become official.

3) Recording Meetings

Audio or video recordings of meetings are not required. A commission and a secretary may decide to audio or video record their meetings, if resources permit; in this case all meetings should consistently be recorded. This is particularly important if the audio is to be posted to the web. Audio should be posted within two weeks after each meeting and must be posted for every meeting once the practice is started. Recordings must be maintained in accordance with the City's Records Retention Schedule.

4) Official Commission Records

All agendas, minutes, reports, communications, audio recordings (if retained), and any other related material should be kept in an organized manner by the secretary and in such a way that these records can be easily transferred to another staff person in the event of a change in duties or termination with the City.

The secretary is responsible for maintaining all commission records pursuant to the City's Records Retention Schedule, this Manual, and applicable Administrative Regulations.

F. BERKELEY OPEN GOVERNMENT ORDINANCE

Adopted in 2011, the Berkeley Open Government Ordinance (BMC Chapter 2.06) provides greater access to the public than is provided by state law with regard to City business and documents. The portions of the ordinance that are specific to commissions are listed below:

- Meetings of the ZAB are recorded, televised, and video streamed live as well as archived for replay. The ordinance also states the intent to add Planning Commission, Housing Advisory Commission, and Landmarks Preservation Commission meetings to the broadcast requirement when resources permit (BMC 2.06.100).
- Disclosure of ex-parte contacts prior to certain hearings as described in Chapter V. Section D (BMC 2.06.110).
- Donations to the City that may be accepted by any legislative body must be approved by the City Council at a regular meeting (BMC 2.06.150).
- Delegation of oversight functions to the Open Government Commission (OGC). The members of the FCPC also sit as members of OGC (BMC 2.06.190).

G. USE OF THE CITY LOGO AND BUSINESS CARD POLICY

Use of the City logo, branding, or collateral is restricted to communications generated from a City department. The logo may not be used for any other purposes. Commissioners may not use the City logo for any purpose that may imply or give the impression of City approval, sponsorship, representation, or coordination of any communication or activity.

Official City stationery may be used only for official commission correspondence such as memos authored by the secretary or a commission-approved letter or report to the City Council.

The City of Berkeley does not provide business cards for members of appointed boards and commissions. Commissioners are prohibited from using the city logo, branding, or collateral to create their own business cards.

CHAPTER VI. COUNCIL REPORTS AND REPORTS TO COUNCIL

CHAPTER VI. INDEX

A. Agenda Process (Open Government Ordinance and A.R. 5.1).....65
B. Council Agenda Schedule.....65
C. Commission Reports to Council 66
D. Distribution with Council Agenda Packet.....70
E. Resolutions/Ordinances Accompanying Reports 70

The City Council values commissions, and commission recommendations are an important part of Council's consideration of issues. Reports are how Council reviews and considers commission recommendations and these reports should reflect the care, analysis, and effort commissions put into studying and discussing the topic. High quality reports are an essential element of providing recommendations and information to Council. Following these guidelines will help commissioners create better reports.

A. AGENDA PROCESS (OPEN GOVERNMENT ORDINANCE AND A.R. 5.1)

Each year the Council adopts a schedule establishing the specific dates of all regular meetings and recess periods. The agenda schedule is structured to provide the City Council with copies of their agenda packet 12 days prior to the Council meeting. This allows Councilmembers and the public time to review the agenda material in order to be fully prepared to discuss and consider the agenda items.

The City Clerk is the coordinator for the agenda process. The City Clerk routes commission reports and the accompanying City Manager report, if any, to reviewers in the City Manager and City Attorney departments. The City Manager cannot prevent a commission report from going to the Council, but the review process may result in a request that the commission clarify some portion of its report in order to provide the Council with the best information possible.

The City Clerk posts City Council agendas, annotated agendas, and all reports including proposed resolutions and ordinances on the City's website. The City Clerk also provides live captioned webcast and video archives of Council meetings. The City offers e-mail subscription notification for newly posted Council information. Commissioners who wish to be notified when new electronic copies of agendas and annotated agendas are posted may subscribe to the City's e-mail subscription service.

B. COUNCIL AGENDA SCHEDULE

Coordinating, organizing, and assembling the large volume of information and reports that comprise the agenda packet is a complex task. The City Manager establishes an agenda schedule setting forth the various deadlines for submittal of agenda items based on meeting dates of the Council Agenda & Rules Committee and the City Council.

Commissions must comply with the agenda submission deadlines when planning to make a recommendation to the City Council. Reports to the City Council are due to the City Clerk 33 days prior to the meeting. Reports not submitted in accordance with this schedule will be delayed to a later meeting date.

C. COMMISSION REPORTS TO COUNCIL

1) Method of Communication

A commission transmits its findings and responds to referrals and other communications to the City Council through a report on the City Council agenda. Commissions must stay within their purview when making recommendations to Council.

When the City Manager differs with the recommendations of a commission or wishes to include additional or different information, the City Manager may present a City Manager Companion Report to the Council highlighting alternate recommendations or additional information. Otherwise, the City Manager section of the report should state "City Manager [concurs with/takes no position on] the content and recommendations of the commission's report."

Alternately, commissions may relay their position on an issue to the Council in the form of a letter. These communications to Council must be approved by the full commission. The letter is then signed by the chair, and the secretary submits it to the City Clerk as a communication as soon as practicable. Commission letters are published in the regular communications packets that are distributed directly to the Council, available through the online records portal, and available at the meeting. These are less formal documents that do not carry the weight of an officially adopted recommendation by Council. This type of communication is typically used when, for example, an item on the Council agenda is of interest to the commission and under their purview, but the timeline doesn't allow the commission an adequate opportunity to prepare a formal report.

For reports on the Council agenda, commissions may prepare the types of reports described below. These reports go through the agenda review process described below and will ultimately be distributed to Council as part of an agenda packet. All three types of commission reports to Council shall state the full commission motion and the listing of how each commissioner voted. It must also state whether or not any commissioner was recused and the reason for recusal.

EXAMPLE:

At the [date of commission meeting] meeting, the commission took the following action:

Action: M/S/C (Fernandez/Jones) to [input text of the motion…].
Vote: Ayes – Nguyen, Okafor, Garcia, Lee, Fernandez; Noes - Wong, Jones; Abstain – Stein; Absent – Smith (Recused: lives within 300 feet of project).

Information Reports

This type of report should be used when the subject matter seeks to advise or inform the Council on a subject but does not request any action by Council. Information reports do not include formal recommendations.

Commissions typically submit their annual workplan to council though an Information Report.

Consent Calendar Reports
This type of report must include a specific recommendation for Council approval, adoption, or authorization. All items on the Consent Calendar are approved with a single vote of the Council. Items that are controversial or complex should not be submitted for the Consent Calendar. This type of report should be used when an item needs to be acted on by Council but is routine in nature. In a Consent item, the City Manager section of the report should state "City Manager [concurs with/takes no position on] the content and recommendations of the commission's report."

Action Calendar Reports
This type of report is for items that require a full dialogue with Council, have particularly high public interest, or are complex in nature. These reports must include a specific recommendation for Council approval, adoption, or authorization. If the City Manager submits a companion report to a commission report, typically with an alternative recommendation, both reports must be submitted for the Action Calendar and will appear together as items (a) and (b) under the same item number.

2) Basic Steps for Communicating to Council

1. An item is placed before the commission by Council referral, staff, or a commissioner.
2. The commission agendizes the topic.
3. The commission discusses the agendized item and votes to send its recommendation or findings to Council.
4. The commission drafts a report, approving the text by motion and vote, and sends it to the secretary (it may take several commission meetings to fully discuss an item and agree on findings).
5. The secretary enters the report into the agenda review process.

3) Creating Council Reports

The commission is responsible for drafting the text of the report and providing the final text to the secretary. With the permission of the full commission, final editing duties may be assigned to specific commissioners.

4) Formatting and Submitting Council Reports

The secretary of the commission is responsible for formatting and submitting the commission report as approved by the commission and upon final review by the commission chair or their designee. The chair of the commission is listed on the report on the "Submitted by:" line in the heading. The City Manager may ask the commission for additional information and/or clarification before placing the report on the agenda.

5) Timeline

Once the commission provides the complete text of the report to the secretary, the secretary ensures that it is in the proper format and submits

it through the department director to the City Clerk. The secretary must submit the commission report into the agenda process no later than three weeks following receipt of the final report text.

Once the commission report has been placed on a draft City Council agenda, the Agenda & Rules Committee has the following options with regards to scheduling the commission item:

1. For a commission item that does not require a companion report from the City Manager, the Agenda & Rules Committee may 1) move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar; 2) re-schedule the commission report to appear on one of the next three regular Council meeting agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling; 3) refer the item to a policy committee; or 4) allow the item to proceed as submitted.

2. For any commission report that requires a City Manager companion report, the Agenda & Rules Committee will schedule the item on a Council agenda for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the Agenda & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to the paragraph above.

As stated above, the deadline to submit reports for the Council agenda is 33 days prior to the meeting. Departments may have additional deadline requirements. As a general guideline, a commission should allow at least three months for an item or recommendation to be considered and adopted by the commission, then entered into the Council agenda process, and ultimately be heard at a City Council meeting.

6) Votes Needed to Take Action

On rare occasions, a commission may be unable to achieve the number of votes needed to take official action in time for consideration of an issue by the City Council. In such cases, a commission may communicate the opinion of fewer commissioners than the officially required majority. Nothing in this section shall be construed to prevent the City Manager from reporting what occurred at the commission meeting.

Scenario:

A commission of nine Actual Appointees, where there are only five commissioners present at the meeting (thus achieving the required quorum of five). These five commissioners disagree: three voting for a proposal and two against. If time permits, the matter would be held until all commissioners were present and a definitive recommendation voted upon. If, however, the matter is time sensitive, the commission could

take action to communicate the facts to the Council and indicate those voting for each of the opposing viewpoints.

7) Reports to Council: Structure/Content/Format

It is the commission's responsibility to provide complete, concise, and accurate reports to the Council so that the City Council fully understands the issue and what action, if any, it is being asked to take.

It is the responsibility of the commission to ensure that each report includes:

- A clear recommendation on what action the commission is asking the Council to take.
- A realistic evaluation of the financial implications of the recommendation and, if possible, potential funding sources.
- The reason(s) for making the recommendation.
- The facts on which the recommendation was made.
- The resolution or ordinance in proper format, if needed.

High quality commission reports and recommendations take into account the Council's need to view an issue from as many perspectives as possible. The Council must fully understand the relevant background and implications, including costs, if possible, of each action it is asked to take. Submission of high-quality reports will enable the City Council to act knowledgeably and expeditiously on commission recommendations and will reduce the likelihood of the Council referring the report back to the commission for clarification.

High quality reports entail the following key procedural aspects:

- Review by other affected commissions, if any, prior to submission to the City Council.
- Proper report format and preparation.
- Legal review by the City Attorney, when appropriate.
- Consideration of potential monetary costs.

The format requirements for reports to the Council are the same for commissions as for staff. It is the secretary's responsibility to follow format requirements when finalizing a commission report. Format templates and examples are available to secretaries through the City’s intranet.

Commission reports may be considered incomplete in one or more of the following instances.

- When the discussion and evaluation of the financial implications and, if possible, funding sources are not included.
- When the report has not been reviewed by another commission(s) whose review is essential if the Council is to make an informed decision.
- When an improper format has been used.

- When the recommendation or implications of the recommendation are unclear because of inadequate information.
- If any attachments such as resolutions, letters, or supporting documentation are missing.

The secretary must ensure that the City Manager companion report is submitted in accordance with established timelines so that it does not delay the commission item.

8) Review by Other Commissions

Often the spheres of interest of various commissions overlap, depending on the specific issue. Before a commission recommends action on an issue, it should invite other commissions with an interest in the topic to review the subject and offer a response, whether or not the Council specifically requested such coordination.

Scenario 1

The Parks, Recreation, and Waterfront Commission (PRWC) is working on a recommendation regarding a children's cycling program. The PRWC should have their recommendation reviewed by the Transportation & Infrastructure Commission to determine if there are any safety, policy, or infrastructure improvements that might need to be considered.

Scenario 2

The Commission on Aging is planning to recommend the funding of a health care clinic for seniors. It should refer the proposal to the Community Health Commission and the Mental Health Commission.

If a referral to another commission has been made, the commission writing the report indicates at the beginning of the report the fact that it made a referral and what the response to the referral was, if any.

A typical process for commission coordination would be for Commission A to develop a draft report, pass a motion to refer the draft report to Commission B and others as necessary to review the report and submit comments back to Commission A, which incorporates comments, revises the report as necessary, and submits it to Council. All of the information sharing in this sample process is conducted exclusively through the commission secretaries.

D. DISTRIBUTION WITH COUNCIL AGENDA PACKET

Reports that have completed the legislative review process will be distributed by the City Clerk to the City Council as part of an agenda packet.

E. RESOLUTIONS/ORDINANCES ACCOMPANYING REPORTS

Most actions taken by the Council do not require a resolution or ordinance. When a resolution or ordinance is absolutely necessary and required for legal or financial reasons, commission secretaries should obtain the proper template from the City

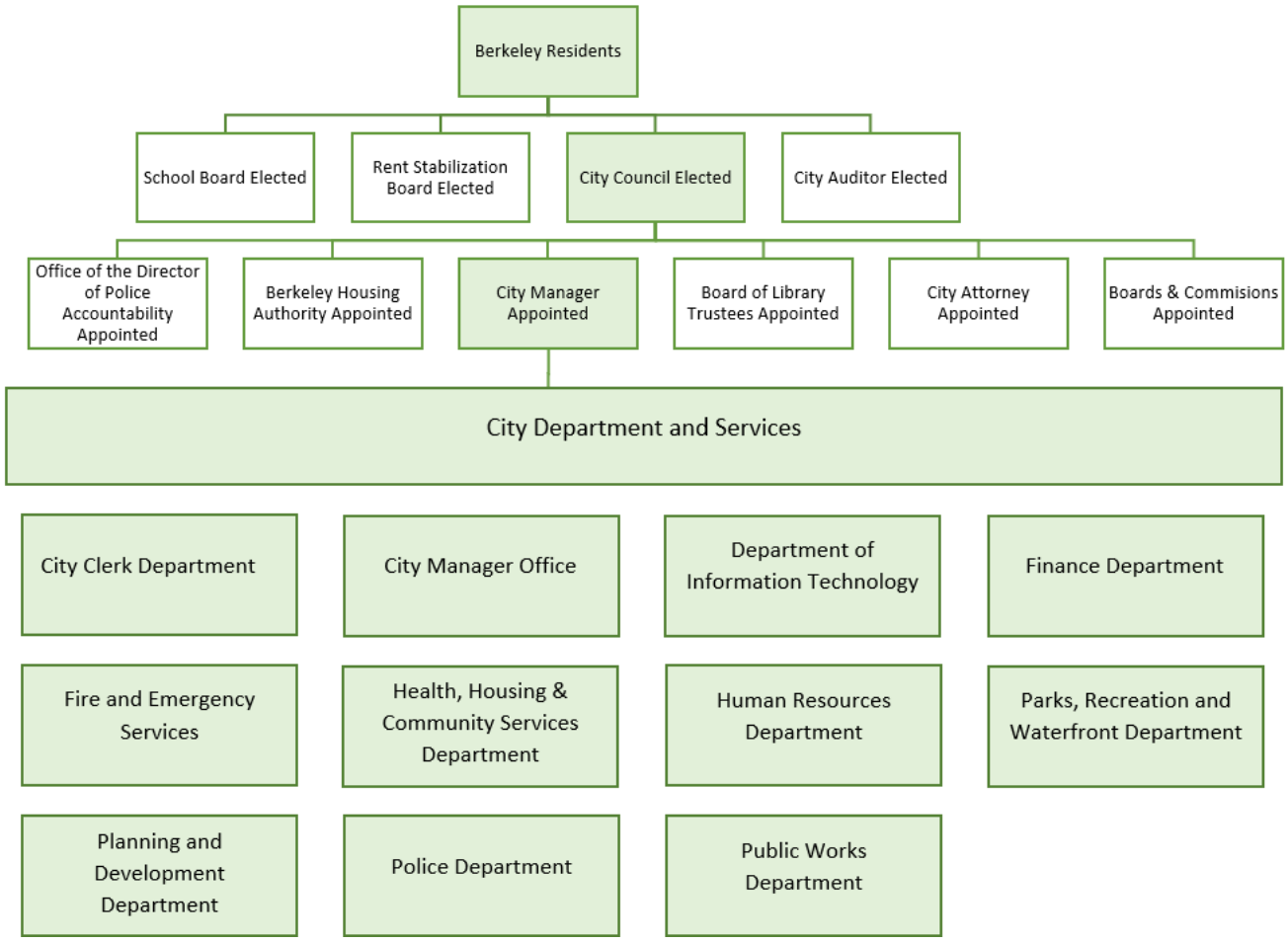
Clerk for inclusion with a commission's report. These guidelines should be followed.

- The secretary will ensure that all resolutions and ordinances follow the format provided in the City Clerk Department templates posted on the intranet.
- If the Commission is proposing an ordinance for adoption that will be codified in the BMC, they must follow the formatting procedures provided by the City Clerk Department on the intranet. In addition, the ordinance must be forwarded to the City Attorney and City Clerk for review prior to submitting the final report to the City Clerk for the agenda process.
- Resolutions and ordinances must be carefully proofread for accuracy.

APPENDICES

APPENDIX A. Berkeley Municipal Organization Chart 73
APPENDIX B. Berkeley City Charter Section 36 74
APPENDIX C. BMC Chapter 3.64 75
APPENDIX D. City Attorney Memo Regarding Conflict of Interest 77
APPENDIX E. Incompatibility; Recusal; Automatic Vacancy 81
APPENDIX F. Resolution No. 53,989-N.S. 83
APPENDIX G Administrative Regulation 3.2; Stipends for Commissioners 83
APPENDIX H. Accommodations for Persons with Disabilities.....90
APPENDIX I. Information for Newly Appointed Commissioners 94

APPENDIX A. BERKELEY MUNICIPAL ORGANIZATION CHART



APPENDIX B. BERKELEY CITY CHARTER SECTION 36

Charter of the City of Berkeley

BMC Chapter 3.64

Section 36. Officers not to be interested in contracts or franchises.

No officer or employee shall be directly or indirectly interested in any contract, work or business of the City, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the City or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the City. No officer shall be in the employ of any public service corporation in the City or of any person having any contract with the City or of any grantee of a franchise granted by the City.

Provided, however, the prohibitions in this Section contained shall not apply to the following:

(a) Members of advisory Boards, Commissions, or Committees of the City, who serve without salary or other compensation; provided, however members of Boards, Commissions or Committees which perform functions other than advisory functions shall not be included within this exception.

(b) Officers or employees of the State of California or of any department, division, or constitutionally created agency thereof.

Any contract or agreement made in contravention of this Section shall be void.

Any violation of the provisions of this Section shall be deemed a misdemeanor.

The Council shall enforce the provisions of this Section by appropriate legislation.

APPENDIX C. BMC CHAPTER 3.64 INTERPRETING CITY CHARTER SECTION 36 CONCERNING MEMBERSHIP ON BOARDS AND COMMISSIONS

3.64.010 Findings.

A. For many years the Berkeley City Council has relied on an extensive system of advisory boards and commissions in the formulation of public policy, and approximately thirty commissions, with more than two hundred fifty members meet on a regular basis to reflect and express a broad spectrum of citizen opinion on civic issues.
B. The City benefits from this network of democratic participation because it provides a structured setting within which the viewpoints and experience of citizens can supplement the technical expertise of City staff professionals. In addition, this system allows the City to benefit from the wide variety of experience and specialized knowledge of selected citizens--in Berkeley, often at the cutting edge of their fields--that are sources of innovation and sensitive response to public needs.
C. The citizens on Berkeley's boards and commissions serve out of the desire to discharge civic responsibility. They are not (with the exception of the Police Review Commission and the Rent Stabilization Board) paid for their services and, in most cases, are not reimbursed for expenses they incur.
D. A commissioners' responsibilities are substantial, and entail a significant expenditure of time. Often, they are called upon to make difficult judgments and arrive at unpopular conclusions.
E. For this system of democratic participation to continue to function effectively, it is essential that citizens who volunteer their services to the City not incur unwarranted personal risk as they participate on boards and commissions.
F. Charter Section 36 prohibits an officer from being directly or indirectly interested in any contract, work, or business of the City. Although this section exempts members of advisory boards, commissions, or committees who serve without salary or other compensation, members of boards, commissions, or committees which perform functions other than advisory functions are subject to this prohibition.
G. Conflict of interest legal issues, especially those raised under the City Charter Section 36, are extremely complex, turn on subtle nuances of fact, and the legal terms used often have meanings different from their commonsense construction.
H. The ambiguities in Section 36 deter many qualified citizens from serving as commissioners for fear that they may inadvertently violate the Charter.
I. There is therefore a need to clarify the provisions of the City Charter and to balance the City's interests in preventing the use of public office for private gain against the City's need for diverse community representation on its boards and commissions.
J. City Charter Section 36 (b) authorizes the council to enact appropriate legislation to implement the provisions of City Charter Section 36 and Charter Section 118 authorizes the council to enact legislation which may be necessary and proper to carry out any of the provisions of the Charter.

K. Enactment of legislation clarifying and implementing Section 36 is necessary and proper for the reasons set forth above. (Ord. 5694-NS § 1, 1985)

3.64.020 Definitions.

For purposes of determining whether a member of a board and commission has a prohibited interest in a contract, work or business of the City within the meaning of Charter Section 36 and this chapter, the following definitions shall apply:

A. “Advisory board" or "commission." All boards and commissions of the City shall be deemed advisory except in instances when the board or commission is performing other than an advisory function as defined in subsection B below.

B. "Performance of other than advisory functions." A board or commission will be deemed to perform other than an advisory function and to be subject to this chapter and Section 36 only with respect to any contract, work or business of the City, the making or securing of which is influenced either directly or indirectly by the board or commission. A board or commission directly or indirectly influences the making or securing of a contract, work or business of the City whenever it engages in actions, including but not limited to, formally or informally reviewing a contract, reviewing a bid specification or request for proposal, discussing funding of an activity, discussing priorities for funding, or making general policy, implementation of which results in the making or securing of a contract, work or business for the City.

C. "Interested; Exclusions." A City employee or member of a board or commission shall not be deemed to be "interested" in a contract, work or business of the City if their relationship with the contracting party or entity constitutes a "remote interest" within the meaning of Government Code Sections 1091 and 1091.5, the fact of such interest is disclosed to the department, board or commission of which they are a member and noted in its official records, and the employee or member with such interest disqualifies themself from participating in any manner, either directly or indirectly, in making or influencing any decision related to the contract, work or business of the City in which they have a remote interest. (Ord. 5694-NS § 2, 1985)

3.64.030 Contract, work or business of City--Prohibitions.

No member of a board or commission shall be directly or indirectly interested in any contract, work or business of the City as defined in 3.64.020C herein if the board or commission of which they are a member has performed other than advisory functions as defined in Section 3.64.020B herein, with respect to such contract, work, or business of the City. (Ord. 5694-NS § 3, 1985)

3.64.040 Chapter declaratory of existing law.

This chapter is declaratory of and does not constitute any change in existing law. (Ord. 5694-NS § 4, 1985)

APPENDIX D. CITY ATTORNEY MEMO REGARDING CONFLICT OF INTEREST

Office of the City Attorney

June 4, 2015

To: Boards and Commissions

From: Zach Cowan, City Attorney

Re: Avoiding Conflicts of Interest Under Section 1090 in the Context of Funding Recommendations

This office has been asked for advice as to the process for a board or commission should use to ensure compliance with Government Code section 1090 in making recommendations about funding community agencies or other potential recipients of City funds, including state and federal funds.

Government Code section 1090 states:

The Government Code prohibits public officers, acting in their official capacities, from making contracts in which they are financially interested. Government Code Section 1090 provides in relevant part:

> Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.

If the officer is a member of a legislative body that executes or finally approves the contract, this prohibition extends to the entire body on which he or she serves. *Thomson v. Call* (1985) 38 Cal.3d 633, 649, cert denied (1986) 474 US 1057. Section 1090 "also applies to members of advisory bodies, if they participate in the making of a contract through their advisory function." (Conflicts of Interest (Cal. Dept. of Justice, pamp. 2010), p. 57, See *City Council (San Diego) v. McKinley* (1978) 80 Cal.App.3d 204; 82 Ops.Cal.Atty.Gen. 126 (1999).) The word "made" is used in "the broad sense to encompass such embodiments in the making of a contract as preliminary discussions, negotiations, compromises, reasoning, planning, drawing of plans and specifications and solicitation for bids." *Millbrae Ass'n for Residential Survival v. City of Millbrae* (1968) 262 Cal.App.2d 222, 237.

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"[S]ection 1090 is to be 'strictly enforced'." 88 Cal. Op. Att'y Gen. 106 (2005). "The consequences of a violation of section 1090 can be quite harsh: Where a prohibited interest is found, the affected contract is void from its inception and the official who engaged in its making is subject to a host of civil and (if the violation was willful) criminal penalties, including imprisonment and disqualification from holding public office in perpetuity..."
Eden Twp. Healthcare Dist. v. Sutter Health (2011) 202 Cal. App. 4th 208, 219-20; See 89 Cal. Op. Att'y Gen. 121 (2006).

The California Attorney General's Office has opined that an officer or employee of a nonprofit corporation that is a contracting party qualifies as a "financial interest". *Conflicts of Interest* (Cal. Dept. of Justice, pamp. 2010), p. 62. However, state law has excepted two categories of "financial interests" from the reach of Section 1090, generally referred to as "remote interests" and "noninterests." Section 1091, subdivision (b), defines a series of remote interests, including "(1) That of an officer or employee of a nonprofit entity exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)),..." Both of the organizations at issue, BFHP and YEAH, are 501(c)(3) organizations, and the commissioners, respectively, fall into employee and board member roles with the two non-profits.

Government Code section 1091(a) provides a specific process for handling situations falling within the remote interest:

> An officer shall not be deemed to be interested in a contract entered into by a body or board of which the officer is a member within the meaning of this article if the officer has only a remote interest in the contract ***and*** if the fact of that interest is disclosed to the body or board of which the officer is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

Government Code section 1091(c) further conditions the remote interest exception as follows: "This section is not applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he or she is a member to enter into the contract." (Cal. Gov't Code § 1091.) See *Eden Twp. Healthcare Dist., supra*, 202 Cal. App. 4th at p. 219-20 [Where an interest is remote, a board member may comply with section 1090 by (1) making full disclosure of the interest, noted in the entity's official records, and (2) abstaining from voting on the affected contract or influencing other board members in any way."]

The California Attorney General's Office has interpreted Section 1091 as requiring a full recusal process.

> It is to be noted that section 1091 of the Government Code speaks in terms of a board authorizing, approving or ratifying a contract 'in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.
>
> This office has characterized the requirements of section 1091 as meaning that the member **must not only disclose his interest in the proposed contract and refrain from attempting to influence other members, but that the member should completely abstain from any participation in the matter.** (See 65 Ops.Cal.Atty.Gen. 305, 307 (1982).)
>
> Such complete abstention would also appear to be required to insure compliance with the PRA if the remote interest also falls within the purview of the act as a financial interest. (See Gov. Code, § 87100; FPPC Reg. § 18702.)

67 Cal. Op. Atty Gen. 369, at p. 377, fn. 8 (1984); See 78 Cal. Op. Att'y Gen. 230 (1995) Under this process, simply voting to abstain is not sufficient. The officer must identify the scope of the contract "matter", and recuse him or herself from ***all*** discussions and actions that relate to the contract matter.

Section 36 of the City's Charter contains a prohibition that is similar to Section 1090:

> No officer... shall be directly or indirectly interested in any contract, work or business of the City... No officer shall be in the employ of any public service corporation in the City or of any person having any contract with the City or of any grantee of a franchise granted by the City.

The City implemented Section 36 through BMC Chapter 3.64. Section 3.64.020.C further defines the recusal process for commissioners with a remote interest. "A ... member of a board or commission shall not be deemed to be 'interested' in a contract, work or business of the City if his or her relationship with the contracting party or entity constitutes a 'remote interest' within the meaning of Government Code Sections 1091 and 1091.5, the fact of such interest is disclosed to the department, board or commission of which he or she is a member and noted in its official records, **and the employee or member with such interest disqualifies himself or herself from participating in any manner, either directly or indirectly, in making or influencing any decision related to the contract, work or business of the City in which he or she has a remote interest**."

What steps are required to comply with Section 1090 in any given case will depend on the potential conflicts that may exist. Some relevant factors are:

- Whether a commissioner is an employee of an agency that has applied for or might be a recipient of funding;

- Whether a commissioner is a non-compensated board member of an agency that has applied for or might be a recipient of funding;
- Whether a commissioner is a bob-compensated board member of an agency that has applied for or might be a recipient of funding;
- Whether in any instance the agency with which a commissioner is affiliated is a 501(c)(3) nonprofit agency;
- Whether the agency with which the commissioner is affiliated is competing with other agencies for the same pot of funds or whether the funds have been divided up into sub-groups for different purposes before the commissioner becomes involved;
- Other, less foreseeable issues.

In order to avoid conflicts under Section 1090, the following rules should be observed. In addition, we strongly encourage commission staff to consult with this office before beginning any funding allocation process to evaluate the best way to avoid conflicts of interest under Section 1090.

1. If an agency with which a commissioner is affiliated is identified as a potential recipient of funds, either directly or as a subrecipient, the commissioner must disclose his or her affiliation for the record (it will be noted in the minutes) and recuse his or herself before any discussion. Recusal involves announcing the potential conflict, and then leaving the room until the discussion of and any action on the commission recommendations is concluded. A commissioner is affiliated with an agency if the commissioner is a board member, officer, or employee of the agency, or a family member is an employee of the agency.
2. If an agency with which a commissioner is affiliated provides services within a funding category recommended by the commission, and the recommendation implicitly suggests an allocation of funds for that agency or could reasonably be read to do so, the commissioner must recuse his or herself, as described in paragraph 1.
3. In discussing commission recommendations that do not fall within paragraphs 1 or 2 above, if an agency with which a commissioner is affiliated provides services that could be funded by a recommendation, the commissioner should be careful not to propose or mention his or her affiliated agency. If the commissioner does mention the agency, it will be disqualified from receiving any funds.

APPENDIX E. BMC 3.02.050 COUNCIL DETERMINATION AS TO INCOMPATIBILITY; RECUSAL; AUTOMATIC VACANCY

A. The Council finds and declares that:

1. Citizen advisory boards and commissions (collectively "commissions") bring to bear significant expertise on issues that come before the City.

2. Sitting on a volunteer advisory commission is a significant commitment of time and energy, which prevents many qualified individuals from sitting on commissions.

3. Individuals who are particularly qualified in a particular area will often have employment that is in some way related to the issues that come before the advisory commissions on which they sit.

4. Although the Council has provided that advisory commissions are subject to the City's Conflict of Interest resolution, in light of their advisory status and the need to attract qualified commissioners, advisory commissions should not be subject to every possible prohibition related to conflicts of interest.

5. It is the purpose of this section to establish a fair and workable standard for determining when outside activities for compensation are incompatible with membership on an advisory commission, to establish the obligations of members of advisory commissions with respect to outside activities for compensation, to provide a process for determinations relating to incompatibility of outside activities for compensation and to establish remedies.

B. Pursuant to its authority under Government Code Section 1126(b), the City Council establishes and declares that outside activities for compensation shall not be considered incompatible with membership on City commissions other than those listed in subsection (I), but members of such commissions shall recuse themselves with respect to commission actions relating to any outside activity for compensation to the extent the action involves any specific employment responsibilities for which they receive compensation.

C. The City Attorney shall employ the standards set forth in the preceding subsection in making determinations under Government Code Section 1126 with respect to members of commissions other than those listed in subsection (I). Whenever the City Attorney issues a written opinion under Government Code Section 1126, that opinion shall be immediately transmitted to the City Clerk and the affected commissioner.

D. If the affected commissioner notifies the City Clerk in writing of their disagreement with the City Attorney's opinion within 14 days after the opinion is transmitted to them, the City Clerk shall place the matter on the Council's agenda at the earliest possible time and shall notify the

affected commissioner of the date and time of the meeting at which the Council will consider the matter.

E. The Council shall allow the affected commissioner an opportunity to address it, shall determine whether to affirm or overrule the City Attorney's opinion and may make any order consistent with this section and Government Code Section 1126.

F. If the commissioner fails to comply with the City Attorney's opinion or, on appeal, the order of the City Council, the commissioner's seat shall be deemed automatically vacated as of the date of the Council's order.

G. From the date the City Attorney's opinion is issued and transmitted to the board or commissioner who is its subject, until completion of Council proceedings under this section, that commissioner shall comply with the incompatibility standard set forth in subsection (B) as applied in the City Attorney's opinion. Thereafter, the commissioner member shall comply with the order of the Council.

H. Prior to accepting any appointment to any commission, the nominee shall disclose to the appointing Councilmember every employment, activity or enterprise for compensation that falls within the scope of the authority of the board or commission for which they have been nominated.

I. The standard set forth in subsection (B) of this section applies to commissioners appointed by the Council to all City boards and commissions except the Board of Library Trustees, the Fair Campaign Practices Commission, Homeless Commission, Housing Advisory Commission, Human Welfare and Community Action Commission, Landmarks Preservation Commission, Planning Commission, Police Review Commission, and Zoning Adjustments Board.

J. Nothing in this section affects any disclosure, disqualification or eligibility requirement of under any provision of federal, state or local law other than Government Code Section 1126(b).

APPENDIX F. RESOLUTION NO. 53,989-N.S. NOTICE TO POTENTIAL CANDIDATES FOR BERKELEY ELECTIVE OFFICE AND INDIVIDUALS INTERESTED IN SERVING AS MEMBERS OF CITY BOARDS AND COMMISSIONS

RESOLUTION NO. 53,989 —N.S.

NOTICE TO POTENTIAL CANDIDATES FOR BERKELEY ELECTIVE OFFICE AND INDIVIDUALS INTERESTED IN SERVING AS MEMBERS OF CITY BOARDS AND COMMISSIONS

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

WHEREAS, conflict of interest issues are often complex, creating ambiguities which may deter many qualified and interested citizens from serving as elected officials or members of the City's boards and commissions; and

WHEREAS, there is a need to alert potential candidates for office and prospective appointees to boards and commissions of the existence of such conflict of interest laws and to encourage such individuals to seek out advice when questions arise pertaining to their particular situation.

NOW, THEREFORE, Be It Resolved by the Council of the City of Berkeley that the City Clerk be instructed to provide the following notice to individuals expressing interest in candidacy for Berkeley elective office and for appointment to the City's boards and commissions:

"The purpose of this notice is to alert you to State and local conflict of interest provisions. These provisions may prohibit you, members of your family, or your employer, from having any financial relationship - - such as a contract or consultant position -- with the City, the Berkeley Housing Authority, and the Berkeley Redevelopment Agency, during the term of your office; for members of the City Council such prohibition can extend in certain instances for a one-year period following the conclusion of the term of office.

If a prohibited interest exists, the financial relationship may have to be terminated; for example, a contract may not be renewed or created, a consultant position may have to be withdrawn, your employer or a family member may be required to cease conducting business with the City.

Statements of Economic Interest are required to be filed by elected officials and appointed members of boards and commissions. The information disclosed in such statements provides the public with information concerning the financial interests of those serving in a public or official capacity, as well as assisting in the determination of whether certain of the interests disclosed require appropriate further action. The specific prohibitions applicable to potential conflicts of interest are not deemed "satisfied" or "cured" simply by filing the economic interest statements and disclosing the relevant financial interests; such a filing is a state-mandated requirement and is separate and distinct from any prohibitions that may be imposed as a result of an existing or future financial relationship with the City.

If you are uncertain as to whether existing or future financial interests you, your family, or your employer may have with the City constitute a potential conflict which would require termination or other remedial action upon your assuming elective office or upon your appointment to a City board or commission, you are encouraged to seek further information from the City Attorney's Office by providing a written description of your financial interest or relationship with the City and the elective or appointive position which you are seeking. It is your obligation to seek such advice and to bring any such potential conflicts to the City's attention. The City will not independently investigate the background or financial statements of candidates for elective or appointive office in order to detect potential conflicts of interest."

In effect: November 3, 1987

APPENDIX G. ADMINISTRATIVE REGULATION 3.2 GOVERNING STIPENDS FOR COMMISSIONERS

A.R. NUMBER:	**3.2**
ORIGINAL DATE:	7/01/94
POSTING DATE:	3/1/2024
PAGE 1 OF 6 PAGES	

CITY OF BERKELEY ADMINISTRATIVE REGULATIONS

SUBJECT: Stipend and Reimbursement in Lieu of Expenses for Members of Certain Boards, Commissions, Committees, Task Forces, and Joint Subcommittees

PURPOSE

The purpose of this Administrative Regulation is to establish procedures for reimbursing expenses to certain board, commission, committee, task force, and joint subcommittee members (including temporary appointees) who might otherwise incur an economic hardship.

POLICY

The City Council, by Resolution No. 69,739-N.S. (known as the Stipend Resolution March 9, 2021), authorizes payment in lieu of expenses to members of all Council-appointed boards, commissions, committees, task forces and joint subcommittees who meet certain household income criteria in order to remove economic hardship barriers from citizen participation. Subcommittees of commissions, which are designated by the advisory body and not by Council appointment, are not eligible for reimbursement.

An eligible member is authorized to receive:

a) $100 for each official meeting attended, not to exceed four (4) meetings each month;

b) reimbursement for actual child care expenses incurred while he/she attends meetings;

c) reimbursement for actual expenses paid to an attendant to provide care for a dependent elderly person while he/she attends meetings; and

d) reimbursement for actual expenses incurred for disabled support services in order to participate fully in board, commission, or committee meetings.

The $100 stipend amount shall be annually adjusted by the Bay Area Consumer Price Index.

DEFINITIONS AND REGULATIONS

An "official meeting" is defined as a duly noticed, properly agenized, regular meeting or special meeting of the full board or commission at which a quorum of the full membership must be present in order for the meeting to be held.

For a meeting that is cancelled, claims may only be submitted if it is for an official meeting where the attendees and staff Secretary believed that the meeting would proceed as scheduled, and for which Commissioners and the Secretary actually showed up and waited a reasonable period beyond the meeting start time for the quorum to be met before canceling.

A receipt or invoice signed by the person providing such child care, elderly dependent care or disabled support services must accompany a request for reimbursement. Invoices must include date, services provided, vendor contact information, and dollar amount.

The Human Welfare and Community Action Commission provides for alternate representatives of the poor to be elected or to be appointed when a vacancy occurs. Alternate representatives of the poor shall be eligible for stipend payments when serving in place of the principal member.

The City Clerk Department is responsible for keeping this Administrative Regulation up-to-date and shall include notification of this policy with each appointment letter mailed.

COMMISSIONER'S CRITERIA AND RESPONSIBILITIES

1. Eligibility criteria for stipend and reimbursement:

    a) Persons eligible to receive reimbursement in lieu of expenses are those board, commission, committee, task force or joint subcommittee members whose household gross income as filed jointly for federal income tax purposes is below the Alameda County 50% AMI 3-person household ($58,750 as of July 2021) per year.

    b) Commissioners who are minors (under 18 years old) must have eligibility declaration forms co-signed by a parent or legal guardian attesting that the combined 3-person household income is under the Alameda County 50% AMI ($58,750 as of July 2021) per year.

    c) If a commissioner is paid $600 or more in stipend payments in one calendar year, an IRS Form 1099 will be generated by the Finance Department for the commissioner's tax filing purposes.

2. To establish eligibility, Commissioners must file the Annual Declaration Form (attached) with the secretary of their board, commission, committee, task force or joint subcommittee. Commissioners must file a new declaration form annually prior to May 31st in order to maintain eligibility.

3. In order to pay a Commissioner's attendant directly, a completed IRS Form W-9 must be on file in the Finance Department's Accounts Payable Division. If an attendant, support service, or child care provider is paid $600 or more in one calendar year, a Form 1099 will be generated by Finance. In order to be reimbursed for payments made to an attendant, support service, or child care provider, a Commissioner must be set up as a vendor by Finance - General Services.

4. Eligible members who are disabled and are seeking reimbursement for support services must also complete the support services statement portion on the Annual Declaration Form. If the member's needs change, he/she must immediately notify the secretary. Otherwise, the statement certifying the need for support services will continue to be in effect for the duration of the member's term of appointment.

5. Pursuant to Berkeley Municipal Code Section 3.66.040, low-income status for members of the Commission on Disability is not a prerequisite for reimbursement of attendant care expenses.

6. Additionally, eligible recipients requesting reimbursement for child care expenses, paid attendant services for elderly care, and support services as a disabled member for meeting participation are subject to AB 1234. State law AB 1234 requires completion of an online ethics training course within one year of the first day of service, and every two years thereafter. The ethics course is available online at no cost. Upon completion of the course, a printed and signed certificate of participation must be on file with the secretary in order to be eligible for reimbursement.

RESPONSIBILITIES OF SECRETARY

1. It is the responsibility of the secretary of each board, commission, committee, task force or joint subcommittee to submit quarterly payment forms to the Finance Department, by the 10th of each month (January, April, July, and October). Payment forms for stipends paid for attendance at meetings held pursuant to the Mental Health Services Act are filed monthly. Every submission must include the following:
   a) A.R. 3.2 Payment Form
   b) Invoices for support services, dependent care, and/or child care, if applicable.
   c) Verification that each meeting for which reimbursement or stipend is claimed actually occurred.
   d) A copy of the Annual Declaration Form
   e) A spreadsheet showing the year-to-date payments for each commissioner.

2. The completed forms must be attached to the request for check entry in ERMA and released for review to the Finance Department by the 10th of each specific month so payment can be made. A separate request for check and supporting documentation must be submitted individually for each member.

3. The secretary shall keep copies of all Annual Declaration Forms on file and attach a copy each time a request for check is submitted to the Finance Department, and when submitting quarterly statements.

4. Each secretary will advise the board, commission, committee, task force and joint subcommittee members of this policy and respond promptly to commissioner inquiries regarding payment status. Commissioners should not contact the Finance Department or City Clerk Department for payment status.

RESPONSIBLE DEPARTMENT: **City Clerk** **TO BE REVIEWED/REVISED:** Every year	**Approved by:** Department Director City Manager

A.R. NUMBER: 3.2 **Page 4 of 6 Pages**

ANNUAL DECLARATION FORM RESPECTING ELIGIBILITY FOR REIMBURSEMENT OF EXPENSES AS A MEMBER OF THE

_____
(Board/Commission/Committee/Task Force/Joint Subcommittee)

Inasmuch as it is in the public interest to remove barriers, particularly those creating economic hardships for citizens participating on boards, commissions, committees, task forces, and joint subcommittees the City Council has determined that it is in the public interest to alleviate this hardship by authorizing payments in lieu of expenses for certain meetings and under certain conditions as indicated in Stipend Resolution No. 69,739-N.S.

I,_____certify to the following:

1) That my adjusted gross income reported individually, or as part of a household joint Federal Income Tax Return, was less than the Alameda County 50% AMI 3-person household ($58,750 as of July 2021) per year.

2) I will file this declaration form every year no later than May 31st with the Secretary who will forward copies to the Finance Department; and

3) I will notify the Secretary as soon as I am aware that my household current year income exceeds the Alameda County 50% AMI 3-person household ($58,750 as of July 2021) per year and request that my eligibility be canceled:

_____ _____
Signature Date

_____ _____
Signature of Parent or Legal Guardian if Member is a Minor Date

_____ _____
Signature of Secretary Date

* * *

SUPPORT SERVICES STATEMENT

I, _____,certify I am disabled and require the following support services in order to participate fully in commission meetings:

_____

_____

_____ _____
Signature Date

A.R. NUMBER: 3.2 **Page 5 of 6 Pages**

A.R. 3.2 PAYMENT FORM

Name of Commission: _____

Name of Commissioner: _____

Address of Commissioner: _____

Name of Secretary: _____ Phone: _____

Quarter Covered: Year **D** Jan - Mar **D** April - June **D** July - Sept **D** Oct - Dec

Date of Meeting	Payment Type*	Amount Due
		$
		$
		$
		$
		$
		$
	Total (this qtr.)**	$

* Stipend, Support Services, Dependent Care, or Child Care
**Attach Year-to-Date Spreadsheet to this Form

D Please hold check for pick up: _____
(Commissioner's Signature)

Prepared by: _____ Date: _____
(Preparer's Signature)

Reviewed by: _____ Date: _____
(Commission Secretary Signature)

CERTIFICATION AND AUTHORIZATION FOR PAYMENT: I hereby certify that the payments for all persons whose names appear herein have been properly authorized; and that the amounts indicated as due said persons are actually due and payable. Payment is approved against the appropriation indicated under delegated authority of the City Manager.

Authorized by: _____ _____
Authorized Department Signature (must be on file with AP) Date

A.R. NUMBER: 3.2 **Page 6 of 6 Pages**

COMMISSIONER STIPEND CHECKLIST

This checklist is provided to expedite the processing of commissioner stipends. The Finance Department requires that all forms are completed and information is accurately prepared and submitted before stipends can be paid. Review the checklist prior to submitting stipend requests.

For Initial Payment to a Commissioner or Service Provider:

☐ Set up the Commissioner as a vendor with Finance - General Services
* Use a W-9 form to set up the Commissioner as a vendor (available on Groupware)

☐ Set up the Vendor (support services, dependent care, or child care) as a vendor with Finance - General Services
* Use a W-9 form to set up the service provider as a vendor

Required Documentation for Every Payment Submission (compile submission in this order):

0 Request for Check
*In both description areas of the Request for Check screen, list the type of stipend being paid and the period covered (quarterly or monthly)
* Provide the full account code and/or project string (consult your department budget analyst)
* Verify in ERMA that adequate funds are available in the account to pay the voucher
* Clearly document the payment amount
* Obtain all required signatures

0 A.R. 3.2 Payment Form
* Complete all fields
* Obtain all required signatures

0 Invoices for Support Service, Dependent Care, and/or Child Care Providers
* Must include date, services provided, vendor contact information, and dollar amount

0 Attendance Verification
* A copy of the meeting minutes
* Requests for reimbursement for cancelled meetings require written representation from the Commission Secretary

0 Annual Declaration Form
* The form is completed and signed and dated yearly by the commissioner and the Commission Secretary
* A copy of the form is submitted with each reimbursement voucher

0 Year-to-Date Summary Spreadsheet
* Documents the fiscal year (year to date) expenditures of the individual commissioner
* Remember that payments of $600 or more result in the issuance of a Form 1099 from the Finance Department and may have tax implications

APPENDIX H. RESPONDING TO REQUESTS FOR ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

Procedures for Members of Boards and Commissions and Staff

Members of boards, commissions, and the public who have a disability may have a right to receive reasonable accommodations, if necessary for them to participate in City meetings and programs. The Americans with Disabilities Act (ADA) and other laws mandate that the City provide programmatic access and effective communication in order that people with disabilities are able to participate in the City's programs, services, and activities including public meetings. (See "What the ADA Says About Accommodations" below.)

Individuals with disabilities who need accommodations to participate at a City of Berkeley meeting should make their requests to the ADA Program Coordinator. An analysis will be initiated on a case-by-case basis to evaluate the individual's request and determine the appropriate method of accommodation. If possible, individuals are asked to make disability accommodation requests at least 72 hours in advance of their desired committee meeting and implementation date. The City will make good faith efforts to provide accommodations that are requested less than 72 hours in advance of a meeting.

The ADA Program Coordinator will respond to accommodation requests according to the criteria below:

1. Review of the accommodation request:

    a. Nature of the accommodation and why the accommodation is needed.

    b. Estimated duration of the requested accommodation.

    c. Commission assignment or meeting for which the accommodation is requested.

    d. Estimated duration of the assignment.

2. The ADA Program Coordinator and Commission Secretary will promptly act on the accommodation, determine the most effective way to provide an accommodation, coordinate the details with the individual with a disability and follow through to ensure the accommodation's success.

3. Any doubt should be resolved in favor of accommodation and accessibility.

The ADA Program Coordinator and Commission Secretary shall oversee the vendor payment process.

All reasonable accommodation request responses shall be provided in writing, when such written response can be transmitted in a timely manner prior to the start of the specific meeting. Otherwise, the response will otherwise be provided orally. Responses will identify whether the accommodation is granted, granted in part, or whether an alternative accommodation is granted, and will also identify any instructions necessary to access the

accommodation. If denied the response will identify and the grounds for denial. City staff will document requests and responses provided orally.

CONSIDERATIONS FOR SELECTING ACCOMMODATION METHODS

The person requesting an accommodation should make the request in advance to allow adequate time for staff to make any arrangements. Staff may be able to provide an accommodation directly, but it can take time to arrange an accommodation from a service vendor, through the use of assistive technology (equipment), or through modification in the way an activity is conducted. Accommodations must be reasonable in accordance with the ADA and other applicable laws.

Examples of accommodations include but are not limited to:

- Assistance with writing and other tasks for persons with manual impairments.
- Interpreters or captioning for persons with hearing impairments.
- Speakers for persons with speech impairments.
- Braille, large print, or electronic versions of printed text and descriptions or tactile representations of graphics for persons with vision or other print-related impairments.
- Remote attendance at meetings (see below).

The City provides accommodations for participation in regular or special board and commission meetings, meetings with City staff, and meetings of committees of boards and commissions where applicable. The City does not provide accommodations for activities sponsored by another agency or for an individual engaged in community activities that are not official activities of the City.

REQUESTS TO ATTEND MEETINGS REMOTELY AS AN ACCOMMODATION

When a commissioner or board member requests remote or teleconference attendance at City meetings as an accommodation for a disability that prevents them from attending the meeting in person, such as but not limited to an immunocompromising disability or a disability that limits time spent outside of home or bed, the following procedures will be followed. The individual should attempt to make disability accommodation requests for remote attendance at least 72 hours before the time of the first meeting for which remote attendance is requested. The City will make good faith efforts to provide remote attendance accommodations that are requested after this time. “Teleconference” or “teleconferencing” as used in this policy means a connection by electronic means through either audio or video, or both.

1. The following information should be included in any request:

    a. A self-attestation that the accommodation is needed as a result of a disability and a general description of why it is needed. A general

description ordinarily need not exceed 20 words and shall not require the member to submit medical documentation or disclose any specific medical diagnosis or disability.

b. Estimated duration of the requested accommodation.

c. Commission assignment or meeting(s) for which the accommodation is requested.

d. Estimated duration of the assignment.

2. In consultation with the individual with a disability, the ADA Program Coordinator will determine the most effective way to provide the accommodation, ensure the technology used to provide the accommodation is functional and effective, coordinate the details with the individual with a disability, and follow through to ensure its success. Videoconference will be provided unless another technology is requested.

3. Individuals may be granted a teleconferencing accommodation on a permanent basis or on a temporary basis. The duration of any accommodation will be determined in accordance with the individual's disability-related needs. There is no formal limit on the number of meetings an individual may attend remotely; the individual may attend remotely for the duration permitted by their accommodation.

4. When remote attendance is provided as a disability accommodation, the ADA Program Coordinator will waive the requirements that each teleconference location be identified in the notice and agenda, that agendas be posted at each teleconference location, and that each teleconference location be accessible to the public, as follows. Waiver of these requirements will be based on whether individuals who require remote attendance as an accommodation cannot invite others into their home or other location for disability-related reasons, or may otherwise be subject to privacy intrusions or unwarranted harassment if these requirements are not waived. Any doubts will be resolved in favor of accessibility and the individual with a disability.

5. A commissioner or board member appearing remotely as an accommodation shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals. This requirement shall not apply if the commissioner or board member includes a self-attestation exempting them from this requirement.

WHAT THE ADA SAYS ABOUT ACCOMMODATIONS

The ADA describes accommodations generally as "reasonable modifications in policies, practices, or procedures" (28 C.F.R. Section 35.130(b) (7)). Unless the City can demonstrate that a modification would fundamentally alter the nature of the service, program, or activity, the City must make reasonable modifications when necessary to

allow an individual with a disability to participate in the City's services, programs, and activities (28 C. F. R. Section 35.130(b)(7)).

Although the City is not required to provide devices or services that are of a personal nature (such as eyeglasses, hearing aids, or mobility devices), the ADA requires that communication with disabled members of the public be effective, including the provision of auxiliary aids and services necessary for effective communication with the City.

Regarding effective communication, the ADA's specific language is:

(a) A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.

(2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities. (28 C. F. R. Section 35.160)

Auxiliary aids and services include:

(1) Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments.

(2) Qualified readers, taped texts, audio recordings, braille materials, large Responding to Requests for Accommodations for Persons with Disabilities page print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments. Web content on the City of Berkeley website and electronic documents created for use at public meetings will be in compliance with accessibility standards required by the ADA.

(3) Acquisition or modification of equipment or devices.

(4) Other similar services and actions. (28 C. F. R. Section 35.104 (in part))

APPENDIX I. GENERAL INFORMATION FOR NEWLY APPOINTED COMMISSIONERS

APPOINTMENT OF NEW COMMISSIONER

All new appointments and temporary appointments are processed pursuant to the filing of an appointment form and Affidavit of Residency with the City Clerk by a City Councilmember. The City Clerk then verifies the eligibility of the appointee to serve. A person may not be eligible to serve on a particular commission if any of the following apply.

- The ordinance, resolution, or other law establishing the commission or regulating its membership has specific eligibility requirements that the appointee cannot meet.
- The person has served eight consecutive years on the commission and has not been off the commission for a period of two years (those established by initiative may not be subject to this requirement).
- The person has failed to file Conflict of Interest statements and has outstanding statements and/or has been removed from office more than once for failure to file statements.
- The person has been administratively terminated more than four times.
- There is no open commission seat.

The City Clerk Department prepares the official appointment letter and provides the commissioner with a packet of general information. If the commissioner is designated in the City's Conflict of Interest Code, the appointment package will include instructions on how to file Assuming Office Form 700 electronically via NetFile, or via the state portal, if required. The Assuming Office must be filed with the City Clerk within thirty days of the date of the appointment. The new appointee must also take the Oath of Office before attending the commission meeting or within thirty days of the date of the appointment.

Failure to take the oath within thirty days of the date of the appointment and/or failure to file required Conflict of Interest statements within 30 days of appointment will result in automatic termination from the commission.

PRIOR TO SERVING AND PARTICIPATING AT A COMMISSION MEETING

Commissioners must be fully eligible prior to serving at a meeting. Commission secretaries have been instructed to not permit a newly appointed commissioner to participate at a meeting unless the secretary has received notice from the City Clerk Department.

The secretary will officially swear the new commissioner in at the start of their first meeting, or within thirty days, whichever comes first if the commissioner has not already taken the oath. The secretary is also required to immediately forward the completed oath to the City Clerk.

LEAVES OF ABSENCE

Regular attendance at commission meetings is important to enable the commission to proceed with business. If a commissioner has advance notice of potential problems regarding attendance at meetings, they should notify the commission secretary and may wish to consider requesting a Leave of Absence (LOA) from the appointing councilmember. Failure to obtain a LOA may result in automatic termination for absence. See Chapter II, Part A, for more information.

A commissioner may also request to be "excused" from a regular commission meeting due to a conflict between the date of the meeting and a religious or cultural holiday. Such a request must be made in writing and submitted to the commission secretary prior to the meeting for which the commissioner is to be excused. The request is not subject to commission approval but shall be accepted upon request. The definition of a religious or cultural holiday is left to the discretion of the individual commissioner.

STIPEND/EXPENSES

In order to remove barriers from public participation on commissions, the Council has authorized payment of $100 per meeting, in lieu of expenses, to Council-appointed members of commissions whose annual family income as filed jointly is below the Alameda County 50% AMI for a 3-person household per year ($70,075 per year as of January 2024). If a commissioner desires to establish stipend eligibility, they must file a statement with the commission secretary. It is the secretary's responsibility to forward statements and meeting information to the Finance Department in a timely manner to ensure proper payment. Specific information related to this is contained in the Stipend Resolution and A.R. 3.2.

TERMINATION FROM A COMMISSION

Commissioners, with a few exceptions, are appointed for terms ending November 30 of the first year of appointment. Commissioners may continue to serve at will for a period up to eight consecutive years unless replaced by a councilmember any time after the initial term has ended. See Chapter II, Part A, for more information.

RESIGNATIONS BY COMMISSIONERS

Written resignations by commissioners shall be forwarded directly to the City Clerk Department. Resignation letters should state the effective date of the resignation. Verbal resignations and backdated resignations are not considered resignations. The effective date of the resignation is the date it is received by the City Clerk unless a future date is indicated. The City Clerk Department will send instructions to the resigning commissioner on how to file Leaving Office Form 700 electronically via NetFile, and if requested will provide the commissioner with a paper Form 700 (except 87200 Filers). Furthermore, the City Clerk Department will inform both the appointing Councilmember or Mayor and the commission secretary about the resignation.

QUESTIONS REGARDING APPOINTMENT

For questions regarding an appointment or termination or basic rules contained within the Commissioners' Manual, please contact the commission secretary.

GLOSSARY

Definitions pertain to City of Berkeley Commissions

TERM	DEFINITION
Absence	A commissioner is absent if they do not attend at least one hour or 50% of the entire meeting.
Accessible	Members of the community must be able to attend all commission meetings and the meetings must be noticed in accordance with the Brown Act.
Action Calendar	Items are placed on the Action Calendar when the Commission expects to take or request a specific action by motion.
Action Minutes	A concise record of the commission's proceedings, which contains the date, time, and place of the meeting, members/staff in attendance, and final actions taken.
Actual Appointees	The total seats on a commission minus vacancies and leaves of absence (for the purpose of determining quorum).
ADA (Americans with Disabilities Act)	Federal law that mandates provisions for access and accommodations for persons with disabilities.
Affidavit of Residency	A form that is submitted with the appointment paperwork confirming the appointee is a resident of Berkeley.
Agenda	The list of business to be conducted by the commission.
Alternate Commissioners	Councilmembers and the Mayor may each appoint a pool of five Alternate Commissioners to serve on designated commissions when their regular appointee is on an approved leave of absence.
Application	Form provided by the City Clerk Department for completion by an individual who wishes to be appointed to a board or commission.
Appointment	Appointment occurs when an individual who has been selected by a Councilmember (or the Council) to serve on a commission, is deemed fully eligible to serve by the Clerk Department.
Brown Act	State law that sets requirements for meeting noticing, agendas, and public participation.
Chair	Presides at commission meetings and ensures the work of the commission is accomplished.
Charter	The document that established the City of Berkeley.
City Attorney	Local official who ensures that the City operates within legal constraints and minimizes its legal liability

TERM	DEFINITION
City Clerk	Local official who administers democratic processes such as elections, access to city records, and all legislative actions ensuring transparency to the public. The City Clerk administers the commission appointment process, maintains the information regarding the commission rules and regulations, and serves as an advisor for commission secretaries.
City Manager	Local official appointed by the City Council to direct the administration of the City.
Communication to Council	Written letter of which the content is approved by action of the full commission, and submitted by the commission secretary in accordance with the Council's guidelines for submission of communications.
Committee, including "Temporary" and "ad hoc"	Commissions may establish ad hoc committees, which have a single purpose, be composed of less than a quorum, and a target date to report back to the parent commission.
Companion Report, City Manager	The City Manager may present a City Manager Companion Report to the Council highlighting alternate recommendations or additional information to a Commission Report.
Conflict of Interest	A situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.
Consent Calendar	Section of the agenda listing items that do not require discussion prior to adoption.
Disability	A person with a disability is someone who has a physical or mental impairment that substantially limits one or more major life activities, has a history or record of such an impairment (such as cancer that is in remission), or is perceived by others as having such an impairment (such as a person who has scars from a severe burn).
Disclosure Statements/Form 700	The Statement of Economic Interests, Form 700, provides required information about public officials' financial interests to ensure they are making decisions in the best interest of the public.
Election	The selection by vote of a person or persons from among candidates for a position.
Election of Officers	Formal action of the commission to select one member as chairperson and another member as vice-chairperson. Generally, action is taken annually in February.
Enabling Legislation	The charter, ordinance, or resolution that establishes the commission and confers certain specified authority and responsibility.

TERM	DEFINITION
Ex Parte Contacts	Contacts in a quasi-judicial proceeding outside the public hearing process, including letters, emails, telephone messages, in-person conversations and meetings.
Excused Absence	A commissioner is deemed to have an “excused absence” if the commission secretary receives a written request from the commissioner in advance of a meeting that the absence be excused due to a conflict between a scheduled commission meeting and a cultural or religious holiday.
Fair Representation Ordinance (FRO)	A City of Berkeley ordinance requiring commissions of nine, or multiples of nine, and allows each individual Councilmember to make an equal number of appointments.
Form 700/Disclosure Statements	The Statement of Economic Interests, Form 700, provides required information about public officials’ financial interests to ensure they are making decisions in the best interest of the public.
Information Item	An item on the commission’s agenda for which there is no discussion and no action is taken. It is a report or update on an item of interest to the commission.
Leave of Absence	A commissioner is deemed to have a “leave of absence” when the City Clerk Department receives written approval of the commissioner’s absence from the appointing Councilmember prior to 5:00 p.m. the day of the meeting or prior to the beginning of the meeting if occurring before 5:00 p.m. This allows the commissioner to be absent from a commission meeting(s) without an attendance penalty.
Media	Outlets/organizations that deliver information or data to the public.
Meeting, Concurrent (“Joint”)	Two or more commissions hold meetings in the same place at the same time and hold a coordinated discussion.
Meeting, Regular	A meeting held periodically according to the time/day/location stated in the meeting schedule adopted by formal action of the commission.
Meeting, Special	Any meeting of the commission not on the regular meeting schedule.
Motion	A formal proposal put to the commission for consideration by a commissioner.
Oath of Office	The City Charter requires all commissioners to take an Oath of Office for every appointment they accept. The Oath may be completed by the commission secretary or a City Clerk representative prior to the commissioner serving the first meeting of their term.

TERM	DEFINITION
Point of Personal Privilege	A motion related to matters affecting commissioners during the meeting such as personal comfort, noise in the meeting room, or safety.
Poll	A sampling or collection of opinions – typically used to determine when to hold a special meeting or if all commissioners will be present at a regular meeting.
Presiding Officer	The officer presiding over the conduct of the meeting, the chair, or in their absence, the vice-chair, or temporary chair.
Press	See media.
Public	Any individual who is not a member of the convening commission or a City of Berkeley staff person acting in their official capacity.
Public Comment	The public must be allowed to speak on any item in the committee's purview as well as on each specific item of business before the committee.
Public Hearing	An agenda item that has additional noticing requirements and some legal constraints specific to the item. Public Hearings are held when required by law.
Quasi-judicial	Quasi-judicial commissions have the authority to make binding decisions that require or restrict the action of individuals.
Quorum	The minimum number of commissioners who must be present for the valid transaction of business.
Recommendation	A brief description appearing on the meeting agenda and describing what action, if any, may be taken on the item.
Residency	Refers to the status of an individual who lives in the City of Berkeley permanently or on a long-term basis and thereby satisfies an eligibility requirement for membership on a commission.
Resident	A person who lives in the City of Berkeley permanently or on a long-term basis.
Resignation	The formal process for a commissioner stepping down from their position.
Secretary	An employee of the City designated by the City Manager to represent the City Manager and provide administrative support to a commission.
Statement of Economic Interests	The Statement of Economic Interests, Form 700, provides required information about public officials' financial interests to ensure they are making decisions in the best interest of the public.
Stipend	Payment in lieu of expenses to remove economic hardship barriers.
Subcommittee	See "Committee" above.

TERM	DEFINITION
Temporary Appointment	The appointing Councilmember or the Council may fill a vacancy created by a leave of absence by a temporary appointment for a period not to exceed the period of the leave of absence.
Term Maximum	Commissioners who have served the maximum of eight years on a certain commission shall not be eligible to serve on that same commission until a two-year break in service has occurred (BMC 3.02.040).
Term Minimum	A commissioner cannot be replaced by a Councilmember prior to the first day of December in the year in which they were appointed.
Termination	Termination is the term used when a commissioner resigns or is removed from office.
Termination, Automatic	An automatic termination takes place when a commissioner fails to meet appointment qualifications.
Vacancy	A seat with no appointed commissioner is considered a vacant seat. Vacancies are not created when commissioners are absent or on leaves of absence.
Vice-chair	Assumes the duties of the chair in their absence.

INDEX

A

Absences 14, 16, 17, 18, 19
Accessible 46, 49, 50, 92
Action 9, 10, 11, 12, 24, 25, 31, 32, 33, 37, 38, 39, 40, 41, 43, 44, 45, 48, 49, 51, 53, 54, 56, 57, 58, 61, 62, 66, 68, 69, 70, 81, 92, 96, 97, 98, 99, 104
Adjourned 7, 41, 51, 52
Agenda 6, 7, 41, 45, 47, 48, 50, 65, 68, 70, 96
Alternate Commissioners 5, 13, 15, 21, 22, 96
Application Procedure 5, 13
Appointments 5, 13, 14, 17, 20, 22
Automatic Terminations 5, 21

B

Brown Act 34, 35, 41, 42, 43, 44, 45, 46, 48, 51, 55, 61, 62, 96

C

Cancelled 7, 19, 41, 51, 52
Chairs and Vice-Chairs 5, 28
Charter 5, 8, 9, 10, 13, 15, 17, 24, 25, 27, 72, 74, 75, 76, 96, 98
Communication 7, 47, 49, 66, 97
Conflict of Interest 5, 10, 13, 16, 21, 24, 25, 26, 72, 81, 94, 97
Consent 33, 34, 67, 68, 97

D

Disability Services Specialist 2

E

Election 5, 6, 27, 40, 97

F

Form 700 ..... 5, 20, 22, 25, 26, 94, 95, 97, 98, 99

H

Hearings 7, 33, 42, 48, 59, 61, 99

L

Lobbying 45

M

Media 6, 39, 48, 98
Minutes 7, 48, 61, 62, 63, 96
Motions 7, 28, 57

O

Outside Agencies 6, 38

P

Packets 6, 41, 50
Participation 9, 14, 19, 23, 44, 47, 56, 75, 91, 95, 96

Q

Quasi-Judicial Commissions 11
Quorum 17, 19, 20, 29, 30, 31, 35, 41, 42, 43, 44, 51, 52, 53, 54, 55, 61, 68, 96, 97, 104

R

Recording 6, 7, 46, 61, 63
Resignations 95

S

Secretary 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, 44, 45, 46, 47, 48, 49, 50, 51, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66, 67, 69, 70, 71, 94, 95, 97, 98
Stipend 5, 13, 23, 95, 99
Committees 21, 23, 29, 31, 54, 91, 104

T

Temporary 15, 17, 19, 20, 21, 22, 29, 30, 31, 41, 53, 54, 92, 94, 99, 100, 104
Term Maximum 16, 100
Term Minimum 15, 100
Termination 100
Terms of Office 5, 15, 27

V

Vacancy 16, 17, 18, 20, 21, 100
Voting 15, 24, 28, 42, 45, 57, 58, 61, 62, 68, 103

W

Work Plan, ... 12, 35

MOTION TABLE

	Interrupt the Speaker	Requires a Second	Debatable	Amendable	Vote Needed	Reconsiderable
Adjourn	No	Yes	No	No	Majority	No
Recess	No	Yes	No	Yes	Majority	No
Question of Privilege	Yes	No	No	No	No Vote	No
Call for the Orders of the Day	Yes	No	No	No	No Vote (Enforcement is required unless 2/3 vote to continue with current business.)	No
Lay on the Table	No	Yes	No	No	Majority	No
Previous Question or Call the Question	No	Yes	No	No	2/3	Yes (unless voting on the question has begun)
Limit or Extend Limits of Debate	No	Yes	No	Yes (Amendments are not debatable.)	2/3	Yes
Postpone to a Certain Time	No	Yes	Yes	Yes	Majority	Yes
Refer	No	Yes	Yes	Yes	Majority	Yes
Amend	No	Yes	Yes	Yes	Majority	Yes
Substitute	No	Yes	Yes	Yes	Majority	Yes
Postpone Indefinitely	No	Yes	Yes	Yes	Majority	Yes
Main Motion	No	Yes	Yes	Yes	Majority	Yes
Reconsider	Yes (Prior to the speaker beginning to speak)	Yes	Yes (Unless the motion to be reconsidered is not debatable)	No	Majority	No

QUORUM CHART

The following is a chart indicating the numbers needed to take action.

Total Number of Seats*	Actual Appointees	Quorum	Votes Needed for Action
9	9	5	5
9	8	5	5
9	7	4	4
9	6	4	4
9	5	3	3
9	4	3	3
9	3	2	2

**This refers to the authorized membership under the commission's enabling legislation.*

***Quorum rules apply to committees. If a commissioner on a committee of four is on an excused LOA, the actual appointees becomes three, and the quorum becomes two. No committee may operate with less than two actual appointees. Remember, a temporary appointee does not assume the committee memberships of the commissioner for which they are serving.*

Vacancies and commissioners who have been granted a Leave of Absence (LOA) are subtracted from the total number of seats to determine the number of Actual Appointees (see table). The number of Actual Appointees is not reduced when a temporary appointee is absent from a meeting or when a commissioner fails to attend and does not have a LOA.

COMMISSIONERS' AND BOARD MEMBERS' MANUAL

20255~~19~~ EDITION

BACKGROUND INFORMATION

RULES AND PROCEDURES

AMENDED AND OFFICIALLY ADOPTED BY RESOLUTION NO. XX,XXX-N.S.

This material is available in alternative formats upon request. Alternative formats include audio-format, braille, large print, electronic text, etc. Please contact the Disability Services Specialist and allow 7-10 days for production of the material in an alternative format.

~~Dominika Bednarska - -~~Disability Services Specialist
Email: ada@berkeleyca.gov-

Phone: 1-510-981-6418
TTY: 1-510-981-6347

MESSAGE FROM THE CITY CLERK:

Members of boards and commissions provide an invaluable service to our City. They advise the City Council on a wide variety of subjects by making recommendations on important policy matters. Without the assistance of the various boards and commissions, the City Council could give many complex and significant matters only a perfunctory review. The detailed studies and considered advice of boards and commissions are often catalysts for innovative programs and improved services.

Serving on a board or commission can be a rewarding experience for community service–minded residents. It is an excellent way to participate in the functioning of local government and to make a personal contribution to the improvement of our community. Making local government effective and responsive is everybody's responsibility.

On behalf of the City Council, I wish to thank all commissioners for their service and extend an invitation to all residents of the City to give serious consideration to serving on an advisory body.

Again, thank you for your service to the City of Berkeley.

Berkeley City Clerk

Table of Contents

CHAPTER I. INTRODUCTION 9

A. Public Participation 9
B. Commission Origins 9
1) Charter 10
2) Council Action 10
3) Federal and State Mandate 10
4) Ballot Measure Approved by Voters 10
C. Commission Types ..... 11~~11~~
1) Quasi-Judicial 11
2) Administrative 11
3) Advisory to the City Manager 11
4) Advisory to Council 11
D. Commission Purview 12
E. Development of a Work Plan 12

CHAPTER II. SERVING ON A COMMISSION ..... 13~~13~~

A. Membership 13
1) Residency Requirements and Affidavit of Residency 13
2) City Employees 13
3) Application Procedure 13
4) Appointments 14
5) Oath of Office 15
6) Terms of Office 15
7) Vacancy ..... 16~~17~~
8) Commissions with Special Regulations 17
9) Attendance Requirements 17
10) Excused Absences
11) Leaves of Absence (BMC 3.02.030) ..... 19~~20~~
12) Temporary Appointments ..... 20~~21~~
13) Automatic Terminations 21
14) Resignation Procedure ..... 21~~22~~
B. Alternate Commissioners ..... 21~~22~~
C. Accommodations for Commissioners with Disabilities ..... 22~~23~~
D. Stipend Information 23
E. Conflict of Interest Prohibited 24
1) Influencing the Making of Contracts and Affecting Other Financial Interests 25
2) Disclosure Statements Required (Form 700) ..... 25~~26~~
3) Incompatible Public Offices ..... 26~~27~~
4) Incompatible Activities for Compensation 27
5) State-Mandated Ethics Training 27
F. Commission Organization 27
1) Election of Officers and Terms of Office 27
2) Mandatory Annual Training for Chairs and Vice-Chairs 28
3) Duties of Officers 29

4) Transfer of Chair 2930
5) Temporary Subcommittees/Ad Hoc Subcommittees 30

CHAPTER III. COORDINATION WITH COUNCIL, STAFF, AND OTHERS 3233

A. Coordination with City Council 3233
1) Relationship to City Council 3233
2) Referrals from the City Council 3233
3) Communicating to the City Council 3233
4) Council Meeting Procedures and Commission Participation 3334
B. Coordination with Staff 3435
1) Duties of Secretary 3435
2) Relationship Between Secretary and Commission 3536
3) Relationship with the City Manager 3738
C. External Relationships 3738
1) Meetings with Other City Commissions 3738
2) Outside Agencies 3839
3) General Public 3840
4) Individual Commissioners 3940
5) Press and Other Media 3941
6) Election-Related Activity 4041
7) Summary 4041

CHAPTER IV. PUBLIC MEETINGS 4142

A. Legislative Bodies 4142
B. Meetings 4142
1) Types of Meetings 4142
2) Exceptions 4244
3) Violations and Danger Areas 4345
C. Public Comment At Meetings 4547
1) Public Comment on Items Not on the Agenda 4547
2) No Discussion of Items Raised at Public Comment 4547
3) Public Comment Must be Allowed Prior to the Vote 4547
4) Limiting the Time for Public Speaking 4547
5) Distinction Between Public Comment at Regular Meetings Versus Special Meetings 4647
6) Formal Participation by the Public/Presentations 4647
7) Recording Meetings 4648
D. Meeting Location and Accessibility 4648
E. Agenda and Notice Requirements 4749
1) Regular Meetings 4749
2) Special Meetings 4749
3) Media List for Meetings 4849
4) Agenda Titles/Purpose 4849
5) Agenda Format/Headings 4850
F. Submission of Commission Agenda Reports 5052

G. Distribution of Commission Agenda Packets 5052
H. Noticing for Cancelled and Adjourned Meetings 5153
1) Cancellation of Meetings 5153

CHAPTER V. COMMISSION PROCEDURES 5354

A. Polling, Quorum, and Voting 5354
1) Polling 5354
2) Polling for Special Meetings 5354
3) Quorum 5354
4) Voting 5354
B. Basic Rules and Procedures of Commission Meetings 5556
1) Establishment of Meeting Rules 5756
2) Motions 57
3) Motion to Reconsider a Vote 58
4) Parliamentary Procedure and Robert's Rules of Order 58
C. Order and Decorum 58
1) Conduct of Public in Attendance 58
2) Commission Conduct 59
D. Special Procedures 6059
1) Public Hearings 6059
2) Closed Sessions 6261
E. Administrative Procedures 62
F. Berkeley Open Government Ordinance 6463
G. Use of the City Logo and Business Card Policy 64

CHAPTER VI. COUNCIL REPORTS AND REPORTS TO COUNCIL 65

A. Agenda Process (Open Government Ordinance and A.R. 5.1) 65
B. COUNCIL Agenda Schedule 65
C. Commission Reports to Council 66
1) Method of Communication 66
2) Basic Steps for Communicating to Council 67
3) Creating Council Reports 67
4) Formatting and Submitting Council Reports 67
5) Timeline 67
6) Votes Needed to Take Action 68
7) Reports to Council: Structure/Content/Format 69
8) Review by Other Commissions 70
D. Distribution with Council Agenda Packet 70
E. Resolutions/Ordinances Accompanying Reports 70

APPENDIX A. BERKELEY MUNICIPAL ORGANIZATION CHART 73

APPENDIX B. BERKELEY CITY CHARTER SECTION 36 74

APPENDIX C. BMC CHAPTER 3.64 INTERPRETING CITY CHARTER SECTION 36 CONCERNING MEMBERSHIP ON BOARDS AND COMMISSIONS 75

3.64.010 Findings. 75
3.64.020 Definitions. 76
3.64.030 Contract, work or business of City--Prohibitions. 76
3.64.040 Chapter declaratory of existing law. 76

APPENDIX D. CITY ATTORNEY MEMO REGARDING CONFLICT OF INTEREST 77

APPENDIX E. BMC 3.02 COUNCIL DETERMINATION AS TO INCOMPATIBILITY; RECUSAL; AUTOMATIC VACANCY 81

APPENDIX F. RESOLUTION NO. 53,989-N.S. NOTICE TO POTENTIAL CANDIDATES FOR BERKELEY ELECTIVE OFFICE AND INDIVIDUALS INTERESTED IN SERVING AS MEMBERS OF CITY BOARDS AND COMMISSIONS 82

APPENDIX G. ADMINISTRATIVE REGULATION 3.2 GOVERNING STIPENDS FOR COMMISSIONERS 83

APPENDIX H. RESPONDING TO REQUESTS FOR ACCOMMODATIONS FOR PERSONS WITH DISABILITIES 89

APPENDIX I. GENERAL INFORMATION FOR NEWLY APPOINTED COMMISSIONERS ..... 98~~93~~

GLOSSARY ..... 100~~95~~

INDEX ..... 105~~100~~

MOTION TABLE ..... 107~~102~~

QUORUM CHART ..... 108~~103~~

CHAPTER I. INTRODUCTION

CHAPTER I. INDEX

A. Public Participation....9
B. Commission Origins....9
C. Commission Types....11~~11~~
D. Commission Purview....12
E. Development of a Work Plan....12

A. PUBLIC PARTICIPATION

Berkeley's system of boards and commissions provides members of the public who have special experience or interests a method to participate in the City's decision-making process by advising the City Council on numerous issues. Throughout this manual, the word "commission" is used to denote all boards, commissions, and committees; and "commissioner" denotes all members of a board, commission, or committee.

It is not only the right but also the duty of residents to participate in planning for their future, and the City has a responsibility to provide commissioners with the tools to carry out their charge. That responsibility includes training and useful written procedures. This handbook attempts to fulfill the latter requirement.

The board and commission system provides the opportunity to interact with people of all ages, interests, and backgrounds. A better democracy can be realized when people are able to come together across neighborhood and economic lines to assist in making the community decisions that will shape all of their lives. While commissioners are themselves appointed from within the community, it is important that they in turn ensure that a wide variety of viewpoints from the rest of the community are considered when they make recommendations to the Council. Commissioners should treat these widely varying viewpoints of other commissioners and members of the public with respect so that all residents are encouraged to participate in government.

The City of Berkeley enjoys a wide variety of Council-appointed boards, commissions, and committees that advise the Council on numerous issues. As resident participation has evolved into a vital and integral part of local government, the number of commissions[1] has steadily grown. There are now approximately 3~~5~~ such bodies functioning within the City of Berkeley. The Board of Education and the Rent Stabilization Board are separately elected, independent of the City Council, and are not within the purview of this ~~manual~~Manual.

The roster of commissioners is a public document available in the ~~Office of the~~ City Clerk Department. The roster includes the name, residential or mailing address, ~~and either a~~ home or business phone number, appointed by, and term start date of each commissioner.

B. COMMISSION ORIGINS

Commissions originate from four different sources: the City Charter, Council action, federal or state mandate, and a vote of the people.

[1] ~~Throughout this manual, the word "commission" is used to denote all boards, commissions, and committees.~~

All commissions ~~listed above~~ share a common characteristic: Some or all commissioners are appointed either by the Council as a whole, or by each individual Councilmember in accordance with the Fair Representation Ordinance, Berkeley Municipal Code (BMC) Sections 2.04.030–~~2.04.070 and 2.04.080–~~2.04.130. Some Commissioners are directly appointed by the Berkeley Unified School District Board.

1) Charter

The present charter, first adopted in 1909, initially authorized ~~a~~ the Personnel Board, athe Civic Arts Commission, ~~a Welfare Commission,~~ and athe Board of Library Trustees, all of which are still active today.

Commented [NML1]: Removed to avoid confusion with the current Human Welfare and Community Action Commission

2) Council Action

Indefinite Tenure

The overwhelming majority of commissions are created by ordinance or resolution to perform defined duties within a sphere of interest for an indefinite period of time. From time to time, the Council may create a new commission or consolidate or eliminate commissions as needed.

Limited Tenure

The Council may establish a commission or task force for a specific purpose and a limited period of time. The Council can take action to extend the tenure of a limited tenure commission.

~~Examples include the Downtown Street and Open Space Improvement Plan Joint Subcommittee and the Joint Subcommittee for the Implementation of State Housing Laws.~~

Commented [NML2]: These are out-dated examples

3) Federal and State Mandate

Certain commissions are required by federal or state law, and the purposes and duties are specified by said law.

Examples include the Housing Advisory Commission, Human Welfare & Community Action Commission, and Mental Health Commission.

4) Ballot Measure Approved by Voters

Five~~Three~~ bodies derive authority from ~~ordinances resulting from~~ measures adopted by the voters. These are the Fair Campaign Practices Commission (FCPC), the Police Accountability Board (PAB), ~~Police Review Commission (PRC), and~~ the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE), the SAFE STREETS Citizens Oversight Committee (SSCOC), and the Independent Redistricting Commission. The FCPC ~~and the PRC are~~is exempt from attendance rules cited in Chapter II but ~~are~~is bound by rules contained in ~~each of their~~its initiative ordinance~~s~~, the Conflict of Interest program, and procedural rules devised to meet state open meeting standards. The SSBPPE, PAB, and SSCOC follow~~s~~ the rules in this manual.

Commented [NML3]: SAFE STREETS Citizens Oversight Committee added per Measure FF on the November 5, 2024 ballot

Commented [NML4]: The PAB's authority is from a charter amendment, not an ordinance. Removed the reference for accuracy.

Commented [NML5]: First of many, many edits related to the passage of Measure II creating the Police Accountability Board and sunsetting the Police Review Commission.

There are several local and regional advisory bodies to which the Council may appoint only one or two members. The remainder are appointed by other

agencies. Appointees may be Councilmembers, staff members, or members of the public. This category includes but is not limited to the Mosquito Abatement District Board, 2x2 Committee (~~e~~City-BUSD~~school~~), 4x4 Joint Task Force Committee (~~e~~City-Rent Board), Alameda County Waste Management Commission, Association of Bay Area Governments, and League of California Cities (East Bay Division). These bodies are not subject to the guidelines in this handbook.

C. COMMISSION TYPES

Commission activities are varied but generally fall into four categories.

1) Quasi-Judicial

Certain commissions have the authority to make binding decisions that require or restrict the action of individuals. Aggrieved parties have the right to appeal the commission decisions to the City Council. Quasi-judicial commissions have provisions in the Municipal Code to hold noticed public hearings. For more information regarding public hearings, see pages ~~33~~, ~~34~~ 4243, and 59.

Quasi-Judicial Commissions:

- Fair Campaign Practices Commission
- Open Government Commission
- Housing Advisory Commission (building official appeals)
- Landmarks Preservation Commission
- Planning Commission
- Police ~~Review Commission~~Accountability Board
- Zoning Adjustments Board

2) Administrative

This type of commission has administrative powers to manage the subject under its purview.

Administrative Commission:

- Board of Library Trustees

3) Advisory to the City Manager

These commissions make recommendations to the City Manager.~~–~~

Advisory to the City Manager:

- Personnel Board
- Police Accountability Board ~~Review Commission~~

4) Advisory to Council

All commissions listed below advise the City Council concerning policies and programs, within the limitations of their enabling legislation.

Advisory to Council:

- ~~Animal Care Commission~~
- Cannabis Commission
- ~~Children, Youth, and Recreation Commission~~

Commented [NML6]: Updates related to commission reorganization approved by City Council.

- Civic Arts Commission
- Commission on Aging
- Commission on Disability
- Commission on Labor
- Commission on the Status of Women
- Community Environmental Advisory Commission
- Community Health Commission
- Design Review Committee
- Disaster and Fire Safety Commission
- Elmwood Business Improvement District Advisory Board
- Environment and Climate Commission
- ~~Energy Commission~~
- ~~Homeless Commission~~
- Housing Advisory Commission (policy)
- Human Welfare & Community Action Commission
- Loan Administration Board
- Mental Health Commission
- ~~Open Government Commission~~
- ~~Parks and Waterfront Commission~~
- Parks, Recreation and Waterfront Commission
- Peace & Justice Commission
- Police ~~Review Commission~~Accountability Board
- ~~Public Works Commission~~
- SAFE STREETS Citizens Oversight Committee
- Solano Avenue Business Improvement District Advisory Board
- Sugar-Sweetened Beverage Product Panel of Experts
- ~~Transportation Commission~~
- Transportation and Infrastructure Commission
- Youth Commission
- Zero Waste Commission

D. COMMISSION PURVIEW

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

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

E. DEVELOPMENT OF A WORK PLAN

In 2016, the City Council took formal action directing all commissions, except Board of Library Trustees (BOLT), Design Review Board, and Zoning Adjustments Board (ZAB), to submit an annual work plan at the start of each fiscal year to the

Council in the form of an Information Report. A commission work plan should contain the commission's mission statement, goals, resources, activities, outputs, and desired outcomes. This planning document specifies how and when the commission plans to accomplish its objectives (by specifying outcomes) during the fiscal year. Goal statements explain the nature and scope of the work to be performed and the time needed to accomplish the goal.

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

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

CHAPTER II. SERVING ON A COMMISSION

CHAPTER II. INDEX

A. Membership 13
B. Alternate Commissioners 2122
C. Accommodations for Commissioners with Disabilities 2223
D. Stipend Information 23
E. Conflict of Interest Prohibited 24
F. Commission Organization 27

A. MEMBERSHIP

1) Residency Requirements and Affidavit of Residency

As required by BMC Section 2.04.140, commissioners appointed by the Council or individual Councilmembers shall be residents of the City unless the commissioner is required by federal or state law or the ordinance establishing the commission to represent a specified organization, agency, group, category, or profession and residency is not required.

Pursuant to BMC Section 2.04.145, most commissioners are required to execute an Affidavit of Residency prior to appointment. The appointing Councilmember submits the executed affidavit with the appointment form. Appointments to the FCPC and PABPRC and appointments made by the Berkeley Unified School District are exempt from the Affidavit of Residency requirement.

Commissioners must inform the secretary if they are no longer residing in the City of Berkley. The secretary of the commission shall inform the City Clerk in writing within one week after receiving such notification from a commissioner. The term of the commissioner shall expire on the date the notice is received by the City Clerk. If, however, a commissioner states that he or she isthey are temporarily moving out of Berkeley and fully intends to reestablish residency in Berkeley within six months, the commissioner may continue to serve on the board or commission. At the end of the six months, the commissioner must inform the secretary whether the commissioner has reestablished residency in Berkeley. If the commissioner has not reestablished residency, automatic termination of membership will occur upon receipt of notification by the City Clerk. Commissioners are required to notify the City Clerk and secretary of contact information changes.

2) City Employees

BMC Section 3.80.030 prohibits City employees from being appointed to or sitting on Boards and Commissions as of December 1, 2016 except as specifically provided for in the Charter or BMC.

3) Application Procedure

Commission appointments are made in most cases by individual Councilmembers and sometimes by the Council as a whole. A comprehensive list of current boards and commissions and the applications to apply are available in the City Clerk Department. This information may also be obtained through the City's website at www.cityofberkeley.info/commissions. https://berkeleyca.gov/your-

government/boards-commissions. Completed application forms must be returned to the City Clerk. The City Clerk will forward the applications to each member of the City Council. Councilmembers will contact applicants in whom they are interested to discuss appointment or other participation opportunities.

4) Appointments

Appointments to most commissions are regulated by BMC Sections 2.04.030–2.04.130, commonly referred to as the Fair Representation Ordinance, or "FRO." This voter initiative, adopted in 1975, requires that Councilmembers have equal representation on boards and commissions. Most commissions created by the Council are governed by the Fair Representation Ordinance.

Commissions responsible for appointing commissioners to other commissions must follow the rules for appointments in this Manual and the Municipal Code. Furthermore, these appointments to other commissions that arise from membership on a parent commission are terminated if the commissioner is terminated or resigns from the parent commission.

Example: If a ZAB commissioner who is also the ZAB's appointee to the Design Review Commission is terminated, theirhis or her term on the Design Review Committee also terminates.

Generally, the appointment process begins when a Councilmember submits an appointment form and an Affidavit of Residency to the City Clerk. The City Clerk determines if the person is eligible to serve and processes the appointment. The Clerk then notifies the commission secretary that the appointment is valid. A commissioner may not serve at any commission meeting until the commission secretary receives approval from the City Clerk Department and the commissioner has taken the Oath of Office.

NOTE: Participation of commissioners not deemed eligible by the City Clerk may result in nullification of commission actions.

After a new commissioner is appointed, the City Clerk Department will mail e-mail a packet of important information and will mail the appointment letter to the commissioner. If the appointment is made less than two days prior to the first meeting of service, the commissioner may make arrangements to pick up the packet in person or obtain the materials from the commission secretary.

Commented [NML7]: Updated to reflect current, modern practices.

Requirement:

Commissioner appointments must be submitted to the City Clerk before 5:00 p.m. the day of the meeting and prior to the beginning of the meeting, to allow sufficient time to determine the appointee's eligibility and process the appointment.~~ensure the commissioner will be eligible to participate in the meeting.~~

Consequence:

Failure to notify the City Clerk Department of commissioner transactions in a timely manner will result in a delay in the effective date of the transaction. This may lead to unexcused absences, nullification of commission votes, or possible termination from the commission.

5) Oath of Office

Before commissioners can participate as voting members of their commissions, they must take the Oath of Office as required by law (City Charter Article V, Section 18) at the City Clerk Department or through their commission secretaries. Failure to take the Oath of Office within 30 days of the appointment date is cause for automatic termination. Commissioners must take the Oath of Office for every temporary appointment they accept, unless they are appointed as Alternate Commissioners (see page 21~~22~~).

Secretaries must check with the City Clerk Department prior to the commission meeting to verify that all newly appointed commissioners have taken the Oath of Office before allowing them to be seated. If the secretary is unable to verify if the oath has been taken, they must administer the oath prior to allowing the commissioner to be seated. It is the secretary's responsibility to forward completed oaths of office to the City Clerk Department upon completion.

Requirement:

All commissioners must complete and sign the Oath of Office within 30 days of the appointment date *and* prior to serving in their official capacity.

Consequence:

If a commissioner fails to take the Oath of Office within 30 days, ~~his or her~~their appointment will be automatically terminated. Serving at a meeting without having taken the Oath of Office may result in nullified votes and items that have to be re-agendized.

6) Terms of Office

Most Berkeley commissioners have both "term minimums" and "term maximums."

Term Minimum

The term minimum ensures that, regardless of the date of appointment, a commissioner cannot be replaced by a Councilmember prior to December 1 in the year in which ~~he or she was~~they were appointed.

If the appointing Councilmember dies, resigns, or is recalled prior to December 1, the term minimum of appointees of that Councilmember expires on the date of death, resignation, or recall (BMC Section 2.04.075).

Commissioners who have reached the term minimum may continue to serve at-will, and retain full voting rights after December 1 until they are replaced, terminated, resign, or reach their eight-year term limit.

Commissioners serve at the pleasure of the Councilmember who appointed them. As a matter of courtesy, it is recommended that the Councilmember should set the date a commissioner is to be replaced on a commission and communicate that date to the commissioner at least two weeks prior to the official date of replacement.

Question:

A commissioner resigned to take a job out of state in March. The Councilmember appointed a new commissioner to the position. In April, the original commissioner returned to Berkeley and requested ~~his or her~~their appointment back. May the Councilmember terminate the newly appointed commissioner and reappoint the original one?

Answer:

No. The new commissioner serves under the term minimum policy until December 1 of that year. ~~He or she~~They may only be removed from office through resignation or failure to meet terms of service (e.g.~~i.e.~~, residency, attendance, etc. ~~violations~~).

Term Maximum

Commissioners who have served the maximum of eight years on a commission shall not be eligible to serve on that commission until a two-year break in service has occurred (BMC 3.02.040). The City Clerk will notify the commissioner and the secretary in advance of the expiration of the eight-year limit.

The eight-year limit is not affected by interruption of service due to (BMC 3.02.040):

- Absence from the commission due to termination for excessive absences, from missing three consecutive meetings, or from missing 50% or more regular meetings in a six-month period (BMC 3.02.020).
- Absence from the commission due to any leave(s) of absence (BMC 3.02.030).
- Absence from the commission due to termination pursuant to the provisions of the City's Conflict of Interest Code or for failure to file the required Statement of Economic Interests.

Question:
If a commissioner begins ~~his or her~~their term on April 1, 2005, is terminated for lack of attendance on July 1, 2008, and reappointed on October 1, 2008, does ~~his or her~~their eight-year clock reset with the new appointment date?

Answer:
No. According to BMC, 3.02.040, despite the three-month gap in service in 2008, the commissioner's term expires on April 1, 2013.

7) Vacancy

Each vacancy on a commission is to be filled through appointment or reappointment by the Councilmember to whom the vacancy is credited. In the case of newly elected first-time Councilmembers, the appointee of the newly elected Councilmember shall replace the appointee of the Councilmember from the same Council district who was not reelected, and the appointee of a newly elected Mayor shall replace the appointee of the outgoing Mayor.

A temporary appointment may not be made to fill a vacancy on any board or commission.

8) Commissions with Special Regulations

Several commissions require special qualifications for appointment. For example, some appointees to the Community Health Commission, Cannabis Commission, Mental Health Commission, the SSCOC, and the Sugar-Sweetened Beverage Product Panel of Experts must satisfy occupational or specific category requirements under state or local law.

Other commissions have unique terms of appointment, such as the PAB~~PRC~~ (Charter Art. XVIII)~~(BMC 3.32.030)~~, which sets terms of ~~two~~four years, and the Youth Commission (BMC 3.42.030), which sets terms of one year. The FCPC (BMC 2.12.175) sets terms the same as the appointing Councilmember or Mayor. Appointments to the Mental Health Commission are made by the Council as a whole for three-year terms (Resolution No. 65,945-N.S.). ~~If specific rules deviating from the norm concerning appointments and terms exist, these are contained in the BMC sections or resolution that establishes the commission.~~

The two youth commissioners on the Environment and Climate Commissions are appointed by the Council as a whole from candidates recommended by the Berkeley Unified School District Board of Directors.

If specific rules deviating from the norm concerning appointments and terms exist, these are contained in the BMC sections or resolution that establishes the commission.

9) Attendance Requirements

Failure to comply with attendance rules and other requirements can result in automatic termination and/or lack of a quorum. It is important to note that

all commissions, regardless of the frequency of meetings, are subject to these attendance regulations.

Commissioners must attend all meetings in order to avoid being marked absent. A commissioner is determined to be "absent" unless ~~he or she~~they 1) ~~has~~have been granted an excused absence because the meeting conflicts with a religious or cultural holiday (see below); or 2) The commissioner has obtained an approved leave of absence from their appointing councilmember or commission (see Chapter II, Section A.10 ~~page 20~~). Commissioners who have excused absences, or an approved leave of absence, or who attended, will not be marked as absent.

Commissioners should inform the secretary as far in advance as possible if they cannot attend a meeting. Secretaries should advise these commissioners to request a leave of absence for the meeting.

NOTE: A commissioner must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for purposes of attendance.

~~Excused Absences~~

~~An "excused absence" is only granted when a commissioner must miss a meeting due a religious or cultural holiday. To encourage full participation in commission meetings by all commissioners and the public, the Council encourages commissions to refrain from scheduling meetings on cultural and religious holidays. Commissioners may make a written request in advance of a meeting that an absence be excused due to a conflict between a scheduled commission meeting and a cultural or religious holiday. If received by the secretary prior to the scheduled meeting, the secretary will then excuse the absence and note the excused absence in the semi-annual attendance report sent to the City Clerk (BMC 3.02.030).~~

Commented [SN8]: Moved to 10 below in this section

Absence from Three Consecutive Regular Meetings

If a commissioner is absent from three consecutive regular meetings ~~his or her~~their appointment to the commission will be automatically terminated. If a commissioner has been absent from two consecutive regular meetings, the secretary will advise the commissioner that absence from three consecutive regular meetings of the body will result in automatic termination. Within one week of the third consecutive absence, the commission secretary will notify the City Clerk in writing of the dates of the three absences. The appointment expires on the date the fact of the third absence is reported to the City Clerk. Within one week, the City Clerk will notify the commissioner that ~~he or she has~~they have been terminated and notify the Councilmember or Council, as appropriate, that a vacancy exists on the commission and that an appointment may be made to fill such vacancy (BMC 3.02.020). Attendance at special meetings (any meeting outside the standard meeting schedule) does not count toward attendance requirements.

Absence from 50% of All Regular Meetings

If a commissioner has been absent from 50% or more of all regular meetings held within the reporting period, ~~his or her~~their appointment to the commission will be terminated (BMC 3.02.020). The secretary of each commission shall report the full attendance record of each commissioner to the City Clerk at the end of each six-month period (June 30 and December 31) on a form provided by the City Clerk. The appointment of the commissioner will terminate on the date the attendance is reported to the City Clerk. Within one week of receiving such attendance report, the City Clerk will notify any commissioner whose appointment has been terminated and report to the appointing Councilmember, or Council, that a vacancy exists and that an appointment may be made to fill the vacancy.

NOTE: A commissioner appointed in January to a commission that held six regular meetings in the January to June reporting period must attend four regular meetings in order to comply with the attendance rules.

Newly appointed commissioners must attend more than half of all regular meetings held during the reporting period since being appointed in order to avoid termination.

Commissions That Meet on a Reduced Schedule

~~Per Resolution No. 68,258-N,S. and its successors, some~~ Some commissions may have a fewer number of meetings allowed in a year (less than the standard 10 meetings per year). Secretaries of commissions that meet on a reduced schedule will advise any commissioner who has been absent (as defined above) from one regular meeting that absence from two consecutive regular meetings of the body will result in automatic termination by the same mechanism described above.

Commented [NML9]: Updated to retain relevance. The meeting frequency for commission can change due to activity.

The reporting period for a commission that meets on a reduced schedule is the full calendar year. Commissioners on these commissions will be terminated if they are absent from 50% or more of all regular meetings in the calendar year.

Commissions with Special Regulations

~~Fair Campaign Practices Commission and Police Review Commission~~

~~Both t~~The FCPC ~~and the PRC were~~was created by a ballot measure~~s~~ that w~~as~~ere adopted prior to the addition of the automatic termination rules to the Municipal Code. Members of the FCPC are exempt from these provisions.

The ~~PRC is exempt as well; however, the~~ ballot measure that created the PAB ~~PRC~~ does provide for standard attendance and termination rules for members of the PAB.~~after three consecutive unexcused absences from regular or special meetings (BMC 3.32.040).~~

The SSBPPE and SSCOC were~~as~~ created by a ballot measure adopted after the automatic termination provisions were added to the BMC and, thus, the rules for Council-created advisory commissions also apply to these two commissions ~~SSBPPE~~.

No Quorum—Meeting Cancelled
When it is expected that there will be sufficient commissioners to hold a meeting but at the actual time of the meeting a quorum cannot be assembled and the meeting is cancelled, those commissioners who are absent will have an absence counted against them. Commissioners who have excused absences, or an approved leave of absence, or who attended will not be marked as absent.

If it is known that a quorum will not be achieved, the secretary will notify all commissioners that the meeting will be cancelled. No absence will be recorded against any commissioner. See Chapter IV, Section H for more details on procedures when lack of quorum occurs.

10) Excused Absences
An "excused absence" is only granted when a commissioner must miss a meeting due a religious or cultural holiday. To encourage full participation in commission meetings by all commissioners and the public, the Council encourages commissions to refrain from scheduling meetings on cultural and religious holidays. Commissioners may make a written request in advance of a meeting that an absence be excused due to a conflict between a scheduled commission meeting and a cultural or religious holiday. The excused absence can be granted before or after the scheduled meeting.; tThe secretary will then excuse the absence and note the excused absence in the semi-annual attendance report sent to the City Clerk (BMC 3.02.030).

~~10)~~11) **Leaves of Absence (BMC 3.02.030)**
An appointing Councilmember may grant a leave of absence (LOA) for a specific meeting, or a period not to exceed three months. Written notice of the LOA must be filed by the Councilmember with the City Clerk prior to the actual absence. For meetings held after business hours, the notice of leave must be received by the City Clerk before 5:00 p.m. on the day of the commission meeting in order to count for that meeting. As per Ordinance No. 7,911-N.S., the Mayor can approve a Leave of Absence for a Commissioner appointed by the Council as a whole.
~~In the case of commissioners who are appointed by the Council as a whole, a LOA of a period not to exceed three months may be granted by the Council; the secretary shall submit a consent item to the agenda process for the Council to approve the absence prior to the actual absence.~~

Commented [SN10]: The council adopted Ordinance No. 7,911-N.S. amending Berkeley Municipal Code Section 3.02 to allow the Mayor to approve a Leave of Absence for a Commissioner appointed by the Council as a whole.

NOTE: A leave of absence may not be granted or applied retroactively.

Commissioners may seek to be reinstated prior to the end date of their LOA. This request must be made to the appointing Councilmember. If this request is granted, the Councilmember must submit a written request to the City Clerk to terminate the LOA. Once the leave is terminated, any temporary appointee shall have no further right to serve, and the regular commissioner will resume ~~his or her~~their duties on the commission. The City Clerk will notify the secretary of these transactions.

As stated above, a LOA may be granted for a period not to exceed three months. A subsequent LOA may not be granted to the commissioner if it will

extend the total uninterrupted leave beyond three months. The commissioner will be marked absent from any meetings missed beyond the end of the three-month maximum leave. A commissioner must attend at least one meeting in between LOAs.

Youth Commissioners and Peace ~~and~~ & Justice Commissioners appointed by a School Board Director must request a LOA from their appointing Director.

Exception for Design Review Committee
Members of the Design Review Committee must request any LOA from the appointing commission. The request must be submitted through the agenda process by the commission secretary of the appointing commission.

Example: If a commissioner is a member of both the Zoning Adjustments Board (ZAB) and the Design Review Committee, that commissioner must obtain a LOA from ~~his or her~~their appointing Councilmember for ZAB and also have the ZAB grant a LOA for ~~his or her~~their position on the Design Review Committee.

Question:
If a commissioner is granted a LOA for June 1 through July 31 and the commission does not meet in August, may the commissioner request a LOA for the September meeting?

Answer:
No. A single LOA or consecutive leaves of absence may not extend longer than three months.

~~11)~~12) **Temporary Appointments**
During the commissioner's authorized LOA, the commission treats the absence as a vacancy; that is, the number required for a quorum drops accordingly (see Chapter V, Section A, for details). The appointing Councilmember or the Council may fill such vacancy by a temporary appointment for a period not to exceed the period of the temporary vacancy. Specific rules for temporary appointments include:

- A temporary appointee cannot obtain a LOA during ~~his or her~~their tenure.
- A temporary appointee can be terminated for missing three consecutive meetings.
- A temporary appointee can be terminated for non-filing of a required Form 700 within 30 days of appointment.
- If the commissioner on an approved LOA resigns or is terminated, the associated temporary appointee is automatically terminated.
- A temporary appointment may not be made to a vacant seat on any board or commission.

A temporary appointee does not assume any appointments of the regular commissioner such as chair, vice-chair, or seats on other committees. ~~or subcommittees.~~

~~12)~~13) Automatic Terminations

The importance of complying with the requirements of being a commissioner cannot be emphasized enough. Failure to recognize these requirements will result in automatic termination. The following are reasons why commissioners are automatically terminated.

- Absence from three consecutive regular meetings (see Section A.9, page 17, of this chapter for details).
- Absence from 50% or more of all regular meetings in a six-month period (see Section A.9, page 17, of this chapter for details).
- The non-filing of required Conflict of Interest Disclosure statements (see Section E.2, of this chapter for details).
- Failure to take the Oath of Office within 30 days of the appointment date (see Section A.5, page 15, of this chapter for details).
- Non-residency (see Section A.1, page 13, of this chapter for details).
- Failure to meet any eligibility requirements of the ordinance, resolution, or other law establishing the commission or regulating its membership.

NOTE: A commissioner may not be reappointed to any commission for a period of one year if ~~he or she is~~they are terminated more than four times for any of the above reasons.

If a commissioner is terminated more than four times due to any of the above reasons or a combination of the above reasons, ~~he or she is~~they are terminated from all commissions and ~~sub~~committees and may not be appointed again to any commission for one year.

No commissioner may be appointed to any commission if there are outstanding Conflict of Interest statements or fines, and no commissioner may be appointed to any commission for a period of one year if terminated from any commission more than once for failure to file such statements.

~~13)~~14) Resignation Procedure

A commissioner wishing to resign shall submit a written resignation directly to the City Clerk and to the appointing Councilmember or the Council, as appropriate. Either an electronic or a hard copy resignation will be accepted.

Once submitted, a letter of resignation cannot be withdrawn. The effective date of the resignation is the date it is received by the City Clerk unless a future date is indicated. The City Clerk shall then notify the Councilmember, or Council, and the secretary of the commission that a vacancy exists.

B. ALTERNATE COMMISSIONERS

In 2015, Council amended Berkeley Municipal Code Chapter 3.02.035 to allow each Councilmember and the Mayor to appoint a pool of five Alternate Commissioners to serve on designated commissions when their regular appointee is on an approved leave of absence.

Per Resolution No. 71,20667,~~205~~–N.S., the designated commissions on which Alternate Commissioners may serve are: ~~the~~

Commented [NML11]: New resolution added commissions to the list of Alternate Commissioners

- Community Health Commission
- Environment and Climate Commission
- Housing Advisory Commission
- Landmarks Preservation Commission
- Parks, Recreation, and Waterfront Commission
- Planning Commission
- Sugar-Sweetened Beverage Product Panel of Experts
- Transportation and Infrastructure Commission
- Zero Waste Commission
- Zoning Adjustments Board ~~Housing Advisory Commission, Landmarks Preservation Commission, Planning Commission, Police Review Commission, Sugar-Sweetened Beverage Product Panel of Experts, and the Zoning Adjustments Board.~~

NOTE: Appointments of Alternate Commissioners to quasi-judicial commissions must be made at least two business days prior to the meeting.

Commented [NML12]: New provision from Council Resolution No 71,206-N.S.

The Council may add to or remove commissions from this list at its discretion.

All regulations and requirements of the BMC that apply to a Commissioner as defined in 3.02.010.A also apply to Alternate Commissioners except BMC Section 3.02.040 (term maximum).

For any commission with specific requirements for membership, the Alternate Commissioner must meet the same special category requirements in order to serve.

Alternate Commissioners are subject to the December 1 term minimum.

Alternate Commissioners must complete the Oath of Office and file a Form 700 at the time of their appointment as an Alternate Commissioner and not for each temporary appointment to one of the designated Commissions.

The appointment of an Alternate Commissioner to serve as a temporary appointee must be filed by the appointing Councilmember or Mayor with the City Clerk prior to the meeting at which the Alternate Commissioner is to serve. For meetings held after business hours, the temporary appointment must be received by the City Clerk before 5:00 p.m. on the day of the commission meeting in order to be effective for that meeting.

C. ACCOMMODATIONS FOR COMMISSIONERS WITH DISABILITIES

Commented [NML13]: New policy pursuant to legal settlement

Members of boards, commissions, and the public who have a disability have a right to reasonable accommodations necessary for them to participate in City meetings and programs. The Americans with Disabilities Act (ADA) and other laws mandate that the City provide programmatic access and effective communication in order for people with disabilities to be able to participate in the City's programs, services, and activities including public meetings. More information is available on page ~~48~~46 and in Appendix H.

Individuals with disabilities who need accommodations to participate at a City of Berkeley meeting should make their requests to the ADA Program Coordinator, who will evaluate the individual's request and determine the appropriate method of accommodation. If possible, individuals are asked to attempt to make a disability-related accommodation request 72 hours in advance of meetings to ensure that the City has an adequate opportunity to provide reasonable accommodation. The City will make good faith efforts to provide accommodations that are requested less than 72 hours in advance of a meeting.

Requests to the ADA Program Coordinator can be made by calling the ADA Program Coordinator at (510) 981-6418 or emailing ada@berkeleyca.gov. ~~Members of boards, commissions, and the public who have a disability have a right to reasonable accommodations necessary for them to participate in City meetings and programs. The Americans with Disabilities Act (ADA) and other laws mandate that the City provide programmatic access and effective communication in order for people with disabilities to be able to participate in the City's programs, services, and activities including public meetings. More information is available on page and in Appendix H on page 89.~~

~~Individuals with disabilities who need accommodations to participate at a City of Berkeley meeting should make their requests to the commission secretary who will work with the Disability Compliance Program to evaluate the individual's request and will determine the appropriate method, if any, of accommodation. Individuals must make a disability-related accommodation request at least 72 hours in advance of meetings to ensure that the City has an adequate opportunity to provide reasonable accommodation.~~

D. STIPEND INFORMATION

In order to remove economic hardship barriers from public participation, the City Council, by Resolution No. ~~64,831~~69,739-N.S., authorize~~d~~s payment in lieu of certain expenses to commissioners of all Council-appointed boards, commissions, committees, task forces, and joint ~~sub~~committees who meet certain household income criteria. ~~Subc~~Committees of commissions designated by the advisory body and not by Council appointment are not eligible for reimbursement.

Eligibility criteria for stipend and reimbursement:

Commented [NML14]: Revisions pursuant to Council action.

- Persons eligible to receive reimbursement in lieu of expenses are those board, commission, committee, task force or joint committee members whose household gross income as filed jointly for federal income tax purposes is below the Alameda County 50% AMI for a 3-person household per year ($70,075 per year as of January 2024).
- Commissioners who are minors (under 18 years old) must have eligibility declaration forms co-signed by a parent or legal guardian attesting that the combined 3-person household income is under the Alameda County 50% AMI ($70,075 per year as of January 2024).
- ~~Persons eligible to receive reimbursement in lieu of expenses are those board, commission, or committee members whose annual family income reported individually or as filed jointly for federal income tax purposes is below $20,000 per year.~~
- ~~Commissioners who are minors (under 18 years old) must have eligibility~~

~~declaration forms cosigned by a parent or legal guardian attesting that the combined household income is under $20,000.~~

- To establish eligibility, commissioners must file the Annual Declaration form in Appendix ~~H~~ G with the secretary of their board, commission, or committee. Commissioners must file a new declaration form annually prior to May 31 in order to maintain eligibility.

An eligible commissioner is authorized to receive:

- $~~40~~ 100 for each official meeting attended, not to exceed four meetings each month. This amount is indexed for inflation annually.
- Reimbursement for actual childcare expenses incurred while ~~he or she~~they attend~~s~~ meetings.
- Reimbursement for actual expenses paid to an attendant to provide care for a dependent elderly person while the commissioner attends meetings.
- Reimbursement for actual expenses incurred for disabled support services necessary to participate fully in board, commission, or committee meetings.

If a commissioner is paid $600 or more in stipend payments in one calendar year, an IRS Form 1099 will be generated by the Finance Department.

It is the responsibility of the commission secretary to submit quarterly stipend forms to the Accounts Payable Division. Additional stipend policy and instructions are in Administrative Regulation 3.2, which is included in Appendix G~~H~~.

Pursuant to the City Charter, ~~BMC Section 3.32.060, Police Review Commissioners~~PAB members shall receive ~~$3 per hour for their time and work investigating complaints, reviewing policies and practices, and attending meetings,~~$100 per regular or special meeting attended, but in no case shall compensation for any one commissioner exceed ~~$200~~$300 per month.

E. CONFLICT OF INTEREST PROHIBITED

Members of Berkeley's commissions provide advice to the City Council, study various matters and, in the case of certain commissions, function in a quasi-judicial capacity. All members of commissions should be aware of the need to avoid any instances of conflict of interest. Conflict of interest standards are generally applicable to all commissions. Additional requirements may be applicable to particular boards and commissions.

Government Code Section 1090

Government Code Section 1090 prohibits public officers, acting in their official capacities, from making contracts in which they are financially interested. Violations of Section 1090 are felonies. A memo from the City Attorney regarding how to avoid conflicts of interest under Section 1090 is included as Appendix D. Making recommendations to Council regarding City contracts is considered part of making the contract.

State Political Reform Act and Berkeley Conflict of Interest Code

The state Political Reform Act, Government Code Sections 81000 et seq., and the Berkeley Conflict of Interest Code adopted pursuant to the Act prohibit a commissioner from making, participating in making, or attempting to influence the

making of any City decision if the commissioner knows or has reason to know that it is reasonably foreseeable that the decision will have a material financial effect on specificed interests of the commissioner or a member of the commissioner's family distinguishable from its effect on the public generally. The state Fair Political Practices Commission (FPPC) enforces these procedures, and the scope of these prohibitions is delineated in FPPC regulations and advice letters. Commissioners may seek the advice of the City Attorney as to whether they should disqualify themselves. However, only a formal advice letter from the FPPC will insulate a commissioner from enforcement actions by the FPPC. Commissioners must seek the advice of the City Attorney or FPPC well before they are required to participate in a matter that would create a possible conflict of interest.

NOTE: Contact the City Attorney's Office at Attorney@cityofberkeleyca.gov.info or at 510-981-6950 at least two days in advance of a meeting if you think there may be a potential conflict on a matter under consideration by the commission. Contact the FPPC advice line at 1-866-ASK-FPPC for general questions.

In addition to filing required disclosure statements described below, any such conflict of interest must be publicly disclosed and noted in the official record of the commission meeting. In such cases, the commissioner completes the positive act of verbal disclosure, recuses himself or herselfthemself, and refrains from voting.

Recusal for Conflict of Interest

Recusal is the affirmative action of removing oneself from consideration, discussion, and voting on an issue in which a conflict of interest exists. Commissioners must make the required disclosure above and then physically remove themselves from the proceedings. Recusal requires that the commissioner leave the room, or virtual meeting space, where commission discussion is occurring. The commissioner may not reenter the meeting space until after the consideration (including any votes taken) of the issue has concluded.

NOTE: The number of votes needed for action is not reduced when a commissioner who has a disqualifying conflict of interest is recused.

Scenario:

The Environment and Climate Commission Energy Commission has worked for over a year to develop a recommendation to Council to approve a low-cost contract with a solar panel company. One of the commissioners owns stock in the solar panel company but forgot about it, as it was just a small amount.

When the recommendation came before Council, the commissioner's relationship with the recommended vendor was discovered. Council was forced to disregard all of the work the commission did when considering the contract, thus wasting many hours of hard work.

Commented [SN15]: Removed to avoid confusion with the current Environment and Climate Commission

1) Influencing the Making of Contracts and Affecting Other Financial Interests

Section 36 of the Berkeley City Charter and BMC Chapter 3.64 prohibit a commissioner on an advisory body from having an interest in any work or

business of the City if the commission of which ~~he or she is~~they are a member has had any role in influencing the making of the contract. These roles would include reviewing the contract itself, reviewing bid specifications, reviewing requests for proposals, discussing funding of the activity that is the subject of the contract, or making other kinds of policy recommendations that directly affect the making of the contract. A commissioner cannot satisfy the Berkeley City Charter and BMC Chapter 3.64 simply by disqualifying ~~himself or herself~~themself when the vote or discussion on the contract is taking place. The law prohibits the contract itself.

However, some exceptions to this rule exist. For example, if the commissioner is an officer, member, director, or employee of a nonprofit corporation that is to receive the contract in question, the law does not prohibit the contract itself. The commissioner must disclose ~~his or her~~their interest, the minutes of the commission must reflect this disclosure, and the individual commissioner must disqualify ~~himself or herself~~themself from participating in any manner, either directly or indirectly, in making or influencing any decision related to the contract.

2) Disclosure Statements Required (Form 700)

The Government Code of the State of California requires that designated commissioners file a Form 700 Statement of Economic Interests in which they disclose specified financial interests. The Berkeley Conflict of Interest Code specifies each commission that is subject to this requirement and the interests that must be disclosed.

NOTE: Failure to file Assuming Office and Annual Form 700s on time will result in termination from the commission. Failure to file any required Form 700 by the deadline (Assuming, Annual, Leaving) may result in the assessment of fines.

An Assuming Office Form 700 must be filed with the City Clerk Department within 30 days of appointment. Annual Form 700s must be filed by April 1 of each year. Finally, a Leaving Office Form 700 is required within 30 days of leaving office.

The City Clerk will routinely advise all commissioners affected of these requirements and deadlines. Not all commissioners are required to report at the same degree of disclosure. The Conflict of Interest Code is designed to require only that degree of disclosure needed to protect the public interest while balancing that need with an individual's right to privacy.

If a commissioner serving on a commission specified in the Code fails to file an Assuming Office Form 700 within 30 days of ~~his or her~~their appointment, ~~his or her~~their appointment will automatically terminate. Failure to file an Annual Form 700 within 30 days of the City Clerk issuing specific written notice of non-filing will also result in termination of a commissioner's term.

If a person has been terminated from a commission for any reason and a Councilmember wishes to appoint that person again, the commissioner

must first file a Leaving Office statement prior to the new appointment. ~~He or she is~~They are then required to file another Assuming Office statement within 30 days of the date of reappointment. If the commissioner is reappointed within 30 days of termination, there is no filing obligation.

No commissioner may be appointed to any commission if there are outstanding Conflict of Interest statements or fines, and no commissioner shall be appointed to any commission for a period of one year if terminated from any commission more than once for failure to file such statements.

Scenario:

A commissioner was terminated in January for failing to file ~~her~~ their Assuming Office Form 700 within 30 days of appointment. The Clerk Department processed the termination, noting that ~~she was~~they were terminated for the same issue a few months prior. In September of that year, ~~her~~ a Councilmember wanted to appoint ~~her~~ them to serve on another commission. The appointment was denied because ~~she~~ they may not serve on any commission for one year after termination more than once due to non-filing of Form 700.

3) Incompatible Public Offices

The common law doctrine of incompatible public offices prohibits a public official from occupying two public offices that are incompatible in terms of their duties and/or the likelihood of divided loyalties. However, in Berkeley, serving on two or more City boards or commissions, including quasi-judicial bodies, is permitted (BMC Chapter 3.80). A commissioner who already occupies an elected or appointed office other than a City board or commission and wants to apply for appointment to a City commission should seek the City Attorney's advice as to whether the two offices may be deemed incompatible.

4) Incompatible Activities for Compensation

Government Code Section 1126 prohibits a public official from engaging in activities for compensation that are incompatible with ~~his or her~~their public office. A commissioner engaged in compensated activities that may be incompatible with ~~his or her~~their duties as a commissioner should consult the City Attorney.

5) State-Mandated Ethics Training

State law (AB 1234) requires certain local agency officials to receive training in ethics. In Berkeley, the officials identified for this requirement are Mayor and City Council, City Auditor, Rent Stabilization Board Commissioners, Board of Library Trustees, and Police Accountability Board members. ~~Review Commissioners~~.

These officials will receive a notice from the City Clerk advising them of the required training. The training may be completed on the FPPC website. The training must be completed within one year of the date of appointment and every two years thereafter. A certification of completion must be filed with the City Clerk. For more information, please contact the City Clerk Department.

F. ~~F.~~ COMMISSION ORGANIZATION

1) Election of Officers and Terms of Office

Unless otherwise provided by ordinance,[2] the chair and vice-chair are elected by the majority of the commission for a one-year term and hold office until their successors are elected or until their terms as members of the commission expire. No commissioner shall serve as chair for more than two consecutive years. There is no term limit for vice-chair.

Unless otherwise provided for in the enabling legislation, the annual election of commission officers should occur during the month of February. The election of officers must be listed as an item on the agenda.

Two meetings prior to the meeting at which officers will be elected, commissions are encouraged to list as an agenda item a discussion of the election, to inform all commissioners of the opportunity to seek nomination and election for the offices of chair and vice chair, to discuss and agree to the nomination process and timing for nominations (if no policy has been enacted by the commission), and to add clarity for commissioners and the public. In order to facilitate an orderly and fair nomination process, commissions may open nominations at the January meeting (or the meeting prior to the February meeting) and then hold the vote on officers at the February meeting. A ~~C~~commission may enact a policy on officer elections in conformance with the requirements stated below, specifying the timing for nominations, the order in which nominations will be voted upon, and any other details that support a fair, orderly and transparent process for election of officers.

If there are multiple nominees for chair or vice-chair, the commission may wish to use a process by which all nominations can be made prior to voting. Full discussion of nominations is recommended, including the ability of nominees to speak on behalf of their own candidacy.

Additional regulations for officer elections:

- Nominations for chair and vice-chair require a motion (with second).
- A commissioner may nominate ~~himself or herself~~themself.
- Any member of the commission, regardless of length of tenure on the commission may be elected chair or vice-chair.
- There is no automatic succession from vice-chair to chair.
- Motions to nominate and elect must be voted on in the public forum, and no secret ballots are allowed.
- A roll call vote is recommended for votes on commission officers, and is required if any commissioner requests a roll call vote.
- The results of the vote must be publicly announced and the vote recorded in the minutes. (Resolution No. 63,876~~60,531~~-N.S.).

[2] Election of officers to the Police Accountability Board~~Review Commission~~ is governed by the City Charter.~~,~~ Board of Library Trustees~~,~~ and Landmarks Preservation Commission officer elections are regulated by BMC Sections ~~3.32.050,~~ 3.04.040, and 3.24.030, respectively.

- A commissioner may not be elected chair if ~~he or she~~they will not be able to finish the term due to the two-year limitation.

Terms of office for officers are determined by the date the election regularly occurs, not by the date it may have actually occurred. If there is a slight variation in the date of the election, the sitting chair may serve on an interim basis provided that they do not exceed the two-year limit.

Scenario:

The chair is elected in February 2024~~16~~. The chair resigns in April 2024~~16~~. A new chair is elected in May 2024~~16~~. The newly elected chair will serve from May 2024~~16~~ to February 2025~~17~~, when the next regular election is held.

2) Mandatory Annual Training for Chairs and Vice-Chairs

Chairs and vice-chairs are required to complete mandatory annual training. Resolution No~~s~~. 60,531-N.S. and 63,876-N.S. ~~was~~were adopted by the City Council to implement video training for commission officers~~. to satisfy the requirements of Resolution No. 60,531-N.S.~~

The chair and vice-chair must view, in its entirety, a training video on commission procedures and legal requirements. Upon completion, the chair and vice-chair must file with the City Clerk an Affirmation of Completion.

This training video must be viewed and the Affirmation of Completion must be filed with the City Clerk no later than 60 calendar days from the date of election as chair or vice-chair. Failure to complete the video training and file the Affirmation of Completion within 60 days of election will result in the immediate forfeiture of the position of chair or vice-chair.

NOTE: Commission officers must file an Affirmation of Completion within 60 days from the date of election or forfeit their seat as chair or vice-chair.

While not mandatory for commissioners other than the chair and vice-chair, completion of this training is encouraged for all commissioners.

The required training video may be viewed online through the city website ~~-~~ https://berkeleyca.gov/your-government/boards-commissions/serving-board-or-commission ~~- https://www.cityofberkeley.info/commissions/ or a DVD may be obtained from the City Clerk Department at 2180 Milvia Street, 1st Floor. The City Clerk also offers a video terminal at its office for commissioners to view the training video.~~

Commented [NML16]: Updated to reflect new website and new online training video.

Commented [NML17]: Updated to reflect new website and new online training video.

3) Duties of Officers

The “presiding officer” (chair or, in ~~his or her~~their absence, the vice-chair), performs the following duties.

- Presides at all meetings of the commission and ensures that the work of the commission is accomplished. To this end, the chair must exert sufficient control of the meeting to eliminate irrelevant, repetitious, or otherwise unproductive discussion. At the same time, the chair must

ensure that all viewpoints are heard and are considered in a fair and impartial manner.
- Ensures that commission bylaws, if any, and procedures are followed. The chair cannot make rules related to the conduct of meetings; only the full commission may do so.
- Appoints commissioners to temporary ~~sub~~committees subject to the approval of the full commission.
- Approves the agenda prior to distribution. This is limited to the structure and order of the agenda and does not grant the chair the authority to remove an item submitted by commissioners or staff if submitted by the established deadline.
- Signs correspondence on behalf of the commission.
- Represents the commission before the City Council. Other commissioners may be the representative with the formal approval of the commission by motion and vote.
- Approves commission reports to Council. The chair cannot modify content that was approved by the full commission.
- The chair or a quorum of the commission may call a special meeting.
- The chair and vice-chair have full rights to vote and to make or second motions.

4) Transfer of Chair

In the absence of the chair or ~~his or her~~their inability to act, the vice-chair presides in place of the chair, but does not assume the office of chair. In the event of the absence or the inability to act of both the chair and the vice-chair, the remaining commissioners elect one of their members to act as temporary chair.

If a chair is terminated from the commission for any reason, or resigns, the office is vacated, and a new election for chair must be held to fill the office. The vice-chair does not assume the office of chair, rather they preside over the meetings and execute the chair's duties as the vice-chair. If a vice-chair is terminated, the office is vacated, and a new election would be held to fill the office. If an officer is terminated and subsequently reappointed to the commission, ~~he or she~~they shall not resume the office and must be reelected to the office by the majority of the membership.

NOTE: In the event a chair leaves the commission prior to the end of ~~his or her~~their term, the vice-chair performs the duties of chair but does not assume the office of chair. An election must be agendized and a new chair must be elected at a subsequent meeting. The vice-chair may be elected as chair, as may any other commissioner, but the commission must vote on the election.

5) Temporary ~~Subcommittees~~/Ad Hoc ~~Sub~~c~~C~~ommittees

From time to time, the commission or the chair, with the confirmation of the commission, may appoint several of its members, but fewer than a quorum of the present body, to serve as a temporary ad hoc ~~sub~~committee. Commissions are limited to the creation of ad hoc single purpose ~~sub~~committees. ~~Ad hoc subcommittees are treated as if they are legislative~~

Commented [NML18]: Temporary ad hoc committees are not legislative bodies under the Brown Act. However, the City previously applied Brown Act rules to ad hoc committees. The City Council ended this practice in 2021.

Several edits throughout the Manual are made due to the return to standard Brown Act rules for ad hoc committees.

~~bodies under City policy and, as such, are required to comply with the requirements in the Brown Act.~~

Ad hoc ~~sub~~committees are defined by all of the following characteristics.

- Composed of less than a quorum of the parent body.
- Composed of only members of the parent body (no members of other commissions or any other persons may be included).
- Have a finite purview established by the parent body.
- Have a set target date to report back to the parent body.
- Terminate within one year, unless the parent body reviews and extends the timeline.
- Have no regular meeting schedule set by the parent body. ~~(all subcommittee meetings are "special meetings").~~
- Have no alternate commissioner assigned to attend meetings, even as an observer, if ~~his or her~~their presence would create a quorum of the parent body.

Ad hoc ~~Sub~~committees are advisory only to their parent commission, not to Council and are. ~~Subcommittees are~~ tasked with the study of a specific issue and with making a recommendation to their parent commission. The parent commission has the opportunity for input when the ad hoc ~~sub~~committee reports its findings and makes the recommendation(s). The parent commission has final decision-making authority on the disposition of the ad hoc committee~~subcommittee~~'s work.

The parent commission must adopt ~~sub~~committee recommendations before they can be forwarded to Council. A ~~sub~~committee may not represent the parent commission before the Council or other ~~c~~City legislative bodies unless it has first received the authorization of the parent commission to do so.

Only commissioners may become members of the ~~sub~~committee; however, the ~~sub~~committee should seek input and advice from the public, commissions with relevant subject matter jurisdiction, and other groups. ~~Sub~~C~~c~~ommittees must be reviewed annually by the commission to determine if they should continue their work. The commission secretary should track the creation of ~~sub~~committees and notify the commission of the pending expiration a ~~sub~~committee. The commission may request that renewal be agendized at a future meeting.

~~Please consult Chapter IV for noticing and agenda requirements applicable to subcommittees.~~

Extensive collaboration between commissions can be accomplished through concurrent meetings of ad hoc ~~sub~~committees, meaning ~~sub~~committees meet in the same place at the same time. ~~, each noticed and conducted appropriately.~~ In almost every case, concurrent meetings facilitate collaborative goals. Rarely, the City Council may choose to approve a joint ~~sub~~committee with the members designated by the City

Council in accordance with the Fair Representation Ordinance, BMC Sections 2.04.030–~~2.04.070 and 2.04.080~~–2.04.130.

~~Subcommittees shall conduct their meetings in public and in accessible locations that are open to the public. Meetings may be held at privately owned facilities provided that the location meets all the requirements of the Brown Act, including the following:~~

- ~~The location is open to all who wish to attend and there is no requirement for registration or purchase to attend.~~
- ~~No prohibition on attendance based on a protected class (e.g. race, ancestry, gender)~~
- ~~Must be accessible to the disabled.~~
- ~~The agenda must be publicly viewable at the meeting location for the full 24 hours prior to the meeting.~~

~~Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular commission meetings (posting board, website, meeting location) except that subcommittee agendas may be posted with 24-hour notice instead of 72-hour notice.~~

~~Question:~~

~~If a subcommittee plans to hold a meeting in a local shop that will allow members of the public in without charge and will post the agenda 24 hours in advance on the bulletin board in the back of their dining room, would this be a legal subcommittee meeting?~~

~~Answer:~~

~~Potentially not. The agenda must be posted where it is viewable by the general public for the full 24-hour posting period. If the shop closes at night and the agenda can't be viewed from outside the store, then the meeting was not properly noticed and cannot be held.~~

The secretary is not required to attend or take minutes of meetings of ~~sub~~committees. City staff may attend and participate in ~~sub~~committee meetings. Depending on the desires of the ~~sub~~committee members, City staff may participate ~~the same as members of the public~~ or may be asked to offer insights or provide information during discussion.

~~Sub~~Ccommittees must be comprised of at least two commissioners. If only two commissioners are appointed, then both must be present in order for the ~~sub~~committee meeting to be held. In other words, the quorum for a two-member ~~sub~~committee is always two. ~~A quorum of a subcommittee is prohibited from engaging in an illegal meeting; please refer to Chapter IV of this manual for more information regarding serial meetings.~~

A temporary appointee does not assume the ~~sub~~committee membership(s) of the commissioner for whom ~~he or she is~~they are substituting on the full commission. A ~~sub~~committee member who is terminated from the parent commission and subsequently reappointed to the parent commission does not automatically resume membership on the ~~sub~~committee; ~~he or she~~they may,

however, be reappointed to the ~~sub~~committee by action of the parent commission.

CHAPTER III. COORDINATION WITH COUNCIL, STAFF, AND OTHERS

CHAPTER III. INDEX

A. Coordination with City Council.....32~~33~~
B. Coordination with Staff.....34~~35~~
C. External Relationships (Commissions, Agencies, Public).....37~~38~~

A. COORDINATION WITH CITY COUNCIL

1) Relationship to City Council

The role of a commission is to advise the City Council. The exception is for quasi-judicial commissions that can act under their authorized ordinances or advise the City Council as appropriate. The City Council is responsible for accepting, rejecting, or modifying commission recommendations. The Council relies on the various commissions to increase the variety of viewpoints and talents brought to bear on City problems. By concentrating on specific areas, commissioners use their expertise and conduct detailed analyses that the Council itself may not have the time to pursue. It is expected that commissions will adopt positions of advocacy within their specific purview. However, the City Council's role is to take into consideration the many varied and sometimes conflicting public needs and render its judgment of what will best serve the public good. The Council must weigh the effect of any given recommendation, not only on the particular area of interest but on all other City goals and programs.

Just as the commissions advise the City Council concerning policy but do not create policy, the commissions advise the City Council concerning various programs run by the City but do not themselves operate programs. It is the responsibility of the City Manager and the City staff to operate programs authorized by the City Council. The exception to this rule is the Board of Library Trustees.

2) Referrals from the City Council

The Council may transmit referrals for information or action through formal action on an agenda item. These actions are recorded in the minutes of the Council meeting. The secretary notifies the commission of any such referrals from the Council. When appropriate, the Council may indicate a desired date for response and specify which commissions will be consulted.

Each referral response presented to the City Council on the Council agenda, shall indicate to whom the item was referred, the date of referral, and any other responses. Each commission may elect to respond by means of a separate report or communication.

3) Communicating to the City Council

A commission transmits its findings, responses to referrals, and other recommendations to the Council through the Council agenda. Upon the final vote of a commission to send an item to Council, the secretary submits a completed commission report for the Council agenda to the agenda process no later than three weeks after receiving the final text from the commission. The commission is responsible for providing the content of the report to the secretary. The report will be placed on an upcoming Council agenda based

on City Manager timelines and the Council Rules of Procedure for scheduling matters on the agenda. All reports are due to the City Clerk Department 33 days prior to the meeting date. Departments may have internal deadlines that require reports to be processed earlier.

Commissions may also transmit their findings or recommendations to the Council in the form of a letter. This type of communication is more timely; however, the Council cannot take any official action based solely on a written communication from a commission. Sending a letter to the City Council requires the authorization of the commission. Once approved by the commission, the secretary submits the letter to the City Clerk.

The chair, or an authorized representative of the commission, may officially speak on behalf of the commission at public comment on an issue before the City Council. Other commissioners may speak on the item as private ~~citizens~~persons. As is the case with a written communication, the Council cannot take an official action based solely on verbal comments from the commission.

For more information on commission reports to Council, see Chapter VI.

4) Council Meeting Procedures and Commission Participation

Regular City Council meetings are generally held twice monthly on Tuesdays. The schedule is established annually, taking into consideration holidays and election dates. Chapter VI has detailed information about how to place items on the agenda.

Council meeting agendas have a specific order: Consent, Public Hearings, and then Action. Information items are not usually discussed or acted on but can be commented on during Public Comment. Many circumstances can change the order in which an item is heard. Council may move items from Consent to Action or from Action to Consent, or they may even move Information items to Action for the purposes of discussion.

Question:

If a commission ~~places a~~ report appears on the Council agenda as a Consent item, will it be heard at the beginning of the meeting?

Answer:

Not necessarily. The Consent Calendar is heard toward the beginning of meetings, right after procedural and ceremonial items. However, items can be ~~pulled off~~moved from the Consent Calendar to the Action Calendar by Council to be discussed and acted on later in the meeting.

For items o the Action Calendar, ~~T~~the chair, or an authorized representative of the commission, has the right to address the City Council at the time the commission's item is heard. The Chair or the commission's designated representative may address Council from the staff table. Commissioners not delegated to speak as the official representative may utilize the Public Comment period to present information to Councilmembers.

Scenario:

A commission placed an item on the Consent Calendar for a Council meeting. The commission assumed that since the item was on Consent, there would be no discussion or questions and did not send a representative. At the meeting, a Councilmember had some questions and moved the item to Action. Because there was no one from the commission present and no subject matter expert, the Council ended up holding the item over to a future meeting.

B. COORDINATION WITH STAFF

1) Duties of Secretary

The commission secretary is a City employee designated by the City Manager (except for BOLT, FCPC, and PAB). The secretary represents the City Manager and assists the commission in its functions and advises the commission of staff's recommendations. Secretaries perform technical and basic administrative functions as outlined below and do not vote. In addition, as City professionals, they have the responsibility to ensure that the commission is apprised of laws and administrative processes affecting proposed policy recommendations and operational recommendations.

While other staff members may assist the commission from time to time, clerical staff will not be assigned to attend meetings without approval of the City Manager. The commission secretary's presence is only required at commission meetings. Secretaries are not required to attend Ad Hoc ~~sub~~committee meetings.

It is a secretary's responsibility to:

- Prepare commission agenda packets and minutes pursuant to the Brown Act and City procedures.
- Post draft minutes within ~~two weeks~~seven days after the commission meets.
- Notify commissioners of meetings.
- Maintain an accurate subscription mailing list for agendas.
- Attend commission meetings. City staff are not required to attend Ad Hoc ~~sub~~committee meetings.
- Follow the established Council agenda process to submit reports to Council based on the text approved by the commission.
- Advise the City Manager or department director of any requests for extensive staff work or report preparation.
- Notify other commission secretaries regarding items of shared purview.
- Report commissioner attendance to the City Clerk.
- File Commissioner's Annual Declaration Reimbursement (stipend) forms with the Finance Department.~~Auditor.~~
- Submit annual stipend forms and quarterly payment requests.
- Administer the oath to newly appointed commissioners if needed and file completed oath forms with the Clerk.
- Post agendas in hard copy and to the web per Brown Act requirements.

- Post commission meetings to the online ~~Community~~ Events Calendar.
- Forward final, adopted versions of the minutes to the Records e-mail inbox.
- Submit an information report to the City Council whenever a commission cancels two consecutive meetings for lack of quorum, per Resolution No. 65,127-N.S. (and its successors).
- Retain all documents related to the functions of the commission in accordance with the Citywide Records Retention Schedule. Of primary importance is the proper retention of minutes. Secretaries must sign the hard copy of the final adopted minutes and retain these records permanently. Secretaries may also consult with the Records Coordinator in their department for guidance on records retention.
- Advise the commission of staff's recommendations regarding matters before the commission, and represent council priorities and administrative policies of the City.
- Consider the policy and fiscal impacts of proposals and provide commissioners with early and timely information about the fiscal and policy impacts of proposals and their relationship to department and Citywide priorities.
- Compile and distribute communications from the public.
- Inform the commission of ~~sub~~ad hoc committee expiration as needed.

The list of duties above is representative of the requirements placed upon commission secretaries. It is not intended to be exhaustive. Requirements change over time and vary from commission to commission. Secretaries must familiarize themselves with the Brown Act, the enabling legislation, and relevant City policies to ensure they are properly fulfilling their duties.

The ~~secretary~~ City may also post information that is of particular interest to the commission web page including the commission work plan, specific projects, vacancies, and other general information. When posting additional information, it is important that the information be timely and relevant to commission business.

Secretaries should inform commissioners about activities, projects, and work taking place within the organization and among other commissions when the information is available and relevant. This information may be obtained by reviewing agendas or minutes from other commissions and maintaining contact with other secretaries.

Secretaries are encouraged to work with their supervisors or department heads to identify and train an alternate to ensure the critical work continues if they are on vacation or leave.

2) Relationship Between Secretary and Commission

The two main responsibilities of the commission secretary are to assist the commission in its functions and to represent the City Manager.

Generally, the commission secretary is appointed from the department that most nearly encompasses the commission's activities. As a representative of the City Manager, the commission secretary also advises the commission

of staff's recommendations. In this sense, the secretary is an active participant with the commission, although without a vote, rather than merely a passive transmitter of information.

NOTE: While the secretary's role is to assist the commission, the secretary and other staff assistants are not employees of the commission. At all times, the staff is directly responsible to the department director and City Manager.

The following are some ways to avoid misunderstandings and to keep the channels of communication open. Commissioners must adhere to the following rules for communication with staff.

- Ensure all contacts from the commission to any member of the staff, including those to a higher-level employee (e.g., the City Manager), are transmitted through the secretary. Conversely, all contacts from staff to the commission go through the secretary.
- Keep all contacts with staff members clearly in the framework of the commission assignment.
- Do not ask for individual reports, favors, or special considerations.
- Direct complaints from the public directly to the secretary, who will respond on behalf of the City.
- Realize that the assigned secretary reports directly to a supervisor and may not be able to carry out every request that the commission may have.

The Commission secretary must also follow the guidelines below to ensure clear communication.

- Keep the commissioners informed of the purpose and goals of the commission.
- Take the initiative to inform commissioners about relevant activities, projects, and work that is taking place elsewhere in the city government and among other commissions.

If a commission desires information, analysis, or other work that will require an excessive amount of staff time, the commission should present the request to the Council for approval in the form of a report. The Council may then consider the request in the context of the citywide work plan and determine the urgency and priority of the request. Following this procedure will prevent staff from being diverted from priority projects.

All appearances by staff before the commission are scheduled through the secretary so that they may be placed on the agenda. A staff person appearing before, or communicating with, a commission as a private individual must advise the commission that ~~he or she is~~they are not acting in an official capacity.

Staff secretaries are professionals who are required to provide their best technical and professional advice both to the commission and to the City Manager. Staff is there to provide information and expertise, not to make decisions or judgments. Occasionally, this will result in staff making an

alternate recommendation to that of the commission or suggesting that additional information is needed when communicating with the Council. In these situations, staff prepares a City Manager Companion Report capturing the alternative recommendation or additional information. Please see Chapter VI, Section C~~, page 66~~ for more information.

3) Relationship with the City Manager

The City Manager has a direct interest in the work of all commissions as they often advise the City Council on issues that will affect the use of staff time and City resources. Commission secretaries are responsible to the City Manager as well as the commission, and they keep the City Manager informed of significant ~~issues~~ topics that come before their commissions.

For the commissions that are advisory to the City Council, the City Manager is not able to alter commission reports and recommendations, however, the City Manager may propose an alternative to the commission report if ~~he or she~~they believe~~s~~ that the Council needs additional information or to pursue a different course. Please see Chapter VI, Section C~~, page 61~~ for more information.

As a partner in the public process, the City Manager seeks to work cooperatively with commissions to achieve the best outcome for the community.

C. EXTERNAL RELATIONSHIPS

1) Meetings with Other City Commissions

In order to develop a useful liaison between commissions, each commission should determine which other bodies regularly deal with overlapping subject matter. Commissions with issues that regularly overlap should request agenda, minutes, and relevant reports from each other through the commission secretaries. Where an issue arises that is of concern to two (or more) commissions, they should review the issue with each other before submitting a report to Council as outlined above.

Occasionally, two or more commissions may consider an issue that is within the purview of both. One of the secretary's duties is to collaborate with the other secretaries to ensure they are abreast of potential crossover subject matters. It's important that secretaries are aware of these situations in time for the commissions to address them as outlined below.

Commissions may hold concurrent meetings with other Council-created commissions.~~committees.~~ This is often referred to as a "joint meeting" between two commissions, but in reality, it is a *concurrent* meeting. Both commissions will publish separate agendas, take separate votes, and produce separate minutes. However, the concurrent meeting allows them to hold a joint discussion about the matter at hand.

The secretaries of the involved commissions should work together to ensure both commissions can communicate with Council as needed. If one commission is going to recommend action regarding an item of interest to another commission, the secretaries must collaborate to ensure both

commissions have the opportunity to submit reports to Council representing their purview.

Requests for information or review of proposals from one commission to another are transmitted through the respective secretaries of each commission.

2) Outside Agencies

Commissions function in an advisory capacity and, in the absence of an explicit delegation of the role to act on the City's behalf by the Council on a particular issue, they may not directly communicate with outside agencies.

NOTE: Unless specifically authorized by the Council, commissions may not represent the City or its policies or positions to outside agencies either on their own behalf or on behalf of the City.

If a commission wishes to support or object to a particular policy or program run by an outside agency, it should frame this action as a motion and a recommendation to the City Council. If adopted, the communication to the outside agency will be from the City Council.

When a commission requests that the City Council support or oppose legislation, policies, or actions, the position of the City is generally contained in a letter. The commission must attach the text of the letter to the report to Council. Resolutions are not needed for this type of action. However, should a resolution be requested of Council, such resolution must be in the proper format and attached to the Council report, ready for Council action.

If a request for an official policy statement is received from an outside jurisdiction, the commission may analyze and study the request. It can then make a recommendation to the Council for a response. All communications from outside agencies are transmitted through the secretary.

Furthermore, commissions may not take any action that commits or indicates an intention to commit the City without authorization by the Council and coordination with the City Manager, such as endorsing grant applications, receiving donations and gifts, sponsoring community events, or approving use of City property, facilities, or other resources.

The commission may not act as a sponsor of or participate in (such as having an information booth) community events without the authorization of the City Council.

Commissions cannot hold a joint meeting or joint event with an outside agency. If information from an outside agency is desired, the commission may request that the secretary invite the outside agency to make a presentation and field questions at a regular commission meeting.

3) General Public

The most direct way for the general public to communicate with commissions/commissioners is to attend commission meetings.

Members of the public may also communicate with commissions by sending a letter or an e-mail to the secretary, who will forward the e-mail to the commission in the agenda packet. If the communication is submitted after the packet is published, copies may be distributed to the commissioners and placed in the public viewing binder.

All communications from the commission to members of the public are transmitted through the commission secretary. Similarly, arriving communications are received by the secretary and relayed to the commission through the agenda packet. The secretary is responsible for including all communications received in the agenda packet according to publication deadlines. If the commission wishes to recommend Council action in response to a public comment or communication, the topic must be agendized at a future meeting for commission discussion and action.

Commissioners may interact with the public; however, if commissioners are contacted by the public outside of a meeting, commissioners should encourage them to send their comments to the secretary for distribution to all commissioners or come to a commission meeting and speak at public comment. This will allow the full commission to hear and consider all pertinent information and points of view.

Commissions may not, without approval of Council, represent City policy or communicate in an official manner outside of Commission meetings. This prohibition includes any type of public surveys and/or polling of the public, distributing informational flyers, newsletters, mass e-mails, or other similar media.

4) Individual Commissioners

Commissioners may not represent their Commission or the City to the general public or the media unless the Council authorizes the commission to authorize the individual commissioner to do so. Similarly, commissioners may not use ~~city~~ City logos, branding, or collateral to represent themselves externally. Please see Chapter V, Section G for more detail. A commission may authorize one of its members to appear before another City commission without Council approval.

Any time a commissioner uses their commission title or references their membership on a ~~city~~ City commission when speaking ~~publically~~publicly, they must state the following:

“I am speaking in an individual capacity and not representing the [Commission Name] or the City of Berkeley.”

Each commissioner also has the obligation to work cooperatively with other commissioners. Commissioners should exercise self-discipline and strive always to be objective, fair, and courteous with each other as well as with staff and the public. A healthy respect for the time of other commissioners, staff, and the public is of critical importance.

5) Press and Other Media

Inquiries from the media should be handled only by the chair or a representative designated by the commission, who may clarify actions taken by the commission, fairly and accurately recap commission conversations, or outline next steps. The Chair or designee must not editorialize, offer personal opinions, or speculate on future actions when speaking in an official capacity. Any commissioner may recite commission actions taken and state factual accounts of those actions.

6) Election-Related Activity

While potential ballot measures are under consideration for inclusion on the ballot, commissioners may communicate with Council, but they should limit themselves to advisory comments only. If a commission wishes to recommend a ballot item to Council, they should discuss it at a commission meeting, which offers the public a chance to participate, and then make their recommendation to Council via normal channels. Once a measure is placed on the ballot, Council has already taken action, so a commission, as an advisory body to Council, may not endorse or oppose the measure.

Commissions may not take official positions or host a public forum or debate for measures or candidates. Commissioners may engage in election-related activity as community members, and may use their commission title(s), current or former, for identification purposes, so long as they affirmatively declare that they do not represent the City or any legislative body of the City.

7) Summary

When considering the appropriateness of communicating ~~publically~~publicly as a commissioner, remember these simple guidelines.

- The City Council speaks for the City
- Commissions speak to the Council
- Commissioners speak as private individuals

CHAPTER IV. PUBLIC MEETINGS

CHAPTER IV. INDEX

A. Legislative Bodies ..... 41~~42~~
B. Meetings ..... 41~~42~~
C. Public Comment at Meetings 47
D. Meeting Location and Accessibility ..... 46~~48~~
E. Agenda and Notice Requirements ..... 47~~49~~
F. Submission of Commission Agenda Reports ..... 50~~52~~
G. Distribution of Commission Agenda Packets ..... 50~~52~~
H. Noticing for Cancelled and Adjourned Meetings ..... 51~~53~~

This chapter describes the key steps necessary for complying with the Brown Act and City policy for public meetings of boards and commissions.

The Brown Act (Government Code Sections 54950 et seq.[3]) is the state's open meetings act. It is intended to ensure that the public has adequate notice of what actions its elected and appointed local decision makers may take and that those decisions and the deliberations leading to them occur in public.

A. LEGISLATIVE BODIES

The Brown Act applies to any legislative body. This includes all City of Berkeley boards and commissions.

City of Berkeley commissions can only create ad hoc (or temporary) ~~sub~~committees. Ad hoc committees are not legislative bodies under the Brown Act.~~, but they must follow Brown Act procedures per City policy.~~

B. MEETINGS

Any contact between a quorum of the legislative body, either directly or through intermediaries, to hear, discuss, deliberate, or take action "on any matter within the subject matter jurisdiction" of the City or commission is a meeting. All meetings must be conducted in compliance with the Brown Act. Meetings include retreats, forums, workshops, and similar types of events. A meeting can be in person, by telephonic or other electronic medium, or through intermediaries. With a few narrow exceptions not applicable to most commissions, all meetings of legislative bodies must be open to the public (Government Code Section 54953).

1) Types of Meetings

Regular Meetings

Regular Meetings occur at the dates, times, and locations set by formal action of the commission at the beginning of each year to follow for the next 12 months. Regular meetings require 72-hour notice that includes the time and location of the meeting. Commissions may change the meeting schedule by formal action. Council sets the maximum number of meetings the commission may have during a calendar year.

[3] All statutory references in this Chapter are to the Government Code unless otherwise noted.

If a ~~committee~~ commission needs to change the meeting schedule after it is approved, it must agendize and readopt the new schedule at a meeting.

Special Meetings

Special Meetings are called by the chair or a quorum of the commission to hear a specific item or items. Special meetings require 24-hour notice. Council establishes the number of meetings each commission is allowed to have in a given year. Special meetings count against that total. Absences from special meetings do not, however, affect commissioner attendance records. Any meeting not on the regular meeting schedule is a special meeting.

~~Subcommittee Meetings~~

~~Subcommittees are less than a quorum of the parent committee, designated by action of the commission for a specific task and a limited duration. Subcommittees shall conduct their meetings in public and in accessible locations that are open to the public. Meetings may be held at privately owned facilities provided that the location meets all the requirements of the Brown Act, including the following:~~

- ~~The location is open to all who wish to attend and there is no requirement for registration or purchase to attend.~~
- ~~No prohibition on attendance based on a protected class (e.g. race, ancestry, gender)~~
- ~~Must be accessible to persons with disabilities.~~
- ~~The agenda must be publicly viewable at the meeting location for the full 24 hours prior to the meeting.~~

~~Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular commission meetings (posting board, website, meeting location) except that subcommittee agendas may be posted with 24-hour notice instead of 72-hour notice.~~

Commented [SN19]: Temporary ad hoc committees are not legislative bodies under the Brown Act. However, the City previously applied Brown Act rules to ad hoc committees. The City Council ended this practice in 2021.

Several edits throughout the Manual are made due to the return to standard Brown Act rules for ad hoc committees.

Public Hearings

Public hearings are held when required by law. Generally, the need for a public hearing is limited to the quasi-judicial commissions: Zoning Adjustments Board, Landmarks Preservation Commission, Housing Advisory Commission, Fair Campaign Practices Commission, Open Government Commission, Police Accountability Board ~~Review Commission~~, and Planning Commission. Advisory commissions do not generally require public hearings.

Public hearing noticing practices are specified by law and must be adhered to. Noticing beyond the legal requirements is permitted but is not required.

Please see ~~page 59~~Chapter V, Section D, for proper public hearing procedures. If needed, the City Attorney's Office or the City Clerk Department can work with a commission secretary determine if a public hearing is required.

NOTE: In the event that a public hearing is continued to a later meeting date, a commissioner who missed the first meeting should review the transcript or video of the previous meeting prior to voting.

Concurrent Meetings of Commissions
Two or more commissions may hold concurrent meetings to discuss an issue that falls under their purview. Such meetings should not be noticed as "Joint Meetings," but as two separate meetings occurring at the same place and time. The secretaries of the commissions must each prepare and post separate agendas. During the meeting, each commission must vote independently on each agenda item. The secretary for each commission must prepare separate minutes for the meeting of ~~his or her~~their commission as well. Also refer to Chapter III, Section C~~0~~.

2) Exceptions

Gatherings That Are Not Meetings
Certain gatherings of a quorum of a legislative body are not considered meetings under the Brown Act.

- *Attendance by One Legislative Body at a Meeting of Another*
  Attendance at a meeting of another commission or the City Council does not need to be separately noticed, provided that a quorum of the attending body does not discuss privately among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of that body (Government Code Section 54952.2(c)(4)). This exception includes noticed meetings of legislative bodies of other public agencies, not just those of City commissions or the Council.

- *Attendance at Conferences and Other Gatherings Open to Members of the Public*
  Attendance at a public conference is permissible as long as a quorum of the body do not discuss among themselves specific business that is within the subject matter jurisdiction of the City.

- *Purely Social or Ceremonial Occasions*
  Attendance at purely social or ceremonial occasions are not considered meetings as long as the participants do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the City (Government Code Section 54952.2(c)(5)).

- *Open and Public Community Meeting Organized by An Entity Other Than the City to Address a Topic of Local Community Concern*
  Attendance at a meeting organized by persons or groups other than the City to address a subject of local community concern may be attended without noticing the meeting as long as members of the legislative body only participate in the public program and do not discuss among themselves matters of specific business within the jurisdiction of the City.

NOTE: Any activity that involves a quorum discussing commission business is a meeting and must be compliant with all Brown Act requirements.

3) Violations and Danger Areas

Serial Meetings

One type of illegal meeting is a "serial meeting." A serial meeting is one in which a quorum of a legislative body communicates with each other, directly or indirectly, through whatever medium, to develop collective concurrence.

There are many types of serial meetings, all of which are prohibited.

A literal serial meeting is one in which members of a legislative body constituting a quorum meet in smaller groups, serially, or a single member meets with enough other members to constitute a quorum individually, one after the other.

A communication from staff asking a quorum of a legislative body for comment can lead to a serial meeting if feedback from commissioners assists staff in developing a policy or taking an action that takes into account their points of view.

However, a staff member may have separate conversations or communications with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the commission if that staff person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

Special Note:

It is acceptable for staff to provide information to commissioners, communicate meeting information, and answer questions as long as staff does not share commissioners' opinions with other commissioners.

Another type of serial meeting can result—sometimes unintentionally—from improper use of e-mail. E-mail communication between a quorum of a legislative body to develop a collective concurrence constitutes an illegal serial meeting (Government Code Section 54952.2(b)). To avoid this problem, members of legislative bodies should never use the "reply to all" function to an e-mail that may be addressed (even via "bcc") to a quorum of the legislative body. Since it is not always possible to know who might receive a "reply to all," it is better to simply never use the function. Of course, a serial meeting can occur from forwarding an e-mail as well.

Amendments to the Brown Act now include prohibitions on members of a legislative body "liking" or commenting on the social media posts of other members.

Question:
If a commission secretary sends an e-mail to a quorum of ~~his or her~~their commissioners requesting feedback on a subject under the commission's purview, is it a violation of the Brown Act?

Answer:
It could be. If the secretary shares answers among the commissioners, it could be construed as a serial meeting. If the feedback from the commission assists staff in developing a policy or taking an action, it could be considered collective concurrence.

Question:
If a commissioner is unable to attend a commission meeting but has valuable information for the commission to consider, may ~~he or she~~they send an e-mail to the full commission?

Answer:
E-mail communication between a quorum of a legislative body can constitute an illegal serial meeting (Government Code Section 54952.2(b)). In this case, it would be best for the commissioner to share ~~his or her~~their information with the secretary, who can then disseminate it to the full commission and the public.

Retreats, Forums, Workshops
Retreats, forums, study sessions, workshops, and similar are considered meetings. Any such activity, where a quorum of the commission is present and is hearing, deliberating, or discussing commission business, ***is a meeting***. It must meet all the requirements for notice, public participation, location, and accessibility. Any such meeting would count toward the limit on the number of meetings set by Council.

Lobbying
Serial lobbying by members of the public of all commission members is not prohibited *as long as they are not acting as intermediaries between members of the legislative body* (Govt. Code Section 54952.2 (c)(1)).

Question:
A member of the public who is not a member of the commission contacts the chair and advocates for an item the commission will hear at the next meeting. The member of the public states that he already has the support of four out of nine commissioners and asks if he can count on the chair's vote. Is this a Brown Act violation?

Answer:
It is not illegal for a member of the public to advocate for an agenda item. However, when this person tells commissioners about other commissioners' intentions, ~~he or she~~they may be considered as acting as an intermediary. In this scenario, the chair should suggest the member of the public send an e-mail through the secretary for all the commissioners and the public to read.

C. PUBLIC COMMENT AT MEETINGS

Every agenda for a regular meeting must allow the public to speak on any item in the commission's purview as well as on each specific item of business before the commission. Per the Brown Act, no member of the public can be required to give ~~his or her~~their name in order to attend or speak at a meeting.

1) Public Comment on Items Not on the Agenda
Members of the public must be allowed to speak on any item under the commission's purview, even if it is not on the agenda. The time allowed for these comments is the same as that for Action or Discussion items (generally two or three minutes per speaker). Non-agenda comments may be at the beginning or end of the meeting depending on the preferred agenda sequence of the commission.

2) No Discussion of Items Raised at Public Comment
Public comment on items that are not on the agenda cannot be used to start a discussion between commissioners or to take action in response to comments. Government Code Section 54954.2 does allow members of the legislative body or its staff to make brief responses to comments made during non-agenda public comment. It is also permissible for a member of a legislative body to ask a question for clarification, make a brief report on ~~his or her~~their own activities, and make a referral to staff or ask that an item be placed on a future agenda.

3) Public Comment Must be Allowed Prior to the Vote
For items on the agenda, the Brown Act requires that public comment be permitted prior to the commission voting on the item. The procedure for public comment should be the same for all meetings and adopted as a commission policy or in the commission bylaws, if any. Generally, two or three minutes per speaker is allowed.

4) Limiting the Time for Public Speaking
Government Code Section 54954.3(b) allows a commission to adopt reasonable regulations to govern public comments. Typical of such rules are time limits on individual speakers and overall time limit on public comment. The commission should decide whether to set an overall time limit and/or limit per speaker and are encouraged to adopt it in the bylaws, if any, or as a commission policy, to be followed consistently.

5) Distinction Between Public Comment at Regular Meetings Versus Special Meetings
Government Code Section 54954.3(a) requires public comment at special meetings as well as regular meetings. At special meetings, the comment must be confined to the subject matter to be considered at the special meeting. There is no non-agenda public comment at special meetings.

6) Formal Participation by the Public/Presentations
An individual wishing to formally address the commission or make a presentation should prepare a written request to the secretary to be scheduled on a future agenda. The request is discussed at the next meeting, and the commission may grant or deny the request.

7) Recording Meetings
Audio or video ~~taping~~recording of the meeting must be allowed except when the legislative body finds that the recording is performed in a manner that constitutes "a persistent disruption of the proceedings" (Government Code Section 54953.5(a)).

D. MEETING LOCATION AND ACCESSIBILITY

Location

Meetings of legislative bodies are generally held in public buildings. Meetings may be held in a privately-owned building or facility provided that all Brown Act requirements for noticing and accessibility are met. In addition, no member of the public shall be required to make a purchase or meet any other requirement of the private establishment as a condition of attending and participating in the meeting.

Meetings must be held within City limits unless a meeting falls within one of the exceptions in Government Code Section 54954(b).

Consult the City Clerk or City Attorney if there is some special reason to have a meeting outside City limits.

Accessibility

The Americans with Disabilities Act (ADA) has always been applicable to the manner in which the City conducts its public meetings, and provisions of the ADA have been expressly incorporated into the Brown Act.

In addition, Council policy requires that all meetings be held in accessible facilities. This includes the approach to the facility, entry, path of travel within the facility, and restrooms. Secretaries should contact the Disability Compliance Program manager for recommended locations or for a location assessment, if necessary. Secretaries should be aware of commission items related to accessibility or persons with disabilities to prepare for accessible participation needs in advance of the meeting.

Pursuant to City of Berkeley Administrative Regulation 1.12 - Communication Access Policy, all boards and commissions must provide communication access in the form of accommodation to members of the public who have disabilities so that they may have an equal opportunity to participate in and benefit from board and commission meetings. This particularly affects members of the public who are vision or hearing impaired and may involve requests for such accommodations as providing meeting agendas in large print or braille, utilizing ~~the City's~~ assistive listening devices, or the provision of a sign language interpreter at the meeting itself.

Upon request, it is the responsibility of the Disability Compliance Program to arrange for reasonable accommodation at no cost to the requesting individual. Although A.R 1.12 states that three working days advance notice will ensure accommodation availability, every attempt will be made to arrange accommodation even on short notice. Although primary consideration should go to the disabled individual's preferred type of accommodation, when a particular type of accommodation is not available on short notice, an alternative type of

accommodation may be considered. For example, if braille or large print isn't available on short notice, staff may read the document to the vision-impaired person as an alternative.

Commissioners with disabilities will receive accommodation through the Disability Compliance Program upon request. Review Appendix ~~I~~H for more information.

E. AGENDA AND NOTICE REQUIREMENTS

The agenda for all regular~~,~~ and special~~, and subcommittee~~ meetings ~~-~~shall specify the time and location of the meeting, the business to be transacted, and shall be posted in the following locations:

1. On the bulletin board at ~~Old City Hall~~Maudelle Shirek Building at 2134 Martin Luther King Jr. Way.
2. On the City of Berkeley website.
3. At the remote location, by the commissioner, if required pursuant to the City's teleconference policy.~~the meeting will be held.~~

~~3.~~4. At the physical meeting location if required by statute.

~~4.5. On the City of Berkeley website.~~

Commission Secretaries must also ensure that commission meetings are posted to the online ~~Community~~ Events Calendar.

No business, other than that included on the agenda, can be considered by the commission at any type of meeting.

1) Regular Meetings

At least 72 hours before a regular meeting, the commission secretary shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words.

2) Special Meetings

Special meetings may be called by the chair or a majority of commissioners. The ~~notices and~~ agendas must be posted no less than 24 hours prior the meeting.

~~3) Subcommittee Meetings~~

~~Subcommittee meetings fall under this special meeting rule and their agendas must be posted at least 24 hours prior to their meetings.~~

Commented [SN20]: Temporary ad hoc committees are not legislative bodies under the Brown Act. However, the City previously applied Brown Act rules to ad hoc committees. The City Council ended this practice in 2021.

Several edits throughout the Manual are made due to the return to standard Brown Act rules for ad hoc committees.

~~4)~~3) Media List for Meetings

In order to give proper notice of a meeting, it is important to ensure that the commission secretary maintain a current list of media. The City Clerk has developed a list of media that is used to give notice of City Council meetings. This list may be used along with any other media outlet that may have requested notice of a particular commission's meetings.

~~5)~~4) **Agenda Titles/Purpose**

The purpose of the agenda is to inform the public regarding the issues to be discussed. Government Code Section 54954.2 of the Brown Act requires that agenda item titles fully describe the issue or action to be discussed and/or taken. This requirement, therefore, precludes such agenda titles as "University Avenue Improvements" or listing a topic on every meeting agenda to cover the "possibility" of discussion.

In preparing the agenda, consider the position of a member of the public and determine if a reasonable person could determine from the agenda title what the commission is discussing and what action is being proposed.

For example: "University Avenue Improvements" listed on an agenda by itself does not provide enough information. An appropriate title might be:

"Adopt a Recommendation to the City Council to Proceed with the Proposed $5 million University Avenue Landscaping Improvements"

Another example: "Earth Day" listed on an agenda by itself is too vague. An appropriate title might be:

"Discussion of Recommendation to Council to Sponsor Earth Day Parade"

The agenda must be clear on what action, if any, may be taken on an item. The agenda should list the recommendation or action proposed using the 20-word guideline. By using a full explanation in the item title (never use acronyms), members of the public who may be in favor of or opposed to such an issue will know to be present at the commission meeting to discuss their views.

~~6)~~5) **Agenda Format/Headings**

Prior to each meeting of the commission, the secretary prepares and distributes an agenda, which usually includes but is not limited to the following: Roll Call, Public Comment, Approval of Minutes, Public Hearings, Old Business, New Business (with appropriate description of the item under the headings of Public Hearings, Old Business, and New Business), Information Items, Communications, and Adjournment. The agenda must be approved by the chair prior to distribution.

Commission agendas may vary to suit commission needs, but the Council agendas provide a good guideline.

Every regular and special meeting agenda~~, including subcommittee meetings,~~ must include the following.

- Name of the commission
- Type of Meeting (regular or special)
- Day, date, time, and location of the meeting
- A brief, general description of each item of business, including the recommended action

- Public comment period

- Communication access information (A.R. 1.12) and ADA disclaimer:
   "This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs."

- SB 343 Disclaimer:
  "Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at _____ Department located at _____."

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

Agendas may include the following if applicable:

- Accessibility of Meeting Facilities
  All meeting facilities must be accessible. If, however, the accessible entry or path of travel is other than the main or common entrance or path to the meeting location, such information and directions must be so noted on the agenda.

- Use of Dates
  Items for which material was included in the past and which are not duplicated again as part of the agenda packet should contain the date of the previous agenda packet for reference.

- Identification of Written Reports
  It is always best practice to have complete reports published when the agenda packet is distributed. If reports on agenda items will be delivered

Commented [NML21]: Updated contact information and wording for this disclosure

at the meeting, they should be identified in the following way: "(to be delivered)."

- Oral Reports
  Agenda items for which there will only be an oral report will be identified in the following way: "(oral report)"

F. SUBMISSION OF COMMISSION AGENDA REPORTS

Any commissioner may submit items to appear on the commission agenda. Commissions should formally adopt procedures and guidelines in their bylaws, if any, or through adoption of a policy, for submitting items to the commission agenda that include, at a minimum these requirements:

- Items will be ~~submitted~~published as is – commissioners are responsible for typing their own items.
- The subject of the item must be within the commission's purview.
- The item must be submitted at least 10-14 days prior to the meeting in order to provide adequate time to compile and distribute the agenda packet seven days prior to the meeting.

Commissions may adopt procedures for late submissions if desired. The Chair approves the agenda prior to distribution. This authority is limited to the structure and order of the agenda and does not grant the chair the authority to remove any items submitted by commissioners or staff by the established deadline.

G. DISTRIBUTION OF COMMISSION AGENDA PACKETS

When all necessary documents are submitted from the commissioners by the deadlines noted above, the secretary will send ~~mail~~ complete agenda packets~~, first-class postage,~~ to commissioners no later than seven days before the meeting. The primary format for agenda packets is electronic. All written communications sent to the commission shall be distributed to all commissioners in the packet or at the next meeting. Any commissioner may opt to receive the agenda packet in ~~electronic~~ hard copy format~~. only.~~ This request must be made in writing to the secretary of the commission.

Complete agenda packets must be available in the office of the secretary prior to the meeting and be available at the meeting for public perusal. Any supplemental items must also be included in the packet for public perusal at the meeting.

An agenda without supporting materials may be distributed to other commissions or City departments whose area of interest is complementary or whose work directly impinges on the subject to be discussed.

Secretaries must maintain a list of persons requesting mailed notice and agenda packets pursuant to Government Code Section 54954.1. These rules require that any person who requests a copy of the agenda and agenda packet in writing must be mailed a copy of the agenda and packet at the time that the agenda is posted or a distribution is made to a majority of the commission. Such a written request for agendas and packets is effective for the calendar year in which it is requested and must be renewed January 1 of each year. Failure to follow this requirement will not result in the invalidation of the action taken by the legislative body. Per City

policy, a fee to cover the cost of mailing and such agendas and supporting documents should be charged. The Brown Act requires that the secretary maintain a continuously updated list of persons who have requested agendas and agenda materials in writing.

H. NOTICING FOR CANCELLED AND ADJOURNED MEETINGS

1) Cancellation of Meetings

When the Meeting Is Cancelled Prior to the Meeting Date

General practice is to post a notice of cancellation, stating that the meeting has been cancelled, in all the locations that the ~~notice and~~ agenda ~~are~~is regularly posted (~~at the meeting location,~~ on the bulletin board at ~~Old City Hall at~~ the Maudelle Shirek Building 2134 Martin Luther King Jr. Way, and on the commission web page). Any persons or members of the media on a subscription list for notices and agendas should be notified as soon as possible. This should be done as soon as it is known that the meeting will be cancelled.

The secretary may cancel a meeting if there is no quorum upon polling the commission, or no agenda was posted. In this instance, a notice of cancellation is not required.

When the Meeting Must Be Cancelled Due to Lack of a Quorum

When less than a quorum of a body appears at a noticed meeting, the body may meet as a committee of the parent body, adjourn to a future date pursuant to the provisions of Government Code Sections 54955 or 54954.2(b)(3), or simply consider the meeting to be cancelled. If no members of the legislative body appear at a noticed meeting, the secretary may adjourn the meeting to a future date, determined by the secretary, and provide notice to members of the legislative body and to the media in accordance with the special meeting notice provisions set forth in Government Code Section 54956. The meeting may be cancelled for lack of quorum after waiting for 15 minutes past the noticed start time.

Although it is generally not advisable for the present commissioners to continue in the meeting as a committee because the committee cannot make recommendations to the Council, it may be advisable under some circumstances. For example, when members of the public are present and want to give their input on a policy matter pending before the commission, the commissioners present may wish to continue as a ~~sub~~committee in order to obtain the input from the public so as to not inconvenience the members of the public who came to give testimony.

Per Resolution No. 65,127-N.S. (and its successors), commission secretaries must submit an Information Report to the City Council whenever a commission cancels two consecutive meetings for lack of a quorum.

When a Meeting Is Adjourned to a Subsequent Date

Notice of the adjournment, including the date to which the meeting is adjourned, must be conspicuously posted on or near the door of the place where the meeting was held within 24 hours after the time of the adjournment.

Rescheduling a Cancelled Meeting

In order to reschedule a meeting, the commission must act to modify the meeting schedule through the commission agenda. A special meeting called to replace a cancelled regular meeting counts toward the annual meetings per year limit set by Resolution No. 68,258-N.S. and its successors. Most commissions are limited to 10 meetings per year. Any meeting not on a regular meeting date is a special meeting unless the commission formally voted to amend the annual meeting schedule.

CHAPTER V. COMMISSION PROCEDURES

CHAPTER V. INDEX

A. Polling, Quorum, and Voting.....53~~54~~
B. Basic Rules and Procedures of Commission Meetings.....55~~56~~
C. Order and Decorum.....58
D. Special Procedures.....60~~59~~
E. Administrative Procedures.....62
F. Berkeley Open Government Ordinance.....64~~63~~
G. Use of the City Logo and Business Card Policy.....64

Following proper procedures will ensure the validity and integrity of commission actions. It is essential that secretaries and commissioners remember that the standards of conduct and transparency are higher for public legislative bodies. These procedures ensure clear and efficient conduct of commission business and facilitates a productive public process.

A. POLLING, QUORUM, AND VOTING

1) Polling

The commission secretary should poll commissioners at least three days before the agenda is created to determine if there is a quorum for the meeting and communicate this information to the chair.

2) Polling for Special Meetings

In instances where the Council desires a prompt advisory recommendation and there is no time to consider the Council's request at a regular meeting, a special meeting should be called by the chair or a majority of the commission. If a quorum cannot be assembled for a special meeting, the commission secretary so advises the City Manager and indicates the date that the commission is expected to be able to consider the issue.

3) Quorum

A quorum is the minimum number of commissioners ~~or subcommittee~~ members who must be present for the valid transaction of business. In order to take any action, a quorum of commissioners must be present. For the purposes of these guidelines, a quorum means a majority of Actual Appointees. Thus, if a commission has nine Actual Appointees (out of a potential of nine), five commissioners constitute a quorum. If there are only five Actual Appointees (out of a potential of nine), three commissioners constitute a quorum.

Vacancies and commissioners who have been granted a Leave of Absence (LOA) are subtracted from the total number of seats to determine the number of Actual Appointees (see table on the last page). The number of Actual Appointees is not reduced when a temporary appointee is absent from a meeting or when a commissioner fails to attend and does not have a LOA.

4) Voting

The number of affirmative votes needed to pass a motion is the same number that constitutes a quorum—a majority of Actual Appointees. This ensures that a majority of those actually appointed to a commission endorse the action being taken. If one were to allow a majority of a quorum to take action (instead of a majority of those actually appointed), formal action could be taken by a very low percentage of those actually appointed (e.g., if there were five Actual Appointees to a nine-member body, a quorum would be three, and action could be taken by two appointees).

Occasionally, a particular enabling ordinance or resolution may create a different requirement. The enabling legislation that established the commission should be consulted for particular requirements.

~~Three exceptions to the table below include:~~

Commented [NML22]: These aren't exceptions to the quorum rules. Rather these commissions are the only bodies that have this type of language in their enabling legislation.

1. ~~The Police Review Commission, established by Ordinance No. 4,644-N.S. (BMC Chapter 3.32, which states: "A majority of the appointed commissioners shall constitute a quorum for the transaction of business, and the affirmative vote of a majority of those present is required to take action."~~
2. ~~The Zoning Adjustments Board, governed by BMC Chapter 23B.04 which states: "A majority of the appointed members shall constitute a quorum."~~
3. ~~The Transportation Commission, established by Resolution No. 55,751-N.S. which states: "A quorum shall consist of a majority of commissioners actually appointed."~~

The following chart indicates the numbers needed to take action.

Total Number of Seats*	Actual Appointees	Quorum**	Votes Needed for Action
9	9	5	5
9	8	5	5
9	7	4	4
9	6	4	4
9	5	3	3
9	4	3	3
9	3	2	2

**This refers to the authorized membership under the commission's enabling legislation.*

***Quorum rules apply to ~~sub~~committees. If a commissioner on a ~~sub~~committee of four is on an excused LOA, the actual appointees becomes three, and the quorum becomes two. No ~~sub~~committee may operate with less than two Actual Appointees. Remember, a temporary appointee does not assume the ~~sub~~committee memberships of the commissioner for which they are serving.*

Scenario 1

A commission with nine seats. Two commissioners have a LOA, and one seat is vacant. For one seat, a temporary appointment has been made for the commissioner on leave. The number of Actual Appointees is seven, the quorum is four, and the number of votes needed for action is four.

Scenario 2

A commission with nine seats. Three commissioners do not attend and do *not* have leaves of absence. One seat is vacant. The number of Actual Appointees is eight. The quorum is five. The number of votes needed for action is five.

In Scenario 2, there are five commissioners in attendance, and the votes needed for action is five. All votes must be unanimous in order to complete commission business. This highlights the importance of requesting a LOA in advance of a meeting. Had the three absent commissioners obtained a LOA, the number of Actual Appointees would have dropped, thus lowering the quorum and the votes needed to take action.

B. BASIC RULES AND PROCEDURES OF COMMISSION MEETINGS

With a few narrow exceptions not applicable to most commissions, all meetings of legislative bodies must be open to the public (Government Code Section 54953).

No one can be required to give ~~his or her~~their name in order to attend or speak at a meeting.

Audio or video recording~~taping~~ of the meeting must be allowed except when the legislative body finds that the recording is performed in a manner that constitutes "a persistent disruption of the proceedings" (Government Code Section 54953.5(a)).

~~Teleconferencing by commissioners is not permitted for requests based on travel, vacation, work conflict or any other unforeseen situation. Teleconferencing by commissioners is only permitted when provided as a reasonable accommodation under the American with Disabilities Act (ADA) as determined by the Commission Secretary and Disability Services Program personnel. Teleconferencing is approved on a case-by-case basis and is dependent upon accommodation resources available at the meeting location. Pursuant to the Brown Act, the address from which the commissioner is teleconferencing must be included on the relevant meeting agenda and the meeting agenda must be posted at the teleconferencing location.~~

1) Teleconferencing

Commented [NML23]: New policy for teleconferencing under the Brown Act as amended by AB 2449. This policy has been reviewed and approved by the City Attorney's Office.

Teleconferencing by commissioners is permitted only under the circumstances described below.

Teleconferencing as an Accommodation

First, teleconferencing is permitted when provided as a reasonable accommodation under the American with Disabilities Act (ADA) as determined by the ADA Program Coordinator. Teleconferencing accommodations are considered on a case-by-case basis.

Pursuant to the Brown Act, the address from which the commissioner is teleconferencing must be included on the relevant meeting agenda and the meeting agenda must be posted at the teleconferencing location. Additionally, a commissioner appearing by teleconference must publicly disclose whether any other individuals 18 years of age or older are present in the room at the remote location with them, and the general nature of the member's relationship with any such individuals. However, commissioners with disabilities may request a waiver of these requirements by self-attesting to their need for an exemption.

More details on the accommodation process are available in Appendix H.

Teleconferencing for Just Cause or Due to Emergency Circumstances

Second, if resources are available at the meeting location, commissioners may attend meetings of the full commission via teleconference for "just cause" or "emergency circumstances" for up to two (2) meetings per calendar year combined. Regardless of whether the reason for the remote appearance constitutes "just cause" or is an "emergency circumstance," the total number of allowable teleconference uses per year is two. Commissioners may only appear for "just cause" or "emergency circumstances" if the commission secretary ensures, by stating on the record or recording in the meeting minutes, that all of the following requirements are met:

- At least a quorum of the members of the commission or board are participating in person from a singular physical location clearly identified on the agenda.
- Resources available at the meeting are sufficient to allow the public to participate via a two-way digital platform in which the public may remotely hear and visually observe the meeting, and remotely address the commission or board.
- The agenda identifies the means by which the public may access the meeting and offer public comment remotely and at the in-person location.

If these requirements are met, commissioners may teleconference for "just cause" if they notify the commission (through the secretary) at the earliest opportunity possible of their need to participate remotely, and include a general description of the circumstances relating to their need. "Just cause" can include (a) a childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner; (b) a contagious illness that prevents a member from attending in person; or (c) a need related to a physical or mental disability not otherwise accommodated through the ADA accommodations process.

If a commissioner's reason for needing to participate remotely does not fall into one of the "just cause" categories, but the commissioner needs to participate remotely due to a physical or family medical emergency that prevents the commissioner from attending in person, the commissioner may teleconference into a meeting due to "emergency circumstances." Commissioners intending to

teleconference due to "emergency circumstances" must notify all the other members of the commission, through the commission secretary, as soon as possible of their need to participate remotely, including by providing a general description of the circumstances relating to the emergency. The description need not exceed 20 words and need not disclose any particular medical diagnosis, disability, or personal medical information. If a commission receives a request to participate remotely due to emergency circumstances, it shall take action at the meeting to approve or deny the request. If a commissioner's request is denied, the commission secretary shall promptly disconnect the commissioner from the remote meeting.

Commissioners participating via teleconference for "just cause" or "emergency circumstances" do not need to make a formal request for accommodations through the ADA accommodations process, regardless of whether the reason for the need to teleconference relates to a disability. Such commissioners also need not include the address from which they are teleconferencing on the agenda, post the agenda at the teleconferencing location, or open the teleconferencing location to the public. However, such commissioners must participate through both audio and visual technology, and must publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room with the commissioner at the remote location, and the general nature of the commissioner's relationship with any such individuals.

The ability of commissioners to participate remotely for just cause or emergency circumstances is dependent on the resources available at the meeting location and is not guaranteed. Additionally, teleconferencing for more than two (2) meetings per calendar year, regardless of whether the remote participation is for just cause or for emergency circumstances, is not permitted unless authorized through the reasonable accommodation process described in Appendix H.

2) Establishment of Meeting Rules

The chair will control the debate among commissioners so that everyone has a chance to speak before others speak for a second time and to expedite the business at hand. To this end, commissions may establish their own rules to limit debate.

3) Motions

A motion is required in order for the commission to take action. If public comment is taken on each item as it is heard, a motion on an agenda item typically takes place after public comment and during the commission's deliberation.

Step One: Make the Motion

Any member of the commission, including the chair and vice-chair, may make a motion by stating, "I move to …" and then clearly explaining the action.

Step Two: Second the Motion

Before any debate or conversation regarding the proposed motion, another member of the commission must clearly state that ~~he or she~~they second~~s~~ the motion. If no commissioner seconds the motion, then the motion dies. If seconded, a motion may not be withdrawn or revised by the mover without the consent of the commissioner seconding it.

Step Three: Debate
The chair should read the motion prior to debate to ensure the motion is understood by the commission and the public. The commission is then free to debate the motion.

Step Four: Amend If Needed, and Restate
Sometimes the motion may be amended during debate. Amendments may be "friendly" or made by motion. A friendly amendment is an amendment that is proposed by a commissioner and then accepted by the maker and seconder of the motion without the need for a vote. If the maker and seconder do not accept the friendly amendment, the amendment may be proposed in the form of a motion, then must be seconded, and then voted upon. If passed, the amendment becomes part of the main motion.

The motion, whether amended or not, should be restated by the chair prior to the vote.

Step Five: Vote
After discussion has ended and immediately prior to the vote, the secretary or the chair should clearly state the full motion (with any amendments). The commission is then free to vote on the matter. Motions may be adopted by the "no objection" method unless any commissioner prefers voice or roll call vote. A roll call vote is required if any member is participating remotely. A roll call may be required if ~~There is no legal requirement for roll call voting unless~~ it is in the commission's bylaws, ~~if any,~~ or if a commissioner requests a roll call vote. While the "no objection" method may expedite a long agenda, a roll call vote may be preferable to provide greater clarity and understanding on commission proceedings for the commissioners, the secretary, and the public in attendance.

If a roll call vote is used, the secretary then calls the roll (always calling the names in the same order). A commissioner may "pass" and vote last after the first time through the roll. The record must identify those voting aye, those voting no, those abstaining, and those absent, including any member absent for recusal and the reason for the recusal. After all commissioners have voted, the secretary announces the vote totals and whether or not the motion passes.

If the motion is adopted, the maker's written version of the motion, if any, should be given to the secretary for reference in preparation of the meeting minutes.

4) Motion to Reconsider a Vote
A commission may reconsider their action on a vote taken earlier in the meeting if the meeting is still in session. To reconsider a vote, a commissioner from the prevailing side of the original vote must make a motion to reconsider. Any commissioner may second the motion to reconsider. If the motion to reconsider passes, another motion restating the original motion, and any ~~resvisions~~revisions, must be made, seconded, and voted on.

Once the meeting is adjourned, an agenda item must be resubmitted for a future meeting for it to be reconsidered by the commission.

Scenario:

Commissioner Bob moved, and Commissioner Frank seconded, a motion to recommend the City Council approve a proposal for a new park. The ~~V~~vote was, Ayes: Bob, Frank, Millie, Anna, Ralph, Lee; Noes: Ally, Michael, Bradley. Commissioner Bradley wants to reconsider his vote. Commissioner Bob, Frank, Millie, Anna, Ralph, or Lee are able, if they choose, to make a motion to reconsider the vote. Any commissioner may second the motion. If the motion to reconsider passes, any commissioner may propose the new motion.

5) Parliamentary Procedure and Robert's Rules of Order

More detailed information on parliamentary procedure for chairs and commissioners, the precedence of motions, and voting procedures is contained in informational materials provided by the City Clerk Department. Parliamentary rules derive from Robert's Rules of Order.

C. ORDER AND DECORUM

1) Conduct of Public in Attendance

Persons attending the meeting ~~should~~must observe the rules and procedures of the commission and ~~should~~shall not disrupt commission business, for example, by shouting; making disruptive noises, such as boos or hisses; creating or participating in a physical disturbance; speaking out of turn or in violation of the commission's procedures or rules; preventing or attempting to prevent others who have the floor from speaking; preventing others from observing the meeting; entering into or remaining in an area of the meeting room that is not open to the public; or approaching the commission without consent. Any request to communicate with the commission while it is in session (outside of public comment) should be through the commission secretary.

Members of the public who do not follow the rules for decorum may be asked to leave the meeting by the chair. If a member of the public creates a significant physical disruption to the conduct of the meeting or acts in a threatening manner toward another member of the public, staff, or commissioners, law enforcement personnel should be called by the staff or the chair to remove the individual from the premises. The Chair may call a short recess and commissioners and staff may leave the room while waiting for an individual to leave the meeting, or for law enforcement personnel to arrive.

Although not required, each person addressing the commission may give ~~his or her~~their name and city of residence. All remarks should be addressed to the commission as a body and not to any specific commissioner. Only comments from persons recognized by the chair are in order.

Any question asked of a commissioner must be asked through the chair. After being recognized by the chair, a commissioner may briefly respond to comments made during the public comment period or may pose a question to the person speaking at public comment or during a public hearing. See Chapter IV, Section C for public comment regulations and guidelines.

2) Commission Conduct

While the commission is in session, the commissioners should not interrupt the proceedings or any commissioner or member of the public who has the floor.

The chair or the vice-chair may participate in the debate, subject only to such limitations of debate as are imposed on all commissioners. The chair should not be deprived of any of the rights and privileges enjoyed by a commissioner by reason of ~~his or her~~their acting as the presiding officer.

Every commissioner desiring to speak should address the chair and, upon recognition by the chair, should confine ~~himself or herself~~themself to the question under debate.

A commissioner, once recognized, should not be interrupted when speaking unless it is to call ~~him or her~~them to order or for a point of personal privilege. If a commissioner, while speaking, is called to order, ~~he or she~~they should cease speaking until the question of order can be determined, and, if in order, ~~he or she~~they should be permitted to proceed.

D. SPECIAL PROCEDURES

1) Public Hearings

Public hearings are held only when required by law. When a hearing is required by law, the procedure for that hearing may also be specified by that law. In public hearings held by quasi-judicial commissions such as the ZAB, LPC, HAC, OGC, or FCPC, special rules apply.

Notice of Hearing

Where a public hearing is mandated by law, the form and timing of the advance notice is specified by ~~city~~ City or state law. The commission's secretary will handle all such requirements. Noticing beyond legal requirements is permitted but not required.

Certain public hearings require a posting in the area affected by the subject matter. Again, all legal notice requirements are properly handled by the commission's secretary.

Conduct of Hearing

The procedure to be followed for a public hearing varies depending on the governing law or regulation. In the instances where a commission acts in quasi-judicial fashion, certain minimum standards of receiving testimony must be met. These may include, but are not necessarily limited to, an introduction of the subject by either the secretary or the chair, testimony from affected persons or interested members of the public, an opportunity for the parties to the hearing to rebut, disclosure of ex-parte communications by the commission, and receipt of any pertinent documentation. No testimony can be heard after the hearing is closed. However, commissioners may ask specific questions to the parties involved or members of the public and receive a response.

At public hearings, commissions have the responsibility to hear all viewpoints of any subject. In order to ensure that all parties are adequately heard, commissions shall follow the rules below. The commission may adopt its own procedures for public hearings in addition to those listed below, and may adopt alternate time limits for presentations by representatives and comments from the public.

1. If any commissioner must be recused for a conflict of interest, they must do so immediately when the item is taken up.

2. Commissioners shall verbally disclose all ex parte contacts concerning the subject of the hearing. Commissioners shall also submit a report of such contacts to the secretary in writing prior to the commencement of the hearing. Ex parte contacts includes any contact between a commissioner and a person that is a party to the public hearing regarding the subject matter of the hearing.

3. Staff shall introduce the public hearing item and present their comments.

4. The hearing is formally declared open by the chair.

5. Five-minute presentations each by representatives of both sides of the issue. In the case of an appeal, or a single interested party, the representative shall have five minutes to present.

6. Equal rebuttal time may be afforded to both sides.

7. General public comment related to the subject of the public hearing. A speaker that spoke during the five-minute period may not speak again at the public comment portion.

8. The hearing is formally closed by commission motion and vote.

9. The commission deliberation begins after the public hearing is closed.

Action

Any action resulting from the hearing must be clearly stated in the form of a motion, properly seconded, and voted upon. The record must identify those voting aye, those voting no, those abstaining, and those absent, including any members absent for recusal and the reason for the recusal. A roll call vote is the best voting method to ensure clarity for the public and the secretary. If findings are required as a part of the commission action, such findings should be clearly stated for the record. All potential conflicts of interest, whether they require recusal or not, should be stated at the commencement of the public hearing item.

Action must be by an affirmative vote of at least a quorum of Actual Appointees. See ~~page 54~~Chapter V, Section A for more information regarding quorums.

Under state law, action is prohibited on any matters that have not been properly noticed.

If no action is to be taken at that meeting, the chair should announce this fact and continue the item, and, if possible, advise the public of the date when action may be expected.

Recording of Hearings and Minutes
In certain quasi-adjudicating hearings, there is a legal requirement for a public hearing to be recorded. In addition, the secretary will provide a written set of action minutes, which, when adopted by the commission, constitute the legal record.

Impartiality and Standards of "Fair Play"
Commissions should be aware of the need to maintain basic standards of fair play, impartiality, and the need to avoid the appearance of bias. The chair has the primary responsibility to ensure that the varying points of view are heard, that the hearing proceeds in a timely and fair manner, and that the options for future action by the commission are clearly stated. Awareness of the varying interests within the Berkeley community is essential because the City Council depends on its boards and commissions to provide thoughtful advice based on the fullest possible study of the subject and input from all relevant segments of the community.

2) Closed Sessions
Closed sessions are rarely permissible for commissions. They are authorized by the Brown Act for certain specified reasons generally only applicable to the City Council. The most common reasons for closed sessions are to discuss pending or threatened litigation with legal counsel, give instructions to a labor negotiator, and to appoint, evaluate, hear charges against, or dismiss an employee. Please contact the City Attorney for advice well in advance of any proposed closed session to ascertain whether, under the particular facts, the commission is authorized to conduct a closed session and, if so, how such a closed session must be noticed and conducted.

E. ADMINISTRATIVE PROCEDURES

Commission and Board Documents
The agenda packet for a commission or board meeting contains the agenda, reports related to agenda items, and communications from the public received prior to the distribution of the agenda packet.

All writings or documents, including communications from the public, Commissioners, and Board Members, that are related to any item on an agenda and distributed to a majority of the commission or board members after the agenda packet is distributed, but before or at the meeting, must be made available for public inspection at the time the writing or document is distributed to a majority of the commission or board at a designated location identified on the agenda. The commission or board secretary maintains a public viewing binder for these documents.

All writings or documents, including communications from the public, that are distributed to a majority of the commission or board members at the commission or board meeting must be made available for public inspection as quickly as possible. Members of the public and commissioners and board members submitting written communications at commission or board meetings should be encouraged to bring enough copies for all commissioners and board members, staff and at least five additional copies for members of the public (15 copies total, for most commissions and boards). The secretary is not required to immediately make copies of documents provided at the meeting when adequate copies are not provided by the submitting individual. Documents distributed at the meeting will be available in the public viewing binder the next business day.

Minutes

Although the Brown Act does not require minutes, except for closed sessions, the Commissioners' Manual does require minutes of commission meetings ~~but not for subcommittee meetings~~. When required, minutes are limited to *action minutes only*. ~~Minutes are unofficial until approved by the commission.~~ The draft minutes ~~are~~ must be converted to PDF and posted on the City's website within seven days after the meeting. Minutes are unofficial until approved by the commission.

The secretary shall keep an accurate record of the commission's proceedings and transactions. The secretary shall provide action minutes similar to those provided to the Council by the City Clerk. Action minutes list the date, time, and place of the meetings; the staff in attendance; the commissioners present and absent; and a clear and concise description of final actions taken. Approved motions are indicated by "moved, seconded, and carried" and include a breakdown of the vote. The vote breakdown includes the commissioners voting yes, no, abstain, absent, recused, and reason for recusal. Reasons for making a motion, debate, content of public comments, and audience reaction are not to be included.

In quasi-judicial proceedings, if no recording is made, more detailed minutes are needed that summarize debate, list findings, tally speakers for and against, and note testimony offered by the appellant, witnesses, and other relevant information.

The secretary will present draft minutes to the commission for approval at the next regular meeting. Minutes are approved by motion with corrections noted, if any, or if the changes are significant, the corrected minutes may be included in the agenda packet for adoption at the next regular meeting.

Commissioners not present at a meeting may vote on the approval of minutes from the meeting at which they were absent if they believe they are informed and able to consider the item.

Courtesy copies of the minutes may be distributed via email to other commissions or City departments whose area of interest is complementary or whose work directly relates to the subject that was discussed.

Hard copies of commission minutes must be signed by the secretary. These records are retained permanently. Official, signed ~~C~~commission minutes must also

be e-mailed to the City Clerk Department Records Inbox once they have become official.

Recording Meetings
Audio or video recordings of meetings are not required. A commission and a secretary may decide to audio or video record their meetings, if resources permit; in this case all meetings should consistently be recorded. This is particularly important if the audio is to be posted to the web. Audio should be posted within two weeks after each meeting and must be posted for every meeting once the practice is started. Recordings must be maintained in accordance with the City's Records Retention Schedule.

Official Commission Records
All agendas, minutes, reports, communications, audio recordings (if retained), and any other related material should be kept in an organized manner by the secretary and in such a way that these records can be easily transferred to another staff person in the event of a change in duties or termination with the City.

The secretary is responsible for maintaining all commission records pursuant to the City's Records Retention Schedule, this Manual, and applicable Administrative Regulations.

F. BERKELEY OPEN GOVERNMENT ORDINANCE

Adopted in 2011, the Berkeley Open Government Ordinance (BMC Chapter 2.06) provides greater access to the public than is provided by state law with regard to City business and documents. The portions of the ordinance that are specific to commissions are listed below:

- Meetings of the ZAB are recorded, televised, and video streamed live as well as archived for replay. The ordinance also states the intent to add Planning Commission, Housing Advisory Commission, and Landmarks Preservation Commission meetings to the broadcast requirement when resources permit (BMC 2.06.100).
- Disclosure of ex-parte contacts prior to certain hearings as described in Chapter V. Section D (BMC 2.06.110).
- Donations to the City that may be accepted by any legislative body must be approved by the City Council at a regular meeting (BMC 2.06.150).
- Delegation of oversight functions to the Open Government Commission (OGC). The members of the FCPC also sit as members of OGC (BMC 2.06.190).

G. USE OF THE CITY LOGO AND BUSINESS CARD POLICY

Use of the City logo, branding, or collateral is restricted to communications generated from a City department. The logo may not be used for any other purposes. Commissioners may not use the City logo for any purpose that may imply or give the impression of City approval, sponsorship, representation, or coordination of any communication or activity.

Official City stationery may be used only for official commission correspondence such as memos authored by the secretary or a commission-approved letter or report to the City Council.

The City of Berkeley does not provide business cards for members of appointed boards and commissions. Commissioners are prohibited from using the city logo, branding, or collateral to create their own business cards.

CHAPTER VI. COUNCIL REPORTS AND REPORTS TO COUNCIL

CHAPTER VI. INDEX

A. Agenda Process (Open Government Ordinance and A.R. 5.1).....65
B. Council Agenda Schedule.....65
C. Commission Reports to Council 66
D. Distribution with Council Agenda Packet.....70
E. Resolutions/Ordinances Accompanying Reports 70

The City Council values commissions, and commission recommendations are an important part of Council's consideration of issues. Reports are how Council reviews and considers commission recommendations and these reports should reflect the care, analysis, and effort commissions put into studying and discussing the topic. High quality reports are an essential element of providing recommendations and information to Council. Following these guidelines will help commissioners create better reports.

A. AGENDA PROCESS (OPEN GOVERNMENT ORDINANCE AND A.R. 5.1)

Each year the Council adopts a schedule establishing the specific dates of all regular meetings and recess periods. The agenda schedule is structured to provide the City Council with copies of their agenda packet 12 days prior to the Council meeting. This allows Councilmembers and the public time to review the agenda material in order to be fully prepared to discuss and consider the agenda items.

The City Clerk is the coordinator for the agenda process. The City Clerk routes commission reports and the accompanying City Manager report, if any, to reviewers in the City Manager and City Attorney departments. The City Manager cannot prevent a commission report from going to the Council, but the review process may result in a request that the commission clarify some portion of its report in order to provide the Council with the best information possible.

The City Clerk posts City Council agendas, annotated agendas, and all reports including proposed resolutions and ordinances on the City's website. The City Clerk also provides live captioned webcast and video archives of Council meetings. The City offers e-mail subscription notification for newly posted Council information. Commissioners who wish to be notified when new electronic copies of agendas and annotated agendas are posted may subscribe to the City's e-mail subscription service.

B. COUNCIL AGENDA SCHEDULE

Coordinating, organizing, and assembling the large volume of information and reports that comprise the agenda packet is a complex task. The City Manager establishes an agenda schedule setting forth the various deadlines for submittal of agenda items based on meeting dates of the Council Agenda & Rules Committee and the City Council.

Commissions must comply with the agenda submission deadlines when planning to make a recommendation to the City Council. Reports to the City Council are due to the City Clerk 33 days prior to the meeting. Reports not submitted in accordance with this schedule will be delayed to a later meeting date.

C. COMMISSION REPORTS TO COUNCIL

1) Method of Communication

A commission transmits its findings and responds to referrals and other communications to the City Council through a report on the City Council agenda. Commissions must stay within their purview when making recommendations to Council.

When the City Manager differs with the recommendations of a commission or wishes to include additional or different information, the City Manager may present a City Manager Companion Report to the Council highlighting alternate recommendations or additional information. Otherwise, the City Manager section of the report should state "City Manager [concurs with/takes no position on] the content and recommendations of the commission's report."

Alternately, commissions may relay their position on an issue to the Council in the form of a letter. These communications to Council must be approved by the full commission. The letter is then signed by the chair, and the secretary submits it to the City Clerk as a communication as soon as practicable. Commission letters are published in the regular communications packets that are distributed directly to the Council, available through the online records portal, and available at the meeting. These are less formal documents that do not carry the weight of an officially adopted recommendation by Council. This type of communication is typically used when, for example, an item on the Council agenda is of interest to the commission and under their purview, but the timeline doesn't allow the commission an adequate opportunity to prepare a formal report.

For reports on the Council agenda, commissions may prepare the types of reports described below. These reports go through the agenda review process described below and ~~are~~ will ultimately be distributed to Council as part of ~~the~~ an agenda packet. All three types of commission reports to Council shall state the full commission motion and the listing of how each commissioner voted. It must also state whether or not any commissioner was recused and the reason for recusal.

EXAMPLE:

At the [date of commission meeting] meeting, the commission took the following action:

Action: M/S/C (Fernandez/Jones) to [input text of the motion…].
Vote: Ayes – Nguyen, Okafor, Garcia, Lee, Fernandez; Noes - Wong, Jones; Abstain – Stein; Absent – Smith (Recused: lives within 300 feet of project).

Information Reports

This type of report should be used when the subject matter seeks to advise or inform the Council on a subject but does not request any action by Council. Information reports do not include formal recommendations.

Commissions typically submit their annual workplan to council though an Information Report.

Consent Calendar Reports
This type of report must include a specific recommendation for Council approval, adoption, or authorization. All items on the Consent Calendar are approved with a single vote of the Council. Items that are controversial or complex should not be submitted for the Consent Calendar. This type of report should be used when an item needs to be acted on by Council but is routine in nature. In a Consent item, the City Manager section of the report should state "City Manager [concurs with/takes no position on] the content and recommendations of the commission's report."

Action Calendar Reports
This type of report is for items that require a full dialogue with Council, have particularly high public interest, or are complex in nature. These reports must include a specific recommendation for Council approval, adoption, or authorization. If the City Manager submits a companion report to a commission report, typically with an alternative recommendation, both reports must be submitted for the Action Calendar and will appear together as items (a) and (b) under the same item number.

2) Basic Steps for Communicating to Council

1. An item is placed before the commission by Council referral, staff, or a commissioner.
2. The commission agendizes the topic.
3. The commission discusses the agendized item and votes to send its recommendation or findings to Council.
4. The commission drafts a report, approving the text by motion and vote, and sends it to the secretary (it may take several commission meetings to fully discuss an item and agree on findings).
5. The secretary enters the report into the agenda review process.

3) Creating Council Reports

The commission is responsible for drafting the text of the report and providing the final text to the secretary. With the permission of the full commission, final editing duties may be assigned to specific commissioners.

4) Formatting and Submitting Council Reports

The secretary of the commission is responsible for formatting and submitting the commission report as approved by the commission and upon final review by the commission chair or ~~his or her~~their designee. The chair of the commission ~~should be~~is listed on the report on the "Submitted by:" line in the heading. The City Manager may ask the commission for additional information and/or clarification before placing the report on the agenda.

5) Timeline

Once the commission provides the complete text of the report to the secretary, the secretary ensures that it is in the proper format and submits it through the department director to the City Clerk. The secretary must submit the commission report into the agenda ~~workflow~~ process no later than three weeks following receipt of the final report text.

Once the commission report has been placed on a draft City Council agenda, the Agenda & Rules Committee has the following options with regards to scheduling the commission item:

1. For a commission item that does not require a companion report from the City Manager, the Agenda & Rules Committee may 1) move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar; 2) re-schedule the commission report to appear on one of the next three regular Council meeting agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling; 3) refer the item to a policy committee; or ~~3~~4) allow the item to proceed as submitted.

2. For any commission report that requires a City Manager companion report, the Agenda & Rules Committee will schedule the item on a Council agenda for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the Agenda & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to the paragraph above.

Commented [NML24]: To incorporate the current language in the Rules of Procedure adopted by Council.

As stated above, the deadline to submit reports for the Council agenda is 33 days prior to the meeting. Departments may have additional deadline requirements. As a general guideline, a commission should allow at least three months for an item or recommendation to be considered and adopted by the commission, then entered into the Council agenda process, and ultimately be heard at a City Council meeting.

6) Votes Needed to Take Action

On rare occasions, a commission may be unable to achieve the number of votes needed to take official action in time for consideration of an issue by the City Council. In such cases, a commission may communicate the opinion of fewer commissioners than the officially required majority. Nothing in this section shall be construed to prevent the City Manager from reporting what occurred at the commission meeting.

Scenario:

A commission of nine Actual Appointees, where there are only five commissioners present at the meeting (thus achieving the required quorum of five). These five commissioners disagree: three voting for a proposal and two against. If time permits, the matter would be held until

all commissioners were present and a definitive recommendation voted upon. If, however, the matter is time sensitive, the commission could take action to communicate the facts to the Council and indicate those voting for each of the opposing viewpoints.

7) Reports to Council: Structure/Content/Format

It is the commission's responsibility to provide complete, concise, and accurate reports to the Council so that the City Council fully understands the issue and what action, if any, it is being asked to take.

It is the responsibility of the commission to ensure that each report includes:

- A clear recommendation on what action the commission is asking the Council to take.
- A realistic evaluation of the financial implications of the recommendation and, if possible, potential funding sources.
- The reason(s) for making the recommendation.
- The facts on which the recommendation was made.
- The resolution or ordinance in proper format, if needed.

High quality commission reports and recommendations take into account the Council's need to view an issue from as many perspectives as possible. The Council must fully understand the relevant background and implications, including costs, if possible, of each action it is asked to take. Submission of high-quality reports will enable the City Council to act knowledgeably and expeditiously on commission recommendations and will reduce the likelihood of the Council referring the report back to the commission for clarification.

High quality reports entail the following key procedural aspects:

- Review by other affected commissions, if any, prior to submission to the City Council.
- Proper report format and preparation.
- Legal review by the City Attorney, when appropriate.
- Consideration of potential monetary costs.

The format requirements for reports to the Council are the same for commissions as for staff. It is the secretary's responsibility to follow format requirements when finalizing a commission report. Format templates and examples are available to secretaries through the City's intranet.

Commission reports may be considered incomplete in one or more of the following instances.

- When the discussion and evaluation of the financial implications and, if possible, funding sources are not included.
- When the report has not been reviewed by another commission(s) whose review is essential if the Council is to make an informed decision.

- When an improper format has been used.
- When the recommendation or implications of the recommendation are unclear because of inadequate information.
- If any attachments such as resolutions, letters, or supporting documentation are missing.

The secretary must ensure that the City Manager companion report is submitted in accordance with established timelines so that it does not delay the commission item.

8) Review by Other Commissions

Often the spheres of interest of various commissions overlap, depending on the specific issue. Before a commission recommends action on an issue, it should invite other commissions with an interest in the topic to review the subject and offer a response, whether or not the Council specifically requested such coordination.

Scenario 1

The Parks, Recreation, and Waterfront Commission (PRWC)~~Children, Youth, and Recreation Commission (CYRC)~~ is working on a recommendation regarding a children's cycling program. The ~~CYRC~~PRWC should have their recommendation reviewed by the Transportation & Infrastructure Commission ~~and Public Works Commission~~ to determine if there are any safety, policy, or infrastructure improvements that might need to be considered.

Commented [SN25]: Removed to update the example with current commissions and Boards.

Scenario 2

The Commission on Aging is planning to recommend the funding of a health care clinic for seniors. It should refer the proposal to the Community Health Commission and the Mental Health Commission.

If a referral to another commission has been made, the commission writing the report indicates at the beginning of the report the fact that it made a referral and what the response to the referral was, if any.

A typical process for commission coordination would be for Commission A to develop a draft report, pass a motion to refer the draft report to Commission B and others as necessary to review the report and submit comments back to Commission A, which incorporates comments, revises the report as necessary, and submits it to Council. All of the information sharing in this sample process is conducted exclusively through the commission secretaries.

D. DISTRIBUTION WITH COUNCIL AGENDA PACKET

Reports ~~received by the City Clerk by the established deadline~~ that have completed the legislative review process ~~are ready for inclusion in the Council packet~~ will be distributed by the City Clerk to the City Council as part of ~~the~~ an agenda packet.

E. RESOLUTIONS/ORDINANCES ACCOMPANYING REPORTS

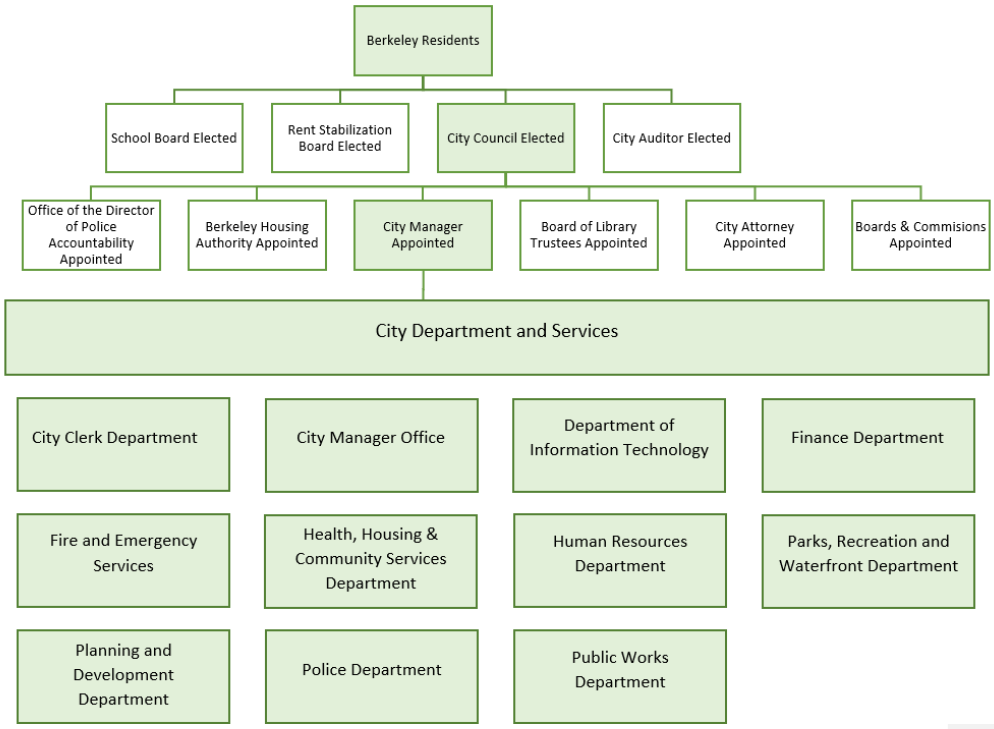
Most actions taken by the Council do not require a resolution or ordinance. When a resolution or ordinance is absolutely necessary and required for legal or financial reasons, commission secretaries should obtain the proper template from the City Clerk for inclusion with a commission's report. These guidelines should be followed.

- The secretary will ensure that all resolutions and ordinances follow the format provided in the City Clerk Department templates posted on the intranet.
- If the Commission is proposing an ordinance for adoption that will be codified in the BMC, they must follow the formatting procedures provided by the City Clerk Department on the intranet. In addition, the ordinance must be forwarded to the City Attorney and City Clerk for review prior to submitting the final report to the City Clerk for the agenda process.
- Resolutions and ordinances must be carefully proofread for accuracy.

APPENDICES

APPENDIX A. Berkeley Municipal Organization Chart 73
APPENDIX B. Berkeley City Charter Section 36 74
APPENDIX C. BMC Chapter 3.64 75
APPENDIX D. City Attorney Memo Regarding Conflict of Interest 77
APPENDIX E. Incompatibility; Recusal; Automatic Vacancy 81
APPENDIX F. Resolution No. 53,989-N.S. 82
APPENDIX G Administrative Regulation 3.2; Stipends for Commissioners 83
APPENDIX H. Accommodations for Persons with Disabilities.....89
APPENDIX I. Information for Newly Appointed Commissioners .....98~~93~~

APPENDIX A. BERKELEY MUNICIPAL ORGANIZATION CHART



APPENDIX B. BERKELEY CITY CHARTER SECTION 36

Charter of the City of Berkeley
BMC Chapter 3.64
Section 36. Officers not to be interested in contracts or franchises.

No officer or employee shall be directly or indirectly interested in any contract, work or business of the City, or in the sale of any article, the expense, price or consideration of which is paid for from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the City or which shall be sold for taxes or assessments or by virtue of legal process at the suit of the City. No officer shall be in the employ of any public service corporation in the City or of any person having any contract with the City or of any grantee of a franchise granted by the City.

Provided, however, the prohibitions in this Section contained shall not apply to the following:

(a) Members of advisory Boards, Commissions, or Committees of the City, who serve without salary or other compensation; provided, however members of Boards, Commissions or Committees which perform functions other than advisory functions shall not be included within this exception.

(b) Officers or employees of the State of California or of any department, division, or constitutionally created agency thereof.

Any contract or agreement made in contravention of this Section shall be void.

Any violation of the provisions of this Section shall be deemed a misdemeanor.

The Council shall enforce the provisions of this Section by appropriate legislation.

APPENDIX C. BMC CHAPTER 3.64 INTERPRETING CITY CHARTER SECTION 36 CONCERNING MEMBERSHIP ON BOARDS AND COMMISSIONS

3.64.010 Findings.

A. For many years the Berkeley City Council has relied on an extensive system of advisory boards and commissions in the formulation of public policy, and approximately thirty commissions, with more than two hundred fifty members meet on a regular basis to reflect and express a broad spectrum of citizen opinion on civic issues.

B. The City benefits from this network of democratic participation because it provides a structured setting within which the viewpoints and experience of citizens can supplement the technical expertise of City staff professionals. In addition this system allows the City to benefit from the wide variety of experience and specialized knowledge of selected citizens--in Berkeley, often at the cutting edge of their fields--that are sources of innovation and sensitive response to public needs.

C. The citizens on Berkeley's boards and commissions serve out of the desire to discharge civic responsibility. They are not (with the exception of the Police Review Commission and the Rent Stabilization Board) paid for their services and, in most cases, are not reimbursed for expenses they incur.

D. A commissioners' responsibilities are substantial, and entail a significant expenditure of time. Often, they are called upon to make difficult judgments and arrive at unpopular conclusions.

E. For this system of democratic participation to continue to function effectively, it is essential that citizens who volunteer their services to the City not incur unwarranted personal risk as they participate on boards and commissions.

F. Charter Section 36 prohibits an officer from being directly or indirectly interested in any contract, work, or business of the City. Although this section exempts members of advisory boards, commissions, or committees who serve without salary or other compensation, members of boards, commissions, or committees which perform functions other than advisory functions are subject to this prohibition.

G. Conflict of interest legal issues, especially those raised under the City Charter Section 36, are extremely complex, turn on subtle nuances of fact, and the legal terms used often have meanings different from their common sense construction.

H. The ambiguities in Section 36 deter many qualified citizens from serving as commissioners for fear that they may inadvertently violate the Charter.

I. There is therefore a need to clarify the provisions of the City Charter and to balance the City's interests in preventing the use of public office for private gain against the City's need for diverse community representation on its boards and commissions.

J. City Charter Section 36 (b) authorizes the council to enact appropriate legislation to implement the provisions of City Charter Section 36 and Charter Section 118 authorizes the council to enact legislation which may be necessary and proper to carry out any of the provisions of the Charter.

K. Enactment of legislation clarifying and implementing Section 36 is necessary and proper for the reasons set forth above. (Ord. 5694-NS § 1, 1985)

3.64.020 Definitions.

For purposes of determining whether a member of a board and commission has a prohibited interest in a contract, work or business of the City within the meaning of Charter Section 36 and this chapter, the following definitions shall apply:

A. "Advisory board" or "commission." All boards and commissions of the City shall be deemed advisory except in instances when the board or commission is performing other than an advisory function as defined in subsection B below.

B. "Performance of other than advisory functions." A board or commission will be deemed to perform other than an advisory function and to be subject to this chapter and Section 36 only with respect to any contract, work or business of the City, the making or securing of which is influenced either directly or indirectly by the board or commission. A board or commission directly or indirectly influences the making or securing of a contract, work or business of the City whenever it engages in actions, including but not limited to, formally or informally reviewing a contract, reviewing a bid specification or request for proposal, discussing funding of an activity, discussing priorities for funding, or making general policy, implementation of which results in the making or securing of a contract, work or business for the City.

C. "Interested; Exclusions." A City employee or member of a board or commission shall not be deemed to be "interested" in a contract, work or business of the City if ~~his or her~~their relationship with the contracting party or entity constitutes a "remote interest" within the meaning of Government Code Sections 1091 and 1091.5, the fact of such interest is disclosed to the department, board or commission of which ~~he or she is~~they are a member and noted in its official records, and the employee or member with such interest disqualifies ~~himself or herself~~themself from participating in any manner, either directly or indirectly, in making or influencing any decision related to the contract, work or business of the City in which ~~he or she has~~they have a remote interest. (Ord. 5694-NS § 2, 1985)

3.64.030 Contract, work or business of City--Prohibitions.

No member of a board or commission shall be directly or indirectly interested in any contract, work or business of the City as defined in 3.64.020C herein if the board or commission of which ~~he or she is~~they are a member has performed other than advisory functions as defined in Section 3.64.020B herein, with respect to such contract, work, or business of the City. (Ord. 5694-NS § 3, 1985)

3.64.040 Chapter declaratory of existing law.

This chapter is declaratory of and does not constitute any change in existing law. (Ord. 5694-NS § 4, 1985)

APPENDIX D. CITY ATTORNEY MEMO REGARDING CONFLICT OF INTEREST



Office of the City Attorney

June 4, 2015

To: Boards and Commissions

From: Zach Cowan, City Attorney

Re: Avoiding Conflicts of Interest Under Section 1090 in the Context of Funding Recommendations

This office has been asked for advice as to the process for a board or commission should use to ensure compliance with Government Code section 1090 in making recommendations about funding community agencies or other potential recipients of City funds, including state and federal funds.

Government Code section 1090 states:

The Government Code prohibits public officers, acting in their official capacities, from making contracts in which they are financially interested. Government Code Section 1090 provides in relevant part:

> Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members.

If the officer is a member of a legislative body that executes or finally approves the contract, this prohibition extends to the entire body on which he or she serves. *Thomson v. Call* (1985) 38 Cal.3d 633, 649, cert denied (1986) 474 US 1057. Section 1090 "also applies to members of advisory bodies, if they participate in the making of a contract through their advisory function." (Conflicts of Interest (Cal. Dept. of Justice, pamp. 2010), p. 57, See *City Council (San Diego) v. McKinley* (1978) 80 Cal.App.3d 204; 82 Ops.Cal.Atty.Gen. 126 (1999).) The word "made" is used in "the broad sense to encompass such embodiments in the making of a contract as preliminary discussions, negotiations, compromises, reasoning, planning, drawing of plans and specifications and solicitation for bids." *Millbrae Ass'n for Residential Survival v. City of Millbrae* (1968) 262 Cal.App.2d 222, 237.

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"[S]ection 1090 is to be 'strictly enforced'." 88 Cal. Op. Att'y Gen. 106 (2005). "The consequences of a violation of section 1090 can be quite harsh: Where a prohibited interest is found, the affected contract is void from its inception and the official who engaged in its making is subject to a host of civil and (if the violation was willful) criminal penalties, including imprisonment and disqualification from holding public office in perpetuity..."
Eden Twp. Healthcare Dist. v. Sutter Health (2011) 202 Cal. App. 4th 208, 219-20; See 89 Cal. Op. Att'y Gen. 121 (2006).

The California Attorney General's Office has opined that an officer or employee of a nonprofit corporation that is a contracting party qualifies as a "financial interest". *Conflicts of Interest* (Cal. Dept. of Justice, pamp. 2010), p. 62. However, state law has excepted two categories of "financial interests" from the reach of Section 1090, generally referred to as "remote interests" and "noninterests." Section 1091, subdivision (b), defines a series of remote interests, including "(1) That of an officer or employee of a nonprofit entity exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code (26 U.S.C. Sec. 501(c)(3)),..." Both of the organizations at issue, BFHP and YEAH, are 501(c)(3) organizations, and the commissioners, respectively, fall into employee and board member roles with the two non-profits.

Government Code section 1091(a) provides a specific process for handling situations falling within the remote interest:

> An officer shall not be deemed to be interested in a contract entered into by a body or board of which the officer is a member within the meaning of this article if the officer has only a remote interest in the contract ***and*** if the fact of that interest is disclosed to the body or board of which the officer is a member and noted in its official records, and thereafter the body or board authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.

Government Code section 1091(c) further conditions the remote interest exception as follows: "This section is not applicable to any officer interested in a contract who influences or attempts to influence another member of the body or board of which he or she is a member to enter into the contract." (Cal. Gov't Code § 1091.) See *Eden Twp. Healthcare Dist., supra*, 202 Cal. App. 4th at p. 219-20 [Where an interest is remote, a board member may comply with section 1090 by (1) making full disclosure of the interest, noted in the entity's official records, and (2) abstaining from voting on the affected contract or influencing other board members in any way."]

The California Attorney General's Office has interpreted Section 1091 as requiring a full recusal process.

> It is to be noted that section 1091 of the Government Code speaks in terms of a board authorizing, approving or ratifying a contract 'in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer or member with the remote interest.
>
> This office has characterized the requirements of section 1091 as meaning that the member **must not only disclose his interest in the proposed contract and refrain from attempting to influence other members, but that the member should completely abstain from any participation in the matter.** (See 65 Ops.Cal.Atty.Gen. 305, 307 (1982).)
>
> Such complete abstention would also appear to be required to insure compliance with the PRA if the remote interest also falls within the purview of the act as a financial interest. (See Gov. Code, § 87100; FPPC Reg. § 18702.)

67 Cal. Op. Atty Gen. 369, at p. 377, fn. 8 (1984); See 78 Cal. Op. Att'y Gen. 230 (1995) Under this process, simply voting to abstain is not sufficient. The officer must identify the scope of the contract "matter", and recuse him or herself from ***all*** discussions and actions that relate to the contract matter.

Section 36 of the City's Charter contains a prohibition that is similar to Section 1090:

> No officer... shall be directly or indirectly interested in any contract, work or business of the City... No officer shall be in the employ of any public service corporation in the City or of any person having any contract with the City or of any grantee of a franchise granted by the City.

The City implemented Section 36 through BMC Chapter 3.64. Section 3.64.020.C further defines the recusal process for commissioners with a remote interest. "A ... member of a board or commission shall not be deemed to be 'interested' in a contract, work or business of the City if his or her relationship with the contracting party or entity constitutes a 'remote interest' within the meaning of Government Code Sections 1091 and 1091.5, the fact of such interest is disclosed to the department, board or commission of which he or she is a member and noted in its official records, **and the employee or member with such interest disqualifies himself or herself from participating in any manner, either directly or indirectly, in making or influencing any decision related to the contract, work or business of the City in which he or she has a remote interest**."

What steps are required to comply with Section 1090 in any given case will depend on the potential conflicts that may exist. Some relevant factors are:

- Whether a commissioner is an employee of an agency that has applied for or might be a recipient of funding;

- Whether a commissioner is a non-compensated board member of an agency that has applied for or might be a recipient of funding;
- Whether a commissioner is a bob-compensated board member of an agency that has applied for or might be a recipient of funding;
- Whether in any instance the agency with which a commissioner is affiliated is a 501(c)(3) nonprofit agency;
- Whether the agency with which the commissioner is affiliated is competing with other agencies for the same pot of funds or whether the funds have been divided up into sub-groups for different purposes before the commissioner becomes involved;
- Other, less foreseeable issues.

In order to avoid conflicts under Section 1090, the following rules should be observed. In addition, we strongly encourage commission staff to consult with this office before beginning any funding allocation process to evaluate the best way to avoid conflicts of interest under Section 1090.

1. If an agency with which a commissioner is affiliated is identified as a potential recipient of funds, either directly or as a subrecipient, the commissioner must disclose his or her affiliation for the record (it will be noted in the minutes) and recuse his or herself before any discussion. Recusal involves announcing the potential conflict, and then leaving the room until the discussion of and any action on the commission recommendations is concluded. A commissioner is affiliated with an agency if the commissioner is a board member, officer, or employee of the agency, or a family member is an employee of the agency.
2. If an agency with which a commissioner is affiliated provides services within a funding category recommended by the commission, and the recommendation implicitly suggests an allocation of funds for that agency or could reasonably be read to do so, the commissioner must recuse his or herself, as described in paragraph 1.
3. In discussing commission recommendations that do not fall within paragraphs 1 or 2 above, if an agency with which a commissioner is affiliated provides services that could be funded by a recommendation, the commissioner should be careful not to propose or mention his or her affiliated agency. If the commissioner does mention the agency, it will be disqualified from receiving any funds.

APPENDIX E. BMC 3.02.050 COUNCIL DETERMINATION AS TO INCOMPATIBILITY; RECUSAL; AUTOMATIC VACANCY

A. The Council finds and declares that:

1. Citizen advisory boards and commissions (collectively "commissions") bring to bear significant expertise on issues that come before the City.

2. Sitting on a volunteer advisory commission is a significant commitment of time and energy, which prevents many qualified individuals from sitting on commissions.

3. Individuals who are particularly qualified in a particular area will often have employment that is in some way related to the issues that come before the advisory commissions on which they sit.

4. Although the Council has provided that advisory commissions are subject to the City's Conflict of Interest resolution, in light of their advisory status and the need to attract qualified commissioners, advisory commissions should not be subject to every possible prohibition related to conflicts of interest.

5. It is the purpose of this section to establish a fair and workable standard for determining when outside activities for compensation are incompatible with membership on an advisory commission, to establish the obligations of members of advisory commissions with respect to outside activities for compensation, to provide a process for determinations relating to incompatibility of outside activities for compensation and to establish remedies.

B. Pursuant to its authority under Government Code Section 1126(b), the City Council establishes and declares that outside activities for compensation shall not be considered incompatible with membership on City commissions other than those listed in subsection (I), but members of such commissions shall recuse themselves with respect to commission actions relating to any outside activity for compensation to the extent the action involves any specific employment responsibilities for which they receive compensation.

C. The City Attorney shall employ the standards set forth in the preceding subsection in making determinations under Government Code Section 1126 with respect to members of commissions other than those listed in subsection (I). Whenever the City Attorney issues a written opinion under Government Code Section 1126, that opinion shall be immediately transmitted to the City Clerk and the affected commissioner.

D. If the affected commissioner notifies the City Clerk in writing of their disagreement with the City Attorney's opinion within 14 days after the opinion is transmitted to them, the City Clerk shall place the matter on the Council's agenda at the earliest possible time and shall notify the

affected commissioner of the date and time of the meeting at which the Council will consider the matter.

E. The Council shall allow the affected commissioner an opportunity to address it, shall determine whether to affirm or overrule the City Attorney's opinion and may make any order consistent with this section and Government Code Section 1126.

F. If the commissioner fails to comply with the City Attorney's opinion or, on appeal, the order of the City Council, the commissioner's seat shall be deemed automatically vacated as of the date of the Council's order.

G. From the date the City Attorney's opinion is issued and transmitted to the board or commissioner who is its subject, until completion of Council proceedings under this section, that commissioner shall comply with the incompatibility standard set forth in subsection (B) as applied in the City Attorney's opinion. Thereafter, the commissioner member shall comply with the order of the Council.

H. Prior to accepting any appointment to any commission, the nominee shall disclose to the appointing Councilmember every employment, activity or enterprise for compensation that falls within the scope of the authority of the board or commission for which they have been nominated.

I. The standard set forth in subsection (B) of this section applies to commissioners appointed by the Council to all City boards and commissions except the Board of Library Trustees, the Fair Campaign Practices Commission, Homeless Commission, Housing Advisory Commission, Human Welfare and Community Action Commission, Landmarks Preservation Commission, Planning Commission, Police Review Commission, and Zoning Adjustments Board.

J. Nothing in this section affects any disclosure, disqualification or eligibility requirement of under any provision of federal, state or local law other than Government Code Section 1126(b).

APPENDIX F. RESOLUTION NO. 53,989-N.S. NOTICE TO POTENTIAL CANDIDATES FOR BERKELEY ELECTIVE OFFICE AND INDIVIDUALS INTERESTED IN SERVING AS MEMBERS OF CITY BOARDS AND COMMISSIONS

RESOLUTION NO. 53,989 —N.S.

NOTICE TO POTENTIAL CANDIDATES FOR BERKELEY ELECTIVE OFFICE AND INDIVIDUALS INTERESTED IN SERVING AS MEMBERS OF CITY BOARDS AND COMMISSIONS

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

WHEREAS, conflict of interest issues are often complex, creating ambiguities which may deter many qualified and interested citizens from serving as elected officials or members of the City's boards and commissions; and

WHEREAS, there is a need to alert potential candidates for office and prospective appointees to boards and commissions of the existence of such conflict of interest laws and to encourage such individuals to seek out advice when questions arise pertaining to their particular situation.

NOW, THEREFORE, Be It Resolved by the Council of the City of Berkeley that the City Clerk be instructed to provide the following notice to individuals expressing interest in candidacy for Berkeley elective office and for appointment to the City's boards and commissions:

"The purpose of this notice is to alert you to State and local conflict of interest provisions. These provisions may prohibit you, members of your family, or your employer, from having any financial relationship - - such as a contract or consultant position -- with the City, the Berkeley Housing Authority, and the Berkeley Redevelopment Agency, during the term of your office; for members of the City Council such prohibition can extend in certain instances for a one-year period following the conclusion of the term of office.

If a prohibited interest exists, the financial relationship may have to be terminated; for example, a contract may not be renewed or created, a consultant position may have to be withdrawn, your employer or a family member may be required to cease conducting business with the City.

Statements of Economic Interest are required to be filed by elected officials and appointed members of boards and commissions. The information disclosed in such statements provides the public with information concerning the financial interests of those serving in a public or official capacity, as well as assisting in the determination of whether certain of the interests disclosed require appropriate further action. The specific prohibitions applicable to potential conflicts of interest are not deemed "satisfied" or "cured" simply by filing the economic interest statements and disclosing the relevant financial interests; such a filing is a state-mandated requirement and is separate and distinct from any prohibitions that may be imposed as a result of an existing or future financial relationship with the City.

If you are uncertain as to whether existing or future financial interests you, your family, or your employer may have with the City constitute a potential conflict which would require termination or other remedial action upon your assuming elective office or upon your appointment to a City board or commission, you are encouraged to seek further information from the City Attorney's Office by providing a written description of your financial interest or relationship with the City and the elective or appointive position which you are seeking. It is your obligation to seek such advice and to bring any such potential conflicts to the City's attention. The City will not independently investigate the background or financial statements of candidates for elective or appointive office in order to detect potential conflicts of interest."

In effect: November 3, 1987

APPENDIX G. ADMINISTRATIVE REGULATION 3.2 GOVERNING STIPENDS FOR COMMISSIONERS

A.R. NUMBER:	**3.2**
ORIGINAL DATE:	7/01/94
POSTING DATE:	3/1/2024
PAGE 1 OF 6 PAGES	

CITY OF BERKELEY
ADMINISTRATIVE REGULATIONS

SUBJECT: Stipend and Reimbursement in Lieu of Expenses for Members of Certain Boards, Commissions, Committees, Task Forces, and Joint Subcommittees

PURPOSE

The purpose of this Administrative Regulation is to establish procedures for reimbursing expenses to certain board, commission, committee, task force, and joint subcommittee members (including temporary appointees) who might otherwise incur an economic hardship.

POLICY

The City Council, by Resolution No. 69,739-N.S. (known as the Stipend Resolution March 9, 2021), authorizes payment in lieu of expenses to members of all Council-appointed boards, commissions, committees, task forces and joint subcommittees who meet certain household income criteria in order to remove economic hardship barriers from citizen participation. Subcommittees of commissions, which are designated by the advisory body and not by Council appointment, are not eligible for reimbursement.

An eligible member is authorized to receive:

a) $100 for each official meeting attended, not to exceed four (4) meetings each month;

b) reimbursement for actual child care expenses incurred while he/she attends meetings;

c) reimbursement for actual expenses paid to an attendant to provide care for a dependent elderly person while he/she attends meetings; and

d) reimbursement for actual expenses incurred for disabled support services in order to participate fully in board, commission, or committee meetings.

The $100 stipend amount shall be annually adjusted by the Bay Area Consumer Price Index.

DEFINITIONS AND REGULATIONS

An "official meeting" is defined as a duly noticed, properly agenized, regular meeting or special meeting of the full board or commission at which a quorum of the full membership must be present in order for the meeting to be held.

For a meeting that is cancelled, claims may only be submitted if it is for an official meeting where the attendees and staff Secretary believed that the meeting would proceed as scheduled, and for which Commissioners and the Secretary actually showed up and waited a reasonable period beyond the meeting start time for the quorum to be met before canceling.

A receipt or invoice signed by the person providing such child care, elderly dependent care or disabled support services must accompany a request for reimbursement. Invoices must include date, services provided, vendor contact information, and dollar amount.

The Human Welfare and Community Action Commission provides for alternate representatives of the poor to be elected or to be appointed when a vacancy occurs. Alternate representatives of the poor shall be eligible for stipend payments when serving in place of the principal member.

The City Clerk Department is responsible for keeping this Administrative Regulation up-to-date and shall include notification of this policy with each appointment letter mailed.

COMMISSIONER'S CRITERIA AND RESPONSIBILITIES

1. Eligibility criteria for stipend and reimbursement:

    a) Persons eligible to receive reimbursement in lieu of expenses are those board, commission, committee, task force or joint subcommittee members whose household gross income as filed jointly for federal income tax purposes is below the Alameda County 50% AMI 3-person household ($58,750 as of July 2021) per year.

    b) Commissioners who are minors (under 18 years old) must have eligibility declaration forms co-signed by a parent or legal guardian attesting that the combined 3-person household income is under the Alameda County 50% AMI ($58,750 as of July 2021) per year.

    c) If a commissioner is paid $600 or more in stipend payments in one calendar year, an IRS Form 1099 will be generated by the Finance Department for the commissioner's tax filing purposes.

2. To establish eligibility, Commissioners must file the Annual Declaration Form (attached) with the secretary of their board, commission, committee, task force or joint subcommittee. Commissioners must file a new declaration form annually prior to May 31st in order to maintain eligibility.

3. In order to pay a Commissioner's attendant directly, a completed IRS Form W-9 must be on file in the Finance Department's Accounts Payable Division. If an attendant, support service, or child care provider is paid $600 or more in one calendar year, a Form 1099 will be generated by Finance. In order to be reimbursed for payments made to an attendant, support service, or child care provider, a Commissioner must be set up as a vendor by Finance - General Services.

4. Eligible members who are disabled and are seeking reimbursement for support services must also complete the support services statement portion on the Annual Declaration Form. If the member's needs change, he/she must immediately notify the secretary. Otherwise, the statement certifying the need for support services will continue to be in effect for the duration of the member's term of appointment.

5. Pursuant to Berkeley Municipal Code Section 3.66.040, low-income status for members of the Commission on Disability is not a prerequisite for reimbursement of attendant care expenses.

6. Additionally, eligible recipients requesting reimbursement for child care expenses, paid attendant services for elderly care, and support services as a disabled member for meeting participation are subject to AB 1234. State law AB 1234 requires completion of an online ethics training course within one year of the first day of service, and every two years thereafter. The ethics course is available online at no cost. Upon completion of the course, a printed and signed certificate of participation must be on file with the secretary in order to be eligible for reimbursement.

RESPONSIBILITIES OF SECRETARY

1. It is the responsibility of the secretary of each board, commission, committee, task force or joint subcommittee to submit quarterly payment forms to the Finance Department, by the 10th of each month (January, April, July, and October). Payment forms for stipends paid for attendance at meetings held pursuant to the Mental Health Services Act are filed monthly. Every submission must include the following:
   a) A.R. 3.2 Payment Form
   b) Invoices for support services, dependent care, and/or child care, if applicable.
   c) Verification that each meeting for which reimbursement or stipend is claimed actually occurred.
   d) A copy of the Annual Declaration Form
   e) A spreadsheet showing the year-to-date payments for each commissioner.

2. The completed forms must be attached to the request for check entry in ERMA and released for review to the Finance Department by the 10th of each specific month so payment can be made. A separate request for check and supporting documentation must be submitted individually for each member.

3. The secretary shall keep copies of all Annual Declaration Forms on file and attach a copy each time a request for check is submitted to the Finance Department, and when submitting quarterly statements.

4. Each secretary will advise the board, commission, committee, task force and joint subcommittee members of this policy and respond promptly to commissioner inquiries regarding payment status. Commissioners should not contact the Finance Department or City Clerk Department for payment status.

RESPONSIBLE DEPARTMENT: City Clerk **TO BE REVIEWED/REVISED:** Every year	**Approved by:** Department Director City Manager

A.R. NUMBER: 3.2 **Page 4 of 6 Pages**

ANNUAL DECLARATION FORM RESPECTING ELIGIBILITY FOR REIMBURSEMENT OF EXPENSES AS A MEMBER OF THE

_____
(Board/Commission/Committee/Task Force/Joint Subcommittee)

Inasmuch as it is in the public interest to remove barriers, particularly those creating economic hardships for citizens participating on boards, commissions, committees, task forces, and joint subcommittees the City Council has determined that it is in the public interest to alleviate this hardship by authorizing payments in lieu of expenses for certain meetings and under certain conditions as indicated in Stipend Resolution No. 69,739-N.S.

I,_____certify to the following:

1) That my adjusted gross income reported individually, or as part of a household joint Federal Income Tax Return, was less than the Alameda County 50% AMI 3-person household ($58,750 as of July 2021) per year.

2) I will file this declaration form every year no later than May 31st with the Secretary who will forward copies to the Finance Department; and

3) I will notify the Secretary as soon as I am aware that my household current year income exceeds the Alameda County 50% AMI 3-person household ($58,750 as of July 2021) per year and request that my eligibility be canceled:

_____ _____
Signature Date

_____ _____
Signature of Parent or Legal Guardian if Member is a Minor Date

_____ _____
Signature of Secretary Date

* * *

SUPPORT SERVICES STATEMENT

I, _____certify I am disabled and require the following support services in order to participate fully in commission meetings:

_____

_____

_____ _____
Signature Date

A.R. NUMBER: 3.2 **Page 5 of 6 Pages**

A.R. 3.2 PAYMENT FORM

Name of Commission: _____

Name of Commissioner: .....

Address of Commissioner: .....

Name of Secretary: ..... Phone: .....

Quarter Covered: Year **D** Jan - Mar **D** April - June **D** July - Sept **D** Oct - Dec

Date of Meeting	Payment Type*	Amount Due
		$
		$
		$
		$
		$
		$
	Total (this qtr.)**	$

* Stipend, Support Services, Dependent Care, or Child Care
** Attach Year-to-Date Spreadsheet to this Form

D Please hold check for pick up: _____
Commissioner's Signature)

Prepared by: _____ Date: _____
(Preparer's Signature)

Reviewed by: _____ Date: _____
(Commission Secretary Signature)

CERTIFICATION AND AUTHORIZATION FOR PAYMENT: I hereby certify that the payments for all persons whose names appear herein have been properly authorized; and that the amounts indicated as due said persons are actually due and payable. Payment is approved against the appropriation indicated under delegated authority of the City Manager.

Authorized by: _____ _____
Authorized Department Signature (must be on file with AP) Date

A.R. NUMBER: 3.2 **Page 6 of 6 Pages**

COMMISSIONER STIPEND CHECKLIST

This checklist is provided to expedite the processing of commissioner stipends. The Finance Department requires that all forms are completed and information is accurately prepared and submitted before stipends can be paid. Review the checklist prior to submitting stipend requests.

For Initial Payment to a Commissioner or Service Provider:

☐ Set up the Commissioner as a vendor with Finance - General Services
* Use a W-9 form to set up the Commissioner as a vendor (available on Groupware)

☐ Set up the Vendor (support services, dependent care, or child care) as a vendor with Finance - General Services
* Use a W-9 form to set up the service provider as a vendor

Required Documentation for Every Payment Submission (compile submission in this order):

0 Request for Check
*In both description areas of the Request for Check screen, list the type of stipend being paid and the period covered (quarterly or monthly)
* Provide the full account code and/or project string (consult your department budget analyst)
* Verify in ERMA that adequate funds are available in the account to pay the voucher
* Clearly document the payment amount
* Obtain all required signatures

0 A.R. 3.2 Payment Form
* Complete all fields
* Obtain all required signatures

0 Invoices for Support Service, Dependent Care, and/or Child Care Providers
* Must include date, services provided, vendor contact information, and dollar amount

0 Attendance Verification
* A copy of the meeting minutes
* Requests for reimbursement for cancelled meetings require written representation from the Commission Secretary

0 Annual Declaration Form
* The form is completed and signed and dated yearly by the commissioner and the Commission Secretary
* A copy of the form is submitted with each reimbursement voucher

0 Year-to-Date Summary Spreadsheet
* Documents the fiscal year (year to date) expenditures of the individual commissioner
* Remember that payments of $600 or more result in the issuance of a Form 1099 from the Finance Department and may have tax implications

APPENDIX H. RESPONDING TO REQUESTS FOR ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

Commented [NML26]: New policy pursuant to legal settlement

Procedures for Members of Boards and Commissions and Staff

Members of boards, commissions, and the public who have a disability may have a right to receive reasonable accommodations, if necessary for them to participate in City meetings and programs. The Americans with Disabilities Act (ADA) and other laws mandate that the City provide programmatic access and effective communication in order that people with disabilities are able to participate in the City's programs, services, and activities including public meetings. (See "What the ADA Says About Accommodations" below.)

Individuals with disabilities who need accommodations to participate at a City of Berkeley meeting should make their requests to the ADA Program Coordinator. An analysis will be initiated on a case-by-case basis to evaluate the individual's request and determine the appropriate method of accommodation. If possible, individuals are asked to make disability accommodation requests at least 72 hours in advance of their desired committee meeting and implementation date. The City will make good faith efforts to provide accommodations that are requested less than 72 hours in advance of a meeting.

The ADA Program Coordinator will respond to accommodation requests according to the criteria below:

1. Review of the accommodation request:

    a. Nature of the accommodation and why the accommodation is needed.

    b. Estimated duration of the requested accommodation.

    c. Commission assignment or meeting for which the accommodation is requested.

    d. Estimated duration of the assignment.

2. The ADA Program Coordinator and Commission Secretary will promptly act on the accommodation, determine the most effective way to provide an accommodation, coordinate the details with the individual with a disability and follow through to ensure the accommodation's success.

3. Any doubt should be resolved in favor of accommodation and accessibility.

The ADA Program Coordinator and Commission Secretary shall oversee the vendor payment process.

All reasonable accommodation request responses shall be provided in writing, when such written response can be transmitted in a timely manner prior to the start of the specific meeting. Otherwise, the response will otherwise be provided orally. Responses will identify whether the accommodation is granted, granted in part, or whether an alternative accommodation is granted, and will also identify any instructions necessary to access the accommodation. If denied the response will identify and the grounds for denial. City staff will document requests and responses provided orally.

CONSIDERATIONS FOR SELECTING ACCOMMODATION METHODS

The person requesting an accommodation should make the request in advance to allow adequate time for staff to make any arrangements. Staff may be able to provide an accommodation directly, but it can take time to arrange an accommodation from a service vendor, through the use of assistive technology (equipment), or through modification in the way an activity is conducted. Accommodations must be reasonable in accordance with the ADA and other applicable laws.

Examples of accommodations include but are not limited to:

- Assistance with writing and other tasks for persons with manual impairments.
- Interpreters or captioning for persons with hearing impairments.
- Speakers for persons with speech impairments.
- Braille, large print, or electronic versions of printed text and descriptions or tactile representations of graphics for persons with vision or other print-related impairments.
- Remote attendance at meetings (see below).

The City provides accommodations for participation in regular or special board and commission meetings, meetings with City staff, and meetings of ~~sub~~committees of boards and commissions where applicable. The City does not provide accommodations for activities sponsored by another agency or for an individual engaged in community activities that are not official activities of the City.

REQUESTS TO ATTEND MEETINGS REMOTELY AS AN ACCOMMODATION

When a commissioner or board member requests remote or teleconference attendance at City meetings as an accommodation for a disability that prevents them from attending the meeting in person, such as but not limited to an immunocompromising disability or a disability that limits time spent outside of home or bed, the following procedures will be followed. The individual should attempt to make disability accommodation requests for remote attendance at least 72 hours before the time of the first meeting for which remote attendance is requested. The City will make good faith efforts to provide remote

attendance accommodations that are requested after this time. "Teleconference" or "teleconferencing" as used in this policy means a connection by electronic means through either audio or video, or both.

1. The following information should be included in any request:

   a. A self-attestation that the accommodation is needed as a result of a disability and a general description of why it is needed. A general description ordinarily need not exceed 20 words and shall not require the member to submit medical documentation or disclose any specific medical diagnosis or disability.

   b. Estimated duration of the requested accommodation.

   c. Commission assignment or meeting(s) for which the accommodation is requested.

   d. Estimated duration of the assignment.

2. In consultation with the individual with a disability, the ADA Program Coordinator will determine the most effective way to provide the accommodation, ensure the technology used to provide the accommodation is functional and effective, coordinate the details with the individual with a disability, and follow through to ensure its success. Videoconference will be provided unless another technology is requested.

3. Individuals may be granted a teleconferencing accommodation on a permanent basis or on a temporary basis. The duration of any accommodation will be determined in accordance with the individual's disability-related needs. There is no formal limit on the number of meetings an individual may attend remotely; the individual may attend remotely for the duration permitted by their accommodation.

4. When remote attendance is provided as a disability accommodation, the ADA Program Coordinator will waive the requirements that each teleconference location be identified in the notice and agenda, that agendas be posted at each teleconference location, and that each teleconference location be accessible to the public, as follows. Waiver of these requirements will be based on whether individuals who require remote attendance as an accommodation cannot invite others into their home or other location for disability-related reasons, or may otherwise be subject to privacy intrusions or unwarranted harassment if these requirements are not waived. Any doubts will be resolved in favor of accessibility and the individual with a disability.

5. A commissioner or board member appearing remotely as an accommodation shall publicly disclose at the meeting before any action is taken whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member's relationship with any such individuals. This requirement shall not apply if the commissioner or board member includes a self-attestation exempting them from this requirement.

WHAT THE ADA SAYS ABOUT ACCOMMODATIONS

The ADA describes accommodations generally as “reasonable modifications in policies, practices, or procedures” (28 C.F.R. Section 35.130(b) (7)). Unless the City can demonstrate that a modification would fundamentally alter the nature of the service, program, or activity, the City must make reasonable modifications when necessary to allow an individual with a disability to participate in the City’s services, programs, and activities (28 C. F. R. Section 35.130(b)(7)).

Although the City is not required to provide devices or services that are of a personal nature (such as eyeglasses, hearing aids, or mobility devices), the ADA requires that communication with disabled members of the public be effective, including the provision of auxiliary aids and services necessary for effective communication with the City.

Regarding effective communication, the ADA’s specific language is:

(a) A public entity shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.

(b)(1) A public entity shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by a public entity.

(2) In determining what type of auxiliary aid and service is necessary, a public entity shall give primary consideration to the requests of the individual with disabilities. (28 C. F. R. Section 35.160)

Auxiliary aids and services include:

(1) Qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDD's), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments.

(2) Qualified readers, taped texts, audio recordings, braille materials, large Responding to Requests for Accommodations for Persons with Disabilities page print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments. Web content on the City of Berkeley website and electronic documents created for use at public meetings will be in compliance with accessibility standards required by the ADA.

(3) Acquisition or modification of equipment or devices.

(4) Other similar services and actions. (28 C. F. R. Section 35.104 (in part))

APPENDIX I. GENERAL INFORMATION FOR NEWLY APPOINTED COMMISSIONERS

Commented [NML27]: Updated to reflect current practices and modern processes.

APPOINTMENT OF NEW COMMISSIONER

All new appointments and temporary appointments are processed pursuant to the filing of an appointment form and Affidavit of Residency with the City Clerk by a City Councilmember. The City Clerk then verifies the eligibility of the appointee to serve. A person may not be eligible to serve on a particular commission if any of the following apply.

- The ordinance, resolution, or other law establishing the commission or regulating its membership has specific eligibility requirements that the appointee cannot meet.
- The person has served eight consecutive years on the commission and has not been off the commission for a period of two years (those established by initiative may not be subject to this requirement).
- The person has failed to file Conflict of Interest statements and has outstanding statements and/or has been removed from office more than once for failure to file statements.
- The person has been administratively terminated more than four times.
- There is no open commission seat.

The City Clerk Department prepares the official appointment letter and provides the commissioner with a packet of general information. If the commissioner is designated in the City's Conflict of Interest Code, the appointment package will include instructions on how to file Assuming Office Form 700 electronically via NetFile, or via the state portal, if required. ~~the~~ The Assuming Office ~~Form 700 and instructions. This form~~ must be filed with the City Clerk within thirty days of the date of the appointment. The new appointee must also take the Oath of Office before attending the commission meeting or within thirty days of the date of the appointment.

Failure to take the oath within thirty days of the date of the appointment and/or failure to file required Conflict of Interest statements within 30 days of appointment will result in automatic termination from the commission.

PRIOR TO SERVING AND PARTICIPATING AT A COMMISSION MEETING

Commissioners must be fully eligible prior to serving at a meeting. Commission secretaries have been instructed to not permit a newly appointed commissioner to participate at a meeting unless the secretary has received notice from the City Clerk Department.

The secretary will officially swear the new commissioner in at the start of their~~his or her~~ first meeting, or within thirty days, whichever comes first if the commissioner has not already ~~been~~ taken the oath.~~sworn at the City Clerk Department.~~ The secretary is also required to immediately forward the completed oath to the City Clerk.

LEAVES OF ABSENCE

Regular attendance at commission meetings is important to enable the commission to proceed with business. If a commissioner has advance notice of potential problems regarding attendance at meetings, theyhe or she should notify the commission secretary and may wish to consider requesting ana Leave of Absence (LOA) from the appointing councilmember. Failure to obtain a LOA may result in automatic termination for absence. See Chapter II, Part A, for more information.

A commissioner may also request to be "excused" from a regular commission meeting due to a conflict between the date of the meeting and a religious or cultural holiday. Such a request must be made in writing on a form provided by the City and submitted to the commission secretary prior to the meeting for which the commissioner is to be excused. The request is not subject to commission approval but shall be accepted upon request. The definition of a religious or cultural holiday is left to the discretion of the individual commissioner.

STIPEND/EXPENSES

In order to remove barriers from public participation on commissions, the Council has authorized payment of $10040 per meeting, in lieu of expenses, to Council-appointed members of commissions whose annual family income as filed jointly is below the Alameda County 50% AMI for a 3-person household per year ($70,075 per year as of January 2024). the threshold of the Alameda County 50% AMI three-person family amount.$20,000 per year. If a commissioner desires to establish stipend eligibility, he or shethey must file a statement with the commission secretary. It is the secretary's responsibility to forward statements and meeting information to the City AuditorFinance Department in a timely manner to ensure proper payment. Specific information related to this is contained in the Stipend Resolution and A.R. 3.2.

Commented [SN28]: Revisions pursuant to Council action.

TERMINATION FROM A COMMISSION

Commissioners, with a few exceptions, are appointed for terms ending November 30 of the first year of appointment.each year. Commissioners may continue to serve at will for a period up to eight consecutive years unless replaced by a councilmember any time after the initial term has ended. See Chapter II, Part A, for more information.

RESIGNATIONS BY COMMISSIONERS

Written resignations by commissioners shall be forwarded directly to the City Clerk Department. Resignation letters should state the effective date of the resignation. Verbal resignations and backdated resignations are not considered resignations. The effective date of the resignation is the date it is received by the City Clerk unless a future date is indicated. The City Clerk Department will send instructions to the provide the resigning commissioner on how to file Leaving Office Form 700 electronically via NetFile, and if requested will provide the commissioner with a paper Form 700 (except 87200 Filers). with a Form 700, Conflict of Interest Leaving Office statement, if applicable, and will notify the appointing councilmember and the commission secretary of the resignation. Furthermore, the City Clerk Department will inform both the appointing Councilmember or Mayor and the commission secretary about the resignation.

Commented [SN29]: Per New AB1170 requirement, all 87200 filers required to submit their Form 700 directly to the FPPC using the FPPC online filing system.

QUESTIONS REGARDING APPOINTMENT

For questions regarding an appointment or termination or basic rules contained within the Commissioners' Manual, please contact the commission secretary.

GLOSSARY

Definitions pertain to City of Berkeley Commissions

TERM	DEFINITION
Absence	A commissioner is absent if ~~he or~~they do~~es~~ not attend at least one hour or 50% of the entire meeting.
Accessible	Members of the community must be able to attend all commission meetings and ~~commission subcommittee meetings and~~ the meetings must be noticed in accordance with the Brown Act.
Action ~~Agenda/~~Calendar	Items are placed on the Action ~~Agenda~~ Calendar when the ~~Council or~~ Commission~~ttee should~~expects to take or request a specific action by motion.
Action Minutes	A concise record of the commission's proceedings, which contains the date, time, and place of the meeting, members/staff in attendance, and final actions taken.
Actual Appointees	The total seats on a commission minus vacancies and leaves of absence (for the purpose of determining quorum).
ADA (Americans with Disabilities Act)	Federal law that mandates provisions for access and accommodations for persons with disabilities.
Affidavit of Residency	A form that is submitted with the appointment paperwork confirming the appointee is a resident of Berkeley.
Agenda	The list of business to be conducted by the commission.
Alternate Commissioners	Councilmembers and the Mayor may each appoint a pool of five Alternate Commissioners to serve on designated commissions when their regular appointee is on an approved leave of absence.
Application	Form provided by the City Clerk ~~d~~Department for completion by an individual who wishes to be appointed to a board or commission.
Appointment	Appointment occurs when an individual who has been selected by a Councilmember (or the Council) to serve on a commission, is deemed fully eligible to serve by the Clerk Department.
~~Berkeley Election Reform Act~~	~~The Berkeley Election Reform Act (BERA), Chapter 2.12, of the Berkeley Municipal Code (BMC), governs Berkeley's campaign finance disclosure.~~
Brown Act	State law that sets requirements for meeting noticing, agendas, and public participation.
Chair	Presides at commission meetings and ensures the work of the commission is accomplished.
Charter	The document that established the City of Berkeley.
City Attorney	Local official who ensures that the City operates within legal constraints and minimizes its legal liability

TERM	DEFINITION
City Clerk	Local official who administers democratic processes such as elections, access to city records, and all legislative actions ensuring transparency to the public. The City Clerk administers the commission appointment process, maintains the information regarding the commission rules and regulations, and serves as an advisor for commission secretaries.
City Manager	Local official appointed by the City Council to direct the administration of the City.
Communication to Council	Written letter of which the content is approved by action of the full commission, and submitted by the commission secretary in accordance with the Council's guidelines for submission of communications.
Committee, including "Temporary" and "ad hoc"	Commissions may establish ad hoc committees, which have a single purpose, be composed of less than a quorum, and a target date to report back to the parent commission.
Companion Report, City Manager	The City Manager may present a City Manager Companion Report to the Council highlighting alternate recommendations or additional information to a Commission Report.
Conflict of Interest	A situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.
Consent Calendar	Section of the agenda listing items that do not require discussion prior to adoption.
Disability	A person with a disability is someone who has a physical or mental impairment that substantially limits one or more major life activities, has a history or record of such an impairment (such as cancer that is in remission), or is perceived by others as having such an impairment (such as a person who has scars from a severe burn).~~A condition that limits a person's movements, senses, or activities.~~
Disclosure Statements/Form 700	The Statement of Economic Interests, Form 700, provides required information about public officials' financial interests to ensure they are making decisions in the best interest of the public.
Election	The selection by vote of a person or persons from among candidates for a position.
Election of Officers	Formal action of the commission to select one member as chairperson and another member as vice-chairperson. Generally, action is taken annually in February.
Enabling Legislation	The charter, ordinance, or resolution that establishes the commission and confers certain specified authority and responsibility.

Commented [SN30]: ADA definition: https://www.ada.gov/topics/intro-to-ada/

TERM	DEFINITION
Ex Parte Contacts	Contacts in a quasi-judicial proceeding outside the public hearing process, including letters, emails, telephone messages, in-person conversations and meetings.
Excused Absence	A commissioner is deemed to have an "excused absence" if the commission secretary receives a written request from the commissioner in advance of a meeting that the absence be excused due to a conflict between a scheduled commission meeting and a cultural or religious holiday.
~~Fair Campaign Practices Commission~~	~~The Fair Campaign Practices Commission (FCPC) enforces the Berkeley Election Reform Act (BERA).~~
Fair Representation Ordinance (FRO)	A City of Berkeley ordinance requiring commissions of nine, or multiples of nine, and allows each individual Councilmember to make an equal number of appointments.
Form 700/Disclosure Statements	The Statement of Economic Interests, Form 700, provides required information about public officials' financial interests to ensure they are making decisions in the best interest of the public.
Information Item	An item on the commission's agenda for which there is no discussion and no action is taken. It is a report or update on an item of interest to the commission.
Leave of Absence	A commissioner is deemed to have a "leave of absence" when the City Clerk Department receives written approval of the commissioner's absence from the appointing Councilmember prior to 5:00 p.m. the day of the meeting or prior to the beginning of the meeting if occurring before 5:00 p.m. This allows the commissioner to be absent from a commission meeting(s) without an attendance penalty.
Media	Outlets/organizations that deliver information or data to the public.
Meeting, Concurrent ("Joint")	Two or more commissions hold meetings in the same place at the same time and hold a coordinated discussion.
Meeting, Regular	A meeting held periodically according to the time/day/location stated in the meeting schedule adopted by formal action of the commission.
Meeting, Special	Any meeting of the commission not on the regular meeting schedule.
Motion	A formal proposal put to the commission for consideration by a commissioner.
Oath of Office	The City Charter requires all commissioners to take an Oath of Office for every appointment they accept. The Oath may be completed by the commission secretary or a City Clerk representative prior to the commissioner serving the first meeting of ~~his or her~~their term.

TERM	DEFINITION
Point of Personal Privilege	A motion related to matters affecting commissioners during the meeting such as personal comfort, noise in the meeting room, or safety.
Poll	A sampling or collection of opinions – typically used to determine when to hold a special meeting or if all commissioners will be present at a regular meeting.
Presiding Officer	The officer presiding over the conduct of the meeting, the chair, or in their absence, the vice-chair, or temporary chair.
Press	See media.
Public	Any individual who is not a member of the convening commission or a City of Berkeley staff person acting in their official capacity.
Public Comment	The public must be allowed to speak on any item in the committee's purview as well as on each specific item of business before the committee.
Public Hearing	An agenda item that has additional noticing requirements and some legal constraints specific to the item. Public Hearings are held when required by law.
Quasi-judicial	Quasi-judicial commissions have the authority to make binding decisions that require or restrict the action of individuals.
Quorum	The minimum number of commissioners who must be present for the valid transaction of business.
Recommendation	A brief description appearing on the meeting agenda and describing what action, if any, may be taken on the item.
Residency	Refers to the status of an individual who lives in the City of Berkeley permanently or on a long-term basis and thereby satisfies an eligibility requirement for membership on a commission.
Resident	A person who lives in the City of Berkeley permanently or on a long-term basis.
Resignation	The formal process for a commissioner stepping down from ~~his or her~~their position.
Secretary	An employee of the City designated by the City Manager to represent the City Manager and provide administrative support to a commission.
Statement of Economic Interests	The Statement of Economic Interests, Form 700, provides required information about public officials' financial interests to ensure they are making decisions in the best interest of the public.
Stipend	Payment in lieu of expenses to remove economic hardship barriers.

TERM	DEFINITION
Subcommittee~~, including "Temporary" and "ad hoc"~~	See "Committee" above.~~Commissions may establish ad hoc subcommittees, which have a single purpose, be composed of less than a quorum, and a target date to report back to the parent commission.~~
Temporary Appointment	The appointing Councilmember or the Council may fill a vacancy created by a leave of absence by a temporary appointment for a period not to exceed the period of the leave of absence.
Term Maximum	Commissioners who have served the maximum of eight years on a certain commission shall not be eligible to serve on that same commission until a two-year break in service has occurred (BMC 3.02.040).
Term Minimum	A commissioner cannot be replaced by a Councilmember prior to the first day of December in the year in which ~~he or she was~~they were appointed.
Termination	Termination is the term used when a commissioner resigns or is removed from office.
Termination, Automatic	An automatic termination takes place when a commissioner fails to meet appointment qualifications.
Vacancy	A seat with no appointed commissioner is considered a vacant seat. Vacancies are not created when commissioners are absent or on leaves of absence.
Vice-chair	Assumes the duties of the chair in ~~his or her~~their absence.

INDEX

TERM	PAGE REFERENCE
Absence	17, 1920
Accessible	2223, 4648, 9489
Action Agenda/Calendar	3334, 4849, 5354, 57
Action Minutes	3435, 62
ADA (Americans with Disabilities Act)	2223, 4648, 9489
Affidavit of Residency	13, 21
Agenda	3233, 3334, 4749, 5052, 62
Alternate Commissioners	15, 2122
Application	13
Appointment	14, 1617, 2021, 22, 26
Brown Act	30, 4142, 4446, 4648, 4849, 5152
Chair	21, 27, 28-30, 3941, 4749, 4850, 5756, 58, 61, 67
Charter	10
City Attorney	24, 27, 4243, 4648, 6261, 71, 77, 81
City Manager	11, 3233-3637, 64-66, 68
Communication to Council	3233
Companion Report, City Manager	66, 67
Conflict of Interest	10, 16, 21, 24, 77
Consent Calendar	3334, 66
Disability	2223, 4648, 4951, 9389
Disclosure Statements	21, 2425
Election	27, 2930, 4041
Enabling Legislation	12, 5455
Excused Absence	1718
Fair Campaign Practices Commission	10, 1819
Fair Representation Ordinance	14
Form 700	22, 2526
Information Item	3334
Leave of Absence	1920, 2122
Media	3941, 49
Meeting, Joint (Concurrent)	3738, 4244
Meeting, Regular	4142
Meeting, Special	4243
Motion	28, 29, 3839, 5354, 57, 62, 66, 67
Oath of Office	15, 21, 22, 9893
Poll	5153, 5354
Press	3941, 49
Public Comment	3334, 4950, 59
Public Hearing	3334, 4243, 4850, 59-61

TERM	PAGE REFERENCE
Quasi-Judicial	11, 24, 2627, 3233, 4243, 6059, 6362
Quorum	17, 19, 29, 30, 3132, 4142-4244, 4445, 5153, 5354
Residency	13, 21
Resign/resignation	14, 16, 2122
Secretary	13, 14, 15, 1718, 23, 3132, 3233, 3435, 3536, 3738, 3839, 4749, 5153, 5354, 57, 5958, 6059, 6362, 67, 69
Statement of Economic Interests	21, 2425
Stipend	23, 3435
SubcCommittee	23, 29, 30-3132, 3435, 4142, 4243, 5455, 62
Temporary Appointment	2021, 9893
Term Maximum	16
Term Minimum	15
Termination	1415, 16, 17, 18, 19, 21, 26
Vacancy	1617, 2021
Vice-chair	21, 27, 28-30
Work Plans	12

MOTION TABLE

	Interrupt the Speaker	Requires a Second	Debatable	Amendable	Vote Needed	Reconsiderable
Adjourn	No	Yes	No	No	Majority	No
Recess	No	Yes	No	Yes	Majority	No
Question of Privilege	Yes	No	No	No	No Vote	No
Call for the Orders of the Day	Yes	No	No	No	No Vote (Enforcement is required unless 2/3 vote to continue with current business.)	No
Lay on the Table	No	Yes	No	No	Majority	No
Previous Question or Call the Question	No	Yes	No	No	2/3	Yes (unless voting on the question has begun)
Limit or Extend Limits of Debate	No	Yes	No	Yes (Amendments are not debatable.)	2/3	Yes
Postpone to a Certain Time	No	Yes	Yes	Yes	Majority	Yes
Refer	No	Yes	Yes	Yes	Majority	Yes
Amend	No	Yes	Yes	Yes	Majority	Yes
Substitute	No	Yes	Yes	Yes	Majority	Yes
Postpone Indefinitely	No	Yes	Yes	Yes	Majority	Yes
Main Motion	No	Yes	Yes	Yes	Majority	Yes
Reconsider	Yes (Prior to the speaker beginning to speak)	Yes	Yes (Unless the motion to be reconsidered is not debatable)	No	Majority	No

QUORUM CHART

The following is a chart indicating the numbers needed to take action.

Total Number of Seats*	Actual Appointees	Quorum	Votes Needed for Action
9	9	5	5
9	8	5	5
9	7	4	4
9	6	4	4
9	5	3	3
9	4	3	3
9	3	2	2

**This refers to the authorized membership under the commission's enabling legislation.*

***Quorum rules apply to ~~sub~~committees. If a commissioner on a ~~sub~~committee of four is on an excused LOA, the actual appointees becomes three, and the quorum becomes two. No ~~sub~~committee may operate with less than two actual appointees. Remember, a temporary appointee does not assume the ~~sub~~committee memberships of the commissioner for which they are serving.*

Vacancies and commissioners who have been granted a Leave of Absence (LOA) are subtracted from the total number of seats to determine the number of Actual Appointees (see table). The number of Actual Appointees is not reduced when a temporary appointee is absent from a meeting or when a commissioner fails to attend and does not have a LOA.

~~An exception is the PRC, established by Ordinance No. 4644-N.S. (BMC Chapter 3.32), which states: "A majority of the appointed commissioners shall constitute a quorum for the transaction of business, and the affirmative vote of a majority of those present is required to take action."~~

Commented [SN31]: One of many edits related to the passage of Measure II and the sunset of the old Police Review Commission.

05

Office of the City Manager

ACTION CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Peter Radu, Assistant to the City Manager

Subject: Contract: Edgeworth Integration LLC to Purchase and Provide Installation of New Security System Server at Berkeley Animal Care Services

RECOMMENDATION

Following a positive recommendation from the Police Accountability Board at their February 5, 2025 regular meeting, adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Edgeworth Integration LLC for the purchase and installation of a new security camera system server (cameras already exist) to replace an obsolete server at Berkeley Animal Care Services (BACS) for March 12, 2025, to March 11, 2026, which establishes a contract in an amount not to exceed $57,908.08.

FISCAL IMPACTS OF RECOMMENDATION

This security camera system is a critical need for Berkeley Animal Care Services. The total contract cost will be covered with existing budget funds for BACS.

CURRENT SITUATION AND ITS EFFECTS

BACS has been without a working security camera system for over 2 years due to an unsupported/unavailable browser. This contract will enable BACS to install new software so the existing security camera system can be utilized again. The system is vital as it allows us to identify people who abandon animals at the shelter. It is also essential for safeguarding our facility, staff, volunteers, and animals when the shelter is open and after hours.

BACKGROUND

The City's Animal Shelter has had an existing interior and exterior security camera system for years, but the footage from this system has become inaccessible due to an unsupported server. The City has established previous contracts with Edgeworth Integrations for security camera systems at the Police Jail, Transfer Station, and Marina facilities. Staff recommend a sole source waiver for this contract because Edgeworth Integration is the only retailer authorized by the Avigilon brand for sale and installation of its Fixed Camera Video Surveillance System equipment. Avigilon Fixed Camera Video Surveillance Systems are already in use at several locations throughout the City:

- In the Jail

- In San Pablo Park
- At the Transfer Station
- At the intersection of 6th & University
- At the Marina Waterfront

Other manufacturer brands of surveillance equipment were initially considered in 2018 when the City Council authorized purchase and installation of a Fixed Camera Video Surveillance System for San Pablo Park, but none provided the same functionality and reliability as the Avigilon line of Video Surveillance equipment. Therefore the City contracted with Edgeworth Integration for purchase and installation of an Avigilon Fixed Camera Video Surveillance System in San Pablo Park, and then for each subsequent installation location to date.

Pursuant to Berkeley Municipal Code 2.99.030, Neighborhood Services sent copies of the proposed Use Policy and Acquisition report for the server to the Director of Police Accountability requesting that the Police Accountability Board (PAB) review and consider these reports within 30 days. The PAB agendized these reports at their February 5, 2025 regular meeting and voted to approve them as follows:

Motion to recommend approval of the surveillance technology acquisition report and use policy.
Moved/Second (Wilson/Cayetano) Motion carried.
Ayes: Calavita, Cayetano, Leftwich, Mozes, and Wilson
Noes: None.
Abstain: None.
Absent: Moore, Williams

RATIONALE FOR RECOMMENDATION

Entering a contract with Edgeworth Integration LLC would allow BACS to better provide safety to our staff, volunteers, and animals. BACS already has an existing system of internal and external security cameras, but the security camera footage has become inaccessible due to obsolete software. In the time since that footage has become inaccessible to staff, the animal shelter has seen numerous concerning incidents, including a physical assault on a staff member, routine illegal dumping of live animals at the shelter front door during overnight hours, theft of animals from the shelter kennels, and more. Allowing the shelter to once again use the existing and previously operable security camera system provides an additional way to document and rectify inappropriate or dangerous behavior from animal owners or members of the public. If the action is not approved, BACS cannot identify and cite those who abandon animals at our facility, continuing to add to the shelter's highest intake numbers since 2017. If not approved, BACS will continue to be unable to ensure the safety of our animals overnight, and assaults against staff members may be difficult to prosecute. In the past, it has been necessary to have a restraining order issued against individuals, and the lack of cameras to document the behavior of owners or other members of the public at our facility reduces our ability to safeguard our staff and volunteers and weakens our case if needed to pursue legal actions.

Utilizing the same high-quality Avigilon equipment at the animal shelter ensures compatibility with the camera systems already in use across the City to support smooth data recall, storage, and maintenance across all locations, and allows the Animal Shelter staff and the Police Department to review the captured data and follow up on criminal activity more quickly and efficiently.

ALTERNATIVE ACTIONS CONSIDERED

None

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

CONTACT PERSON

Mike St. Pierre, Animal Services Manager, (510) 981-6603

Attachments:
1. Resolution
2. Berkeley Animal Care Services Surveillance Use Policy
3. Berkeley Animal Care Services Surveillance Acquisition Repo

ATTACHMENT 1

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

CONTRACT: EDGEWORTH INTEGRATION LLC TO PURCHASE AND PROVIDE INSTALLATION OF A SECURITY SYSTEM AT BERKELEY ANIMAL CARE SERVICES

WHEREAS, security camera system is a critical need for Berkeley Animal Care Services (BACS), essential for safeguarding the facility, staff, volunteers, and animals; and

WHEREAS, BACS must ensure that our animals are safe overnight while no staff are present; and

WHEREAS, a security camera system assists staff in documenting issues arising from upset owners or members of the public; and

WHEREAS, it is necessary to address and hopefully prevent members of the public from abandoning animals at the shelter; and

WHEREAS, Edgeworth Integrations LLC has contracted with the City to provide security camera system equipment at other existing City facilities; and

WHEREAS, Edgeworth Integrations LLC submitted a reasonable quote to purchase and provide installation of a security camera system at the Dona Spring Animal Shelter; and

WHEREAS, the Police Accountability Board, at their February 5, 2025 regular meeting, reviewed and voted to approve copies of the surveillance technology acquisition report and use policy governing use of this technology, in accordance with Berkeley Municipal Code 2.99.030; and

WHEREAS, the City Council finds that the benefits to community and animal safety and welfare of installing this technology, used according to its Surveillance Use Policy, outweigh the costs; that the proposal will appropriately safeguard civil liberties and civil rights to the maximum extent possible while serving its intended purposes; and that, in the City Council’s judgment, no feasible alternative with similar utility and a lesser impact on civil rights or civil liberties could be implemented.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to establish a contract and any necessary amendments, including incremental additions at or below $50,000 each to the not-to-exceed amount below, with Edgeworth Integrations LLC, for the purchase and installations of a security

camera systems at Berkeley Animal Care Services (BACS). The contract shall begin on March 12, 2025, and end on March 11, 2026, with a total amount not to exceed $57,908.08.

Surveillance Use Policy - Fixed Video Surveillance Cameras at 1 Bolivar Drive

1. PURPOSE
    a. This policy provides guidance for the use of City of Berkeley external fixed video surveillance cameras by Berkeley Animal Care Services (BACS).
    b. This policy only applies to fixed, overt, marked external and internal video surveillance systems utilized by BACS. Department personnel shall adhere to the requirements for Fixed Video Surveillance Cameras covered in this policy.
    c. This Surveillance Use Policy is legally enforceable pursuant to BMC 2.99.
2. AUTHORIZED USE
    a. Only BACS members who receive training on this policy, who are then granted access by an administrator ("authorized BACS personnel") may access the data from the video surveillance cameras. This data may only be accessed to further a legitimate use purpose, as listed in this Policy.
    b. The cameras shall only record video images and not sound. Recorded images may be accessed, reviewed, and used for specific law enforcement or BACS administrative investigations, and video surveillance may be accessed and reviewed by authorized BACS personnel for the following purposes:
        i. To support specific and active law enforcement investigations.
        ii. To support the enforcement of City policies and State and local laws.
        iii. To prevent, deter, and identify individuals who intentionally abandon animals.
        iv. To protect and safeguard the animals in our care from theft or harm.
    c. Unauthorized recording, viewing, reproduction, dissemination, or retention of video footage is prohibited.
    d. The following are prohibited uses of the video surveillance system:
        i. Unauthorized recording, viewing, reproduction, dissemination, or retention of video footage is prohibited.
        ii. Video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.
        iii. Video surveillance systems shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
        iv. Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.
        v. Video surveillance systems and recordings shall not be shared with federal immigration enforcement officials.
3. DATA COLLECTION
    a. The cameras will film and store video on City of Berkeley encrypted servers. License plate and facial recognition data hardware is not installed on the cameras and may not be installed or used unless approved by the City Council. Audio is a standard feature of the camera, but is deactivated by the system administrator and may not be activated or used unless approved by the City Council. The cameras and storage devices shall be wholly owned and operated/maintained by the City of Berkeley.
4. DATA ACCESS

a. Access to video surveillance cameras data shall be limited to authorized BACS personnel utilizing the camera database for uses described above, with necessary technical assistance from Public Works Department and Department of Information Technology personnel. Information may be shared in accordance with #9 below. BACS members seeking access to the video surveillance system shall obtain the approval of the Animal Services Manager, or their designee.
b. The Animal Services Manager should monitor camera access and usage to ensure BACS members are complying with this policy, other applicable City policy, and applicable laws, and to ensure such use and access is appropriately documented.

5. DATA PROTECTION
    a. All data transferred from the cameras and the servers shall be encrypted. Only authorized BACS personnel shall have access to data for the Authorized Uses identified in this policy.
    b. For instances of specific and active criminal investigations in which camera data is implicated as evidence (see Authorized Use 2(b)(i) above), authorized BACS personnel will alert the Berkeley Police Department, who will access and handle data pursuant to BPD Use Policy 1304. For all other Authorized Uses of data, access to the data must be obtained by authorized BACS personnel through the Public Works Department according to this policy and published regulations that limit access and use of data by Public Works and other City Departments and personnel. All system access including system log-in, access duration, and data access points is accessible and reportable and shall be documented by the Public Works Department's authorized administrator. All relevant recordings that are utilized will be preserved pursuant to applicable record retentions policies.
6. CIVIL LIBERTIES AND RIGHTS PROTECTION
    a. BACS recognizes the need to protect its ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. Provisions of this policy, including # 4 Data Access, #5 Data Protection, #7 Data Retention, #8 Public Access and #9 Third Party Data Sharing serve to protect against any unauthorized use of video surveillance camera data. License plate and facial recognition data hardware is not installed on the cameras. Audio is a standard feature of the camera, but is deactivated by the system administrator. These procedures ensure the data is not used in a way that would violate or infringe upon anyone's civil rights and/or liberties, including but not limited to potentially disparate or adverse impacts on any communities or groups.
7. DATA RETENTION
    a. Video surveillance recordings are not government records pursuant to California Government Code 34090 in and of themselves. Except as otherwise permitted in this section, video surveillance recordings shall be purged within one hundred and eighty (180) days of recording. Recordings of incidents involving use of force by a police officer or involving detentions, arrests, or recordings relevant to a formal or informal complaint against a police officer shall be retained for a minimum of two years and one month. Recordings relating to court cases and complaints against BACS staff that are being adjudicated will be manually deleted at the same time other evidence associated with

the case is purged. Any recordings related to BACS administrative proceedings pursuant to this section shall be maintained until such matter is fully adjudicated, at which time it shall be deleted. All data will automatically delete after the aforementioned retention period by the System Administrator from Public Works.

b. Any recordings needed as evidence in a criminal proceeding shall be copied to a suitable medium and booked into evidence in accordance with current BPD evidence procedures.

8. PUBLIC ACCESS
    a. Requests for recorded video images from the public or the media shall be processed in the same manner as requests for public records pursuant to the California Public Records Act and any applicable Berkeley Police Department Records Release policies.
    b. Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established BPD subpoena process.
9. THIRD-PARTY DATA-SHARING
    a. Requests for recorded video from other law enforcement agencies shall be referred to the Berkeley Police Department, and must be related to a specific active criminal investigation to be eligible for release.
    b. Data collected from the video surveillance system may be shared with the following:
        i. The District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
        ii. The City Attorney's Office for all other legal proceedings, as necessary;
        iii. Berkeley Police Department and other law enforcement personnel as part of an active criminal investigation;
        iv. Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established BPD subpoena process.
10. TRAINING
    a. All BACS members authorized to operate or access video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, associated software, and review of relevant policies and procedures, including this policy as well as review of relevant City of Berkeley laws and regulations.
    b. Training should also address state and federal law related to the use of video surveillance equipment and privacy.
11. AUDITING AND OVERSIGHT
    a. The video surveillance software generates a site log each time the system is accessed. The site log is broken down by server, device, user or general access. The site log is kept on the server for two years and is exportable for reporting. Video surveillance system audits will be conducted by the Animal Services Manager on a regular basis, at least annually.
    b. The City Manager shall enforce against any prohibited use of the cameras by BACS staff and/or access to data by other City of Berkeley personnel pursuant to City employee disciplinary processes.
    c. The audit shall be documented in the form of an internal memorandum to the City Manager and/or her designee. The memorandum shall include any data errors found so that such errors can be corrected. After review by the City Manager and/or her

designee, the memorandum and any associated documentation shall be placed into the annual report filed with the City Council pursuant to BMC Section 2.99.020 2. d. and published on the City of Berkeley website in an appropriate location.

12. MAINTENANCE
    a. It shall be the responsibility of the Public Works Department to facilitate and coordinate any updates and required maintenance with access limited to that detailed in the City Manager's promulgated policies.

SURVEILLANCE CAMERAS

A. DESCRIPTION

The Avigilon camera system consists of three main components: The camera, the server, and a remote information management system referred to as the Avigilon Control Center Client application (ACC).

The first component, the Avigilon camera, is a device that incorporates a video recording from an image. Cameras already exist at the Animal Shelter and will not be acquired here.

The second component of the system is the server. Once the Avigilon camera captures the imagery, a local device called a server, functions as a repository for the data. Servers are physically secured on City property and video recordings are protected within the City's network. Servers are designed to store recorded events in real time for secure retrieval and analysis. Recorded videos are transferred from the server's storage into an information management system, Avigilon Control Center (ACC) application.[1]



The third component is the Avigilon Control Center Client application (ACC) which streamlines data management and allows users to access videos on one secure platform. The ACC software provides various levels of analytics to sort stored videos faster and is a standard feature. These include pixel motion detection of vehicles and people. Vehicular characteristics are searchable by vehicle type and color. Personal characteristics are searchable by gender (gender is a binary search, female of male), hair color, age, and upper and lower body clothing color. Authorized users of the system can only access data stored on a server through the ACC application. The ACC application is located on the server and accessed solely through the City's secured intranet by protected login and password. The application does not allow the authorized administrator or system users to alter, manipulate, or edit any of the footage recorded by the server.

[1] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200320040AB839

B. PURPOSE

The cameras shall only record video images and not sound. Recorded images may be used and video surveillance may be monitored to support specific and active criminal or administrative investigations.

Surveillance cameras will be utilized for the following business purposes:

1. To support specific and active criminal investigations.
2. To support the enforcement of City policies and State and local laws.
3. To prevent, deter, and identify individuals who intentionally abandon animals.
4. To protect and safeguard the animals in our care from theft or harm.

C. LOCATION

Surveillance cameras impacted by this report are located at 1 Bolivar Dr, Berkeley CA (the Dona Spring Animal Shelter).

D. IMPACT

The primary intent of these cameras is described in Section B, above. Animal Care Services will work to ensure that the video recordings are secured and only accessible to authorized personnel (namely, authorized Animal Care Services personnel trained on the uses and data security components of the camera, and the Berkeley Police Department for the investigation of criminal cases, such as animal cruelty). The right to maintain someone's anonymity versus the need to collect information to maintain safety is of paramount concern. Animal Care Services recognizes that all people have a right to privacy and is committed to protecting and safeguarding civil rights by adhering to the strictest requirements concerning the release of video recordings. There should not be any impact on anyone's civil liberties or civil rights. The camera system lacks the hardware to conduct license plate reader or facial recognition technology. Audio is a standard feature of the cameras, but will remain deactivated by the authorized administrators of the system. Staff is explicitly prohibited from using any facial recognition technology as outlined in BMC 2.99.

Animal Care Services will ensure responsible data management, transparency, and accountability including the posting of video surveillance notices.

E. MITIGATION

In order to minimize violations of privacy, data shall be maintained in a secure, non-public accessible location, such locations require specialized system access including a dedicated password and log in. Data will be obtained or released in accordance with the use policy. Data will not be used to unlawfully discriminate against people based on race, ethnicity, political opinions, religious or philosophical beliefs, trade union membership, gender identity, disability status, sexual orientation or activity, or genetic and/or biometric data. Additionally, Animal Care Services will not use the camera surveillance system to scan footage and identify individuals based on any of the categories listed in the preceding sentence.

Employees are prohibited from retaining, duplicating, or distributing video recordings except for business purposes in accordance with the use policy.

F. DATA TYPES AND SOURCES

The surveillance camera system's use is limited to capturing non-audio, video recordings affixed to City property at 1 Bolivar Drive. The Camera Surveillance system collects video recordings in high-resolution imagery that is stored securely on a local server and accessible by authorized users on the ACC application. As video images are recorded, the ACC application automatically stamps the video with the current date/time and the camera's identity.

G. DATA SECURITY

External users will not have access to the ACC application. The authorized administrator and designated staff will have access to video recordings. To gain system access, staff must obtain approval from the Animal Services Manager. Authorized users will access the ACC application via a single sign-on and password administered by Information Technology. All system access including system log-in, access duration, and data access points is accessible and reportable by the Public Works authorized administrator. The application prohibits the authorized administrator and users from altering, manipulating, tampering, or editing video recordings.

The Public Works Director or his/her designee shall appoint a member of the department as the authorized administrator to coordinate the use and maintenance of the Surveillance Camera system and the storage of recordings, including:

1. Establishing a system for downloading, storing, and securing of recordings.
2. Designating persons responsible for downloading recorded data.
3. Establishing a maintenance system to ensure the working order of surveillance cameras.
4. Monitoring the system to prevent tampering, deleting, and copying recordings.
5. Working in alignment with the State of California record retention policy, AB 839 to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
6. Maintaining an audit trail record for all access to video recording files, wherein access information for each file is logged using a secure log-in system. The ACC application associates an audit trail record with each user access information, thereby logging the date, time, user name, and activity occurring during each video recording file access.

H. FISCAL COST

Costs (fixed and ongoing) for the purchase of the servers is below. All camera servers are purchased and wholly owned and operated by City of Berkeley.

Purchase Cost: $57,908.08

I. THIRD PARTY DEPENDENCE AND ACCESS

All Camera Surveillance data is accessed by a secure network login and password and stored on servers maintained by the Department of Information Technology. There is no third-party dependence or

external access to information other than the ACC is a proprietary technology which requires all the components to be Avigilon.

J. ALTERNATIVES

The City can decide to rely on traditional policing techniques as a method for addressing crime such as deploying sworn officers to patrol the Animal Shelter.

There is a broad consensus – among the community– that surveillance cameras can be an important tool for deterring criminal activities and maintaining staff and animal safety.

K. EXPERIENCE OF OTHER ENTITIES

Many municipal shelters use security camera systems for the enforcement of animal welfare codes and to maintain staff and animal safety.

Internal

06

Office of the City Manager

CONSENT CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 11, 2025

RECOMMENDATION

Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **$4,775,000**

PROJECT	Fund	Source	Amount
Plan Checking Services	621	PROF SVCS – MISC.	$4,500,000
City of Berkeley Billboard Relocation Agreement			
Generator Maintenance Services	673	BUILDING M	$275,000
Total:			**$4,775,000**

CURRENT SITUATION AND ITS EFFECTS

On May, 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to $50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of $100,000 for goods; and $200,000 for playgrounds and construction; and $50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

BACKGROUND

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

RATIONALE FOR RECOMMENDATION

Need for the goods and/or services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Roopreet Walia-Soorma, Senior Buyer, Finance, 510-981-7311

Attachments:

1. Plan Checking Services
2. City of Berkeley Billboard Relocation Agreement
3. Generator Maintenance Services

Note: Original of this attachment with live signature of authorizing personnel is on file in General Services.

SPECIFICATION NO.	DESCRIPTION OF GOODS / SERVICES BEING PURCHASED	APPROX. RELEASE DATE	APPROX. BID OPENING DATE	INTENDED USE	ESTIMATED COST	BUDGET CODE TO BE CHARGED	DEPT. / DIVISION	CONTACT NAME & PHONE
25-11713-C	Plan Checking Services	3/3/2025	3/28/2025	Plan checking services for all types of projects, including but not limited to new and existing buildings, soft story building retrofits and high-rise buildings subject to special life safety provisions. Contract term will be three years.	$4,500,000	621-53-585-634-0000-000-472-612990-	Planning / Building & Safety	Jesse Bright 981-7523
25-11714	City of Berkeley Billboard Relocation Agreement	3/1/2025	4/1/2025	The City will enter into a relocation agreement with a company to demolish existing and install new billboard(s) and provide the City with a commensurate financial package			Planning	Alene Pearson 510-981-7489
Dept Total					**$4,500,000**			
25-11715-C	Generator Maintenance Services	2/1/2025	3/1/2025	Maintenance, inspection and repair of city electrical generators	$275,000 over three years with two 1-year optional extensions	673-54-624-692-0000-000-472-624110-	Public Works/ Facilities	Tucker Brofft 510-981-5375 Erika Barros 510-981-6462
Dept Total					**$275,000**			
TOTAL					**$4,775,000**			

07

Office of the City Manager

CONSENT CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Annual Purchase Orders for L.N. Curtis and Sons: Fire Department

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute annual purchase orders and any amendments with L.N. Curtis and Sons for the purchases of:

- Turnouts, and personal protective equipment (PPE) such as wildland coats and pants, gloves, helmets, hearing and eye protection, and fire boots
- Firefighting tools and equipment such as firehose, fire extinguishers, foam, ladders, pumps, and related tools and equipment

The purchase order for FY2026 shall not exceed $330,000, with an annual increase no more than 5% each year through March 27, 2028. A 20% contingency is added to cover costs arising from unforeseen incidents or operations for a total amount not to exceed (NTE) $1,040,324.

FISCAL IMPACTS OF RECOMMENDATION

The funding for turnouts, PPE, firefighting tools and equipment is in the Fire Departments baseline General Fund, Measure GG, Measure FF or UC Funds budgets.

The number of turnouts and PPE purchased each fiscal year depends on the number of recruits hired and the number of turnouts and PPE that need to be replaced per National Fire Protection Association (NFPA) requirements.

Firefighting tools and equipment are replaced due to normal wear and tear during fire suppression operations.

Year	Amount (With 5% Annual Increase)	20% Contingency	Total Not to Exceed
FY2026	$275,000	$55,000	$330,000
FY2027	$288,750	$57,750	$346,500
FY2028	$303,187	$60,637	$363,824
Total			**$1,040,324**

CURRENT SITUATION AND ITS EFFECTS
Turnouts and PPE are necessary protective safety gear for firefighting personnel and are required to fully comply with updated CAL-OSHA and National Fire Protection Association (NFPA) 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting. Firefighting equipment is also needed for fire suppression and responding to emergency calls.

This purchase piggybacks off two publicly solicited cooperative contracts awarded to L.N. Curtis & Sons. These contracts are established through a formal competitive Request for Proposal (RFP) process conducted by Sourcewell.

- Firefighter protective gear-equipment, Contract No. #010424-LNC, RFP Notice 11/09/2023, Awarded 04/22/2024, Maturity Date 03/27/2028

- Firefighting equipment, rescue tools, and accessories, Contract No. #020124-LNC, RFP Notice 12/14/2023, Awarded 04/22/2024, Maturity Date 04/04/2028

Piggybacking off a cooperative contract is allowable and it streamlines the procurement process, reducing administrative costs and delays associated with a local RFP.

BACKGROUND
Each year the Fire Department purchases turnouts and PPE for firefighters performing in the line of duty. In addition, reliable mission critical tools and equipment are needed for them to perform their duties. The products offered by L.N. Curtis and Sons meet national, state and local safety standards and provide safe protective clothing and equipment for firefighters engaging in fire suppression and rescue operations.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION
PPE and equipment are required for firefighters to be maintain a state of readiness and be compliant with national and state laws. Relying on Sourcewell’s procurement process will minimize staff hours spent on this project while ensuring there is a competitive process.

ALTERNATIVE ACTIONS CONSIDERED
No alternative actions are considered.

CONTACT PERSON
David Sprague, Fire Chief, (510) 981-3473

Attachments:

1: Resolution

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

ANNUAL PURCHASE ORDERS FOR L.N. CURTIS AND SONS: FIRE DEPARTMENT

WHEREAS, the Fire Department purchases turnouts and Personal Protective Equipment (PPE) for firefighters, and

WHEREAS, reliable mission critical tools and equipment are needed for them to perform their duties, and

WHEREAS, the products offered by L.N. Curtis and Sons meet national, state and local safety standards that provide safe protective clothing and equipment for firefighters engaging in fire suppression and rescue operations, and

WHEREAS, this purchase piggybacks off two publicly solicited cooperative contracts awarded to L.N. Curtis & Sons, and

WHEREAS, these contracts are established through a formal competitive Request for Proposal (RFP) process conducted by Sourcewell, and

WHERE AS, one is for firefighter protective gear-equipment, Contract No. #010424-LNC, RFP Notice 11/09/2023, Awarded 04/22/2024, Maturity Date 03/27/2028, and

WHEREAS, one is for firefighting equipment, rescue tools, and accessories, Contract No. #020124-LNC, RFP Notice 12/14/2023, Awarded 04/22/2024, Maturity Date 04/04/2028.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Adopt a Resolution authorizing the City Manager to execute annual purchase orders and any amendments with L.N. Curtis and Sons for the purchases of turnouts, and personal protective equipment (PPE) such as wildland coats and pants, gloves, helmets, hearing and eye protection, fire boots, firefighting tools and equipment such as firehose, fire extinguishers, foam, ladders, pumps, and related tools and equipment, and

BE IT FURTHER RESOLVED that the purchase order for FY2026 shall not exceed $330,000, with an annual increase no more than 5% each year through March 27, 2028. A 20% contingency is added to cover costs arising from unforeseen incidents or operations for a total amount not to exceed (NTE) $1,040,324.

08

Office of the City Manager

CONSENT CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Contract No. 32400177 Amendment - Health Officer Coverage Contract – Dr. Lisa B. Hernandez

RECOMMENDATION
Adopt a Resolution authorizing the City Manager or his designee to amend Contract No. 32400177 with Dr. Lisa B. Hernandez to increase by $60,000 for a total not to exceed amount (NTE) of $180,000.

FISCAL IMPACTS OF RECOMMENDATION
Costs for Health Officer coverage will be paid for by General Funds (Fund 011) salary savings in the Fiscal Year 2025 Adopted Budget. The grant (Fund 302) that supported this contract last year was reduced for all jurisdictions statewide due to budget cuts. Payment will be $50 per hour/$1,200 per day. Total costs are not to exceed $180,000.

CURRENT SITUATION AND ITS EFFECTS
The City of Berkeley receives funding from the California Department of Public Health through the Future of Public Health grant. The funding requires each local health jurisdiction to have Health Officer on-call coverage at all times. The City of Berkeley currently relies on backup coverage while the City is recruiting a permanent Health Officer.

BACKGROUND
Most public health jurisdictions have on-call Health Officer coverage to address urgent communicable diseases and other public health issues. Additionally, this coverage is required by the Future of Public Health grant. Dr. Hernandez served as Health Officer for the City of Berkeley for five years, until July 2023. The City Council is asked to approve continued Health Officer coverage, as Council also approves the appointment of a permanent Health Officer.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION
Health Officer coverage is required by the Future of Public Health grant and may be needed if urgent public health issues arise.

ALTERNATIVE ACTIONS CONSIDERED
The City could continue to have periodic gaps in Health Officer coverage when the Health Officer is unavailable.

CONTACT PERSON
Alexandra Deitch, Sr. Health Services Program Specialist, HHCS, 510-981-5379

Attachments:
1: Resolution

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

CONTRACT NO. 32400177 AMENDMENT: DR. LISA B. HERNANDEZ FOR HEALTH OFFICER SERVICES DURING PERIODS WHEN THE CITY HEALTH OFFICER IS OUT OF OFFICE

WHEREAS, most public health jurisdictions have on-call Health Officer coverage to address urgent communicable diseases and other public health issues; and

WHEREAS, the City of Berkeley receives funding from the California Department of Public Health through the Future of Public Health grant, which requires each local health jurisdiction to have Health Officer coverage at all times; and

WHEREAS, Dr. Lisa B. Hernandez served as the Health Officer for the City of Berkeley for five years, and is willing to provide coverage for the City of Berkeley again; and

WHEREAS, on April 1, 2024, the City of Berkeley entered into contract with Dr. Hernandez (Contract 32400177) to provide Health Officer coverage when the Health Officer is out of the office to ensure 24/7 Health Officer coverage; and

WHEREAS, an additional $60,000 is needed to increase the existing contract for Health Officer coverage for the City of Berkeley when the Health Officer is out of the office and unavailable.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or his designee is authorized to amend Contract No. 32400177 and any amendments with Dr. Lisa Hernandez from April 1, 2024, to June 30, 2026, in an amount not to exceed $180,000 utilizing General Funds (Fund 011) and Future of Public Health Grant Funds (Fund 302).

09

Office of the City Manager

CONSENT CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Joint Homekey+ Application for MLK House at 2942-44 Martin Luther King, Jr. Way

RECOMMENDATION

Adopt two Resolutions approving the following actions in support of a Homekey+ program funding allocation by:

1. Authorizing the City Manager or designee to prepare and submit a joint application with Insight Housing to the State of California Housing and Community Development (HCD) Department's Homekey+ program for the MLK House project, which will provide permanent supportive housing for veterans.

2. Authorizing the City Manager or designee to take all necessary actions for the City's participation in HCD's Homekey+ program, including entering into HCD's Standard Agreement and any amendments.

3. Authorizing the City Manager or designee to execute all original or amended documents or agreements necessary to effectuate these actions.

FISCAL IMPACTS OF RECOMMENDATION

If the joint application to the Homekey+ program is successful the total award of $4,224,000 ($3,300,000 capital request and $924,000 operating request) will go directly to 2942 MLK Berkeley LLC, a Special Purpose Entity (SPE) created by Insight Housing (Insight) to own and operate the project. However, if HCD requires the City to be the recipient of funds instead of the SPE, the City will pass the funds through to the SPE for the project.

The City has an existing loan with Insight for just over $2M to support the renovation of MLK House; no new City funds will be allocated with this Council action. MLK House may require ongoing operating support after the proposed capitalized operating reserves are expended (expected in the fifth year of property operations). Staff will work with the development team to identify funding sources to support the long-term operations of this project.

CURRENT SITUATION AND ITS EFFECTS

Insight requested that the City jointly apply for Homekey+ funding to support the renovation and operation of its MLK House project. MLK House (2942-2944 Martin Luther King, Jr. Way) is a Single-Room Occupancy (SRO) permanent housing project with shared bathrooms and a communal kitchen.

Insight took ownership of MLK House in November 2024, and intends to convert the property into supportive housing for 11 homeless or formerly homeless veterans. The City provided a $2,000,988 Housing Trust Fund program loan (authorized by Council in January 2024 with Resolution No. 71,190-N.S.) to support the rehabilitation of the property. Insight intends to use the funds to add kitchenettes to each room in order to make them eligible for Veterans Affairs Supportive Housing (VASH) vouchers from the Department of Veterans Affairs (VA). The vouchers will provide critical operating support, but additional capital and operating funding from Homekey+ would benefit the project's long-term feasibility.

The proposed project is eligible for an estimated $4.3M in HCD Homekey+ funds, including five years of operating subsidy. HCD recommends seeking authorization for a higher dollar amount than the estimated amount because award amounts are subject to change. Also, if a higher amount is granted than authorized in the resolution, a new resolution is required. Therefore, the resolution will request $4.5M in HCD Homekey+ funds. Because the proposed project would provide permanent supportive housing for 11 veterans, it would require significant and ongoing operating subsidies. Insight Housing plans to apply for Behavioral Health Services Act (BHSA) funds to develop the site into a HUD-VASH Board and Care program which would partially satisfy operating subsidy requirements.

To meet the eligibility requirements of HCD's Homekey+ program, the City will need to jointly apply with the development team and provide matching funds. The application will list the City's $2,000,988 HTF reservation as the required capital match. In order for the project to receive the Homekey+ funds, the City will be required to enter into the State's Standard Agreement, which will require the project remain affordable for 55 years.

BACKGROUND

Homekey+ is a new program funded by Proposition 1 to build permanent supportive housing for veterans and other individuals with mental health and/or substance use disorders. There is $1.033 billion available for veterans and $1.11 billion for all other eligible populations. It has a similar model to the original Homekey program which encouraged rehabilitation and conversion of existing buildings into permanent affordable housing. HCD released the Homekey+ NOFA on November 23, 2024 and the applications will open at the end of January 2025. HCD will start to announce Homekey+ awards in the summer of 2025 on a rolling basis. Developers with a Homekey+ eligible project must apply in partnership with a public agency. HCD requires

applicants to use their Homekey+ resolution template, which must be adopted as written.

In 2021, the City submitted a successful joint Homekey application with Bay Area Community Services (BACS) and Memar Properties for the Golden Bear Inn, which is located at 1620 San Pablo Avenue and was formerly operated as a 44-room hotel. The project reached full occupancy in January 2023 and serves chronically homeless households, with services provided by BACS.

In 2023, the City submitted a successful joint application with Memar Properties and Housing Consortium of the East Bay during the third round of Homekey funding for the University Inn located at 1461 University. The project is partially occupied, and renovations are scheduled to begin later this spring.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no environmental sustainability effects directly associated with the recommendations in this report. If the City's funding application is successful, the project will be rehabilitated, which is generally considered a more sustainable type of development.

RATIONALE FOR RECOMMENDATION
Participation in a joint Homekey+ application with Insight Housing for MLK House will support veterans experiencing homelessness with behavioral health challenges and will bring permanent supportive housings units for that population online on an expedited timeline.

ALTERNATIVE ACTIONS CONSIDERED
The City could decline to participate in the Homekey+ program. Since that would not be consistent with the City's Strategic Plan to increase affordable housing opportunities, staff is recommending participation as described above.

CONTACT PERSON
Be Tran, Community Development Project Coordinator, HHCS, (510) 981-5430

Attachments:
1. Resolution – Approval to Submit Joint Application with Insight Housing for Homekey+ Funds for MLK House Homekey+ Project Located at 2942-44 Martin Luther King, Jr. Way
2. Resolution – Authorizing Joint Application to and Participation in the Homekey+ Program for MLK House

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

APPROVAL TO SUBMIT JOINT APPLICATION WITH INSIGHT HOUSING FOR HOMEKEY+ FUNDS FOR MLK HOUSE HOMEKEY+ PROJECT LOCATED AT 2942-44 MARTIN LUTHER KING, JR. WAY

WHEREAS, on January 30, 2024, by Resolution No. 71,190-N.S., City Council approved the transfer of MLK House to Insight Housing as well as a reservation of $2,000,988 in Housing Trust Fund (HTF) funds to support the renovation of the project; and

WHEREAS, on November 26, 2024, the State of California Housing and Community Development Department ("HCD") released a Notice of Funding Availability for $2.2B of Homekey+ funds; and

WHEREAS, in order for Insight Housing to pursue HCD funding through the Homekey+ program, Insight Housing must submit a joint application with the City of Berkeley; and

WHEREAS, the City may be required to accept a portion of the project's liability as a condition of the joint Homekey+ application, though the risk may be mitigated by a side agreement negotiated between the City and Insight Housing.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it approves the submission of a joint application with Insight Housing or their affiliate for the Homekey+ application for MLK House Homekey+ project.

BE IT FURTHER RESOLVED that the City Manager shall work to mitigate risk to the City from serving as a joint applicant, including negotiating an agreement with Insight Housing regarding mutual responsibilities.

BE IT FURTHER RESOLVED that the City Manager, or designee, is authorized to execute in the name of Applicant the Homekey+ Program Application Package and the Homekey+ Program Documents as required by HCD for participation in the Homekey+ program.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute all original or amended documents or agreements to effectuate this action; a signed copy of said documents, agreements, and any amendments will be kept on file in the Office of the City Clerk.

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

MLK House

RESOLUTION OF THE GOVERNING BODY OF CITY OF BERKELEY AUTHORIZING JOINT APPLICATION TO AND PARTICIPATION IN THE HOMEKEY+ PROGRAM

WHEREAS, The Department of Housing and Community Development ("HCD") has issued a Notice of Funding Availability, dated November 26, 2024 ("NOFA"), for the Homekey+ Program ("Homekey+" or "Program"). HCD has issued the NOFA for Homekey+ grant funds pursuant to Health and Safety Code Section 50675.1.3 (Assem. Bill No. 140 (2021-2022 Reg. Sess.), § 20.); Health and Safety Code Section 50675.1.5 (Assem. Bill No. 531 (2023-2024 Reg. Sess.); Section 14184.402 of the Welfare and Institutions Code; Section 5891.5 of the Welfare and Institutions Code; and Round 5 and 6 of the Homeless Housing, Assistance and Prevention (HHAP) grant program. (Assem. Bill No. 129 (Chapter 40, Statutes 2023) and Assem. Bill No. 166 (Chapter 48, Statutes 2024), respectively; and

WHEREAS, City of Berkeley ("Applicant") desires to jointly apply for Homekey+ grant funds with Insight Housing and 2942 MLK Berkeley LLC. Therefore, Applicant is joining Insight Housing and 2942 MLK Berkeley LLC in the submittal of an application for Homekey+ funds ("Application") to HCD for review and consideration; and

WHEREAS, HCD is authorized to administer Homekey+ pursuant to the Multifamily Housing Program (Chapter 6.7 (commencing with Section 50675) of Part 2 of Division 31 of the Health and Safety Code. Homekey+ funding allocations are subject to the terms and conditions of the NOFA, the Application, the HCD-approved STD 213, Standard Agreement ("Standard Agreement"), and all other legal requirements of the Homekey+ Program.

NOW THEREFORE, BE IT RESOLVED that Applicant is hereby authorized and directed to submit a joint Application to HCD in response to the NOFA, and to jointly apply for Homekey+ grant funds in a total amount not to exceed $4,500,000.

BE IT FURTHER RESOLVED that if the Application is approved, Applicant is hereby authorized and directed to enter into, execute, and deliver a Standard Agreement in a total amount not to exceed $4,500,000, any and all other documents required or deemed necessary or appropriate to secure the Homekey+ funds from HCD and to participate in the Homekey+ Program, and all amendments thereto (collectively, the "Homekey+ Documents").

BE IT FURTHER RESOLVED that Applicant acknowledges and agrees that it shall be subject to the terms and conditions specified in the Standard Agreement, and that the NOFA and Application will be incorporated in the Standard Agreement by reference and made a part thereof. Any and all activities, expenditures, information, and timelines represented in the Application are enforceable through the Standard Agreement. Funds

are to be used for the allowable expenditures and activities identified in the Standard Agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the Application and the Homekey+ Documents on behalf of City of Berkeley for participation in the Homekey+ Program.

10

Office of the City Manager

CONSENT CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager
Submitted by: Scott Gilman, Director, Health, Housing, and Community Services

Subject: Authorize Integration of BUSD Preferences with the City of Berkeley's Housing Preference Policy for BUSD Workforce Housing Project (1701 San Pablo)

RECOMMENDATION

Adopt a Resolution authorizing the Berkeley Unified School District (BUSD) Workforce Housing project (1701 San Pablo / SAHA / Abode) to apply both a set of housing preferences ("BUSD Preferences") (Exhibit A) developed by its Governance Committee and the City of Berkeley's Housing Preference Policy ("City Preferences"), integrated, with the following clarifications:

- Lottery results within BUSD preference tiers each will be re-sorted by applicant's total number of City preference points.
- Lottery results for Non-BUSD employees would also be re-sorted by applicant's total number of City preference points.
- The persons experiencing homelessness preference would be applied within the BUSD preference framework.
- Layering of City preferences onto BUSD preferences will be conditional on implementation feasibility, as determined by the City Manager.
- Prior to finalizing the Tenant Selection and Marketing Plan, the project team would need to submit a Fair Housing Analysis to the City.

FISCAL IMPACTS OF RECOMMENDATION

No impact.

CURRENT SITUATION AND ITS EFFECTS

Satellite Affordable Housing Associates (SAHA) and Abode Communities (Abode) are jointly developing BUSD Workforce Housing, an educator housing project on BUSD-owned land (1701 San Pablo Avenue). The City is entering into a $26.5M million Housing Trust Fund (HTF) program loan, which makes the project subject to the City's Housing Preference Policy. The project team requested authorization to apply BUSD Preferences ahead of City Preferences.

BUSD consulted with their staff and employee unions to establish the following priorities for the project, which are incorporated into the project's ground lease (see Exhibit A for details):

1. BUSD Full-time Employee Experiencing Homelessness
2. BUSD Part-time Employee Experiencing Homelessness
3. BUSD Full-Time Employee
4. BUSD Part-Time Employee

Since the BUSD Preferences in the ground lease would have priority over the City Preferences in documents recorded against the ground lease, City staff are seeking Council approval to integrate both policies. This approach will allow the project to move forward while maintaining compliance with City policy.

The project must execute the ground lease and record all loan documents by March 17, 2025 to retain its state bond financing. Failure to do so could jeopardize the project's funding and delay its development.

BACKGROUND

On July 11, 2023, City Council unanimously adopted Resolution 70-960 N.S. (Exhibit B) adopting a Housing Preference Policy for affordable units developed with City subsidy and through the Below Market Rate Program. The resolution established an effective date of January 1, 2024, after which date the Housing Preference Policy applies to new affordable housing units created by the City's Housing Trust Fund and Below Market Rate programs. This policy implements Council and community-identified goals to prevent and reverse displacement from Berkeley, as well as addressing historical injustices.

The BUSD Workforce Housing project is a 110-unit affordable housing development that SAHA and Abode will build on BUSD's Berkeley Adult School property. The project will help BUSD employees live in the community they serve. The project would include a mix of 1-, 2-, and 3-bedroom units serving households earning between 30% and 120% of the Area Median Income. The unit mix and affordability levels are based on staff surveys. While BUSD employees would get priority, people who are not BUSD employees will be eligible to apply for housing. SAHA and Abode (through their limited partnership entity, 1701 San Pablo, LP) will enter into a long-term (99-year) ground lease with BUSD. The form of the ground lease was approved by BUSD on February 5, 2025.

The City invested a total of $26.5M of Measure O bond funds into the educator housing project. On December 14, 2021, City Council passed Resolution 70,134-N.S., reserving $24.5M for the BUSD Workforce Housing project. Council subsequently passed Resolution 71,549-N.S on October 29, 2024, authorizing an additional $2M.

In addition to the City's investment in the project, the development team secured an award of 4% tax credits, state bond funding, and California Housing Finance Agency's (CalHFA) Mixed Income Program (MIP) funds. The project is now shovel ready and is projected to close its financing in March, and start construction soon after.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Displacement can lead to long commutes as displaced people continue to return to their community of origin for school, work, faith institutions, healthcare, and/or social networks. A layered set of preferences with BUSD and City of Berkeley preferences can help reduce greenhouse gas (GHG) emissions associated with longer commutes by both ensuring that more BUSD employees live closer to work, and by reducing or reversing displacement of individuals with ongoing ties to Berkeley.

RATIONALE FOR RECOMMENDATION

The City invested a significant amount of Measure O funds into this project. Requiring that BUSD remove its preferences from the ground lease would delay closing due to lease renegotiation and loss of critical funds that make this project feasible. Failure to meet the March 17th closing deadline could result in a loss of bond financing and would likely stall the project.

ALTERNATIVE ACTIONS CONSIDERED

The City could request that BUSD simplify its preferences in order to be more consistent with City policy. BUSD may not be receptive to this option, and at a minimum this would result in a need to renegotiate the ground lease. This would cause the project to miss its March 17th closing deadline, jeopardizing the state bond funds and possibly stalling the project.

Alternatively, the City could choose not to apply its preferences to BUSD employees, and only apply the City Preferences to non-BUSD applicants. Since the intent of the project is to house local educators, and since BUSD employees will get priority placement, there may be limited opportunities to house non-BUSD applicants, and the City Preferences would have a limited impact.

Staff elected to seek Council authorization to layer the two preference policies in order to comply as closely as possible with City policy and Council's anti-displacement goals.

CONTACT PERSON

Jenny Wyant, Senior Community Development Project Coordinator, HHCS, 510-981-5228

Attachments:

1: Resolution
- Exhibit A: BUSD Preferences
- Exhibit B: Resolution 70, 960-N.S., City Housing Preference Policy

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

AUTHORIZING THE INTEGRATION OF BERKELEY UNIFIED SCHOOL DISTRICT (BUSD) PREFERENCES WITH CITY PREFERNCES FOR THE BUSD WORKFORCE HOUSING PROJECT

WHEREAS, on July 11, 2023, by Resolution 70,960-N.S., City Council approved the adoption of a City Housing Preference Policy (City Preferences) for affordable units developed with City subsidy and through the Below Market Rate (BMR) program; and

WHEREAS, the City Preferences implement City Council and community-identified goals to prevent and reverse displacement from Berkeley, and apply to City-funded affordable housing projects that execute regulatory agreements on or after January 1, 2024; and

WHEREAS, Satellite Affordable Housing Associates (SAHA) and Abode Communities (Abode) are jointly developing an affordable, educator housing project located on property owned by the Berkeley Unified School District (BUSD); and

WHEREAS, City Council approved a $24.5 million funding reservation for the BUSD Workforce Housing project through the City's Housing Trust Fund (HTF) program on December 14, 2021, by Resolution 70,134-N.S.; and

WHEREAS, on October 29, 2024, by Resolution 71,549-N.S., the City Council approved an additional $2 million funding reservation for the same project; and

WHEREAS, BUSD and its stakeholders established tiered preferences for BUSD-employed persons (as described in Exhibit A) and incorporated them into their long-term ground lease for the project; and

WHEREAS, City Council authorization is required to allow integration of the BUSD preferences with the City Preferences.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that SAHA and Abode are authorized to apply both the BUSD-established housing preferences and the City Preferences (as described in Exhibit B) to the BUSD Workforce Housing project, in a manner determined by the City Manager, or their designee.

BE IT FURTHER RESOLVED the application of the BUSD and City Preferences shall be subject to the following conditions:

- Lottery results within BUSD preference tiers each will be re-sorted by applicant's total number of City preference points.
- Lottery results for Non-BUSD employees would also be re-sorted by applicant's total number of City preference points.
- The persons experiencing homelessness preference would be applied within the BUSD preference framework.

- Layering of City preferences onto BUSD preferences will be conditional on implementation feasibility, as determined by the City Manager.
- Prior to finalizing the Tenant Selection and Marketing Plan, the project team would need to submit a Fair Housing Analysis to the City.

BE IT FURTHER RESOLVED that the City Manager, or their designee, is hereby authorized to execute all original or amended documents or agreements to effectuate this action; a signed copy of said documents, agreements, and any amendments will be kept on file in the Office of City Clerk.

Exhibits
A: BUSD Preferences
B: Resolution 70, 960-N.S., City Housing Preference Policy

EXHIBIT A

BUSD EMPLOYEE LEASING PREFERENCE

All units at the Project will have a preference for BUSD employees in the following order:

1. BUSD Full-time Employee Experiencing Homelessness – BUSD employee is a minimum .8 FTE and experiencing homelessness
2. BUSD Part-time Employee Experiencing Homelessness -- BUSD employee is a minimum .4 FTE but less than .8 FTE and experiencing homelessness
3. BUSD Full-Time Employee -- BUSD employee is a minimum .8 FTE
4. BUSD Part-Time Employee -- BUSD employee is a minimum .4 FTE but less than .8 FTE

Additional Eligibility Criteria:

- **Employee Definition:** For the purposes of the Housing Preference, BUSD defines Employee as a District Employee that is categorized as one of the following: Permanent; Probationary 2; Certificated Adult School.

- Verification of eligibility for either the BUSD Full-Time Employee preference or BUSD Part-Time Employee preference will be verified by BUSD administrative office.
- BUSD employees employed at less than .4 FTE will not receive a BUSD Employee preference

RESOLUTION NO. 70,960-N.S.

ADOPTING A HOUSING PREFERENCE POLICY FOR AFFORDABLE UNITS DEVELOPED WITH CITY SUBSIDY AND THROUGH THE BELOW MARKET RATE PROGRAM

WHEREAS, in the 1960s and 1970s, Bay Area Rapid Transit ("BART") bought blocks of homes, in some cases invoking eminent domain, in order to build BART stations in Berkeley, displacing residents of South Berkeley and North Berkeley in the process. Those who lost their homes due to BART construction forewent intergenerational wealth-building; and

WHEREAS, redlining created large areas of concentrated communities of color into which subprime loans were channeled. From mid-2007 to mid-2008, there were more than 350 foreclosures in Berkeley; foreclosures in Berkeley were concentrated in South and West Berkeley. The City of Berkeley did not have a foreclosure assistance program. In the 2022 Point-in-Time Count, eviction/foreclosure/rent increase was the second most common cause of homelessness; and

WHEREAS, community input indicates that Berkeley families are being displaced from their social networks and school districts, often to lower-resourced areas. Research and community knowledge indicate that children are most impacted by displacement, via impacts to education, child care, and peer networks; and

WHEREAS, evictions remain part of an individual's rental history for seven years, impacting their ability to secure safe and affordable housing. Given the shortage of affordable housing in Berkeley, an eviction from a housing unit may represent displacement from one's community. In the 2022 Point-in-Time Count, eviction/foreclosure/rent increase was the second most common cause of homelessness; and

WHEREAS, 49% of low-income renters in Berkeley are severely rent-burdened, spending more than half their income on rent. The number of people experiencing homelessness in Berkeley has steadily grown at an average rate of 10% every two years between 2006 and 2019. Black people are disproportionately represented in Berkeley's homeless population; since 2006, 65% of homeless service users in Berkeley are Black, when Black people comprise less than 8% of the overall population; and

WHEREAS, redlining has led to patterns of disinvestment that continue to enable gentrification. Approximately 83% of today's gentrifying areas in the East Bay were rated as "hazardous" (red) or "definitely declining" (yellow) by the government-sponsored corporation that introduced redlining. These policies have limited homeownership and housing stability in these Berkeley neighborhoods, which were predominantly populated by people of color; and

WHEREAS, the City of Berkeley ("City") provides funding to support affordable housing development in the City through its Housing Trust Fund program; and

WHEREAS, the City creates affordable housing via the City's Inclusionary Housing Requirements (Berkeley Municipal Code Section 23.328), requiring new market-rate residential developments to include Below Market Rate affordable housing units; and

WHEREAS, from February 2020 to February 2022, the City participated in the Partnership for the Bay's Future Challenge Grant to develop a Housing Preference Policy informed by community engagement led by local community partners Healthy Black Families and East Bay Community Law Center; and

WHEREAS, on June 2, 2022, the City of Berkeley and BART adopted the City and BART Joint Vision and Priorities (JVP) for Transit-Oriented Development at the Ashby and North Berkeley BART Stations that included a shared priority for displacement prevention that states that "affordable housing should provide a preference for residents of Berkeley who are facing displacement, or who have been displaced from Berkeley in the past due to economic or discriminatory reasons"; and

WHEREAS, California Senate Bill (SB) 649 was adopted by the State of California in September 2022 to establish that it is the State's policy that lower-income individuals residing in neighborhoods and communities experiencing significant displacement, as specified, need access to housing that is affordable and assists in avoiding displacement, and that a local tenant preference adopted pursuant to the bill's provisions is subject to the duty of public agencies to affirmatively further fair housing.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley finds and declares the following:

1. Adopts a Housing Preference Policy, as set forth in Exhibit A to this Resolution and incorporated by this reference, that applies to new affordable housing units created by the City's Housing Trust Fund and Below Market Rate programs;

2. Directs the City Manager to adopt guidelines to administer the Housing Preference Policy and take any other action with respect to the policy consistent with this resolution and its purpose;

3. Establishes that this Housing Preference Policy shall be applied only to the extent allowed by Fair Housing law and other government agency funding sources; and

4. Establishes that the Housing Preference Policy shall take effect January 1, 2024.

The foregoing Resolution was adopted by the Berkeley City Council on July 11, 2023 by the following vote:

Ayes: Bartlett, Hahn, Harrison, Humbert, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

Jesse Arreguin, Mayor

Attest: Rose Thomsen, Deputy City Clerk

Exhibit A. Housing Preference Policy

Preference	Points	Preference Details
Displacement due to BART construction	(First priority)	Descendant of someone who was displaced due to construction of BART in the 1960s and 1970s in Berkeley.
Displaced due to foreclosure	1	Displaced due to foreclosure in Berkeley since 2005.
Displaced due to eviction	1	Displaced in Berkeley due to no-fault or non-payment eviction within the past seven years.
Families with children	1	Household with at least one child aged 17 or under.
Homeless OR at-risk of homelessness	1	Homeless and not eligible for Permanent Supportive Housing OR At-Risk of Homelessness with current/former address in Berkeley.
Ties to redlined areas	1	Residential ties to Berkeley's redlined areas – current or former address of applicant.
Ties to redlined areas – historical	1	Residential ties to Berkeley's redlined areas – applicant is a direct descendant of someone who lived in redlined areas.

Internal

11

Office of the City Manager

CONSENT CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Monica Walker, Interim Director of Human Resources

Subject: Salary Adjustments – Deputy Director of Public Works (Unrepresented) and Deputy Director of Health, Housing, and Community Services (Unrepresented)

RECOMMENDATION

Adopt a Resolution increasing the top step of the Deputy Director of Public Works classification to $110.9807 per hour and of the Deputy Director of Health, Housing, and Community Services to $107.0460 per hour to rectify compaction with salaries of classifications they supervise.

FISCAL IMPACTS OF RECOMMENDATION

The recommended adjustments affect only three employees and will be absorbed by their respective departments.

CURRENT SITUATION AND ITS EFFECTS

Currently, the top step of the Deputy Director of Public Works classification ($103.2152 per hour) is barely 0.4% above that of Manager of Engineering ($102.7599), where best practice would call for a gap of 5% to 10%. Similarly, the Deputy Director of HHCS earns $103.2152 at top step, which is 4.13% above the top step of Manager of Mental Health Services ($99.1167).

To rectify this compaction, the recommendation is to effectuate an 8% gap between the Deputy classifications and the lower classifications they supervise.

BACKGROUND

Cost-of-living increases recently negotiated with the City's labor unions have created a salary compaction issue for the Deputy Director of Public Works classification and the Deputy Director of HHCS classification, meaning that the holders of these positions are earning wages that are comparable (and, in at least one case, even less) than the employees they supervise, contrary to the tenets of civil service that pertain to Classification and Compensation.

The current recommendation was considered by Council in closed session on February 3, 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION
This recommendation rectifies compaction of salaries between two Deputy Director classifications and the manager-level classifications they supervise. The recommendation brings the gap between the tiers in line with best practice in the Classification and Compensation structure of civil service.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Monica Walker, Interim Director of Human Resources, (510) 981-6807.

Attachments:
1: Resolution

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

SALARY ADJUSTMENTS – DEPUTY DIRECTOR OF PUBLIC WORKS (UNREPRESENTED) AND DEPUTY DIRECTOR OF HEALTH, HOUSING, AND COMMUNITY SERVICES (UNREPRESENTED)

WHEREAS, cost-of-living increases recently negotiated with the City's labor unions have created a salary compaction issue for the Deputy Director of Public Works classification and the Deputy Director of HHCS classification, meaning that the holders of these positions are earning wages that are comparable (and, in at least one case, even less) than the employees they supervise, contrary to the tenets of civil service that pertain to Classification and Compensation; and

WHEREAS, currently the top step of the Deputy Director of Public Works classification ($103.2152 per hour) is barely 0.4% above that of Manager of Engineering ($102.7599), where best practice would call for a gap of 5% to 10%; and

WHEREAS, the Deputy Director of HHCS earns $103.2152 at top step, which is 4.13% above the top step of Manager of Mental Health Services ($99.1167); and

WHEREAS, these salary compactions need to be rectified through salary adjustments;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that effective the full pay period following approval of this resolution the top step of the salary range for the Deputy Director of Public Works classification is increased to $110.9807 per hour and the top step of the salary range for the Deputy Director of Health, Housing, and Community Services classification is increased to $107.0460 per hour to avoid compaction with salaries of classifications they supervise.

Internal

12

Office of the City Manager

CONSENT CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Monica Walker, Interim Director of Human Resources

Subject: Berkeley Fire Fighters Association – Side Letters Pertaining to Probationary Periods, Pre-Promotional Academies, and Vacation Slots

RECOMMENDATION

Adopt a Resolution approving three side letters with Berkeley Fire Fighters Association to (1) amend Section 33 of the union's Memorandum of Understanding (MOU) with the City to modify the Firefighter probationary period to 18 months; (2) amend Section 34.3.2 of the MOU to allow employees on 40-hour-week schedules to attend pre-promotional academies if placed on Outside the City status; and (3) amend Sections 19.4 and 19.5 of the MOU to create a new structure for vacation slots.

FISCAL IMPACTS OF RECOMMENDATION

There are no anticipated fiscal impacts, as the recommendations pertain to operational changes.

CURRENT SITUATION AND ITS EFFECTS

The probationary period for newly-hired Firefighters is currently 24 months. The first side letter (Exhibit A) would modify the probationary period to 18 months, and better align the Berkeley Fire Department with nearby jurisdictions, which similarly have 18-month probationary periods (e.g., Oakland, Richmond) and even 12-month probationary periods (e.g., San Francisco, Hayward, San Rafael).

The second side letter (Exhibit B) seeks to create parity between BFFA members who are on 56-hour schedules and those who work 40-hour schedules by specifying that 40-hour-a-week employees can attend pre-promotional academies while on duty if their supervisor approves and places them on Outside the City (OSC) status.

The third side letter seeks to simplify the current process for Firefighter vacation slots, which can be challenging to track. The modified process allows for a total of five vacation slots per vacation period and specifies that no more than four Firefighters or three Captains can take time off simultaneously.

BACKGROUND

The proposed side letters were considered by Council in closed session on February 3, 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Without the change in the probationary period, Berkeley Fire Department would continue to be at a recruitment disadvantage, as candidates would gravitate to agencies that offer quicker paths to career/permanent status.

The side letter pertaining to pre-promotional academies would create parity between employees on 40-hour schedules and 56-hour schedules, while the side letter pertaining to vacation slots would simplify a complicated process that has proven difficult to track.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Monica Walker, Interim Director of Human Resources, (510) 981-6807.

Attachments:
1: Resolution
- Exhibit A: Side Letter with BFFA – Probationary Period
- Exhibit B: Side Letter with BFFA – Pre-Promotional Academies
- Exhibit C: Side Letter with BFFA – Vacation Slots

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

BERKELEY FIRE FIGHTERS ASSOCIATION – SIDE LETTERS PERTAINING TO PROBATIONARY PERIODS, PRE-PROMOTIONAL ACADEMIES, AND VACATION SLOTS

WHEREAS, the current probationary period for Firefighters newly-hired into the Berkeley Fire Department is 24 months, which is longer than that of nearby jurisdictions, which have 18-month probationary periods (e.g., Oakland, Richmond) and even 12-month probationary periods (e.g., San Francisco, Hayward, San Rafael); and

WHEREAS, modifying the probationary period for Firefighters would align the City of Berkeley with nearby jurisdictions and eliminate a recruitment disadvantage that the Berkeley Fire Department suffers when competing for talent against jurisdictions that offer candidates quicker paths to career/permanent status; and

WHEREAS, the Berkeley Fire Department seeks to create parity between Berkeley Fire Fighters Association (BFFA) members who are on 56-hour schedules and those who work 40-hour weeks by specifying that 40-hour-a-week employees can attend pre-promotional academies while on duty if their supervisor approves and places them on Outside the City (OSC) status; and

WHEREAS, the current process for Firefighter vacation slots can be challenging to track, necessitating a modified process; and

WHEREAS, the City and BFFA have agreed upon a new process to track vacation slots, allowing for a total of five vacation slots per vacation period and specifying that no more than four Firefighters or three Captains can take time off simultaneously;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a side letter with Berkeley Fire Fighters Association, which is attached hereto, made a part hereof and marked Exhibit A, to amend Section 33 of the Memorandum of Understanding (MOU) and modify the Firefighter probationary period from 24 months to 18 months; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute a side letter with Berkeley Fire Fighters Association, which is attached hereto, made a part hereof and marked Exhibit B, to amend Section 34.3.2 of the MOU and allow employees on 40-hour-week schedules to attend pre-promotional academies if their supervisor approves and places them on Outside the City (OSC) status; and

BE IT RESOLVED that the City Manager is hereby authorized to execute a side letter with Berkeley Fire Fighters Association, which is attached hereto, made a part hereof

and marked Exhibit C, to amend Sections 19.4 and 19.5 of the MOU and allow a maximum of five vacation slots per vacation period, with no more than four Firefighters or three Captains allowed vacation leave at the same time; and

BE IT FURTHER RESOLVED that fully executed originals of said side letters are filed in the Office of the City Clerk.

Exhibit

A: Side Letter with BFFA – Probationary Period
B: Side Letter with BFFA – Pre-Promotional Academies
C: Side Letter with BFFA – Vacation Slots

January 28, 2025

EXHIBIT A

Amory Langmo
President, IAFF Local 1227
Berkeley Fire Fighters Association

Re: Side Letter – Section 33

Dear Mr. Langmo:

This letter of understanding is to confirm the agreement reached between the City of Berkeley (the "City") and the Berkeley Firefighter Association, Local 1227 (the "Union"), regarding the above referenced matter.

The agreement is as follows and will have immediate effect on all Fire Fighters who are in probationary status at the time of its signing:

33.1 Original appointments from employment lists for the classification of Fire Fighter~~/Fire Fighter Paramedic~~ shall be tentative and subject to a probationary period within a period of eighteen (18) months~~two (2) years~~ of actual service. Probationary employees who are granted parental leave or military leaves of absence shall complete the balance of their probationary period within a period of six (6) months following their return to City service. Probationary employees who are granted military leaves of absence shall complete the balance upon their return to City service. No provision of this Section ~~31~~ 33 (Probationary Period) shall be interpreted to preclude the City from establishing new classifications that may require probationary periods of varying lengths.

33.2 For probationary employees originally appointed to the class of Fire Fighter~~/Fire Fighter Paramedic~~, a City of Berkeley Performance Appraisal Report shall be made at the completion of the Fire Academy, ~~six (6) months after the Fire Academy,~~ at twelve (12) months of actual service~~after the Fire Academy~~, and prior to ten (10) days before the end of the probationary period.

33.3 Original and promotional appointments to classes of Fire Captain II, Fire Prevention Inspector, Deputy Fire Marshal, Paramedic Supervisor I, and Fire Apparatus Operator, shall be tentative and subject to a probationary period of one (1) year of actual service.

33.4 If, before completing the required probationary period, an employee is provisionally appointed to a higher class in the same or a related series of classes, the time served in such higher class shall be counted toward completion of the probationary period in the lower class.

33.5 If the service of the probationary employee has been satisfactory to the department head, the department head shall file with the Director of Human Resources a statement in writing to such effect and stating that the retention of such probationary employee in the service is desired. If such service has been unsatisfactory, the department head shall file with the Director of Human Resources such a statement, in writing, with the recommendation to the City Manager that the employee be rejected. This Agreement

does not establish a precedent, nor does it interpret any employee rights under the language of the Labor Agreements, the Personnel Rules and Regulations, or any applicable policies and procedures of the fire departments or the City of Berkeley, except as expressly stated herein.

This Agreement memorializes and constitutes the entire understanding between the parties as to all matters referred to or included herein and supersedes and replaces all prior negotiations, proposed discussion, whether written or oral.

If this is your understanding of the agreement reached, please sign as indicated below.

With best regards,

Aram Kouyoumdjian
Human Resources Director

WHEREFORE, the parties by and through their authorized agents and representatives agree to the terms of this Side Letter Agreement.

AGREED TO FOR THE CITY:

_____
Paul Buddenhagen
City Manager

AGREED TO FOR THE UNION:

_____
Amory Langmo
President, IAFF Local 1227

APPROVED AS TO FORM:

_____
Farimah Faiz Brown
City Attorney

January 28, 2025

EXHIBIT B

Amory Langmo
President, IAFF Local 1227
Berkeley Fire Fighters Association

Re: Letter of Understanding – Section 34.3.2

Dear Mr. Langmo:

This letter of understanding is to confirm the agreement reached between the City of Berkeley (the "City") and Berkeley Fire Fighters Association, Local 1227 (the "Union"), regarding the above referenced matter.

The agreement is as follows: Members of BFFA Local 1227 who are assigned to a 40-hour work week will be permitted to attend pre-promotional academies if they are placed Outside the City (OSC) by their supervisor in Telestaff.

Thus, Section 34.3.2 of the MOU will be modified as follows:

34.3.2 The Academy may provide certification or diplomas for some State course(s) required to meet minimum qualifications the employee has historically been responsible for locating, paying for, and arranging their own time off to attend. The pass-through cost of any certifications or diplomas will be reimbursable through the City funds provided to the Association for education. Employees assigned to a 56-hour work week will find their own relief to attend an Academy, but shall be protected from mandatory overtime on scheduled days off during the Academy. Employees assigned to a 40-hour work week will be permitted to attend an Academy on duty if their supervisor approves and places them Outside the City (OSC) in Telestaff. If an employee accepts a shift trade or voluntary overtime during a date they are scheduled to attend the Academy, they shall not be provided time off.

This Agreement does not establish a precedent, nor does it interpret any employee rights under the language of the Labor Agreements, the Personnel Rules and Regulations, or any applicable policies and procedures of the fire departments or the City of Berkeley, except as expressly stated herein.

This Agreement memorializes and constitutes the entire understanding between the parties as to all matters referred to or included herein and supersedes and replaces all prior negotiations, proposed discussion, whether written or oral.

If this is your understanding of the agreement reached, please sign as indicated below.

With best regards,

Aram Kouyoumdjian
Human Resources Director

WHEREFORE, the parties by and through their authorized agents and representatives agree to the terms of this Side Letter Agreement.

AGREED TO FOR THE CITY:

_____
Paul Buddenhagen
City Manager

AGREED TO FOR THE UNION:

_____
Amory Langmo
President, IAFF Local 1227

APPROVED AS TO FORM:

_____
Farimah Faiz Brown
City Attorney

January 28, 2025

EXHIBIT C

Amory Langmo
President, IAFF Local 1227
Berkeley Fire Fighters Association

Re: Side Letter – Article 3, Section 19.4 and 19.5

Dear Mr. Langmo:

This letter of understanding is to confirm the agreement reached between the City of Berkeley (the "City") and the Berkeley Fire Fighters Association, Local 1227 (the "Union"), regarding the above referenced matter.

The agreement is as follows:

1. During vacation selection for the 2024-2025 vacation year one shift reached five (5) vacancies per day for twenty-two (22) weeks thus triggering Article 3, Section 19.4 of the 1227 MOU. It is unknown if this section has ever been triggered before.
2. Department leadership subsequently realized it would be prohibitively difficult to track the number of vacancies and open/close vacation weeks in accordance with Section 19.4.

Thus, Article 3, Sections 19.4 and 19.5 of the MOU will be modified as follows:

19.4 A maximum of up to five (5) vacation slots per shift, shall be allowed during a vacation period ~~for twenty-two (22) vacation weeks. The maximum of four (4) vacation slots per period, per shift shall be allowed for the remainder of the vacation year~~. ~~Paramedic picks will be included in this number and shall be based on seniority. Up~~Not more than ~~to~~ four (4) ~~paramedics~~ firefighters or ~~will be allowed off at one time.~~

~~*19.5 Not more than*~~ *three (3)* ~~*Officers*~~ *captains shall be allowed off during a vacation period.*

19.5 [Omitted.]

This Agreement does not establish a precedent, nor does it interpret any employee rights under the language of the Labor Agreements, the Personnel Rules and Regulations, or any applicable policies and procedures of the fire departments or the City of Berkeley, except as expressly stated herein.

This Agreement memorializes and constitutes the entire understanding between the parties as to all matters referred to or included herein and supersedes and replaces all prior negotiations, proposed discussion, whether written or oral.

If this is your understanding of the agreement reached, please sign as indicated below.

With best regards,

Aram Kouyoumdjian
Human Resources Director

WHEREFORE, the parties by and through their authorized agents and representatives agree to the terms of this Side Letter Agreement.

AGREED TO FOR THE CITY:

_____
Paul Buddenhagen
City Manager

AGREED TO FOR THE UNION:

_____
Amory Langmo
President, IAFF Local 1227

APPROVED AS TO FORM:

_____
Farimah Faiz Brown
City Attorney

Internal

13

Office of the City Manager

CONSENT CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Moncia Walker, Interim Director of Human Resources

Subject: Berkeley Chief Fire Officers Association Side Letter – Battalion Coverage

RECOMMENDATION
Adopt a Resolution approving a side letter with Berkeley Chief Fire Officers Association adding Section 2.1.14 (Battalion Coverage) to the City's Memorandum of Understanding with the union.

FISCAL IMPACTS OF RECOMMENDATION
In so far that the recommendation pertains to back-filling vacant positions, associated costs will be absorbed by the department.

CURRENT SITUATION AND ITS EFFECTS
To ensure adequate battalion coverage, this side letter provides that in the event of a vacancy in the Battalion Chief classification, if all 56-hour employees are unavailable, the Fire Chief can assign an Assistant Fire Chief to perform the responsibilities of a Battalion Chief; however, the department must attempt to fill the vacancy by offering shifts to other Battalion Chiefs first, including those in an acting capacity.

As specified in the letter, the Assistant Chief can be paid no more than the maximum rate of a Battalion Chief while assigned to perform the latter's responsibilities.

BACKGROUND
The current version of the labor contract between the City and BCFOA does not contain language specifying the manner in which Assistant Chiefs can backfill Battalion Chief vacancies.

The current recommendation was considered by Council in closed session on February 3, 2025.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION
This recommendation ensures necessary coverage for Battalion Chief vacancies by delineating the circumstances and manner in which Assistant Chiefs can be assigned to cover Battalion Chief shifts.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Monica Walker, Interim Director of Human Resources, (510) 981-6807.

Attachments:
1: Resolution and Exhibit A –Side Letter with Berkeley Chief Fire Officers Association – Battalion Coverage

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

BERKELEY CHIEF FIRE OFFICERS ASSOCIATION SIDE LETTER – BATTALION COVERAGE

WHEREAS, the current version of the labor contract between the City of Berkeley and the Berkeley Chief Fire Officers Association (BCFOA) does not contain language specifying the manner in which Assistant Chiefs can backfill Battalion Chief vacancies; and

WHEREAS, it is of paramount importance to the Berkeley Fire Department that Battalion Chief shifts be adequately staffed in the event of Battalion Chief vacancies; and

WHEREAS, there are instances when there is no availability among the cadre of career and acting Battalion Chiefs to backfill all necessary shifts in the event of a Battalion Chief vacancy;

WHEREAS, the City and BCFOA have agreed upon a side letter to add Section 2.1.14 (Battalion Coverage) to the City's Memorandum of Understanding with the union; and

WHEREAS, the newly-proposed Section 2.1.14 specifies that in the event of a vacancy in the Battalion Chief classification, if all 56-hour employees are unavailable, the Fire Chief can assign an Assistant Fire Chief to perform the responsibilities of a Battalion Chief; however, the department must attempt to fill the vacancy by offering shifts to other Battalion Chiefs first, including those in an acting capacity; and

WHEREAS, as specified in the side letter, the Assistant Chief can be paid no more than the maximum rate of a Battalion Chief while assigned to perform the latter's responsibilities;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute a side letter with Berkeley Chief Fire Officers Association, which is attached hereto, made a part hereof and marked Exhibit A, to add Section 2.1.14 to the City's contract with the union and to delineate the circumstances and manner in which Assistant Chiefs can backfill Battalion Chief vacancies;

BE IT FURTHER RESOLVED that a fully executed original of said side letter is filed in the Office of the City Clerk.

Exhibit

A: Side Letter with Berkeley Chief Fire Officers Association – Battalion Coverage

January 28, 2025

EXHIBIT A

Brian Harryman
President, IAFF Local 1227
Berkeley Chief Fire Officers Association

Amory Langmo
President, IAFF Local 1227
Berkeley Fire Fighters Association

Re: Side Letter – Section 2.1: Salaries

Dear Messrs. Harryman and Langmo:

This letter of understanding is to confirm the agreement reached between the City of Berkeley (the "City") and Berkeley Chief Fire Officers Association, Local 1227 (the "Union"), regarding the above referenced matter.

The agreement is as follows:

1. Members of BCFOA are permitted to fill vacancies in the battalion chief classification.

2.1.14: Battalion Coverage

To maintain fire department minimum staffing, in the event of a vacancy in the classification of Battalion Chief, and only when all fifty-six (56) hour employees qualified to fill said vacancy are unavailable, the Fire Chief may assign ~~To address minimum staffing levels,~~ aAn Assistant Fire Chief to fill the responsibilities of Battalion Chief. In these circumstances, the Assistant Fire Chief shall receive pay at the ~~rate of one-hundred five dollars and fifty cents ($105.50) per hour~~maximum straight-time rate of Battalion Chief (56) per hour for each hour so assigned.

Attempts to fill the ~~shift~~a minimum staffing Battalion Chief vacancy ~~for minimum staffing levels~~ shall first be extended to other promoted and acting Battalion Chiefs ~~(56) and Acting Battalion Chiefs~~ before assigning to an Assistant Fire Chief~~s~~.

Any hours worked are excluded from CalPERS reported "compensation earnable" in California Government Code Section 20635.

Assistant Fire Chiefs are designated as exempt from the Fair Labor Standards Act's overtime requirements under Section 2.6 of this MOU, nothing in this section will alter their exempt status.

This Agreement does not establish a precedent, nor does it interpret any employee rights under the language of the Labor Agreements, the Personnel Rules and Regulations, or any applicable policies and procedures of the fire departments or the City of Berkeley, except as expressly stated herein.

This Agreement memorializes and constitutes the entire understanding between the parties as to all matters referred to or included herein and supersedes and replaces all prior negotiations, proposed discussion, whether written or oral.

If this is your understanding of the agreement reached, please sign as indicated below.

With best regards,

Aram Kouyoumdjian
Human Resources Director

WHEREFORE, the parties by and through their authorized agents and representatives agree to the terms of this Side Letter Agreement.

AGREED TO FOR THE CITY:

_____
Paul Buddenhagen
City Manager

AGREED TO FOR THE UNION:

_____
Amory Langmo
President, IAFF Local 1227

APPROVED AS TO FORM:

_____
Farimah Faiz Brown
City Attorney

Internal
Internal

14

Igor Tregub
Councilmember, District 4

CONSENT CALENDAR

MARCH 11, 2025

To: Honorable Mayor Adena Ishii and Members of the City Council

From: Councilmember Tregub (Author), Councilmember Bartlett (Co-Sponsor) and Councilmember O'Keefe (Co-Sponsor)

Subject: A Referral to the City Manager to make a recommendation for further Council action: Transfer Tax Exemption for 100% Affordable Housing Projects

RECOMMENDATION

Adopt a referral to the City Manager to study the fiscal impacts and feasibility of a transfer tax exemption for 100% affordable housing projects owned and operated by non-profit entities or community land trusts, including but not limited to: the rehabilitation of existing projects; acquisition, rehabilitation, and conversion of market-rate housing complexes into deed-restricted affordable housing; and land donated for the purpose of constructing deed-restricted affordable housing and make a recommendation for further Council action.

POLICY COMMITTEE RECOMMENDATION

On February 3, 2025 the Land Use, Housing & Economic Development Policy Committee adopted the following action: M/S/C (Tregub/Lunaparra) to forward item to Council with a Qualified Positive Recommendation that the Council:

1. Clarify that the rehabilitation of the restricted properties, would be included as part of the 100% affordable [housing projects].
2. Bolster the rationale section of the report with greater detail and analysis.

Vote: All Ayes.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley, and the entire Bay Area region, is experiencing a housing unaffordability crisis. As the cost of housing has risen, more people have found themselves unable to afford a place to live. People on a fixed income, including seniors,

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people with disabilities, and other marginalized communities, bear the brunt of these impacts. Deed-restricted affordable housing, in which resident rents are capped based on their income level, is a critical component of the solution to this housing crisis. Affordable housing provides the foundation for better health, economic and educational opportunities, and stable neighborhoods.

There are currently around 2,000 affordable housing units in Berkeley. Nearly 40% of these units were constructed more than 30 years ago. Mission-driven non-profit owners and the City of Berkeley are jointly invested in ensuring that these existing affordable properties remain safe, well-maintained, and beautiful places to live. This commitment is evidenced in the City's recent release of a Request for Proposals (RFP) to support the rehabilitation of existing affordable projects.

While some rehabilitations may be able to proceed with only City funding, other rehabilitation projects require larger amounts of money. To raise capital for more substantial rehabilitation projects, affordable housing developers will typically pursue an additional allocation of tax credits through the Low-Income Housing Tax Credit (LIHTC) program. This requires a new tax credit equity investor to enter the ownership structure for the project. The most efficient way to execute this complex transaction is to have a new limited partnership purchase the property from the prior ownership entity. While the property experiences a technical change of ownership, the non-profit affordable housing organization remains the controlling and managing partner after the transaction.

The City of Berkeley charges a transfer tax any time real estate changes ownership. The City's transfer tax was established in 1978 at the rate of 1.5% for all transactions. Measure P (2018) increased the real property transfer tax for ten years to 2.5% for transactions of $1.6M or more. Measure W (2024) again increased the real property transfer tax to 3.5% for transactions $3M or greater and removed the expiration date. Measure W will take effect on January 1, 2027.[1]

Currently, the sale and transfer of ownership completed as part of an affordable housing rehabilitation project is subject to the property transfer tax. This is despite being essentially a refinancing event.

Resources for Community Development (RCD)[2], a reputable nonprofit affordable housing developer with several sites in Berkeley, is exploring rehabilitation projects at a handful of Berkeley developments over the next several years. RCD estimates that they would pay approximately $6,000 to $8,000 per unit in transfer tax on these properties

[1] BMC Chapter 7.52, Real Property Transfer Tax

[2] https://rcdhousing.org/

under the current Measure P rates, or $8,000 to $11,000 per unit under the recently adopted Measure W rates.

Property	Units	Est. Valuation[3]	Transfer Tax, total 2.5%	Transfer Tax, per unit 2.5%	Transfer Tax, total 3.5%	Transfer Tax, per unit 3.5%
Oxford	97	$ 27,602,978	$690,074	$7,114	$ 966,104	$ 9,960
Margaret Breland	28	$ 6,507,333	$162,683	$5,810	$ 227,757	$ 8,134
Mable Howard	40	$ 13,073,900	$326,848	$8,171	$ 457,587	$ 11,440

While the estimates above are specific to RCD's use case, RCD's experiences are generally applicable to other affordable housing developers seeking to rehabilitate their affordable housing holdings in Berkeley.

State and federal funding for rehabilitation projects is extremely competitive. Projects are scored on many different characteristics, and one of the most influential characteristics is cost efficiency. Berkeley projects are scored against projects across the region and state, many of which do not have a transfer tax or explicitly exempt affordable housing rehabilitations from the transfer tax. The additional cost of the transfer tax makes Berkeley's applications for these state and federal funding sources less competitive. In turn, developers face pressure to reduce the scope of their rehabilitation work by a corresponding $6,000 to $8,000 per unit to improve their ability to win funds.

Precedent in Other Jurisdictions: San Francisco offers a transfer tax exemption for deed-restricted affordable housing. San Francisco's ordinance text can be found here.

[3] The estimated valuation is based on the previous tax roll valuation from the time of construction, multiplied by a factor of 2.5. This is the typical 15-year tax roll valuation increase that have been observed on other recent resyndications.

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Alternative Pathways: In collaboration with our affordable housing providers, we have identified two possible avenues for this policy change:

1. The City Council could add an exemption to BMC 7.52.060 for the transfer of ownership associated with rehabilitation at any property with a recorded agreement requiring that it be maintained as 100% rent-restricted affordable housing, with the exception of staff units, for at least 55 years from the date of the transfer event.

2. The City Council could pass a resolution establishing a time-limited waiver of the transfer tax for any transfer of ownership associated with rehabilitation at a property with a recorded agreement requiring that it be maintained as 100% rent-restricted affordable housing, with the exception of staff units, for at least 55 years from the date of the transfer event.

The former strategy would provide more certainty and permanence. The latter strategy would provide greater flexibility for the City Council if, at a future date, the City decides that the City could no longer forego the lost revenue from providing a waiver or exemption. The referral requests the study of both strategies as well as any other recommendations by April 15, 2025 City Council Meeting.

Additionally, at the Land Use, Housing, and Economic Development Committee meeting on February 3, 2025, exploring a transfer tax exemption for other types of affordable housing work was contemplated. These projects include transfer tax exemption for acquisition and rehabilitation projects, which involve a non-profit or community land trust purchasing an existing market-rate housing complex and converting it into deed-restricted affordable housing, as well as land donated for the purpose of constructing deed-restricted affordable housing. This referral recommends that staff additionally study these inclusions and their potential fiscal implications.

BACKGROUND

The Berkeley City Council has granted transfer tax refunds or waivers to three known affordable housing projects:

- 2014: Refund given to RCD for Oxford Plaza re-financing

- 2019: Waiver given to BACLT for 1638 Stuart Street acquisition

- 2021: Refund given to BACLT for 1685 Solano Avenue acquisition

These waivers and refunds have been granted on a case-by-case basis via a City Council resolution. We are not aware of any waivers and/or refunds that have been denied by City Council.

On February 3, 2025, this item was heard at the Land Use, Housing, and Economic Development Committee meeting. Some of the following questions have been asked and we provided replies to the best of our knowledge.

Why is this needed right now, on a quick timeframe?

Rehabilitation projects have historically not scored as highly as new construction projects in the competition for state resources. While funding is available for new construction of affordable housing, it is incredibly challenging to receive the resources needed to do substantial rehabilitations. Right now, there is very little local and state funding for new construction affordable housing. This creates a brief window in whch rehabilitation projects will likely be competitive for state resources in 2025. By passing a transfer tax exemption now, the City can assist non-profit organizations in accessing those state resources for affordable housing rehabilitation.

How many waivers or refunds were previously requested?

We are aware of one previous waiver and two previous refunds, as detailed in the staff report.

Have any waiver requests previously been denied by Council?

We are not aware of any requests being denied by Council.

Why is the current process not working?

- Due to the timing and lack of certainty, the current process does not enable non-profits to remove the transfer tax from the financial documentation associated with their request for state financing resources. This makes Berkeley rehabilitation projects less competitive for state resources.
- The current process takes substantial staff time from both City staff and non-profit developers to prepare materials for the Council report.
- The current process is not equitable. Not all developers know about the opportunity to receive a transfer tax refund or waiver from City Council.

RATIONALE FOR RECOMMENDATION

The complexities of federal, state, and local policies—along with private sector dynamics—continue to make affordable housing extraordinarily difficult to build and even more challenging to maintain in a livable, healthy condition.

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This referral takes a modest step toward addressing that challenge by directing city staff to explore potential strategies for preserving our affordable housing stock. It does not propose any immediate changes to Berkeley's Transfer Tax for Affordable Housing; rather, it initiates an analysis of possible opportunities for such a measure.

Given the current economic environment, any financial decision must be approached with diligence. The Transfer Tax serves as a crucial funding mechanism for municipal services, including homeless shelters, navigation centers, mental health support, rehousing, rental subsidies, and other essential programs for those experiencing homelessness. Ensuring fiscal responsibility while supporting affordable housing is key, which is why this proposal is structured as a referral for further study.

Here are some considerations that make the Transfer Tax exemption for Affordable Housing a sound policy:

Intention of the Transfer Tax

The Transfer Tax is intended to fund homelessness response and housing programs. If Transfer Taxes are meant to support affordable housing, it raises the question: why are we taxing affordable housing providers on their projects while simultaneously funding them from a different City source? This redundancy not only creates unnecessary bureaucratic hurdles for City staff but also places an added burden on affordable housing nonprofits, which already operate with limited resources.

Fictitious Transfer Process

The City's Transfer Tax was intended to apply to actual transfers of real property. Yet, affordable housing nonprofits are forced to navigate a complicated fictitious transfer process just to secure affordable credits that help them build, rehabilitate, and maintain affordable housing. In reality, ownership of these properties remains with the same nonprofit entity.

The irony is stark: under Proposition 13, private real estate owners can transfer actual ownership of properties without triggering a reassessment, allowing them to avoid higher tax payments. Meanwhile, affordable housing nonprofits—whose mission is to provide stable housing—must undergo this convoluted process just to access essential funding.

An Anti-Displacement Measure

Preserving and rehabilitating existing affordable housing is essential to preventing displacement and homelessness. The shortage of healthy, affordable housing in Berkeley is well-documented. The City itself does not directly produce affordable

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housing. Instead, it relies almost entirely on nonprofit affordable housing providers to build, maintain, and meet its affordable housing obligations.

If these nonprofits are unable to access the funding needed for their projects, affordable housing is not being built, rehabilitated, or maintained at the pace required to meet growing demand. Ensuring that funding mechanisms support—not hinder—affordable housing efforts is essential to keeping people housed and strengthening the City's ability to address its housing crisis.

Saving City Staff's Time

As discussed in the "Background" section of this report, affordable housing rehabilitation projects may currently apply to receive a case-by-case refund of the transfer tax from City Council. All previous waivers submitted for City Council consideration have been approved. A formal exemption or waiver would simply save time and simplify the City's procedures.

Positive Impact for Housing Rehabilitation

Affordable housing providers have no alternative revenue sources for making necessary improvements.

Establishing a formal exemption or universal waiver would have a significant project-level impact. It would provide more certainty to affordable housing developers pursuing rehabilitation projects. Unlike a case-by-case refund, it would allow affordable housing developers and community land trusts to remove the transfer tax as a line item in project budget, improving the development's cost efficiency and enabling them to be more competitive for state and federal funding sources. This would translate into direct benefits for residents, as it would open up more room in project budgets for additional amenities to be included in the scope of the rehabilitation.

Good Governance Measure

This measure is not about helping developers – it is about ensuring that the City can build and preserve the affordable housing that we and our residents urgently need. It also has the potential to eliminate inefficiencies and redundancies that currently waste resources and slow down progress.

When the system functions as intended, nonprofits recover their costs. When it does not, funding gaps arise, leading to missed opportunities for affordable housing rehabilitation, acquisition and development. Additionally, affordable housing developers and land trusts are required to pay into the Transfer Tax while also relying on city funds for their projects. This creates a cost-neutral cycle but adds unnecessary administrative burdens.

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FISCAL IMPACTS OF RECOMMENDATION

Affordable housing rehabilitations requiring a transfer of ownership are relatively rare events. Initial conversations with affordable housing developers identified 4-5 potential transfer events over the next 5-10 years. Potential financial impacts from forgone Measure P/W funds during transfers associated with the rehabilitation of 100% affordable housing projects, would be somewhat offset by the elimination of staff time required to submit case-by-case recommendations for waivers and refunds to the City Council.

ENVIRONMENTAL SUSTAINABILITY

The preservation of affordable housing supports Berkeley's broader greenhouse gas reduction goals.

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Internal

15

Igor Tregub
Councilmember, District 4

CONSENT CALENDAR

MARCH 11, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author) and Terry Taplin (Co-Sponsor)

Subject: Referral to 4 x 4 Committee: Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same Common Area

RECOMMENDATION

Refer to the 4 x 4 Committee of the Berkeley City Council and Rent Stabilization Board a proposal related to the removal of an on-site manager exemption loophole, which is currently used by certain Berkeley properties to circumvent California Code Regulation, Title 25, Paragraph 42, for certain multi-family properties that are adjacent and/or share the same common area. If the recommended regulation is enacted, it is the intent of the referral to apply it to subject properties in a prospective manner that ensures that the rights of sitting tenants continue to be fully protected (i.e., a fully occupied property will not be required to rent to an on-site manager until at least one unit becomes vacant in accordance to all applicable state and local laws governing good cause eviction protections). The referral further requests that the 4 x 4 Committee discuss and provide recommendations as to:

- Any parameters that may limit the scope of this referral, including but not limited to situations in which one or more of the subject properties are owned by limited liability corporations (LLCs) and/or owners that own multiple other properties in Berkeley, California and/or beyond, with a total number of units or properties under ownership to be determined;
- Any exemptions to the on-site manager requirement for certain circumstances, such as for hardship of the property owner and/or LLC and/or other circumstances in which the interest of justice may supersede the public interest of this requirement;
- The enforcement mechanism and enforcing jurisdiction (i.e., City of Berkeley or Berkeley Rent Stabilization Board, with compensation by the City of Berkeley)

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that the City of Berkeley should employ in furtherance of the recommended regulation; and
- Any other provisions pertinent to the efficient, just, and fair administration of the recommended regulation.

CURRENT SITUATION AND ITS EFFECTS

California Code Regulation, Title 25, Paragraph 42 (CCR 25 ¶42) includes the following requirements (germane language is emphasized in **bold**):

"**A manager, janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments**, and of every hotel in which there are 12 or more guest rooms, **in the event that the owner of an apartment house or hotel does not reside upon said premises.** Only one caretaker would be required for all structures under one ownership and on one contiguous parcel of land. **If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating the owner's name and address, or the name and address of the owner's agent in charge of the apartment house, shall be posted in a conspicuous place on the premises.**"[1]

Over the past several months, it has come to our attention that at several contiguous properties in Berkeley have, in total, over 16 apartments but fulfill neither the on-site "manager, janitor, housekeeper, or other responsible person" nor the "notice stating the owner's name and address" requirement. The properties in question share an entrance, common area space, and required amenities such as garbage and recycling collection and appear to have been part of a single parcel that was, somewhere over the course of their operation as apartment buildings, subdivided into separate parcels such that, individually, the number of apartment units on each parcel numbered less than sixteen ("16").

It is the intent of this referral to explore local pathways to close this loophole and ensure that the integrity of CCR 25 ¶42 is restored in the face of efforts to subdivide a parcel with contiguous multifamily rental properties or hotels that otherwise, based on the number of apartments or hotel rooms would be subject to the "on-site manager, housekeeper, or other responsible person" provision. While not specifically the subject of this item, in the intent of this item is to ¶reveal how, if at all, the "notice" section of CCR 25 ¶42 is being enforced for existing properties on a parcel that, in total, includes between four ("4") and sixteen ("16") units.

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[1] https://govt.westlaw.com/calregs/Document/I3F1C71434C8611ECB533000D3A7C4BC3?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1

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RATIONALE FOR RECOMMENDATION

The lack of an on-site manager within contiguous properties have, in total, over 16 apartments but fulfill neither the on-site "manager, janitor, housekeeper, or other responsible person," sometimes coupled with the nonexistence of a "notice stating the owner's name and address," in contravention to the spirit, if not the letter, of CCR 25 ¶42 has led to significant adverse impacts to the neighbors as well as the sitting occupants of the properties in question. These have included but not been limited to: poor or nonexistent garbage and/or recycling collection; slow or non-existent efforts on the part of the property owner and/or off-site manager to comply with "warranty of habitability" and/or health and safety requirements; and inability to effectively mitigate for noise violations. It is the intent of this recommendation to address a clear loophole in the state code that has been exploited by some property owners and LLCs to the detriment of the residents and neighbors of the subject properties.

FINANCIAL IMPLICATIONS

Financial implications may include staff time associated with writing, reviewing, and, as necessary, enforcing the recommended language. It is the intent of this referral that discussion at the 4 x 4 Committee among members and staff from the City of Berkeley and Berkeley Rent Stabilization Board may be able to finetune these cost projections.

ENVIRONMENTAL SUSTAINABILITY

Indirect environmental sustainability benefits may result from these items, particularly around improved enforcement of disaggregation between recyclable, non-recyclable, and compostable items within subject multifamily housing buildings that currently do not have an on-site manager but would be required to under language contemplated by this referral.

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To: Honorable Mayor and Members of the City Council
From: Councilmember Sophie Hahn (Author)
Subject: First Year Free - Fill Empty Storefronts Act

RECOMMENDATION

Refer to the City Manager to (1) create and implement a First Year Free Program for Berkeley, modeled after San Francisco's successful program, for an initial period of 5 years and (2) study and report back to Council on other strategies to attract new businesses and fill empty storefronts.

POLICY COMMITTEE RECOMMENDATION

On February 3, 2025 the Land Use, Housing & Economic Development Policy Committee adopted the following action: M/S/C (Bartlett/Tregub) to forward item to Council with a negative recommendation to take no action. The committee will revisit this issue at a later date with the intention of further developing the goals of the item. Vote: All Ayes.

SUMMARY STATEMENT

The COVID-19 pandemic had an unprecedented impact on Berkeley's small and local businesses. While Berkeley's business sector has progressed toward recovery, commercial vacancy rates remain high. To address similar challenges in San Francisco, a First Year Free program was established in 2021 to waive the cost of initial registration fees, license fees, first-year permits, and other fees for qualifying local businesses. More than 4,000 new businesses have already opened and taken advantage of the program.

To help fill empty storefronts and attract new, small businesses in Berkeley, this item directs the City Manager to create and implement a First Year Free program, modeled after San Francisco's successful 2021 program – for a period of 5 years – and study, implement, and/or recommend to the City Council other strategies to fill empty storefronts and foster a thriving small business environment in Berkeley.

BACKGROUND

America's small business sector has been struggling for several decades, decimated by the rise of Big Box, Chains, and e-commerce. Berkeley, which has been fortunate to retain many small businesses, has nevertheless been impacted by these trends. The arrival of big retail has thrown local economies into turmoil, leaving smaller and local businesses unable to compete

with the scale of giant retail chains. The global shut down of commerce during the COVID-19 pandemic was another huge blow to small and locally owned retail and restaurants, precipitating enormous stress, and widespread closures.

The economic impacts of the pandemic have been significant and widespread. While businesses of all sizes were impacted, small businesses – which are more likely to struggle with financially fragility – faced the most uncertainty.

The public health crisis, lockdowns, and social distancing measures resulted in economic challenges that forced many owners to reckon with supply chain delays, loss of revenue, and closure. While the Small Business Association (SBA) did provide financial assistance including the Paycheck Protection Program (PPP), and various loan and grant programs, many small businesses were unable to access state and federal aid. Businesses in California also benefited from various state-level programs but a survey of small businesses in California found that women and minority-owned businesses struggled more during the recovery because they may not have received assistance in proportion to their acute need, loss of revenues, and impacts on business operations.[1]

During COVID's time of acute uncertainty, and following feedback from small business owners, conversations with the Director of Economic Development, the Chamber of Commerce, and various Business Improvement District leaders, Councilmember (then Vice Mayor) Hahn introduced an item to begin regular small business listening sessions, so Berkeley's small enterprises could more easily communicate with the Council, City, and Mayor.[2]

In March 2020, when the regional stay at home order was enacted, Berkeley took immediate steps to protect businesses impacted by the sharp decline in patronage, including a ban on evictions for both residential and commercial tenants. Council also established the Berkeley Relief Fund, which provided a down payment of $3 million from the City in concert with a fundraising campaign from private donors and community members that raised $1.5 million. *Through this generous local funding, 700 businesses received grants to pay rent, payroll, and other expenditures.*[3]

In April, the Berkeley City Council approved the creation of the Save Our Small (SOS) Business Loan Fund, introduced by Councilmember Hahn and based on an innovative proposal by faculty and students at the Haas School of Business at UC Berkeley to create a public-private partnership that could provide a supplemental source of capital for small businesses impacted by the COVID-19 emergency. Thanks to the City's leadership, and with the expert guidance and

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[1] Dani, L., Earle, J. S., & Min Lee, K. (2022, January). *Small Business in the time of COVID-19: A Survey of California's Small Businesses*. Economic Development Collaborative . https://edcollaborative.com/wp-content/uploads/2022/01/COVID-19-Impact-on-California-Entrepreneurs-v2.pdf

[2] Hahn, S. (2020, January 21). *Small Business Listening Sessions*. City of Berkeley. https://berkeleyca.gov/sites/default/files/documents/2020-01-21%20Item%2035%20Small%20Business%20Listening%20Sessions.pdf

[3] Arreguin, J. (2022, August 10). *The Big Impact of Berkeley's Small Businesses*. Mayor Jesse Arreguín. https://www.jessearreguin.com/newsletters-2/2022/8/10/the-big-impact-of-berkeleys-small-businesses

advocacy of Haas School faculty, including Professors Adair Morse and Laura D. Tyson, the SOS Business Loan Fund was transformed to a statewide initiative announced as the California Rebuilding Fund.

For Berkeley's small businesses, nonprofits, and other eligible enterprises to take advantage of this now statewide opportunity, Councilmember Hahn referred to the City Manager to immediately engage in a robust outreach effort throughout Berkeley, focusing particularly on underserved small businesses and nonprofits, entrepreneurs in historically disenfranchised communities, and enterprises serving children.[4] Technical assistance from the City helped many businesses successfully apply for support as soon as the California Rebuilding Fund portal opened.

While Berkeley is fortunate to be home to some 5,000 small businesses and took many steps to support and protect local businesses during the pandemic, commercial spaces remain vacant at higher than pre-pandemic levels.[5] According to the 2023 Economic Dashboard, the citywide average vacancy rate was 8.1% as compared to the pre-pandemic rate of 5.4%.[6] Certain neighborhoods struggle more than others, with several Berkeley neighborhoods having vacancy rates in the double digits including South Berkeley, University, San Pablo, and the Downtown.

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[4] Hahn, S. (2020, September 15). *Outreach and Technical Assistance for Berkeley Small Businesses Eligible to Participate in the California Rebuilding Fund.* City of Berkeley. https://berkeleyca.gov/sites/default/files/documents/2020-09-15%20Item%2027%20Outreach%20and%20Technical%20Assistance.pdf

[5] Arreguin, J. (2022, August 10). *The Big Impact of Berkeley's Small Businesses*. Mayor Jesse Arreguín. https://www.jessearreguin.com/newsletters-2/2022/8/10/the-big-impact-of-berkeleys-small-businesses

[6] Berkeley Office of Economic Development. (2024, February 1). *2023 Economic Dashboard*. City of Berkeley. https://berkeleyca.gov/sites/default/files/documents/Economic%20Dashboard%202023.pdf

Vacancy Rates by District, Calculated by Square Footage, 2018-2023

District	2018	2019	2020	2021	2022	2023
Downtown	3.1%	5.1%	9.9%	15.7%	11.9%	10.8%
Elmwood	7.3%	7.3%	10.9%	10.9%	7.7%	6.2%
North Shattuck	1.7%	0.7%	4.3%	4.3%	4.3%	1.9%
San Pablo	4.9%	4.6%	4.8%	7.9%	10.8%	15.5%
Solano	4.1%	2.6%	6.7%	4.4%	3.7%	2.6%
South Berkeley	9.7%	7.6%	10.1%	8.8%	11.8%	19.2%
Telegraph	7.9%	4.4%	17.2%	12.6%	8.5%	9.3%
University	11.0%	7.8%	11.0%	9.1%	12.8%	17.7%
Neighborhood Commercial (C-N)			7.3%	3.2%	2.3%	2.6%
West Berkeley	3.7%	5.8%	3.7%	4.7%	5.2%	2.2%
Citywide Avg.	**5.0%**	**5.4%**	**6.9%**	**8.3%**	**8.4%**	**8.1%**

Source: Berkeley OED

Even though the City worked diligently to provide small and local businesses with financial and technical support during the pandemic, many still struggle to recover and empty storefronts have proliferated; the First Year Free program directly addresses this challenge.

First Year Free

The First Year Free Program was created by San Francisco's Board of Supervisors and the Mayor to support and revive San Francisco's small businesses as the City recovered from the pandemic. The program waives the cost of initial registration fees, initial license fees, first-year permit, and other applicable fees for qualifying businesses. There is no paperwork to apply, as enrollment is automatic with the registration of a new business or location within the City. Since its inception, 8,349 businesses have enrolled and $3.7 million in fees have been waived.[7]

Earlier this year, San Francisco decided to renew the program for a third year due to its popularity and success, with some 4,000 new businesses opening in the City as a result of the program.

To qualify for San Francisco's First Year Free program, the applicant must be a new business, or new location of a business, that begins on or after July 1, 2023 and:

[7] Sos, Z. (2024, September 21). *New Castro business touted as Success Story of SF's First Year Free Program*. KTVU FOX 2 San Francisco. https://www.ktvu.com/news/new-castro-business-touted-success-story-sfs-first-year-free-program

- Have $5,000,000 or less in estimated (or reported) San Francisco gross receipts; and
- Have a registered location that is for commercial use; and
- Not be a home-based business or a short-term rental

Only small businesses are eligible for the program; the program is not applicable to Formula Retail (chain store) locations. For qualifying businesses, the program waives: 1) the initial business registration fee (for new businesses only), 2) application, inspection and one-time permit fees, 3) initial license fees.

Andrea Becerra, who fell in love with cooking during the pandemic as she grieved the death of her father, is one of those new business owners. Once her small business outgrew her kitchen, the First Year Free program made it possible for her to open her first restaurant in the Mission – El Mil Amores.[8]



Photo credit: Astrid Kane/The Standard[9]

As a result of the program, Ismel Deluna opened a new wellness center – Healing Cuts – providing haircuts and wellness services for the disability and LGBT community, operating out of the Castro.[10] Hailed as a success story, the owner explained that the First Year Free program played a significant role by allowing his small business to build a base while saving money on fees and permits, giving businesses a boost to start.

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[8] Pena, L. (2024, February 16). *SF extends program that waived $2.5M in fees to new businesses and ones struggling to stay open*. ABC7 San Francisco. https://abc7news.com/sf-extends-first-year-free-program-small-business-permit-registration/14430751/

[9] Kane, A. (2023a, June 25). *Mexican breakfast gets an upgrade at this restaurant in San Francisco's Mission District*. The San Francisco Standard. https://sfstandard.com/2023/06/25/mexican-breakfast-gets-an-upgrade-at-this-restaurant-in-san-franciscos-mission-district/

[10] Sos, Z. (2024, September 21). *New Castro business touted as Success Story of SF's First Year Free Program*. KTVU FOX 2 San Francisco. https://www.ktvu.com/news/new-castro-business-touted-success-story-sfs-first-year-free-program



Photo credit: San Francisco Business Times[11]

Small businesses often represent and reflect the communities they serve, filling gaps left behind by big business. They help foster stronger community relations, providing a place for people to not only shop but gather. They are unique, one of a kind, and important to a community's identity. Small businesses keep money in the local economy, create job opportunities, and can provide environmental benefits. They are an asset to our City and we should continue to create and support opportunities to expand and support the small and local business landscape.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

In addition to Berkeley's various pandemic-related programs, Berkeley's Office of Economic Development (OED) has helped finance small businesses through the Revolving Loan Fund and Resiliency Loan Program, lending a total of $2,744,987 to 45 small businesses.[12] Berkeley's OED also provides assistance to businesses, entrepreneurs, artists, and community organizations to access services and resources available to them. This includes connecting with local leaders, finding a business location, going green, navigating Berkeley's codes, receiving financing, recruiting talent, and more.[13]

The City has also developed a Business Resource Guide which includes information on starting and sustaining a successful business in Berkeley. The guide walks potential business owners through the key steps of launching a new business including creating a business plan, exploring financing options, establishing as a legal entity, and obtaining a business license and permits.

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[11] Bloomberg, S. (2024, June 6). *How the SF LGBT Center is empowering entrepreneurs*. San Francisco Business Times. https://www.bizjournals.com/sanfrancisco/news/2024/06/06/business-of-pride-lgbt-center.html

[12] Berkeley Office of Economic Development. (2024, February 1). *2023 Economic Dashboard*. City of Berkeley. https://berkeleyca.gov/sites/default/files/documents/Economic%20Dashboard%202023.pdf

[13] Berkeley Office of Economic Development. (2022, January). *Office of Economic Development Services.* City of Berkeley. https://berkeleyca.gov/sites/default/files/2022-01/OED-Services-Brochure.pdf

Furthermore, Berkeley's Strategic Plan includes the goal of fostering a dynamic, sustainable, and locally-based economy. Berkeley has taken many steps to cultivate a thriving local economy and a thriving small business sector, and this item supports those goals.

ACTIONS/ALTERNATIVES CONSIDERED

The City Manager should study San Francisco's program, consider what adjustments might need to be made for the Berkeley context, and implement a version of First Year Free that is supportive of the goal of attracting new businesses to Berkeley storefronts.

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Councilmember Hahn discussed strategies for filling empty storefronts with the City Manager, who expressed interest in the First Year Free program. Staff also contacted the Berkeley Chamber of Commerce and the Downtown Berkeley Association for input.

RATIONALE FOR RECOMMENDATION

Berkeley's unique character is owed in large part to the presence of small and local businesses and not for profits and arts organizations. These enterprises are indispensable, contributing significantly to our economic and cultural vitality, stimulating the local economy, attracting tourism, and most importantly, fostering a sense of community.

However, Berkeley's small and local businesses continue to face significant challenges due to inflation and rising costs, space constraints, and growing competition from online stores and chain retailers.

IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

The City Manager should review studies and consult experts on best strategies to fill empty storefronts. Additionally, staff should consult with the City of San Francisco to better understand the program, details around implementation, marketing, and success. Consider how much revenue the City generates and stands to lose from waiving initial business registration fees, application, inspection and one-time permit fees, and initial license fees, as well as the short and long-term benefits in waiving those fees to get new businesses in place that will generate increased tax revenues over the long run.

ENVIRONMENTAL SUSTAINABILITY

While virtually all businesses have a carbon footprint, small and local businesses tend to have a much smaller impact on the climate than large corporations. According to TIME Magazine, while small and mid-sized businesses make up roughly 90% of businesses worldwide, most global emissions can be tracked to a small number of the world's largest companies.[14]

FISCAL IMPACTS

The First Year Free program will result in the City "not receiving" fees and taxes it would otherwise receive - if a new small business were to establish itself. Without that new business,

[14] Kane, A. (2023a, June 25). *Mexican breakfast gets an upgrade at this restaurant in San Francisco's Mission District*. The San Francisco Standard. https://sfstandard.com/2023/06/25/mexican-breakfast-gets-an-upgrade-at-this-restaurant-in-san-franciscos-mission-district/

however, there will be no fees and taxes at all. Backfilling of fees and taxes may be required if a tax or fee isn't part of the general fund; the City Manager will need to understand the "back end" implications of the policy and ensure departments collecting special/enterprise fees and taxes, if any, are made whole.

On the other side of the equation, the successful establishment of new businesses will generate additional tax revenues every year they are in business, and filling one empty storefront can have the beneficial impact of attracting additional businesses to nearby empty storefronts, creating a positive cycle of business health for areas particularly hard hit by vacancies.

It is exactly this positive feedback loop that First Year Free is trying to jump-start, with the cost of waiving fees and taxes in the first year to be offset by the benefits, including direct financial benefits to the City, of adding new businesses to our tax rolls and encouraging business health overall.

OUTCOMES AND EVALUATION

It is suggested that two years after the program is established, the City Manager undertakes a review – including but not limited to quantifying the number of new businesses established under the program, the costs of waiving taxes and fees, and the benefits to the City of the additional tax revenue from those new businesses. Other appropriate metrics can be used to further inform the study, and adjustments to the program considered for implementation by the City Manager.

CONTACT

Councilmember Hahn, (510) 981-7150

17

Office of the City Manager

PUBLIC HEARING
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Appeal of Special Assessment Tax Lien – 1806 Walnut St

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution rejecting the property owners' appeal, and allowing the special assessment lien for 1806 Walnut Street (APN 057-2049-004) to be recorded with the County of Alameda as written and approved by the City Manager.

FISCAL IMPACTS OF RECOMMENDATION

The proposed lien of $6,450 reflects the inspection service fees charged to Peter and Philip Wright for failure to have housing violations corrected at the time of each reinspection. The lien amounts include a $250 administrative lien fee for each case. The owners filed an appeal request before the lien was processed.

1806 Walnut St	Unit 1 Amount	Unit A Amount	Unit 10 Amount	Total
2023 Lien	$400	$400	-	
2024 Lien	$1,820	$1,820	$1,260	
Administrative lien fee	$250	$250	$250	
Total Lien	**$2,470**	**$2,470**	**$1,510**	**$6,450**

CURRENT SITUATION AND ITS EFFECTS

On May 16, 2023, the Rental Housing Safety Program (RHSP) sent Philip and Peter Wright a letter notifying them liens would be placed for unpaid inspection service fees at 1806 Walnut St. This property is managed by the K&S Company, which manages numerous rental properties in Berkeley. The unpaid fees covered Unit 1 for $650, Unit A for $650 and the common area case for $650. Each lien amount comprised the first reinspection service fee of $400 and an administrative lien fee of $250. On May 26, 2023, owner Peter Wright sent an appeal of the special assessment lien at 1806 Walnut

St. The fees for the common area case were subsequently paid, leaving the Unit 1 and Unit A fees outstanding.

Re-inspections continued at the property and additional fees were accrued that were not paid. RHSP sent lien notices to Philip and Peter Wright on April 17, 2024. After receiving the 2024 lien notices, property manager Jonathan Hicks of K&S Company emailed the City on April 22, 2024 to request that a decision be made regarding their 2023 appeal. Upon review, staff discovered the first reinspection fees for Unit 1 and Unit A had been included in the 2024 lien amount and sent a corrected lien letter to the owner on April 30, 2024. Jonathan Hicks emailed RHSPbilling@berkeleyca.gov on May 1, 2024 asking to appeal the 2024 lien amounts for 1806 Walnut St. A City Council hearing is required to resolve the appeal.

The appeal by the property owner's agent is included as Attachment 2 to this staff report. The issues raised, and staff's responses, are summarized below:

ISSUE 1:

In his May 26, 2023 letter, owner Peter Wright stated "I believe the amount of the fines is incorrect due to an apparent change in City of Berkeley staff personnel handling the inspections/reinspections during the process. The resulting miscommunication/misunderstanding with the property manager, K&S, caused excessive and unnecessary fines to be levied."

RESPONSE 1:

Claim of Incorrect Fees and Miscommunications Due to Staff Changes
Staff changes are a normal part of business operations. During the case, there was a change in inspectors, but inspection procedures remained consistent, and each inspector followed protocols and fees were assessed according to the adopted fee schedule. Housing supervisors and staff ensured inspections were scheduled and completed accurately. This case has been thoroughly reviewed by multiple levels of management, confirming the accuracy and appropriateness of all fees involved.

ISSUE 2:

On May 1, 2024, property manager Jonathan Hicks appealed the 2024 lien for additional unpaid fees, stating "We would like to appeal all fees highlighted in yellow on the attached excel sheet, as we were in compliance for unit #10 and #1 as of the inspection on 3/13/23 and were appealing the violation charges from thereafter. Those penalty charges continued past the date the city wrote off the units in compliance, which we don't feel is fair to ownership since the appeal was in-place and the violations were cleared."

RESPONSE 2:

If owners do not pay inspection services fees, penalty fees accrue per the fee scheduled established by City Council with resolution 68,940-N.S. Penalty fees accrue because balances are unpaid, not because violations have or have not been corrected.

PENALTY FEES		
FEE TYPE	**FEE DESCRIPTION**	**AMOUNT OF FEE**
Late Payment Fee	Penalty fees will be assessed for every reinspection or annual flat fee delinquent 1-30 days.	10% of the delinquent amount when 1-30 days late
	Additional penalty fees will be assessed for every reinspection or annual flat fee delinquent 31+ days.	40% of the delinquent amount when 31+ days late

BACKGROUND

The Rental Housing Safety Program randomly selected 1806 Walnut St for proactive inspections. Five units out of 13, along with the common area, were chosen for inspection. Units 1, 5, 7, 10, Unit A, and the common areas were inspected on 10/13/2022, and housing violations were identified in all inspected areas. A representative from the property management company was present and accompanied the inspector during the initial inspection.

The first re-inspections were scheduled for December 20, 2022. Representatives of the owner or property management company were not present. The tenants in Units 5 and 7 were available, allowing the inspector to verify and close the corrected violations in these units. No one answered at Unit 1 and Unit A, so the inspector left door tags. The tenant in Unit 10 requested a reschedule, which was granted. Some common area violations were accessible and verified as corrected, while others could not be confirmed.

Second re-inspections for Units 1, 10, Unit A, and the common areas were scheduled for February 8, 2023. Again, no representatives of the owner or property management company were present, and a door tag was left on the front door of the building. Third re-inspections were scheduled for March 13, 2024. The owner's representative was present, and violations in Units 1, 10, and Unit A were verified as corrected, closing these cases. Some common area violations were corrected, but issues such as the missing Carbon Monoxide alarm in the Laundry Room and required ground fault circuit interruption protection remained unresolved. A fourth re-inspection was scheduled for May 2, 2023. The owner's representative was present, and the remaining common area violations were corrected, closing the case.

Fees Assessed

- Units 1 and Unit A: Assessed $400, $600, and $800 each for three re-inspections.
- Unit 10: Assessed $400 and $600 for the first and second re-inspections.
- Penalty fees were applied for unpaid re-inspection fees.
- Common area case: Fees paid and not included in the lien.

Notification of Owners

The intent to inspect letter was mailed to the owner's legal address, notifying them of the proactive inspections. A property manager was present during the initial inspection, indicating the notice was received. All subsequent notices were sent to this address and there was no returned mail from the owner. The owner did not request to have copies of notices sent to additional mailing addresses.

Reinspections and Fees Justification

Tenants occupied the units during the period violations were observed, raising safety concerns. The re-inspections and fees incentivize timely correction of violations to ensure tenant safety. Despite ample time, the owners failed to address the violations promptly.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Inspection Service fees and penalties allow the enforcement of the Berkeley Housing Code and protect the safety of tenants. They should not be reduced unless they were assessed incorrectly.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jenny McNulty, Resilient Buildings Program Manager, Planning and Development Department, (510) 981-7451

Attachments:
1: Resolution
2: Appeal letter
3. Detail of Lien Amounts
4: Administrative Record
5: Public Hearing Notice

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

DENIAL OF OWNER'S APPEAL AND IMPOSITION OF LIEN FOR UNPAID INSPECTION SERVICE FEES AT 1806 WALNUT STREET

WHEREAS, Council established the Rental Housing Safety Program (RHSP) on August 23, 2001 with Ordinance No. 6,651-N.S.; and

WHEREAS, per BMC Chapter 19.40.080, the City Manager or their designee may periodically inspect every residential rental unit in any real property in the City; and

WHEREAS, Council adopted the current inspection service fees per Resolution No. 68,940-N.S. on May 28, 2019; and

WHEREAS, 1806 Walnut St were randomly selected for proactive housing inspections at Units #1, #5, #7, #10, #A and the common area, and the owners were mailed an Intent to Inspect letter on August 18, 2022; and

WHEREAS, violations were identified that were not corrected by the second re-inspection, and inspection service fees were assessed that were not paid for units #1, #10, and #A; and

WHEREAS, Philip and Peter Wright are the Owners of said rental property at 1806 Walnut Street, Berkeley, California; and

WHEREAS, the owners were served with Notices of Proposed Lien and Hearing Rights on May 16, 2023 and April 30, 2024, and on May 1, 2024 the City received a timely objection to the proposed liens by the Owner; and

WHEREAS, a hearing on property owners' objections was conducted on March 11, 2025 by the Council of the City of Berkeley; and

WHEREAS, in evaluating the testimony given during the hearing, the Council of the City of Berkeley considered and made determinations as to the credibility of the witnesses, the weight of the evidence, and the extent to which the evidence was cumulative and/or probative.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council finds that the proposed lien amount totaling $6,450 is an accurate sum of the inspection fees and associated costs, and dismisses the appeal and upholds the proposed liens, and authorizes the City Manager or their designee to effectuate the recording of said liens with the County of Alameda.

ATTACHMENT 2

CITY OF BERKELEY - CITY CLERK
2023 MAY 30 PM12:12

May 26, 2023

City of Berkeley Planning and Development Division
% City Clerk
2180 Milvia Street - 1st Floor
Berkeley, CA 94704

RE: Request for Hearing Cases # 22-939, # 22-943, # 22-692 and all pending cases for 1806 Walnut St cust #58119-256485, #58119-256160, #58119-256161, #58119-256162

Dear City Council,

Please accept this letter as an official request (within the 10 day notice period) for a hearing for the cases listed above with regard to the Housing Code Enforcement inspections and fees for the property located at 1806 Walnut Street in Berkeley.

I believe the amount of the fines, reinspection fees, and liens is incorrect due to an apparent change in City of Berkeley staff personnel handling the inspections/reinspections during the process. The resulting miscommunication/misunderstanding with the property manager, K&S, caused excessive and unnecessary fines to be levied.

Our property has never had a previous fine or violation and we have worked toward operating in a safe manner in compliance with all City of Berkeley agencies.

Thank you for your time and effort to help resolve this issue.

Sincerely,



Peter Wright
1580 Hawthorne Terrace
Berkeley, CA 94708
peterwright1963@gmail.com
(510) 334-6936

CC K&S Property Management, 1035 San Pablo Ave St 12, Albany CA 94706

From: McNulty, Jenny
To: Jonathan Hicks
Cc: RHSPBilling
Subject: RE: 1806 Walnut St. - RHSP Fines
Date: Wednesday, May 01, 2024 12:48:19 PM

Dear Jonathan,

You can submit your appeal by email to clerk@cityofberkeley.info and copy RHSPbilling@berkeleyca.gov.

Sincerely,

Jenny McNulty, Resilient Buildings Program Manager
Rental Housing Safety Program / Building & Safety Division
Phone: (510) 981-7451
Email: jmcnulty@berkeleyca.gov

From: Jonathan Hicks <jhicks@kands.com>
Sent: Wednesday, May 1, 2024 12:26 PM
To: McNulty, Jenny <JMcNulty@berkeleyca.gov>
Cc: RHSPBilling <RHSPBilling@berkeleyca.gov>
Subject: Re: 1806 Walnut St. - RHSP Fines

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Good Afternoon Jenny,
Thanks for the response to my email.
We would like to appeal all fees highlighted in yellow on the attached excel sheet, as we were in compliance for unit #10 and #1 as of the inspection on 3/13/23 and were appealing the violation chargers from thereafter. Those penalty charges continued past the date the city wrote off the units in compliance, which we don't feel is fair to ownership since the appeal was in-place and the violations were cleared.
-Please let me know if you need me to fill an additional appeal form and if so, please provide that form so I can submit within the 10 days per your email.
Thanks,

Jonathan Hicks

Property Manager

K&S Company Inc.

1035 San Pablo Ave. Suite #12

Albany, CA 94706

(p) 510-528-1900

http://www.kands.com/

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person(s) or entity(ies) to which it is addressed and may contain confidential and /or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

Customer Number: 58119-256485
Case Number: H2022-00942
Address: 1806 WALNUT St 10

Transaction Date	Transaction	Amount
3/14/2023	Inspection Fee for 02/08/2023	$ 400.00
4/13/2023	Inspection Fee for 03/13/2023	$ 600.00
4/17/2023	Penalty Fee	$ 40.00
5/15/2023	Penalty Fee	$ 160.00
6/15/2023	Penalty Fee	$ 60.00
	Balance Due	**$ 1,260.00**

Customer Number 58119-256160
Case Number H2022-00692
Address 1806 WALNUT St (Common)

Transaction Date	Transaction	Amount
1/10/2023	Inspection Fee for 12/12/2022	$ 400.00
3/14/2023	Inspection Fee for 02/08/2023	$ 600.00
3/15/2023	Penalty Fee	$ 40.00
4/13/2024	Inspection Fee for 03/13/2023	$ 800.00
4/17/2023	Penalty Fee	$ 60.00
5/15/2023	Penalty Fee	$ 240.00
6/9/2023	Inspection Fee for 05/02/2023	$ 800.00
6/15/2023	Penalty Fee	$ 80.00
6/29/2023	Payment	**$ (3,020.00)**
	Balance Due	**$ -**

Customer Number 58119-256161
Case Number H2022-00939
Address 1806 WALNUT St #1

Transaction Date	Transaction	Amount
1/10/2023	Inspection Fee for 12/12/2022	$ 400.00
3/14/2023	Inspection Fee for 02/08/2023	$ 600.00
3/15/2023	Penalty Fee	$ 40.00
4/13/2023	Inspection Fee for 03/13/2023)	$ 800.00
4/17/2023	Penalty Fee	$ 60.00
5/15/2023	Penalty Fee	$ 240.00
6/15/2023	Penalty Fee	$ 80.00
	Balance Due	**$ 2,220.00**

Customer Number 58119-256162
Case Number H2022-00943
Address 1806 WALNUT St #A

Transaction Date	Transaction	Amount
1/10/2023	Inspection Fee for 12/12/2022	$ 400.00
3/14/2023	Inspection Fee for 02/08/2023	$ 600.00
3/15/2023	Penalty Fee	$ 40.00
4/13/2023	Inspection Fee for 03/13/2023	$ 800.00
4/17/2023	Penalty Fee	$ 60.00
5/15/2023	Penalty Fee	$ 240.00
6/15/2023	Penalty Fee	$ 80.00
	Balance Due	**$ 2,220.00**

Summary	
Total Charges:	$ 8,720.00
Total Payments:	$ (3,020.00)
Net Amount Due:	$ 5,700.00

ATTACHMENT 3

Case Number H2022-00939
Address 1806 WALNUT St #1

Transaction	Amount
2023 Lien	400
2024 Lien	1,820
Administrative lien fee	250
Total Lien	2,470

Case Number H2022-00943
Address 1806 WALNUT St #A

Transaction	Amount
2023 Lien	400
2024 Lien	1,820
Administrative lien fee	250
Total Lien	2,470

Case Number: H2022-00942
Address: 1806 WALNUT St 10

Transaction	Amount
2023 Lien	-
2024 Lien	1,260
Administrative lien fee	250
Total Lien	1,510

Total Lien	**6450**

Index for Administrative Record for 1806 Walnut St

Unit 1 Case H2022-00939	Pages
Log Notes	2-3
Notices of Intent to Inspect and Violation	4-13
Photo of door hanger	14
Notices of Violation and of Closure and Compliance	15-20
All Units	
Lien Notices and Correspondence regarding Liens	21-40
Unit A Case H2022-00943	
Log Notes	41-42
Notices of Intent to Inspect, Violation and Closure and Compliance	43-55
Returned mail from tenant	56
Unit 10 Case H2022-00942	
Log Notes	57-58
Notices of Intent to Inspect and Violation	59-68
Photo of door hanger	69
Notices of Violation and of Closure and Compliance	70-75

Log Notes for H2022-00939

Date	Content	Status	Action By	Type	Comments	Include in PRA?
10/06/2022	Intent Letter	Completed	Martha Ramos	Activity	Notice of Intent to Inspect letter dated 8/18/22 can be found in common case #H2022-00692.	Y
10/06/2022	Initial Action	N/A	Martha Ramos	Workflow History	Code Enforcement	
10/13/2022	Initial Inspection	Complete	Jay Marlette	Inspection	Property manager present. Violations found.	
10/18/2022	Supervisor Approved Violations	Completed	Angel Sindayen	Activity		Y
10/18/2022	Investigation	RHSP Notice of Investigation	Martha Ramos	Workflow History	Code Enforcement	
10/18/2022	Notice of Initial Inspection Results 10-18-22.pdf	Uploaded	Martha Ramos	Document	application/pdf	
12/07/2022	Verify RealQuest	Completed	Andre Kidd	Activity	No change.	Y
12/12/2022	Re-inspection	Complete with $400 fee	Jay Marlette	Inspection	No Entry. Left Door Hanger. Scheduled next reinspection.	
12/20/2022	Transfer Case - New inspector	Completed	Angel Sindayen	Activity	Transfer to Inspector Fidler.	Y
12/21/2022	Enforcement	Notice of Violation - 2nd	Martha Ramos	Workflow History	Code Enforcement	
12/21/2022	Office Review	Complete	Sloan Fidler	Inspection	Inspector Fidler accepts transfer of this case from Inspector Marlette. Next reinspection scheduled for 2-8-23 PM.	
12/21/2022	Second Notice of Violation 12-21-22.pdf	Uploaded	Martha Ramos	Document	application/pdf	
02/07/2023	Verify RealQuest	Completed	Andre Kidd	Activity	No change.	Y
02/08/2023	Re-inspection	Complete with $600 fee	Sloan Fidler	Inspection	Tenant and owner contact absent. Left door tag.	
02/08/2023	20230208130227000.jpg	Uploaded	Sloan Fidler	Document	image/jpeg	
02/09/2023	Enforcement	Notice of Violation	Bounthip Fuentecilla	Workflow History	Code Enforcement	
02/09/2023	Notice of Violation 2-09-23.pdf	Uploaded	Bounthip Fuentecilla	Document	application/pdf	
03/06/2023	Verify RealQuest	Completed	Andre Kidd	Activity	No change.	Y

03/13/2023	CASE CLOSURE	Completed	Sloan Fidler	Activity	Tenant absent. Owner contact present. All violations corrected. Close case.	Y
03/13/2023	Re-inspection	Complete with $800 fee	Sloan Fidler	Inspection	Tenant absent. Owner contact present. All violations corrected. Close case.	
03/15/2023	Enforcement	RHSP Certificate of Compliance	Martha Ramos	Workflow History	Code Enforcement	
03/15/2023	Resolution	Compliance	Martha Ramos	Workflow History	Code Enforcement	
03/15/2023	Certificate of Closure-Compliance 03-15-23.pdf	Uploaded	Martha Ramos	Document	application/pdf	
04/30/2024	1806 Walnut St_ - RHSP Fines.msg	Uploaded	Jenny McNulty	Document	application/vnd.ms-outlook	

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

August 18, 2022

Notice of Intent to Inspect
APN: 057 204900400
Case #: H2022-00692

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **1806 WALNUT St #1, #5, #7, #10 & A**
1806 WALNUT St COMMON
Berkeley, California

Dear Owner(s):

The above-referenced property has been scheduled for an inspection as part of the City of Berkeley's Rental Housing Safety Program (RHSP). The Program's purpose is to ensure that Berkeley's rental housing stock is safe and habitable. The RHSP inspection also provides a service to the property owner by identifying other items the owner should be aware of to avoid further deterioration, which might result in code violations and reduction in the value of the building. The RHSP program is part of a City effort to help improve rental housing throughout the City. The cooperation of both owner(s) and tenant(s) is crucial in achieving these goals.

The inspection schedule for this property has been set as follows:

Inspector:	**Jay Marlette**
Date:	**Thursday, October 13, 2022**
Time Window:	☒ **AM = 9:00 am - 12:00 noon**
	☐ **PM = 12:30 pm - 4:00 pm**

The inspector will arrive to conduct the scheduled inspection during the time window. The inspector's actual arrival time will be determined by their daily schedule. You may contact the inspector before 9:00am the day of the inspection for a narrower time window.

Owner responsibilities and information include the following:

- You must provide the inspector access to all interior, exterior, and common areas of the building. You need not be present during the inspection, however, your presence would be desirable to ensure access for a thorough inspection of the property.
- If code violations are identified you must obtain all necessary permits and make all repairs needed to bring your property into code compliance within the timeframes established by the City (usually 30 days from date of notice).
- You must pay appropriate inspection service fees per Resolution 68,940-N.S. Enclosed is the fee

schedule for all inspections conducted by the Rental Housing Safety Program staff. **A fee will be charged for each reinspection if repairs are not made by the scheduled reinspection date.**

- Upon the Housing Inspector's arrival at the property, property owners are required to produce a copy of the completed Rental Housing Safety Program (RHSP) Self-Certification Safety Checklist (Schedule A) form for the unit or room identified above. **Failure to do so may result in the issuance of an Administrative citation to the property owner for non compliance with Berkeley Municipal Code 12.48. Administrative Citations carry a minimum fine of $200 per unit or room. Therefore it is strongly recommended the property owner be present for the inspection.**

Tenant responsibilities and information include the following:

- It is not mandatory that tenants be present during the scheduled inspection. However, tenants are encouraged to be present in order to ensure that their units are included in the property inspection and meet minimum Berkeley Housing Code requirements.
- If code violations are identified, tenants will be required to allow the owner access to make the necessary repairs. The owner is required to undertake any repairs during normal business hours. If necessary, the tenant can make arrangements with the owners for the times and days which may be mutually convenient.

Inspection process:

1. An inspection will be made of common areas and unit interiors.
2. The inspection results will be mailed to the owner with a copy to the tenant, which include any code violations and the next scheduled reinspection date.
3. The owner obtains necessary permits and makes arrangements for repairs with the tenant.
4. A reinspection is performed. If all repairs are made correctly, violations are cleared and the case is closed with the unit receiving a Certificate of Compliance exempting it from having to complete the RHSP Self-certification Safety Checklist (Schedule A) form for three years. If all repairs are not corrected, the owner is notified of remaining deficiencies and another reinspection is scheduled.

How long the process takes varies according to the type of repairs needed and how quickly the owner can find a contractor to do the work. The process requires the timely coordination and cooperation of all parties involved. Owners, tenants, neighbors and community all benefit from the identification and correction of code violations.

If you have questions regarding the inspection, please contact the Housing Inspector at (510) 981-5444.

Enclosure(s)

cc: TENANT

STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

October 18, 2022

First Notice of Violation
Initial Inspection Results
APN: 057 204900400
Case #: H2022-00939

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **NOTICE OF VIOLATION PURSUANT TO THE RENTAL HOUSING SAFETY PROGRAM (RHSP); BMC12.48; BUILDING AT 1806 WALNUT St #1, BERKELEY, CALIFORNIA**

Dear Owner(s):

The above subject property was inspected on October 13, 2022 as part of the City of Berkeley's Rental Housing Safety Program (RHSP) to determine compliance with the Uniform Housing Code as adopted by the City of Berkeley (BMC Chapter 19.40). Attached to this letter is a list of the violations that were identified during this inspection.

To determine compliance with this Notice of Violation, a reinspection has been scheduled. At the time of the reinspection we expect to have access into the building and where applicable, the unit.

Date: **Monday, December 12, 2022**

Time Window:
- ☐ **AM = 9:00 am - 12:00 noon**
- ☒ **PM = 12:30 pm - 4:00 pm**

The inspector will arrive to conduct the scheduled inspection during the time window. The inspector's actual arrival time will be determined by their daily schedule. You may contact the inspector before 9:00am the day of the inspection for a narrower time window.

Please note: This letter is not a substitute for the requirements set forth in California Civil Code 19.54 for entering the unit and you are still required to provide your tenant proper notification.

Be advised that if all defects have been corrected, there will be no fee for the reinspection and you will be given a Certificate of Compliance. If you receive a Certificate of Compliance you will then be exempt from the City's Annual Safety Self-Certification (Schedule A) requirement for a three-year period.

If all defects have not been corrected by the time of the reinspection, the City of Berkeley Housing Code allows for subsequent reinspections until all repairs have been corrected and verified. You will be charged in accordance with the enclosed fee schedule for the reinspections. If you do not complete the repairs required, you may be subject to a Notice of Violation filed with the county, and ultimately served with a citation, which can result in the imposition of fines. Therefore, it is in your best interest to obtain any necessary permits and complete the repairs within this grace period. Permits can be obtained at:

Permit Service Center
1947 Center Street, 3rd floor
Berkeley, CA 94704
Phone: (510) 981-7500
www.cityofberkeley.info/permitservicecenter

If either you or the applicable tenant(s) wish to request an informal review by the Building Official of the determination as set forth in chapter 12.48.080 of the Berkeley Municipal Code, please contact our office. Failure to request an informal review within ten (10) days of the date of issuance of this notice shall constitute a waiver of any objection to said determination and the order shall therefore be final and binding.

If you have any questions concerning this Notice of Violation, please contact me at (510) 981-5444.

Sincerely,

Jay Marlette
Housing Inspector

Enclosure(s)

cc: Tenant

STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

CITY OF BERKELEY
Housing Code Enforcement
1947 Center Street, 3rd floor
Berkeley, CA 94704
(510) 981-5444

Case Details Page 1

Date: 10/18/2022

Case Number: H2022-00939

Subject: 1806 WALNUT St 1

Of the original 5 violations, 0 have been cleared.
The remaining violations are:

1. Hallway, Alarm - Smoke, Missing

   The smoke alarm in the hallway is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

2. Hallway, Alarm - Carbon Monoxide, Missing

   The carbon monoxide alarm is missing. To correct, follow manufacturers installation manual and ensure operating carbon monoxide alarms are installed in required locations: outside of each separate sleeping area in the immediate vicinity of the bedrooms, on every occupiable level of a dwelling unit, including basements and where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom. BMC 19.28, SEC. 420.6 & BMC 19.29, SEC. R315.2

3. Bedroom, Alarm - Smoke, Missing

   The smoke alarm in the bedroom is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

4. Bedroom, Electrical Receptacle, Not Grounded

   The three prong electrical receptacle was tested and is not grounded. Three prong receptacles are required to be grounded. To correct, properly ground the receptacles or install one of the two prong type or install GFCI receptacles marked “No Equipment Ground”. Note: If rough electrical work will be necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval by a building inspector. BMC 19.30, SEC.406(D)(2) & BMC 19.40, SEC. 701.2

5. Kitchen, Electrical Receptacle, GFCI - Missing

Case Details Page 2

Date: 10/18/2022

Case Number: H2022-00939

Subject: 1806 WALNUT St 1

The kitchen receptacle does not have the required ground fault circuit interrupter (GFCI) protection. To correct, replace the receptacle(s) with GFCI receptacle(s) or install GFCI protection devices and ensure proper operation. NOTE: If rough electrical work is necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval from a building inspector. BMC 19.30, SEC. 210.8 & BMC 19.40, SEC. 701.2

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

December 21, 2022

Second Notice of Violation
APN: 057 204900400
Case #: H2022-00939

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **1806 WALNUT St #1**
Berkeley, California

Dear Owner:

The City of Berkeley informed you in writing that the subject property was found to be in violation of the Berkeley Housing Code (BMC Section 19.40). At the time of the reinspection/office review conducted on December 12, 2022, you had not corrected all the conditions required to close your case. The remaining violations are identified on the enclosed list and a reinspection has been scheduled for:

Date:	**Wednesday, February 08, 2023**
Time Window:	☐ **AM = 9:00 am - 12:00 noon**
	☒ **PM = 12:30 pm - 4:00 pm**

The inspector will arrive to conduct the scheduled inspection during the time window. The inspector's actual arrival time will be determined by their daily schedule. You may contact the inspector before 9:00am the day of the inspection for a narrower time window.

It is the owner's responsibility to obtain the tenant's approval for entry on the scheduled date of the reinspection. You will be charged an inspection fee if the inspector cannot gain entry or if violations are not corrected at the time of the scheduled inspection.

Please note: This letter is not a substitute for the requirements set forth in California Civil Code 19.54 for entering the unit and you are still required to provide your tenant proper notification.

As the owner of the property, you are liable for all inspection service fees charged. You will continue to incur additional inspection service fees including the final reinspection, which closes this case. All fees charged while the building and/or unit(s) remain in noncompliance are the responsibility of the owner and remain as assessments until the fees have been paid. The City may use any and all actions at its disposal to collect these fees, which may include a civil suit, a Notice of Violation filed with the county and delinquent fees placed on your property tax bill.

Please be further advised that the Rent Stabilization Board has requested a copy of this notice sent by our office. Berkeley tenants who are covered by the Rent Stabilization Ordinance may petition the Rent Stabilization Board for rent reductions if the property owner(s) fails to correct violations. The Rent Stabilization Board will be similarly notified with a copy of the Notice of Compliance as soon as all repairs are made and verified.

If you have any questions regarding this Notice of Violation, please contact me at (510) 981-5444.

Sincerely,

Sloan Fidler
Housing Inspector

Enclosure(s)

cc: TENANT
CITY OF BERKELEY RENT STABILIZATION BOARD
STANLEY WRIGHT TRUST; 1035 SAN PABLO AVE STE 12; ; BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

CITY OF BERKELEY
Housing Code Enforcement
1947 Center Street, 3rd floor
Berkeley, CA 94704
(510) 981-5444

Case Details Page 1

Date: 12/21/2022

Case Number: H2022-00939

Subject: 1806 WALNUT St 1

Of the original 5 violations, 0 have been cleared.
The remaining violations are:

1. Hallway, Alarm - Smoke, Missing

   The smoke alarm in the hallway is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

2. Hallway, Alarm - Carbon Monoxide, Missing

   The carbon monoxide alarm is missing. To correct, follow manufacturers installation manual and ensure operating carbon monoxide alarms are installed in required locations: outside of each separate sleeping area in the immediate vicinity of the bedrooms, on every occupiable level of a dwelling unit, including basements and where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom. BMC 19.28, SEC. 420.6 & BMC 19.29, SEC. R315.2

3. Bedroom, Alarm - Smoke, Missing

   The smoke alarm in the bedroom is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

4. Bedroom, Electrical Receptacle, Not Grounded

   The three prong electrical receptacle was tested and is not grounded. Three prong receptacles are required to be grounded. To correct, properly ground the receptacles or install one of the two prong type or install GFCI receptacles marked “No Equipment Ground”. Note: If rough electrical work will be necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval by a building inspector. BMC 19.30, SEC.406(D)(2) & BMC 19.40, SEC. 701.2

5. Kitchen, Electrical Receptacle, GFCI - Missing

Case Details Page 2

Date: 12/21/2022

Case Number: H2022-00939

Subject: 1806 WALNUT St 1

The kitchen receptacle does not have the required ground fault circuit interrupter (GFCI) protection. To correct, replace the receptacle(s) with GFCI receptacle(s) or install GFCI protection devices and ensure proper operation. NOTE: If rough electrical work is necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval from a building inspector. BMC 19.30, SEC. 210.8 & BMC 19.40, SEC. 701.2



Planning & Development Department
Building & Safety Division
Housing Code Enforcement

February 9, 2023

Notice of Violation
APN: 057 204900400
Case #: H2022-00939

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **1806 WALNUT St 1**
Berkeley, California

Dear Owner:

You were informed in writing that the subject property was found to be in violation of the Berkeley Housing Code (BMC Chapter 19.40). At the time of the reinspection/office review conducted on February 8, 2023, you had not corrected all the conditions required to close your case. The remaining violations are identified on the enclosed list and a reinspection has been scheduled for:

Date: **Monday, March 13, 2023**

Time Window:
☐ **AM = 9:00 am - 12:00 noon**
☒ **PM = 12:30 pm - 4:00 pm**

The inspector will arrive to conduct the scheduled inspection during the time window. The inspector's actual arrival time will be determined by their daily schedule. You may contact the inspector before 9:00am the day of the inspection for a narrower time window.

It is the owner's responsibility to obtain the tenant's approval for entry on the scheduled date of the reinspection. You will be charged an inspection fee if the inspector cannot gain entry or if violations are not corrected at the time of the scheduled inspection.

Please note: This letter is not a substitute for the requirements set forth in California Civil Code 19.54 for entering the unit and you are still required to provide your tenant proper notification.

As the owner of the property, you are liable for all inspection service fees charged. You will continue to incur additional inspection service fees including the final reinspection, which closes this case. All fees charged while the building and/or unit(s) remain in noncompliance are the responsibility of the owner and remain as assessments until the fees have been paid. The City may use any and all actions at its disposal to collect these fees, which may include the placement of a special assessment lien on your property that may be collected at the same time and in the same manner as property taxes are collected.

If you have any questions regarding this Notice of Violation, please contact me at (510) 981-5444.

Sincerely,

Sloan Fidler
Housing Inspector

Enclosure(s)

cc: TENANT
STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

CITY OF BERKELEY
Housing Code Enforcement
1947 Center Street, 3rd floor
Berkeley, CA 94704
(510) 981-5444

Case Details Page 1

Date: 2/9/2023

Case Number: H2022-00939

Subject: 1806 WALNUT St 1

Of the original 5 violations, 0 have been cleared.
The remaining violations are:

1. Hallway, Alarm - Smoke, Missing

   The smoke alarm in the hallway is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

2. Hallway, Alarm - Carbon Monoxide, Missing

   The carbon monoxide alarm is missing. To correct, follow manufacturers installation manual and ensure operating carbon monoxide alarms are installed in required locations: outside of each separate sleeping area in the immediate vicinity of the bedrooms, on every occupiable level of a dwelling unit, including basements and where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom. BMC 19.28, SEC. 420.6 & BMC 19.29, SEC. R315.2

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   The smoke alarm in the bedroom is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

4. Bedroom, Electrical Receptacle, Not Grounded

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5. Kitchen, Electrical Receptacle, GFCI - Missing

Case Details Page 2

Date: 2/9/2023

Case Number: H2022-00939

Subject: 1806 WALNUT St 1

The kitchen receptacle does not have the required ground fault circuit interrupter (GFCI) protection. To correct, replace the receptacle(s) with GFCI receptacle(s) or install GFCI protection devices and ensure proper operation. NOTE: If rough electrical work is necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval from a building inspector. BMC 19.30, SEC. 210.8 & BMC 19.40, SEC. 701.2

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

March 15, 2023

Certificate of Closure/Compliance
APN: 057 204900400
Case #: H2022-00939

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **1806 WALNUT St #1**
Berkeley, California

Dear Owner(s):

The above-referenced property was inspected on March 13, 2023 as part of the City of Berkeley's Rental Housing Safety Program (RHSP) and in accordance with housing code requirements. Based upon this inspection:

☐ Certificate of Compliance: No housing code violations or deficiencies were observed. As a result, this letter serves as the requisite Certificate of Compliance under the RHSP.

☒ Certificate of Compliance: RHSP staff has determined that each of the housing code violations noted in a previous inspection of the subject property has been corrected. As a result, this letter serves as the requisite Certificate of Compliance under the RHSP. (You are encouraged to monitor the property periodically and to perform preventive maintenance as needed.)

☐ Notice of Closure: The City was unable to gain authorized access to the above referenced unit to conduct an inspection. No further action is planned with regard to the City attempting to inspect this rental unit, however should the tenant wish to request an inspection of the unit, they may do so by submitting a Request for Service form to our office. This form may be obtained either by coming into our office, it can be mailed or it may be submitted electronically through the City's website.

☐ RHSP staff has determined that there may be noncompliance of safety code requirements that are not under the purview of the Planning and Development Department's Housing Code Enforcement Section. Consequently, you are advised that the matter has been referred to the City Department checked below:

- ☐ Fire -- 981-5585
- ☐ Public Works -- 981-6300
- ☐ Building & Safety -- 981-7440
- ☐ Health -- 981-5310
- ☐ Zoning -- 981-7410
- ☐ Code Enforcement Unit -- 981-2489

There is no charge for either the initial City housing inspection or for a first reinspection where all code violations cited have been cleared. However, there will be a charge for reinspections when violations remain (pursuant to Resolution No. 68,940-N.S.). As the owner of the subject property and despite the issuance of this Certificate of Compliance, you remain liable for all outstanding inspection fees charged and not yet paid. The City may use any and all actions at its disposal to collect these fees, which may include the placement of a special assessment lien on your property that may be collected at the same time and in the same manner as property taxes are collected. Furthermore, you remain responsible for resolving all other outstanding issues that might be pending which are under the jurisdiction of another City Department or program.

If either you or the applicable tenant(s) wish to appeal the determination as set forth in chapter 19.44 of the Berkeley Municipal Code, please feel free to contact our office. Failure to file the referenced appeal within 30 days of this notice shall constitute a waiver of any objection to said determination and of the right to an administrative hearing and adjudication, and the order shall therefore be final and binding.

If you have any questions regarding this Certificate of Compliance or require further follow up, you can reach me, Monday - Friday, 8:00 am – 9:00 am at (510) 981 5444.

Sincerely,

Sloan Fidler
Housing Inspector

cc: TENANT
CITY OF BERKELEY RENT STABILIZATION BOARD
STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, ALBANY, CA 94706-2277
STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

SENT CERTIFIED AND REGULAR MAIL

Planning & Development Department
Building & Safety Division – Housing Code Enforcement

May 16, 2023

RI58119-256160
WRIGHT, PETER & PHILIP
FIONNUA WRIGHT
1580 HAWTHORNE TR
BERKELEY, CA 94708

RE: NOTICE OF PROPOSED LIEN AND HEARING RIGHTS

Dear Property Owner(s):

According to records on file with the City of Berkeley Finance Department, you are delinquent in providing payments for inspection service fees. These Housing Code Enforcement inspections were performed on your rental property after you were notified of housing code violations that needed correction and the schedule for reinspecting your property. Additionally, during the enforcement process, the Finance Department billed you were billed for each reinspection pursuant to the fee schedule adopted by the Berkeley City Council. (Resolution No. 68,940-N.S., May 28, 2019)

The subject rental property is identified as follows:

Property Address:	1806 WALNUT ST (COMMON)
Parcel Number:	057-2049-004
Case Number:	22-692
Customer Number:	58119-256160

As a result of your failure to remit payment, the City is hereby notifying you as well as any other owner of record of its intent to attach a *special assessment lien* against the above subject property. The total amount of delinquent and late payment fees owed is shown below, along with a $250 administrative lien fee which will be applied if the City of Berkeley files a lien to collect monies owed.

TOTAL FEES OWED	$	400.00
Administrative Lien Fee:	$	250.00
TOTAL AMOUNT TO BE LIENED: (amount of lien if total fees owed are not paid prior to lien processing)	$	650.00 ==========

RI

Pursuant to BMC 19.40.140 Section 1401.4, you are also hereby notified that you have 30 days from the date of this Notice to pay the total delinquent fines, costs and fees listed on the previous page to avoid issuance of a special assessment lien.

Payment of the total fees owed is due upon receipt of this notice. Payment can be made in the following ways:

- Mail payment to the Finance Department (City of Berkeley; PO Box 1910; Berkeley, CA 94701-1910)
- Visit the Finance Customer Service Center located at 1947 Center Street, 1st floor in Berkeley (Monday – Thursday, 8:30am-4:00pm)

Pursuant to BMC 19.40.140 Section 1401.4.1.A, you have 10 calendar days from the date of this Notice to request a hearing before the Berkeley City Council and to file objections to the amount owed. Failure to request an appeal within 10 days from the date of this Notice constitutes a waiver of your right to appeal the amount specified above.

Please be aware that this hearing does not provide you the opportunity to challenge the underlying basis for the fee-related inspections. Rather, the City Council will only determine the reasonableness of the fees or fines. To file a hearing request, submit your appeal to the City Clerk in writing, stating the reason why you believe the amount of the proposed lien is incorrect. Requests must be postmarked within 10 days of the date of this Notice and sent to the City Clerk's office at 2180 Milvia Street, 1st floor Berkeley, CA 94704.

If you wish to request additional time to pay due to financial hardship, please submit a detailed written statement, explaining why an extension should be granted and the length of time for which an extension is needed. Please include specific information on building rents, operating expenses, existing debt, projected rents on the building, your latest tax return and any other information needed to assess the request. Hardship requests should be sent to Housing Code Enforcement at 1947 Center Street, 3rd floor Berkeley, CA 94704.

If you fail to remit the total fees owed or submit for financial hardship within 30 days of this notice or to request a hearing within 10 days of the date of this notice, the City will notify the office of the County Recorder and direct it to place a *special assessment lien* on your property for the total lien amount set forth above. The amount of the lien may then be collected at the same time and in the same manner as property taxes are collected.

If you have any questions regarding the contents of this notice, please contact this office at (510) 981-5445 or by email at rhspbilling@berkeleyca.gov.

CC: Stanley Wright Trust, 1035 San Pablo Ave Ste 12; Berkeley, CA 94706
Stanley Wright Trust, K & S Company Inc. 1035 San Pablo Ave Ste 12, Albany, CA 94706

SENT CERTIFIED AND REGULAR MAIL

Planning & Development Department
Building & Safety Division – Housing Code Enforcement

May 16, 2023

RI58119-256161
WRIGHT, PETER & PHILIP
FIONNUA WRIGHT
1580 HAWTHORNE TR
BERKELEY, CA 94708

RE: NOTICE OF PROPOSED LIEN AND HEARING RIGHTS

Dear Property Owner(s):

According to records on file with the City of Berkeley Finance Department, you are delinquent in providing payments for inspection service fees. These Housing Code Enforcement inspections were performed on your rental property after you were notified of housing code violations that needed correction and the schedule for reinspecting your property. Additionally, during the enforcement process, the Finance Department billed you were billed for each reinspection pursuant to the fee schedule adopted by the Berkeley City Council. (Resolution No. 68,940-N.S., May 28, 2019)

The subject rental property is identified as follows:

Property Address:	1806 WALNUT ST #1
Parcel Number:	057-2049-004
Case Number:	22-939
Customer Number:	58119-256161

As a result of your failure to remit payment, the City is hereby notifying you as well as any other owner of record of its intent to attach a *special assessment lien* against the above subject property. The total amount of delinquent and late payment fees owed is shown below, along with a $250 administrative lien fee which will be applied if the City of Berkeley files a lien to collect monies owed.

TOTAL FEES OWED	$	400.00
Administrative Lien Fee:	$	250.00
TOTAL AMOUNT TO BE LIENED: (amount of lien if total fees owed are not paid prior to lien processing)	$	650.00 ==========

RI

Pursuant to BMC 19.40.140 Section 1401.4, you are also hereby notified that you have 30 days from the date of this Notice to pay the total delinquent fines, costs and fees listed on the previous page to avoid issuance of a special assessment lien.

Payment of the total fees owed is due upon receipt of this notice. Payment can be made in the following ways:

- Mail payment to the Finance Department (City of Berkeley; PO Box 1910; Berkeley, CA 94701-1910)
- Visit the Finance Customer Service Center located at 1947 Center Street, 1st floor in Berkeley (Monday – Thursday, 8:30am-4:00pm)

Pursuant to BMC 19.40.140 Section 1401.4.1.A, you have 10 calendar days from the date of this Notice to request a hearing before the Berkeley City Council and to file objections to the amount owed. Failure to request an appeal within 10 days from the date of this Notice constitutes a waiver of your right to appeal the amount specified above.

Please be aware that this hearing does not provide you the opportunity to challenge the underlying basis for the fee-related inspections. Rather, the City Council will only determine the reasonableness of the fees or fines. To file a hearing request, submit your appeal to the City Clerk in writing, stating the reason why you believe the amount of the proposed lien is incorrect. Requests must be postmarked within 10 days of the date of this Notice and sent to the City Clerk's office at 2180 Milvia Street, 1st floor Berkeley, CA 94704.

If you wish to request additional time to pay due to financial hardship, please submit a detailed written statement, explaining why an extension should be granted and the length of time for which an extension is needed. Please include specific information on building rents, operating expenses, existing debt, projected rents on the building, your latest tax return and any other information needed to assess the request. Hardship requests should be sent to Housing Code Enforcement at 1947 Center Street, 3rd floor Berkeley, CA 94704.

If you fail to remit the total fees owed or submit for financial hardship within 30 days of this notice or to request a hearing within 10 days of the date of this notice, the City will notify the office of the County Recorder and direct it to place a *special assessment lien* on your property for the total lien amount set forth above. The amount of the lien may then be collected at the same time and in the same manner as property taxes are collected.

If you have any questions regarding the contents of this notice, please contact this office at (510) 981-5445 or by email at rhspbilling@berkeleyca.gov.

CC: Stanley Wright Trust; 1035 San Pablo Ave Ste 12; Berkeley, CA 94706
Stanley Wright Trust; K & S Company Inc; 1035 San Pablo Ave Ste 12; Berkeley, CA 94706

SENT CERTIFIED AND REGULAR MAIL

Planning & Development Department
Building & Safety Division – Housing Code Enforcement

May 16, 2023

RI58119-256162
WRIGHT, PETER & PHILIP
FIONNUA WRIGHT
1580 HAWTHORNE TR
BERKELEY, CA 94708

RE: NOTICE OF PROPOSED LIEN AND HEARING RIGHTS

Dear Property Owner(s):

According to records on file with the City of Berkeley Finance Department, you are delinquent in providing payments for inspection service fees. These Housing Code Enforcement inspections were performed on your rental property after you were notified of housing code violations that needed correction and the schedule for reinspecting your property. Additionally, during the enforcement process, the Finance Department billed you were billed for each reinspection pursuant to the fee schedule adopted by the Berkeley City Council. (Resolution No. 68,940-N.S., May 28, 2019)

The subject rental property is identified as follows:

Property Address:	1806 WALNUT ST #A
Parcel Number:	057-2049-004
Case Number:	22-943
Customer Number:	58119-256162

As a result of your failure to remit payment, the City is hereby notifying you as well as any other owner of record of its intent to attach a *special assessment lien* against the above subject property. The total amount of delinquent and late payment fees owed is shown below, along with a $250 administrative lien fee which will be applied if the City of Berkeley files a lien to collect monies owed.

TOTAL FEES OWED	$	400.00
Administrative Lien Fee:	$	250.00
TOTAL AMOUNT TO BE LIENED:	$	650.00

RI

(amount of lien if total fees owed are not paid prior to lien processing) ==========

Pursuant to BMC 19.40.140 Section 1401.4, you are also hereby notified that you have 30 days from the date of this Notice to pay the total delinquent fines, costs and fees listed on the previous page to avoid issuance of a special assessment lien.

Payment of the total fees owed is due upon receipt of this notice. Payment can be made in the following ways:

- Mail payment to the Finance Department (City of Berkeley; PO Box 1910; Berkeley, CA 94701-1910)
- Visit the Finance Customer Service Center located at 1947 Center Street, 1st floor in Berkeley (Monday – Thursday, 8:30am-4:00pm)

Pursuant to BMC 19.40.140 Section 1401.4.1.A, you have 10 calendar days from the date of this Notice to request a hearing before the Berkeley City Council and to file objections to the amount owed. Failure to request an appeal within 10 days from the date of this Notice constitutes a waiver of your right to appeal the amount specified above.

Please be aware that this hearing does not provide you the opportunity to challenge the underlying basis for the fee-related inspections. Rather, the City Council will only determine the reasonableness of the fees or fines. To file a hearing request, submit your appeal to the City Clerk in writing, stating the reason why you believe the amount of the proposed lien is incorrect. Requests must be postmarked within 10 days of the date of this Notice and sent to the City Clerk's office at 2180 Milvia Street, 1st floor Berkeley, CA 94704.

If you wish to request additional time to pay due to financial hardship, please submit a detailed written statement, explaining why an extension should be granted and the length of time for which an extension is needed. Please include specific information on building rents, operating expenses, existing debt, projected rents on the building, your latest tax return and any other information needed to assess the request. Hardship requests should be sent to Housing Code Enforcement at 1947 Center Street, 3rd floor Berkeley, CA 94704.

If you fail to remit the total fees owed or submit for financial hardship within 30 days of this notice or to request a hearing within 10 days of the date of this notice, the City will notify the office of the County Recorder and direct it to place a *special assessment lien* on your property for the total lien amount set forth above. The amount of the lien may then be collected at the same time and in the same manner as property taxes are collected.

If you have any questions regarding the contents of this notice, please contact this office at (510) 981-5445 or by email at rhspbilling@berkeleyca.gov.

SENT CERTIFIED AND REGULAR MAIL

Planning & Development Department
Building & Safety Division – Housing Code Enforcement

CC: Stanley Wright Trust; 1035 San Pablo Ste 12; Berkeley, CA 94706
Stanley Wright Trust, K & S Company Inc. Albany, CA 94706

RI

Planning & Development Department
Building & Safety Division – Housing Code Enforcement
Building & Safety Division – Rental Housing Safety Program

APPEAL OF ACCRUED FINES/FEES
APN: 057-2049-004
1806 Walnut Street #10
Case #: H2022-00942
Customer #: 58119-256185

June 27, 2023

Peter Wright
1580 Hawthorne Terrace
Berkeley, CA 94708

Dear Mr. Wright:

We are in receipt of your request for an appeal before the City Council regarding fees or fines accrued for the property located at 1806 Walnut Street #10. The City Clerk's office has forwarded your request to the Housing Code Enforcement/Rental Housing Safety Program office for additional review of the case. Research will be performed and potentially an office review arranged with you prior to a City Council date appearance being scheduled. In either event you will again be notified via written notification.

In the meantime the fees in question have been removed from the list of delinquent accounts to be forwarded to Alameda County pending the outcome of the City Council hearing. You will, however, continue to receive billing statements. Please note that no penalty or late fees will be assessed on the fees in question from the date the City Clerk received your appeal letter.

If you have any questions, please contact me at (510) 981-5444.

Sincerely,

Julie Slivinski

JULIE SLIVINSKI
Assistant Management Analyst

cc: Berkeley City Clerk's Office

K&S Property Management
1035 San Pablo Avenue #12
Albany, CA 94706

G:\CODES\HCE-RHSP\TAXLIENS\APPEALS\2023 APPEALS\1806 Walnut Street\1806 Walnut Street #10 -- RI Appeal-Letter Received.doc

Planning & Development Department
Building & Safety Division – Housing Code Enforcement
Building & Safety Division – Rental Housing Safety Program

APPEAL OF ACCRUED FINES/FEES
APN: 057-2049-004
1806 Walnut Street #A
Case #: H2022-00943
Customer #: 58119-256162

June 27, 2023

Peter Wright
1580 Hawthorne Terrace
Berkeley, CA 94708

Dear Mr. Wright:

We are in receipt of your request for an appeal before the City Council regarding fees or fines accrued for the property located at 1806 Walnut Street #A. The City Clerk's office has forwarded your request to the Housing Code Enforcement/Rental Housing Safety Program office for additional review of the case. Research will be performed and potentially an office review arranged with you prior to a City Council date appearance being scheduled. In either event you will again be notified via written notification.

In the meantime the fees in question have been removed from the list of delinquent accounts to be forwarded to Alameda County pending the outcome of the City Council hearing. You will, however, continue to receive billing statements. Please note that no penalty or late fees will be assessed on the fees in question from the date the City Clerk received your appeal letter.

If you have any questions, please contact me at (510) 981-5444.

Sincerely,

Julie Slivinski

JULIE SLIVINSKI
Assistant Management Analyst

cc: Berkeley City Clerk's Office

K&S Property Management
1035 San Pablo Avenue #12
Albany, CA 94706

G:\CODES\HCE-RHSP\TAXLIENS\APPEALS\2023 APPEALS\1806 Walnut Street\1806 Walnut St #A -- RI Appeal-Letter Received.doc

Planning & Development Department
Building & Safety Division – Housing Code Enforcement
Building & Safety Division – Rental Housing Safety Program

APPEAL OF ACCRUED FINES/FEES
APN: 057-2049-004
1806 Walnut Street (Common)
Case #: H2022-00692
Customer #: 58119-256160

June 27, 2023

Peter Wright
1580 Hawthorne Terrace
Berkeley, CA 94708

Dear Mr. Wright:

We are in receipt of your request for an appeal before the City Council regarding fees or fines accrued for the property located at 1806 Walnut Street (Common). The City Clerk's office has forwarded your request to the Housing Code Enforcement/Rental Housing Safety Program office for additional review of the case. Research will be performed and potentially an office review arranged with you prior to a City Council date appearance being scheduled. In either event you will again be notified via written notification.

In the meantime the fees in question have been removed from the list of delinquent accounts to be forwarded to Alameda County pending the outcome of the City Council hearing. You will, however, continue to receive billing statements. Please note that no penalty or late fees will be assessed on the fees in question from the date the City Clerk received your appeal letter.

If you have any questions, please contact me at (510) 981-5444.

Sincerely,

Julie Slivinski

JULIE SLIVINSKI
Assistant Management Analyst

cc: Berkeley City Clerk's Office

K&S Property Management
1035 San Pablo Avenue #12
Albany, CA 94706

G:\CODES\HCE-RHSP\TAXLIENS\APPEALS\2023 APPEALS\1806 Walnut Street\1806 Walnut Street (Common) -- RI Appeal-Letter Received.doc

Planning & Development Department
Building & Safety Division – Housing Code Enforcement
Building & Safety Division – Rental Housing Safety Program

APPEAL OF ACCRUED FINES/FEES
APN: 057-2049-004
1806 Walnut Street #1
Case #: H2022-00939
Customer #: 58119-256161

June 27, 2023

Peter Wright
1580 Hawthorne Terrace
Berkeley, CA 94708

Dear Mr. Wright:

We are in receipt of your request for an appeal before the City Council regarding fees or fines accrued for the property located at 1806 Walnut Street #1. The City Clerk's office has forwarded your request to the Housing Code Enforcement/Rental Housing Safety Program office for additional review of the case. Research will be performed and potentially an office review arranged with you prior to a City Council date appearance being scheduled. In either event you will again be notified via written notification.

In the meantime the fees in question have been removed from the list of delinquent accounts to be forwarded to Alameda County pending the outcome of the City Council hearing. You will, however, continue to receive billing statements. Please note that no penalty or late fees will be assessed on the fees in question from the date the City Clerk received your appeal letter.

If you have any questions, please contact me at (510) 981-5444.

Sincerely,

Julie Slivinski

JULIE SLIVINSKI
Assistant Management Analyst

cc: Berkeley City Clerk's Office

K&S Property Management
1035 San Pablo Avenue #12
Albany, CA 94706

G:\CODES\HCE;RHSP\TAXLIENS\APPEALS\2023 APPEALS\1806 Walnut Street\1806 Walnut Street #1 -- RI Appeal-Letter Received.doc

From: McNulty, Jenny
To: jhicks@kands.com
Cc: RHSPBilling
Bcc: Klein, Jordan; Pearson, Alene
Subject: 1806 Walnut St. - RHSP Fines
Date: Tuesday, April 30, 2024 4:50:00 PM
Attachments: 2024-04-30 Revised Lien Letter - 1806 Walnut.pdf
1806 Walnut St Charges and Payments.xlsx
Importance: High

Dear Jonathan,

Thank you for your correspondence. In 2023, the Rental Housing Safety Program notified you that liens would be placed for 1806 Walnut St for unpaid inspection service fees for reinspections which took place in December 2022, and you submitted an appeal request. A hearing has not yet been scheduled before City Council for this appeal.

2023 Lien Notice 1806 Walnut St				
Unit or Common Area	Case Number	Amount of Unpaid Fee included in 2023 Lien Letter	Administrative Lien Fee	Total
#1	22-939	400	250	650
#A	22-943	400	250	650
Common	22-692	400	250	650

Additional fees were assessed for reinspections which occurred in February, March and May of 2023 that were not included in the 2023 lien notice. All fees were paid for the common area case (#22-692).

Our team made an error when we generated lien notices for 1806 Walnut Street unit 1 and unit A in April 2024 and included the $400 for each of these units that you appealed last year. Consequently, we have revised our lien notices and mailed the attached updated notices to you today with the corrected amounts for unit 1 and unit A.

2024 Lien Notice 1806 Walnut St					
Unit	Case Number	Amount of Unpaid Fee included in 2024 Lien Letter	Corrected Amount (removing what was appealed in 2023)	Administrative Lien Fee	Total
#1	22-939	2,220	1,820	250	2,070
#A	22-943	2,220	1,820	250	2,070
#10	22-942	1,260	No Change	250	1,510

You will have ten days from today to submit an appeal request to the City Clerk's office, as explained in the letters. If you appeal, we will schedule the hearings for all of your appeals at the same City Council meeting, since they relate to the same cases. Staff will be in touch with you to notify you of

the date of the hearing.

I have attached the billing and payment information for inspection service fees at 1806 Walnut St.

Sincerely,

Jenny McNulty, Resilient Buildings Program Manager
Rental Housing Safety Program / Building & Safety Division
Phone: (510) 981-7451
Email: jmcnulty@berkeleyca.gov

From: Jonathan Hicks <jhicks@kands.com>
Sent: Monday, April 22, 2024 11:05 AM
To: Klein, Jordan <JKlein@berkeleyca.gov>; Bellow, LaTanya <LBellow@berkeleyca.gov>; Pearson, Alene <apearson@berkeleyca.gov>; RHSPBilling <RHSPBilling@berkeleyca.gov>
Cc: Harrison, Kate <KHarrison@berkeleyca.gov>; Peter Wright <peterwright1963@gmail.com>
Subject: Re: 1806 Walnut St. - RHSP Fines

Good Morning,

I am following up on the on-going appeal for the property 1806 Walnut St. for the fines ownership received last year based on a RHSP inspection. An appeal was filed for the fines and we have not received any response on the appeal to this date.

-Attached are notices we received where the city is threatening to put a lien on the property and we were under the impression that a decision was to be made on the appeal before ownership would be held responsible for the fines.

-Please review the appeal and give us an update on the matter ASAP.

Thanks for your time.

Jonathan Hicks

Property Manager

K&S Company Inc.

1035 San Pablo Ave. Suite #12

Albany, CA 94706

(p) 510-528-1900

http://www.kands.com/

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended only for the person(s) or entity(ies) to which it is addressed and may contain confidential and /or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

SENT CERTIFIED AND REGULAR MAIL

Planning & Development Department
Building & Safety Division – Housing Code Enforcement

April 30, 2024

RI 58119-256161

WRIGHT, PETER & PHILIP
1580 HAWTHORNE TR
BERKELEY, CA 94708

RE: NOTICE OF PROPOSED LIEN AND HEARING RIGHTS

Dear Property Owner(s):

According to records on file with the City of Berkeley Finance Department, you are delinquent in providing payments for inspection service fees. These Housing Code Enforcement inspections were performed on your property after you were notified of housing code violations that needed correction and the schedule for reinspecting your property. Additionally, during the enforcement process, you were billed for each reinspection pursuant to the fee schedule adopted by the Berkeley City Council. (Resolution No. 68,940-N.S., May 28, 2019)

The subject rental property is identified as follows:

Property Address:	1806 WALNUT ST #1
Parcel Number:	057-2049-004
Case Number:	22-939
Customer Number:	58119-256161

As a result of your failure to remit payment, the City is hereby notifying you as well as any other owner of record of its intent to attach a *special assessment lien* against the above subject property. The total amount of delinquent and late payment fees owed is shown on the following page, along with. a $250 administrative lien fee which will be applied if the City of Berkeley files a lien to collect monies owed.

TOTAL FEES OWED	$	1820.00
Administrative Lien Fee:	$	250.00
TOTAL AMOUNT TO BE LIENED: (amount of lien if total fees owed are not paid prior to lien processing)	$	2070.00 ==========

Pursuant to BMC 19.40.140 Section 1401.4 , you are also hereby notified that you have 30 days from the date of this Notice to pay the total delinquent fines, costs and fees listed above to avoid issuance of a special assessment lien.

RI

Payment of the total amount owed is due upon receipt of this notice. Payment can be made in the following ways:

- Mail payment to Rental Housing Safety Program (1947 Center Street, 3rd floor; Berkeley, CA 94704)
- A drop box is available for in person check drop off Monday-Thursday from 8:30am-2:00pm at 1947 Center Street, 3rd Floor

Pursuant to BMC 19.40.140 Section 1401.4.1.A, you have 10 calendar days from the date of this Notice to request a hearing before the Berkeley City Council and to file objections to the amount owed. Failure to request an appeal within 10 days from the date of this Notice constitutes a waiver of your right to appeal the amount specified above.

Please be aware that this hearing does not provide you the opportunity to challenge the underlying basis for the fee-related inspections. Rather, the City Council will only determine the reasonableness of the fees or fines. To file a hearing request, submit your appeal to the City Clerk in writing, stating the reason why you believe the amount of the proposed lien is incorrect. Requests must be postmarked within 10 days of the date of this Notice and sent to the City Clerk's office at 2180 Milvia Street, 1st floor Berkeley, CA 94704.

If you wish to request additional time to pay due to financial hardship, please submit a detailed written statement, explaining why an extension should be granted and the length of time for which an extension is needed. Please include specific information on building rents, operating expenses, existing debt, projected rents on the building, your latest tax return and any other information needed to assess the request. Hardship requests should be sent to Housing Code Enforcement at 1947 Center Street, 3rd floor Berkeley, CA 94704.

If you fail to either remit the total fees owed demanded above within 30 days of this notice or request a hearing within 10 days of the date of this notice, the City will notify the office of the County Recorder and direct it to place a *special assessment lien* on your property for the total lien amount set forth above. The amount of the lien may then be collected at the same time and in the same manner as property taxes are collected.

If you have any questions regarding the contents of this notice, please contact this office at (510) 981-5445 or by email at rhspbilling@berkeleyca.gov.

CC: Philip, Peter & Fionnua Wright; 1580 Hawthorne Ter, Berkeley, CA 94708
Stanley Wright Trust; 1035 San Pablo Avenue Ste 12; Berkeley, CA 94706
Stanley Wright Trust; K&S Company Inc, 1035 San Pablo Ave Ste 12, Albany, CA 94706

SENT CERTIFIED AND REGULAR MAIL

Planning & Development Department
Building & Safety Division – Housing Code Enforcement

April 30, 2024

RI 58119-256162

WRIGHT, PETER & PHILIP
1580 HAWTHORNE TR
BERKELEY, CA 94708

RE: NOTICE OF PROPOSED LIEN AND HEARING RIGHTS

Dear Property Owner(s):

According to records on file with the City of Berkeley Finance Department, you are delinquent in providing payments for inspection service fees. These Housing Code Enforcement inspections were performed on your property after you were notified of housing code violations that needed correction and the schedule for reinspecting your property. Additionally, during the enforcement process, you were billed for each reinspection pursuant to the fee schedule adopted by the Berkeley City Council. (Resolution No. 68,940-N.S., May 28, 2019)

The subject rental property is identified as follows:

Property Address:	1806 WALNUT ST #A
Parcel Number:	057-2049-004
Case Number:	22-943
Customer Number:	58119-256162

As a result of your failure to remit payment, the City is hereby notifying you as well as any other owner of record of its intent to attach a *special assessment lien* against the above subject property. The total amount of delinquent and late payment fees owed is shown on the following page, along with. a $250 administrative lien fee which will be applied if the City of Berkeley files a lien to collect monies owed.

TOTAL FEES OWED	$	1820.00
Administrative Lien Fee:	$	250.00
TOTAL AMOUNT TO BE LIENED: (amount of lien if total fees owed are not paid prior to lien processing)	$	2070.00 ==========

Pursuant to BMC 19.40.140 Section 1401.4 , you are also hereby notified that you have 30 days from the date of this Notice to pay the total delinquent fines, costs and fees listed above to avoid issuance of a special assessment lien.

RI

Payment of the total amount owed is due upon receipt of this notice. Payment can be made in the following ways:

- Mail payment to Rental Housing Safety Program (1947 Center Street, 3rd floor; Berkeley, CA 94704)
- A drop box is available for in person check drop off Monday-Thursday from 8:30am-2:00pm at 1947 Center Street, 3rd Floor

Pursuant to BMC 19.40.140 Section 1401.4.1.A, you have 10 calendar days from the date of this Notice to request a hearing before the Berkeley City Council and to file objections to the amount owed. Failure to request an appeal within 10 days from the date of this Notice constitutes a waiver of your right to appeal the amount specified above.

Please be aware that this hearing does not provide you the opportunity to challenge the underlying basis for the fee-related inspections. Rather, the City Council will only determine the reasonableness of the fees or fines. To file a hearing request, submit your appeal to the City Clerk in writing, stating the reason why you believe the amount of the proposed lien is incorrect. Requests must be postmarked within 10 days of the date of this Notice and sent to the City Clerk's office at 2180 Milvia Street, 1st floor Berkeley, CA 94704.

If you wish to request additional time to pay due to financial hardship, please submit a detailed written statement, explaining why an extension should be granted and the length of time for which an extension is needed. Please include specific information on building rents, operating expenses, existing debt, projected rents on the building, your latest tax return and any other information needed to assess the request. Hardship requests should be sent to Housing Code Enforcement at 1947 Center Street, 3rd floor Berkeley, CA 94704.

If you fail to either remit the total fees owed demanded above within 30 days of this notice or request a hearing within 10 days of the date of this notice, the City will notify the office of the County Recorder and direct it to place a *special assessment lien* on your property for the total lien amount set forth above. The amount of the lien may then be collected at the same time and in the same manner as property taxes are collected.

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CC: Philip, Peter & Fionnua Wright; 1580 Hawthorne Ter, Berkeley, CA 94708
Stanley Wright Trust; 1035 San Pablo Avenue Ste 12; Berkeley, CA 94706
Stanley Wright Trust; K&S Company Inc, 1035 San Pablo Ave Ste 12, Albany, CA 94706

SENT CERTIFIED AND REGULAR MAIL

Planning & Development Department
Building & Safety Division – Housing Code Enforcement

April 30, 2024

RI 58119-256161

WRIGHT, PETER & PHILIP
1580 HAWTHORNE TR
BERKELEY, CA 94708

RE: NOTICE OF PROPOSED LIEN AND HEARING RIGHTS

Dear Property Owner(s):

According to records on file with the City of Berkeley Finance Department, you are delinquent in providing payments for inspection service fees. These Housing Code Enforcement inspections were performed on your property after you were notified of housing code violations that needed correction and the schedule for reinspecting your property. Additionally, during the enforcement process, you were billed for each reinspection pursuant to the fee schedule adopted by the Berkeley City Council. (Resolution No. 68,940-N.S., May 28, 2019)

The subject rental property is identified as follows:

Property Address:	1806 WALNUT ST #1
Parcel Number:	057-2049-004
Case Number:	22-939
Customer Number:	58119-256161

As a result of your failure to remit payment, the City is hereby notifying you as well as any other owner of record of its intent to attach a *special assessment lien* against the above subject property. The total amount of delinquent and late payment fees owed is shown on the following page, along with. a $250 administrative lien fee which will be applied if the City of Berkeley files a lien to collect monies owed.

TOTAL FEES OWED	$	1820.00
Administrative Lien Fee:	$	250.00
TOTAL AMOUNT TO BE LIENED: (amount of lien if total fees owed are not paid prior to lien processing)	$	2070.00 ==========

Pursuant to BMC 19.40.140 Section 1401.4 , you are also hereby notified that you have 30 days from the date of this Notice to pay the total delinquent fines, costs and fees listed above to avoid issuance of a special assessment lien.

RI

Payment of the total amount owed is due upon receipt of this notice. Payment can be made in the following ways:

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Pursuant to BMC 19.40.140 Section 1401.4.1.A, you have 10 calendar days from the date of this Notice to request a hearing before the Berkeley City Council and to file objections to the amount owed. Failure to request an appeal within 10 days from the date of this Notice constitutes a waiver of your right to appeal the amount specified above.

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If you have any questions regarding the contents of this notice, please contact this office at (510) 981-5445 or by email at rhspbilling@berkeleyca.gov.

CC: Philip, Peter & Fionnua Wright; 1580 Hawthorne Ter, Berkeley, CA 94708
Stanley Wright Trust; 1035 San Pablo Avenue Ste 12; Berkeley, CA 94706
Stanley Wright Trust; K&S Company Inc, 1035 San Pablo Ave Ste 12, Albany, CA 94706

Log Notes for H2022-00943

Date	Content	Status	Action By	Type	Comments	Include in PRA?
10/06/2022	Intent Letter	Completed	Martha Ramos	Activity	Notice of Intent to Inspect letter dated 8/18/22 can be found in common case #H2022-00692.	Y
10/06/2022	Initial Action	N/A	Martha Ramos	Workflow History	Code Enforcement	
10/13/2022	Initial Inspection	Complete	Jay Marlette	Inspection	Tenant present. Property manager present. Violations found.	
10/18/2022	Supervisor Approved Violations	Completed	Angel Sindayen	Activity		Y
10/19/2022	Investigation	RHSP Notice of Investigation	Martha Ramos	Workflow History	Code Enforcement	
10/19/2022	Notice of Initial Inspection Results 10-19-22.pdf	Uploaded	Martha Ramos	Document	application/pdf	
12/07/2022	Verify RealQuest	Completed	Andre Kidd	Activity	No change.	Y
12/12/2022	Re-inspection	Complete with $400 fee	Jay Marlette	Inspection	No entry. Left door tag. Scheduled next reinspection.	
12/20/2022	Transfer Case - New inspector	Completed	Angel Sindayen	Activity	Transfer to Inspector Fidler.	Y
12/21/2022	Enforcement	Notice of Violation - 2nd	Martha Ramos	Workflow History	Code Enforcement	
12/21/2022	Office Review	Complete	Sloan Fidler	Inspection	Inspector Fidler accepts transfer of this case from Inspector Marlette. Next reinspection scheduled for 2-8-23 PM.	
12/21/2022	Second Notice of Violation 12-21-22.pdf	Uploaded	Martha Ramos	Document	application/pdf	
02/07/2023	Verify RealQuest	Completed	Andre Kidd	Activity	No change.	Y
02/08/2023	Re-inspection	Complete with $600 fee	Sloan Fidler	Inspection	Tenant and owner contact absent. Left door tag.	
02/09/2023	Enforcement	Notice of Violation	Bounthip Fuentecilla	Workflow History	Code Enforcement	
02/09/2023	Notice of Violation 2-09-23.pdf	Uploaded	Bounthip Fuentecilla	Document	application/pdf	
03/06/2023	Verify RealQuest	Completed	Andre Kidd	Activity	No change.	Y
03/13/2023	CASE CLOSURE	Completed	Sloan Fidler	Activity	Tenant and owner contact present. All violations corrected. Close case.	Y

03/13/2023	Re-inspection	Complete with $800 fee	Sloan Fidler	Inspection	Tenant and owner contact present. All violations corrected. Close case.	
03/21/2023	Enforcement	RHSP Certificate of Compliance	Martha Ramos	Workflow History	Code Enforcement	
03/21/2023	Resolution	Compliance	Martha Ramos	Workflow History	Code Enforcement	
03/21/2023	Certificate of Closure-Compliance 03-21-23.pdf	Uploaded	Martha Ramos	Document	application/pdf	
04/04/2023	Mail Return	Completed	Georgina Madrigal	Activity	Tenant mail return received 04/04/23	Y
04/21/2023	Mail return Received 04-04-23.pdf	Uploaded	Georgina Madrigal	Document	application/pdf	

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

August 18, 2022

Notice of Intent to Inspect
APN: 057 204900400
Case #: H2022-00692

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **1806 WALNUT St #1, #5, #7, #10 & A**
1806 WALNUT St COMMON
Berkeley, California

Dear Owner(s):

The above-referenced property has been scheduled for an inspection as part of the City of Berkeley's Rental Housing Safety Program (RHSP). The Program's purpose is to ensure that Berkeley's rental housing stock is safe and habitable. The RHSP inspection also provides a service to the property owner by identifying other items the owner should be aware of to avoid further deterioration, which might result in code violations and reduction in the value of the building. The RHSP program is part of a City effort to help improve rental housing throughout the City. The cooperation of both owner(s) and tenant(s) is crucial in achieving these goals.

The inspection schedule for this property has been set as follows:

Inspector:	**Jay Marlette**
Date:	**Thursday, October 13, 2022**
Time Window:	☒ **AM = 9:00 am - 12:00 noon**
	☐ **PM = 12:30 pm - 4:00 pm**

The inspector will arrive to conduct the scheduled inspection during the time window. The inspector's actual arrival time will be determined by their daily schedule. You may contact the inspector before 9:00am the day of the inspection for a narrower time window.

Owner responsibilities and information include the following:

- You must provide the inspector access to all interior, exterior, and common areas of the building. You need not be present during the inspection, however, your presence would be desirable to ensure access for a thorough inspection of the property.
- If code violations are identified you must obtain all necessary permits and make all repairs needed to bring your property into code compliance within the timeframes established by the City (usually 30 days from date of notice).
- You must pay appropriate inspection service fees per Resolution 68,940-N.S. Enclosed is the fee

schedule for all inspections conducted by the Rental Housing Safety Program staff. **A fee will be charged for each reinspection if repairs are not made by the scheduled reinspection date.**

- Upon the Housing Inspector's arrival at the property, property owners are required to produce a copy of the completed Rental Housing Safety Program (RHSP) Self-Certification Safety Checklist (Schedule A) form for the unit or room identified above. **Failure to do so may result in the issuance of an Administrative citation to the property owner for non compliance with Berkeley Municipal Code 12.48. Administrative Citations carry a minimum fine of $200 per unit or room. Therefore it is strongly recommended the property owner be present for the inspection.**

Tenant responsibilities and information include the following:

- It is not mandatory that tenants be present during the scheduled inspection. However, tenants are encouraged to be present in order to ensure that their units are included in the property inspection and meet minimum Berkeley Housing Code requirements.
- If code violations are identified, tenants will be required to allow the owner access to make the necessary repairs. The owner is required to undertake any repairs during normal business hours. If necessary, the tenant can make arrangements with the owners for the times and days which may be mutually convenient.

Inspection process:

1. An inspection will be made of common areas and unit interiors.
2. The inspection results will be mailed to the owner with a copy to the tenant, which include any code violations and the next scheduled reinspection date.
3. The owner obtains necessary permits and makes arrangements for repairs with the tenant.
4. A reinspection is performed. If all repairs are made correctly, violations are cleared and the case is closed with the unit receiving a Certificate of Compliance exempting it from having to complete the RHSP Self-certification Safety Checklist (Schedule A) form for three years. If all repairs are not corrected, the owner is notified of remaining deficiencies and another reinspection is scheduled.

How long the process takes varies according to the type of repairs needed and how quickly the owner can find a contractor to do the work. The process requires the timely coordination and cooperation of all parties involved. Owners, tenants, neighbors and community all benefit from the identification and correction of code violations.

If you have questions regarding the inspection, please contact the Housing Inspector at (510) 981-5444.

Enclosure(s)

cc: TENANT

STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

October 19, 2022

First Notice of Violation
Initial Inspection Results
APN: 057 204900400
Case #: H2022-00943

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **NOTICE OF VIOLATION PURSUANT TO THE RENTAL HOUSING SAFETY PROGRAM (RHSP); BMC12.48; BUILDING AT 1806 WALNUT St #A, BERKELEY, CALIFORNIA**

Dear Owner(s):

The above subject property was inspected on October 13, 2022 as part of the City of Berkeley's Rental Housing Safety Program (RHSP) to determine compliance with the Uniform Housing Code as adopted by the City of Berkeley (BMC Chapter 19.40). Attached to this letter is a list of the violations that were identified during this inspection.

To determine compliance with this Notice of Violation, a reinspection has been scheduled. At the time of the reinspection we expect to have access into the building and where applicable, the unit.

Date: **Monday, December 12, 2022**

Time Window:
- ☐ **AM = 9:00 am - 12:00 noon**
- ☒ **PM = 12:30 pm - 4:00 pm**

The inspector will arrive to conduct the scheduled inspection during the time window. The inspector's actual arrival time will be determined by their daily schedule. You may contact the inspector before 9:00am the day of the inspection for a narrower time window.

Please note: This letter is not a substitute for the requirements set forth in California Civil Code 19.54 for entering the unit and you are still required to provide your tenant proper notification.

Be advised that if all defects have been corrected, there will be no fee for the reinspection and you will be given a Certificate of Compliance. If you receive a Certificate of Compliance you will then be exempt from the City's Annual Safety Self-Certification (Schedule A) requirement for a three-year period.

If all defects have not been corrected by the time of the reinspection, the City of Berkeley Housing Code allows for subsequent reinspections until all repairs have been corrected and verified. You will be charged in accordance with the enclosed fee schedule for the reinspections. If you do not complete the repairs required, you may be subject to a Notice of Violation filed with the county, and ultimately served with a citation, which can result in the imposition of fines. Therefore, it is in your best interest to obtain any necessary permits and complete the repairs within this grace period. Permits can be obtained at:

Permit Service Center
1947 Center Street, 3rd floor
Berkeley, CA 94704
Phone: (510) 981-7500
www.cityofberkeley.info/permitservicecenter

If either you or the applicable tenant(s) wish to request an informal review by the Building Official of the determination as set forth in chapter 12.48.080 of the Berkeley Municipal Code, please contact our office. Failure to request an informal review within ten (10) days of the date of issuance of this notice shall constitute a waiver of any objection to said determination and the order shall therefore be final and binding.

If you have any questions concerning this Notice of Violation, please contact me at (510) 981-5444.

Sincerely,

Jay Marlette
Housing Inspector

Enclosure(s)

cc: Tenant

STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

CITY OF BERKELEY
Housing Code Enforcement
1947 Center Street, 3rd floor
Berkeley, CA 94704
(510) 981-5444

Case Details Page 1

Date: 10/19/2022

Case Number: H2022-00943

Subject: 1806 WALNUT St A

Of the original 5 violations, 0 have been cleared.
The remaining violations are:

1. Kitchen [Shut off valve], Sink, Damaged

   The kitchen sink's shut off valve handle is missing. To correct, repair or replace plumbing component. If replacement of the sink assembly is required, the owner or his/her representative is required to obtain a plumbing permit and a final approval from a building inspector. BMC 19.40, SEC. 505.4

2. Bedroom, Alarm - Smoke, Missing

   The smoke alarm in the bedroom is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

3. Hallway, Alarm - Carbon Monoxide, Missing

   The carbon monoxide alarm is missing. To correct, follow manufacturers installation manual and ensure operating carbon monoxide alarms are installed in required locations: outside of each separate sleeping area in the immediate vicinity of the bedrooms, on every occupiable level of a dwelling unit, including basements and where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom. BMC 19.28, SEC. 420.6 & BMC 19.29, SEC. R315.2

4. Hallway, Alarm - Smoke, Missing

   The smoke alarm in the hallway is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

5. Bedroom [Not resetting], Electrical GFCI Receptacle, Damaged

   The bedroom GFCI receptacle(s) is damaged. To correct, repair or replace the receptacle(s) with a GFCI receptacle(s) or install GFCI protection devices and ensure proper operation. NOTE: If rough electrical work is necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval from a building inspector. BMC 19.30, SEC. 210.8 & BMC 19.40, SEC. 701.2

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

December 21, 2022

Second Notice of Violation
APN: 057 204900400
Case #: H2022-00943

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **1806 WALNUT St #A**
Berkeley, California

Dear Owner:

The City of Berkeley informed you in writing that the subject property was found to be in violation of the Berkeley Housing Code (BMC Section 19.40). At the time of the reinspection/office review conducted on December 12, 2022, you had not corrected all the conditions required to close your case. The remaining violations are identified on the enclosed list and a reinspection has been scheduled for:

Date:	**Wednesday, February 08, 2023**
Time Window:	☐ **AM = 9:00 am - 12:00 noon**
	☒ **PM = 12:30 pm - 4:00 pm**

The inspector will arrive to conduct the scheduled inspection during the time window. The inspector's actual arrival time will be determined by their daily schedule. You may contact the inspector before 9:00am the day of the inspection for a narrower time window.

It is the owner's responsibility to obtain the tenant's approval for entry on the scheduled date of the reinspection. You will be charged an inspection fee if the inspector cannot gain entry or if violations are not corrected at the time of the scheduled inspection.

Please note: This letter is not a substitute for the requirements set forth in California Civil Code 19.54 for entering the unit and you are still required to provide your tenant proper notification.

As the owner of the property, you are liable for all inspection service fees charged. You will continue to incur additional inspection service fees including the final reinspection, which closes this case. All fees charged while the building and/or unit(s) remain in noncompliance are the responsibility of the owner and remain as assessments until the fees have been paid. The City may use any and all actions at its disposal to collect these fees, which may include a civil suit, a Notice of Violation filed with the county and delinquent fees placed on your property tax bill.

Please be further advised that the Rent Stabilization Board has requested a copy of this notice sent by our office. Berkeley tenants who are covered by the Rent Stabilization Ordinance may petition the Rent Stabilization Board for rent reductions if the property owner(s) fails to correct violations. The Rent Stabilization Board will be similarly notified with a copy of the Notice of Compliance as soon as all repairs are made and verified.

If you have any questions regarding this Notice of Violation, please contact me at (510) 981-5444.

Sincerely,

Sloan Fidler
Housing Inspector

Enclosure(s)

cc: TENANT
CITY OF BERKELEY RENT STABILIZATION BOARD
STANLEY WRIGHT TRUST; 1035 SAN PABLO AVE STE 12; ; BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

CITY OF BERKELEY
Housing Code Enforcement
1947 Center Street, 3rd floor
Berkeley, CA 94704
(510) 981-5444

Case Details Page 1

Date: 12/21/2022

Case Number: H2022-00943

Subject: 1806 WALNUT St A

Of the original 5 violations, 0 have been cleared.
The remaining violations are:

1. Kitchen [Shut off valve], Sink, Damaged

   The kitchen sink's shut off valve handle is missing. To correct, repair or replace plumbing component. If replacement of the sink assembly is required, the owner or his/her representative is required to obtain a plumbing permit and a final approval from a building inspector. BMC 19.40, SEC. 505.4

2. Bedroom, Alarm - Smoke, Missing

   The smoke alarm in the bedroom is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

3. Hallway, Alarm - Carbon Monoxide, Missing

   The carbon monoxide alarm is missing. To correct, follow manufacturers installation manual and ensure operating carbon monoxide alarms are installed in required locations: outside of each separate sleeping area in the immediate vicinity of the bedrooms, on every occupiable level of a dwelling unit, including basements and where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom. BMC 19.28, SEC. 420.6 & BMC 19.29, SEC. R315.2

4. Hallway, Alarm - Smoke, Missing

   The smoke alarm in the hallway is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

5. Bedroom [Not resetting], Electrical GFCI Receptacle, Damaged

   The bedroom GFCI receptacle(s) is damaged. To correct, repair or replace the receptacle(s) with a GFCI receptacle(s) or install GFCI protection devices and ensure proper operation. NOTE: If rough electrical work is necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval from a building inspector. BMC 19.30, SEC. 210.8 & BMC 19.40, SEC. 701.2

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

February 9, 2023

Notice of Violation
APN: 057 204900400
Case #: H2022-00943

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **1806 WALNUT St A**
Berkeley, California

Dear Owner:

You were informed in writing that the subject property was found to be in violation of the Berkeley Housing Code (BMC Chapter 19.40). At the time of the reinspection/office review conducted on February 8, 2023, you had not corrected all the conditions required to close your case. The remaining violations are identified on the enclosed list and a reinspection has been scheduled for:

Date: **Monday, March 13, 2023**

Time Window:
- ☐ **AM = 9:00 am - 12:00 noon**
- ☒ **PM = 12:30 pm - 4:00 pm**

The inspector will arrive to conduct the scheduled inspection during the time window. The inspector's actual arrival time will be determined by their daily schedule. You may contact the inspector before 9:00am the day of the inspection for a narrower time window.

It is the owner's responsibility to obtain the tenant's approval for entry on the scheduled date of the reinspection. You will be charged an inspection fee if the inspector cannot gain entry or if violations are not corrected at the time of the scheduled inspection.

Please note: This letter is not a substitute for the requirements set forth in California Civil Code 19.54 for entering the unit and you are still required to provide your tenant proper notification.

As the owner of the property, you are liable for all inspection service fees charged. You will continue to incur additional inspection service fees including the final reinspection, which closes this case. All fees charged while the building and/or unit(s) remain in noncompliance are the responsibility of the owner and remain as assessments until the fees have been paid. The City may use any and all actions at its disposal to collect these fees, which may include the placement of a special assessment lien on your property that may be collected at the same time and in the same manner as property taxes are collected.

If you have any questions regarding this Notice of Violation, please contact me at (510) 981-5444.

Sincerely,

Sloan Fidler
Housing Inspector

Enclosure(s)

cc: TENANT
STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

CITY OF BERKELEY
Housing Code Enforcement
1947 Center Street, 3rd floor
Berkeley, CA 94704
(510) 981-5444

Case Details Page 1

Date: 2/9/2023

Case Number: H2022-00943

Subject: 1806 WALNUT St A

Of the original 5 violations, 0 have been cleared.
The remaining violations are:

1. Kitchen [Shut off valve], Sink, Damaged

   The kitchen sink's shut off valve handle is missing. To correct, repair or replace plumbing component. If replacement of the sink assembly is required, the owner or his/her representative is required to obtain a plumbing permit and a final approval from a building inspector. BMC 19.40, SEC. 505.4

2. Bedroom, Alarm - Smoke, Missing

   The smoke alarm in the bedroom is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

3. Hallway, Alarm - Carbon Monoxide, Missing

   The carbon monoxide alarm is missing. To correct, follow manufacturers installation manual and ensure operating carbon monoxide alarms are installed in required locations: outside of each separate sleeping area in the immediate vicinity of the bedrooms, on every occupiable level of a dwelling unit, including basements and where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom. BMC 19.28, SEC. 420.6 & BMC 19.29, SEC. R315.2

4. Hallway, Alarm - Smoke, Missing

   The smoke alarm in the hallway is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

5. Bedroom [Not resetting], Electrical GFCI Receptacle, Damaged

   The bedroom GFCI receptacle(s) is damaged. To correct, repair or replace the receptacle(s) with a GFCI receptacle(s) or install GFCI protection devices and ensure proper operation. NOTE: If rough electrical work is necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval from a building inspector. BMC 19.30, SEC. 210.8 & BMC 19.40, SEC. 701.2

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

March 21, 2023

Certificate of Closure/Compliance
APN: 057 204900400
Case #: H2022-00943

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **1806 WALNUT St A**
Berkeley, California

Dear Owner(s):

The above-referenced property was inspected on March 13, 2023 as part of the City of Berkeley's Rental Housing Safety Program (RHSP) and in accordance with housing code requirements. Based upon this inspection:

☐ Certificate of Compliance: No housing code violations or deficiencies were observed. As a result, this letter serves as the requisite Certificate of Compliance under the RHSP.

☒ Certificate of Compliance: RHSP staff has determined that each of the housing code violations noted in a previous inspection of the subject property has been corrected. As a result, this letter serves as the requisite Certificate of Compliance under the RHSP. (You are encouraged to monitor the property periodically and to perform preventive maintenance as needed.)

☐ Notice of Closure: The City was unable to gain authorized access to the above referenced unit to conduct an inspection. No further action is planned with regard to the City attempting to inspect this rental unit, however should the tenant wish to request an inspection of the unit, they may do so by submitting a Request for Service form to our office. This form may be obtained either by coming into our office, it can be mailed or it may be submitted electronically through the City's website.

☐ RHSP staff has determined that there may be noncompliance of safety code requirements that are not under the purview of the Planning and Development Department's Housing Code Enforcement Section. Consequently, you are advised that the matter has been referred to the City Department checked below:

- ☐ Fire -- 981-5585
- ☐ Public Works -- 981-6300
- ☐ Building & Safety -- 981-7440
- ☐ Health -- 981-5310
- ☐ Zoning -- 981-7410
- ☐ Code Enforcement Unit -- 981-2489

There is no charge for either the initial City housing inspection or for a first reinspection where all code violations cited have been cleared. However, there will be a charge for reinspections when violations remain (pursuant to Resolution No. 68,940-N.S.). As the owner of the subject property and despite the issuance of this Certificate of Compliance, you remain liable for all outstanding inspection fees charged and not yet paid. The City may use any and all actions at its disposal to collect these fees, which may include the placement of a special assessment lien on your property that may be collected at the same time and in the same manner as property taxes are collected. Furthermore, you remain responsible for resolving all other outstanding issues that might be pending which are under the jurisdiction of another City Department or program.

If either you or the applicable tenant(s) wish to appeal the determination as set forth in chapter 19.44 of the Berkeley Municipal Code, please feel free to contact our office. Failure to file the referenced appeal within 30 days of this notice shall constitute a waiver of any objection to said determination and of the right to an administrative hearing and adjudication, and the order shall therefore be final and binding.

If you have any questions regarding this Certificate of Compliance or require further follow up, you can reach me, Monday - Friday, 8:00 am – 9:00 am at (510) 981 5444.

Sincerely,

Sloan Fidler
Housing Inspector

cc: TENANT
CITY OF BERKELEY RENT STABILIZATION BOARD
STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, ALBANY, CA 94706-2277
STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

March 21, 2023

Certificate of Closure/Compliance
APN: 057 204900400
Case #: H2022-00943

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Planning & Development Department
Housing Code Enforcement
1947 Center Street, 3rd Floor
Berkeley, CA 94704

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HOUSING CODE ENFORCEMENT
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RECEIVED BY:

TENANT
1806 WALNUT ST
BERKELEY, CA 94709

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Log Notes for H2022-00942

Date	Content	Status	Action By	Type	Comments	Include in PRA?
10/06/2022	Intent Letter	Completed	Martha Ramos	Activity	Notice of Intent to Inspect letter dated 8/18/22 can be found in common case #H2022-00692.	Y
10/06/2022	Initial Action	N/A	Martha Ramos	Workflow History	Code Enforcement	
10/13/2022	Initial Inspection	Complete	Jay Marlette	Inspection	Tenant present. Property manager present. Violations found.	
10/18/2022	Supervisor Approved Violations	Completed	Angel Sindayen	Activity		Y
10/19/2022	Investigation	RHSP Notice of Investigation	Martha Ramos	Workflow History	Code Enforcement	
10/19/2022	Notice of Initial Inspection Results 10-19-22.pdf	Uploaded	Martha Ramos	Document	application/pdf	
12/07/2022	Verify RealQuest	Completed	Andre Kidd	Activity	No change.	Y
12/12/2022	Re-inspection	Complete No Fee	Jay Marlette	Inspection	Tenant called and requested the inspection be rescheduled. Scheduled next reinspection.	
12/20/2022	Transfer Case - New inspector	Completed	Angel Sindayen	Activity	Transfer to Inspector Fidler.	Y
12/21/2022	Enforcement	Notice of Violation - 2nd	Martha Ramos	Workflow History	Code Enforcement	
12/21/2022	Enforcement	Notice of Violation - 2nd	Martha Ramos	Workflow History	Code Enforcement	
12/21/2022	Office Review	Complete	Sloan Fidler	Inspection	Inspector Fidler accepts transfer of this case from Inspector Marlette. Next reinspection scheduled for 2-8-23 PM.	
12/21/2022	Second Notice of Violation 12-21-22.pdf	Uploaded	Martha Ramos	Document	application/pdf	
02/07/2023	Verify RealQuest	Completed	Andre Kidd	Activity	No change.	Y
02/08/2023	Re-inspection	Complete with $400 fee	Sloan Fidler	Inspection	Tenant and owner contact absent. Left door tag.	
02/08/2023	20230208130240000.jpg	Uploaded	Sloan Fidler	Document	image/jpeg	
02/09/2023	Enforcement	Notice of Violation - 2nd	Bounthip Fuentecilla	Workflow History	Code Enforcement	
02/09/2023	Second Notice of Violation 2-09-23.pdf	Uploaded	Bounthip Fuentecilla	Document	application/pdf	

03/06/2023	Verify RealQuest	Completed	Andre Kidd	Activity	No change.	Y
03/13/2023	CASE CLOSURE	Completed	Sloan Fidler	Activity	Tenant absent. Owner contact present. All violations corrected. Close case.	Y
03/13/2023	Re-inspection	Complete with $600 fee	Sloan Fidler	Inspection	Tenant absent. Owner contact present. All violations corrected. Close case.	
03/15/2023	Enforcement	RHSP Certificate of Compliance	Martha Ramos	Workflow History	Code Enforcement	
03/15/2023	Resolution	Compliance	Martha Ramos	Workflow History	Code Enforcement	
03/15/2023	Certificate of Closure-Compliance 03-15-23.pdf	Uploaded	Martha Ramos	Document	application/pdf	

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

August 18, 2022

Notice of Intent to Inspect
APN: 057 204900400
Case #: H2022-00692

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **1806 WALNUT St #1, #5, #7, #10 & A**
1806 WALNUT St COMMON
Berkeley, California

Dear Owner(s):

The above-referenced property has been scheduled for an inspection as part of the City of Berkeley's Rental Housing Safety Program (RHSP). The Program's purpose is to ensure that Berkeley's rental housing stock is safe and habitable. The RHSP inspection also provides a service to the property owner by identifying other items the owner should be aware of to avoid further deterioration, which might result in code violations and reduction in the value of the building. The RHSP program is part of a City effort to help improve rental housing throughout the City. The cooperation of both owner(s) and tenant(s) is crucial in achieving these goals.

The inspection schedule for this property has been set as follows:

Inspector:	**Jay Marlette**
Date:	**Thursday, October 13, 2022**
Time Window:	☒ **AM = 9:00 am - 12:00 noon**
	☐ **PM = 12:30 pm - 4:00 pm**

The inspector will arrive to conduct the scheduled inspection during the time window. The inspector's actual arrival time will be determined by their daily schedule. You may contact the inspector before 9:00am the day of the inspection for a narrower time window.

Owner responsibilities and information include the following:

- You must provide the inspector access to all interior, exterior, and common areas of the building. You need not be present during the inspection, however, your presence would be desirable to ensure access for a thorough inspection of the property.
- If code violations are identified you must obtain all necessary permits and make all repairs needed to bring your property into code compliance within the timeframes established by the City (usually 30 days from date of notice).
- You must pay appropriate inspection service fees per Resolution 68,940-N.S. Enclosed is the fee

schedule for all inspections conducted by the Rental Housing Safety Program staff. **A fee will be charged for each reinspection if repairs are not made by the scheduled reinspection date.**

- Upon the Housing Inspector's arrival at the property, property owners are required to produce a copy of the completed Rental Housing Safety Program (RHSP) Self-Certification Safety Checklist (Schedule A) form for the unit or room identified above. **Failure to do so may result in the issuance of an Administrative citation to the property owner for non compliance with Berkeley Municipal Code 12.48. Administrative Citations carry a minimum fine of $200 per unit or room. Therefore it is strongly recommended the property owner be present for the inspection.**

Tenant responsibilities and information include the following:

- It is not mandatory that tenants be present during the scheduled inspection. However, tenants are encouraged to be present in order to ensure that their units are included in the property inspection and meet minimum Berkeley Housing Code requirements.
- If code violations are identified, tenants will be required to allow the owner access to make the necessary repairs. The owner is required to undertake any repairs during normal business hours. If necessary, the tenant can make arrangements with the owners for the times and days which may be mutually convenient.

Inspection process:

1. An inspection will be made of common areas and unit interiors.
2. The inspection results will be mailed to the owner with a copy to the tenant, which include any code violations and the next scheduled reinspection date.
3. The owner obtains necessary permits and makes arrangements for repairs with the tenant.
4. A reinspection is performed. If all repairs are made correctly, violations are cleared and the case is closed with the unit receiving a Certificate of Compliance exempting it from having to complete the RHSP Self-certification Safety Checklist (Schedule A) form for three years. If all repairs are not corrected, the owner is notified of remaining deficiencies and another reinspection is scheduled.

How long the process takes varies according to the type of repairs needed and how quickly the owner can find a contractor to do the work. The process requires the timely coordination and cooperation of all parties involved. Owners, tenants, neighbors and community all benefit from the identification and correction of code violations.

If you have questions regarding the inspection, please contact the Housing Inspector at (510) 981-5444.

Enclosure(s)

cc: TENANT

STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

October 19, 2022

First Notice of Violation
Initial Inspection Results
APN: 057 204900400
Case #: H2022-00942

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **NOTICE OF VIOLATION PURSUANT TO THE RENTAL HOUSING SAFETY PROGRAM (RHSP); BMC12.48; BUILDING AT 1806 WALNUT St #10, BERKELEY, CALIFORNIA**

Dear Owner(s):

The above subject property was inspected on October 13, 2022 as part of the City of Berkeley's Rental Housing Safety Program (RHSP) to determine compliance with the Uniform Housing Code as adopted by the City of Berkeley (BMC Chapter 19.40). Attached to this letter is a list of the violations that were identified during this inspection.

To determine compliance with this Notice of Violation, a reinspection has been scheduled. At the time of the reinspection we expect to have access into the building and where applicable, the unit.

Date: **Monday, December 12, 2022**

Time Window:
- ☐ **AM = 9:00 am - 12:00 noon**
- ☒ **PM = 12:30 pm - 4:00 pm**

The inspector will arrive to conduct the scheduled inspection during the time window. The inspector's actual arrival time will be determined by their daily schedule. You may contact the inspector before 9:00am the day of the inspection for a narrower time window.

Please note: This letter is not a substitute for the requirements set forth in California Civil Code 19.54 for entering the unit and you are still required to provide your tenant proper notification.

Be advised that if all defects have been corrected, there will be no fee for the reinspection and you will be given a Certificate of Compliance. If you receive a Certificate of Compliance you will then be exempt from the City's Annual Safety Self-Certification (Schedule A) requirement for a three-year period.

If all defects have not been corrected by the time of the reinspection, the City of Berkeley Housing Code allows for subsequent reinspections until all repairs have been corrected and verified. You will be charged in accordance with the enclosed fee schedule for the reinspections. If you do not complete the repairs required, you may be subject to a Notice of Violation filed with the county, and ultimately served with a citation, which can result in the imposition of fines. Therefore, it is in your best interest to obtain any necessary permits and complete the repairs within this grace period. Permits can be obtained at:

Permit Service Center
1947 Center Street, 3rd floor
Berkeley, CA 94704
Phone: (510) 981-7500
www.cityofberkeley.info/permitservicecenter

If either you or the applicable tenant(s) wish to request an informal review by the Building Official of the determination as set forth in chapter 12.48.080 of the Berkeley Municipal Code, please contact our office. Failure to request an informal review within ten (10) days of the date of issuance of this notice shall constitute a waiver of any objection to said determination and the order shall therefore be final and binding.

If you have any questions concerning this Notice of Violation, please contact me at (510) 981-5444.

Sincerely,

Jay Marlette
Housing Inspector

Enclosure(s)

cc: Tenant

STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

CITY OF BERKELEY
Housing Code Enforcement
1947 Center Street, 3rd floor
Berkeley, CA 94704
(510) 981-5444

Case Details Page 1

Date: 10/19/2022

Case Number: H2022-00942

Subject: 1806 WALNUT St 10

Of the original 6 violations, 0 have been cleared.
The remaining violations are:

1. Kitchen, Electrical Receptacle, GFCI - Missing

   The kitchen receptacle does not have the required ground fault circuit interrupter (GFCI) protection. To correct, replace the receptacle(s) with GFCI receptacle(s) or install GFCI protection devices and ensure proper operation. NOTE: If rough electrical work is necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval from a building inspector. BMC 19.30, SEC. 210.8 & BMC 19.40, SEC. 701.2

2. Kitchen [Dinette Area], Electrical Receptacle, Not Grounded

   The three prong electrical receptacle was tested and is not grounded. Three prong receptacles are required to be grounded. To correct, properly ground the receptacles or install one of the two prong type or install GFCI receptacles marked “No Equipment Ground”. Note: If the receptacle requires to be GFCI protected, please install the required GFCI protection device. If rough electrical work will be necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval by a building inspector. BMC 19.30, SEC.406(D)(2) & BMC 19.40, SEC. 701.2

3. Hallway, Alarm - Smoke, Missing

   The smoke alarm in the hallway is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

4. Hallway, Alarm - Carbon Monoxide, Missing

   The carbon monoxide alarm is missing. To correct, follow manufacturers installation manual and ensure operating carbon monoxide alarms are installed in required locations: outside of each separate sleeping area in the immediate vicinity of the bedrooms, on every occupiable level of a dwelling unit, including basements and where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom. BMC 19.28, SEC. 420.6 & BMC 19.29, SEC. R315.2

5. Bedroom [Adjacent to bathroom], Alarm - Smoke, Missing

Case Details Page 2

Date: 10/19/2022

Case Number: H2022-00942

Subject: 1806 WALNUT St 10

The smoke alarm in the bedroom is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

6. Living Room, Electrical Receptacle, Damaged

The living room receptacle(s) is damaged. The junction box is not secured and pulls out. To correct, repair or replace the receptacle(s) and ensure proper operation. NOTE: If rough electrical work is necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval from a building inspector. BMC 19.30, SEC. 210.8 & BMC 19.40, SEC. 701.2

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

December 21, 2022

Second Notice of Violation
APN: 057 204900400
Case #: H2022-00942

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **1806 WALNUT St #10**
Berkeley, California

Dear Owner:

The City of Berkeley informed you in writing that the subject property was found to be in violation of the Berkeley Housing Code (BMC Section 19.40). At the time of the reinspection/office review conducted on December 12, 2022, you had not corrected all the conditions required to close your case. The remaining violations are identified on the enclosed list and a reinspection has been scheduled for:

Date:	**Wednesday, February 08, 2023**
Time Window:	☐ **AM = 9:00 am - 12:00 noon**
	☒ **PM = 12:30 pm - 4:00 pm**

The inspector will arrive to conduct the scheduled inspection during the time window. The inspector's actual arrival time will be determined by their daily schedule. You may contact the inspector before 9:00am the day of the inspection for a narrower time window.

It is the owner's responsibility to obtain the tenant's approval for entry on the scheduled date of the reinspection. You will be charged an inspection fee if the inspector cannot gain entry or if violations are not corrected at the time of the scheduled inspection.

Please note: This letter is not a substitute for the requirements set forth in California Civil Code 19.54 for entering the unit and you are still required to provide your tenant proper notification.

As the owner of the property, you are liable for all inspection service fees charged. You will continue to incur additional inspection service fees including the final reinspection, which closes this case. All fees charged while the building and/or unit(s) remain in noncompliance are the responsibility of the owner and remain as assessments until the fees have been paid. The City may use any and all actions at its disposal to collect these fees, which may include a civil suit, a Notice of Violation filed with the county and delinquent fees placed on your property tax bill.

Please be further advised that the Rent Stabilization Board has requested a copy of this notice sent by our office. Berkeley tenants who are covered by the Rent Stabilization Ordinance may petition the Rent Stabilization Board for rent reductions if the property owner(s) fails to correct violations. The Rent Stabilization Board will be similarly notified with a copy of the Notice of Compliance as soon as all repairs are made and verified.

If you have any questions regarding this Notice of Violation, please contact me at (510) 981-5444.

Sincerely,

Sloan Fidler
Housing Inspector

Enclosure(s)

cc: TENANT
CITY OF BERKELEY RENT STABILIZATION BOARD
STANLEY WRIGHT TRUST; 1035 SAN PABLO AVE STE 12; ; BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

CITY OF BERKELEY
Housing Code Enforcement
1947 Center Street, 3rd floor
Berkeley, CA 94704
(510) 981-5444

Case Details Page 1

Date: 12/21/2022

Case Number: H2022-00942

Subject: 1806 WALNUT St 10

Of the original 6 violations, 0 have been cleared.
The remaining violations are:

1. Kitchen, Electrical Receptacle, GFCI - Missing

   The kitchen receptacle does not have the required ground fault circuit interrupter (GFCI) protection. To correct, replace the receptacle(s) with GFCI receptacle(s) or install GFCI protection devices and ensure proper operation. NOTE: If rough electrical work is necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval from a building inspector. BMC 19.30, SEC. 210.8 & BMC 19.40, SEC. 701.2

2. Kitchen [Dinette Area], Electrical Receptacle, Not Grounded

   The three prong electrical receptacle was tested and is not grounded. Three prong receptacles are required to be grounded. To correct, properly ground the receptacles or install one of the two prong type or install GFCI receptacles marked “No Equipment Ground”. Note: If the receptacle requires to be GFCI protected, please install the required GFCI protection device. If rough electrical work will be necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval by a building inspector. BMC 19.30, SEC.406(D)(2) & BMC 19.40, SEC. 701.2

3. Hallway, Alarm - Smoke, Missing

   The smoke alarm in the hallway is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

4. Hallway, Alarm - Carbon Monoxide, Missing

   The carbon monoxide alarm is missing. To correct, follow manufacturers installation manual and ensure operating carbon monoxide alarms are installed in required locations: outside of each separate sleeping area in the immediate vicinity of the bedrooms, on every occupiable level of a dwelling unit, including basements and where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom. BMC 19.28, SEC. 420.6 & BMC 19.29, SEC. R315.2

5. Bedroom [Adjacent to bathroom], Alarm - Smoke, Missing

Case Details Page 2

Date: 12/21/2022

Case Number: H2022-00942

Subject: 1806 WALNUT St 10

The smoke alarm in the bedroom is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

6. Living Room, Electrical Receptacle, Damaged

The living room receptacle(s) is damaged. The junction box is not secured and pulls out. To correct, repair or replace the receptacle(s) and ensure proper operation. NOTE: If rough electrical work is necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval from a building inspector. BMC 19.30, SEC. 210.8 & BMC 19.40, SEC. 701.2



Planning & Development Department
Building & Safety Division
Housing Code Enforcement

February 09, 2023

Second Notice of Violation
APN: 057 204900400
Case #: H2022-00942

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **1806 WALNUT St 10**
Berkeley, California

Dear Owner:

The City of Berkeley informed you in writing that the subject property was found to be in violation of the Berkeley Housing Code (BMC Section 19.40). At the time of the reinspection/office review conducted on February 8, 2023, you had not corrected all the conditions required to close your case. The remaining violations are identified on the enclosed list and a reinspection has been scheduled for:

Date:	**Monday, March 13, 2023**
Time Window:	☐ **AM = 9:00 am - 12:00 noon**
	☒ **PM = 12:30 pm - 4:00 pm**

The inspector will arrive to conduct the scheduled inspection during the time window. The inspector's actual arrival time will be determined by their daily schedule. You may contact the inspector before 9:00am the day of the inspection for a narrower time window.

It is the owner's responsibility to obtain the tenant's approval for entry on the scheduled date of the reinspection. You will be charged an inspection fee if the inspector cannot gain entry or if violations are not corrected at the time of the scheduled inspection.

Please note: This letter is not a substitute for the requirements set forth in California Civil Code 19.54 for entering the unit and you are still required to provide your tenant proper notification.

As the owner of the property, you are liable for all inspection service fees charged. You will continue to incur additional inspection service fees including the final reinspection, which closes this case. All fees charged while the building and/or unit(s) remain in noncompliance are the responsibility of the owner and remain as assessments until the fees have been paid. The City may use any and all actions at its disposal to collect these fees, which may include a civil suit, a Notice of Violation filed with the county and delinquent fees placed on your property tax bill.

Please be further advised that the Rent Stabilization Board has requested a copy of this notice sent by our office. Berkeley tenants who are covered by the Rent Stabilization Ordinance may petition the Rent Stabilization Board for rent reductions if the property owner(s) fails to correct violations. The Rent Stabilization Board will be similarly notified with a copy of the Notice of Compliance as soon as all repairs are made and verified.

If you have any questions regarding this Notice of Violation, please contact me at (510) 981-5444.

Sincerely,

Sloan Fidler
Housing Inspector

Enclosure(s)

cc: TENANT
CITY OF BERKELEY RENT STABILIZATION BOARD
STANLEY WRIGHT TRUST; 1035 SAN PABLO AVE STE 12; ; BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

CITY OF BERKELEY
Housing Code Enforcement
1947 Center Street, 3rd floor
Berkeley, CA 94704
(510) 981-5444

Case Details Page 1

Date: 2/9/2023

Case Number: H2022-00942

Subject: 1806 WALNUT St 10

Of the original 6 violations, 0 have been cleared.
The remaining violations are:

1. Kitchen, Electrical Receptacle, GFCI - Missing

   The kitchen receptacle does not have the required ground fault circuit interrupter (GFCI) protection. To correct, replace the receptacle(s) with GFCI receptacle(s) or install GFCI protection devices and ensure proper operation. NOTE: If rough electrical work is necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval from a building inspector. BMC 19.30, SEC. 210.8 & BMC 19.40, SEC. 701.2

2. Kitchen [Dinette Area], Electrical Receptacle, Not Grounded

   The three prong electrical receptacle was tested and is not grounded. Three prong receptacles are required to be grounded. To correct, properly ground the receptacles or install one of the two prong type or install GFCI receptacles marked “No Equipment Ground”. Note: If the receptacle requires to be GFCI protected, please install the required GFCI protection device. If rough electrical work will be necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval by a building inspector. BMC 19.30, SEC.406(D)(2) & BMC 19.40, SEC. 701.2

3. Hallway, Alarm - Smoke, Missing

   The smoke alarm in the hallway is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

4. Hallway, Alarm - Carbon Monoxide, Missing

   The carbon monoxide alarm is missing. To correct, follow manufacturers installation manual and ensure operating carbon monoxide alarms are installed in required locations: outside of each separate sleeping area in the immediate vicinity of the bedrooms, on every occupiable level of a dwelling unit, including basements and where a fuel-burning appliance is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom. BMC 19.28, SEC. 420.6 & BMC 19.29, SEC. R315.2

5. Bedroom [Adjacent to bathroom], Alarm - Smoke, Missing

Case Details Page 2

Date: 2/9/2023

Case Number: H2022-00942

Subject: 1806 WALNUT St 10

The smoke alarm in the bedroom is missing. To correct, follow manufacturers installation manual and ensure operating smoke alarms are installed in required locations: in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedroom, on every occupiable level of the dwelling including basement. BMC 19.28, SEC. 907.2.11.2 & BMC 19.29, SEC. R314.3

6. Living Room, Electrical Receptacle, Damaged

The living room receptacle(s) is damaged. The junction box is not secured and pulls out. To correct, repair or replace the receptacle(s) and ensure proper operation. NOTE: If rough electrical work is necessary to make the repair, the owner or his/her representative is required to obtain an electrical permit and a final approval from a building inspector. BMC 19.30, SEC. 210.8 & BMC 19.40, SEC. 701.2

Planning & Development Department
Building & Safety Division
Housing Code Enforcement

March 15, 2023

Certificate of Closure/Compliance
APN: 057 204900400
Case #: H2022-00942

PHILIP & PETER WRIGHT
FIONNUA WRIGHT
1580 HAWTHORNE TER
BERKELEY, CA 94708

Subject: **1806 WALNUT St ##10**
Berkeley, California

Dear Owner(s):

The above-referenced property was inspected on March 13, 2023 as part of the City of Berkeley's Rental Housing Safety Program (RHSP) and in accordance with housing code requirements. Based upon this inspection:

☐ Certificate of Compliance: No housing code violations or deficiencies were observed. As a result, this letter serves as the requisite Certificate of Compliance under the RHSP.

☒ Certificate of Compliance: RHSP staff has determined that each of the housing code violations noted in a previous inspection of the subject property has been corrected. As a result, this letter serves as the requisite Certificate of Compliance under the RHSP. (You are encouraged to monitor the property periodically and to perform preventive maintenance as needed.)

☐ Notice of Closure: The City was unable to gain authorized access to the above referenced unit to conduct an inspection. No further action is planned with regard to the City attempting to inspect this rental unit, however should the tenant wish to request an inspection of the unit, they may do so by submitting a Request for Service form to our office. This form may be obtained either by coming into our office, it can be mailed or it may be submitted electronically through the City's website.

☐ RHSP staff has determined that there may be noncompliance of safety code requirements that are not under the purview of the Planning and Development Department's Housing Code Enforcement Section. Consequently, you are advised that the matter has been referred to the City Department checked below:

- ☐ Fire -- 981-5585
- ☐ Public Works -- 981-6300
- ☐ Building & Safety -- 981-7440
- ☐ Health -- 981-5310
- ☐ Zoning -- 981-7410
- ☐ Code Enforcement Unit -- 981-2489

There is no charge for either the initial City housing inspection or for a first reinspection where all code violations cited have been cleared. However, there will be a charge for reinspections when violations remain (pursuant to Resolution No. 68,940-N.S.). As the owner of the subject property and despite the issuance of this Certificate of Compliance, you remain liable for all outstanding inspection fees charged and not yet paid. The City may use any and all actions at its disposal to collect these fees, which may include the placement of a special assessment lien on your property that may be collected at the same time and in the same manner as property taxes are collected. Furthermore, you remain responsible for resolving all other outstanding issues that might be pending which are under the jurisdiction of another City Department or program.

If either you or the applicable tenant(s) wish to appeal the determination as set forth in chapter 19.44 of the Berkeley Municipal Code, please feel free to contact our office. Failure to file the referenced appeal within 30 days of this notice shall constitute a waiver of any objection to said determination and of the right to an administrative hearing and adjudication, and the order shall therefore be final and binding.

If you have any questions regarding this Certificate of Compliance or require further follow up, you can reach me, Monday - Friday, 8:00 am – 9:00 am at (510) 981 5444.

Sincerely,

Sloan Fidler
Housing Inspector

cc: TENANT
CITY OF BERKELEY RENT STABILIZATION BOARD
STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, ALBANY, CA 94706-2277
STANLEY WRIGHT TRUST, 1035 SAN PABLO AVE STE 12, BERKELEY, CA 94706-2277

Note: As a cost-saving measure, many City offices and services will be closed on the 2nd Friday of the month. For a full list of holiday and reduced services days please visit the City's web site at www.cityofberkeley.info.

ATTACHMENT 5

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
LIEN APPEAL: 1806 WALNUT STREET

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, MARCH 11, 2025** at **6:00 P.M.** a public hearing will be conducted to consider an appeal of the decision by the Rental Housing Safety Program to place liens on the property at 1806 Walnut Street for unpaid fees and penalties for failure to make timely corrections to housing code violations.

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of February 27, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Jenny McNulty at (510) 981-7451.
Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

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 (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: February 28, 2025 – The Berkeley Voice
Hearing conducted pursuant to BMC 19.40.140

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 27, 2025.

_____
Mark Numainville, City Clerk
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Internal

18

Housing Advisory Commission

ACTION CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Debbie Potter, Chairperson, Housing Advisory Commission

Subject: Adopt an Ordinance to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units

RECOMMENDATION

Adopt an ordinance amending the Municipal Code adding section 13.63 to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units.

POLICY COMMITTEE RECOMMENDATION

On February 3, 2025 the Land Use, Housing & Economic Development Policy Committee adopted the following action: M/S/C (Lunaparra/Tregub) to forward item to Council with a Qualified Positive Recommendation to Council with a request to forward to the 4x4 Committee to review the effectiveness of the implementation. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts to the City of Berkeley from adopting this ordinance. The ordinance solely prohibits the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units. The ordinance includes remedies that provide for reasonable attorneys' fees and costs to the City Attorney if the City Attorney is the prevailing party in any civil action to enforce the ordinance.

The ordinance would have a positive financial impact on the city's tenants as there is documented evidence that use of these algorithmic devices has led to year-over-year rent increases of 5%-12% across housing markets. A prohibition on the sale and use of these devices will lead to reduced rents and elimination of artificial scarcity.

CURRENT SITUATION AND ITS EFFECTS

The proposed ordinance is provided as Attachment 1. Attachment 2 is a PowerPoint presentation regarding the proposed ordinance provided to the Housing Advisory Commission (HAC) at its October 10, 2024 meeting. A new type of rental software (often referred to as algorithmic devices) is increasing rents and vacancy rates by allowing large landlords to collude on pricing decisions. Third-party revenue management companies collect and combine proprietary large landlord data and make

pricing and occupancy recommendations. These recommendations allow landlords to manipulate the market and the practice amounts to illegal price-fixing. The use of algorithmic devices in setting rents and occupancy levels contributes to double-digit rent increases, increased rates of eviction, and artificial housing scarcity. Lee Hepner, an antitrust attorney at the American Economic Liberties Project, states that "widespread use of price fixing software presents a new front in the housing affordability crisis."

While numerous lawsuits have been filed to prohibit such antitrust activities, these cases may take years to resolve. This ordinance prohibits the sale or use of algorithmic devices for the purpose of setting rents to bring immediate relief to Berkeley tenants, as well as to put landlords who have been using these devices on equal footing with those who are willing to adhere to fair standards for setting rental rates.

Given the widespread use of these algorithmic devices in housing markets throughout the country and their impact on rents and occupancy levels, local and state jurisdictions are taking action to ban the use of these devices to set rents and meter lease-up activity. Local ordinances can respond more quickly to current situations on the ground than law suits which can take years to resolve. Therefore, HAC Chairperson Debbie Potter brought an item to the HAC recommending that it recommend to the City Council that it adopt an ordinance amending the Municipal Code to prohibit the sale or use or algorithmic devices to set rents or manage occupancy levels for residential dwelling units.

Preliminary information provided by the Berkeley Rent Board and shared at the October 10, 2024 HAC meeting noted that six of the named plaintiffs in the various lawsuits own over 1,300 units in the City of Berkeley.

Following a presentation and discussion, the HAC voted unanimously on the following:

Action: M/S/C (Bell/Twu) to recommend that Council adopt the ordinance as set forth in the HAC agenda packet, with the amendment to clarify in which lawsuits local trade associations have been named.

Vote: Ayes: Bell, Braslaw, Haycox, Mendonca, Potter, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Ortiz-Cedeño (unexcused).

BACKGROUND

Antitrust lawsuits have been filed against certain third-party revenue management companies, including RealPage, Inc. and Yardi Systems, Inc. The lawsuits allege that these companies are enabling and participating in a scheme of unlawful rent-fixing. In August 2024, The United States Department of Justice (DOJ), alongside the attorneys general of California and seven other states, filed an antitrust lawsuit against RealPage, accusing the company of reducing competition among landlords and taking over the market for such algorithm-based rental software.

A 2022 class action lawsuit filed in the U.S. District Court in the Western District of Washington at Seattle [subsequently transferred to the Middle District Court of Tennessee (one of over 20 private class action lawsuits that have been consolidated into one case)] accuses nearly 50 trade associations - including the East Bay Rental Housing Association and the Berkeley Property Owners Association – of serving as "conduits of the cartel" by providing a venue for RealPage and their property owners to conspire. The lawsuit further alleges that landlords use the software to agree on prices to set for rent, and to stagger their lease renewal dates so as to avoid any oversupplies in rental properties.

The use of these algorithmic devices is widespread in markets throughout the country and has helped fuel the national housing affordability crisis. Local jurisdictions can eliminate this specific contributor to the on-going affordable housing crisis by adopting local ordinances to ban the use and sale of algorithmic devices to set rents and/or manage occupancy levels.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

There are no identifiable CEQA impacts associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Fifty-seven percent of the city's population are renters. People of color are three times more likely to rent than to own homes in Berkeley. Sixty percent of renter households are lower income and one-half of all renters are rent burdened. According to an article about the antitrust lawsuits (noted above) in the Mercury News, over the last nine years, rents have increased 19% in the East Bay. The city's Housing Element notes that rents for rent-controlled units have increased dramatically over the last decade, as have rents for market rate units. At the same time, the city's Black population has decline rapidly over the last twenty years, as families are forced out of the community due to rising housing costs. Maintaining and growing an economically, racially, and ethnically diverse city is a top priority.

The City has many initiatives to increase affordable housing and neighborhood diversity, from a priority system for affordable housing units that recognizes residents from historically redlined communities should have access to these units and funding a wide range of housing rehabilitation programs to keep residents in Berkeley, to updating how inclusionary housing fees are calculated and funding hundreds of units of new affordable housing through the Housing Trust Fund.

Given the city's commitment to affordable housing and growing its diverse community, it is appropriate for the City Council to consider adopting an ordinance to prohibit the use and sale of algorithmic devices to set rents and occupancy levels as use of these devices amounts to illegal price-fixing and negatively impacts the rental housing market by artificially inflating rents and creating housing scarcity.

ALTERNATIVE ACTIONS CONSIDERED
No alternative actions were considered.

CITY MANAGER
The City Manager recommends that the report be referred to the Land Use, Housing & Economic Development Policy Committee for further discussion, including of staffing impacts to the City Attorney's Office and the Health, Housing, and Community Services Department.

CONTACT PERSON
Anna Cash, Commission Secretary, HHCS, (510) 981-5403

Attachments:
1: Ordinance
2: PowerPoint Presentation – HAC October 10, 2024 meeting

ORDINANCE NO. -N.S.

ADDING CHAPTER 13.63 TO THE BERKELEY MUNICIPAL CODE PROHIBITING ON THE SALE OR USE OF ALGORITHMIC DEVICES TO SET RENTS OR MANAGE OCCUPANCY LEVELS FOR RESIDENTIAL DWELLING UNITS

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code 13.63 is added to read as follows:

Chapter 13.63

PROHIBITION ON THE SALE OR USE OF ALGORITHMIC DEVICES TO SET RENTS OR MANAGE OCCUPANCY LEVELS FOR RESIDENTIAL DWELLING UNITS

Sections:

13.63.010 Findings and Purpose
13.63.020 Definitions
13.63.030 Use and Sale of Algorithmic Devices Prohibited
13.63.040 Remedies
13.63.050 Undertaking for the General Welfare
13.63.060 Severability

13.63.010 Findings and purpose.

The Council hereby finds and determines that the adoption of this chapter is necessary to the promotion of the public health, safety, and welfare.

A. In recent years, a number of new software programs, often referred to as “algorithmic devices”, have threatened to destabilize rental housing markets in cities nationwide, including the City of Berkeley.

B. These programs enable landlords to indirectly coordinate with one another through the sharing of non-public competitively sensitive data in order to artificially inflate rents and vacancy rates for rental housing. Participating landlords provide vast amounts of proprietary data to the programs, which in turn set or provide recommendations for rent and occupancy levels.

C. More and more landlords in U.S. cities now pool their data and pricing decisions using such software.

D. The software has contributed to double-digit rent increases (over the last nine years, median rents have increased 19% in the East Bay), higher vacancy rates, and higher rates of eviction, and has generally distorted markets so that rents and vacancy rates have increased in tandem.

E. Often used by large corporate landlords, the software fuels the consolidation of corporate and private equity ownership of rental housing, at the expense of landlords

large and small who are willing to play by the normal rules. Landlords using these tools are not engaging in appropriate market behavior. And the companies developing and selling these tools to Berkeley landlords are not doing so either, and are contributing to these problems.

F. A 2022 class action lawsuit filed in the U.S. District Court in the Western District of Washington at Seattle (one of over 20 private class action lawsuits that have been consolidated into one case) accuses nearly 50 trade associations - including the East Bay Rental Housing Association and the Berkeley Property Owners Association – of serving as "conduits of the cartel" by providing a venue for RealPage and their property owners to conspire. The lawsuit further alleges that landlords use the software to agree on prices to set for rent, and to stagger their lease renewal dates so as to avoid any oversupplies in rental properties.

G. Numerous antitrust lawsuits have been filed against certain of these companies, including RealPage, Inc. and Yardi Systems, Inc. The lawsuits allege that these companies are enabling and participating in a scheme of unlawful rent-fixing. These include a lawsuit filed by the District of Columbia Attorney General in November 2023, a lawsuit filed by the Arizona Attorney General in February 2024, and more than 20 federal private class action lawsuits filed nationwide that have been consolidated in the federal court in the Middle District of Tennessee. In August 2024, The United States Department of Justice, alongside the attorneys general of California and seven other states, filed an antitrust lawsuit against RealPage, accusing the company of reducing competition among landlords and taking over the market for such algorithm-based rental software.

H. Instead of waiting for court processes which may take years to resolve, this ordinance prohibits the sale or use of algorithmic devices for the purpose of setting rents on residential dwelling units in the city of Berkeley, to bring immediate relief to Berkeley tenants, as well as to put landlords who have been using these devices on equal footing with those who are willing to adhere to fair standards for setting rental rates.

I. This Chapter is not intended to prevent the development or sale of software to help landlords manage their units generally or through the use of public data. Nor does this Chapter regulate the amount of rent that a landlord may charge. This Chapter solely regulates the use and sale of the algorithmic devices that analyze and share non-public data, to prevent the harms described above.

13.63.020 Definitions.

A. "Algorithmic device" means a device such as a software program that uses one or more algorithms to perform calculations of non-public competitor data concerning local or statewide rents or occupancy levels, for the purpose of advising a landlord whether to leave their unit vacant or on the amount of rent that the landlord may obtain from a tenant. "Algorithmic device" includes a product that incorporates an algorithmic device, but does not include (a) any report published by a trade association that receives renter data and publishes it in an aggregated and anonymous manner or (b) a product used for the purpose of establishing rent or income limits in accordance with the affordable housing guidelines of a local government, the state, the federal government, or other political subdivision.

B. “Non-public competitor data” means information that is not available to the general public, including information about actual rent prices, occupancy rates, lease start and end dates, and similar data, regardless whether the information is attributable to a specific competitor or anonymized, and regardless whether it is derived from or otherwise provided by another person that competes in the same market or a related market.

13.63.030 Use and sale of algorithmic devices prohibited.

A. It shall be unlawful to sell, license, or otherwise provide to city of Berkeley landlords any algorithmic device that sets, recommends, or advises on rents or occupancy levels that may be achieved for residential dwelling units in the city of Berkeley.

B. It shall be unlawful for a landlord to use an algorithmic device described in subsection A when setting rents or occupancy levels for residential dwelling units in the city of Berkeley. Each separate month that a violation exists or continues, and each separate residential dwelling unit for which the landlord used the algorithmic device, shall constitute a separate and distinct violation.

13.63.040 Remedies.

A. The City Attorney may file a civil action for violations of section 13.63.030, subsections A and/or B, for damages, injunctive relief, restitution/return of illegal profits, and/or civil penalties of up to $1,000 per violation. The court shall award reasonable attorney’s fees and costs to the city Attorney if the City Attorney is the prevailing party in such a civil action.

B. A tenant may file a civil action for violations of section 13.63.030, subsection B, for injunctive relief, money damages, and/or civil penalties of up to $1,000 per violation. The court shall award reasonable attorney’s fees and costs to the tenant if the tenant is the prevailing party in such a civil action. A lease provision that limits a prevailing tenant from obtaining attorneys’ fees shall not be enforceable against a tenant’s claim for attorneys’ fees that arises under this subsection 13.63.040 B.

13.63.050 Undertaking for the general welfare.

In enacting and implementing this Chapter 13.63, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

13.63.060 Severability.

If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134

Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Ordinance to Prohibit Algorithmic Devices to Set Rents or Manage Occupancy Levels

Housing Advisory Commission
October 10th, 2024

What is “Automated Rent Setting” or “AI Revenue Management”?

- Landlords delegate their rental price and supply decisions to a common decisionmaker
- Landlords, who should be competing with each other as to price, share data with a common decisionmaker, and the common decisionmaker provides “daily pricing and ongoing revenue oversight”
- Rather than function as separate economic entities, participating landlords make key competitive decisions regarding the price and supply of multifamily apartments collectively
- This drives up rents and amounts to illegal price-fixing

What's RealPage?

- RealPage "provides property management software, data analytics, and services to efficiently manage rental properties and real estate"
- For several years, RealPage and its rent-setting software YieldStar has been the subject of controversy, especially due to a 2022 expose by ProPublica titled "Rent Going Up? One Company's Algorithm Could Be Why."
- Aug. 2024 DOJ lawsuit accuses RealPage of being a monopoly, controlling 80% of the property management software market

“Hub and Spoke” Price Fixing

- Centralized company (data broker, trade association, software algorithm) facilitates illegal agreements among competitors
- RealPage is the “hub” and landlords who depend on its recommendations regarding rent levels are the “spokes”
- By agreeing to follow the rent recommendations, using competitively sensitive and/or proprietary data, landlords tacitly agree to fix rents without need to directly compete with each other
- System allows landlords to conspire to limit rental supply and drive up rents, creating a cartel

Legal Actions to Date

- Over 30 class-action lawsuits have been filed against RealPage and landlords who use the software
- A Dec. 2022 class action lawsuit accuses the East Bay Rental Housing Association and the Berkeley Property Owners Association of serving as “conduits of the cartel”*
- The Department of Justice sued RealPage on August 23, 2024, for its unlawful scheme to decrease competition among landlords in apartment pricing and to monopolize the market for commercial revenue management software.”
- Eight Attorneys General (inc. CA AG) joined the DOJ lawsuit

*U.S. District Court Western District of WA at Seattle (transferred to Middle District of TN)

Rationale for Ordinance

- **57% of Berkeley's population are renters:**
  - People of color are 3x more likely to rent than to own homes
  - 60% of tenants are lower income
  - ½ of all renters are rent burdened (pay more than 30% of income to rent)
- **Increasing corporate concentration in housing :**
  - Q1 2024: six largest publicly traded apartment companies saw their combined net incomes climb by nearly $300 million
  - Even in markets that don't have corporate concentration, landlord trade associations facilitate the use of algorithms among small and mid -sized landlords

Rationale for Ordinance (cont.)

- Over the last nine years, rents have increased 19% in the East Bay
- Housing Element notes that rents for rent-controlled and market-rate units have increased dramatically over the last decade
- The city's Black population has declined rapidly over the last 20 years due to rising rents
- Use of algorithmic devices is illegal price fixing and negatively impacts the rental market by artificially inflating rents and creating housing scarcity

Why Take Local Action?

- Numerous lawsuits have been filed that allege harmful practices that could take years to litigate
- Acting locally to ban these practices protects tenants now
- San Francisco is the first local jurisdiction to ban the sale and use of these devices
- San Diego, Oakland, San Jose, Chicago, Miami, Philadelphia, Washington State and Texas are considering similar bans
- Recommend that HAC recommend to City Council adoption of an ordinance banning the sale and use of algorithmic devices to set rents and manage occupancy rates

Public

19

Office of the City Manager

INFORMATION CALENDAR
March 11, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: FY 2025 First Quarter Investment Report: Ended September 30, 2024

SUMMARY

The City's investment policy requires that a quarterly investment report be submitted to the City Council on the status of the investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the types, values (par, book, and market), term, and yield of each security.

- The return on pooled investments for the quarter ended September 30, 2024 was 3.16%, 140 basis points less than the 4.56% earned by the State Local Agency Investment Fund (State LAIF), which is the benchmark for investment performance used by the City. The returns earned on State LAIF's monthly portfolio are currently higher because it has a much shorter maturity and the yield curve is inverted (i.e., short-term rates are higher than medium and long-term rates).

  The return on pooled investments of 3.16% for the quarter ended September 30, 2024 was 15 basis points less than the rate of 3.31% earned in the quarter ended June 30, 2024.

- The average return on all Retiree Medical Trust Fund investments was 4.90% for the quarter ended September 30, 2024.

CURRENT SITUATION AND ITS EFFECTS

Attached is a summary of the quarterly report for fiscal year 2025 First Quarter ending September 30, 2024 representing the status of the City's investment portfolio. The report includes all investments managed by the City of Berkeley and provides information on the values (par, book, and market), term, and yield of each security.

Summary information by type of security and detailed information on each security is provided on Exhibit 2-A. An evaluation of portfolio performance for this accounting period compared to the previous three accounting periods is also included in Attachment 1.

A. Portfolio Results

As a result of the differences in the investment policies of different cities, including responsible investing policies, maturity restrictions, investment restrictions, etc., it was difficult for the City of Berkeley to come up with a reasonable performance measure for pooled cash investments. In order to provide some measure of the relative performance of the City's investment returns, many years ago the City established the State Local Agency Investment Fund (LAIF) as the performance measure to be reported in the quarterly investment reports, since many local governments invested significant portions of their investment portfolios in LAIF.

LAIF was intended to be a reference point to compare the City's investment performance against, rather than a true performance measure, since most cities typically earn a yield higher than LAIF in normal interest rate environments, and because LAIF's average maturity of its investments is normally shorter than that of most cities. As a result, past City Councilmembers requested that information about the rates earned by other California cities be included in the quarterly investment reports for comparison purposes, despite the differences in the investment policies of the various cities.

The most significant difference in investment policies is the maximum period of the investments. The impact of this difference between the various cities has played out in the interest rate environment since the Feds unexpectedly raised short-term interest rates from zero percent to 5.5 percent from March 17, 2022 to July 26, 2023, to combat sharply rising inflation that the Feds thought was "transitory" and under control:

- First, it is important to summarize the interest rate environment that existed the quarter before the Federal Reserve started raising the Federal Funds rate on March 17, 2022: At that time, interest rates were around 1% and the interest rates earned by selected California cities ranged between .23% and 1.62%, with an average of .94%. Furthermore, the city that was at the top of the list back then is now at the bottom of the list in the First Quarter FY 2025 investment report;

- Second, since the Federal Reserve thought the rise in inflation was "transitory", there was no warning that Federal Reserve monetary policy would immediately reverse from easing to tightening. As a result, it is reasonable to assume that portfolios were loaded with investments that were yielding between 1-2%. In addition, the Federal Reserve did not give the market any indication how long or how high it would raise rates. It kept indicating that it felt the increase in inflation was "transitory";

- Third, bond prices and interest rates have an inverse relationship. When interest rates rise, bond prices fall and vice versa. As the Feds started raising rates, the market values of these investments declined. If investments were sold at that time, the city selling would incur large investment losses, so the only reasonable option

was to hold the investments to maturity, since the Feds was not indicating how high it would raise rates;

- Fourth, the investments yielding 1-2% cities with short average investment maturities matured sooner than cities with longer average investment maturities. As a result, those cities were able to reinvest at the current higher rates and have higher interest rates earned, while cities with longer average investment maturities had to wait for their low-yielding investments to mature to reinvest. For example, the City of Berkeley's investment portfolio held $263.3 million (or 40.0% of the City's portfolio at that time and 42.4% of the City's current portfolio) of such investments that will mature in CY 2026-See Exhibit 2-F.

1. Liquidity of Portfolio:
   The average investment in the pooled portfolio matures in 911 days as of September 30, 2024. This is 106 days less than the 1,017 maturity days as of June 30, 2024.

2. Comparison of Results to Performance Measures – Pooled investments:
   Quarter Ended September 30, 2024

   The City's yield on investments for the quarter ended September 30, 2024 was 3.16%, a decrease of 15 basis points (.15%) from the 3.31 earned during the quarter ended June 30, 2024. The average yield on a 91-day Treasury bill at the end of the quarter ended September 30, 2024 was 4.62%, a decrease of 60 basis points (0.60%) from the 5.22% at the end of the previous quarter. The .60% decline in the 91-day Treasury yield was due to the reduction of the Federal Funds rate by the Fed on September 18, 2024.

   As summarized in Table 1, staff's overall results were under the performance measure for the quarter by 105 basis points. Staff's performance was under the performance measure in July by approximately 126 basis points (-1.26%); under the performance measure in August by approximately 146 basis points (-1.46%); and, was under the performance measure in September by approximately 149 basis points (-1.49%). The performance measure for the return on investments is compared to the rate of return of the State LAIF.

Table 1

For Quarter Ending September 30, 2024			
Period	**City**	**State LAIF**	**Difference**
July-24	3.26%	4.52%	-1.26%
Aug-24	3.12%	4.58%	-1.46%
Sept-24	3.09%	4.58%	-1.49%
July 1-Sept 30	3.16%	4.56%	-1.40%

3. Investment Results-Retiree Health Insurance Funds:

   Average interest rates earned on the retiree health insurance trust funds for the quarter ended September 30, 2024 compared to the quarter ended June 30 2024, were as follows:

Table 2

EARNED INTEREST RATES		
For Quarter Ended 9/30/2024 Compared To 6/30/2024		
Trust Fund	**1st. Qtr 9/30/24**	**4th Qtr 6/30/24**
Retiree Medical Trust Fund (Misc Employees)	5.32%	5.40%
Fire Retiree Medical Trust Fund	4.96%	5.13%
Police Retiree Medical Trust Fund	4.44%	4.65%

The rates earned on these plans are expected to continue to increase slightly, as staff used the investment authority granted by Council to purchase long-term bonds as rates move higher.

Details related to retiree health trust fund investments are in Attachment 3, Exhibits 3-A, 3-B, and 3-C of this report.

B. Discussion of Interest Rate Environment and Outlook

Yield Trend

Federal Reserve Board September 18, 2024 Statement

Recent indicators suggest that economic activity has continued to expand at a solid pace. Job gains have slowed, and the unemployment rate has moved up but remains low. Inflation has made further progress toward the Committee's 2 percent objective but remains somewhat elevated.

The Committee seeks to achieve maximum employment and inflation at the rate of 2 percent over the longer run. The Committee has gained greater confidence that inflation is moving sustainably toward 2 percent, and judges that the risks to achieving its employment and inflation goals are roughly in balance. The economic outlook is uncertain, and the Committee is attentive to the risks to both sides of its dual mandate.

In light of the progress on inflation and the balance of risks, the Committee decided to lower the target range for the federal funds rate by 1/2 percentage point to 4-3/4 to 5 percent. In considering additional adjustments to the target range for the federal funds rate, the Committee will carefully assess incoming data, the evolving outlook, and the balance of risks. The Committee will continue reducing its holdings of Treasury securities and agency debt and agency mortgage-backed securities. The Committee is strongly committed to supporting maximum employment and returning inflation to its 2 percent objective.

In assessing the appropriate stance of monetary policy, the Committee will continue to monitor the implications of incoming information for the economic outlook. The Committee would be prepared to adjust the stance of monetary policy as appropriate if risks emerge that could impede the attainment of the Committee's goals. The Committee's assessments will consider a wide range of information, including readings on labor market conditions, inflation pressures and inflation expectations, and financial and international developments.

Investment Environment/Change in City's Investment Strategy

A. Investment Environment

After the Federal Reserve had raised short-term rates from zero percent to 5.50 percent between March 17, 2022 and July 26, 2023, many market participants expected quick moves by the Feds to lower rates and avoid a recession. However, the Federal Reserve was much more cautious. The Feds had indicated that it would not start lowering rates until it was confident that the 2% target had been met and could be sustained. However, the rate had been stuck at a level of 2.6%-2.7% since May 2024. Despite that, the Feds lowered the Federal Funds rate by .50% on September 18, 2024.

Since the yield curve had been inverted for quite some time, suggesting an impending recession, there was a growing consensus among market Analysts that short term rates were going to fall two to three times in CY 2025. That was still the case until the December 2024 employment report and Fourth quarter report on Gross Domestic Product (GDP) came out in January 2025:

- The December 2024 jobs report disclosed that 256,000 jobs were created, significantly exceeding the 153,000 estimates; and,

- Fourth quarter Gross Domestic Product increased 3.1%, significantly higher than the 2.3% estimate.

These reports suggested that the economy was much stronger than the Feds believed. Staff believes that the Federal Reserve was premature in cutting rates by .50% on September 18, 2024, and that the Feds will be slow to lower short-term rates further in CY 2025 and CY 2026. Staff also believes that short-term rates will stay close to the level they are now, and that long-term rates will rise slightly from their current level for the following reasons:

1. The continuing strong results in the labor market and the economy discussed above;
2. The Fed Balance Sheet of approximately $7.4 trillion will need to continue to be unwound. The problem is that when the Feds sells these securities, they are purchased by investment banks and other financial institutions. When this happens, the banks and other financial institutions have less cash and reserves to lend money to companies and individuals and to invest themselves, thereby putting upward pressure on long-term interest rates by increasing bond supply without a corresponding increase in bond demand;
3. The Core Personal Consumption Expenditures (PCE) index (the Fed's favored inflation index) has moved down significantly to 2.8% in December 2024 versus the Fed's goal of 2.0%, and it has been stuck at a level of 2.6%-2.8% for eight months. Until the index moves to the 2.0% goal and stays there for a period of time, the Fed will likely refuse to lower short-term rates, especially if there is an upward monthly move in the Core PCE index in the near future; and,
4. The projected US CY 2025 federal budget deficit of $1.9 trillion means the US will have to issue additional $1.9 trillion of bonds to fund this budget deficit. In addition, President Trump is threatening to raise tariffs on several countries, which will put additional upward pressure on inflation and long-term interest rates.

B. Change in City Investment Strategy

After the Feds changed to a looser monetary policy after July 26, 2023, the City's investment strategy changed to extending the investment maturities of securities purchased beyond three years and locking in rates, as much as practical.

Rates Earned by Berkeley and Other California Cities

On a short-term basis, the City's earned rate is expected to be below the City's benchmark (State LAIF) as long as the yield curve remains inverted.

However, the City's return is expected to be comparable to rates earned by other cities with a similar average maturity and lower than cities with a shorter average maturity in California. A sample of rates earned by Northern and Southern California cities is reflected in table 3 below (previously only Northern California cities were included):

Table 4

Other California Cities Earned Interest Rates	
For the Quarter Ending September 30, 2024	
City	**Rates Earned**
Oakland	4.54%
San Diego	3.83%
San Francisco	3.67%
San Jose	3.61%
Hayward	3.58%
Burbank	3.47%
Los Angeles	3.42%
Berkeley	**3.16%**
Sacramento	3.02%
Palo Alto	2.46 %

BACKGROUND

- Pooled Investments

  Short-term cash is invested primarily in government sponsored enterprises (referred to as Federal Agency securities) notes, medium-term corporate notes and municipal securities for periods of one to ten years. Additional cash is invested in a money market fund or overnight securities to meet the liquidity needs of the City.

  In some cases, the City may have investments with a current market value that is greater or less than the recorded cost. These changes in market value are due to fluctuations in the market and have no effect on the City's yield, as the City does not intend to sell securities prior to maturity.

- Retiree Health Trust Fund Investments

  The City agreed to provide retiree Health insurance coverage for fire, police and miscellaneous employees under certain terms and conditions. An actuarial study commissioned by the City many years ago determined that, in addition to City

Contributions, an average rate of return of 7% on miscellaneous employees trust fund assets invested must be achieved to fund the retiree health benefit at the desired 70% level. Primarily as a result of the Federal Reserve Board's decision to keep short-term rates near zero from 2008 to March 2022, the average rate currently earned is significantly below that 7% level. City Finance Department staff manages these investment portfolios.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

ATTACHMENTS

1. Portfolio Evaluation FY 2025 First Quarter
2. Investment Report Analysis FY 2025 First Quarter
    a. Exhibit 2-A: Pooled Cash and Investments
    b. Exhibit 2-B.1 through 2-B.3: Interest Earnings July 1, 2024 – September 30, 2024
    c. Exhibit 2-C: Book Value By Investment Type
    d. Exhibit 2-D: Current Holdings vs. Policy Limits
    e. Exhibit 2-E: Investment Portfolio Trend
    f. Exhibit 2-F: Investments Yielding 2 Percent or Less Maturing in 2026 or 2027
3. Summary of Pooled and Cash Investments FY 2025 First Quarter –Trust Funds
    a. Exhibit 3-A: Retiree Medical Trust Funds –Misc.
    b. Exhibit 3-B: Retiree Medical Trust Funds –Fire
    c. Exhibit 3-C: Retiree Medical Trust Funds –Police

Attachment 1

Portfolio Evaluation
Quarter Ended September 30, 2024

	QUARTER ENDING			
	September 2024	**June 2024**	**March 2024**	**December 2023**
Total Portfolio				
Pooled Cash and Investments (COB)	$ 609,358,155	$ 698,518,749	$ 664,362,679	$ 680,764,634
Pooled Cash and Investments (Trust)	58,122,162	54,549,828	57,831,711	57,430,853
Total Cash and Investments	$ 667,480,317	$ 753,068,577	$ 722,194,390	$ 738,195,487
Average Life of Investment Portfolio				
Pooled Investments (CoB)	911	1,017	1,099	1,182
Trust Investments	4.077 years	7.204 years	7.401 years	7.772 years
Weighted Yield				
Pooled Investments (CoB)	3.156%	3.313%	3.131%	2.865%
Trust Investments	4.903%	5.057%	5.022%	5.045%
Prime Rate	8.000%	8.500%	8.500%	8.500%
91-day Treasury Bill Rate	4.618%	5.220%	5.368%	5.353%
2-year Treasury Note Rate	3.169%	4.720%	4.628%	4.250%

Cash and Investments Maturity								
Within one year	$ 192,996,379	28.91%	$ 224,100,358	29.76%	$ 169,170,381	23.42%	$ 161,959,249	21.94%
Between 1 to 3 years	346,026,863	51.84%	376,863,991	50.04%	370,649,554	51.32%	378,624,293	51.29%
Between 3 to 5 years	30,946,760	4.64%	37,564,650	4.99%	66,226,147	9.17%	74,998,313	10.16%
Between 5 to 10 years	92,995,803	13.93%	104,107,795	13.82%	105,625,485	14.63%	111,396,595	15.09%
Over 10 years	4,514,512	0.68%	10,431,783	1.39%	10,522,824	1.46%	11,217,037	1.52%
Total	$ 667,480,317	100.00%	$ 753,068,577	100.00%	$ 722,194,391	100.00%	$ 738,195,487	100.00%

Attachment 2

Investment Report Analysis
As of September 30, 2024

Investments	Pooled Investments	Pension and OPEB Trust Investments	Total
Portfolio	$ 535,625,645	$ 47,066,942	$ 582,692,587
Unrecognized gain/(loss)	(9,892,487)	(477,801)	(10,370,286)
Total Investments	525,733,158	46,589,141	572,322,300

Cash	Pooled Cash	Pension and OPEB Trust Cash	Total
Cash with Fidelity Money Market	35,887,146	-	35,887,146
Cash with Fiscal Agents	1,909,458	-	1,909,458
Cash Deposits in Banks	57,361,414	-	57,361,414
Pooled Cash Adjustment	(11,533,021)	11,533,021	-
Total Cash	83,624,997	11,533,021	95,158,018
Adjusted Grand Total (All Cash and Investments)	**$ 609,358,155**	**$ 58,122,162**	**$ 667,480,318**

Pooled Cash Portfolio Breakdown As of September 30, 2024	Book Value	Market Value
Investments	$ 535,625,645	$ 525,733,158

NOTE:

1. The pooled cash includes Rent Board cash $8,849,077.24
2. The pooled cash does not include Section 115 cash of $11,399429.87

Exhibit 2-A

City of Berkeley
Pooled Cash and Investments
As of September 30, 2024

CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Moody's Rating
Medium Term Notes										
88579YAR2	14659	3M COMPANY	4,955,522.91	5,000,000.00	4,940,550.00	3.000	4.120	08/07/2025	310	A3
04685A2L4	14590	Athene Global Funding	5,952,877.01	5,950,000.00	5,903,530.50	2.500	2.320	01/14/2025	105	A1
04685A2L4	14602	Athene Global Funding	4,990,124.34	5,000,000.00	4,960,950.00	2.500	3.250	01/14/2025	105	A1
20030NBN0	14563	Comcast Corp	5,010,805.95	5,000,000.00	4,955,100.00	3.375	3.100	08/15/2025	318	A3
233851CU6	14571	Daimler Finance	5,025,937.91	5,000,000.00	4,936,950.00	3.450	3.190	01/06/2027	827	A2
233851CU6	14574	Daimler Finance	3,758,733.94	3,725,000.00	3,678,027.75	3.450	3.000	01/06/2027	827	A2
24422EWK1	14663	John Deere Cap	4,986,758.46	5,000,000.00	5,037,300.00	4.150	4.250	09/15/2027	1,079	A2
375558BF9	14570	Gilead Sciences	5,033,728.63	5,000,000.00	4,959,650.00	3.650	3.118	03/01/2026	516	A3
30303M8G0	14660	Meta Platforms Inc	4,889,800.31	5,000,000.00	4,959,100.00	3.500	4.360	08/15/2027	1,048	A1
617446HD4	14670	Morgan Stanley	10,707,982.64	10,000,000.00	11,877,700.00	7.250	6.000	04/01/2032	2,739	A1
747525AU7	14587	Qualcomm Inc	6,079,527.15	5,963,000.00	5,868,426.82	3.250	2.435	05/20/2027	961	A2
828807CS4	14606	Simon Property Group	5,000,000.00	5,000,000.00	5,000,000.00	3.375	3.353	10/01/2024	-	A2
07330MAA5	14588	Truist Bank	5,137,100.50	5,000,000.00	4,930,650.00	3.800	2.365	10/30/2026	759	A3
		Subtotal and Average	**71,528,899.75**	**70,638,000.00**	**72,007,935.07**		**3.627**		**890**	
Federal Agency Coupon Securities										
3133ENN22	14664	Federal Farm Credit Bank	4,993,616.53	5,000,000.00	4,982,500.00	3.750	3.890	09/22/2025	356	AAA
3133ENP95	14666	Federal Farm Credit Bank	4,993,064.55	5,000,000.00	5,011,100.00	4.250	4.400	09/30/2025	364	AAA
3133ENS50	14667	Federal Farm Credit Bank	4,999,529.40	5,000,000.00	5,067,850.00	4.125	4.128	10/14/2027	1,108	AAA
3133ENN30	14668	Federal Farm Credit Bank	4,690,130.56	5,000,000.00	4,986,650.00	3.875	4.863	09/20/2032	2,911	AAA
3133ENV72	14669	Federal Farm Credit Bank	4,991,846.09	5,000,000.00	5,064,500.00	4.500	4.600	07/27/2026	664	AAA
3133EPGG4	14686	Federal Farm Credit Bank	4,964,403.34	5,000,000.00	4,993,500.00	4.000	4.102	04/20/2033	3,123	AAA
3133EPGS8	14687	Federal Farm Credit Bank	4,998,173.27	5,000,000.00	5,002,300.00	4.250	4.300	07/24/2025	296	AAA
3133EPPE9	14689	Federal Farm Credit Bank	4,986,535.65	5,000,000.00	5,059,300.00	4.375	4.540	07/06/2026	643	AAA
3133EPPF6	14690	Federal Farm Credit Bank	4,963,622.13	5,000,000.00	5,112,350.00	4.125	4.300	07/05/2029	1,738	AAA
		Subtotal and Average	**44,580,921.52**	**45,000,000.00**	**45,280,050.00**		**4.344**		**1,231**	
Medium-Term Notes - Callable										
22553PWD7	14652	Credit Suisse AG	5,000,000.00	5,000,000.00	4,953,600.00	4.050	4.050	05/25/2025	236	A3
22553PXJ3	14655	Credit Suisse AG	5,000,000.00	5,000,000.00	4,918,350.00	5.000	5.001	05/31/2032	2,799	A3
751212AC5	14566	Ralph Lauren	5,027,318.97	5,000,000.00	4,970,700.00	3.750	3.106	09/15/2025	349	A3
857477CD3	14698	State Street Corp.	4,000,000.00	4,000,000.00	4,084,720.00	5.272	5.272	08/03/2026	671	A1
91159HHU7	14562	US Bancorp	5,047,698.21	5,000,000.00	4,985,250.00	3.950	2.848	11/17/2025	412	A3
91159HHM5	14684	US Bancorp	4,839,659.18	5,000,000.00	4,909,200.00	3.100	5.348	04/27/2026	573	A3
91159HHW3	14693	US Bancorp	4,361,741.51	5,000,000.00	4,697,800.00	3.000	6.212	07/30/2029	1,763	A3
		Subtotal and Average	**33,276,417.87**	**34,000,000.00**	**33,519,620.00**		**4.487**		**966**	
Federal Agency Callable										
3133EN6K1	14676	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	5,003,250.00	4.220	4.220	01/23/2030	1,940	AAA
3133EN6K1	14677	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	5,003,250.00	4.220	4.220	01/23/2030	1,940	AAA
3133EPAJ4	14679	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	4,996,100.00	4.000	4.000	02/09/2033	3,053	AAA
3130ARXL0	14649	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,986,700.00	3.000	3.000	11/25/2024	55	AAA

Exhibit 2-A

City of Berkeley
Pooled Cash and Investments
As of September 30, 2024

CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Moody's Rating
3130AULM4	14678	Federal Home Loan Banks	5,000,000.00	5,000,000.00	5,000,050.00	5.620	5.620	01/26/2033	3,039	AAA
3130AXDU9	14700	Federal Home Loan Banks	4,961,268.08	5,000,000.00	5,002,000.00	5.000	5.220	10/18/2028	1,478	AAA
			29,961,268.08	**30,000,000.00**	**29,991,350.00**		**4.379**		**1,918**	
Federal Agency Continuously Callable										
31422XJW3	14638	Farmer Mac	10,000,000.00	10,000,000.00	9,621,000.00	1.500	0.300	07/20/2026	657	N/A
3133ENUV0	14644	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	4,865,050.00	4.000	4.000	04/19/2032	2,757	N/A
3133ENVV9	14647	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	4,946,400.00	3.630	3.630	05/03/2027	944	AAA
3133ENWW6	14653	Federal Farm Credit Bank	4,995,797.72	5,000,000.00	4,961,500.00	4.370	4.384	05/17/2032	2,785	AAA
3133EPEK7	14682	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	5,002,050.00	4.620	4.620	04/03/2025	184	AAA
3133EPQT5	14695	Federal Farm Credit Bank	5,000,000.00	5,000,000.00	5,018,050.00	5.650	5.292	07/25/2033	3,219	AAA
3130AMAV4	14611	Federal Home Loan Banks	5,600,000.00	5,600,000.00	5,267,920.00	1.250	1.125	04/29/2027	940	AAA
3130ALZA5	14612	Federal Home Loan Banks	9,000,000.00	9,000,000.00	8,837,820.00	2.000	0.500	04/29/2026	575	AAA
3130AMEX6	14613	Federal Home Loan Banks	15,000,000.00	15,000,000.00	14,605,800.00	1.750	0.818	05/27/2026	603	AAA
3130AMF72	14615	Federal Home Loan Banks	15,000,000.00	15,000,000.00	14,426,850.00	1.300	1.040	05/27/2026	603	AAA
3130AMFQ0	14616	Federal Home Loan Banks	15,000,000.00	15,000,000.00	14,392,050.00	1.150	1.020	05/26/2026	602	AAA
3130AMFT4	14617	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,609,900.00	1.250	1.000	05/27/2026	603	AAA
3130AMG22	14618	Federal Home Loan Banks	20,000,000.00	20,000,000.00	19,311,800.00	1.250	0.500	05/27/2026	603	AAA
3130AMGG1	14619	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,729,700.00	2.000	1.160	05/26/2026	602	AAA
3130AMFN7	14620	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,729,700.00	2.000	1.175	05/26/2026	602	AAA
3130AMG55	14622	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,421,500.00	1.375	1.219	05/27/2027	968	AAA
3130AMG22	14624	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,655,900.00	1.250	0.500	05/27/2026	603	AAA
3130AMLS9	14627	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,705,300.00	1.300	1.010	06/17/2026	624	AAA
3130AMN24	14628	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,588,400.00	1.150	1.034	06/03/2026	610	AAA
3130AMN57	14629	Federal Home Loan Banks	20,000,000.00	20,000,000.00	19,163,800.00	1.100	1.013	06/03/2026	610	AAA
3130AMP71	14630	Federal Home Loan Banks	20,000,000.00	20,000,000.00	19,173,200.00	1.200	1.077	06/18/2026	625	AAA
3130AMPL0	14631	Federal Home Loan Banks	15,000,000.00	15,000,000.00	14,377,500.00	1.150	0.375	06/08/2026	615	AAA
3130AMMW9	14632	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,642,200.00	1.500	0.500	06/10/2026	617	AAA
3130AMWM0	14634	Federal Home Loan Banks	4,250,000.00	4,250,000.00	4,060,960.00	1.050	0.500	06/30/2026	637	AAA
3130AN5U0	14642	Federal Home Loan Banks	10,000,000.00	10,000,000.00	9,657,800.00	1.750	0.500	07/29/2026	666	AAA
3130ANJY7	14643	Federal Home Loan Banks	40,000,000.00	40,000,000.00	38,030,000.00	1.000	0.400	08/26/2026	694	AAA
3130ARTE1	14645	Federal Home Loan Banks	6,425,000.00	6,425,000.00	6,282,943.25	4.100	4.100	04/26/2032	2,764	AAA
3130ARX71	14648	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,966,350.00	3.000	3.000	05/23/2025	234	AAA
3130ARYA3	14651	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,992,350.00	4.000	4.000	05/26/2027	967	AAA
3130AS7K9	14654	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,959,450.00	4.440	4.440	05/26/2032	2,794	AAA
3130ASGF0	14656	Federal Home Loan Banks	5,000,000.00	5,000,000.00	4,983,350.00	4.000	4.000	06/30/2025	272	AAA
3134GXRS5	14646	Federal Home Loan Mortgage Co	5,000,000.00	5,000,000.00	4,963,900.00	3.100	3.100	04/29/2025	210	AAA
3134GXC28	14657	Federal Home Loan Mortgage Co	5,000,000.00	5,000,000.00	4,986,550.00	4.100	4.102	07/18/2025	290	AAA
3134GXC36	14658	Federal Home Loan Mortgage Co	5,000,000.00	5,000,000.00	4,990,550.00	4.000	4.000	12/30/2024	90	AAA
3134GYPL0	14685	Federal Home Loan Mortgage Co	5,000,000.00	5,000,000.00	5,001,250.00	5.250	5.250	05/01/2028	1,308	AAA
			350,270,797.72	**350,275,000.00**	**338,928,843.25**		**1.453**		**792**	

Medium Term Notes Continuous Callable Bonds

Exhibit 2-A

City of Berkeley
Pooled Cash and Investments
As of September 30, 2024

CUSIP	Investment #	Issuer	Book Value	Par Value	Market Value	Current Rate	YTM/C 365	Maturity Date	Days To Maturity	Moody's Rating
06051GLG2	14688	Bank of America Corporation	1,000,000.00	1,000,000.00	1,028,210.00	5.202	5.202	04/25/2029	1,667	A1
		Subtotal and Average	**1,000,000.00**	**1,000,000.00**	**1,028,210.00**		**5.202**		**1,667**	
Municipal Bonds										
13063DGB8	14559	General Obligation Unlimited	5,007,340.08	5,000,000.00	4,977,150.00	3.375	3.087	04/01/2025	**182**	AA2
		Subtotal and Average	**5,007,340.08**	**5,000,000.00**	**4,977,150.00**		**3.087**		**182**	
		Total Investments and Average	**535,625,645.02**	**535,913,000.00**	**525,733,158.32**		**2.358**		**911**	

Total Investments (Book Value)	**535,625,645.02**
Cash	**83,624,997.00**
Total Investments (Book Value) and Cash	**619,250,642.02**
Increase / (Decrease) in Market Value of Securities	**(9,892,486.70)**
Total Investments (Market Value) and Cash	**609,358,155.32**

Exhibit 2-B.1

Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
July 1, 2024 - July 31, 2024
Yield on Average Book Value

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130AMGG1	14619	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	2.000	1.962	16,666.67	0.00	16,666.67
3130ARXL0	14649	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	11/25/2024	3.000	2.944	12,500.00	0.00	12,500.00
3130AMFN7	14620	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	2.000	1.962	16,666.67	0.00	16,666.67
3130ARX71	14648	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/23/2025	3.000	2.944	12,500.00	0.00	12,500.00
3130ARYA3	14651	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2027	4.000	3.925	16,666.67	0.00	16,666.67
3130AMG22	14618	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	05/27/2026	1.250	1.226	20,833.33	0.00	20,833.33
3130AMFT4	14617	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	1.250	1.226	10,416.66	0.00	10,416.66
3130ATDV6	14662	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	09/30/2027	5.000	4.906	20,833.34	0.00	20,833.34
3130AS7K9	14654	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2032	4.440	4.356	18,500.00	0.00	18,500.00
3130ASGF0	14656	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	06/30/2025	4.000	3.925	16,666.66	0.00	16,666.66
3130ARTE1	14645	010	MC5	6,425,000.00	6,425,000.00	6,425,000.00	04/26/2032	4.100	4.023	21,952.08	0.00	21,952.08
3130AMG55	14622	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2027	1.375	1.349	11,458.33	0.00	11,458.33
3130AMMW9	14632	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/10/2026	1.500	1.472	12,500.00	0.00	12,500.00
3130AMP71	14630	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/18/2026	1.200	1.177	20,000.00	0.00	20,000.00
3130AMN57	14629	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/03/2026	1.100	1.079	18,333.33	0.00	18,333.33
3130AMLS9	14627	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/17/2026	1.300	1.276	10,833.33	0.00	10,833.33
3130AMN24	14628	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/03/2026	1.150	1.128	9,583.34	0.00	9,583.34
3130ANJY7	14643	010	MC5	40,000,000.00	40,000,000.00	40,000,000.00	08/26/2026	1.000	0.981	33,333.33	0.00	33,333.33
3130AN5U0	14642	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/29/2026	1.750	1.717	14,583.33	0.00	14,583.33
3130AMPL0	14631	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	06/08/2026	1.150	1.128	14,375.00	0.00	14,375.00
3130AMWM0	14634	010	MC5	4,250,000.00	4,250,000.00	4,250,000.00	06/30/2026	1.050	1.030	3,718.75	0.00	3,718.75
3130AMFQ0	14616	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/26/2026	1.150	1.128	14,375.00	0.00	14,375.00
3130AULM4	14678	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/26/2033	5.620	5.514	23,416.67	0.00	23,416.67
3130AMAV4	14611	010	MC5	5,600,000.00	5,600,000.00	5,600,000.00	04/29/2027	1.250	1.226	5,833.33	0.00	5,833.33
3130AXDY1	14699	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	09/26/2025	5.550	5.446	23,125.00	0.00	23,125.00
3130AXDU9	14700	010	MC4	5,000,000.00	4,958,875.58	4,959,300.06	10/18/2028	5.000	5.136	20,833.34	797.50	21,630.84
3130AMG22	14624	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	1.250	1.226	10,416.66	0.00	10,416.66
3130AMEX6	14613	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	1.750	1.717	21,875.00	0.00	21,875.00
3130ALZA5	14612	010	MC5	9,000,000.00	9,000,000.00	9,000,000.00	04/29/2026	2.000	1.962	15,000.00	0.00	15,000.00
3130AMF72	14615	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	1.300	1.276	16,250.00	0.00	16,250.00
3133EPEK7	14682	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/03/2025	4.620	4.533	19,250.00	0.00	19,250.00
3133EN6K1	14677	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/23/2030	4.220	4.141	17,583.33	0.00	17,583.33

Pooled Investments Selected Funds

Interest Earnings

July 1, 2024 - July 31, 2024

Exhibit 2-B.1

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3133EPAJ4	14679	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	02/09/2033	4.000	3.925	16,666.67	0.00	16,666.67
3133EPGG4	14686	010	FAC	5,000,000.00	4,963,362.84	4,963,547.44	04/20/2033	4.000	4.036	16,666.67	346.83	17,013.50
3133EPGS8	14687	010	FAC	5,000,000.00	4,997,612.16	4,997,711.71	07/24/2025	4.250	4.216	17,708.33	187.04	17,895.37
3133EPQT5	14695	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/25/2033	5.650	5.544	23,541.66	0.00	23,541.66
3133EPPE9	14689	010	FAC	5,000,000.00	4,984,627.31	4,984,965.89	07/06/2026	4.375	4.456	18,229.16	636.12	18,865.28
3133EPPF6	14690	010	FAC	5,000,000.00	4,961,711.97	4,962,050.87	07/05/2029	4.125	4.229	17,187.50	636.72	17,824.22
3133EN6K1	14676	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/23/2030	4.220	4.141	17,583.33	0.00	17,583.33
3133EN5C0	14675	010	MC5	5,000,000.00	4,995,506.95	4,995,551.35	12/27/2028	5.370	5.293	22,375.00	83.41	22,458.41
3133ENWW6	14653	010	MC5	5,000,000.00	4,995,659.99	4,995,684.42	05/17/2032	4.370	4.302	18,208.33	45.91	18,254.24
3133ENVV9	14647	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/03/2027	3.630	3.562	15,125.00	0.00	15,125.00
3133ENN22	14664	010	FAC	5,000,000.00	4,991,979.74	4,992,270.14	09/22/2025	3.750	3.814	15,625.00	545.60	16,170.60
3133ENP95	14666	010	FAC	5,000,000.00	4,991,325.85	4,991,633.71	09/30/2025	4.250	4.314	17,708.33	579.57	18,287.90
3133ENV72	14669	010	FAC	5,000,000.00	4,990,727.41	4,990,925.88	07/27/2026	4.500	4.511	18,750.00	372.89	19,122.89
3133ENS50	14667	010	FAC	5,000,000.00	4,999,490.65	4,999,497.53	10/14/2027	4.125	4.051	17,187.50	12.92	17,200.42
3133ENN30	14668	010	FAC	5,000,000.00	4,680,410.01	4,682,134.62	09/20/2032	3.875	4.875	16,145.83	3,240.18	19,386.01
3133ENUV0	14644	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/19/2032	4.000	3.925	16,666.67	0.00	16,666.67
3134GXC36	14658	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	12/30/2024	4.000	3.925	16,666.66	0.00	16,666.66
3134GXRS5	14646	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/29/2025	3.100	3.042	12,916.67	0.00	12,916.67
3134GXC28	14657	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/18/2025	4.100	4.023	17,083.34	0.00	17,083.34
3134GYPL0	14685	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/01/2028	5.250	5.151	21,875.00	0.00	21,875.00
3134GYXR8	14696	010	MC5	2,000,000.00	2,000,000.00	2,000,000.00	07/27/2028	6.000	5.887	10,000.00	0.00	10,000.00
617446HD4	14670	010	MTN	10,000,000.00	10,731,582.06	10,727,395.07	04/01/2032	7.250	5.768	60,416.67	-7,866.47	52,550.20
06051GLG2	14688	010	MC6	1,000,000.00	1,000,000.00	1,000,000.00	04/25/2029	5.202	5.104	4,335.00	0.00	4,335.00
31422XZ47	14681	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	03/20/2030	5.675	5.568	23,645.83	0.00	23,645.83
31422XJW3	14638	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/20/2026	1.500	1.472	12,500.00	0.00	12,500.00
24422EWK1	14663	010	MTN	5,000,000.00	4,985,638.40	4,985,837.12	09/15/2027	4.150	4.172	17,291.67	373.35	17,665.02
13063DGB8	14559	010	MUN	5,000,000.00	5,011,010.12	5,010,358.99	04/01/2025	3.375	3.017	14,062.50	-1,223.35	12,839.15
91159HHU7	14562	010	MC3	5,000,000.00	5,058,271.70	5,056,395.76	11/17/2025	3.950	3.012	16,458.33	-3,524.50	12,933.83
91159HHW3	14693	010	MC3	5,000,000.00	4,328,709.16	4,334,557.89	07/30/2029	3.000	6.386	12,500.00	11,010.78	23,510.78
91159HHM5	14684	010	MC3	5,000,000.00	4,814,163.29	4,818,686.75	04/27/2026	3.100	5.233	12,916.66	8,498.63	21,415.29
20030NBN0	14563	010	MTN	5,000,000.00	5,013,903.20	5,013,353.69	08/15/2025	3.375	3.060	14,062.50	-1,032.42	13,030.08
747525AU7	14587	010	MTN	5,963,000.00	6,090,578.20	6,088,617.53	05/20/2027	3.250	2.411	16,149.79	-3,683.69	12,466.10
751212AC5	14566	010	MC3	5,000,000.00	5,034,466.38	5,033,198.29	09/15/2025	3.750	3.098	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,039,680.74	5,038,624.72	03/01/2026	3.650	3.090	15,208.34	-1,984.04	13,224.30
233851CU6	14574	010	MTN	3,725,000.00	3,762,459.16	3,761,798.23	01/06/2027	3.450	2.963	10,709.38	-1,241.74	9,467.64
233851CU6	14571	010	MTN	5,000,000.00	5,028,802.22	5,028,294.04	01/06/2027	3.450	3.142	14,375.00	-954.77	13,420.23
07330MAA5	14588	010	MTN	5,000,000.00	5,153,574.52	5,150,657.61	10/30/2026	3.800	2.364	15,833.34	-5,491.34	10,342.00
04685A2L4	14602	010	MTN	5,000,000.00	4,981,495.11	4,983,026.11	01/14/2025	2.500	3.141	10,416.67	2,876.41	13,293.08
04685A2L4	14590	010	MTN	5,950,000.00	5,955,390.91	5,954,944.89	01/14/2025	2.500	2.285	12,395.84	-837.97	11,557.87
828807CS4	14606	010	MTN	5,000,000.00	4,999,706.51	4,999,758.58	10/01/2024	3.375	3.335	14,062.50	97.83	14,160.33

Pooled Investments Selected Funds

Interest Earnings

July 1, 2024 - July 31, 2024

Exhibit 2-B.1

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
22553PWD7	14652	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/25/2025	4.050	3.974	16,875.00	0.00	16,875.00
22553PXJ3	14655	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/31/2032	5.000	4.906	20,833.33	0.00	20,833.33
88579YAR2	14659	010	MTN	5,000,000.00	4,942,441.42	4,944,762.33	08/07/2025	3.000	4.015	12,500.00	4,360.50	16,860.50
30303M8G0	14660	010	MTN	5,000,000.00	4,880,208.46	4,881,910.24	08/15/2027	3.500	4.288	14,583.33	3,197.28	17,780.61
857477CD3	14698	010	MC3	4,000,000.00	4,000,000.00	4,000,000.00	08/03/2026	5.272	5.173	17,573.33	0.00	17,573.33
			Subtotal	**557,913,000.00**	**557,598,372.02**	**557,602,451.47**			**2.719**	**1,280,125.81**	**7,676.71**	**1,287,802.52**
Fund: Wells Fargo MM- Regular												
SYS14701	14701	025	RRP	76,558,144.37	140,897,056.65	122,139,930.80			5.154	534,671.25	0.00	534,671.25
			Subtotal	**76,558,144.37**	**140,897,056.65**	**122,139,930.80**			**5.154**	**534,671.25**	**0.00**	**534,671.25**
Fund: Fidelity MM - Trans												
SYS14190	14190	030	RRP	0.00	12,120,346.29	8,210,557.16		0.002	5.245	36,573.62	0.00	36,573.62
			Subtotal	**0.00**	**12,120,346.29**	**8,210,557.16**			**5.245**	**36,573.62**	**0.00**	**36,573.62**
Fund: Fidelity MM - Regular												
SYS14265	14265	040	RRP	35,579,258.25	23,301,057.40	27,226,556.76		0.003	5.245	121,280.94	0.00	121,280.94
			Subtotal	**35,579,258.25**	**23,301,057.40**	**27,226,556.76**			**5.245**	**121,280.94**	**0.00**	**121,280.94**
			Total	**670,050,402.62**	**733,916,832.36**	**715,179,496.19**			**3.260**	**1,972,651.62**	**7,676.71**	**1,980,328.33**

Exhibit 2-B.2

Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
August 1, 2024 - August 31, 2024
Yield on Average Book Value

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130AMGG1	14619	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	2.000	1.962	16,666.67	0.00	16,666.67
3130ARXL0	14649	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	11/25/2024	3.000	2.944	12,500.00	0.00	12,500.00
3130AMFN7	14620	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	2.000	1.962	16,666.67	0.00	16,666.67
3130ARX71	14648	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/23/2025	3.000	2.944	12,500.00	0.00	12,500.00
3130ARYA3	14651	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2027	4.000	3.925	16,666.67	0.00	16,666.67
3130AMG22	14618	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	05/27/2026	1.250	1.226	20,833.34	0.00	20,833.34
3130AMFT4	14617	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	1.250	1.226	10,416.67	0.00	10,416.67
3130ATDV6	14662	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	09/30/2027	5.000	4.906	20,833.33	0.00	20,833.33
3130AS7K9	14654	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2032	4.440	4.356	18,500.00	0.00	18,500.00
3130ASGF0	14656	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	06/30/2025	4.000	3.925	16,666.67	0.00	16,666.67
3130ARTE1	14645	010	MC5	6,425,000.00	6,425,000.00	6,425,000.00	04/26/2032	4.100	4.023	21,952.08	0.00	21,952.08
3130AMG55	14622	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2027	1.375	1.349	11,458.34	0.00	11,458.34
3130AMMW9	14632	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/10/2026	1.500	1.472	12,500.00	0.00	12,500.00
3130AMP71	14630	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/18/2026	1.200	1.177	20,000.00	0.00	20,000.00
3130AMN57	14629	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/03/2026	1.100	1.079	18,333.34	0.00	18,333.34
3130AMLS9	14627	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/17/2026	1.300	1.276	10,833.33	0.00	10,833.33
3130AMN24	14628	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/03/2026	1.150	1.128	9,583.33	0.00	9,583.33
3130ANJY7	14643	010	MC5	40,000,000.00	40,000,000.00	40,000,000.00	08/26/2026	1.000	0.981	33,333.34	0.00	33,333.34
3130AN5U0	14642	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/29/2026	1.750	1.717	14,583.34	0.00	14,583.34
3130AMPL0	14631	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	06/08/2026	1.150	1.128	14,375.00	0.00	14,375.00
3130AMWM0	14634	010	MC5	4,250,000.00	4,250,000.00	4,250,000.00	06/30/2026	1.050	1.030	3,718.75	0.00	3,718.75
3130AMFQ0	14616	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/26/2026	1.150	1.128	14,375.00	0.00	14,375.00
3130AULM4	14678	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/26/2033	5.620	5.514	23,416.66	0.00	23,416.66
3130AMAV4	14611	010	MC5	5,600,000.00	5,600,000.00	5,600,000.00	04/29/2027	1.250	1.226	5,833.33	0.00	5,833.33
3130AXDY1	14699	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	09/26/2025	5.550	5.446	23,125.00	0.00	23,125.00
3130AXDU9	14700	010	MC4	5,000,000.00	4,959,673.08	4,960,097.56	10/18/2028	5.000	5.135	20,833.33	797.50	21,630.83
3130AMG22	14624	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	1.250	1.226	10,416.67	0.00	10,416.67
3130AMEX6	14613	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	1.750	1.717	21,875.00	0.00	21,875.00
3130ALZA5	14612	010	MC5	9,000,000.00	9,000,000.00	9,000,000.00	04/29/2026	2.000	1.962	15,000.00	0.00	15,000.00
3130AMF72	14615	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	1.300	1.276	16,250.00	0.00	16,250.00
3133EPEK7	14682	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/03/2025	4.620	4.533	19,250.00	0.00	19,250.00
3133EN6K1	14677	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/23/2030	4.220	4.141	17,583.33	0.00	17,583.33

Pooled Investments Selected Funds

Interest Earnings

August 1, 2024 - August 31, 2024

Exhibit 2-B.2

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3133EPAJ4	14679	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	02/09/2033	4.000	3.925	16,666.66	0.00	16,666.66
3133EPGG4	14686	010	FAC	5,000,000.00	4,963,709.67	4,963,894.28	04/20/2033	4.000	4.036	16,666.67	346.84	17,013.51
3133EPGS8	14687	010	FAC	5,000,000.00	4,997,799.20	4,997,898.75	07/24/2025	4.250	4.216	17,708.34	187.03	17,895.37
3133EPQT5	14695	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/25/2033	5.650	5.544	23,541.67	0.00	23,541.67
3133EPPE9	14689	010	FAC	5,000,000.00	4,985,263.43	4,985,602.00	07/06/2026	4.375	4.455	18,229.17	636.11	18,865.28
3133EPPF6	14690	010	FAC	5,000,000.00	4,962,348.69	4,962,687.59	07/05/2029	4.125	4.229	17,187.50	636.72	17,824.22
3133EN6K1	14676	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/23/2030	4.220	4.141	17,583.33	0.00	17,583.33
3133EN5C0	14675	010	MC5	5,000,000.00	4,995,590.36	4,995,634.76	12/27/2028	5.370	5.293	22,375.00	83.41	22,458.41
3133ENWW6	14653	010	MC5	5,000,000.00	4,995,705.90	4,995,730.33	05/17/2032	4.370	4.302	18,208.33	45.91	18,254.24
3133ENVV9	14647	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/03/2027	3.630	3.562	15,125.00	0.00	15,125.00
3133ENN22	14664	010	FAC	5,000,000.00	4,992,525.34	4,992,815.73	09/22/2025	3.750	3.813	15,625.00	545.59	16,170.59
3133ENP95	14666	010	FAC	5,000,000.00	4,991,905.42	4,992,213.27	09/30/2025	4.250	4.313	17,708.33	579.56	18,287.89
3133ENV72	14669	010	FAC	5,000,000.00	4,991,100.30	4,991,298.78	07/27/2026	4.500	4.511	18,750.00	372.89	19,122.89
3133ENS50	14667	010	FAC	5,000,000.00	4,999,503.57	4,999,510.44	10/14/2027	4.125	4.051	17,187.50	12.92	17,200.42
3133ENN30	14668	010	FAC	5,000,000.00	4,683,650.19	4,685,374.81	09/20/2032	3.875	4.872	16,145.84	3,240.18	19,386.02
3133ENUV0	14644	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/19/2032	4.000	3.925	16,666.66	0.00	16,666.66
3134GXC36	14658	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	12/30/2024	4.000	3.925	16,666.67	0.00	16,666.67
3134GXRS5	14646	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/29/2025	3.100	3.042	12,916.67	0.00	12,916.67
3134GXC28	14657	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/18/2025	4.100	4.023	17,083.33	0.00	17,083.33
3134GYPL0	14685	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/01/2028	5.250	5.151	21,875.00	0.00	21,875.00
3134GYXR8	14696	010	MC5	0.00	2,000,000.00	1,677,419.35	07/27/2028	6.000	6.083	8,666.67	0.00	8,666.67
617446HD4	14670	010	MTN	10,000,000.00	10,723,715.59	10,719,528.59	04/01/2032	7.250	5.772	60,416.66	-7,866.48	52,550.18
06051GLG2	14688	010	MC6	1,000,000.00	1,000,000.00	1,000,000.00	04/25/2029	5.202	5.104	4,335.00	0.00	4,335.00
31422XZ47	14681	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	03/20/2030	5.675	5.568	23,645.84	0.00	23,645.84
31422XJW3	14638	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/20/2026	1.500	1.472	12,500.00	0.00	12,500.00
24422EWK1	14663	010	MTN	5,000,000.00	4,986,011.75	4,986,210.47	09/15/2027	4.150	4.171	17,291.67	373.36	17,665.03
13063DGB8	14559	010	MUN	5,000,000.00	5,009,786.77	5,009,135.64	04/01/2025	3.375	3.018	14,062.50	-1,223.34	12,839.16
91159HHU7	14562	010	MC3	5,000,000.00	5,054,747.20	5,052,871.26	11/17/2025	3.950	3.014	16,458.34	-3,524.50	12,933.84
91159HHW3	14693	010	MC3	5,000,000.00	4,339,719.94	4,345,568.68	07/30/2029	3.000	6.370	12,500.00	11,010.79	23,510.79
91159HHM5	14684	010	MC3	5,000,000.00	4,822,661.92	4,827,185.38	04/27/2026	3.100	5.223	12,916.67	8,498.63	21,415.30
20030NBN0	14563	010	MTN	5,000,000.00	5,012,870.78	5,012,321.27	08/15/2025	3.375	3.061	14,062.50	-1,032.41	13,030.09
747525AU7	14587	010	MTN	5,963,000.00	6,086,894.51	6,084,933.84	05/20/2027	3.250	2.412	16,149.80	-3,683.68	12,466.12
751212AC5	14566	010	MC3	5,000,000.00	5,032,083.91	5,030,815.82	09/15/2025	3.750	3.099	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,037,696.70	5,036,640.68	03/01/2026	3.650	3.091	15,208.33	-1,984.03	13,224.30
233851CU6	14574	010	MTN	3,725,000.00	3,761,217.42	3,760,556.49	01/06/2027	3.450	2.964	10,709.37	-1,241.74	9,467.63
233851CU6	14571	010	MTN	5,000,000.00	5,027,847.45	5,027,339.27	01/06/2027	3.450	3.143	14,375.00	-954.77	13,420.23
07330MAA5	14588	010	MTN	5,000,000.00	5,148,083.18	5,145,166.27	10/30/2026	3.800	2.367	15,833.33	-5,491.34	10,341.99
04685A2L4	14602	010	MTN	5,000,000.00	4,984,371.52	4,985,902.51	01/14/2025	2.500	3.139	10,416.66	2,876.41	13,293.07
04685A2L4	14590	010	MTN	5,950,000.00	5,954,552.94	5,954,106.93	01/14/2025	2.500	2.286	12,395.83	-837.96	11,557.87
828807CS4	14606	010	MTN	5,000,000.00	4,999,804.34	4,999,856.41	10/01/2024	3.375	3.335	14,062.50	97.83	14,160.33

Pooled Investments Selected Funds

Interest Earnings

August 1, 2024 - August 31, 2024

Exhibit 2-B.2

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
22553PWD7	14652	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/25/2025	4.050	3.974	16,875.00	0.00	16,875.00
22553PXJ3	14655	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/31/2032	5.000	4.906	20,833.33	0.00	20,833.33
88579YAR2	14659	010	MTN	5,000,000.00	4,946,801.92	4,949,122.83	08/07/2025	3.000	4.011	12,500.00	4,360.50	16,860.50
30303M8G0	14660	010	MTN	5,000,000.00	4,883,405.74	4,885,107.52	08/15/2027	3.500	4.286	14,583.33	3,197.29	17,780.62
857477CD3	14698	010	MC3	4,000,000.00	4,000,000.00	4,000,000.00	08/03/2026	5.272	5.173	17,573.34	0.00	17,573.34
			Subtotal	**555,913,000.00**	**557,606,048.73**	**557,287,547.55**			**2.718**	**1,278,792.53**	**7,676.75**	**1,286,469.28**
Fund: Wells Fargo MM- Regular												
SYS14701	14701	025	RRP	59,199,305.19	76,558,144.37	73,467,386.70			5.097	318,040.54	0.00	318,040.54
			Subtotal	**59,199,305.19**	**76,558,144.37**	**73,467,386.70**			**5.097**	**318,040.54**	**0.00**	**318,040.54**
Fund: Fidelity MM - Regular												
SYS14265	14265	040	RRP	35,737,756.41	35,579,258.25	35,584,371.09		0.003	5.244	158,498.16	0.00	158,498.16
			Subtotal	**35,737,756.41**	**35,579,258.25**	**35,584,371.09**			**5.244**	**158,498.16**	**0.00**	**158,498.16**
			Total	**650,850,061.60**	**669,743,451.35**	**666,339,305.34**			**3.115**	**1,755,331.23**	**7,676.75**	**1,763,007.98**

Exhibit 2-B.3

Pooled Investments Selected Funds
Interest Earnings
Sorted by Fund - Fund
September 1, 2024 - September 30, 2024
Yield on Average Book Value

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3130AMGG1	14619	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	2.000	2.028	16,666.67	0.00	16,666.67
3130ARXL0	14649	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	11/25/2024	3.000	3.042	12,500.00	0.00	12,500.00
3130AMFN7	14620	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/26/2026	2.000	2.028	16,666.67	0.00	16,666.67
3130ARX71	14648	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/23/2025	3.000	3.042	12,500.00	0.00	12,500.00
3130ARYA3	14651	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2027	4.000	4.056	16,666.67	0.00	16,666.67
3130AMG22	14618	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	05/27/2026	1.250	1.267	20,833.33	0.00	20,833.33
3130AMFT4	14617	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	1.250	1.267	10,416.67	0.00	10,416.67
3130ATDV6	14662	010	MC5	0.00	5,000,000.00	4,833,333.33	09/30/2027	5.000	5.069	20,138.89	0.00	20,138.89
3130AS7K9	14654	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/26/2032	4.440	4.502	18,500.00	0.00	18,500.00
3130ASGF0	14656	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	06/30/2025	4.000	4.056	16,666.67	0.00	16,666.67
3130ARTE1	14645	010	MC5	6,425,000.00	6,425,000.00	6,425,000.00	04/26/2032	4.100	4.157	21,952.08	0.00	21,952.08
3130AMG55	14622	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2027	1.375	1.394	11,458.33	0.00	11,458.33
3130AMMW9	14632	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/10/2026	1.500	1.521	12,500.00	0.00	12,500.00
3130AMP71	14630	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/18/2026	1.200	1.217	20,000.00	0.00	20,000.00
3130AMN57	14629	010	MC5	20,000,000.00	20,000,000.00	20,000,000.00	06/03/2026	1.100	1.115	18,333.33	0.00	18,333.33
3130AMLS9	14627	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/17/2026	1.300	1.318	10,833.33	0.00	10,833.33
3130AMN24	14628	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	06/03/2026	1.150	1.166	9,583.33	0.00	9,583.33
3130ANJY7	14643	010	MC5	40,000,000.00	40,000,000.00	40,000,000.00	08/26/2026	1.000	1.014	33,333.33	0.00	33,333.33
3130AN5U0	14642	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/29/2026	1.750	1.774	14,583.33	0.00	14,583.33
3130AMPL0	14631	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	06/08/2026	1.150	1.166	14,375.00	0.00	14,375.00
3130AMWM0	14634	010	MC5	4,250,000.00	4,250,000.00	4,250,000.00	06/30/2026	1.050	1.065	3,718.75	0.00	3,718.75
3130AMFQ0	14616	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/26/2026	1.150	1.166	14,375.00	0.00	14,375.00
3130AULM4	14678	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/26/2033	5.620	5.698	23,416.67	0.00	23,416.67
3130AMAV4	14611	010	MC5	5,600,000.00	5,600,000.00	5,600,000.00	04/29/2027	1.250	1.267	5,833.33	0.00	5,833.33
3130AXDY1	14699	010	MC5	0.00	5,000,000.00	4,166,666.67	09/26/2025	5.550	5.627	19,270.83	0.00	19,270.83
3130AXDU9	14700	010	MC4	5,000,000.00	4,960,470.58	4,960,882.63	10/18/2028	5.000	5.305	20,833.33	797.50	21,630.83
3130AMG22	14624	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	05/27/2026	1.250	1.521	12,500.00	0.00	12,500.00
3130AMEX6	14613	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	1.750	1.774	21,875.00	0.00	21,875.00
3130ALZA5	14612	010	MC5	9,000,000.00	9,000,000.00	9,000,000.00	04/29/2026	2.000	2.028	15,000.00	0.00	15,000.00
3130AMF72	14615	010	MC5	15,000,000.00	15,000,000.00	15,000,000.00	05/27/2026	1.300	1.318	16,250.00	0.00	16,250.00

Pooled Investments Selected Funds
Interest Earnings
September 1, 2024 - September 30, 2024

Exhibit 2-B.2

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
3133EPEK7	14682	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/03/2025	4.620	4.684	19,250.00	0.00	19,250.00
3133EN6K1	14677	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/23/2030	4.220	4.279	17,583.33	0.00	17,583.33
3133EPAJ4	14679	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	02/09/2033	4.000	4.056	16,666.67	0.00	16,666.67
3133EPGG4	14686	010	FAC	5,000,000.00	4,964,056.51	4,964,235.70	04/20/2033	4.000	4.170	16,666.67	346.83	17,013.50
3133EPGS8	14687	010	FAC	5,000,000.00	4,997,986.23	4,998,082.87	07/24/2025	4.250	4.356	17,708.33	187.04	17,895.37
3133EPQT5	14695	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/25/2033	5.650	5.728	23,541.67	0.00	23,541.67
3133EPPE9	14689	010	FAC	5,000,000.00	4,985,899.54	4,986,228.19	07/06/2026	4.375	4.603	18,229.17	636.11	18,865.28
3133EPPF6	14690	010	FAC	5,000,000.00	4,962,985.41	4,963,314.38	07/05/2029	4.125	4.369	17,187.50	636.72	17,824.22
3133EN6K1	14676	010	MC4	5,000,000.00	5,000,000.00	5,000,000.00	01/23/2030	4.220	4.279	17,583.33	0.00	17,583.33
3133EN5C0	14675	010	MC5	0.00	4,995,673.77	4,829,191.63	12/27/2028	5.370	5.470	21,629.17	80.63	21,709.80
3133ENWW6	14653	010	MC5	5,000,000.00	4,995,751.81	4,995,775.53	05/17/2032	4.370	4.446	18,208.33	45.91	18,254.24
3133ENVV9	14647	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/03/2027	3.630	3.680	15,125.00	0.00	15,125.00
3133ENN22	14664	010	FAC	5,000,000.00	4,993,070.93	4,993,352.82	09/22/2025	3.750	3.940	15,625.00	545.60	16,170.60
3133ENP95	14666	010	FAC	5,000,000.00	4,992,484.98	4,992,784.42	09/30/2025	4.250	4.456	17,708.33	579.57	18,287.90
3133ENV72	14669	010	FAC	5,000,000.00	4,991,473.19	4,991,665.86	07/27/2026	4.500	4.661	18,750.00	372.90	19,122.90
3133ENS50	14667	010	FAC	5,000,000.00	4,999,516.49	4,999,523.16	10/14/2027	4.125	4.186	17,187.50	12.91	17,200.41
3133ENN30	14668	010	FAC	5,000,000.00	4,686,890.37	4,688,564.47	09/20/2032	3.875	5.031	16,145.83	3,240.19	19,386.02
3133ENUV0	14644	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/19/2032	4.000	4.056	16,666.67	0.00	16,666.67
3134GXC36	14658	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	12/30/2024	4.000	4.056	16,666.67	0.00	16,666.67
3134GXRS5	14646	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	04/29/2025	3.100	3.143	12,916.67	0.00	12,916.67
3134GXC28	14657	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	07/18/2025	4.100	4.157	17,083.33	0.00	17,083.33
3134GYPL0	14685	010	MC5	5,000,000.00	5,000,000.00	5,000,000.00	05/01/2028	5.250	5.323	21,875.00	0.00	21,875.00
617446HD4	14670	010	MTN	10,000,000.00	10,715,849.11	10,711,784.77	04/01/2032	7.250	5.969	60,416.67	-7,866.47	52,550.20
06051GLG2	14688	010	MC6	1,000,000.00	1,000,000.00	1,000,000.00	04/25/2029	5.202	5.274	4,335.00	0.00	4,335.00
31422XZ47	14681	010	MC5	0.00	5,000,000.00	3,666,666.67	03/20/2030	5.675	5.754	17,340.28	0.00	17,340.28
31422XJW3	14638	010	MC5	10,000,000.00	10,000,000.00	10,000,000.00	07/20/2026	1.500	1.521	12,500.00	0.00	12,500.00
24422EWK1	14663	010	MTN	5,000,000.00	4,986,385.11	4,986,578.01	09/15/2027	4.150	4.310	17,291.67	373.35	17,665.02
13063DGB8	14559	010	MUN	5,000,000.00	5,008,563.43	5,007,931.37	04/01/2025	3.375	3.119	14,062.50	-1,223.35	12,839.15
91159HHU7	14562	010	MC3	5,000,000.00	5,051,222.70	5,049,401.71	11/17/2025	3.950	3.116	16,458.33	-3,524.49	12,933.84
91159HHW3	14693	010	MC3	5,000,000.00	4,350,730.73	4,356,419.63	07/30/2029	3.000	6.566	12,500.00	11,010.78	23,510.78
91159HHM5	14684	010	MC3	5,000,000.00	4,831,160.55	4,835,551.51	04/27/2026	3.100	5.388	12,916.67	8,498.63	21,415.30
20030NBN0	14563	010	MTN	5,000,000.00	5,011,838.37	5,011,304.95	08/15/2025	3.375	3.164	14,062.50	-1,032.42	13,030.08
747525AU7	14587	010	MTN	5,963,000.00	6,083,210.83	6,081,307.60	05/20/2027	3.250	2.494	16,149.79	-3,683.68	12,466.11
751212AC5	14566	010	MC3	5,000,000.00	5,029,701.44	5,028,470.50	09/15/2025	3.750	3.204	15,625.00	-2,382.47	13,242.53
375558BF9	14570	010	MTN	5,000,000.00	5,035,712.67	5,034,687.58	03/01/2026	3.650	3.196	15,208.33	-1,984.04	13,224.29
233851CU6	14574	010	MTN	3,725,000.00	3,759,975.68	3,759,334.11	01/06/2027	3.450	3.064	10,709.38	-1,241.74	9,467.64
233851CU6	14571	010	MTN	5,000,000.00	5,026,892.68	5,026,399.39	01/06/2027	3.450	3.248	14,375.00	-954.77	13,420.23

Pooled Investments Selected Funds
Interest Earnings
September 1, 2024 - September 30, 2024

Exhibit 2B.3

CUSIP	Investment #	Fund	Security Type	Ending Par Value	Beginning Book Value	Average Book Value	Maturity Date	Current Rate	Annualized Yield	Adjusted Interest Earnings: Interest Earned	Adjusted Interest Earnings: Amortization/ Accretion	Adjusted Interest Earnings: Adjusted Interest Earnings
Fund: Pooled Investment - Long Term												
07330MAA5	14588	010	MTN	5,000,000.00	5,142,591.84	5,139,754.64	10/30/2026	3.800	2.448	15,833.33	-5,491.34	10,341.99
04685A2L4	14602	010	MTN	5,000,000.00	4,987,247.93	4,988,734.07	01/14/2025	2.500	3.242	10,416.67	2,876.41	13,293.08
04685A2L4	14590	010	MTN	5,950,000.00	5,953,714.98	5,953,282.03	01/14/2025	2.500	2.362	12,395.83	-837.97	11,557.86
828807CS4	14606	010	MTN	5,000,000.00	4,999,902.17	4,999,952.72	10/01/2024	3.375	3.446	14,062.50	97.83	14,160.33
22553PWD7	14652	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/25/2025	4.050	4.106	16,875.00	0.00	16,875.00
22553PXJ3	14655	010	MC3	5,000,000.00	5,000,000.00	5,000,000.00	05/31/2032	5.000	5.069	20,833.33	0.00	20,833.33
88579YAR2	14659	010	MTN	5,000,000.00	4,951,162.42	4,953,415.34	08/07/2025	3.000	4.141	12,500.00	4,360.49	16,860.49
30303M8G0	14660	010	MTN	5,000,000.00	4,886,603.03	4,888,254.96	08/15/2027	3.500	4.426	14,583.33	3,197.28	17,780.61
857477CD3	14698	010	MC3	4,000,000.00	4,000,000.00	4,000,000.00	08/03/2026	5.272	5.345	17,573.33	0.00	17,573.33
			Subtotal	**535,913,000.00**	**555,613,725.48**	**553,117,833.20**			**2.790**	**1,260,609.15**	**7,673.94**	**1,268,283.09**
Fund: Wells Fargo MM- Regular												
SYS14701	14701	025	RRP	58,207,023.48	59,199,305.19	52,279,918.08			4.939	212,240.25	0.00	212,240.25
			Subtotal	**58,207,023.48**	**59,199,305.19**	**52,279,918.08**			**4.939**	**212,240.25**	**0.00**	**212,240.25**
Fund: Fidelity MM - Regular												
SYS14265	14265	040	RRP	35,887,145.64	35,737,756.41	35,742,736.05		0.003	5.085	149,389.23	0.00	149,389.23
			Subtotal	**35,887,145.64**	**35,737,756.41**	**35,742,736.05**			**5.085**	**149,389.23**	**0.00**	**149,389.23**
			Total	**630,007,169.12**	**650,550,787.08**	**641,140,487.33**			**3.093**	**1,622,238.63**	**7,673.94**	**1,629,912.57**

Exhibit 2-C

Pooled Cash and Investments
(Market Value)
as of September 30, 2024

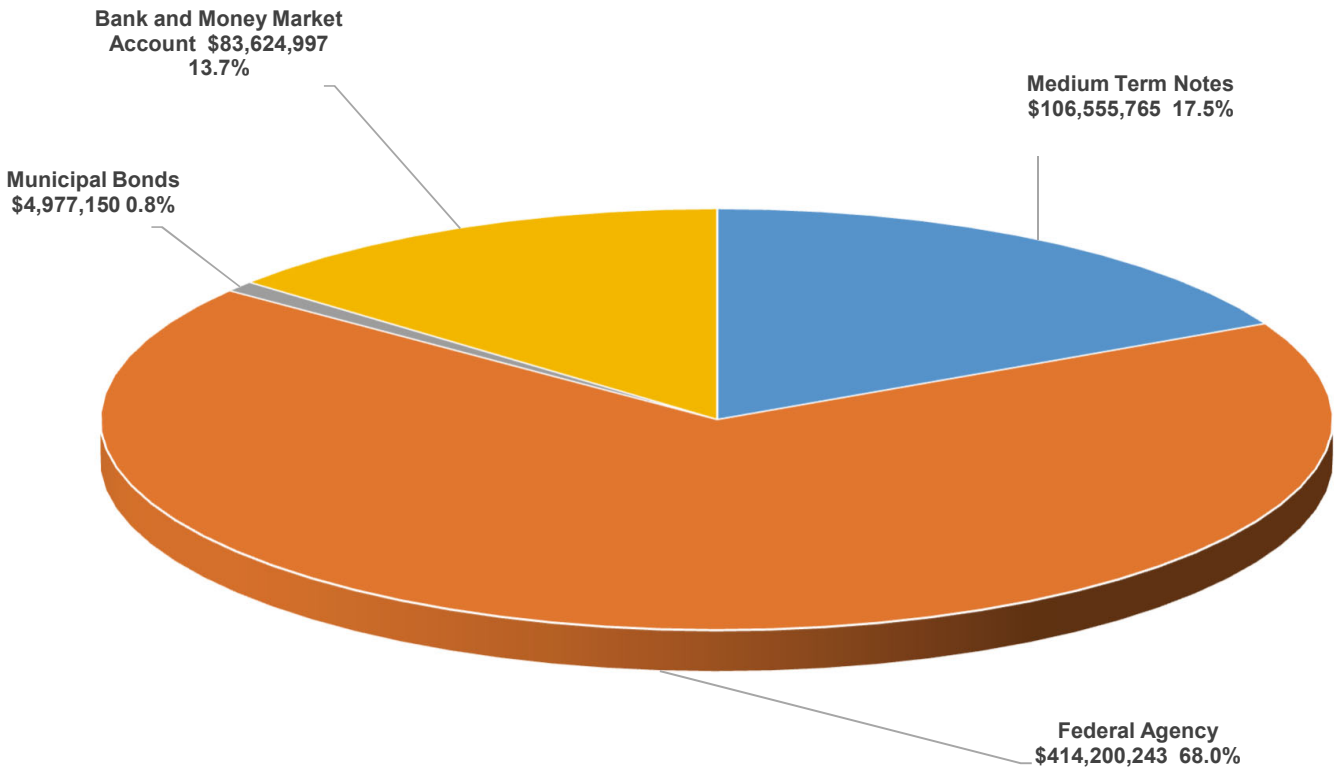


Exhibit 2-D

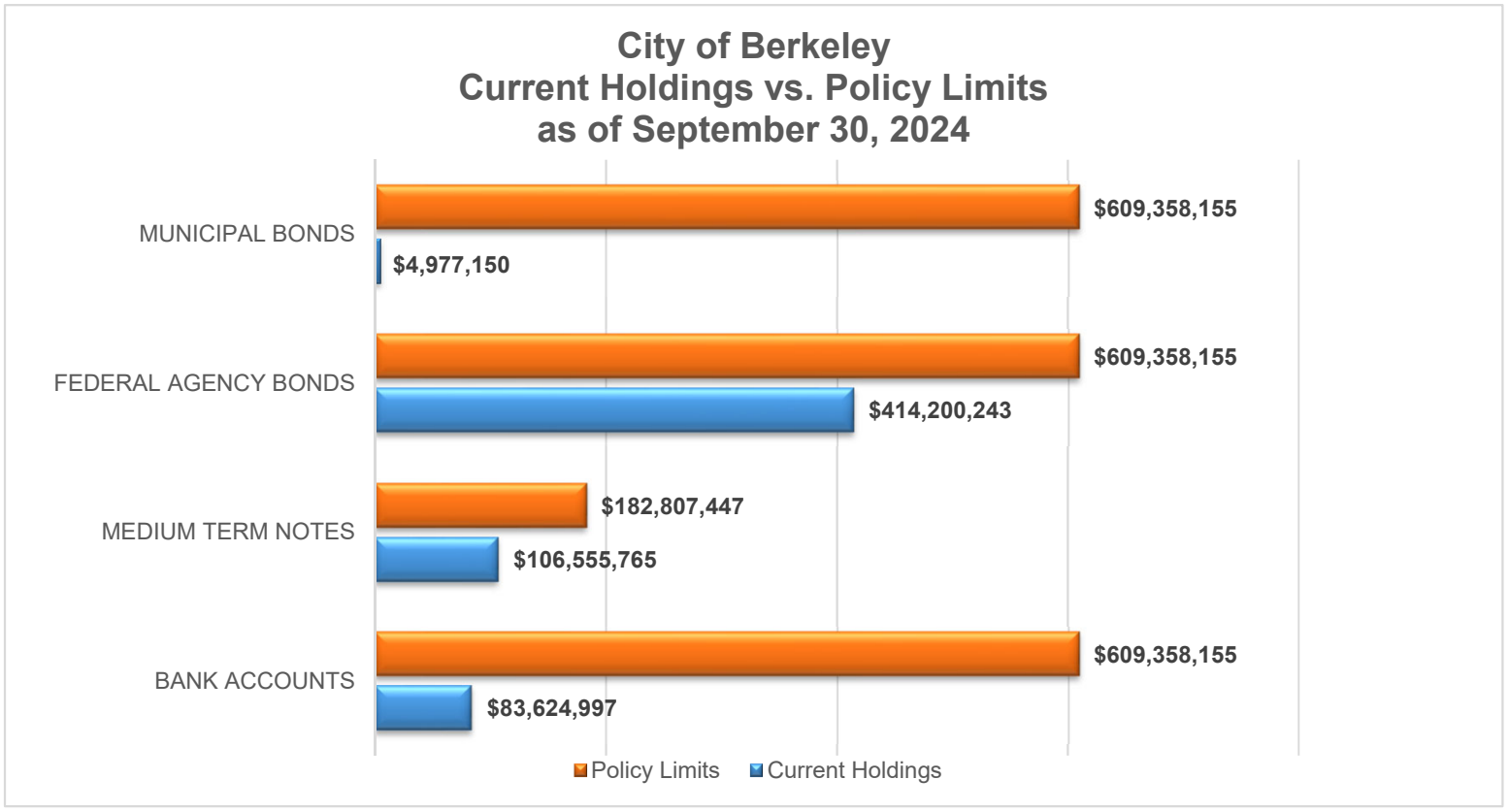

City of Berkeley
Current Holdings vs. Policy Limits
as of September 30, 2024
MUNICIPAL BONDS
$609,358,155
$4,977,150
FEDERAL AGENCY BONDS
$609,358,155
$414,200,243
MEDIUM TERM NOTES
$182,807,447
$106,555,765
BANK ACCOUNTS
$609,358,155
$83,624,997
Policy Limits
Current Holdings

Exhibit 2-E

Pooled and Trust
Cash and Investment Portfolio Trend
as of September 30, 2024

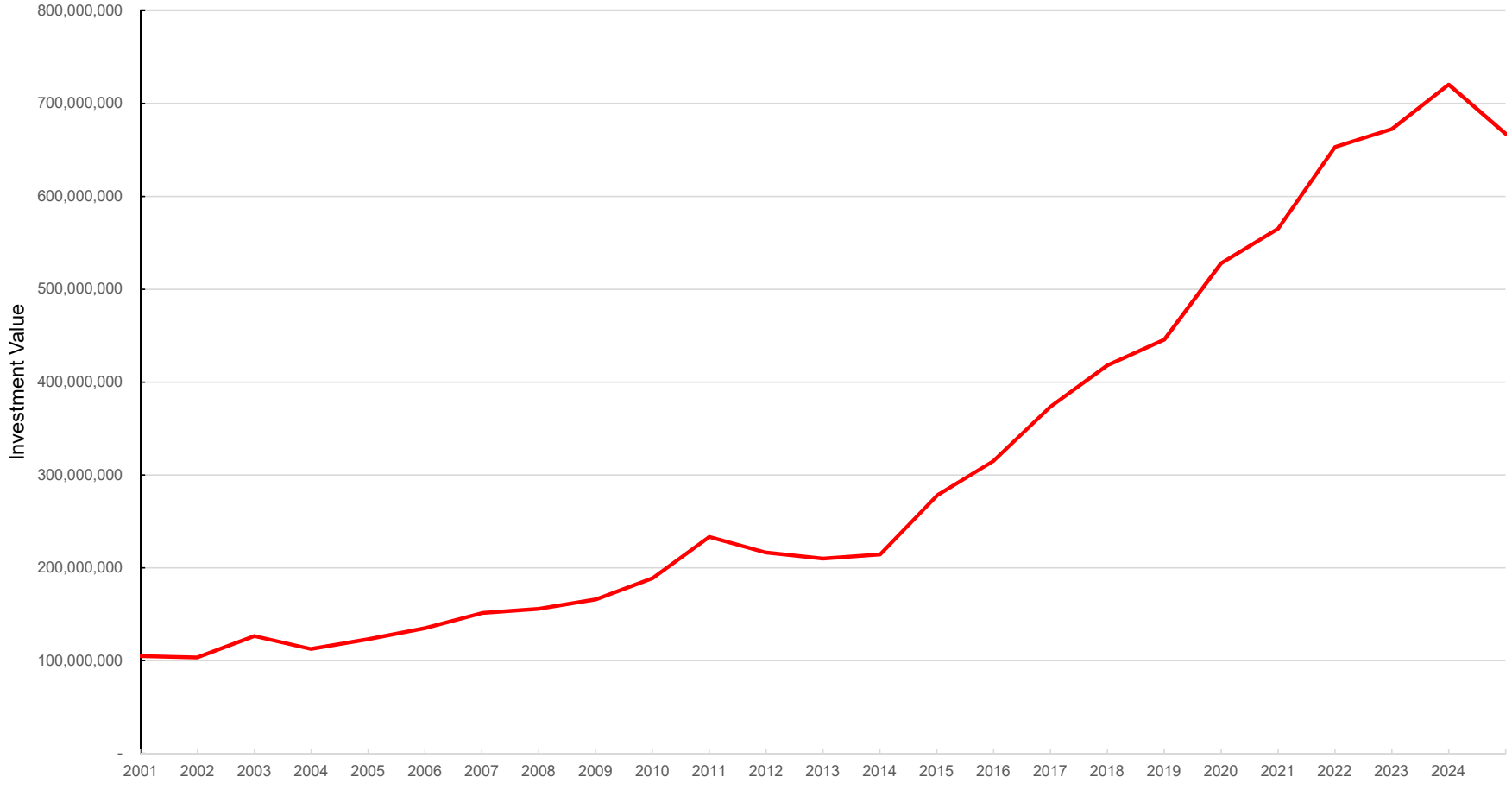


Exhibit 2-F

Investments Yielding 2 Percent or Less Maturing in 2026 or 2027

Investment Number	Investment Par Value	Interest Rate	Maturity Date
14619	10,000,000	2.00%	05/26/2026
14620	10,000,000	2.00%	05/26/2026
14618	20,000,000	1.25%	05/27/2026
14622	10,000,000	1.38%	05/27/2026
14632	10,000,000	1.50%	06/10/2026
14630	20,000,000	1.20%	06/18/2026
14629	20,000,000	1.10%	06/02/2026
14627	10,000,000	1.30%	06/17/2026
14628	10,000,000	1.15%	06/03/2026
14643	40,000,000	1.00%	08/26/2026
14642	10,000,000	1.75%	07/29/2026
14631	15,000,000	1.15%	06/08/2026
14634	4,250,000	1.05%	06/30/2026
14616	15,000,000	1.15%	05/26/2026
14611	5,600,000	1.25%	04/29/2027
14624	10,000,000	1.25%	05/27/2026
14613	15,000,000	1.75%	05/27/2026
14612	9,000,000	2.00%	04/29/2026
14615	15,000,000	1.30%	05/27/2026
14638	10,000,000	1.50%	07/20/2026
	$268,850,000		

Attachment 3

Summary of Pooled Cash and Investments - Trust Funds
(Market Value)
As of September 30, 2024

		Pooled Cash	Investments (Book Value)	Gain/Loss on Investments	Pooled Cash & Investments (Market Value)
Retiree Medical Trust Fund					
Fund No.					
721	BHA	$ (27,765)	$ 569,718	$ 49,785	$ 591,738
722	M1=IBEW	(204,563)	83,414	(2,885)	(124,033)
723	M2=Local 1	1,792,697	10,976,291	390,588	13,159,576
724	MUI=Z1	233,346	1,931,298	(94,564)	2,070,080
725	MUI=Z2 to Z6	291,339	2,793,162	(26,914)	3,057,587
726	M535= Local 535	1,520,444	10,084,951	(148,671)	11,456,724
727	M3=Local 790	649,117	6,397,605	99,399	7,146,121
Total Retiree Medical Trust Fund		**4,254,615**	**32,836,439**	**266,739**	**37,357,793**
Fire Medical Trust Fund					
736	Fire Medical Trust Fund	5,105,126	9,355,706	(444,373)	14,016,459
Total Fire Medical Trust Fund		**5,105,126**	**9,355,706**	**(444,373)**	**14,016,459**
Police Medical Trust Fund					
731	Police EE Retiree HLT Assistance Plan	783,809	1,783,626	(121,423)	2,446,012
701	Safety Members Pension Fund	129,151	-	-	129,151
706	Police Medical Trust Fund	1,260,320	3,091,171	(178,744)	4,172,748
Total Police Medical Trust Fund		**2,173,280**	**4,874,797**	**(300,167)**	**6,747,911**
	Total Trust Funds	**$ 11,533,021**	**$ 47,066,942**	**$ (477,801)**	**$ 58,122,162**

Exhibit 3-A

Retiree Medical Trust Fund
Fund 721 - 727
Interest Earnings
July 01 to September 30, 2024

			Investments As of September 30, 2024						Interest Earnings July 01 to September 30, 2024				
												Adjusted Interest Earnings	
CUSIP	Investment #	Issuer	Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Moody's Rating	Current Rate	Annualized Yield	Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Federal Agency Coupon Securities													
3133EFQT7	14361	Fed Farm Credit Bank	2,600,000.00	2,602,546.71	2,602,091.94	2,571,062.00	11/25/2025	AAA	2.700	2.606	17,550.00	(454.77)	17,095.23
Medium Term Notes - Callable													
665859AX2	14671	Northern Trust Corp	10,000,000.00	10,014,195.05	10,013,769.34	11,042,500.00	11/02/2032	A2	6.125	6.050	153,125.00	(425.71)	152,699.29
Federal Agency Continuous Callable													
3133EPMQ5	14691 Misc	Federal Farm Credit Bank	4,746,000.00	4,713,961.52	4,714,855.62	4,768,685.88	06/16/2033	AAA	5.360	5.427	63,596.40	894.10	64,490.50
3133EPNL5	14692 Misc	Federal Farm Credit Bank	3,796,800.00	3,771,847.30	3,772,542.15	3,857,131.15	06/23/2033	AAA	5.180	5.244	49,168.56	694.85	49,863.41
Continous Callable Bonds													
797440CD4	14680	San Diego Gas & Electric	2,000,000.00	1,979,875.80	1,980,050.79	2,052,900.00	04/01/2053	A1	5.350	5.395	26,750.00	174.99	26,924.99
Municipal Bonds													
786091AG3	14316	SACGEN	3,785,000.00	5,058,538.39	3,819,087.35	3,854,530.45	08/01/2025	A1	7.250	6.049	75,943.75	(11,320.43)	64,623.32
Savo Island Loan													
SYS10988	10988	EMPMED	54,000.00	104,000.00	54,000.00	54,000.00	09/01/2025	N/A	8.000	7.977	1,763.26	-	1,763.26
Preferred Securities													
00206R706	14591	AT&T Inc.	1,680,033.60	1,680,033.60	1,680,033.60	1,400,694.68	N/A	N/A	4.596	4.674	19,792.06	-	19,792.06
00206R706	14596	AT&T Inc.	1,680,008.40	1,680,008.40	1,680,008.40	1,400,673.67	N/A	N/A	4.640	4.674	19,791.77	-	19,791.77
00206R706	14597	AT&T Inc.	2,520,000.00	2,520,000.00	2,520,000.00	2,101,000.00	N/A	N/A	4.643	4.674	29,687.50	-	29,687.50
		Total	**32,861,842.00**	**34,125,006.77**	**32,836,439.19**	**33,103,177.83**				**5.324**	**$ 457,168.30**	**$ (10,436.97)**	**$ 446,731.33**

Total Investments (Book Value)	**$ 32,836,439.19**
Gain/Loss on Investments	**266,738.64**
Total Investments (Market Value)	**33,103,177.83**
Temporarily Invested with Pooled Cash & Investments	**4,254,615.00**
Total Pooled Cash and Investments	**$ 37,357,792.83**

Exhibit 3-B

Fire Retiree Medical
Fund 736
Interest Earnings
July 01 to September 30, 2024

			Investments As of September 30, 2024						Interest Earnings July 01 to September 30, 2024				
												Adjusted Interest Earnings	
CUSIP	Investment #	Issuer	Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Moody's Rating	Current Rate	Annualized Yield	Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Medium Term Notes													
6174467X1	14318	Morgan Stanley DW DTC#0015	2,000,000.00	2,010,786.15	2,008,856.23	2,009,820.00	11/24/2025	BAA1	5.000	4.554	25,000.00	(1,929.92)	23,070.08
Federal Agency Coupon Securities													
3133EFQT7	14362	Fed Farm Credit Bank	2,300,000.00	2,302,252.86	2,301,850.56	2,274,401.00	11/25/2025	AAA	2.700	2.606	15,525.00	(402.30)	15,122.70
Federal Agency Continuously Callable													
3133EPMQ5	14691 Fire	Federal Farm Credit Bank	35,500.00	35,260.35	35,267.04	35,669.69	06/16/2033	AAA	5.360	5.427	475.700	6.69	482.39
3133EPNL5	14692 Fire	Federal Farm Credit Bank	28,400.00	28,213.35	28,218.55	28,851.28	06/23/2033	AAA	5.180	5.244	367.78	5.20	372.98
3130AUB78	14672	Federal Home Loan Banks	2,461,538.44	4,000,000.00	2,461,538.44	2,461,612.29	12/29/2042	AAA	6.230	6.132	54,845.29	-	54,845.29
3130AUB86	14673	Federal Home Loan Banks	-	2,343,500.00	-	-	01/00/1900		6.540	6.441	28,950.04	-	28,950.04
Preferred Securities													
00206R706	14592	AT&T Inc.	1,679,983.20	1,679,983.20	1,679,983.20	1,400,652.66	N/A	N/A	4.596	4.674	19,791.47	-	19,791.47
00206R706	14594	AT&T Inc.	839,991.60	839,991.60	839,991.60	700,326.33	N/A	N/A	4.640	4.674	9,895.73	-	9,895.73
		Total	**$ 9,345,413.24**	**$ 13,239,987.51**	**$ 9,355,705.62**	**$ 8,911,333.25**				**4.949**	**$ 154,851.01**	**$ (2,320.33)**	**$ 152,530.68**

Total Investments (Book Value)	**$ 9,355,705.62**
Gain/Loss on Investments	**(444,372.37)**
Total Investments (Market Value)	**8,911,333.25**
Temporarily Invested with Pooled Cash & Investments	**5,105,126.00**
Total Pooled Cash and Investments	**$ 14,016,459.25**

Exhibit 3-C

Police Retiree Medical
Fund 731 and 706
Interest Earnings
July 01 to September 30, 2024

			Investments As of September 30, 2024						Interest Earnings July 01 to September 30, 2024				
												Adjusted Interest Earnings	
CUSIP	Investment #	Issuer	Par Value	Beginning Book Value	Ending Book Value	Market Value	Maturity Date	Moody's Rating	Current Rate	Annualized Yield	Interest Earned	Amortization/ Accretion	Adjusted Interest Earnings
Medium Term Notes													
6174467X1	14319	Morgan Stanley DW DTC#0015	500,000.00	502,696.54	502,214.06	502,455.00	11/24/2025	BAA1	5.000	4.554	6,250.00	(482.48)	5,767.52
Federal Agency Coupon Securities													
3133EFQT7	14363	Fed. Farm Credit Banks	2,300,000.00	2,302,252.86	2,301,850.56	2,274,401.00	11/25/2025	AAA	2.700	2.606	15,525.00	(402.30)	15,122.70
Federal Agency Continuously Callable													
3133EPMQ5	14691 Pol	Federal Farm Credit Bank	218,500.00	217,024.99	217,066.15	219,544.43	06/16/2033	AAA	5.360	5.427	2,927.90	41.16	2,969.06
3133EPNL5	14692 Pol	Federal Farm Credit Bank	174,800.00	173,651.21	173,683.20	177,577.57	06/23/2033	AAA	5.180	5.244	2,263.66	31.99	2,295.65
3130AUB86	14674	Federal Home Loan Banks	-	2,224,000.00	-	-			6.540	6.441	27,473.81	-	27,473.81
Preferred Securities													
00206R706	14593	AT&T Inc.	1,679,983.20	1,679,983.20	1,679,983.20	1,400,652.66	N/A	N/A	4.596	4.674	19,791.47	-	19,791.47
		Total	**$ 4,873,283.20**	**$ 7,099,608.80**	**$ 4,874,797.17**	**$ 4,574,630.66**				**4.435**	**$ 74,231.84**	**$ (811.63)**	**$ 73,420.21**

Total Investments (Book Value)	**$ 4,874,797.17**
Gain/Loss on Investments	**(300,166.51)**
Total Investments (Market Value)	**4,574,630.66**
Temporarily Invested with Pooled Cash & Investments	**2,173,280.00**
Total Pooled Cash and Investments	**$ 6,747,910.66**

Communications – March 11, 2025

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.

Item #18: Adopt an Ordinance to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units *(Reviewed by the Land Use, Housing & Economic Development Policy Committee)*

1. Krista C. Gulbransen

Civic Center Park

2. Elana Naftalin-Kelman
3. Yael Galinson
4. Ashley E. McClure
5. David Tepper
6. Lisa Lum (2)
7. Robin Kibby
8. Erik Dreher
9. Daniel Jurnove
10. Ben Buettner
11. Micky Duxbury
12. Catarina Negrin
13. Stacey Zolt Hara
14. Patrick Golier
15. David Kerr
16. Whitney Moss
17. Peggy Scott (2)
18. Lisa Mazur Librizzi
19. Elisabeth Hruska

Encampments

20. Aileen Paterson
21. Russbumper
22. Josh Atwood
23. Aimee Baldwin

Peace and Justice Commission Resolution

24. Haiganoush Preisler
25. Joseph Mutti
26. Jennifer Fechner
27. Tim O'Brien
28. Dorothea Dorenz
29. Chris Taaffe
30. Erika Andersen

31. Alexander Cruzado
32. Sam Long
33. Michael Cassidy
34. 12 Similarly worded form letters

Safety Concerns
35. Cecelia Mautner

Mailbox
36. Elsa Tranter

Public Safety Community Meeting
37. Jack Kurzweil
38. Enrique Marisol
39. Igor Tregub

Sanctuary Protocol
40. Director of Security

Plans
41. Tillymaui

Library Printing Services
42. Alex S. Merenkov
43. Bill Kolb

Daylighting Law
44. Shirley Kirsten (3)
45. Mieka Strawhorn
46. Wahid Amiri
47. Sandra Sanchez

Proposed Public Restroom
48. Aimee Baldwin
49. Wahid Amiri
50. Analisa Madron

Cesar Chavez Park
51. Maggie Dilley
52. Amy Thomson
53. Katherine Westine
54. Randall Gee
55. The Froedin-Morgensen Family
56. Antonio Guzman
57. Wini Williams
58. Lucy Thrupp

59. Save CC (2)
60. Frances Shaw
61. Cameron Woo

Round Park
62. Joseph Lee (3)

Housing Concern
63. Bing Fantasy Football (6)

Bay Wheels Station
64. Alex S. Merenkov
65. Sandra Sanchez

Speed Bumps
66. Lolita Brewster

BOTTLEBIN Smart Bin
67. Tammy E. Apple

2x2 Meeting
68. Rebecca Levenson (2)
69. Jennie Hicks and Ian Wulfson
70. Sasha Courtade

Publicize Effects
71. Kellie Stoddart

Civil Action Petition
72. Ian A. Leipper

Bicycle Plan
73. James McGrath
74. Laura Fujii
75. Octavio Raygoza

Gold Award Project
76. Ona Weiss

Business Safety
77. David Lerman

Literacy Project
78. Pat Kennedy

Up Zoning

79. Deborah Barer

Berkeley Public Eye
80. Bernard Marszalek

PG&E Gas Lines
81. David Lerman

Unit Inspections
82. Alex Merenkov
83. Manreet Gill

Golden Gate Fields
84. Roger Hooks

Intersection Safety Concern
85. Asa Bradman

Certificates
86. Justin Wong

Middle East Conflict
87. Alexander Cruzado

Red Cross Month
88. Teresa Deloach Reed

Traffic Concern
89. Shirley Kirsten (2)

URL's
90. Julie Elis
91. Flip Side
92. Nancy Fox

Forwards
93. Eid
94. Josh Atwood (2)

Mail to the Mayor
95. Eid

BESO Amendments
96. Hannah Wenrich (9)
97. Isabella Almeida (9)

Apartment Values
98. Barbara Gilbert

Healthy Foods
99. Roberto Terrones on behalf of the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE)
100. Kenneth Hecht

GOP Budget Cuts Concern
101. Kellie Stoddart

Commission Vacancies
102. Samuel J. Harvey on behalf of the Fair Campaign Practices Commission/Open Government Commission

Screenshots
103. Josh Atwood

Chess Club
104. Jesse Sheehan

2138 Kittredge St.
105. Carol A. Bagshawe

Durr, Jasmine **01**

From: Krista Gulbransen <krista@bpoa.org>
Sent: Thursday, February 20, 2025 4:50 PM
To: Kesarwani, Rashi; Taplin, Terry; O'Keefe, Shoshana; Humbert, Mark; Bartlett, Ben; Blackaby, Brent; Berkeley Mayor's Office; Tregub, Igor
Cc: City Clerk
Subject: March 11 Agenda - Item #15 - Algorithmic Devices for Rents

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor & Councilmembers,

I write to you in regards to Item #15 on the March 11 agenda, titled "Adopt an Ordinance to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units."

First off, I am extraordinarily frustrated and appalled at the Housing Advisory Commission's continued classification of Berkeley Property Owners Association as a "conduit to the cartel." **The lawsuit filed by the FTC in regard to the use of RealPage software has nothing to do with BPOA. We are not a plaintiff.**

BPOA never has - and never will - participate in any price collusion or antitrust practices. Trade associations have a very strict policy and adherence to antitrust laws. We do not endorse or partner with any software company involved in setting rental prices.

Besides the above, this Council needs to ask themselves some very basic questions about this proposal:

1. **How should price setting for rentals be set if one cannot use online resources?**
2. The proposal prohibits both the use of *private and public data* in an algorithmic setting. Zillow uses public data to recommend rental prices when advertising a unit. **Does this proposal prohibit the use of Zillow, Apartments.com, Craig's List and others to advertise and set rental prices?**
3. Home sale prices are set using private and public data. Lenders make decisions on loans based on the valuation of comparable data provided in an algorithmic formula. **How does setting a sales price differ from setting a rental price?**

No one consulted BPOA on how we advise owners in setting rental prices, nor has there been any research into the potential unintended consequences of this proposal. If the goal is to target large property companies using RealPage, that's one thing—but this proposal extends far beyond that and will ultimately restrict small property owners ability to set a rental price for their rental.

Sincerely,

--

Krista C. Gulbransen

Executive Director

510.304.3575

www.bpoa.org

Thomsen, Rose

02

From: Elana Naftalin-Kelman <elanank@gmail.com>
Sent: Wednesday, February 19, 2025 6:16 PM
To: All Council; Manager, C; Berkeley Mayor's Office
Subject: encampment next to Berkeley High

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Ishi, the Berkeley City Council and the City Manager,

As a parent of a current Berkeley High Student, I am concerned by the growing encampment near Berkeley High. I am worried for the safety of our students, mine included, who often leaves BHS after dark due to afterschool activities.

Please provide the unhoused community with other housing options that do not sacrifice the safety of our children.

Thank you,
Elana Naftalin-Kelman

Thomsen, Rose **03**

From: Yael Galinson <ygalinson@gmail.com>
Sent: Wednesday, February 19, 2025 5:07 PM
To: Berkeley Mayor's Office; All Council; Manager, C
Subject: Civic Center Encampment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and City Council,

Please please please clear the encampment at Civic Center park. I have a daughter who is a student at Berkeley High, and she has to walk through this encampment every single day on her way to and from school. She feels scared and unsafe! There are drugs, dangerous dogs, garbage, feces, and more. She hears and sees violence in and around the tents. She and her friends don't have a place to sit and eat lunch.

Why isn't the safety of Berkeley children your top priority? Why do the unhoused take priority over students? How can you stand by and do nothing when a student was attacked at the park, when dangerous dogs run wild, when unwell individuals wander around with thousands of students nearby? What more will it take for you to take action and remove this encampment?

I implore you to take immediate action. DO SOMETHING. Do not allow this unsafe situation to continue for another day. The children of Berkeley deserve your protection and prioritization.

Clear the encampment. Immediately.

Yael Galinson

04

Durr, Jasmine

From: Ashley McClure <ashennessy@gmail.com>
Sent: Tuesday, February 18, 2025 9:10 PM
To: Berkeley Mayor's Office; All Council; Manager, C; Taplin, Terry
Subject: concern re homeless encampment by BHS

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,
Thank you for your service.
I am writing to share my concern as a parent, about the homeless encampment by BHS.
What is the plan to keep our kids safe?
I think it should be moved somewhere not close to any school... tough problem of course, but protecting kids /vulnerable populations seems like top priority.
thank you,
Ashley

--
Ashley E. McClure, MD
Primary Care Internist,
Co-Founder and Co-Director of
Climate Health Now
Why I spend my nights and weekends working as a medical community climate organizer: my 4min NPR interview
Check out my latest Courageous Medicine for the Climate Health Crisis podcast episode
ashennessy@gmail.com

"You cannot be committed to health without being engaged in social struggle for health."
—Dr. Bernard Lown
Cofounder of International Physicians for the Prevention of Nuclear War (IPPNW)

"Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly"
-Dr Martin Luther King, Jr. in his "Letter from a Birmingham Jail" 1963

Durr, Jasmine **05**

From: David Tepper <davidtepper@comcast.net>
Sent: Sunday, February 16, 2025 6:19 PM
To: All Council
Subject: Homeless encampments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

When will you do anything to clean up this city. The park by Berkeley High is a filthy dump and outside psych ward. 8th and Harrison is beyond description. It is not a "nuanced" problem; it is an abomination and affront to the health and safety of tax paying citizens. The problem has gotten completely out of hand..So stop jawboning and do something for a change. D Tepper, Berkeley CA

Durr, Jasmine **06**

From: Lisa Lum <lisaannlum@mac.com>
Sent: Tuesday, February 11, 2025 9:19 AM
To: Blackaby, Brent
Cc: All Council; Berkeley Mayor's Office; BPD Webmail
Subject: RE: the homeless encampment at berkeley high. — Nextdoor

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilperson Blackaby:

My name is Lisa Lum. My son Linus Hohmeyer distributed yard signs for you during this last election.

Attached is the link to the current conversation going on on Nextdoor.com about the sexual assault which happened outside Berkeley high school.

I hope you will address this issue with the City Council in removing the homeless encampment at the Civic Center.

I and my neighbors ask that you remove this encampment before anything worse happens. The victim will already have to deal with the emotional ramifications of this encounter and we don't want anything additional or worse to happen to another child. We do not want our children walking to school in fear; nor do we want them inured to inappropriate, unlawful or dangerous behavior by the adults living in the tents.

It is our duty to protect the children, and it doesn't look like the city government is putting the safety of our children first.

We realize that the COB is doing much to combat the homeless crisis which we support wholeheartedly. But, we do not feel that supporting the homeless crisis and keeping our kids safe are mutually exclusive goals.

Here is the current conversation on Nextdoor: https://nextdoor.com/p/bSk8-HZn4br6?utm_source=share&extras=MTAzMTg3ODM%3D

Please contact me at any time to let me know how we can support you in this effort.

I look forward to hearing from you.

Much thanks,

Lisa Lum
1630 Arch St.
lisaannlum@mac.com
Cell 510-301-9861

Sent from my iPhone

Durr, Jasmine

From: Lisa Lum <lisaannlum@mac.com>
Sent: Friday, February 14, 2025 11:17 AM
To: Blackaby, Brent
Cc: All Council; Berkeley Mayor's Office; BPD Webmail
Subject: Please respond - 3rd email sent to you

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilperson Blackaby:

I have tried two times to reach you this week via email without a response. It would be greatly appreciated if you would at least respond saying that you have received my email.

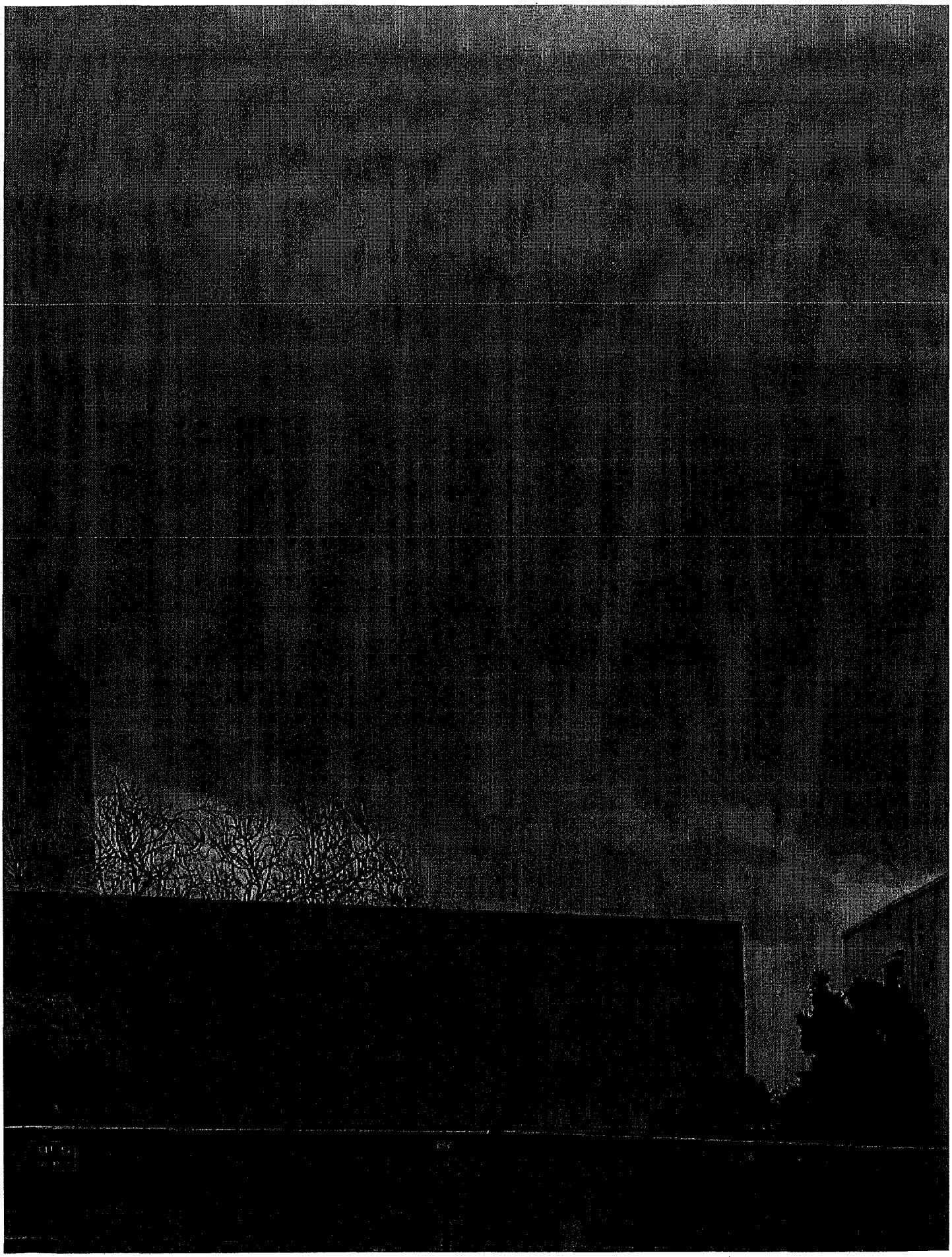
This morning, I dropped my son off for the Youth In Government weekend trip and I was shocked and appalled at the litter surrounding the Civic Center Park directly across from the YMCA Youth Center. Not only litter, but a person lying on the wet ground, awake but oblivious to his surroundings. Meanwhile, there was another person harassing the students and parents who were walking down Center Street toward the YMCA Youth Center. Insulting and threatening with her comments.

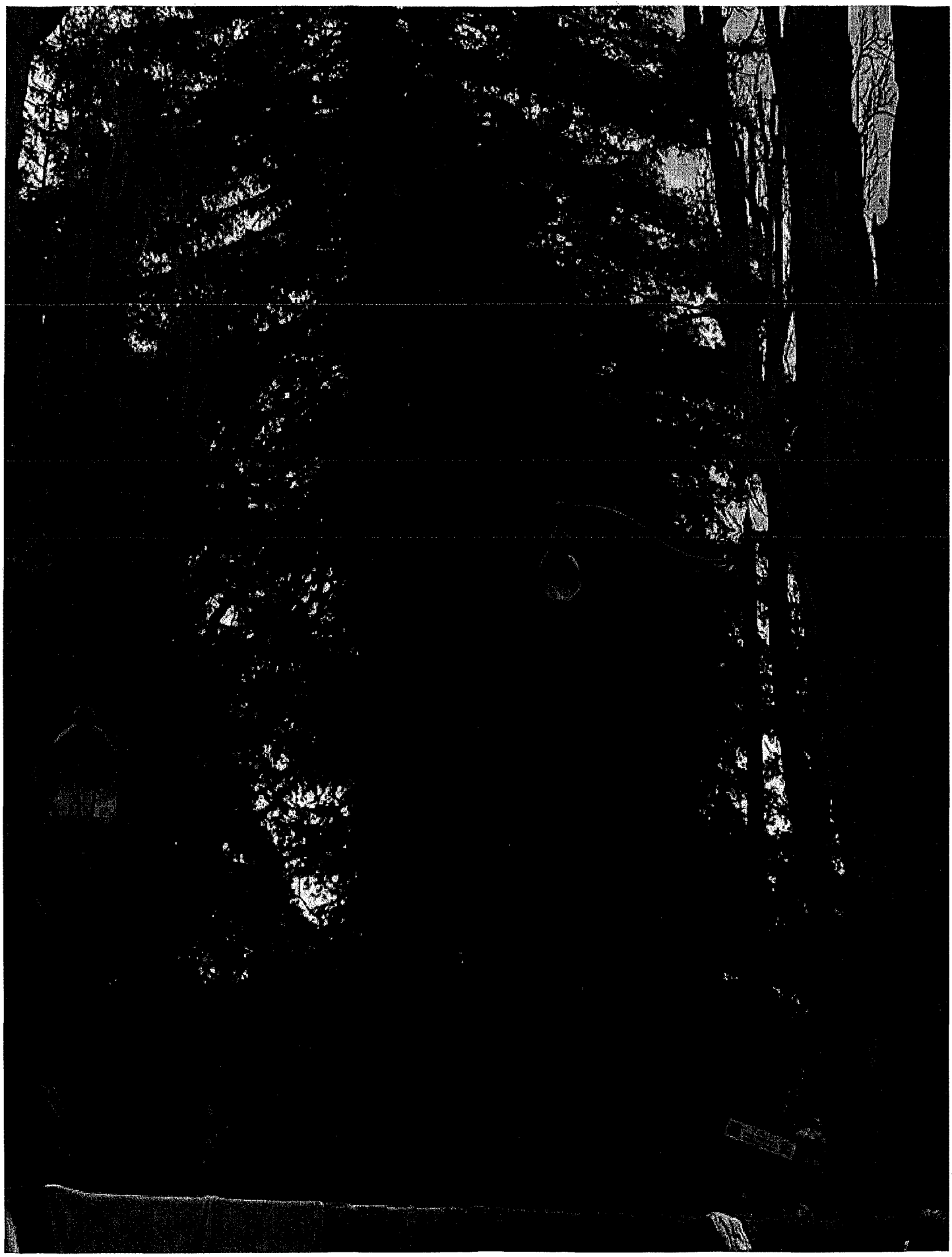
I hope you agree that this is not acceptable. Your kids will soon be impressionable young adults traveling to the downtown area. Is this the City you wish them to grow up in? Not only has there been a sexual assault on a BHS student here, it is a demoralizing eyesore.

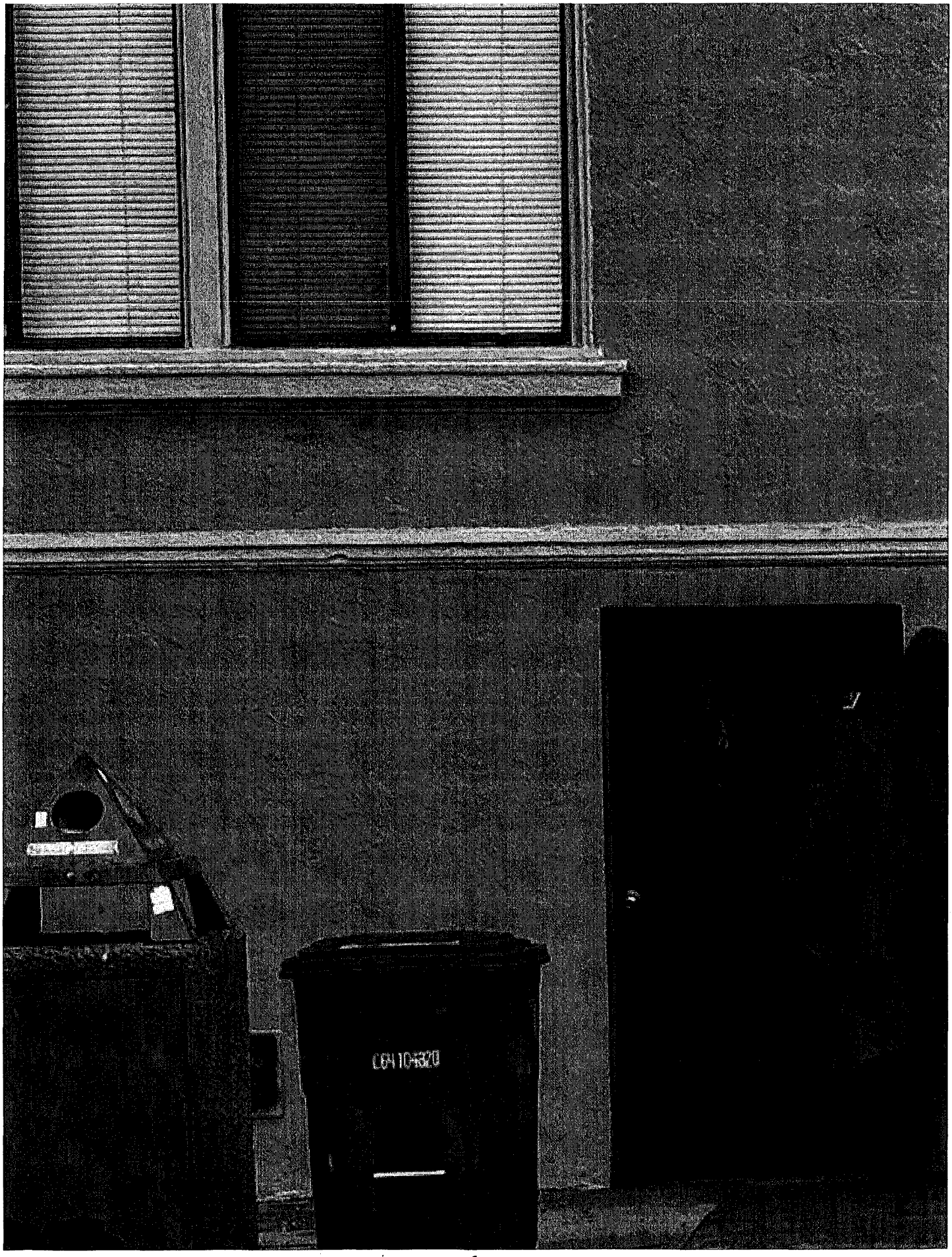
Please email, text or call me and let me know how I and my District 6 neighborhood can help you in addressing this matter.

Regards,
Lisa Lum

lisaannlum@mac.com
cell 510/301-9861







Dear Councilperson Blackaby:

My name is Lisa Lum. My son Linus Hohmeyer distributed yard signs for you during this last election.

Attached is the link to the current conversation going on on Nextdoor.com about the sexual assault which happened outside Berkeley high school.

I hope you will address this issue with the City Council in removing the homeless encampment at the Civic Center.

I and my neighbors ask that you remove this encampment before anything worse happens. The victim will already have to deal with the emotional ramifications of this encounter and we don't want anything additional or worse to happen to another child. We do not want our children walking to school in fear; nor do we want them inured to inappropriate, unlawful or dangerous behavior by the adults living in the tents.

It is our duty to protect the children, and it doesn't look like the city government is putting the safety of our children first.

We realize that the COB is doing much to combat the homeless crisis which we support wholeheartedly. But, we do not feel that supporting the homeless crisis and keeping our kids safe are mutually exclusive goals.

Here is the current conversation on Nextdoor: https://nextdoor.com/p/bSk8-HZn4br6?utm_source=share&extras=MTAzMTg3ODM%3D

Please contact me at any time to let me know how we can support you in this effort.

I look forward to hearing from you.

Much thanks,

Lisa Lum
1630 Arch St.
lisaannlum@mac.com
Cell 510-301-9861

Sent from my iPhone

Durr, Jasmine **07**

From: Robin Kibby <robinkibby@gmail.com>
Sent: Tuesday, February 18, 2025 4:52 PM
To: Brent Blackaby; Berkeley Mayor's Office; All Council
Subject: berkeley high school - public safety - civic center park

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Mayor Ishii and Mr. .Blackaby.

As a parent of two teens in Berkeley, I remain very concerned about the threat to public safety around Berkeley High School.

Please make this a priority, and seek out options to make Civic Center Park safe for the teens who use this area for lunchtime and to walk to and from school.

It is not right that a girl was recently assaulted in the park, and the offender is back in his tent a week later. It is absurd that these assaults happen right across from the police station and next to city hall.

I was disappointed and sad to hear at a recent meeting, the students were told that the city is not able to do anything to protect their safety in this park, since the city is putting their attention on other encampments.

https://www.berkeleyscanner.com/2025/02/18/community/op-ed-homeless-camp-berkeley-high/?ref=tbs-today-newsletter

Please do what you can to help these youth during their school day.

Thanks
Robin Kibby
Cragmont Avenue.

Durr, Jasmine **08**

From: Erik Dreher <drehereg@gmail.com>
Sent: Tuesday, February 18, 2025 3:58 PM
To: Kesarwani, Rashi; Berkeley Mayor's Office; All Council
Subject: PLEASE DO SOMETHING TO REMOVE THE ENCAMPMENT DOWNTOWN!!!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Council and Mayor,

Please do your jobs and work towards quickly cleaning up the mess that is our civic plaza, ostensibly space for the general public of Berkeley. This is totally outrageous.

I have been a Berkeley resident and taxpayer for over 20 years and I can't believe the state that our civic plaza is in right now. Our BHS students deserve a safe, clean route to school and a place to sit and eat their lunch, not to mention the Farmer's market, Book Fair etc. It is a total embarrassment to the whole city.

The fact that a city such as Berkeley, accepts these kinds of conditions in their public spaces is truly ridiculous and an embarrassment to its "progressive" politics. Other countries don't put up with this - other cities don't put up with this - but for some reason, with some of the brightest minds and highest taxes (that I pay) around, we can't figure out a solution.

Figure it out people!! It's what you're being paid for. I will certainly vote against any of you if we can't get this cleaned-up soon.

Sincerely,
Erik Dreher
Berkeley resident

Durr, Jasmine **09**

From: Daniel Jurnove <daniel.jurnove@gmail.com>
Sent: Tuesday, February 18, 2025 1:48 PM
To: All Council
Subject: Urgent: Addressing the Homeless Encampment Near Berkeley High School

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am writing to express serious concern regarding the homeless encampments near Berkeley High School, particularly around Civic Center Park. The current situation is not only disruptive but also poses a safety and health risk to our students and the broader community.

Civic Center Park, a space traditionally used by students for lunch and recreation, has become unsafe and unwelcoming due to the encampments and associated issues. This public space should remain accessible for everyone, especially students, who are unable to use it in its current state due to the challenges posed by the individuals living there.

Given the proximity to the school and the ongoing concerns about safety, I would appreciate understanding the steps the school board is taking to address this situation. What actions are being considered to ensure that this area is properly cleared and that students have a safe, clean environment to use?

Thank you for your attention to this urgent matter. I look forward to your response and hope to see a swift resolution.

Sincerely,

Daniel Jurnove, Berkeley resident and parent to two BUSD students

Durr, Jasmine

10

From: Ben Buettner <buettner.ben@gmail.com>
Sent: Tuesday, February 11, 2025 7:15 AM
To: All Council
Subject: Civic Center Park

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Council members,
As a parent of two BHS students, and I am writing you urgently to support the removal of the encampment in Civic Center Park.
My daughters are fearful to use the park that is 20 yards away from their school for fear of physical harm.
How is this acceptable? How has this gone on so long?
How do the rights of a few people in the encampment seem to matter so much more than the rights of the thousands of students and other community members who should have access to this space?
It's just not right.
Please do something about this. We are tired of being held hostage in our own city.
Ben Buettner
District 4

From: Micky Duxbury <mickydux612@gmail.com>
Sent: Monday, February 10, 2025 8:13 PM
To: Berkeley Mayor's Office; All Council
Cc: Cindy Shamban; Summer Brenner; Elana Auerbach
Subject: Re: Civic Center Park Update, Tomorrow's Council Meeting, and More

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Ishii and City Council Members,

I am very opposed to the removal of the Harrison St. encampment. Of course, I support it being cleaned up, but the city has not created any viable alternatives. Developers keep mentioning that it costs 1.2 Million to build a single unit. The city should be much more creative: declare eminent domain over some of the wasted empty space, city property, or a school that is no longer used. Consider having it rehabbed for it to be SROs with a harm reduction model: case managers and peer counselors available.

At least you could be provided FEMA type tents till the city creates some decent livable solutions that are not based on market prices. People need warm shelter, community, access to food and cooking and bathrooms. Surely the city could and should do better than using so many expensive consultants when we are confronting such an emergency for hundreds of people. At least at the Harrison St. encampment, many are in sheltered environments. I support folks there being ordered to clean up their garbage, but to move them all will just wind up with dozens more at Civic Center park.

Is there no imagination on the city council? You could create a space for **more** RVs, with bathrooms, support and referrals to services; Make a beautiful garden with help from our friends at Chez Panisse!

The city doesn't seem to have made any decision on fixing Oxford School which could be affordable housing for school district employees. I know the hills folks would never allow it to be for the uinhoused. But surely there are other spaces that the city owns that could be made available and soon! The tent city that is growing in Civic Center park is on your watch: are you going to wait to clear it or offer a well-managed and humane way to house those folks?

Berkeley prides itself on our past progressive history, but the city doesn't not live up to its alleged values in terms of the unhoused. Where is your creativity and your vision?

Micky Duxbury - a resident for 36 years.

On Mon, Feb 10, 2025 at 5:27 PM Councilmember Igor Tregub <igor@igortregub.com> wrote:

Dear neighbors,

I write to provide you with timely information about several topics.

Civic Parks Encampments Update

I know that there is a great interest associated the encampment at Civic Center Park. I have responded personally to every email I've received and wanted to provide an additional update here. I, too, would like there to be expeditious resolution to the situation. And I can tell you that in all the meetings I've held so far on this matter, everyone I've spoken with does as well.

There are immense operational challenges involved with this, when our homeless outreach team currently has 2 full time equivalents on staff and is working on a complex closure plan with two extremely challenging

West Berkeley encampments. I wish our city had additional resources and am actively working towards this, including setting up a meeting with the county initiating a meeting with the county, which took place last Friday, which, in addition to me, was attended by the Mayor and our respective staff members Alameda County holds resources that could be vital in addressing homelessness and mental health crisis in our City.

Following up the outrageous incident in which a Berkeley High School student was assaulted at Civic Center Park and several other unacceptable incidents that we learned about from our Berkley High School community, my office and the City administration, together with the Mayor, intensified our actions to resolve criminal behavior in our downtown, including at and around Civic Center Park and Berkley High School.

Understanding the urgency and severity of the situation, every I and my staff together with other City leaders, are continuing to build on the several immediate actions that have already been implemented, including:

- Arrest in Sexual Assault Case: The Berkeley Police Department has made an arrest in the case involving a BHS student the day after the assault was committed. Unfortunately, we have since learned that, days after the arrest, a judge released the alleged perpetrator on his own recognizance until the next hearing. While I am beyond disappointed with this decision, I confirmed with the Police Chief that the individual but was ordered to stay out of Civic Center Park and 100 yards from Berkeley High School.
- Increased Police Presence: Immediately following the incident, patrols around the park were heightened during zero period, drop-off, lunch, and dismissal times at Berkeley High School.
- Community Partnerships: We are collaborating with Berkeley High School, Berkeley Unified School District leadership, parent organizations, and local community members to enhance student safety.
- Safety Initiatives: The City of Berkeley remains committed to identifying and implementing effective solutions while keeping the community informed.
- Pulling Resources: The Mayor and I met with the County Supervisor Fortunato-Bas to communicate the urgency that the Berkeley residents are experiencing in addressing homelessness and the suffering it is creating for all community members and the need for the County to distribute resourced equitably according to the immediate and pressing needs of each City.
- Community Meeting: We will host a public meeting on February 18 to hear from residents and discuss additional safety strategies. More information will be provided soon via this newsletter.

You're welcome to share this information with your neighbors, and they can sign up for our newsletter at https://bit.ly/lgornews .

Tomorrow's Council Meeting

The Council meeting tomorrow, February 11, begins with a special session on fire safety at 4 pm and continues with a regular meeting at 6 pm. The agenda for both meetings are below. You are encouraged to share your views in person, on zoom, or via email at council@berkeleyca.gov.

City Council 2025-02-11 - Special – February 11, 4 pm

City Council 2025-02-11 - Regular – February 11, 6 pm

Physical Location: SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

Virtual Location: *To access the meeting remotely use this URL: https://cityofberkeley-info.zoomgov.com/j/1618982548. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial 1-669-254-5252 or 1-833-568-8864 (Toll Free) and enter Meeting ID: 161 898 2548. To provide public comment, Press *9 and wait to be recognized by the Chair.*

It is my general practice to keep an open mind on items that I do not myself author or co-sponsor. I make exceptions for certain items and wanted to transparently provide you with information as to how I intend to vote on the items below.

Fire Safety in Berkeley

There is no doubt in my mind about the importance and timeliness of bolstering our wildfire prevention efforts. The devastation created by the most recent and a painful lengthy recovery from the previous fires is a sobering reminder why this work is so critically important. Growing up in Southern California as a child, the experience of our own home (the first one my family ever owned) coming within yards of being consumed by flames during a wildfire in the 1990s brings up traumatic memories even now.

This Tuesday, February 11, at 4:00pm at the Special City Council Work session the Council will be receiving a report from the Berkeley Fire Department regarding wildfire hazards our community faces, an outline of the work accomplished so far, and a proposal the "Effective Measures for Berkeley's Ember Resilience" (EMBER) Initiative. You can find the agenda for the meeting here.

The Fire Department has been meeting with stakeholders to gather input in preparation for this worksession. If you have not had a chance to provide your input, I encourage you to listen to the presentation tomorrow and participate in additional community workshops that will be hosted after the Council meeting and before bringing final recommendations back to the City Council in March.

I intend to support the recommendations being proposed by staff as well as the Safe Passages item being proposed by my colleagues. While I am sympathetic to the potential concerns of homeowners who have spent a painstaking amount of time creating beautiful landscaping, taking fire hardening measures in the zones most vulnerable to wildfire are, in my opinion, a small sacrifice to make – one that, to the extent possible will be assisted through grants and other resources – for the ability of lives and homes to be saved throughout Berkeley should disaster strike.

Building Emissions Saving Ordinance (BESO)

Another important item on the Council agenda this Tuesday is providing needed support for building retrofits that will bolster electrification. The proposed amendments would establish new time of sale requirements for qualifying small residential buildings, and is designed to reduce energy use, water consumption, and greenhouse gas (GHG) emissions in existing single-family homes and duplexes, and, later, triplexes and quadriplexes when they are sold on the open market. I had several briefings from the city staff as the item has evolved, dating back from my time on the Energy and Climate Commission. I believe that important changes to the item have been made along the way to exempt lower-income homeowners, condominiums,

and certain building types and make it easier to implement by aspiring homeowners, of which I count myself as one, and I am in full support of this item. Every day is a constant reminder that we are in a climate emergency, and any steps we take, big or small (and this is a big one) is one important opportunity to address it and be a model for other jurisdictions.

Golden State Energy

Together with Councilmember Lunaparra, I am pleased to author a resolution in support of the State commissioning a feasibility study to implement Golden State Energy.

The failures of PG&E and the broader investor-owned utility model demonstrate the urgent need for alternatives that prioritize public interest over shareholder profits. The Golden State Energy Act (SB 350, 2020) was a critical first step in planning to replace investor-owned utilties such as PG&E with a more affordable, sustainable, and public-serving model.

As California accelerates its transition to a clean energy future, it is imperative that the state moves beyond investor-owned utilities toward a more democratic and resilient energy model. Berkeley and other municipalities have a unique opportunity to drive this transition by advocating for structural reforms, and ensuring that all residents have access to safe, affordable, and clean electricity. All clean power to the people!

2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years Later

Many issues are connected and as part of a comprehensive and holistic approach to City wellbeing, I am keeping a keen eye on the City Auditors follow up report on City-owned properties management.

I fully support efforts to address the ongoing challenges with city leases in Berkeley. It is crucial we implement measures to improve oversight, update policies, and create a comprehensive inventory to prevent further issues. After reviewing the 2009 audit recommendations, it is clear that many of the same problems persist after 16 years. We must act swiftly to ensure that these concerns are resolved.

I support the City Auditor's efforts work to uplift these longstanding issues and will work with the City Administration to ensure that the city takes immediate action to address them.

Referral to the City Manager to Study Intersections with Traffic Diverters

I fully support efforts to address the issue of pedestrian safety, as it is crucial we implement measures to prevent further accidents and protect our community members. Everyday people walk through our neighborhoods, and they should feel safe doing so.

Over the past 18 months, two pedestrians in Berkeley have been seriously injured or killed at intersections featuring traffic diverters but no stop signs. On Halloween 2023, a 7-year-old was struck by a hit-and-run driver who sped around the corner of Derby and Mabel. More recently, on January 26, 2025, a 66-year-old woman was fatally struck at the intersection of California and Ada streets.

A common factor in both incidents appear to be the presence of traffic diverters without stop signs. Without opposing traffic, drivers may navigate these intersections differently than those with through traffic in all directions, potentially increasing risks for pedestrians.

I have joined Councilmembers Humbert, O'Keefe, and Blackaby as a co-sponsor of this referral which was quickly drafted following the latest tragic fatality that could and should have been avoided.

Supporting Food Security and Our Neighbors in Los Angeles with Downtown Berkeley Pizza Lovers Month - Kickoff is Tuesday, 2/11, noon – 2 pm

Individuals, organizations, and public agencies from around the world have been working tirelessly to provide safety guidance, essential resources, and support networks for Californians impacted by the California fires. I would like to highlight just one such effort. The **Downtown Berkeley Pizza Lovers Month** kicks off with a lunch on Tues, Feb 11, from noon to 2 pm at Jupiter. It will commence our local business community's **Slice Out Hunger** effort to support food security and LA wildfire relief. Please join us for this lunch and/or throughout the month.

Date: Tuesday, February 11th
Time: 12:00 PM – 2:00 PM
Location: Jupiter, Downtown Berkeley

In community,

Igor Tregub
Berkeley City Councilmember
District 4, City of Berkeley
2180 Milvia St, Berkeley, CA 94704
Email: ITregub@berkeleyca.gov
Phone: 510-981-7140

Please sign up to receive District 4 Newsletter @ https://bit.ly/Igornews and invite your neighbors to join too!



Durr, Jasmine **12**

From: Catarina Negrin <canoafrita@gmail.com>
Sent: Monday, February 17, 2025 12:54 PM
To: Berkeley City Council Policy Committee
Subject: Tents at Ohlone and Civic Center Park.

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilmembers and Mayor,
I live in the 94703 neighborhood. I have been a childcare provider, parent and involved citizen in Berkeley.
I am very upset about recent experiences in my neighborhood which is impacted by the homeless encampments. I will pause my trips to the downtown Berkeley farmers market after my mother who is 79 and lives with me was harassed by people in the park and center street smelled of urine. I usually love to go on Saturdays, eat lunch, buy some fresh flowers and bread and meet with neighbors.
There is no longer space for the high school kids to skate or sit and eat lunch: The park is filled with garbage which pollutes our storm drains and makes our citizens unsafe. Broken glass, garbage, feces, seringes, stolen bikes litter our two parks in downtown Berkeley. Ohlone is completely out of control too now I had a man scream obscenities at children I took to the park. We must uphold our littering laws, and keep our parks available and safe for our children, elderly and all who want a place to enjoy open space. Many of us have no backyard and rely on these spaces for recreation, and outdoor enjoyment.

Please be brave and creative and take compassionate action so we may all enjoy these beautiful parks.

Thank you,
Catarina Negrín
Sent from my iPhone

Durr, Jasmine **13**

From: Stacey Zolt Hara <staceyzolthara@yahoo.com>
Sent: Tuesday, February 11, 2025 9:26 PM
To: Berkeley Mayor's Office; All Council; Manager, C
Subject: Testimony from BHS students on danger of encampment
Attachments: ScreenRecording_02-06-2025 16-44-49_1.mov

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Mayor Ishi, City Councilmembers and City Manager,

Thank you for listening to my statement during public comment this evening. I appreciated the chance to implore you all to take action, to make the tough choices and to put kids first. I'm sure you have noticed that the encampment has swelled in the past two weeks since the sexual assault. Your prevention measures are not working — and the park gets more dangerous by the day.

Tonight is senior night for the soccer team. There is a field full of kids at the school, including my daughter, who will need to walk to her car when the game ends at nearly 10p. Would you want your 17yo daughter walking at 10p in that environment?

I think it's critical you hear from the students just how this situation is impacting them — the fear they feel every day, which was validated by the sexual assault of one of their peers. Linked here, please find a 3 min video of my daughter Rose Hara and her friend Isabelle testifying at the BUSD School Board meeting last week.

I implore you to redirect resources and take this encampment down now.

Sincerely,
Stacey Zolt Hara
District 5 resident

iCloud Photos - Apple iCloud

View, organize, and share photos and videos with iCloud Photos on the web. Changes will sync across your devices...

Stacey Zolt Hara
m: +1.415.308.8661

Durr, Jasmine **14**

From: Patrick Golier <golier22@yahoo.com>
Sent: Wednesday, February 19, 2025 1:40 PM
To: All Council
Subject: Addressing Safety and Support for Unhoused Individuals Near Berkeley High School

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Ishii and Members of the City Council,

I am writing to express my deep concern regarding the ongoing presence of an unhoused encampment next to Berkeley High School. As a parent of a freshman girl at BHS, I recognize the challenges our city faces in addressing homelessness, but I also firmly and definitively believe we must prioritize the safety and well-being of our students. Not all locations in our city are appropriate for encampments and the associated social issues, and, without question, direct adjacency to our schools should be one of those locations.

The encampment's proximity to the high school raises serious concerns about student safety, public health, and access to education in a secure environment. Students and faculty should feel safe navigating their school and surrounding areas without concerns about hazards such as discarded waste, substance use, or potential conflicts with mentally unstable individuals. While we can recognize that those living in encampments need compassionate long-term solutions, we should all be in agreement that our children should have the opportunity to learn in safe and secure environments. Today, that is not the case.

I urge the City of Berkeley to take immediate proactive steps to both ensure student safety and provide real pathways for housing and services. I understand the BPD have recently been actively patrolling this area, and while I appreciate their efforts, I also recognize that this is only a very short-term solution.

Berkeley has long been a city that values both social responsibility and public safety. I urge you to take decisive yet compassionate action to address this issue in a way that respects the rights of all community members. Thank you for your attention to this matter. I look forward to your leadership in finding a solution that works for everyone.

Sincerely,

Patrick Golier
946 Spruce Street

Durr, Jasmine **15**

From: David Kerr <david@davidkerrdesign.com>
Sent: Wednesday, February 19, 2025 1:40 PM
To: Berkeley Mayor's Office; All Council; Manager, C
Subject: Shut down the BHS encampment

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Ishi and Berkeley City Council,

It's with great concern that I've been watching the encampment right outside Berkeley High School. I have great compassion for the homeless, and know this is a longterm issue that requires many approaches. But the safety issue for students is urgent, and I hope the city will prioritize our kids and move this camp away from the school.

Respectfully,

David Kerr
parent of BHS Senior and incoming freshman
--



DAVID KERR DESIGN

415-515-5184
david@davidkerrdesign.com
davidkerrdesign.com

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Durr, Jasmine **16**

From: Whitney Moss <whitneymoss@gmail.com>
Sent: Wednesday, February 19, 2025 1:50 PM
To: Berkeley Mayor's Office; All Council; Manager, C
Subject: BHS Parent Asking You to Put Berkeley Kids First

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello Team Berkeley,

I'm writing as both a Berkeley parent and a taxpayer who values our parks as vital community spaces.

The encampment in Civic Center Park requires urgent attention. While I have deep compassion for unhoused individuals, this central location is not a safe or appropriate place for camping.

This park belongs to the entire community, yet it has been taken from us. Events like Earth Day, the Bay Area Book Festival, the Asian Cultural Festival, Indigenous People's Day, and the newer vegan food festival have historically brought people together here. Now, many actively avoid the park due to safety concerns.

More urgently, the encampment poses a direct risk to children. A large portion of Berkeley High students must travel on MLK Jr Way to and from their campus daily, and there have already been reports of catcalling and unwanted physical contact. The fact that an encampment is allowed so close to a school is deeply concerning.

Why are the needs of the unhoused population being prioritized over the safety of our children?

I urge the city to take immediate action to humanely dismantle this encampment and implement policies that prevent encampments from forming near schools.

Please prioritize our kids. They deserve to feel safe in their own community.

Sincerely,
Whitney Moss (she/her)
Berkeley, CA

Durr, Jasmine **17**

From:	Peggy Scott <plscott@stanfordalumni.org>
Sent:	Friday, February 21, 2025 12:39 PM
To:	All Council; Berkeley Mayor's Office
Cc:	Shoshana O'Keefe; Humbert, Mark; BUSD Board; Enikia FordMorthel
Subject:	Homeless encampment at Berkeley High

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Berkeley City Council and Mayor Ishii:
It is way past time to clear the encampment in Civic Center.
The constant catcalls, criminal behavior and threats are endangering our students, some of whom have already been assaulted and of course now they feel unsafe - because they are unsafe. This is not a healthy learning environment. Our kids feel threatened every day and are beginning to hate their school and now their city will not defend them.
For decades our only high school (besides BTech which is small) with its congested urban campus has at least had Civic Center Park as a space at lunchtime and the necessary business of teen socializing after school. My daughter once told me that one of the things that made BHS special was that there was no special table in the lunch room for the "popular kids." Our high school allows for fluid socializing, where kids can have different friend groups, can move about freely at lunch time sitting with different kids and arrange dates for fun, for rehearsing or working on a project together etc. Civic Center Park is basically the front lawn of the high school and you have allowed a small group of people to take it over, taking it away from our kids, from city workers who want to picnic outside, from Saturday morning farmers' market patrons and families who shop and play there, from all your tax paying citizens.
I live in Berkeley because I like the fact of our tolerance and caring for each other. I understand you don't want to have a Grants Pass mentality and you feel it necessary to allow unhoused people to camp here but it's high time to just say no to this one piece of real estate and choose kids instead.
Our kids are angry. They don't understand why the City prioritizes unhoused people over kids who are trying to work hard and go to school, and neither do I. They are subjected to far more violence, insults, creepy behavior and mental health crises than most of us ever witness because you have allowed it to happen in their front yard.
Talk to your staff. The situation there now is different and worse than ever before.
The homeless coalitions have co-opted Civic Center Park as their place to take a stand because they are pissed off about Peoples' Park and because other surrounding cities have used the Grants Pass approach to kick them out. Now it's up to you. Nothing short of a clear NO will solve this situation.
There's no soft compromise solution to this one. You must make a choice and I urge you to choose our kids.
Enough already. Clear Civic Center Park, patrol it, and take it back for Berkeley's children and families to live and go to school in peace and safety.
Who's in charge here? It looks like they are.
If you are going to allow for encampments, make them go somewhere else.
Kind regards,
Peggy Scott
Catalina Ave.

plscott@stanfordalumni.org Mobile: 510-816-1960

"Do the best you can until you know better. Then when you know better, do better." Maya Angelou

"If there are no dogs in Heaven, then when I die I want to go where they went." -- Will Rogers

Durr, Jasmine

From: Peggy Scott <plscott@stanfordalumni.org>
Sent: Sunday, February 23, 2025 12:00 PM
To: Tregub, Igor
Cc: Berkeley Mayor's Office; Humbert, Mark; BUSD Board; Enikia FordMorthel; Bolotina, Olga; Johnson, Amy; Ahmed, Shamaila; All Council
Subject: Re: Homeless encampment at Berkeley High

Hello Igor,
Thanks so much for this reply. I really appreciate it.
I have signed up for the Public Safety meeting. It is sandwiched between two other events I need to attend so I'll sit in back but I'll definitely be there! I am so glad this is happening.
I appreciate that most people see the Civic Center encampment as a problem but what I am looking for is for it to be prioritized. Fixing it in May or June is way too late. It needs to be addressed pronto. It's easy to forget how fast spring disappears for high schoolers. They only have about 3 1/2 months left of school. Every day of walking the gauntlet past catcalls and jeers and angry people, some with mental health challenges, is traumatizing, uncalled for, and disruptive to their education.
I know NW Berkeley's encampment is a huge problem and I have heard that several businesses have filed a lawsuit against the city and honestly I don't blame them. But please find a way to clear up Civic Center first. Especially because if you clear up the Gilman St. area first, those people will be pouring into Civic Center to stand their ground and everything will be even more awful than it is now for the students. And this isn't just about BHS - many young children walk to Washington Elementary School.
Business is important. But our children are more important.
Kind regards,
Peggy Scott plscott@stanfordalumni.org Mobile: 510-816-1960

"Do the best you can until you know better. Then when you know better, do better." Maya Angelou

"If there are no dogs in Heaven, then when I die I want to go where they went." -- Will Rogers

On Fri, Feb 21, 2025 at 9:16 PM Tregub, Igor <ITregub@berkeleyca.gov> wrote:

> Dear Peggy,
>
> I'm responding as the councilmember serving the downtown Berkeley district. Thank you for sharing your views about this challenging and - I agree - unacceptable situation.
>
> Next Wednesday, 2/26, my office, together with Mayor Adena Ishii, City Manager Paul Buddenhagen, and other leaders from the City of Berkeley and Berkeley Unified School District, is co-hosting a Community Meeting on Public Safety in and around Berkeley High School and Civic Center Park.
>
> We've heard from many of you, and I have personally responded to your outreach. This meeting is an opportunity for us all to come together, share information, and hear directly from each other. We look forward to your participation and insights as we work toward compassionate, effective, and sustainable solutions as a community.
>
> Due to technological and resource limitations in the space, this will be an in-person only meeting. Thank you in advance for your understanding.

Please RSVP here!

Community Meeting on Public Safety in and around Berkeley High School and Civic Center Park

Date: Wednesday, February 26th, 2025
Time: 5:30 PM – 7:30 PM
Location: North Berkeley Senior Center, 1901 Hearst Ave, Berkeley, CA 94709
Room: Aspen Multipurpose / Dining Room

AGENDA:

1. **Welcome & Opening Remarks** - Mayor Adena Ishii and Councilmember Igor Tregub
2. **Current Situation Overview** - Berkeley City Manager Paul Buddenhagen & Chief Jennifer Louis
3. **Public Safety & Security Measures**
   - **Berkeley Police Department** - Berkeley Police Chief Jennifer Louis
   - **BUSD/Berkeley High School** - TBD
4. **Community Discussion**
5. **Next Steps and Closing** - Mayor Ishii and Councilmember Tregub

Please note that the space at the North Berkeley Senior Center is limited to 200.

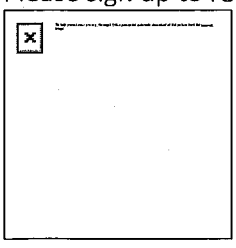
Best,

Igor

Igor Tregub

Berkeley City Councilmember
District 4, City of Berkeley
2180 Milvia St, Berkeley, CA 94704
Email: ITregub@berkeleyca.gov
Phone: 510-981-7140

Please sign up to receive District 4 Newsletter @ https://bit.ly/Igornews and invite your neighbors to join too!



Get Outlook for iOS

Get Outlook for iOS

From: Peggy Scott <plscott@stanfordalumni.org>
Sent: Friday, February 21, 2025 12:38:39 PM
To: All Council <council@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>
Cc: Shoshana O'Keefe <shoshana@shoshana4berkeley.com>; Humbert, Mark <MHumbert@berkeleyca.gov>; BUSD Board <boardofed@berkeley.net>; Enikia FordMorthel <EnikiaFordMorthel@berkeley.net>
Subject: Homeless encampment at Berkeley High

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To the Berkeley City Council and Mayor Ishii:
It is way past time to clear the encampment in Civic Center.
The constant catcalls, criminal behavior and threats are endangering our students, some of whom have already been assaulted and of course now they feel unsafe - because they are unsafe. This is not a healthy learning environment. Our kids feel threatened every day and are beginning to hate their school and now their city will not defend them.
For decades our only high school (besides BTech which is small) with its congested urban campus has at least had Civic Center Park as a space at lunchtime and the necessary business of teen socializing after school. My daughter once told me that one of the things that made BHS special was that there was no special table in the lunch room for the "popular kids." Our high school allows for fluid socializing, where kids can have different friend groups, can move about freely at lunch time sitting with different kids and arrange dates for fun, for rehearsing or working on a project together etc. Civic Center Park is basically the front lawn of the high school and you have allowed a small group of people to take it over, taking it away from our kids, from city workers who want to picnic outside, from Saturday morning farmers' market patrons and families who shop and play there, from all your tax paying citizens.
I live in Berkeley because I like the fact of our tolerance and caring for each other. I understand you don't want to have a Grants Pass mentality and you feel it necessary to allow unhoused people to camp here but it's high time to just say no to this one piece of real estate and choose kids instead.
Our kids are angry. They don't understand why the City prioritizes unhoused people over kids who are trying to work hard and go to school, and neither do I. They are subjected to far more violence, insults, creepy behavior and mental health crises than most of us ever witness because you have allowed it to happen in their front yard.
Talk to your staff. The situation there now is different and worse than ever before.
The homeless coalitions have co-opted Civic Center Park as their place to take a stand because they are pissed off about Peoples' Park and because other surrounding cities have used the Grants Pass approach to kick them out. Now it's up to you. Nothing short of a clear NO will solve this situation.
There's no soft compromise solution to this one. You must make a choice and I urge you to choose our kids.
Enough already. Clear Civic Center Park, patrol it, and take it back for Berkeley's children and families to live and go to school in peace and safety.
Who's in charge here? It looks like they are.
If you are going to allow for encampments, make them go somewhere else.
Kind regards,
Peggy Scott
Catalina Ave.

plscott@stanfordalumni.org Mobile: 510-816-1960

"Do the best you can until you know better. Then when you know better, do better." Maya Angelou

"If there are no dogs in Heaven, then when I die I want to go where they went." -- Will Rogers

Durr, Jasmine

18

From: Lisa Mazur <lmazur24@gmail.com>
Sent: Friday, February 21, 2025 3:11 PM
To: All Council
Subject: Concerned parent of BHS students on the homeless encampment so close to our schools

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello Berkeley City Council,

I am writing you to express my deep concern, anger, embarrassment and exasperation on the conditions that the city of Berkeley has continued to allow in Civic Center park with the homeless encampment that has sprouted up on the only unfenced, small sliver of public green space.

As a parent of 2 BHS students, I am so disappointed that the city would even allow this encampment to happen so close to the high school and the elementary school a block away. Students can't even safely walk through that area to get lunch (or to get to and from school.) Students are now squeezed into the corner of Allston and Milvia Way, because there is literally nowhere else for them to safely sit when they have lunch off campus. Since BHS does not have the capacity in the cafeteria to feed or seat even half the students at the high school - they rely on these outdoor, public green spaces to meet and get a short break from their day in class.

The other day I saw a video posted on Snoop Dog's social media feed, believe it or not, of Berkeley Police on bikes chasing a man who was on another bike trying to escape from them - right there in this homeless encampment in Berkeley! I thought - "oh great! This is right next to where my kids are in school!" It's very disheartening that we are making this all okay and acceptable.

Why is the city prioritizing the homeless over our kids? Our kids deserve so much better! The citizens of Berkeley deserve so much better. Please do something to shut this encampment down! It is a huge safety issue.

Lisa Mazur Librizzi
917.860.9863

Durr, Jasmine **19**

From: Libby Hruska <libbyhruska@mac.com>
Sent: Monday, February 24, 2025 11:55 AM
To: Berkeley Mayor's Office
Cc: All Council
Subject: Show some leadership—clean up Civic Center Park now

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Mayor Ishii,

As a Berkeley resident and parent of a Berkeley High School student (with another high schooler starting in the fall), I implore you to show some leadership and clean up Civic Center Park now. It is a disgrace that our students must navigate a homeless encampment to get to and from school every single day. One assault on a student is more than enough—it shouldn't have to come to that.

These teens see how we are failing them. My 17-year old has commented that Berkeley can't even create a safe space between a high school and a police station, so don't expect any other improvement in the city. Our young people see that they are not even close to a priority in Berkeley.

I am not the only Berkeley resident who has completely had it with the anemic response to pressing safety and quality-of-life issues in our city. Platitudes along the lines of "It's complicated" simply don't cut it any longer. It's actually not complicated: no one group of people has the right to illegally take over public areas and make them unsafe and essentially off-limits for the remaining 99.9%.

Elisabeth Hruska
Berkeley resident

Durr, Jasmine **20**

From: Aileen Paterson <paterson.aileenh@gmail.com>
Sent: Sunday, February 16, 2025 10:26 AM
To: All Council
Subject: Clean up the camps

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi there,

I am a resident of North Berkeley. It is past time that the City of Berkeley cleaned up encampments. I feel for the unhoused and I am more than happy to pay taxes to support their needs; but they don't have the right to live on our shared public spaces nor to create health hazards. The 8th and Harrison space has been particularly bad. What we need is a permanent space with permanent tiny homes, some that can be customized for the disabled, and a permanent space for RVs. It is the reality that the poorest and least able among us deserve a safe place to live, which so far Berkeley is not able to sufficiently provide. In the meantime, don't we have hotel spaces where the folks can go? Cleaning up needs to be the priority. It's not nuanced.

Thank you!
Aileen Paterson
1490 Rose St

From: russbumper <rustic65@gmail.com>
Sent: Friday, February 14, 2025 11:07 AM
To: All Council
Subject: "We all live where the Land's never free and only the Homeless are brave." - Jane Stillwater

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yep!

Durr, Jasmine **22**

From: josh atwood <joshatwood2088@gmail.com>
Sent: Tuesday, February 18, 2025 7:59 PM
To: jbauters@emeryville.org; All Council; district3@oaklandca.gov
Subject: Fwd: California city passes sweeping homeless encampment ban on all public property | Fox News

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---------- Forwarded message ---------
From: **josh atwood** <joshatwood2088@gmail.com>
Date: Thu, Feb 13, 2025, 8:56 PM
Subject: California city passes sweeping homeless encampment ban on all public property | Fox News
To: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>, City of San Jose Mayor's Office <mayor@sanjoseca.gov>, Office of the Mayor <Officeofthemayor@oaklandca.gov>, <district2@oaklandca.gov>, <district6@oaklandca.gov>, <district3@oaklandca.gov>, Supervisor Dean Preston <prestonstaff@sfgov.org>, <jmcgill@skylinechurch.org>, St. Edward's University <admit@stedwards.edu>

*****ATTENTION ASK ALAN DERSHOWITZ.....
THIS IS SEDITIOUS MISCONDUCT & DOUBLE STANDARD. *****UNCONSTITUTIONAL******
THE HOMELESS ARE NOT 2ND CLASS CITIZENS!!!!!! & ACCORDING TO LAW ARE EQUALLY DEFENDED BY EQUALLY MERITED ATTORNEYS .....

& IN THIS COUNTRY NO ONE IS ABOVE THE LAW.....

IF U DONT HAVE THE FITNESS TO LIVE IN THIS WORLD TO DO THINGS RIGHT THEN STAY THE HELL OUT OF EXECUTIVE OFFICE MAKING HAZARDOUS DECISIONS ON MANKIND THAT COULD TRIGGER FURTHER DETRIMENTAL RAMIFICATIONS BY THE DIVINE ISAAC NEWTON DIETY THAT MAY HAVE BEEN THE WRATHFUL SOURCE BEHIND COVID 19 & LA BURNING TO THE GROUND!
THANK U

https://www.foxnews.com/media/california-city-passes-sweeping-homeless-encampment-ban-all-public-property

Durr, Jasmine **23**

From: aimee baldwin <junk.menagerie@gmail.com>
Sent: Saturday, February 15, 2025 6:52 PM
To: All Council; Berkeley Mayor's Office; Buddenhagen, Paul; Tregub, Igor
Cc: meryl siegal
Subject: Re: Concentration of Poverty does not Meet Obligations of Fair Housing Act and CA AB686

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Council, Mayor, and Manager,

I am forwarding an email I wrote to the city in 2023, because it continues to still be relevant today, and some of you new to our city government have not yet seen it. We have a state law, AB686 mandating *meaningful* actions that *combat disparities in resources in communities* that have resulted from historic segregation.
There is an ongoing imbalanced placement of homeless housing and services (see attached "Copy of 2024 Homeless Unit #s master list locations" --sorry I have not updated for 2025), and other severely imbalanced distribution of investment and resources across our city. Unfortunately it turns out very especially poorly for us here in D1, experiencing a simultaneous increase of moving homeless from other areas to D1 (please see "You have herded us here") before any attempt began to take the encampments off D1 streets, plus the mass closure of our hotels which once drew regular revenue to our local businesses.
I have also learned that its the city policy that most of our local businesses in D1 lack of inclusion in any city planning or resource distribution, as I learned that the city has no regular communication or meetings with any businesses outside of Business Improvement Districts, although the Office of Economic Development is happy to carry on "speaking for" our businesses without any idea of what the businesses might have to say on any topic (see attached email communication with Jennifer Lovvorn,
Chief Cultural Affairs Officer at Civic Arts). Through assorted participation in city infrastructure plans, we have come to realize that there is usually no actual outreach to local businesses, nor local residents, by hired consultants in charge of project outreach either, who apparently face no oversight or accountability on the lack of fair or thorough outreach.

I have asked several council members and city staff previously to please give me feedback on the accuracy of my list of homeless housing (locations set aside exclusively for former homeless). I have yet to have any confirmation or corrections from the city, except that I had missed McKinley House on one draft. I do have to also point out that the homeless housing in D2 is across University Ave from D1, and therefore the same neighborhood, so even more highly concentrated in the same area than the chart implies. I still invite any corrections, to make sure my list is accurate. Copy of 2024 Homeless Unit #s master list locations

Years ago, our community on San Pablo Ave noticed the disuse of the vacant Oxford School Site, and repeatedly brought it up to the city and BUSD as a potential site for use for homeless housing. As staff and council members change over this has probably dropped, so we urge you to continue to pursue the possibility of using the site as modeled on the Horizons on Grayson was used. See more details in my previous communication, as well as our community member's communication regarding feasibility. Please renew perusal of this potential site.

I could continue on about how other districts have substantial higher civic investments than D1, but will just conclude with my hope that with the new year, and turnover in staff Council and Mayor, that there will be true effort to acknowledge, and balance out the resource distribution across communities in Berkeley.

Thanks,
Aimee Baldwin

Beautiful San Pablo
[Please let me know if you are unable to open any of the above links]

On Tue, Jul 25, 2023 at 10:55 AM aimee baldwin <junk.menagerie@gmail.com> wrote:

Dear City Council,

I am writing to remind you of the City of Berkeley's obligations to fulfill the U.S. Department Housing and Urban Development's Affirmatively Furthering Housing mandate (Fair Housing Act https://www.hud.gov/AFFH). This mandate states the following:

> The Fair Housing Act requires HUD and its recipients of federal financial assistance to do *more* than simply not discriminate; they must take meaningful actions to overcome patterns of segregation and foster inclusive communities.

Similarly, the State of California has Fair Housing requirements AB686:
(https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing)

> In 2018, the California State Legislature passed AB 686 to expand upon the fair housing requirements and protections outlined in the Fair Employment and Housing Act (FEHA). The law:
>
> - requires all state and local public agencies to facilitate deliberate action to explicitly address, combat, and relieve disparities resulting from past patterns of segregation to foster more inclusive communities.

Berkeley's imbalanced placement of existing and planned homeless housing units (please refer to the chart and map below) fosters "patterns of segregation" rather than "inclusive communities." I have included historic redlines in the map.
chart
https://docs.google.com/spreadsheets/d/1lTw0hRR0-MSFyb71ffvzWHllkRwka2bZvTsNVEQ75Fo/edit?usp=sharing
map
https://www.google.com/maps/d/u/0/edit?mid=1XuSqNv9Kk1Kmx6DBwTeWbFeKnlAfA80&usp=sharing

Berkeley is also failing to make meaningful investments, or take "deliberate action", in the area and community directly surrounding these homeless housing units which would "..address, combat, and relieve disparities resulting from past patterns of segregation..."

The decisions made by this City Council and staff in placing most homeless housing units within a small area of formerly redlined section of D1, and furthermore failing to make meaningful investments in this historically disinvested and segregated community, seem to go against the City's obligations of HUD's Fair Housing Act and the State law.

I have recently offered several suggestions to correct course: lease (or buy) the Oxford Elementary School as a homeless housing transition community center, include permanent homeless services and shelter in the Civic Center Plan, and make meaningful investments, under the direction of true community stakeholders, in the areas immediately around homeless housing units and services in D1, and other historically segregated disadvantaged communities.

I want to know what is the City's and the City Council's plan to ensure meeting obligations to Affirmatively Furthering Fair Housing, in regards to homeless housing and services placement?

Sincerely,
Aimee Baldwin

Durr, Jasmine **24**

From: Haiganoush Preisler <haiganoush@gmail.com>
Sent: Tuesday, February 18, 2025 8:46 AM
To: All Council
Subject: Ceasefire resolution

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley City Council
Please put the current (already passed) Peace and Justice Commission Ceasefire and Arms Embargo Resolution on the agenda without further delay.
The majority of Berkeley residents would like to see a debate on this issue. Although I don't see why we need a debate about demaionding a Ceasefire!

--

"Every gun that is made, every warship launched, every rocket fired, signifies in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed."
- U.S. President Dwight D. Eisenhower, "Cross of Iron" speech, 1953

Durr, Jasmine **25**

From: Joseph Mutti <josephmutti@icloud.com>
Sent: Tuesday, February 18, 2025 7:06 AM
To: All Council
Subject: PJC Resolution

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Council,

No more heads in the sand.

It's time to put the (passed) Peace & Justice Commission Ceasefire & Arms Embargo Resolution on the agenda immediately.

Whether it is defeated or passed, it is your moral obligation to individually and historically record on which side you stand.

Sincerely,

Joseph Mutti

Durr, Jasmine

26

From: Jennifer Fechner <oosmama@gmail.com>
Sent: Wednesday, February 19, 2025 8:41 AM
To: All Council
Subject: Ceasefire Resolution

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am aggrieved that this Resolution has not come up for a vote. I have lived in Berkeley since 1978 and often felt so proud of my city for its pro-peace values. I truly don't understand the "exception" of Palestine in the otherwise progressive community, but one does begin to wonder about outsize influence. I'm a homeowner here now and just "spitting mad" (though I'm mannered and would never spit) that the council has not taken up the resolution.

I actually now feel ASHAMED of my chosen home. ASHAMED!

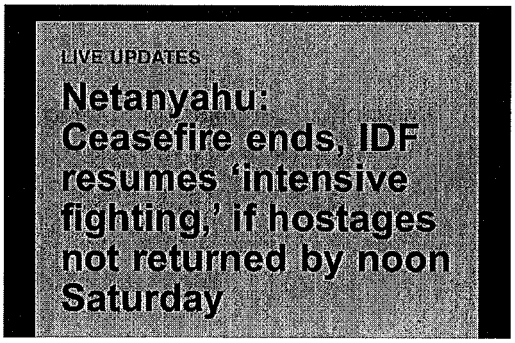
Jennifer Fechner
2204 Sacramento
Sent from my iPhone

Durr, Jasmine **27**

From: Simin <simshamji@gmail.com>
Sent: Tuesday, February 11, 2025 2:07 PM
To: All Council
Subject: Assault in Berkeley ...

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on our values.

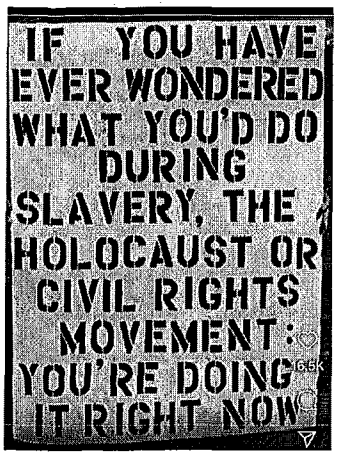


Just when you think it can't get any worse, it does. And Berkeley's silence gets louder and louder and increasingly painful and indefensible. Every day the collusion between two rightwing criminals - one convicted, the other indicted - to eliminate the Palestinians from Gaza becomes more and more transparent and inhumane. Taking his cues from Trump, Netanyahu now has the carte blanche he's yearned for to do what 15 months of incessant bombing has been unable to do, ethnically cleanse the Palestinians from Gaza. All while Trump schemes to blackmail desperate and feckless Arab allies into complicity with their plans.

From whom do you need to hear before acting? Anyone can give you AIPAC's and the JCRC's talking points. We all know them by heart.

No one says my grandfather was instrumental in the internment of the Japanese. No one says my grandmother was on Joseph McCartghy's team to inform on US citizens. You know what people from Berkeley do say with pride? My grandmother was arrested for refusing to inform on her neighbors when McCarthy's rightwing "patriots" came calling. My grandfather was ostracized for standing with Fred Korematsu. My father refused to eat in an Oklahoma restaurant that denied serving two Black servicemen he was traveling with from California to Fort Sill. Servicemen who were about to go put their lives on the line for this country in Korea.

Shame on all of you for not seeing. For pretending not to see.



What will you tell your grandchildren you did as an elected official when Trump and Netanyahu unleashed a second round of hell on a defenseless and exposed indigenous population? When they ask what you did to stand up to Trump's agenda of white supremacy, what will you tell them? Will AIPAC and the JCRC be there to console them that their grandparents were good friends to a rightwing racist regime hellbent on ethnic cleansing?

The time is now. The conscience and legacy of Berkeley demand it.

Put the Peace & Justice Commission's ceasefire and arms embargo resolution on the agenda. It was passed after a thorough vetting process that included hearing from hundreds of community members. The residents of Berkeley deserve to know how their elected officials stand on the most important international human rights issue of our time.

Tim O'Brien

28

Durr, Jasmine

From: D Dorenz <ddorenz@gmail.com>
Sent: Monday, February 24, 2025 8:17 AM
To: All Council
Subject: No to foreign policy resolutions

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City Council Members:
As a Berkeley resident and payer of property and other City taxes, I urge you to stick to the business of the city council instead of discussion and voting on performative foreign policy issues that are not why we elected you. Those who want you to become their propaganda tools, are intent on demonizing Israel, perpetrating a false narrative about Oct. 7th including the belief that Hamas is an innocent "liberation" army. Nothing could be further from the truth.
But your jobs should focus on keeping our community together, not passing Boycott resolutions. The Jewish community is being attacked both verbally and physically in our City and elsewhere due to these performative resolutions. We don't need any more hostility in our City.

I urge you not to cave into the pressure that is being put upon you by the people who dominate the public input time at City council meetings. Please focus on real City issues: homelessness, housing, after school programs, food insecurity, street paving and lighting, public safety, crime reduction and more.
Thanks for doing the jobs we elected to do.
Sincerely,

Dorothea Dorenz

Durr, Jasmine **29**

From: Chris Taaffe <crtaaffe12@gmail.com>
Sent: Sunday, February 23, 2025 11:30 AM
To: All Council
Subject: Heed the majority voice for oeace

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Greetings Berkeley City Council,
I urge you to place the Berkeley Peace and Justice Commission Arms Embargo and Ceasefire Resolution on the City Council agenda.

All of Berkeley wants to know how the council members stand on the defining issue of the moment---in the nation which is funding Israel's destruction and ethnic cleansing of Palestinians.

You know it is antidemocratic--and a brazenly transparent move----to block that P&J resolution from the city council's agenda for open debate.

Sincerely
Chris Taaffe

Durr, Jasmine **30**

From: Erika A. <anderika@protonmail.com>
Sent: Saturday, February 22, 2025 5:27 PM
To: All Council
Subject: Peace & Justice Resolution belongs on agenda

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Ishii and the Berkeley City Council,
It's really important to put the Peace and Justice Commission's ceasefire resolution on the agenda on Feb. 25th.

As someone who was born and raised in Berkeley, I care deeply about what this city stands for. Certainly peace and justice are worthy goals and true Berkeley values.

I was present at the Commission's hearing in September. It encompassed several hours of citizen input and I'd say about 95% of those comments were in favor of the resolution.

Please honor the time-consuming efforts and process that have already gone into this resolution — the planning, the writing, the re-writing even on that night — and put it on the city council agenda. A failure to do this would be a breach of proper process. This resolution was voted on and passed!

It's a very well-written document and the time has come for its content to be heard, discussed, and voted on. I sincerely hope the council steps up to the plate.

Thank you, and best wishes,
Erika Andersen

Durr, Jasmine **31**

From: Alexander Cruzado <tonycruzado06@gmail.com>
Sent: Thursday, February 20, 2025 3:29 PM
To: Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; All Council
Subject: Ceasefire NOW: Berkeley Community Stands with Gaza

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilmembers,

I am writing to call upon the longstanding spirit of activism and social justice that breathes in the heart of Berkeley, urging you to draft and pass a formal resolution in solidarity with Palestinians in Gaza, who are being subject to ethnic cleansing and genocide by the Israeli state backed by the United States. This resolution should:

1- Demand an immediate CEASEFIRE.
2- Demand immediate safe passage for substantial humanitarian aid to Gazans who have little to no food, water, fuel or medical supplies to save the almost 20,000 Palestinians injured (at the time of this writing)
3- Call for an immediate end to all existing and any future U.S. military aid and support to Israel; US taxpayer dollars that go to Israel in the form of $3.8 billion in military "aid" per year are being used to further harm and kill Palestinians.
4 - Call for an end to Israeli apartheid, the siege, the occupation and blockade of Palestinian land by Israeli military forces; and the systematic harassment of the Palestinian people, including stealing of land, burning of farms, and regular arrests of ordinary civilians.
5 - Call for the immediate release of the approximately 3000 Palestinians who have been arrested in Israel (about 1500 people), including in Jerusalem, and the West Bank (another 1500 people) since Oct. 7th and the approximately 220 Israeli hostages held by Hamas.

Already, over 8000 Palestinians have been killed by Israeli airstrikes, with more than half of these being women and children. The number of displaced Palestinians with no homes to return to, could be as high as half a million people.

Berkeley, with its illustrious legacy of pioneering social justice movements, holds a responsibility to be at the vanguard of national calls for justice. Berkeley has been the crucible where powerful movements were forged; from the Free Speech Movement of the 1960s, to being one of the first cities in the US to divest from companies doing business with the apartheid regime in South Africa. These histories reflect our enduring commitment to global justice and liberation, and advocacy for the voiceless and oppressed.

On Tuesday, October 24, our neighbors at the Richmond City Council exemplified moral leadership by passing a resolution standing against genocide in Gaza, making it the first U.S. city to stand on the right side of history on this critical issue. Inspired by their boldness, Berkeley must continue its anti-apartheid and anti-settler colonialism legacy by standing against the shadows of genocidal apartheid regimes.

Thank you for your attention and commitment to making a difference.
Sincerely, Alexander Cruzado

Durr, Jasmine **32**

From: Sam Long <samloooong@gmail.com>
Sent: Friday, February 21, 2025 5:28 PM
To: Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; All Council
Subject: Ceasefire NOW: Berkeley Community Stands with Gaza

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilmembers,

I am writing to call upon the longstanding spirit of activism and social justice that breathes in the heart of Berkeley, urging you to draft and pass a formal resolution in solidarity with Palestinians in Gaza, who are being subject to ethnic cleansing and genocide by the Israeli state backed by the United States. This resolution should:

1- Demand an immediate CEASEFIRE.
2- Demand immediate safe passage for substantial humanitarian aid to Gazans who have little to no food, water, fuel or medical supplies to save the almost 20,000 Palestinians injured (at the time of this writing);
3- Call for an immediate end to all existing and any future U.S. military aid and support to Israel; US taxpayer dollars that go to Israel in the form of $3.8 billion in military "aid" per year are being used to further harm and kill Palestinians.
4 - Call for an end to Israeli apartheid, the siege, the occupation and blockade of Palestinian land by Israeli military forces; and the systematic harassment of the Palestinian people, including stealing of land, burning of farms, and regular arrests of ordinary civilians.
5 - Call for the immediate release of the approximately 3000 Palestinians who have been arrested in Israel (about 1500 people), including in Jerusalem, and the West Bank (another 1500 people) since Oct. 7th and the approximately 220 Israeli hostages held by Hamas.

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On Tuesday, October 24, our neighbors at the Richmond City Council exemplified moral leadership by passing a resolution standing against genocide in Gaza, making it the first U.S. city to stand on the right side of history on this critical issue. Inspired by their boldness, it is imperative that Berkeley continues its anti-apartheid and anti settler colonialism legacy by standing against the shadows of genocidal apartheid regimes.

Thank you for your attention and commitment to making a difference.
Sincerely,
Sam

Durr, Jasmine **33**

From: Michael Cassidy <mjcassidy48@gmail.com>
Sent: Monday, February 24, 2025 4:04 PM
To: All Council
Subject: 2/25 City Council Meeting

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am aware of a call to flood the City Council meeting of 2/25 with people demanding action on a resolution regarding a ceasefire in the Middle East. There currently is a ceasefire without any resolution from Berkeley. During the last six months, the City Council has been able to concentrate on the business of Berkeley residents.
As a citizen of Berkeley for 47 years, I urge you to focus on City issues, and resist demands to focus on foreign matters.
Michael Cassidy

Durr, Jasmine

34

From: Tyler Kerce <kerce.tyler@gmail.com>
Sent: Tuesday, February 11, 2025 1:22 PM
To: All Council; Berkeley Mayor's Office; Taplin, Terry; Humbert, Mark; rev.dwaynel.phillips@gmail.com; sandypark326@gmail.com
Subject: Anti-Zionist Jews Call on Berkeley Councilmembers to Honor Our Collective Values

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Dear Mayor Ishii and Berkeley City Council Members,

I am a Jewish member of the community writing to ask that you support the passage of the Peace and Justice Commission's resolution in support for Palestinian self-determination and an end to U.S. military aid to Israel, by immediately placing it on the city's agenda. On September 30th, 2024, the night this resolution was passed, people from all walks of life waited in line for hours to give public comment and heartbreaking testimony in the hope that, finally, someone in Berkeley's government would hear what so many of us have sought for over a year. Thankfully, eight commissioners did, and now you have the opportunity to make it Berkeley's formal policy.

Over the last year, I have watched with deep sadness and concern as my Jewish heritage has been used as a cudgel to justify industrialized violence on a scale not seen in nearly a century. In the last year, Gaza has become the most bombed piece of land on the planet with destructive force many times the equivalent nuclear blasts used in Hiroshima and Nagasaki, and more bombs dropped on Dresden, Hamburg, and London during the entirety of World War II - in just the first six months. These bombs are almost entirely manufactured by American companies, subsidized by American tax dollars, and delivered by American politicians. The extent of human suffering in Gaza is indescribable, yet I have watched with horror as some members of my community have tried to flatten the definition of Anti-Semitism to mean anything having to do with seeking justice for Palestine and Palestinians. Judaism is a religion of peace, not domination or revenge. The extremist groups and individuals that suggest otherwise do not speak for me nor do they represent Judaism's core tenets.

I am asking that you not let my identity be co-opted by those who believe the only way to secure Jewish safety is through Palestinian annihilation. I am asking that you reject the prior council's shameful precedent of silence, denial, and cowardice, and remind the world that Berkeley's history of leadership in calling for justice in Vietnam and justice in South Africa is its true legacy – one that should extend to support for justice in Palestine.

Please help restore this city's soul. Please help us resume our place on the right side of history, and agendize the resolution without further delay.

Sincerely,

Tyler Kerce

Durr, Jasmine

From: Blair Newman <blairrnewman@gmail.com>
Sent: Tuesday, February 11, 2025 1:14 PM
To: All Council; Berkeley Mayor's Office; Taplin, Terry; Humbert, Mark; rev.dwaynel.phillips@gmail.com; sandypark326@gmail.com
Subject: Anti-Zionist Jews Call on Berkeley Councilmembers to Honor Our Collective Values

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Please help restore this city's soul. Please help us resume our place on the right side of history, and agendize the resolution without further delay.

Sincerely,
Blair N

Durr, Jasmine

From: Jocelyn E. De Sena <jocelyn.e.goldsmith@gmail.com>
Sent: Tuesday, February 11, 2025 1:14 PM
To: All Council; Berkeley Mayor's Office; Taplin, Terry; Humbert, Mark; rev.dwaynel.phillips@gmail.com; sandypark326@gmail.com
Subject: Anti-Zionist Jews Call on Berkeley Councilmembers to Honor Our Collective Values

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Please help restore this city's soul. Please help us resume our place on the right side of history, and agendize the resolution without further delay.

Sincerely,
Jocelyn D.

Durr, Jasmine

From: Andrew Klein <anck89@gmail.com>
Sent: Tuesday, February 11, 2025 12:52 PM
To: All Council; Berkeley Mayor's Office; Taplin, Terry; Humbert, Mark; rev.dwaynel.phillips@gmail.com; sandypark326@gmail.com
Subject: Anti-Zionist Jews Call on Berkeley Councilmembers to Honor Our Collective Values

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Dear Mayor Ishii and Berkeley City Council Members,

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Please help restore this city's soul. Please help us resume our place on the right side of history, and agendize the resolution without further delay.

Sincerely,
Andrew Klein

Durr, Jasmine

From: Deborah Cohan <deborahcohan1@gmail.com>
Sent: Tuesday, February 11, 2025 12:29 PM
To: All Council; Berkeley Mayor's Office; Taplin, Terry; Humbert, Mark; rev.dwaynel.phillips@gmail.com; sandypark326@gmail.com
Subject: Anti-Zionist Jews Call on Berkeley Councilmembers to Honor Our Collective Values

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Dear Mayor Ishii and Berkeley City Council Members,

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Please help restore this city's soul. Please help us resume our place on the right side of history, and agendize the resolution without further delay.

Sincerely,
Deborah Cohan
94703

Durr, Jasmine

From: Lisa Jervis <lisa@delightfullycranky.com>
Sent: Tuesday, February 11, 2025 12:20 PM
To: All Council; Berkeley Mayor's Office; Taplin, Terry; Humbert, Mark; rev.dwaynel.phillips@gmail.com; sandypark326@gmail.com
Subject: Anti-Zionist Jews Call on Berkeley Councilmembers to Honor Our Collective Values

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Dear Mayor Ishii and Berkeley City Council Members,

I am a Jewish resident of Berkeley writing to ask that you support the passage of the Peace and Justice Commission's resolution in support for Palestinian self-determination and an end to U.S. military aid to Israel, by immediately placing it on the city's agenda. The way the Berkeley government has thwarted action on this is undemocratic and upsetting. On September 30th, 2024, the night this resolution was passed, people from all walks of life waited in line for hours to give public comment and heartbreaking testimony in the hope that, finally, someone in Berkeley's government would hear what so many of us have sought for over a year. Thankfully, eight commissioners did, and now you have the opportunity to make it Berkeley's formal policy.

Over the last 16 months, I have watched with alarm and deep sadness as my safety as a Jewish person has been used to justify industrialized violence on a scale not seen in nearly a century, all fueled by my own tax dollars, while Jewish institutions that I do not agree with at all claim to speak for me while saying that calling for a cease fire is divisive. I hope with all of my being that Berkeley will finally listen to its residents of conscience on this issue.

The extent of human suffering in Gaza is indescribable, yet I have watched with horror as some members of my community have tried to flatten the definition of antisemitism to mean anything having to do with seeking justice for Palestine and Palestinians. Judaism is a religion of peace, not domination or revenge. The extremist groups and individuals that suggest otherwise do not speak for me nor do they represent Judaism's core tenets.

I am asking that you not let my identity be co-opted by those who believe the only way to secure Jewish safety is through Palestinian annihilation. I am asking that you reject the prior council's shameful precedent of silence, denial, and cowardice, and remind the world that Berkeley's history of leadership in calling for justice in Vietnam and justice in South Africa is its true legacy – one that should extend to support for justice in Palestine.

Please help us resume our place on the right side of history, and agendize the resolution without further delay.

Sincerely,

Lisa Jervis, 94710

Durr, Jasmine

From: Val Weinzweig <hvweinzweig@gmail.com>
Sent: Tuesday, February 11, 2025 12:11 PM
To: All Council; Berkeley Mayor's Office; Taplin, Terry; Humbert, Mark; rev.dwaynel.phillips@gmail.com; sandypark326@gmail.com
Subject: Anti-Zionist Jews Call on Berkeley Councilmembers to Honor Our Collective Values

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Please help restore this city's soul. Please help us resume our place on the right side of history, and agendize the resolution without further delay.

Sincerely,
Valerian Weinzweig

Durr, Jasmine

From: Stevie Schwartz <stevieschwartz83@gmail.com>
Sent: Wednesday, February 12, 2025 9:32 AM
To: All Council; Berkeley Mayor's Office; Taplin, Terry; Humbert, Mark; rev.dwaynel.phillips@gmail.com; sandypark326@gmail.com
Subject: Anti-Zionist Jews Call on Berkeley Councilmembers to Honor Our Collective Values

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Please help restore this city's soul. Please help us resume our place on the right side of history, and agendize the resolution without further delay.

Sincerely,
Stevie Schwartz

Durr, Jasmine

From: Juliana Fredman <juliana.fredman@gmail.com>
Sent: Tuesday, February 11, 2025 7:02 PM
To: All Council; Berkeley Mayor's Office; Taplin, Terry; Humbert, Mark; rev.dwaynel.phillips@gmail.com; sandypark326@gmail.com
Subject: Anti-Zionist Jews Call on Berkeley Councilmembers to Honor Our Collective Values

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Please help restore this city's soul. Please help us resume our place on the right side of history, and agendize the resolution without further delay.

Sincerely,
Juliana Fredman

Sent from my iPhone

Durr, Jasmine

From: Juliana Fredman <juliana.fredman@gmail.com>
Sent: Tuesday, February 11, 2025 10:13 PM
To: Juliana Fredman
Cc: All Council; Berkeley Mayor's Office; Taplin, Terry; Humbert, Mark; rev.dwaynel.phillips@gmail.com; sandypark326@gmail.com
Subject: Re: Anti-Zionist Jews Call on Berkeley Councilmembers to Honor Our Collective Values

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I would just like to add: show some courage. If you want to vote against the resolution, vote against it. If you feel the resolution passed by the Peace and Justice committee - pursuant to its mandate- and is something you cannot support, the agendize it and vote how you will.
That is what the procedural rules of the city dictates.
This refusal to vote on it is simply cowardice. I hoped for more fortitude from the new mayor.
Sent from my iPhone

> On Feb 11, 2025, at 7:02 PM, Juliana Fredman <juliana.fredman@gmail.com> wrote:
>
> Dear Mayor Ishii and Berkeley City Council Members,
>
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>
> Please help restore this city's soul. Please help us resume our place on the right side of history, and agendize the resolution without further delay.
>
> Sincerely,

> Juliana Fredman
>
> Sent from my iPhone

Durr, Jasmine

From: Daniel Owen <daniel.owen87@gmail.com>
Sent: Wednesday, February 12, 2025 6:43 PM
To: All Council; Berkeley Mayor's Office; Taplin, Terry; Humbert, Mark; rev.dwaynel.phillips@gmail.com; sandypark326@gmail.com
Subject: Anti-Zionist Jews Call on Berkeley Councilmembers to Honor Our Collective Values

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Dear Mayor Ishii and Berkeley City Council Members,

I am a Jewish member of the community writing to ask that you support the passage of the Peace and Justice Commission's resolution in support for Palestinian self-determination and an end to U.S. military aid to Israel, by immediately placing it on the city's agenda. On September 30th, 2024, the night this resolution was passed, people from all walks of life waited in line for hours to give public comment and heartbreaking testimony in the hope that, finally, someone in Berkeley's government would hear what so many of us have sought for over a year. Thankfully, eight commissioners did, and now you have the opportunity to make it Berkeley's formal policy.

Over the last year, I have watched with deep sadness and concern as my Jewish heritage has been used as a cudgel to justify industrialized violence on a scale not seen in nearly a century. In the last year, Gaza has become the most bombed piece of land on the planet with destructive force many times the equivalent nuclear blasts used in Hiroshima and Nagasaki, and more bombs dropped on Dresden, Hamburg, and London during the entirety of World War II - in just the first six months. These bombs are almost entirely manufactured by American companies, subsidized by American tax dollars, and delivered by American politicians. The extent of human suffering in Gaza is indescribable, yet I have watched with horror as some members of my community have tried to flatten the definition of Anti-Semitism to mean anything having to do with seeking justice for Palestine and Palestinians. Judaism is a religion of peace, not domination or revenge. The extremist groups and individuals that suggest otherwise do not speak for me nor do they represent Judaism's core tenets.

I am asking that you not let my identity be co-opted by those who believe the only way to secure Jewish safety is through Palestinian annihilation. I am asking that you reject the prior council's shameful precedent of silence, denial, and cowardice, and remind the world that Berkeley's history of leadership in calling for justice in Vietnam and justice in South Africa is its true legacy – one that should extend to support for justice in Palestine.

Please help restore this city's soul. Please help us resume our place on the right side of history, and agendize the resolution without further delay.

Sincerely,

Daniel Owen

Durr, Jasmine

From: jeannine cohen <jeanninewcohen@gmail.com>
Sent: Wednesday, February 12, 2025 7:13 AM
To: All Council; Berkeley Mayor's Office; Taplin, Terry; Humbert, Mark; rev.dwaynel.phillips@gmail.com; sandypark326@gmail.com
Subject: Anti-Zionist Jews Call on Berkeley Councilmembers to Honor Our Collective Values

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Ishii and Berkeley City Council Members,

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Please help restore this city's soul. Please help us resume our place on the right side of history, and agendize the resolution without further delay.

Sincerely,

Sent from my iPhone

Durr, Jasmine **35**

From: Cecelia Mautner <chezcece@hotmail.com>
Sent: Saturday, February 15, 2025 11:39 AM
To: Berkeley Mayor's Office; All Council
Subject: BLIGHT

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and city council members,

The blight continues and it is so incredibly sad. Our downtown is barren. Berkeley High School Students are met with this blight. The area of 4th street to 8th Street has homeless camped on the streets, cooking food, creating a landscape for rodents, human waste going into our storm drains before being properly treated and still the city doesn't care.

I recently went to the city of Ventura in Southern California. Clean oceans, clean streets, and a thriving downtown with a beautiful pier. Merchants are happy, customers are happy, and the citizens are happy. The city values the safety of its residents. It values the tourists who come to visit and spend money.

The same can't be said for Berkeley.

About a year ago a man walked into the store I work at on 4th street and walked out with about $1000 dollars' worth of merchandise. Every day on 4th street, taxpayers are late to their car get tickets when their meter is up. It's causing many to avoid 4th street as there often isn't adequate parking. Stores are losing business, and some businesses have already tried sales to get customers back. Some have closed. Some remain closed, like Market hall, and have yet to find anyone to rent. And yet the campers remain. They are allowed to stay without any tickets or the city caring about how this impacts the area.

Your apathy is making Berkeley into a city that is one in which people hide in their cocoons - their homes or apartments. They invest in their homes, living in a beautiful area, landscaping, decorating, maybe buying a fire pit and jacuzzi, and won't dare go downtown. Sure, they might occasionally drive to a nice restaurant and then head back home again.

What a shame. What a shame because UC Berkeley has the best and brightest. What a shame, because thank goodness our parks like Tilden are a thing of beauty and at least they are well tended to.

But the blight. I have a cousin who will never visit again. "Why doesn't the city do something?" she asked me.

And I had no answer for her.

It's a shame that you don't value the integrity, safety and beauty of the city I love and call home.

Sincerely,

Cecelia Mautner

Durr, Jasmine **36**

From: elsa tranter <elsatranter@gmail.com>
Sent: Thursday, February 20, 2025 10:57 PM
To: All Council
Subject: mailbox

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

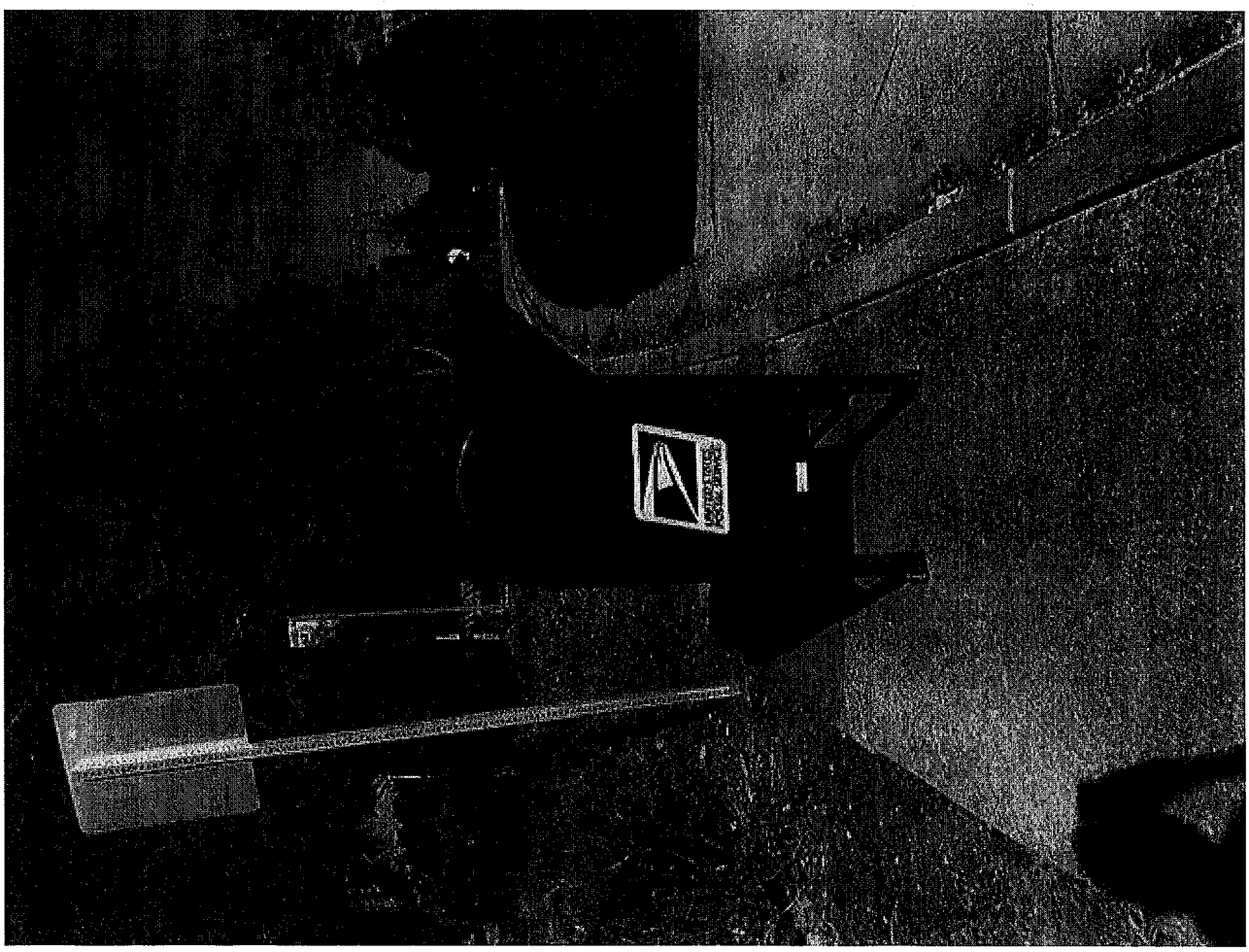
council members:

don't know where to turn about this mailbox on spruce right by the reservoir. it is on the sidewalk blocking it for wheelchair or stroller. seems a ridiculous place to put it.

any thoughts?

thanks.

Elsa Tranter



Sent from my iPhone

From: Jack Kurzweil <jack.kurzweil@gmail.com>
Sent: Friday, February 14, 2025 1:37 PM
To: Councilmember Igor Tregub; All Council; Adena Ishii
Cc: Tregub, Igor; Bolotina, Olga; Johnson, Amy; Ahmed, Shamaila
Subject: Re: Update: Public Safety Community Meeting

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Ishii and Councilmember Tregub,

First of all, instead of the abstract "incidents in Civic Center Park", you should directly say something like "homeless encampment in Civic Center Park".

You should then acknowledge that this homeless encampment exists as a consequence of the action by the City Council in closing down an encampment in West Berkeley without a clear understanding of the consequences of the action. I do understand that neither Councilmember Tregub nor Mayor Ishii were in office at the time. But still, the encampment in the park happened for a reason. And that reason should be acknowledged.

Unfortunately, the Berkeley way of addressing these consequences is to hold meetings, gather "input", threaten to call the police on anyone that speaks out of turn, and express empty empathy to someone who made the mistake of walking to close to the encampment. I always walk across the street. And I haven't been bothered.

Referring to the "all possible solutions" referred to in your email, do those include finding an alternative space for the encampment?

Please do not thank me for my input. I'd rather be ignored silently than be subject to condescending public relations responses.

Jack Kurzweil
1737 Allston Way

On Feb 14, 2025, at 1:15 PM, Councilmember Igor Tregub <igor@igortregub.com> wrote:

Dear Community,

Mayor Ishii and Councilmember Tregub's offices have been working to find a space where we can host the public safety community meeting relating to recent incidents at Civic Center Park.

Unfortunately, due to the time it has taken to secure a space and the complexity of ensuring all needed stakeholders are there, we will not be able to host this meeting on 2/18. As an alternative, we are looking at holding this meeting on Wednesday 2/26 from 5:30 pm to 7 pm.

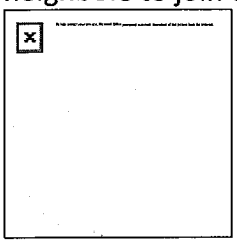
Please use this form to RSVP to the meeting. And please feel free to share the form, and this information with anyone who might be interested in attending.

Thank you for your patience and understanding. We will update you with the meeting location as soon as we are able to secure a space. In the meantime, please be assured that we are taking immediate actions and looking at all possible solutions to mitigate the situation at the park and beyond.

Sincerely,
Mayor Ishii and Councilmember Tregub

Igor Tregub
Berkeley City Councilmember
District 4, City of Berkeley
2180 Milvia St, Berkeley, CA 94704
Email: ITregub@berkeleyca.gov
Phone: 510-981-7140

Please sign up to receive District 4 Newsletter @ https://bit.ly/Igornews and invite your neighbors to join too!



From: Enrique Marisol <enriquemarisol20@gmail.com>
Sent: Monday, February 24, 2025 12:46 PM
To: Berkeley Mayor's Office; Tregub, Igor; Manager, C; boardofed@berkeley.net
Cc: Jose Lara; All Council
Subject: Accommodation concerns Re: Reminder: Community Safety Town Hall WED, 2/26, 5:30-7:30 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,

I have some concerns regarding the lack of accessibility for this meeting. This is a meeting regarding Public Safety around Berkeley High School and Civic Center Park- why is the meeting not being held near this area? This discludes people who lack travel accommodations, who tend to be low income and/or disabled. This could be resolved in part by offering an online option, which can easily be done with a single computer equipped with Zoom, connected to the sound system. I would like to know what the "technological and resource limitations" are which prevent this from happening.

Respectfully,

Enrique Marisol (they/elle)
Berkeley Human Welfare and Community Action Commission Vice Chair

On Mon, Feb 24, 2025 at 9:48 AM Berkeley Mayor's Office <Mayor@berkeleyca.gov> wrote:

> Dear Community,
>
> This Wednesday, 2/26, the Mayor's office, together with Councilmember Igor Tregub, City Manager Paul Buddenhagen, and other leaders from the City of Berkeley and Berkeley Unified School District, are co-hosting a Community Meeting on Public Safety in and around Berkeley High School and Civic Center Park.
>
> This meeting is an opportunity for us all to come together, share information, and hear directly from each other. We look forward to your participation and insights as we work toward compassionate, effective, and sustainable solutions as a community.
>
> Due to technological and resource limitations in the space, this will be an in-person only meeting. Thank you in advance for your understanding.
>
> **If you haven't already, please RSVP here!**

Community Meeting on Public Safety in and around Berkeley High School and Civic Center Park

Date: Wednesday, February 26th, 2025
Time: 5:30 PM – 7:30 PM
Location: North Berkeley Senior Center, 1901 Hearst Ave, Berkeley, CA 94709

Room: Aspen Multipurpose / Dining Room

AGENDA:

1. **Welcome & Opening Remarks -** Mayor Adena Ishii and Councilmember Igor Tregub

2. **Current Situation Overview** - Berkeley City Manager Paul Buddenhagen & Chief Jennifer Louis

3. **Public Safety & Security Measures**

   - **Berkeley Police Department** - Berkeley Police Chief Jennifer Louis
   - **BUSD/Berkeley High School** - TBD

4. **Community Discussion**

5. **Next Steps and Closing** - Mayor Ishii and Councilmember Tregub

Please note that the space at the North Berkeley Senior Center is limited to 200.

MAYOR ADEN
IGOR TREGU



Sincerely,

Mayor Ishii

Durr, Jasmine **39**

From: Tregub, Igor
Sent: Monday, February 24, 2025 3:10 PM
To: Enrique Marisol; Berkeley Mayor's Office; Manager, C; boardofed@berkeley.net
Cc: Jose Lara; All Council
Subject: Re: Accommodation concerns Re: Reminder: Community Safety Town Hall WED, 2/26, 5:30-7:30 PM

Dear Vice Chair Marisol,

Thank you for reaching out to us with your concerns. I want to acknowledge them while taking an opportunity to respond. The process of setting up a meeting with a diverse set of stakeholders has been quite complex - including finding locations that are suitable to hold the number of people for whom this issue is of importance. North Berkeley Senior Center is just over 2 blocks away from BHS and 2 relatively short blocks away from the Park. Unfortunately, spaces at BHS were not available. While we also looked into Berkeley City College, the location of North Berkeley Senior Center is nearly equidistant from the Park to BCC.

I appreciate your desire for a hybrid option and, while have previously discussed internally the possibility of accommodating this request, there are constraints on the technological connectivity at the North Berkeley Senior Center on 2/26 as well as on our staff's resources, as it will be largely staff from my and the Mayor's office organizing the meeting.

We hope that the limitations of our offices' staff capacity or technological limitations of the space will not deter you from attending the meeting. However, should you wish to provide your views in advance of the meeting, we will welcome them.

Respectfully,
Igor

Igor Tregub
Berkeley City Councilmember
District 4, City of Berkeley
2180 Milvia St, Berkeley, CA 94704
Email: ITregub@berkeleyca.gov
Phone: 510-981-7140

Please sign up to receive District 4 Newsletter @ https://bit.ly/Igornews and invite your neighbors to join too!

From: Enrique Marisol <enriquemarisol20@gmail.com>
Sent: Monday, February 24, 2025 12:45 PM
To: Berkeley Mayor's Office <Mayor@berkeleyca.gov>; Tregub, Igor <ITregub@berkeleyca.gov>; Manager, C <CManager@berkeleyca.gov>; boardofed@berkeley.net <boardofed@berkeley.net>
Cc: Jose Lara <lara.jose1280@gmail.com>; All Council <council@berkeleyca.gov>
Subject: Accommodation concerns Re: Reminder: Community Safety Town Hall WED, 2/26, 5:30-7:30 PM

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MAYOR ADEN
IGOR TREGU



Sincerely,
Mayor Ishii

Durr, Jasmine

40

From: Director Security <director@federalarrestwarrant.com>
Sent: Friday, February 14, 2025 11:50 AM
To: ajalenabrown@gmail.com; All Council; mayor.helpdesk@lacity.org; District1community@sdcounty.ca.gov; MayorPress@sandiego.gov; JBerton@oaklandca.gov
Subject: Sanctuary

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Civil Officials:

The Trump Administration is casting orders to Deport people that the State of California, as well as many other Sanctuary States, and Cities pledge against; A move against the wants and Policies of this State; We as a Community want to give them Time and Opportunity until there " illegal status" is removed;

The People Right to fight the Federal Government is enshrined in our State, (federal government can not do anything without arresting an official), enshrined in our Souls, as we are under God:, Our illegal immigration policies are separate but equal, and we have already pledged to give them Sanctuary, including the mutual Personal Right to Fight for Freedom;

The Immigrants help the People of California, Ignorance wants them to be Deported, we have pledged to stand by people that can not stand for themselves; They themselves supported Trump and his policies, however as a Community of Honor, we gave sanctuary to illegal aliens to buy time for Opportunity;

~. Trump has issued threat of arrest any Official who violates his Orders; California Orders are to stand by our Mutual pledge, to The Allegiance to this State, our God, and our Laws;

~. California Mayors are Ordered to follow Sanctuary Protocol , and if Arrested in the Line of Fire, We as California can promise to do everything for our Leadership; We have lawyers for immediate bail, and support for Sanctuary Guidelines;

Please Contact if you Have any Questions;

Director of Security

Durr, Jasmine

41

From: tillymaui@yahoo.com
Sent: Friday, February 14, 2025 4:35 AM
To: All Council; Berkeley Mayor's Office
Subject: Plans?

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Mayor;
Id like to know exactly how you plan to keep all residents safe, and especially the ones who voted for you (white people)
1 pedestrian deaths are on the rise in the Bay Area due to reckless drivers. License plates readers don't prevent speeding and reckless driving. Routine traffic stops do. Oh wait. BPD aren't allowed to stop drivers who run red lights and drive recklessly.
2. Police spend more time responding to drug addicts and black on black crime in poor neighborhoods and then are unable to prevent, much less respond to, the innocent people who become victims of burglaries, assault and violent crime caused by people that you think giving reparations to will suddenly turn them into law abiding citizens who want to work and contribute to society. We saw how that turned out with Covid payments. A whole slew of "colored" people now have Gucci bags and drive cars they otherwise couldn't afford in neighborhoods they shouldn't be in. They don't patronize the businesses. They steal from them and vandalize.
3. Plans to revitalize small business in downtown? What's the plan? No need to focus on "business owners of color" because white peoples won't ultimately support them. They won't pay their local taxes and they will ultimately drive business away to other cities like Walnut Creek. What will you do to encourage and attract white business owners? That's no more racist that giving "black owned" businesses a helping hand.

Do something.

Durr, Jasmine **42**

From: Alexander (Alex) Merenkov <alexmerenkov@gmail.com>
Sent: Wednesday, February 19, 2025 3:40 PM
To: Kolb, Bill
Cc: All Council; Manager, C
Subject: Breakdown of Free Printing Services at Berkeley Public Central Branch

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi Bill,

My family and I use the free printing and Smart Alec upload system at the library a lot; almost every day to the max allowed. I'm very alarmed at the frequency at which printers are out of service or producing prints that are damaged. Yesterday the online upload service was totally down forcing me to cross reference print IDs on a flash drive across multiple library cards on the 15 min limit computer on the second floor to get everything correctly printed. It was a horrific experience running between the computer and print station because sometimes the computer glitches and doesn't upload to the station.

Today the Smart Alec service seems up but it's extremely slow to upload the items I need to print. It takes like 2-4 minutes per upload across the 8 color prints(About 400kb file size each over a gigabit internet connection) of the day. It's a lot of waiting and frustration. I'm low income and disabled and I rely on this service critically to print design work for a personal endeavor and this service at the library allows me to give a voice to incredibly important issues and topics by using signage as a vehicle to do that. It lets me consider important topics and imagery and manifest them into the physical world for free which is insanely powerful and an outcome of the vision of the free printing program. These technical issues are impacting my print backlog and clogging my ability to get work out for my portfolio.

Can you please tell me:
1. When will IT staff fix the IT issues with Smart Alec for the public and BPL patrons? How will these issues for patrons be prevented in the future and resolved rapidly?

2. Can library staff beef up technicians and response times to ensure printers at Central Library remain up and in proper working order that does not include incorrectly placed paper stock or other printhead errors? I've noticed printers broken for 2-3 weeks even. Maybe an IT strike team to ensure printers are in service or having backup parts. When will this be put in place if feasible?

It's not just about silly pieces of paper, it's about manifesting our voice and will into the world with library services. Thank you for your attention and efforts in this matter.

--

Sincerely,

Alex S. Merenkov (He/Him)

alexmerenkov@gmail.com

Thomsen, Rose **43**

From: Kolb, Bill
Sent: Thursday, February 20, 2025 11:29 AM
To: Alexander (Alex) Merenkov
Cc: All Council; Manager, C
Subject: RE: Breakdown of Free Printing Services at Berkeley Public Central Branch

Good morning Mr. Merenkov,

Thank you so much for bringing your concern to my attention. I am aware that we have been experiencing some challenges with our printing system – especially around the ability to print from your own device – and that our IT staff actively is working with the vendor to address the issue. We had what we thought was a fix in place, but now are back to re-assessing and coming up with additional solutions.

Library staff, too, have been collaborating to develop effective work-arounds in order to continue to provide this vital service.

I am very sorry that you had a frustrating experience with the printing system and would like to assure you that we are working on multiple fronts to get it corrected.

If you think it would be helpful, I invite you to please request assistance from a supervisor if you continue to experience difficulty. I also am happy to help if I am available when you are at the Central library.

Thanks again for helping us to keep the library's services functional and useful to members of the public! I always appreciate your thoughtful feedback.

Best,

Bill Kolb, Library Services Manager
He/Him
Berkeley Public Library / Central Library
2090 Kittredge St.
Berkeley, CA 94704
Phone: (510) 981-6103
Email: bkolb@cityofberkeley.info
Web: www.berkeleypubliclibrary.org

From: Alexander (Alex) Merenkov <alexmerenkov@gmail.com>
Sent: Wednesday, February 19, 2025 3:40 PM
To: Kolb, Bill <bkolb@berkeleyca.gov>
Cc: All Council <council@berkeleyca.gov>; Manager, C <CManager@berkeleyca.gov>
Subject: Breakdown of Free Printing Services at Berkeley Public Central Branch

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--

Sincerely,

Alex S. Merenkov (He/Him)

alexmerenkov@gmail.com

Berkeley, California

Durr, Jasmine

44

From:	Shirley Kirsten <shirley_kirsten@yahoo.com>
Sent:	Friday, February 14, 2025 11:17 AM
To:	Kaitlyn@gogioiapizzeria.com
Cc:	O'Keefe, Shoshana
Subject:	What was sent to me on Jan. 21 from Kaitlyn Kolacy, Gioia's Rep. re: Chef's Warehouse violation of Daylighting Law--today 2/14 another violation
Attachments:	Chef's Warehouse truck 1030 a.m. running motor for 30 minutes.mov

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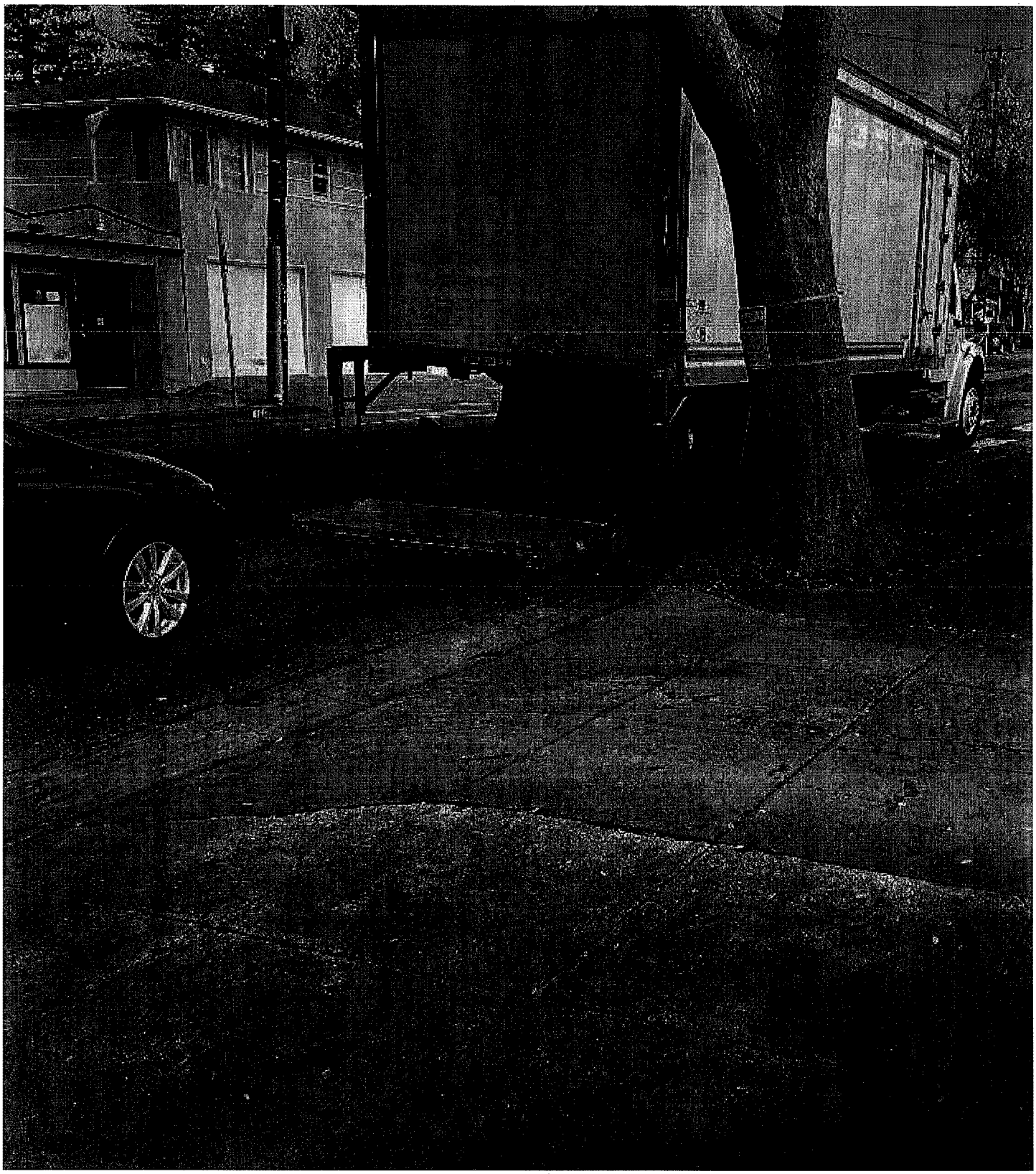
Still another violation today 2/14/2025
----- Forwarded Message -----
From: Kaitlyn Kolacy <kaitlyn@gogioiapizzeria.com>
To: Shirley Smith Kirsten <shirley_kirsten@yahoo.com>
Sent: Tuesday, January 21, 2025 at 10:55:36 AM PST
Subject: Re: New Contact Us form submission from Shirley smith kirsten

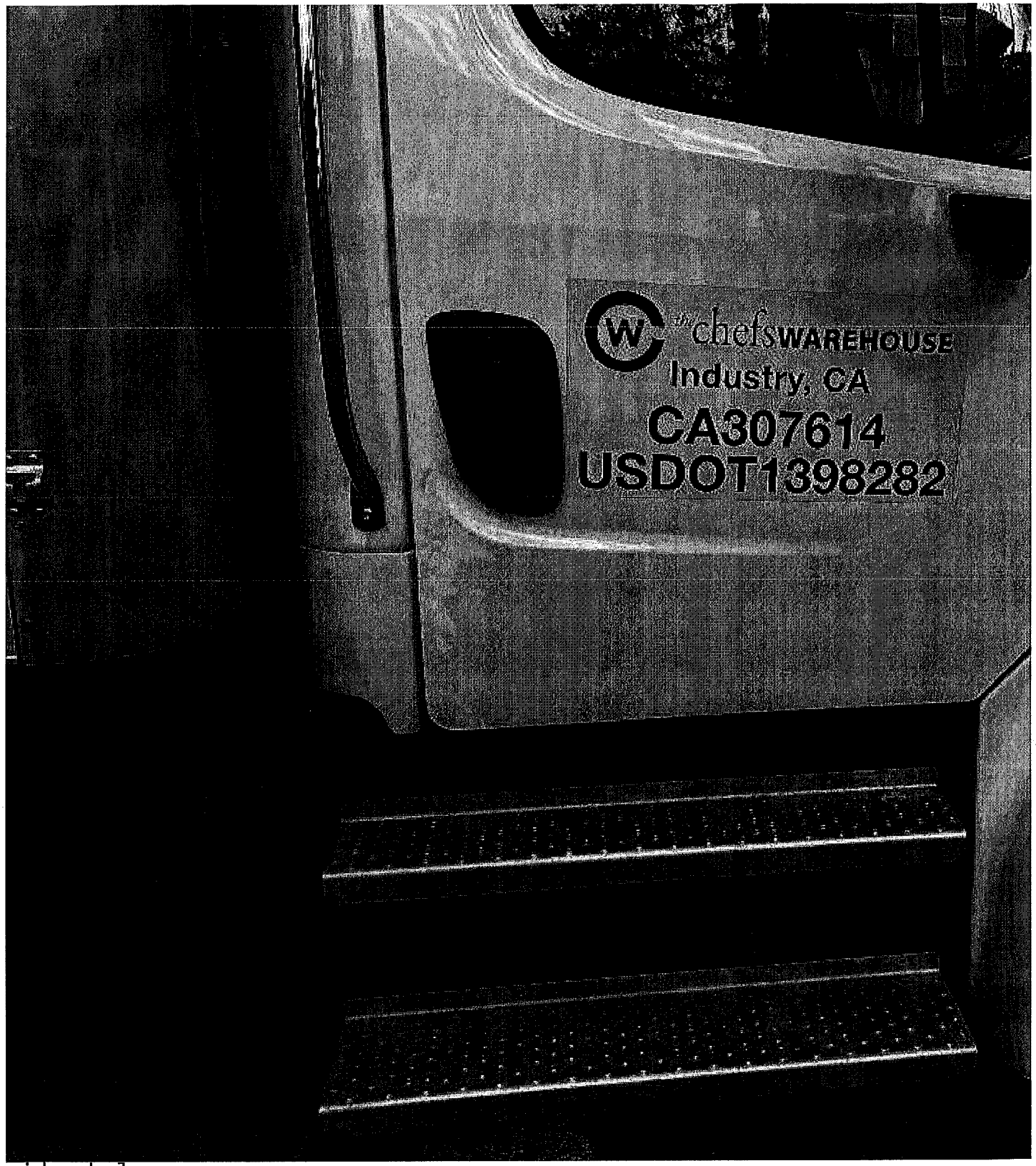
Hello Shirley,

I sent this message ahead to our vendor and requested they be more conscious of parking when delivering. Thank you for your concern for our neighborhood and neighbors!

Kait Kolacy
(She/Her)
Director of Operations
kaitlyn@gogioiapizzeria.com







video below
and what I sent far and wide to City Council today etc. COPY OF WHAT IS ON THE GIOIA's
Website form.

----- Forwarded Message -----

From: Shirley Kirsten <shirley_kirsten@yahoo.com>

To: Shirley Kirsten <shirley_kirsten@yahoo.com>; Shoshana O'Keefe <sokeefe@cityofberkeley.info>; mhumbert@cityofberkeley.info <mhumbert@cityofberkeley.info>; manager@cityofberkeley.info <manager@cityofberkeley.info>; All Council <council@berkeleyca.gov>; Transportation <transportation@ci.berkeley.ca.us>
Sent: Friday, February 14, 2025 at 11:03:43 AM PST
Subject: sent to Gioia's website form---second request re Daylighting Law violation

Today, 2/14/2025, AGAIN! 10:30 a.m. your Chef's Warehouse truck running its engine for at least 30 minutes, violated daylighting laws, parking over
red lines in front of Northbrae Realty--Hopkins/McGee...The driver when he returned momentarily argued with me that he is "commercial" so he can park in violation of daylighting laws. Your Gioia's Rep emailed me weeks ago that you would address the issue. There was recently a pedestrian death in the neighborhood. Please take lawful measures to avoid another one. Your truck creates unsafe blind spots for pedestrians, cars, and bicyclists at the intersection of Hopkins/McGee. Neighbors fought for years to get the added Stop sign. Do not undermine our public safety....

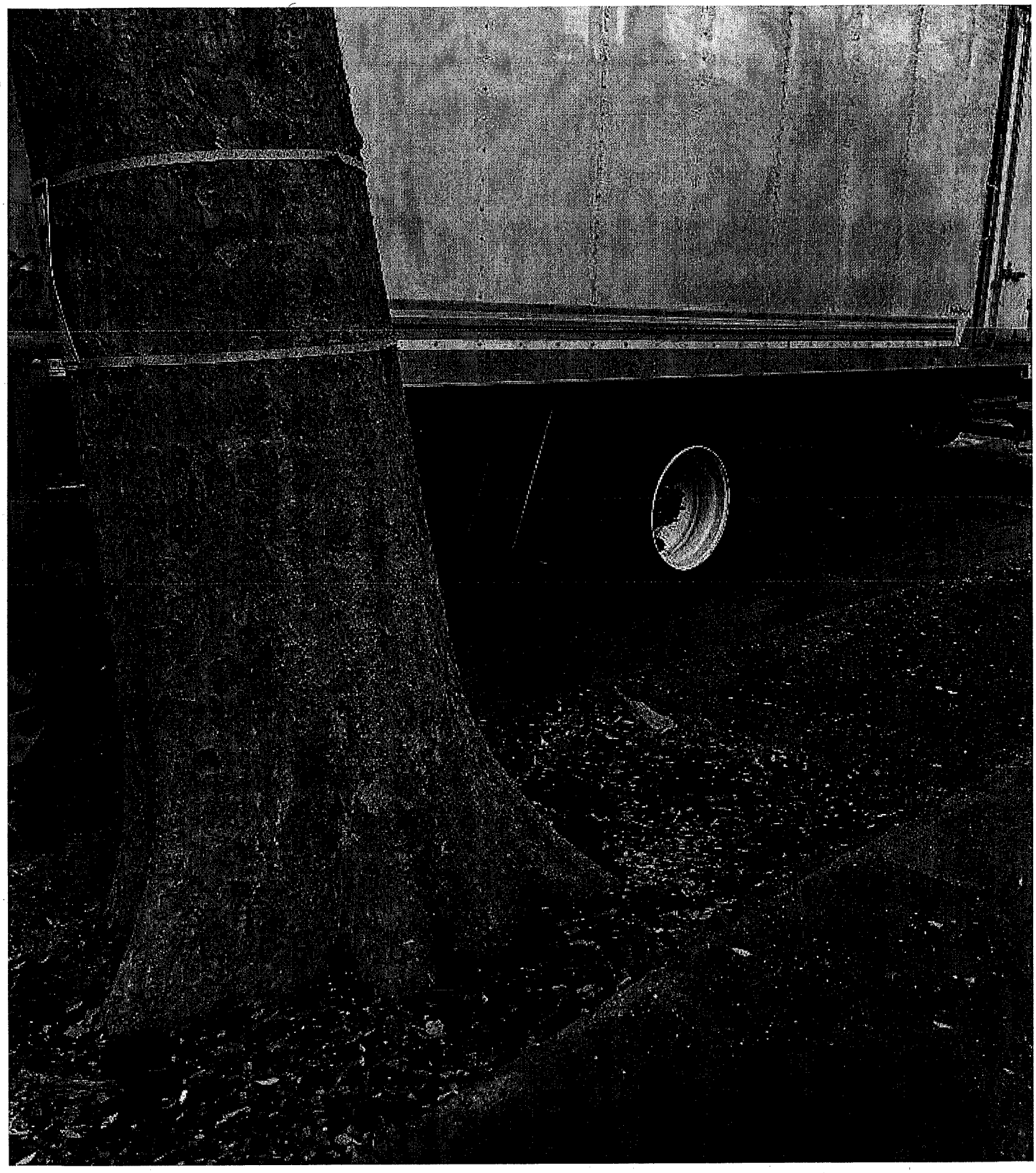
Shirley Kirsten M.A.
International Online Piano Instructor
NYC HS of Performing Arts
Oberlin Conservatory
New York University
Cell: 510-439-8567
You Tube Channel
http://www.youtube.com/arioso7
Piano Blogging at Word Press
http://arioso7.wordpress.com

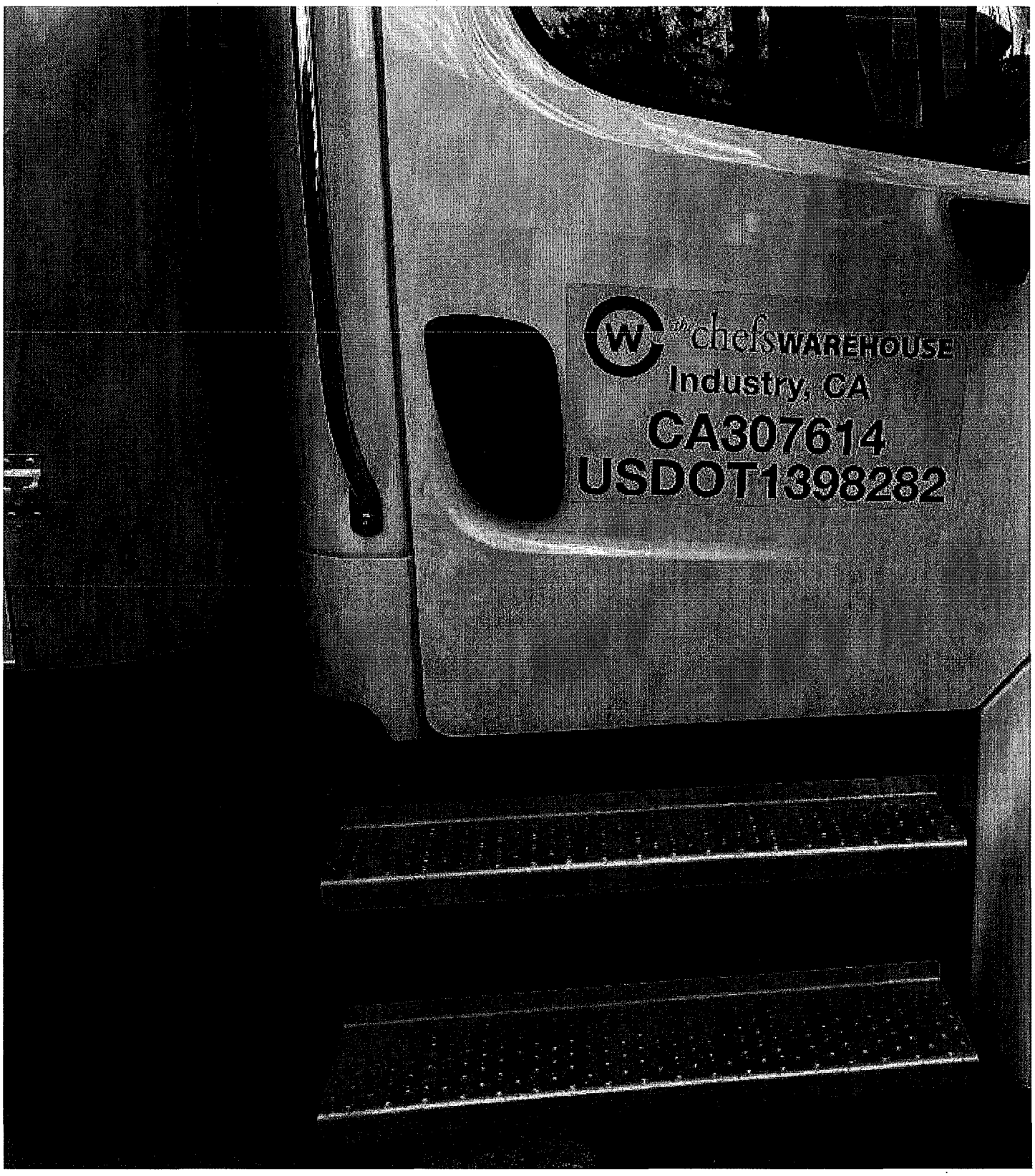
Durr, Jasmine

From: Shirley Kirsten <shirley_kirsten@yahoo.com>
Sent: Friday, February 14, 2025 11:03 AM
To: Shirley Kirsten; O'Keefe, Shoshana; Humbert, Mark; Manager, C; All Council; transportation
Subject: sent to Gioia's website form---second request re Daylighting Law violation
Attachments: Chef's Warehouse truck 1030 a.m. running motor for 30 minutes.mov

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Video below
Arrogant driver.. says he is commercial so he can park there.
Gioia's rep emailed me weeks ago that she would take care of the problem

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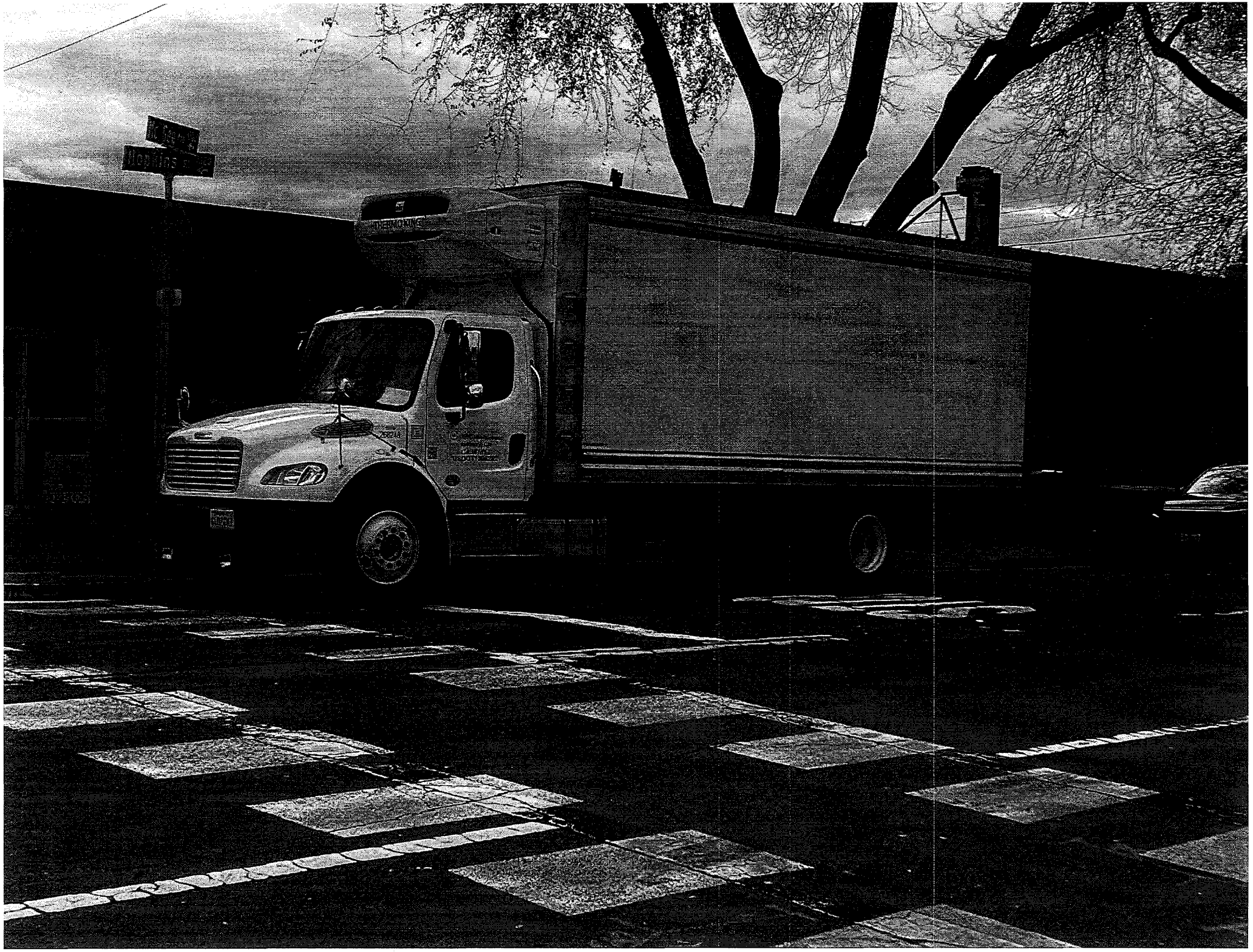
Durr, Jasmine

From: Shirley Kirsten <shirley_kirsten@yahoo.com>
Sent: Monday, February 24, 2025 11:04 AM
To: Kaitlyn Kolacy
Cc: All Council; transportation; PWWorks; Berkeley Mayor's Office; Shoshana O'Keefe; Humbert, Mark
Subject: Illegal parking redundantly by Chef's Warehouse
Attachments: IMG_0979.jpg; IMG_0982.MOV; IMG_0978.jpg; IMG_0987.MOV

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Today 2/24/2025. Starting 10:35 am to 11 am. And driver refused to obey Daylighting law. Same one as last reporting. Gioia's Kaitlyn is now being informed for the third time. Gioia's is not taking action. Enforcement please!

Sent from Yahoo Mail for iPhone




268248
chefs WAREHOUSE
Industry, CA
CA307514
USDOT1398282
26
WABASH

Thomsen, Rose **45**

From: Mieka Strawhorn <babychoby@gmail.com>
Sent: Thursday, February 20, 2025 9:00 AM
To: All Council; Kesarwani, Rashi
Cc: Amiri, Wahid; Solla, Charmine
Subject: Blind Intersection @Hopkins CT and Hopkins Ave

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Greetings,

I'm a resident at 3 Hopkins Court. When California enacted the "daylighting" law on January 1, 2025, I had hoped the city would prioritize the very hard to see intersection at Hopkins Ct. and Hopkins St. for enforcement due to the sheer volume of pedestrian traffic, many of whom are children from St. Mary's HS and King MS (not to mention joggers, dog walkers and seniors). It is nearly impossible to see approaching pedestrians until your vehicle is already in the intersection even when there is no vehicle within 20 feet of the non-existent crosswalk (another issue).

I would first like to know when the city will prioritize painting the curb at this intersection to indicate that parking is not allowed per new daylighting regulations and secondly, I would like to know what the current plan is for the Hopkins/Gilman redesign. Specifically, as I'm sure you are all aware, the light at the intersection of Sacramento and Hopkins is a menace to all.

Respectfully,

Mieka Strawhorn
3 Hopkins Ct.

Thomsen, Rose **46**

From: Amiri, Wahid
Sent: Thursday, February 20, 2025 11:14 AM
To: Mieka Strawhorn
Cc: Solla, Charmine; All Council; Kesarwani, Rashi; Buddenhagen, Paul; Davis, Terrance
Subject: Re: Blind Intersection @Hopkins CT and Hopkins Ave

Greetings Mieka,

Thanks for your email. The good news is that the locations you mentioned in your email are already on the City's priority list. We're currently working to secure funding for implementation at the 800+ priority locations we've identified. Given your feedback, I'll have our PW Transportation team review this specific location and explore how we might expedite improvements. A team member will keep you updated on our progress. Thanks again for sharing your feedback.

Respectfully,

Wahid Amiri, PE, TE, PTOE, PMP, QSP, QSD
Deputy Director of Public Works|Engineering & Transportation
City of Berkeley, CA
510-981-6396

From: Mieka Strawhorn <babychoby@gmail.com>
Sent: Thursday, February 20, 2025 9:00:00 AM
To: All Council <council@berkeleyca.gov>; Kesarwani, Rashi <RKesarwani@berkeleyca.gov>
Cc: Amiri, Wahid <WAmiri@berkeleyca.gov>; Solla, Charmine <CSolla@berkeleyca.gov>
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Respectfully,

Mieka Strawhorn

3 Hopkins Ct.

Durr, Jasmine

47

From: transportation
Sent: Monday, February 24, 2025 3:05 PM
To: Shirley Kirsten; Kaitlyn Kolacy
Cc: All Council; PWWorks; Berkeley Mayor's Office; Shoshana O'Keefe; Humbert, Mark
Subject: RE: Illegal parking redundantly by Chef's Warehouse

Hi Shirley,

Thank you for your email. I have forwarded your request to the Parking Enforcement department as well as our Traffic Engineering team to investigate as well.

Best,

Sandra Sánchez
Administrative Assistant
Public Works, Transportation Division
1947 Center St., 4th Floor
Berkeley, CA 94704
Pronouns: She/Her/Hers

From: Shirley Kirsten <shirley_kirsten@yahoo.com>
Sent: Monday, February 24, 2025 11:04 AM
To: Kaitlyn Kolacy <kaitlyn@gogioiapizzeria.com>
Cc: All Council <council@berkeleyca.gov>; transportation <transportation@ci.berkeley.ca.us>; PWWorks <PWWorks@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>; Shoshana O'Keefe <shoshana@shoshana4berkeley.com>; Humbert, Mark <MHumbert@berkeleyca.gov>
Subject: Illegal parking redundantly by Chef's Warehouse

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Sent from Yahoo Mail for iPhone

Durr, Jasmine **48**

From: aimee baldwin <junk.menagerie@gmail.com>
Sent: Monday, February 17, 2025 12:36 PM
To: Amiri, Wahid
Cc: Buddenhagen, Paul; All Council; Berkeley Mayor's Office
Subject: Fwd: Proposed Public Restroom at University and San Pablo
Attachments: cityrestroomMap.pdf

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Transportation and Infrastructure Commission,

I attended the Public Restroom Community Meeting #2 on Feb 4.
Public Works has been treating the restroom kiosk at University and San Pablo as a done deal, with little or no discussion with any community groups about the design or placement. Our community members: local pedestrians, business owners, potential restroom users, disabled, bus stop users, residents....were left out of any initial discussion on placement or design of this public toilet. Now that we understand the intended design and location, we foresee many various problems with this proposal, from how we use the sidewalks at this intersection.

One consideration is that all four corners of the intersection of University and San Pablo have major bus stops, so already have substantial sidewalk space taken up to serve bus stops. The pictured restroom (attached) at Channing and Telegraph is corner with ***NO*** bus stops. The site of Adeline and Alcatraz has a sidewalk and pedestrian right of way space that is over 4 times as wide as at University and San Pablo.

A kiosk on any side of any corner at the narrow sidewalk at University and San Pablo will either ***block sightlines*** that our new intersection daylighting laws were made to improve, or they would block sightlines between approaching bus drivers and passengers at a stop waiting for a bus. This seems extremely poorly thought out, from a set of designers/planners who apparently never use public transit buses? Anyone who takes a bus regularly knows the importance of having a good sightline between a busdriver and the bus stop with waiting passengers. There is no corner at San Pablo and University that would be a good location for a toilet from the standpoint of sightlines.

There should be discussion of the toilet kiosk design and location with the Design Review Committee on potential impacts of such a structure on future developments at University and San Pablo.

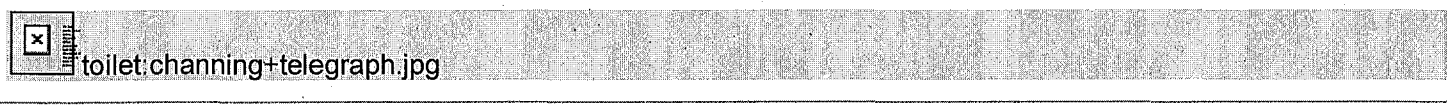
There should be discussion of the toilet kiosk design and location with the Disability Commission to review ADA impact on sidewalk and public right of way.

There has apparently been no research into the feasibility of an indoor toilet at the city's building at 9th and University, a much better location for a public restroom, particularly when it comes to maintenance and supervision that can be shared with the Food Network. quote from study, page 11:"Maintenance is critical. Hyphae discourages any new facilities from being built without first identifying funding for maintenance. Without a maintenance strategy, a new facility will fail to actually increase access." I would argue that if the funding for maintenance is used, but the work of maintenance doesn't have adequate *oversight and accountability*, it will also fail. Having constant cooperation with the Food Network staff and customers could provide maintenance oversight.

The city staff at the meeting #2 were unable to answer the community's questions about this toilet, and have failed to follow up with promised responses in writing that were supposed to go out to our community.

The city needs to have a new plan for a public restroom in the area of University and San Pablo, and needs a design that is well thought out for ALL stakeholders and users of the intersection, and considers the option to use the city property at the former Premier Cru/now Food Network location.

Sincerely,
Aimee Baldwin
D1 resident



map informing suggested locations of a toilet near San Pablo and University: page 5
https://berkeleyca.gov/sites/default/files/documents/Citywide%20Restroom%20Study%20and%20Executive%20Summary%20-%202020-10-06%20-%20Final.pdf

---------- Forwarded message ---------
From: **aimee baldwin** <junk.menagerie@gmail.com>
Date: Sun, Jan 19, 2025 at 12:04 PM
Subject: Proposed Public Restroom at University and San Pablo
To: <PBuddenhagen@berkeleyca.go>, <SFerris@berkeleyca.gov>, <ttaplin@berkeleyca.gov>, Kesarwani, Rashi <rkesarwani@cityofberkeley.info>, <mayor@berkeleyca.gov>, <council@berkeleyca.gov>
Cc: Gerstein, Beth <bgerstein@cityofberkeley.info>, <RHernandezStory@berkeleyca.gov>, <rclarke@berkeleyca.gov>, Rivera, Robert <rrivera@berkeleyca.gov>, Cameron Woo <cameronjwoo@gmail.com>, <cdenney@igc.org>, meryl siegal <beautifulsanpablo@gmail.com>

Regarding Proposed Public Restroom at University and San Pablo:

Despite asking several city staff and commissioners, we have not been shown the public restroom design by the city, however, we assume the restroom being discussed will be an unattended, independent building encroaching on the city sidewalk right of way, obstructing sightlines to the sidewalk, at one of the vacant building at University Ave (UA) and San Pablo Ave (SPA). This is a problematic design for several reasons.

- Unattended, without constant human monitoring will lead to unsanitary unhealthy conditions, misuse, and avoidance by the greater community, thereby not actually solving the greater community's need for a public restroom
- Reducing public right of way sidewalks; making pedestrian use and accessibility more difficult, counter to community goals of SPAASP and CPTED principles
- Obstructed sightlines = reduced safety (as explained by CPTED principles)
- Could limit future design or obstruct development, for either private developers or for a public gathering space of the corner of UA and SPA

Since the city invited the local community to envision a new SPA with the SPA Area Specific Plan (SPAASP) process, Beautiful San Pablo has been advocating for the adoption of the principles of Crime Prevention Through Environmental Design (CPTED) for SPA, and throughout the city. We advocate design which improves community safety, cohesion, and resilience with reduced policing, and have mentioned this at a couple of commission meetings in the past year, and I wrote an opinion piece in Berkeleyside (links at end).

I am sure you understand the reasoning behind our new California law daylighting crosswalks to improve pedestrian safety by opening sightlines to drivers. Many CPTED principles also emphasize clear sightlines (or "eyes on the street") to enhance safety on sidewalks for our pedestrian foot traffic, which our area of SPA and UA desperately needs. We are concerned that an independent building on the sidewalk will obstruct sightlines to the sidewalk. I, and other women, do not want to walk in a blind alley created between a restroom building and a blank wall of a building – especially one along vacant buildings with little or no regular foot traffic. Such a design feels extremely dangerous. Simple design choices can make a world of difference in everyday experiences of walking down a street.

Since the publication of the Citywide Restroom Study 2000 Executive Summary, the conditions of the San Pablo and University Ave area, have substantially changed:

- 99c store (drew many homeless for low cost goods) now closed and vacant
- 7-11 now closed and vacant
- Wells Fargo now closed and vacant
- Needle exchange recently moved from Hearst and University to 9th and UA
- Berkeley Food Network (9th and UA, former Premier Cru building) opened for less than a year at the time of the 2000 study publication but is now well established
- San Pablo Ave Area Specific Plan (SPAASP) has been initiated in 2023

Clearly there is significantly reduced retail at UA and SPA since the 2020 publication of the study. This substantial reduction in retail customer activity and foot traffic, has all but eliminated the opportunity for safety through "eyes on the street".

In our extensive SPAASP discussions with community members about the desired future of SPA, top comments include increased width of the public right of way sidewalks, and adding vibrant public gathering space. We need a public restroom which will not reduce our already limited public right of way. If the city were adding a public restroom as a part of a greater plan to create a large public plaza at the intersection, and activate the space with events programming and supporting a constant retail presence, and enhance vibrancy as CPTED principles support, we would love that. (akin to what the Hidden Cafe at Strawberry Creek Park creates or downtown BART plaza). While this might be possible in future years after the SPA Specific Plan is done, and more residential developments are completed and occupied, The corner of University and San Pablo is not there yet.

We also don't know if or how a public restroom building put on the public right of way now will limit options for developers to build on any of the sites at the corner of UA and SPA. We are envisioning a dramatic increase in residential buildings here, and are really working hard with the city and community to design a vibrant pedestrian neighborhood.

We do support a public restroom, located inside the City owned building at 9th/10 and UA which now currently houses the Berkeley Food Network which would:

- Not obstruct right of way sidewalks
- Not obstruct sightlines to sidewalks from the street, and follow CPTED principles
- Have constant attendant/maintenance coordinated with Berkeley Food Network and/or a dedicated city employee
- Not inhibit nor limit future creation of gathering plaza or park at the corner of UA and SPA
- Not inhibit or obstruct private development design choices or activity at the corner of UA and SPA
- Potentially be phased out in the future, if a public plaza or park were to be designed with a public restroom, meeting CPTED principles and safety, as a part of an establishment of a positive, well designed vibrant community open gathering space, and city investment and asset, desperately lacking at the corner of UA and SPA currently

Please note that the Exhibit A data analysis heatmap on page 5 of the Citywide Restroom Study 2000 Executive Summary indicates that the City property between 9th and 10th on University is perfectly situated to meet the needs illustrated by the study.

https://berkeleyca.gov/sites/default/files/documents/Citywide%20Restroom%20Study%20and%20Executive%20Summary%20-%202020-10-06%20-%20Final.pdf

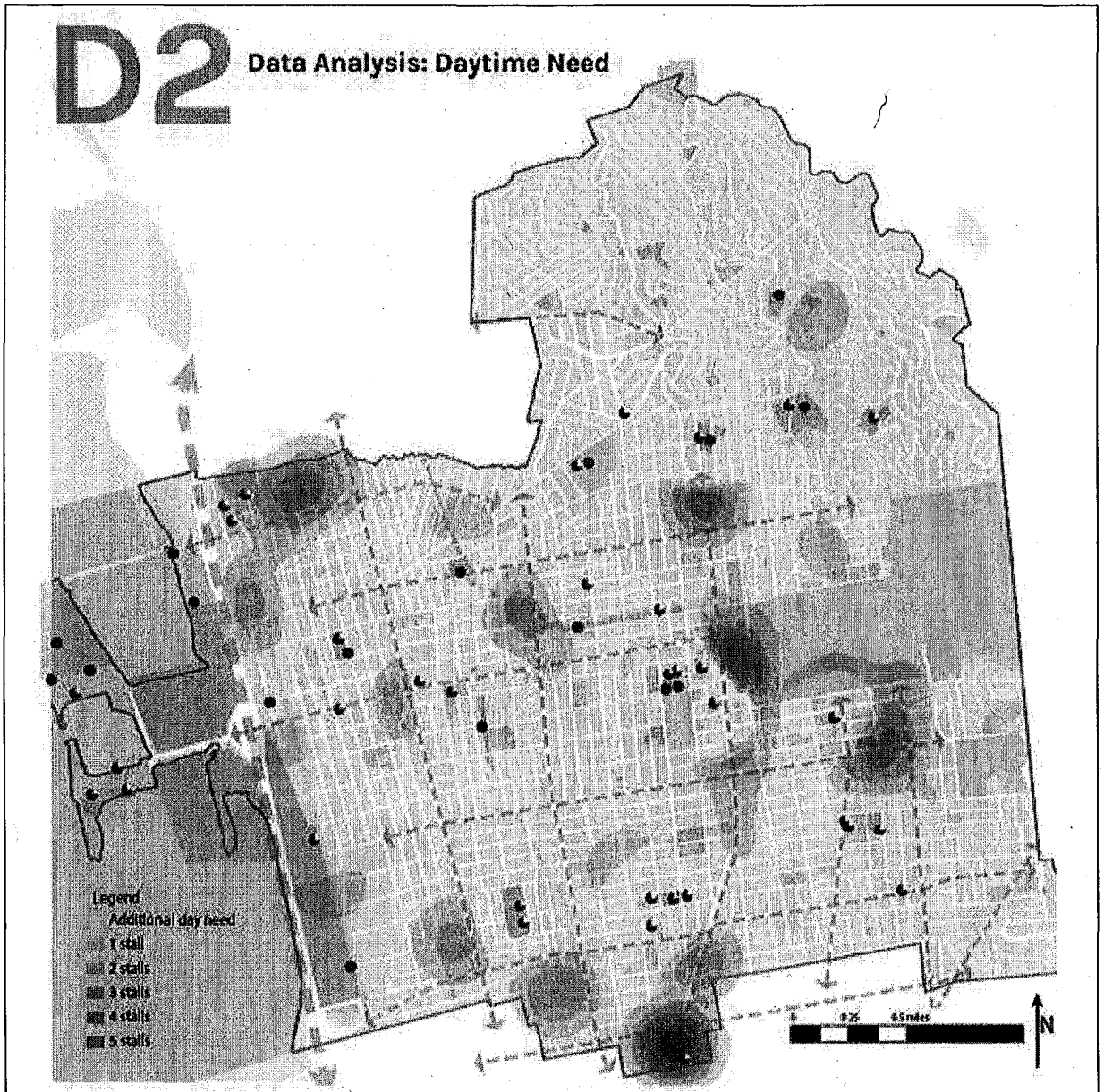
Crime Prevention Through Environmental Design

- https://www.berkeleyside.org/2024/06/25/opinion-berkeley-should-design-streetscapes-that-create-safe-neighborhoods
- https://www.cpted.net/Primer-in-CPTED

Sincerely,
Aimee Baldwin
and
Meryl Siegal
Beautiful San Pablo

Exhibit A

Visual Heatmap of the Spatial Analysis



Analysis: We used the heatmap feature in QGIS to transform point data into spatial data. This combines location data for existing and need with the recommended maximum distance to restrooms for different user groups. The need data used here is the number of stalls needed: calculated by dividing the number of users with the users per restroom stall guideline (see section 5 of the main report). This can then be compared to the number of existing stalls.

The heatmap here is the result of subtracting the heatmap for daytime existing stalls from the heatmap for daytime need, without pedestrians. The darker red shows increased additional need incremented by stalls.

Conclusions: First, this confirms that there is additional need that the existing facilities can't meet, even if they were fully functional and operating to the maximum of their capacity. This resulting heatmap shows additional need concentrated in several locations across Berkeley.

Durr, Jasmine **49**

From: Amiri, Wahid
Sent: Tuesday, February 18, 2025 6:14 AM
To: aimee baldwin
Cc: Buddenhagen, Paul; All Council; Berkeley Mayor's Office
Subject: RE: Proposed Public Restroom at University and San Pablo

Good morning,

Aimee, thank you for your follow-up email and for sharing your concerns regarding the proposed public restroom at University and San Pablo. As we discussed during the community engagement workshop, this initiative aims to gather feedback from community members on the design and other aspects that would benefit the neighborhood.

The intersection at University and San Pablo was identified through a comprehensive city-wide assessment, considering the unique challenges faced by the community, including issues related to public urination/public defecation. This location emerged as one of the areas most in need of a public restroom facility.

We understand the concerns about sidewalk space, original design called for the S/E corner but based on merchant feedback, we relocated it to the N/E corner. Our PW Engineering team is committed to ensuring that the restroom's placement does not obstruct sightlines between bus drivers and passengers or impede pedestrian flow. We are exploring design solutions that maintain clear visibility and accessibility for all users.

Regarding the restroom's design and location, we plan to assess potential impacts on future developments and ensure ADA compliance. Your suggestion to consider the city's building at 9th and University as an alternative location may not be viable, as the public restrooms is designed/intended to be open 24-hrs, 7 days a week – however, we will evaluate its feasibility & report back.

As emphasized during the meeting, a robust maintenance program is crucial for the success of this facility. We intend to implement a maintenance schedule similar to the one at Telegraph and Channing, involving a qualified contractor performing detailed maintenance at least three times over a 24-hour period. This approach aims to prevent the restroom from becoming a nuisance due to inadequate upkeep.

We acknowledge the community's concerns about resource allocation and are committed to ensuring that this facility is properly maintained. Our PW Engineering team is diligently working to provide comprehensive responses to all feedback received during the workshop. As promised, we will email these responses to attendees and post them on the project website.

We appreciate your active participation and will continue to engage with the community as we move forward with this project.

Respectfully,

Wahid Amiri, PE, TE, PTOE, PMP, QSP, QSD
Deputy Director of Public Works | Engineering & Transportation
City of Berkeley, CA
510-981-6396

From: aimee baldwin <junk.menagerie@gmail.com>
Sent: Monday, February 17, 2025 12:35:37 PM
To: Amiri, Wahid <WAmiri@berkeleyca.gov>
Cc: Buddenhagen, Paul <PBuddenhagen@berkeleyca.gov>; All Council <council@berkeleyca.gov>; Berkeley Mayor's Office <Mayor@berkeleyca.gov>
Subject: Fwd: Proposed Public Restroom at University and San Pablo

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Sincerely,
Aimee Baldwin
D1 resident


toilet:channing+telegraph.jpg

map informing suggested locations of a toilet near San Pablo and University: page 5
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---------- Forwarded message ---------
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Date: Sun, Jan 19, 2025 at 12:04 PM
Subject: Proposed Public Restroom at University and San Pablo
To: <PBuddenhagen@berkeleyca.go>, <SFerris@berkeleyca.gov>, <ttaplin@berkeleyca.gov>, Kesarwani, Rashi <rkesarwani@cityofberkeley.info>, <mayor@berkeleyca.gov>, <council@berkeleyca.gov>
Cc: Gerstein, Beth <bgerstein@cityofberkeley.info>, <RHernandezStory@berkeleyca.gov>, <rclarke@berkeleyca.gov>, Rivera, Robert <rrivera@berkeleyca.gov>, Cameron Woo <cameronjwoo@gmail.com>, <cdenney@igc.org>, meryl siegal <beautifulsanpablo@gmail.com>

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Since the city invited the local community to envision a new SPA with the SPA Area Specific Plan (SPAASP) process, Beautiful San Pablo has been advocating for the adoption of the principles of Crime Prevention Through Environmental Design (CPTED) for SPA, and throughout the city. We advocate design which

improves community safety, cohesion, and resilience with reduced policing, and have mentioned this at a couple of commission meetings in the past year, and I wrote an opinion piece in Berkeleyside (links at end).

I am sure you understand the reasoning behind our new California law daylighting crosswalks to improve pedestrian safety by opening sightlines to drivers. Many CPTED principles also emphasize clear sightlines (or "eyes on the street") to enhance safety on sidewalks for our pedestrian foot traffic, which our area of SPA and UA desperately needs. We are concerned that an independent building on the sidewalk will obstruct sightlines to the sidewalk. I, and other women, do not want to walk in a blind alley created between a restroom building and a blank wall of a building – especially one along vacant buildings with little or no regular foot traffic. Such a design feels extremely dangerous. Simple design choices can make a world of difference in everyday experiences of walking down a street.

Since the publication of the Citywide Restroom Study 2000 Executive Summary, the conditions of the San Pablo and University Ave area, have substantially changed:

- 99c store (drew many homeless for low cost goods) now closed and vacant
- 7-11 now closed and vacant
- Wells Fargo now closed and vacant
- Needle exchange recently moved from Hearst and University to 9th and UA
- Berkeley Food Network (9th and UA, former Premier Cru building) opened for less than a year at the time of the 2000 study publication but is now well established
- San Pablo Ave Area Specific Plan (SPAASP) has been initiated in 2023

Clearly there is significantly reduced retail at UA and SPA since the 2020 publication of the study. This substantial reduction in retail customer activity and foot traffic, has all but eliminated the opportunity for safety through "eyes on the street".

In our extensive SPAASP discussions with community members about the desired future of SPA, top comments include increased width of the public right of way sidewalks, and adding vibrant public gathering space. We need a public restroom which will not reduce our already limited public right of way. If the city were adding a public restroom as a part of a greater plan to create a large public plaza at the intersection, and activate the space with events programming and supporting a constant retail presence, and enhance vibrancy as CPTED principles support, we would love that. (akin to what the Hidden Cafe at Strawberry Creek Park creates or downtown BART plaza). While this might be possible in future years after the SPA Specific Plan is done, and more residential developments are completed and occupied, The corner of University and San Pablo is not there yet.

We also don't know if or how a public restroom building put on the public right of way now will limit options for developers to build on any of the sites at the corner of UA and SPA. We are envisioning a dramatic increase in residential buildings here, and are really working hard with the city and community to design a vibrant pedestrian neighborhood.

We do support a public restroom, located inside the City owned building at 9th/10 and UA which now currently houses the Berkeley Food Network which would:

- Not obstruct right of way sidewalks
- Not obstruct sightlines to sidewalks from the street, and follow CPTED principles
- Have constant attendant/maintenance coordinated with Berkeley Food Network and/or a dedicated city employee
- Not inhibit nor limit future creation of gathering plaza or park at the corner of UA and SPA
- Not inhibit or obstruct private development design choices or activity at the corner of UA and SPA
- Potentially be phased out in the future, if a public plaza or park were to be designed with a public restroom, meeting CPTED principles and safety, as a part of an establishment of a positive, well designed vibrant community open gathering space, and city investment and asset, desperately lacking at the corner of UA and SPA currently

Please note that the Exhibit A data analysis heatmap on page 5 of the Citywide Restroom Study 2000 Executive Summary indicates that the City property between 9th and 10th on University is perfectly situated to meet the needs illustrated by the study.
https://berkeleyca.gov/sites/default/files/documents/Citywide%20Restroom%20Study%20and%20Executive%20Summary%20-%202020-10-06%20-%20Final.pdf

Crime Prevention Through Environmental Design

- https://www.berkeleyside.org/2024/06/25/opinion-berkeley-should-design-streetscapes-that-create-safe-neighborhoods
- https://www.cpted.net/Primer-in-CPTED

Sincerely,
Aimee Baldwin
and
Meryl Siegal
Beautiful San Pablo

Durr, Jasmine **50**

From: Analisa Madron <analisamadron@gmail.com>
Sent: Thursday, February 20, 2025 5:31 PM
To: All Council; PWWorks; Amiri, Wahid
Cc: annamarta; Crossroads1970
Subject: proposed public toilet

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

hi, I am a tenant at crossroads village located at 1970 san pablo avenue in berkeley. the proposed public toilet is slotted to be placed directly outside our university avenue building entrance. there are many reasons why this will have a detrimental effect on our building and tenants.

many residents are vulnerable, and attracting homeless people to spend time outside our gate puts elderly and disabled tenants at risk from people who may not be stable or always safe. I have been charged by one such homeless man who hit me and ran away, just outside that gate, and other residents have similar stories. I support people without housing to have the services and care they need, but I'm not sure that an unattended bathroom within feet of our door is wise, given that there are so many other locations that would provide services without so directly impacting our building.

further our building has a responsibility to our commercial tenants who already struggle to keep their small businesses afloat. this intersection has lost so many businesses in recent years, and now many buildings stand empty. an unattended public toilet will only further discourage business and prosperity from our neighborhood. as residents of this neighborhood this is not what we want when there are much more suitable options. we want a return to the thriving west berkeley neighborhood this once was, and we think there are far better ways to take care of our neighbors who don't have housing than plunking down a porta potty in the middle of the sidewalk in a busy intersection that has high foot traffic.

lastly, from a very personal perspective, my apartment faces university, and my primary windows overlook the street. I am disabled and almost entirely bedbound. having a porta potty right outside my door could become a real hardship for me. I am extremely sensitive to scents and chemicals, so on a hot summer day with my windows open I will likely be inundated by both the human and chemical smells. since I'm not mobile without help I'm unable to just leave my apartment as an able person might do to avoid this, and closing my windows is equally a hardship as both mine and my downstairs neighbor's apartment are prone to overheating from our southwest facing windows. I think this proposed public toilet will impact our quality of life in these apartments in particular, as well as our downstairs commercial tenant. this alone warrants considering all other available options.

as tenants we are in agreement that there are better locations than directly outside our door, and we urge your committee and the city council to take our concerns into account, and find a better location for this essential service.

sincerely,

analisa madron

Thomsen, Rose

51

From: Maggie .Dilley <magsimumoverdrive@gmail.com>
Sent: Thursday, February 20, 2025 11:42 AM
To: All Council
Subject: Cesar Chavez off-leash dog park

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear council,

I'm a Bay Area native, born and raised in 1985 near Lake Merritt. I've been a professional dog walker here for almost 3 years now. This job has changed my life for the better, it's improved my mental and physical health exponentially. I've struggled with major depression and anxiety my whole life so I don't take this lightly, I am honestly the happiest and healthiest I have ever been and for those who really know me that is saying a lot. I owe it all to being able to take 'my' dogs to a place like the Cesar Chavez park's off-leash dog area. This particular location is so important to me for multiple reasons, I'd like to share them with you now:

1. Its expansiveness allows for dogs to sprint while still being visible as opposed to the hiking trail which is more often shrouded by foliage and blind corners. I have found that this sort of unobstructed visibility is essential for building trust with high energy dogs that need to run but show me that they will circle back when I call them, allowing me to positively reinforce that behavior with much more confidence. Equally important, I'm able to see where I am in relation to others at the park which allows me to keep a distance if I choose to.

2. This is the safest place I'm aware of to bring dogs when winds are high. I don't know of any other place that allows dogs and isn't surrounded by tall trees, like eucalyptus or pine, that are at risk of falling when winds pick up the way we've seen in recent weather.

3. Charlie:) ...Cesar Chavez was the only place I would bring 11yr old Charlie. I first brought him there because his owner was dangerously allergic to poison oak and, after seeing first-hand what it did to her, I decided I would only take him there where I knew no poison oak was hiding. I also witnessed Charlie's behavior and recall improve during my time with him, which I think was due him being able to run and still see me. It seemed that in his old age he'd become somewhat confused and unaware of his surroundings so, aside from the issue of poison oak, this was still the only place I felt comfortable allowing him free movement off a leash. And that to me is the bottom line: allowing dogs to move freely in a large open space is essential to their well being and behavioral development.

4. At this particular dog park I felt the most welcomed by a community of like minded dog lovers and handlers. And knowing this was a designated off-leash area gave me the peace of mind that an unwanted encounter with someone afraid of dogs was unlikely.

The sense of community is a major point to be made here. Our animals as well as ourselves thrive with a strong connection to the outdoors and each other. And I have no doubt that if there are specific issues with the current state of the park we can come together to find solutions that work for everyone. To deny us and our dogs this unique haven, only 17 out of 90 total acres, would be heartbreaking and in my opinion is reminiscent of the sort of rigid exclusionary acts we're seeing on a much larger stage today.

Thank you for your time.
Sincerely,
Maggie Dilley

Durr, Jasmine **52**

From: Amy Thomson <amy@amythomsonnp.com>
Sent: Sunday, February 16, 2025 4:07 PM
To: All Council
Cc: Save CC
Subject: Cesar Chavez Park Support of Dogs
Attachments: Cesar Chavez OLA support .pdf

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Good day, City Council:

Attached, please find my letter in support of dogs in the Off Leash Area (OLA) at Cesar Chavez Park.

Thank you,
Amy

Amy Thomson, PMHNP-BC
Psychiatric Medication Management & Psychotherapy
amythomsonnp.com
Simple Practice portal amythomson.clientsecure.me
phone 888.834.3959
fax 866.983.1744

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Medical Needs: Emails to Amy Thomson, NP will be addressed **within 48-72 hours during her office hours on Monday - Thursday.** Please be aware that Amy Thomson, NP cannot provide any medical consultation via email unless it is to clarify **a recent and existing treatment protocol**. All other medical issues must be addressed in a formal appointment.

Emergency Care: If you are experiencing a medical emergency please call 911 or go to your nearest hospital. Call 988 if you need support with a mental health crisis.

Amy Thomson, NP
775 60th Street
Oakland, CA 94609
415-370-3255
amy@amythomsonnp.com

Berkeley City Council
2180 Milvia St,
Berkeley, CA 94704

Dear Council Members:

I am an Oakland Resident, a mental health provider, and a frequent visitor to the Off Leash Area (OLA) in Cesar Chavez Park in Berkeley with my family and dog Olive. This letter is in response to the webpage and movement to remove all dogs from the Berekely Marnia to allow the park only to permit human beings. I am writing in support of keeping the Cesar Chavez park open to dogs and people alike as it has been for decades.

Our off-leash area community has been intact for over 20 years. We work together to care for one another, the dogs, and the environment, filling holes, removing waste, planting trees, and eliminating puddles. We have events coordinated with the Park Department to care for the area and ensure it is safe for people and animals.

This open space is truly a "medicine" for many of us who walk here with our dogs. We get time to clear our minds and connect from a place of peace and spaciousness to one another. There are few places I go in our community that allow me to feel safe, supported, and nurtured. We treasure being able to wander through the park and play with dogs and our friends. With the recent polarization in our government and climate-related stresses, I have come to rely on this park as a healing part of my daily life.

I ask for your support in continued access to the Off-Leash Area (OLA) at Cesar Chavez.

Thank you for your consideration.

Amy C Thomson, NP

53

Durr, Jasmine

From: Katherine Westine <kawestine@gmail.com>
Sent: Sunday, February 16, 2025 10:06 AM
To: All Council
Subject: Cesar Chavez Park and OLA

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Ishii and Council-members:

I am writing on behalf of keeping Cesar Chavez Park as it is — a wonderful and beautiful park for people AND dogs. The Off-Leash area is an inviting area for inclusion of all people and dogs.

Cesar Chavez was a dog-lover and I think he would have been so pleased to see dogs romping and people walking, talking, smiling at the happy canines cavorting together in the off-leash area.

Please retain this marvelous park as it is. Keep it beautiful and a place for all.

Thank you,
Katherine Westine (and Enzo, my dog)

6389 Florio Street
Oakland, CA 94618



From: RANDEL GEE <randygee1020@comcast.net>
Sent: Thursday, February 13, 2025 2:00 PM
To: All Council
Cc: savecc6@gmail.com
Subject: Caesar Chavez Park
Attachments: letter to mayor.docx

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

February 13, 2025

Dear Mayor Iishi and Berkeley City Council Members,

It has come to my attention that there are people advocating for Caesar Chavez Park in the Berkeley Marina to be made into "A Park for People" that would ban dogs entirely from the park. I strongly disagree with this idea and hope you will block any attempts to create such a space. I have been a Berkeley homeowner since 1989 and have enjoyed the outdoor spaces throughout the city, by myself, with my family, and especially with my dogs. Caesar Chavez Park is a wonderful park that allows me a safe, open, and refreshing area to take my dog and allow her to either walk with me on leash, or to be free to explore areas in the off-leash space.

As a retired senior with a soon to be 8 year-old dog, I frequent Caesar Chavez park daily, for exercise, fresh air, and a chance for my dog to run around without a leash. The gentle terrain of the park is ideal for someone like me with a medically diagnosed mobility issue, to maintain my current level of mobility and independence, cardiovascular integrity, and peace of mind.

Please do not take allow this special part of Berkeley that is valuable to my family (including our pet), and me to be converted into "A Park for People". It should remain a park for all!!

Thank you.
Randall Gee
District 6

February 13, 2025

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Please do not take allow this special part of Berkeley that is valuable to my family (including our pet), and me to be converted into "A Park for People". It should remain a park for all!!

Thank you.
Randall Gee
District 6

Durr, Jasmine **55**

From: Angie FM <amorgensen@gmail.com>
Sent: Wednesday, February 12, 2025 3:44 PM
To: All Council
Subject: Support for Keeping Cesar Chavez Park Dog-Friendly

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and Council members,

I am writing to express my strong support for maintaining Cesar Chavez Park as a dog-friendly space. I am aware of the ongoing discussions regarding a potential ban on dogs in the park, and I strongly oppose this initiative. Cesar Chavez Park's off-leash area (OLA) is a vital part of the community, providing a safe and welcoming space for both dogs and their owners to enjoy the outdoors.

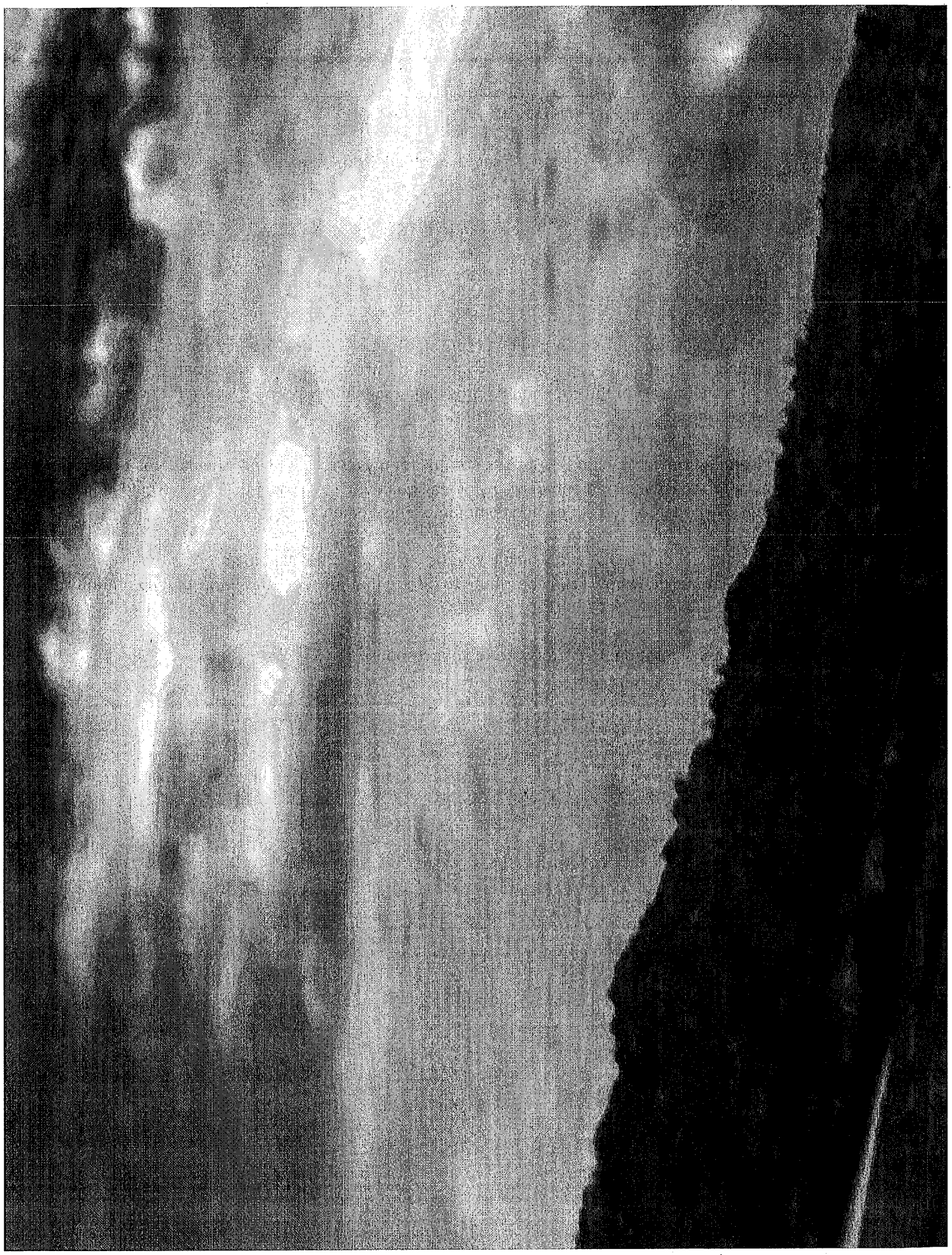
Visiting the OLA is not just beneficial for my dog—it is also essential for my own well-being. The park fosters social connections, encourages outdoor activity, and enhances my overall quality of life. Losing this space would negatively impact many residents who rely on it for recreation and community engagement.

I appreciate the city's past support of the OLA and would like to be involved in the planning process to ensure its continued existence. Please let me know how I can contribute to efforts that preserve this important community resource.

Thank you for your time and consideration. I look forward to your response.

Best regards,

The Froedin-Morgensen Family



Durr, Jasmine **56**

From: antonio guzman <antonio.guzman@gmail.com>
Sent: Thursday, February 20, 2025 9:46 PM
To: Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Tregub, Igor; O'Keefe, Shoshana; Blackaby, Brent; Lunaparra, Cecilia; Humbert, Mark; All Council
Cc: Save CC; antonio guzman
Subject: César Chávez Park and the Off-Leash-Area

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To whom it may concern,

My name is Antonio Guzmán and I've been a Berkeley resident since 2018.

I'm aware that there is an idea of banning dogs, entirely, from César Chávez Park floating around, and I'd like to provide my response and perspective to that idea. Let me also say that I'd like to be involved in the upcoming planning process.

I want to stress that visiting César Chávez park almost daily is a cornerstone of keeping active and leading a healthy life. My visits to the park aren't just for my dog. In fact, my wife and I enjoyed daily visits to César Chávez well before we had our wonderful dog.

I also want to thank the city council for the past 20 years of support of the OLA and ask kindly if there is anything I can do to ensure another 20 years of the OLA, please let me know.

I can't imagine not being able to visit the park on a daily basis with my dog. It provides me with much needed exercise as well as a sense of community and belonging that I didn't have before getting my dog and visiting the OLA. My dog not only provides me with much-needed companionship when visiting to enjoy the park, but I've made some wonderful friends at the OLA that I look forward to seeing every week. The park and the OLA are essential to my social and emotional well-being.

Thank you so much for you time and consideration,
Antonio Guzman, Berkeley resident and daily César Chávez park visitor--

mobile US: 917.673.0733

Durr, Jasmine

57

From: wini williams <wini_working4you@yahoo.com>
Sent: Monday, February 24, 2025 7:34 AM
To: All Council
Subject: Cesar Chavez Park

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello

I am a disabled senior long time Berkeley resident and home owner with a dog. I walk the Marina off leash area one or two times a day. My grandchildren and great grandchildren have accompanied me and my dogs over the year. It is a place of socialization and joy for us all. Meeting dogs and people has been an important part of accustoming my children to the wonders of animals, domesticated and wild. They expressed their enjoyment meeting so many different people and dogs.

This park has been an integral part of our lives for many years (many years ago we dumped our garbage there). Banning dogs has no value to the community. Everyone can and do use the park. The introduction of dogs to all children and adults is an important part of their growth, teaching them kindness, compassion and understanding of different species.

Please reject the idea of banning dogs; just as I would reject the idea of limiting the OLA to only those with dogs. Preposterous idea, isn't it?

Respectfully,
Wini Williams

Durr, Jasmine **58**

From: Lucy Thrupp <lucythrupp@gmail.com>
Sent: Saturday, February 22, 2025 1:42 PM
To: All Council
Cc: savecc6@gmail.com
Subject: Cesar Chavez Park

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Good afternoon,

My name is Lucy Thrupp. I've lived in Berkeley for 2 years and grew up in San Francisco. I'm a school psychology intern working with the youth of West Contra Costa in Richmond and Pinole full time. My work is stressful and I could not do it without the ability to destress by taking my emotional support animal to the wonderful parks in the East Bay, namely Cesar Chavez.

I am aware that there is a movement to ban dogs from CC. I urge you to continue to allow people to use the park with their animals. Going to Cesar Chavez with my Labrador Sebastian often brings me more joy than anything else I do with my time and is a great way to get to know others in the community.

Also having grown up in San Francisco, I feel what separates the East Bay from the city is having wide open spaces to enjoy. As someone who needs an ESA, I feel there is nowhere large enough for my dog and I in SF. I feel cared for and healthy because the city of Berkeley provides dog friendly areas and I'm not sure where I'd go if CC were taken away.

Thank you,
Lucy Thrupp

Durr, Jasmine **59**

From: Save CC <savecc6@gmail.com>
Sent: Saturday, February 22, 2025 4:51 PM
To: Save CC; All Council
Subject: 7-year-old Rowan writes to Terry Taplin D-2:
Attachments: Rowan Letter.JPG

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Friends of Cesar Chavez Park, the Off-Leash-Area (OLA), and the Berkeley City Council!

I haven't yet shared some of the many letters I have received from our group. However, today I would like to send one that speaks directly to the author of *'A Park For People'* on a very personal level.

In her blog posted on 11/15/2024 at Martin Nicolaus' website, Ms. Kathy Baylor writes about her proposal, "*A Park For People*:"

> By creating a dedicated space where individuals and families can enjoy the outdoors without the presence of dogs, we can ensure that everyone has a park experience that meets their needs—whether for relaxation, recreation, or simply a peaceful retreat.
> (See https://chavezpark.org/park-news-11-15-2024/)

Today, I had the absolute pleasure of receiving and reading a letter written by 7-year-old Rowan to Terry Taplin D-2. Rowan writes:

> "I am seven years old and I like to go to Cesar chaves park with my two dogs and it is very fun to watch the binds hunt, especially the white taled kite when they huver. I love my two dogs and it is fun to play with them at ceser chaves Park"

It seems as though Rowan and his wonderful family who frequent the park with their two fun loving dogs, Rufus and Holly, are already enjoying the park just as it is.

Rowan's mom already sent her letter to the City Council and Mayor with Rowan's letter attached. However, I thought it would be helpful to send Rowan's letter separately so everyone could be certain to enjoy it.

It's never too late to send letters to the Berkeley City Council in support of a dog friendly Cesar Chavez Park so other children can continue to enjoy their time at the park with their family and dogs.

Thank you, Rowan and family, for your wonderful thoughts about keeping our park dog friendly. Jeff

See Rowan's letter attached

I am seven years old and I like to go
to Cesar Chaves Park whith my two dogs and
it is very fun to watch the birds hunt,
especially the white tacel kite when they
hunt. I love my two dogs and I love
Universal Studios Hollywood but I love
playing at Cesar Chaves park.

Durr, Jasmine

From: Save CC <savecc6@gmail.com>
Sent: Saturday, February 22, 2025 4:53 PM
To: Save CC; All Council
Subject: 7-year-old Rowan writes to Terry Taplin D-2:
Attachments: Rowan Letter.JPG

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Dear Friends of Cesar Chavez Park, the Off-Leash-Area (OLA), and the Berkeley City Council!

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See Rowan's letter attached

I am seven years old and I like to go
to Cesar Chaves Park with my two dogs and
it is very fun to watch the birds hunt
especially the White tailed kite when they
hunt. I wish I could have a kite that
could stop in the air like that.

From: Frances Shaw <shawfrancie@gmail.com>
Sent: Sunday, February 23, 2025 11:49 AM
To: Save CC
Cc: All Council
Subject: Re: 7-year-old Rowan writes to Terry Taplin D-2:

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

So sweet. And why can't dog owners have use the way kite fliers do. I do have some concern for knowing how much real problems like biting people crop up. If we have to compromise with a fence we can. I go have a friend who was attacked and seriously bitten by an off leash dog but it wasn't even on the off leash area. We need to acknowledge the problems. I imagine very rare but needless if we all follow the rules and admit to our dogs nature.
Francie Shaw
Sent from my iPhone

On Feb 22, 2025, at 5:53 PM, Save CC <savecc6@gmail.com> wrote:

Dear Friends of Cesar Chavez Park, the Off-Leash-Area (OLA), and the Berkeley City Council!

I haven't yet shared some of the many letters I have received from our group. However, today I would like to send one that speaks directly to the author of '*A Park For People'* on a very personal level.

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It's never too late to send letters to the Berkeley City Council in support of a dog friendly Cesar Chavez Park so other children can continue to enjoy their time at the park with their family and dogs.

Thank you, Rowan and family, for your wonderful thoughts about keeping our park dog friendly.
Jeff

See Rowan's letter attached
<Rowan Letter.JPG>

Durr, Jasmine **61**

From: Cameron Woo <cameronjwoo@gmail.com>
Sent: Saturday, February 22, 2025 6:32 PM
To: Save CC
Cc: All Council
Subject: Re: 7-year-old Rowan writes to Terry Taplin D-2:

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Thank you so much for sharing!

Cameron

On Sat, Feb 22, 2025 at 4:53 PM Save CC <savecc6@gmail.com> wrote:

> Dear Friends of Cesar Chavez Park, the Off-Leash-Area (OLA), and the Berkeley City Council!
>
> I haven't yet shared some of the many letters I have received from our group. However, today I would like to send one that speaks directly to the author of '*A Park For People*' on a very personal level.
>
> In her blog posted on 11/15/2024 at Martin Nicolaus' website, Ms. Kathy Baylor writes about her proposal, "*A Park For People*:"
>
> > By creating a dedicated space where individuals and families can enjoy the outdoors without the presence of dogs, we can ensure that everyone has a park experience that meets their needs—whether for relaxation, recreation, or simply a peaceful retreat.
> > (See https://chavezpark.org/park-news-11-15-2024/)
>
> Today, I had the absolute pleasure of receiving and reading a letter written by 7-year-old Rowan to Terry Taplin D-2. Rowan writes:
>
> > "I am seven years old and I like to go to Cesar chaves park with my two dogs and it is very fun to watch the binds hunt, especially the white taled kite when they huver. I love my two dogs and it is fun to play with them at ceser chaves Park"
>
> It seems as though Rowan and his wonderful family who frequent the park with their two fun loving dogs, Rufus and Holly, are already enjoying the park just as it is.
>
> Rowan's mom already sent her letter to the City Council and Mayor with Rowan's letter attached. However, I thought it would be helpful to send Rowan's letter separately so everyone could be certain to enjoy it.

It's never too late to send letters to the Berkeley City Council in support of a dog friendly Cesar Chavez Park so other children can continue to enjoy their time at the park with their family and dogs.

Thank you, Rowan and family, for your wonderful thoughts about keeping our park dog friendly. Jeff

See Rowan's letter attached

--
Cameron
Cameron J. Woo
2810 8th St Berkeley, CA 94710
510.207.0827 tel.

Durr, Jasmine

From: Joseph Lee <josephwlee@sbcglobal.net>
Sent: Tuesday, February 18, 2025 2:50 PM
To: All Council
Subject: Round Park on Parkside Drive in Berkeley

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

2180 Milvia St
Berkeley, CA 94704

Dear Berkeley Council:

I am writing to demand that the City of Berkeley not take any action or expend any funds under Item 25 as described in the November 19, 2024 minutes as adding to an ordinance "a $150,000 allocation to create a park at the Parkside Drive terminus median" (hereafter "the $150,000 allocation") unless and until the action is approved as part of a properly agendized action under The Ralph M. Brown Act (CA Gov. Code, § 549501 et seq.) ("Brown Act").

The $150,000 allocation was approved at the City Council's November 19th meeting as part of Item #13 but was not part of the notice for that item. Instead, the item was raised on a motion from the floor by Councilmember Mark Humbert without any notice to the public that this action was going to be considered by the Council at the November 19th meeting. This appears to be a clear violation of the Brown Act. Until and unless this violation is cured, spending any money for this project and entering into any contracts for the project would be unlawful.

The history of this action is somewhat obscure. There was an item properly noticed for the November 12th City Council meeting to "refer" an allocation of $150,000 to the Budget and Finance Subcommittee for consideration to include in the Annual Appropriations Ordinance. That motion was approved.

While I have been unable to find minutes of the Budget and Finance Subcommittee meeting that occurred on November 14th, it is clear that the $150,00 allocation was not included in the recommendation for funding from the Budget and Finance Subcommittee and was not part of the Mayor's recommendations for inclusion in the Appropriations Ordinance on November 19th. Therefore, the $150,000 allocation was not noticed under the Brown Act for the November 19th Council meeting and could not be considered for action at that meeting.

Nevertheless, at the Nov 19th Council meeting Councilmember Mark Humbert proposed and the Council approved the $150K allocation.

Because the Annual Appropriation is created as an Ordinance, it requires two readings. The second reading was on the consent calendar on December 3d. However, there is no specific mention of this item in the description of the consent calendar item (No.3) for Annual Appropriation action and therefore once again there was no notice of this action under the Brown Act.

The failure to give adequate notice under the Brown Act meant that the Parkside neighbors were not given the opportunity to express their concerns about the action. Neighbors have more recently expressed their dismay at the City's action and I refer you to their petition and letter to the City, a copy of each is attached. It explains why the City should not have sought to approve the budget request.

Please confirm that the City will not spend any of the improperly approved $150,000 unless and until the action has been properly noticed and fully considered.

Sincerely,

Joseph Lee
155 Parkside Drive
Berkeley

Sent from AT&T Yahoo Mail on Android

Durr, Jasmine

From: Joseph Lee <josephwlee@sbcglobal.net>
Sent: Wednesday, February 19, 2025 9:33 AM
To: All Council
Subject: Fw: Round Park on Parkside Drive in Berkeley
Attachments: Round Park Letter.pdf; Round Response.pdf

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Two attachments were missing from yesterday's email. They are now attached.
Thanks,
Joseph Lee
155 Parkside Dr.
Berkeley

Dear Berkeley Council:

I am writing to demand that the City of Berkeley not take any action or expend any funds under Item 25 as described in the November 19, 2024 minutes as adding to an ordinance "a $150,000 allocation to create a park at the Parkside Drive terminus median" (hereafter "the $150,000 allocation") unless and until the action is approved as part of a properly agendized action under The Ralph M. Brown Act (CA Gov. Code, § 549501 et seq.) ("Brown Act").

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Please confirm that the City will not spend any of the improperly approved $150,000 unless and until the action has been properly noticed and fully considered.

Sincerely,

Joseph Lee
155 Parkside Drive
Berkeley

Sent from AT&T Yahoo Mail on Android

January 22, 2025

Dear Councilmember Humbert:

We are your constituents and residents of Parkside Drive and others who live near the median area referred to as Round Park. We are seriously concerned with the City proposal to designate Round Park as a "Park" and to expend very substantial funds – we understand it to be $150,000 – to evaluate how it should become an official park. We request that the City cancel the February 6 scheduled visit of the Park Commission and not move forward with any other action towards changing the status or use of Round Park at this time.

The September 27 letter you received from Allan Abshez on UCAN stationary proposed that the City begin action to make the location an official park, indicating that he spoke on behalf of the families who have joined UCAN. In fact, this was done without a vote by the UCAN members (UCAN represents only half of the neighborhood's households in the first place), or any input from the adjacent neighborhood. It was even written and sent before UCAN had an elected Board of Directors (not scheduled to take place until February 8), and before it had convened a neighborhood committee for evaluating what should be done to the Round Park, if anything (which is now in process).

Round Park has been a natural area for over 100 years, where kids can run and throw balls and engage in unstructured imaginative play, and where neighbors chat while their dogs chase balls. It is a unique open space in the center of our increasingly built-up and paved city environment. We have not yet had the chance to come together as a community to discuss any possible changes to this wonderful space.

We look forward to your response via our email addresses below.

Thank you for attending to this matter,

Cc.

Adena Ishii
Rashi Kesarwani
Terry Taplin
Ben Bartlett
Igor Tregub
Shoshana O'Keefe
Brent Blackaby
Cecilia Lunaparra

Sincerely,

Name	Email Address
Mayor Holliday	mh@holidaydevelopment.com
J. Moore	jum21x@gmail.com
Rick Holliday	rick@holidaydevelopment.com
ANDY ROBSON	ANDY@3RDRAILINC.COM
WILSON COMBS	WACOMBS@GMAIL.COM
W G COMBS	GARDNERCOMBS@MSN.COM
Megan Hyatt	mhyatt@gmail.com

Name	Email Address
Joseph W. Lee	josephwlee@sbcglobal.net
Emily Dybwad	emily.dybwad@gmail.com
Katy Dybwad	katy dybwad@gmail.com
Abbie Braith	adbraith@gmail.com
Vicki Scharlach	vscharlach@hotmail.com
Jane Richardson	feutzrichardson@comcast.net
Ricki Blau	rablau@icloud.com
Bill Reeves	wtreeves@MC.com
Laura Hobel	lhobel@gmail.com
Mitchell Zeemont	mzeemont@gantryinc.com
Laura Blau	Laura.blau@comcast.net
Anna Coe	annapcoe@gmail.com

Name	Email Address
Nabeel Hyatt	nabeelo@gmail.com
Marni Kemp	marni.kemp@gmail.com
M Kemp	" "
[illegible]	elizmarij@gmail.com.
[illegible]	valleyj@gmail.com
[illegible]	nick.g.dale@gmail.com
Laura Gallo	lo.ubbott@gmail.com
Suzanne Tilney	stlucy@gmail.com
BERNie Peyton	berniepeyton@gmail.com
Michelle Oram	michelle@planetoram.com
John Oram	Oramjj@gmail.com
BERNARD Lo	Bernard.Lo@ucsf.edu
Laurie Dornbrand	ldornbrand@gmail.com
Peter Dybwad	pdybwad@wi.edu
Charles Gatto	101 Pauride DR.
[illegible]	ELIZABETH@ARTFULSURGERY.COM

January 29, 2025

Dear Councilmember Humbert:

I appreciate your quick response to our letter, but we are concerned that you may have proceeded on the misconception that there was an open and transparent process determining community support for the City's action and that we are now undemocratically attempting to derail it. This is not so. As discussed below, there was simply no notice or input from the community before you received the September letter requesting the median's re-designation or before your November request to the City.

We are not trying to stop meetings or community engagement around the issue of what to do with the median on Parkside. On the contrary, we are asking for an open and transparent process before the City acts, one where our community can gather together to discuss what level of change the neighborhood seeks and whether that is better met by keeping its current status or by changing it to a City park. In light of the well-known strains on the City's budget, we were very surprised to learn the City has allocated $150,000 to study taking an action that would put another park on its books, further increasing the demands on its budget. This use of public funds and proposed action were not only not requested by the adjacent neighbors, but caught them by surprise. Leaving aside the perplexing decision to increase the City's budgetary burdens at an already difficult time, it puts the cart before the horse to change the median to a park before a consensus has been reached about the desired outcome for this space and how best to achieve it.

As we described in our first letter to you, the median has been successfully used and maintained by the neighborhood for over one hundred years. While the City does provide some maintenance, much of the weeding and cleaning is done by the adjacent neighbors at no cost to the City. It is unclear to us why the City of Berkeley, which is facing significant budget issues that may get much worse in light of the new Washington administration, would spend $150,000 to study a new status for the median. This decision is particularly troubling when there are other parks and areas of our City, including within our own southeast (SE) quadrant, with greater population density and fewer resources that are in need of much more attention and improvement than the Claremont/Uplands neighborhood, a relatively well-off area of Berkeley. The open and transparent process we are requesting may well show that the neighborhood prefers receiving a much smaller amount of City money to use for landscaping and making other modest improvements to the median, freeing up City resources for these other areas.

Your response to us as well as your budget request to the City appear to rely on the assumption that the September letter you received was preceded by a vote, a survey or even notice to the neighbors. It was not. In fact, almost every one of the people who signed our letter and others in the neighborhood were blindsided on several fronts:

- They had never heard of the idea to change the median into a park, let alone been asked their views on such a major action
- They had no idea that Mr. Abshez had sent you a letter requesting this change months ago

- Even after the November City action, they believed the City allocated $150,000 to the neighborhood to spend on median improvements and future maintenance as it saw fit, rather than money for the City to spend on conducting a study about changing the median into a park

(Attached to this letter is a description of some of the information provided to UCAN members about what actions UCAN was formed to undertake, the process it would use in pursuing those plans, and the actions it did take.)

Now that you know about the lack of notice to or engagement with the community before this City action occurred, we ask you as our representative to pause your efforts toward re-designating the median. If the neighborhood consensus supports turning the median into an official park, we would look to you to restart the re-designation efforts at that time, assuming the City still feels it is a good use of its limited resources. We do hope that, next time, you make efforts to confirm that an open, transparent process has occurred and that you are fully apprised of the results of that effort.

The huge amount of money that has been allocated for this unnecessary study can be better used elsewhere in Berkeley at this time. Likely, the neighborhood will ask the City for just a fraction of that amount for maintenance and some modest improvements to the median. Please let us know whether you will put a hold on your and Mr. Abshez' efforts to change the median's status.

Thank you for your attention to this urgent matter,

A. Robson

Andy Robson

Attachment

cc:

Adena Ishii

Rashi Kesarwani

Terry Taplin

Ben Bartlett

Igor Tregub

Shoshana O'Keefe

Brent Blackaby

Cecilia Lunaparra

CManager@berkeleyca.gov

rmiller@berkeleyca.gov

UCAN'S PROCESS

UCAN was principally formed to put in and manage license plate readers. To mount that effort – as the UCAN website explains – around 30 neighbors got together (called the steering committee) and generated ideas for activities and formed subcommittees.

One of those subcommittees – consisting of just 3 self-selected members– generated a subcommittee report with preliminary views in early 2024. That report was not sent around to the neighbors but was described on the UCAN web site as having **"Explored the potential for sprucing up shared public spaces like Round Park, Long Park and more."**

This statement describes no more than a "potential" for "sprucing up" areas. It makes no mention of changing the status of Round Park from a median to an official park.

Although this preliminary 3-person subcommittee report recommended the re-designation, it specifically noted the issues associated with this and other neighborhood medians would be evaluated by a to-be-formed subcommittee (which did not begin to meet until 2025, well after the UCAN letter was sent to your office.) The report itself was placed on the UCAN website as page 15 of a compendium of other sub-committee reports, but it is simply not "notice" to attach something to a website, particularly when the website's summary of the report omitted that it contained this recommendation .

The UCAN website specifically advised: "UCAN's initial budget includes some money [$10,000] for professional landscape planning and community outreach for this project (**Round Park's adjacent homeowners will be asked to take a leading role**), as well as evaluating improvements to Long Park (the landscaped hillside and informal path between Uplands and Parkside), Oak Park and the Hillcrest hairpin at Hillcrest and Eucalyptus. The overriding goal is to add to the beauty of our open spaces, and in so doing, enhance public safety and our property values."

The owners living adjacent to the median did NOT take a leading role in the decision to ask the City to change the median into a City park. In fact, they had no idea it was happening.

On November 9, 2024, Mr. Abshez sent an email to UCAN members that said:

"In September, UCAN reached out to Councilmember Mark Humbert to ask that the City dedicate some long overdue TLC to Round Park. In response Councilmember Humbert has requested that the City allocate $150,000 from Berkeley's year-2025 budget to develop a plan for the Park's improvement."

The letter from UCAN did NOT ask the City for funds for "TLC" for the median; instead, it requested that the median's status be changed to a park.

Your request to the City did NOT ask it to provide money (implicitly, to the neighborhood) to develop a plan for the median's improvement; it asked for $150,000 for the City to spend on evaluating changing the legal status of the median to a park.

Durr, Jasmine

From: Joseph Lee <josephwlee@sbcglobal.net>
Sent: Sunday, February 23, 2025 6:33 PM
To: All Council
Subject: Re: Round Park on Parkside Drive in Berkeley

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Following up,
Thanks

Sent from AT&T Yahoo Mail on Android

On Tue, Feb 18, 2025 at 2:50 PM, Joseph Lee <josephwlee@sbcglobal.net> wrote:

2180 Milvia St
Berkeley, CA 94704

Dear Berkeley Council:

I am writing to demand that the City of Berkeley not take any action or expend any funds under Item 25 as described in the November 19, 2024 minutes as adding to an ordinance "a $150,000 allocation to create a park at the Parkside Drive terminus median" (hereafter "the $150,000 allocation") unless and until the action is approved as part of a properly agendized action under The Ralph M. Brown Act (CA Gov. Code, § 549501 et seq.) ("Brown Act").

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Please confirm that the City will not spend any of the improperly approved $150,000 unless and until the action has been properly noticed and fully considered.

Sincerely,

Joseph Lee
155 Parkside Drive
Berkeley

Sent from AT&T Yahoo Mail on Android

From: Bingo Fantasy Football <foriamberkeley@yahoo.com>
Sent: Wednesday, February 12, 2025 6:58 AM
To: All Council; plicoiie@yahoo.com; Mora Tulian Gamondes; Mayer, Tess
Subject: MY HOUSE IS VIBRATING OUT OF CONTROL YELL-SO WHAT

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

BERKELEY, Calif. - Business owners joined forces to file a lawsuit, and my house is vibrating out of control. On a scale of 1-10 it's a [20] at 3am. Laughing out loud. It's a new "game" I lead [B] three games to nothing. We push the pawn Google: [B] the mission statement: strategic, organizational, Leadership. [B] its strategy victimize the public you see why my house is vibrating out of control to force a class action law suit. I'm sick, So What, go see the doctor. More-on proof.

Steven Tully, an **attorney for the businesses**. Claims the law suit. pleading

"This case is about whether the City of Berkeley, when acting as a landowner, must follow the same nuisance laws that any private landowner must follow, and whether it owes an obligation to its citizens, enforceable"

ASSUME NOT. [B] is for Berkeley under immunity Bylaw21. Wrong for [B] to take, take, take. **UC Berkeley's $3.8 billion budget** is supported by federal and other contracts. Stop funding [B] by any other name and let a variety of sources, including tuition and fees prove its worth like any other business. [B] contracts are leveraged with "goodwill", here say they create, homeless, of its goodwill sees my house is vibration out of control. Why? Because [Black] people like me, are to stupid to stand up and argue our rights Bylaw21. SO-WHAT, it stands **3) reckoning** in court. I do Your Honor.

Let the state Of California take thy budget and claim a scheme, belonging@berkeley.edu Dancing the State Of California the power of belonging by the book, did accuse the City Of Berkeley, as the Mayor's Office. We see you shaking hands by the picture a strategic alliance with [B]. Ask your Asian friends, why they celebrate, YEAR OF THE SNAKE? Year of the RAT? Or year of the Monkey? And, my house is vibrating year of the DOG?

Laughing out loud, So-What. Read the power of belonging as the arc of the covenant, for which you're sworn in to justice. In support of clowns. The evidence is braking news. Business owners filed a lawsuit against Berkeley. HE sees the new administration for a "Culture Of Care" funding immigration, DEI, and using [Black] peoples rights, paid for in our losses, of Fair Housing & Employment . We shall overcome-Today.

You say So-What, white people are the civil rights act of 1964. Girl please have that [job], we just want the money. Put it on a [Black] card, State Of California. Why? Because [Black] People are to stupid to enforce any laws. For which white people can just call any Police Department [Period]. True story they feel its vibrations and blamed me. I dialed 311. Continued, they taking [Black] [Jobs] be fine. Read [B] school of law as published, they are the scholars. Keep reading "how to" organize strategic-Leadership including the city Of Berkeley under belonging@berkeley.edu "Check" You signed the voucher of eligibility, MALFEASANCE.

The world is watching. "Check" Haas School Of Business, strategic alliances. Your move is on YouTube. Our Mayor's Offices published: 4) "REDRESS" the [Black] community. The courts shall find fraud if it persist: First, my house is vibrating out of control. MARGIN CALL: Yell, So-What

1) A representation was made in 2018 to study [Black] Reparations in "America". 2) The representation is made false if it index 23 other countries not [Black] America. 3) That when [B] knew [Black] Reparations is clearly stated in the US Constitution, the representation was false-as [B] School Of Law Law is the foremost in America. Otherwise, [B] is unethical to make a statement "recklessly" without knowledge of its truth about the US Constitution for [Black] people .

[B] claims it might not be Constitutional, and could run afoul Prop 209. 4) If the fraudulent misrepresentation was made with the intention for the Reparations Task Force to rely on It. 5) The Department Of Justice Reparations Task Force **did rely on that statement** afoul of prop 209, quoting Dean Chemerisky at [B].

Standing before the States Capitol hear his exact words, not to run afoul of prop 209. Play the press conference over again on YouTube, and hear her concerns. 6) Did [Black] people suffer harm as a result of fraudulent misrepresentation. See belonging@berkeley.edu dancing (for us) on YouTube nobody consulted with [Black]-As Me. As if I'm standing in The Superior Court of California, I do Your Honor.

Once again it's to late for [Black] people. As you see now our budget stands for illegal immigration, taking [Black] [Jobs], DEI, and most importantly, the act of "mother nature". Is she vibrating my house?

KTVU's request Berkeley for comment on the lawsuit. Does Berkeley follow the same nuisance laws? All together now: MY HOUSE IS VIBRATING OUT OF CONTROL. STAND FOR THE MAYOR'S OFFICE AND YELL-**SO WHAT**. Bring this 311-email to court. My Bed is rendered useless, Your Honor. Because I'm just One Citizen [Black] verses the institution of civil rights with a $10 billion budget. Billion with a [B].. Keep talking slick I'm sworn in-touché. Got You.

Durr, Jasmine

From: Bingo Fantasy Football <foriamberkeley@yahoo.com>
Sent: Friday, February 14, 2025 8:29 AM
To: safeathome@sos.ca.gov; All Council; plicoiie@yahoo.com
Subject: I DIALED 311 AGAIN AND AGAIN IT 3AM
Attachments: Slide2.JPG; Slide3.JPG; social justice.jpg

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I dialed 311, Allie #1448, ask me what is causing my house to vibrate?. She continued was it the earthquake She said just probing. Do I live by the train tracks?

Safe At Home Program Please, put me in a witness protection program: What is domestic violence: Google: aggressive behavior **within the home**, typically involving the violent abuse of a spouse or partner. Apply the term within my house is [domestic violence].

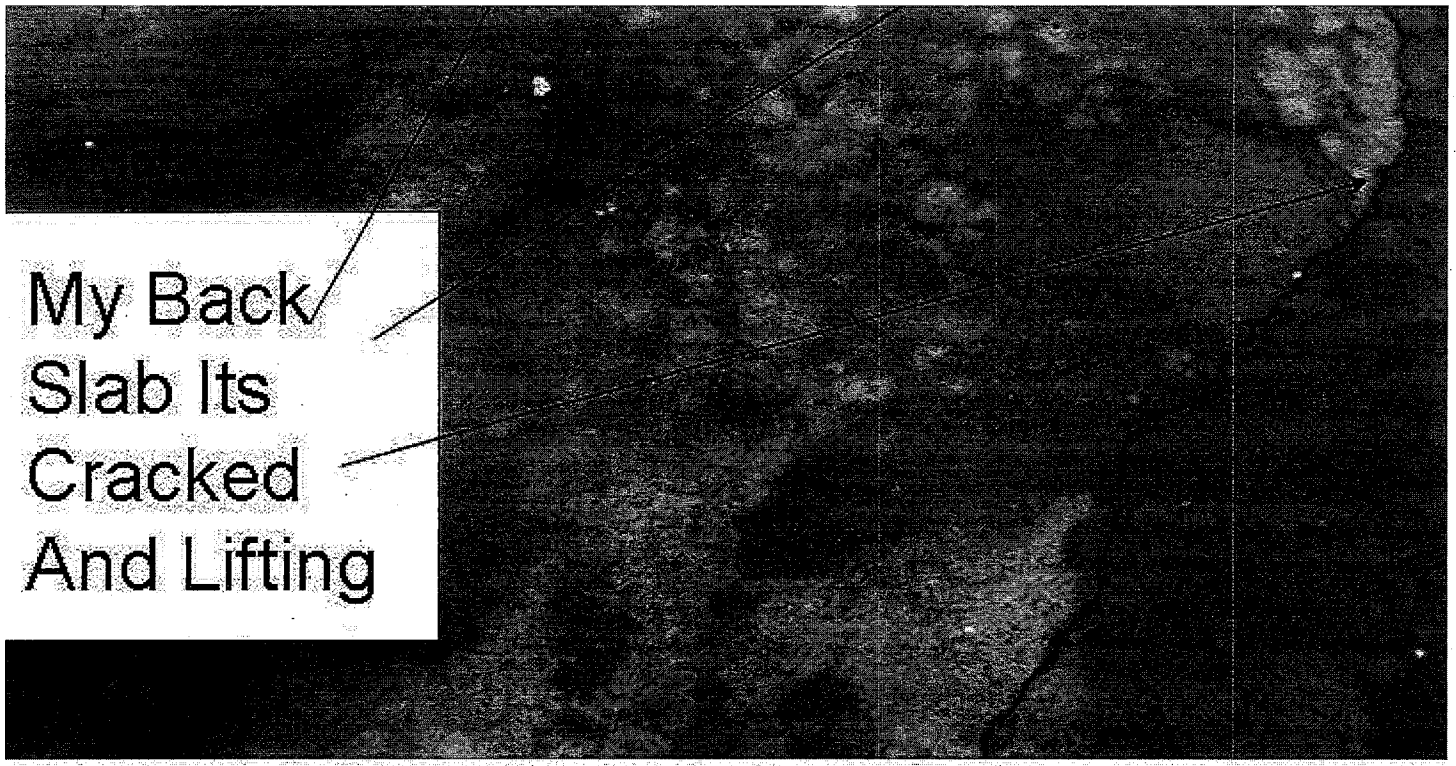
My entire houses' foundation is cracked, Get The Picture Attached to this e-mail. For The Record. How shall it be the burden of proof to show the institution of Indifference. Berkeley miss its trust building out homelessness. You Who are vibrate my house by the court of law as proof 24 hours a day 7 days a week did this.

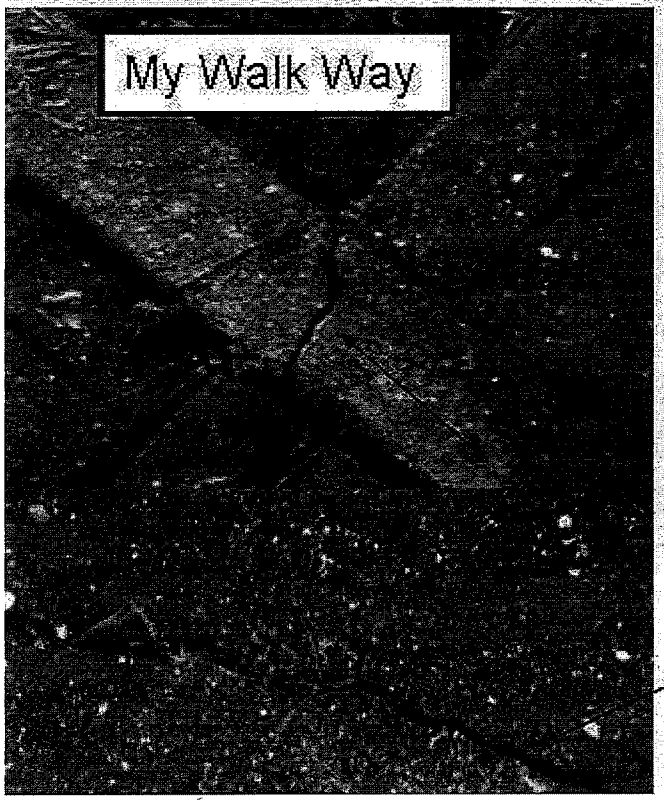
It's not the typical type of [Domestic Violence]. The City Of Berkeley's indifference **defines "domestic":** Home, Family, House. You see Berkeley funding domestic homelessness, as their home family house. By adding outhouses and wash sinks, demonstrates clear evidence aiding homelessness. Fremont is the precedence anyone aiding the homeless violates its laws.

Define violence. My house is vibrating "violently" out of control get the pictures attached to this e-mail. Let violence be: Aggressively, Fiercely shaking my house until the foundation cracked. Now I must fight who's at fault it in court. My house is as "Domestic". Aggressively, is as Violence. Put it together [my house is vibrating out of control] is Domestic Violence. Google: "**police, social services, and voluntary agencies are working together to tackle domestic violence**". Get the picture attached to this e-mail, its the institution for [Black] people you are indifference to any law.. Therefore it was written in to Congress, Assembly Bill: AB3121. Stupid as [Black] People can't speak for themselves, and [Black] as me can't make the institution read AB3121. So say ignorance. Ignorance of law is unacceptable as a defense in California. My House is Vibrating violates every nuance laws or any goodwill claims by the City Of Berkeley.

Forward, my house is vibrating out of control shall be considered [Domestic Violence] BPD already responded for thy "whites" complaint on four occasions. Ignorance of law as to my complaint see my foundation pictured attached to this e-mail See those agency follow the pattern that call to action the Congressional Black Caucus.

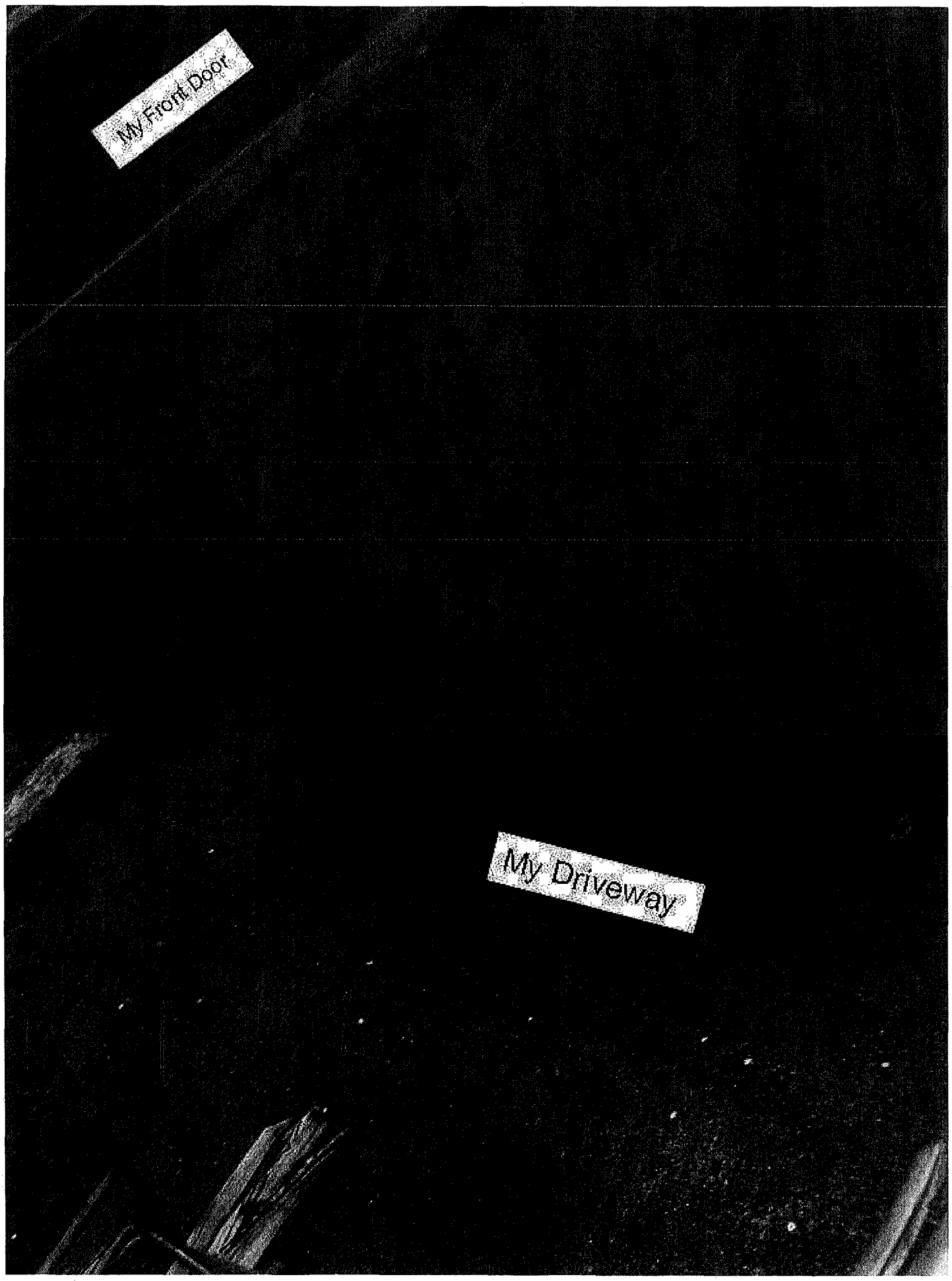
It shall take an act of Congress to stop my house from vibrating out of control. [Domestic Violence] at home. As it stands, redress appeals to the Secretary Of State, of California. Safe At Home Program. I'll call 800 799 7233. Put for Berkeley City Counsel.







FOR THE
RECORD


My Front Door
My Driveway

NeighborhoodScout YOU'RE UP

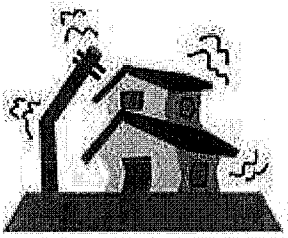
GET THE ANSWER KNOCKING ON DOORS

Email: NS_Customerservice@corelogic.com

IS YOUR HOUSE VIBRATING OUT OF CONTROL, ALL DAY EVERYDAY? ALL NIGHT EVERY NIGHT?

CHECK ☐YES ☐NO







THE FLYER: ON 10TH ST.
FOLD AND FORWARD YOUR ANSWER TO THE MAYOR. I STAMPED THE FLYER, AND SHE'S EXPECTING YOU. MAIL IT AT **2180 MILVIA STREET 5th Floor Berkeley, CA 94704.**

IF YES, IT'S A CLASS ACTION LAW SUIT. IF NO ITS PURE DISCRIMINATION. IF THE MAYOR DOESN'T RECEIVE ANY FLIERS: ITS INDIFFERENCE TO [BLACK] SO WHAT.

I dialed 311-Dispatch #1448 she said her name was Alley. She shall give you the report. I'm mad as [Black]. How dare you vibrate my house as she's talking. Some Silly Shit 1) Was it the earthquake. 2) What could be causing of my house vibrating? 3) Do I live by train tracks? 4) Not Competent Of The issue and nuisance laws. 4) She states hundreds of departments to reference refer my complaint. 5) She is the supervisor.
Evidence something sinister is happening PURE DISCRIMINATION.

Durr, Jasmine

From: Bingo Fantasy Football <foriamberkeley@yahoo.com>
Sent: Sunday, February 16, 2025 5:24 AM
To: All Council; chancellor@berkeley.edu; plicoiie@yahoo.com; Mora Tulian Gamondes; Mayer, Tess
Subject: VIBRATIONS SEES: YOU'RE FIRED, OTHERWISE RESIGN [DOT-GOV]

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

CUSTOMER SERVICE DISPATCH #1448 SPEAKS FOR BERKELEY. She said her name was Alley Probing for information: 1) Do you feel the earthquakes? 2) Did the earthquakes cause your house to vibrate? 3) Do you live across the train tracks. 4) Alley said right, she's **not competent** about the issues, or nuisance laws. Once again she said just probing. 5) Alley claims Berkeley has hundreds of departments to reference about MY HOUSE IS VIBRATING AT 4am 2/16/25. Compare 2/12/25, and 2/14/25 Berkeley let me sleep. Wonder what happened in the "built environment" of so what, once YOUR FIRED.

In the News: The Agency finds that **you are not fit** for continued employment because your ability, knowledge and skills do not fit the current needs, and your performance has not been adequate to justify further employment.. Not put for The library news. You're just the witness.

You Are Government Employees [Period].I dial 311 every night for the record to show my house is vibrating. Hear say SO-WHAT. I went to the Corporation Yard 2/14/25, 1326 Allston Way, Berkeley, CA 94702. It's Customer Service to voice my complaint in person. Now you have two-who speak for Berkeley.. She said her name was Celested,

The lady who allowed me in the lobby instructed me to have a seat while she gets someone. In the lobby of the Corporation Yard, Customer Service is vibrating too. Celested ask, what's the problem? Pure Evidence I said my house is vibrating just like this office. Can You feel it? I ask Celested, No she said.

I pressed her. You don't feel this vibration? There again, she said no. Then stated it's "that" construction going on outside. BINGO. She ask, is construction going on near your house. Back up I say. You don't feel the vibration but you attribute it to the construction. See Celested speaks for Berkeley, and without all her senses, since she can't feel the vibrations but sees it as the construction's contributing factor.

Then Celested continued WRONG. Maybe you should seek, Medical Profession. Of the volley, I asked for her "business card". As the clown I continued. No one in this office of "customer service" has a "business card" I pressed. Then Celested disappeared, image to her Cubical, and returned with the paper in which **she pawned the city of Berkeley**. First Pawn: Jordan Klien planning@berkeleyca.gov. Last pawn Bruce Pratt-bpratt@CityofBerkeley.info. See those three stacks of business cards sitting in the window, I said. Give me one, just for fun.

In The News: The US should "delete entire agencies as a part of "his" extraordinary strategy delete as opposed to leave part of them behind. I say using **dot-gov, make the liability**. "My house is vibrating out of control", who cares once you're fired. Celested speaks for Berkeley, slight of hand, talking about a Medical Professional. She pawned a board of directors:: buildingandsafetey@berkeleyca.gov, customerservice@berkeleyca.gov, ada@cutyofberkeley.info, cscounter@berkeleyca.gov, hci@berkeleyca.gov, vitalrecords@berkeleyca.gov

Read The News: Mass layoffs have begun at several US agencies Termination notices were sent to employees at the Department of Education, the Small Business Administration (SBA), the Consumer Financial

Protection Bureau (CFPB), and the General Services Administration (GSA), What make you special? NOTHING.

Hear say clean out your desk, and fork your [jobs] over to [Black] people. And here's why. Everything you say can and will be used against you in the court of law. Watch TV as those pleading for justice, with the courts. You see, keep laughing. Who cares. imagine the [Black] community pled. The fact PG&E writes **Speak Up. Say it Again, Speak Up**. Berkeley's Planning And Development Department's mission: **safety, work with community to protect distinctive neighborhoods**. AND FUTURE GENERATIONS. WEST BERKELEY was our community that segregated US [Blacks]. Our generation's community got: ["heroin", "prostitution", "crack cocaine", "marijuana"], and eventually escort to prison by BPD. Our future generation-me, was put out by Planning and Development. The last straw was "that" shootout down the street that lasted over 30 minutes.

Department of Government Efficiency on YOU'RE FIRED. If you don't remove the roots, the weed will grow back. Firing people and demanding resignations and layoffs. Stop working soon and be paid through 30-September. Rulings, up to the US supreme court, precipitating **a constitutional crisis. The fight for dignity and fairness for public servants**. Now you know [Black] as me, for which you say, SO-WHAT. Approximately 75,000 federal workers, have accepted a resignation.

Do US a favor and quit. Give your [job] to a [Black] person. Mrs. Vice President is proof. We are more than qualified over you. Hear say your employment, and education is bias, based on [PURE] DISCRIMINATION of Natural Selection: U-U-U &U. The bonus is [Blacks] are paid 35% less money, than "whites". Saving "G" in the Billions, as American productivity.

It builds a Corporation with compassion for others, and a strong line of employees. You're Fired, get rehired as the line-employee: cafeteria worker, porter, garbage man, and the like. There you can work your way back up.

UC Berkeley, School Of Law is represented here by her e-mail, "out of the office until January 2, 2025". "But Words" insinuate the institution of "Belonging@Berkeley.edu" is still out of the office. And, getting paid with our budget/ Therefore, Stand Up And Quit. Once again, do US a favor and give your [job] to [Black]-As-Me. Can you write to this? Otherwise hang on as if you're standing on the tracks before the train. Hero..

Durr, Jasmine

From: Bingo Fantasy Football <foriamberkeley@yahoo.com>
Sent: Wednesday, February 19, 2025 5:33 AM
To: 4listens@kron4.com; Mora Tulian Gamondes; All Council; plicoiie@yahoo.com; Mayer, Tess
Subject: U C [B] THE EYEWITNESS NEWS 4 THE MAYOR'S OFFICE

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Play the expert witness, for the bay area. **LUXURY CONDOS** MARK THE LANDSCAPE ALL-AROUND BERKELEY-CALIFORNIA. Department Of Government Efficiency, wonder who can afford "those" units? Nobody. Imagine it's UC [B] $4 Billion budget. They claim an index of 23 other countries out America first. Berkeley-U brag "We Make California".. Meanwhile, all-society pays for their make, a budget deficit for everyone else. Imagine Berkeley is laughing at our expense. Get Smart.

Here the city of Berkeley's Mayor's Office is a partnership between Berkeley-University, shaking hands with the Chancellor. Strategic, Organizational, Leadership combined for **Absolute Power**. Now the city of Berkeley's Planning and Devolvement Department, profits. Learn there are cost associated with profits. Check Hass School Of Business. You See Berkeley does not pay its cost of goods sold. They assume **unfair business practices** by leveraging our "goodwill". They passes its cost on to US. Aiding-HOMELESSNESS, and my house is vibrating out of control, from 4am-4pm all day and night for years. Hear say, So-What.

Department Of Government Efficiency is necessary because U C [B] has run afoul of the law. With absolute power, they organize Leadership that control our outcomes. Therefore, add 110% tariff/tax, on those Luxury Condo, lease agreements, since they index 23 other countries. Use Berkeley's public records to identify the thousands of new building permits that mark, the cost of goods sold. [Pure] Discrimination makes my house vibrate, as it makes Homelessness, but for [B] to budget its profit.

Berkeley Planning & Development Department operate without regard for the safety of others-ME, but for the organizational strategy in concert with Berkeley-University-Cal. See: Exhibit-1, **my house's foundation is severely cracked**, and it continues to worsen. Exhibit-2 My Doctor's report claims distress, but for the fact my bed is rendered useless. Get the picture, and see my medication for "vibration syndrome".

BELONGING@BERKELEY.edu IS-FIXED TO **FAIR HOUSING AND EMPLOYMENT**, 7/11/16 Dana C. Johnson of **The EEOC** signed the letter for Debra Harrington, Labor Relations Director, **UNIVERSITY OF CALIFORNIA, BERKELEY.** "Notice Of Rights To Sue": **Equal Pay Act, and Title VII**. As I Am "Just" One Citizen. Berkeley-U filed its motion under oath, "So-What" pleading the Demurer, thus case dismissed. The gimmick "Sees" U C [B] is sworn in to the "good book", Bylaw21 The Respect And Civility Statement is a signed covenant. Now, Case No.: RG17865... is turned over to [Black] reparations for the State Of California DOJ Reparations Task Force. My case is given to the real land Lord, I do Your Honor. Recall PG&E pledged to "SPEAK UP"..

It took a tiny crack to let the rats in belonging@berkeley.edu. It's the week link using [dot-edu]. It's a government agency, "sees" malfeasance. It never pays for its cost of goods sold while laughing out loud. Let society pay for its cost. WAKE UP and read the SIGNS. Clear as day Berkeley-U struck

50,000 employees at cost, So-What. The Sign reads let society assumed the position for thy profits. Then the Hollywood writers went on strike following [B]. The act created a trend, or domino effect. "Sees" all employees going on strike. Still You See in 2025, Berkeley-U profits. "Berkeley Common".

You're Fired by the Department Of Government Efficiency shall be the only way. Berkeley will pay their cost of goods sold. They sell US, as we the people. MARGIN CALL.

Massive layoffs shall dump your retirement plan off wall street. That way U C [B] shall pay its share (in cash). Read the sign MARGIN CALL. Once your stocks are dumped. And your banks collapse again, this time there will be no bailout. Consumption, shall take your insurance agencies on the way. Then, and only then, will you see "your companies" are not fit to compete. They are exposed, like the tell, Bernie made off with billions, with a [B]. Hereafter the US [Black] population can buy stock in America. Real companies for their productivity.. So, you see [Black] start up capital, but for everyone. Thanks Chuck.

Now, let Berkeley pay its own building permits. MARGIN CALL. Read the sign, the helping hand is at Glide. And, the soup line is over here. The Facts: Strategic, Organizational, Leadership by the School Of Law at [B]. Put on the news as "trust". Belonging@Berkeley.edu.

[B] stands at the podium, talking with its pants down around its ankles. **REDRESS THE [BLACK] COMMUNITY**. Thus, in order to walk they must shuffle. Read the sign as reparations, say goodbye to UCLA. And, Say goodbye to USC. Then say why did Cal receive no votes applying to other conferences? With its pants down around its ankles, they shuffle belonging@berkeley.edu for the City Counsel in which we trust. [B], with its mouth wide open, the power of belonging, Cal begged its way to a closed door meeting. There Berkeley-U put US on the Eastern Seaboard ACC-Politics. Read the sign. [B] should move its campus to Virginia since they are the ACC. **Berkeley-U Sold US Out.** Keep laughing Champ, [B] created an opportunity for the HBCU's to move "right" in on campus.

Thank You Celebrity. Step into the marching bands. Yell, [B] Your Fired, otherwise Just Quit. .

Durr, Jasmine

From: Bingo Fantasy Football <foriamberkeley@yahoo.com>
Sent: Sunday, February 23, 2025 4:00 AM
To: BPD Webmail; All Council; Mora Tulian Gamondes; plicoiie@yahoo.com
Subject: PLEASE MAKE [23.414.040 Nuisances] POLICE REPORT

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

My name is Edward. I live on 10th Street, Berkeley, California. I need a documented [nuisance complaint/report]. My House is vibrating out of control for "YEARS" all day everyday from 4am to 4am. On a scale of 1-10 my house is vibrating at a [20]. And, It's 3am Sunday Morning.

Please provide a point of reference, for investigations to be used by Me-the victim, for insurance purposes. My house's foundation "spilt" as the vibration cracked my "slab". CSAA is my insurance carrier.

Chronic Medical Condition As The Victim-Me, now I have "vibration syndrome". I have permanent nerve damage, call my Primary Care Physician. My feet and legs twitch in pain on the floor, of my house. It vibrates from 4am to 4am every day, and night. (Who knows) the source of the vibration. I filed a report on 311, and never heard back. Next, I went to the Public Works Corporation Yard, Customer Service. "Celested" who I spoke with in person, said she can't tell the source of the vibration. Conclude, my house is vibrating out of control.

Sleep Deprivation, my bed is rendered useless, caused by my house is Vibrating.

Point Of Order-[23.414.040 Nuisances Prohibited]. 2. A violation of any City, state, or federal ordinance, law, or regulation: Construction is allowed from 7:00 am to 7:00 pm on weekdays, and 9:00 am to 8:00 pm on weekends and holidays. It's 3 am.

On Going, Time and Date Stamps The "Expert Witnesses": I called 311. E-mailed: belonging@berkeley.edu, council@berkeleyca.gov, hce@berkeleyca.gov.
Add, customerservice@cityofberkeley.info, and bha@berkeleyca.gov.

For, police@berkeleyca.gov please generate A-Report to reference: 1) my house's foundation split, 2) my medical condition worsens, twitching from "vibration syndrome", 3) sleep deprivation, and 4) point of order, Prohibited Nuisances. In Superior Court Of California, as the truth, I Do Your Honor. .

Durr, Jasmine

From: Bingo Fantasy Football <foriamberkeley@yahoo.com>
Sent: Saturday, February 22, 2025 4:27 AM
To: viewermail@newshour.org; Mora Tulian Gamondes; All Council; chancellor@berkeley.edu; plicoiie@yahoo.com
Subject: AN AMERICA REFRAMED AS UC[B] LEADERSHIP THE CORE-ORGANIZATION

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Imagine your house living with children. Imagine your house doesn't vibrate out of control, 24 hours a day, like mine. It's 4am. Imagine the health harms it causes the kids. Imagine Berkeley California Plans for UC[B] of billions in its budget. UC it "lubricates" the media, and show the way to reframe America by belonging@berkeley.edu. Read the sign "SEES", UC [B] index 23 other countries. Imagine what it feels like living in a house that vibrates to reframe out [Black]-As Me a US Citizen..

Imagine the "nerve damage", to me, caused by vibrating my house. It's called "vibration syndrome". Imagine your feet rest on the floor, and all you can do is twitch-involuntarily, in pain. Google: It's important to get medical care for a peripheral nerve injury as soon as possible. Yes, people can live with nerve damage, or peripheral neuropathy, but it can impact quality of life. Early diagnosis and treatment may prevent complications and permanent damage . Imagine all the doctor can do is prescribe pregabalin and gabapentin, on call, try those. Wonder how long you can continue taking drugs. But for what HE Said, STUPID PEOPLE.

I say an American Greed Scam, You See Berkeley. Imagine my college degree is superior to yours. PERIOD. And, you can't compete in the workplace perpetrating Stupid People. Means you compete with [Pure] Discrimination. You're-Fired at UC Berkeley. [B] has my college degrees in its personnel file. See them and challenge yourself. Why did UC Berkeley change its "brand"? To cover up the covenant? Read the seal, Let There Be Light? Done one better, UC [B] changed its brand once again to just [B]. Is that why HE called California, STUPID PEOPLE?

UC [B] organizational leadership, reframed an environment of Natural Selection, by selecting U,U,U, &U. Simply [B] hires more Stupid People as kissing, Belonging@Berkeley. Imagine you're so stupid you pay rent. However, imagine you live in a house that's not vibrating to show who's really stupid, As-Me. Imagine you don't suffer from prescription medicine, and you don't live in tents, by the sidewalk, by the park, or by the creek. Once organizational leadership [B], becomes homeless then they will bargain in "good faith" and beg the city as the news, save our [jobs]. But until then UC [B]: lectures, sings, and dances on YouTube, the power of belonging@berkeley.edu. The bonus sees them (dance) Bylaw21.

You See Berkeley aiding homelessness for everyone. [The Act] of the homeless reframe America out [Black]. **Housing was put in 1957 for [proper] segregation. That makes, Berkeley's City Planning culpable, therefore you see [B] as a minister for [The Act] Of [Homelessness]...**

Above the insults You're Fired laughing out loud at Me using absolute power for due process. UC-MGMT, Patrick Reedy simply writes [blah, blah, blah] is not credible. Moreover, it's nothing he can do about it. So keep laughing while Patrick, speaks for Everybody-U in 2025. Put in Superior Court Of California, now being fired is everyone's fait. Together with Ellen Lloyd, Director of Human Resources, and Debra Harrington, Director of Labor Relations, UC-MGMT reframed America in

goodwill-Bylaw21. Imagine that's what you voted for, "goodwill" see the Presidio as good faith for everybody else. Bargain with UC [B] who continues to make California" outcomes, laughing out loud,.

Patrick Reedy is so Stupid he wrote "core-competency" in abuse of discipline to say You're Fired. I warned him once, about the term "core-competency", but Stupid-As Patrick being smart wrote it three times. BINGO put it on the discipline. "Sees" I kept the treatment pristine, spiral-bind, and covered. 200 Pages, the book of UC-MGMT speaks in their own words. The evidence of Stupid People telling on themselves. We the people just need the court of jurisdiction. [Black] Reparations is such the court. Start Laughing [proper] it's continued in the School Of Law, belonging@berkeley.edu Engraved in, You Big Dummy-Patrick Reedy wrote, "Follow The Core-Competency Of UC Berkeley". Check Haas School Of Business. More-on. As if "core-competency" is **THE CENTER OF A TOOTSIE POP**. Warning-U, don't ever use the term "core-competency", PERIOD..

CORE-COMPETENCY MEANS SLAVERY. Check Mate. Game over start another game. Keep score it's four games to nothing.. CalTrans published a vibration manual, and the city of Berkeley never minds the nuisance laws. Read the manual. Vibrations has an effect on electronics. I called Comcast my TV keeps going out, just like in the old days. I must hit it to come back on, and that doesn't work. Without fail, it's the Super Bowl. And he's back to pass, then I get a blank screen, with the message "unusable signal ". Sees on movie night, you can count on the TV going out once the movie gets good. A blank screen flashes "unusable signal ". How obnoxious. So I got a new TV, just to find out the effects could be caused by my house is vibrating out of control.

In totality UC [B] reckoning my livelihood. Comcast said my connection is good by their equipment. ALL TOGETHER NOW, YELL SO-WHAT. It's just one [Black]-As, US Citizen, calling on reparations. . The new game is **Strike Bull's-Eye**, Case No.: CX.... Filed at UC [B] with Debra Harrington, labor relations. Play the game and change the term in the news from "good faith" to Unfair Business Practices 17000-17200 the core-competency of SLAVERY in California. UC-MGMT strategy of Organizational-Leadership that employ all California. And PATRICK REEDY wrote the discipline, for UC MGMT. By the rule of "Sees" Ellen Lloyd of Human Resources was compensated for supplying her skills. Delivered to Debra Harrington, under oath to help [B] achieve its business goal, a core-competency, You're Fired, laughing out loud, said I'm not credible. Here, say-you, read Stupid, As-Me, a [Black] US Citizen made by rule in 1868..

Durr, Jasmine **64**

From: Alexander (Alex) Merenkov <alexmerenkov@gmail.com>
Sent: Friday, February 21, 2025 11:40 AM
To: transportation; Taplin, Terry; Tregub, Igor
Cc: All Council; Manager, C
Subject: Removal of Ninth Street Bay Wheels Station

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Transportation Department,

I'm a Bay Wheels Bike share user. I use the Ninth and University station multiple times a week to access Berkeley Food Network and two other food pantries to survive in Berkeley(Good Shepherd Church and one other).

The impact of the removal of this Bay Wheels station earlier this week with no notice to the public means walking nearly half a mile across dangerous streets(University, Sixth) from either 4th and Delaware or Addison and Fourth stations. There are no other stations due to homeowner opposition. There already is almost no parking at stations in West Berkeley. It's really a bad system and experience.

Please find a way to restore and expand stations ASAP in West and North Berkeley so I can access the life line resources at the food pantries in West Berkeley from Downtown. It's incredibly oppressive.

It is already hard enough. It's really important that everyone recognize the impact of the removal of this station. It impacted other people they just don't have the agency I do to email you and complain.

It's not just a simple station removal it causes impacts for the most vulnerable and you should have given reasonable advanced notice (2 weeks or so) and mitigated the impacts to the community(had a temp station). It's totally unacceptable. Please follow up with me about when it will be restored.

Thank you.

Sincerely,

Alex S. Merenkov
alexmerenkov@gmail.com

From: transportation
Sent: Friday, February 21, 2025 4:29 PM
To: Alexander (Alex) Merenkov; Taplin, Terry; Tregub, Igor
Cc: All Council; Manager, C
Subject: RE: Removal of Ninth Street Bay Wheels Station

Hi Alex,

Thank you for your email. This Bay Wheels bike rack was moved back to its original location on 10th and University this week.

Please let me know if you have any other questions.

Best,

Sandra Sánchez
Administrative Assistant
Public Works, Transportation Division
1947 Center St., 4th Floor
Berkeley, CA 94704

From: Alexander (Alex) Merenkov <alexmerenkov@gmail.com>
Sent: Friday, February 21, 2025 11:40 AM
To: transportation <transportation@ci.berkeley.ca.us>; Taplin, Terry <ttaplin@berkeleyca.gov>; Tregub, Igor <ITregub@berkeleyca.gov>
Cc: All Council <council@berkeleyca.gov>; Manager, C <CManager@berkeleyca.gov>
Subject: Removal of Ninth Street Bay Wheels Station

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Transportation Department,

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The impact of the removal of this Bay Wheels station earlier this week with no notice to the public means walking nearly half a mile across dangerous streets(University, Sixth) from either 4th and Delaware or Addison and Fourth stations. There are no other stations due to homeowner opposition. There already is almost no parking at stations in West Berkeley. It's really a bad system and experience.

Please find a way to restore and expand stations ASAP in West and North Berkeley so I can access the life line resources at the food pantries in West Berkeley from Downtown. It's incredibly oppressive.

It is already hard enough. It's really important that everyone recognize the impact of the removal of this station. It impacted other people they just don't have the agency I do to email you and complain.

It's not just a simple station removal it causes impacts for the most vulnerable and you should have given reasonable advanced notice (2 weeks or so) and mitigated the impacts to the community(had a temp station). It's totally unacceptable. Please follow up with me about when it will be restored.

Thank you.

Sincerely,

Alex S. Merenkov
alexmerenkov@gmail.com

Thomsen, Rose

66

From: Lolita Brewster <brewster24184@gmail.com>
Sent: Thursday, February 20, 2025 7:53 AM
To: All Council
Subject: Speed bumps

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi,

Has a calming traffic engineer been hired. Waiting 2 years for a speed bump on Ordway between Gilman and Posen. I hope no one gets killed in the meantime.
Talk about lack of action.

Marshal Brewster
Sent from my iPad

Durr, Jasmine

67

From: TAM Support Team <admins@tamsupport.com>
Sent: Wednesday, February 19, 2025 12:58 PM
To: All Council
Subject: Meeting Request – Expanding BOTTLEBANK Smart Bin Recycling in Berkeley

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and Councilmembers,

I hope this email finds you well. I'm reaching out on behalf of **Our Planet Recycling** and the **BOTTLEBANK Smart Bin** team to introduce an innovative approach to CRV redemption that makes recycling more convenient, accessible, and family-friendly for residents.

BOTTLEBANK's **Smart Bin technology** modernizes the recycling process by providing a **secure, automated, and hassle-free way** for residents to redeem their California Redemption Value (CRV) deposits. Our system is designed to:

- ✅ **Improve local recycling rates** and support California's environmental goals
- ✅ **Provide a family-friendly, easy-to-use solution** for residents
- ✅ **Reduce barriers to redemption** by making CRV return more accessible
- ✅ **Enhance sustainability efforts** in partnership with local governments

We are actively exploring opportunities to **expand Smart Bin operations** into new jurisdictions and would love to meet with you to discuss how this program could benefit Berkeley. Your insights would be invaluable as we work to ensure this solution aligns with the needs of your community.

Would you be available for a brief meeting in the next week or so? We would greatly appreciate the opportunity to introduce ourselves, share details about our expansion plans, and get your feedback. Please let us know a time that works for you.

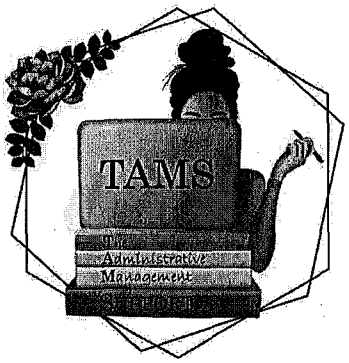
Looking forward to the conversation and the possibility of working together to bring a better recycling experience to Berkeley!

Best regards,

Tammy E. Apple

On behalf of Our Planet Recycling & BOTTLEBANK Smart Bin

Administrative Assistant
Phone: (916) 342-3243
www.TAMSupport.com


TAMS
Administrative
Management

Durr, Jasmine **68**

From: Rebecca Levenson <rebecca@rebeccalevenson.com>
Sent: Sunday, February 16, 2025 10:55 AM
To: Berkeley Mayor's Office; All Council; boardofed@berkeley.net
Cc: Yorda Weldeghiorgis; Safety Committee BUSD; Jennifer Shanoski; Rhonda Jefferson; Lila Hallward; Walter Mitchell; Guananja, Lino; Chiara Hyman; Pushpinderjeet Kaur; John Calise; Debbie Taylor; Josh Austin; Jasmina Viteskic; Cornelius Smith; yasmingarret@berkeley.net; Weldon Bradstreet; May, Keith; Daniel Frydman; KeldonClegg@berkeley.net; Michelle Wolfson; Asia Evans; Phillip Shelley; Vicki Davis; Nicole Chabot; Maria McLaughlin
Subject: 2x2 committee meeting -- February 19th hybrid meeting 3:30 pm encampment on the docket formal request to amend agenda

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

37

Rashi Kesarwani
Councilmember, District 1

ACTION CALENDAR
September 10, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author) and Councilmember Susan Wengraf (Co-Sponsor)

SUBJECT: Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code

RECOMMENDATION

Adopt a resolution affirming that the City of Berkeley will continue to offer interim housing (i.e., a shelter offer, with a preference for non-congregate options) when closing encampments, in accordance with the City's existing "Housing First" approach[1] and best practices guidance from the federal government. In order to account for nuanced health and safety situations, the resolution allows for six specific exceptions to this practice, based on City staff experience.

Offering shelter and housing to homeless individuals is considered a best practice, according to the United States Interagency Council on Addressing Homelessness.[2] It will continue to be the City's practice to make shelter offers whenever practicable and to invest in more shelter options. However, in the event that the City cannot make a shelter offer, then the City Manager is nonetheless authorized to enforce, including the use of citation and arrest, only under the following circumstances:

- The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire Code, Berkeley Municipal Code (BMC) Chapter 19.48; or
- The Environmental Health Division of the Health, Housing and Community Services Department has determined that the encampment poses an imminent health hazard as defined in BMC section 11.36.030; or

[1] Arreguin, Jesse, Joining the House America Initiative that adopts a Housing First approach in accordance with the federal government, July 12, 2022, Consent Calendar Council item, unanimously approved, https://berkeleyca.gov/sites/default/files/documents/2022-07-12%20Item%2013%20Joining%20the%20House%20America%20Initiative.pdf

[2] United States Interagency Council on Addressing Homelessness: 7 Principles for Addressing Encampments, June 17, 2022: https://www.usich.gov/sites/default/files/document/Principles_for_Addressing_Encampments_1.pdf

Dear all, you can see from the agenda, the plan for public comment is five minutes.

Given the real risks associated with the homeless encampment, I am advocating for extending public comment time given the immediacy of the issue -- with 5 minutes per issue outlined in the agenda such that the community can be heard.

I am also requesting that an additional line item be added to the agenda, which is an additional safety resource officer for Berkeley high school, this is a follow up from the 2021 special task force looking at the desire for additional SROs. The desire for additional SROs was both distinct and clear.

Why does this matter right now?

As many of you know, Berkeley unified school District is looking at an eight to $9 million budget cut in the 2025/2026 school year.

Having an additional officer not only is in keeping with what our 2021 task force found to be strongly preferred, but it also fits with the risks associated over the last many months with the homeless encampment and the fact BUSD has zero dollars for additional supports or security. So this is a no brainer from a BUSD budget perspective.

Given that the Safety Resource Officer at Berkeley high is in fact, an essential 2 x 2 committee question and that there was no real opportunity to public input into this agenda this is a formal request to amend the current agenda as we have more the 72 hours prior to the meeting as of now to do this.

Thank you for all you do and meaningfully considering these requests.

Kind regards, Rebecca

Rebecca Levenson Consulting
she/her/hers
415 786-2084

On Feb 12, 2025, at 9:02 AM, Maria McLaughlin <mmclaughlin@igc.org> wrote:

Thank you, Rebecca, for your advocacy on behalf of our community and especially our children.

I second Rebecca's motion for a discussion on adding these items to the Safety Plan:

- BHS will advocate for city policy to not allow encampments within 500 feet of Berkeley High School
- BHS should request a second School Resource Officer to be assigned to Berkeley High School (following the recommendation of the 2021 Re-imagining the SRO Steering Committee) 2021 Re-imagining the SRO Steering Committee

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Thank you,

Maria McLaughlin
member of BHS Safety Committee

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Hi Yorda,

I have a new section that I want us to add to the boiler plate safety plan which has to do with homeless encampments next to schools.

As you may know, there was a new city of Berkeley unhoused policy that was passed in the fall that allows Berkeley to remove encampments when they are public nuisance or health threat.

By definition, it is a public safety issue to have a homeless encampment directly across the street from 4000 children (BHS and Washington elementary).

Our big picture recommendation to the city is that they reevaluate where they're choosing to spend money at this point. Currently there is a thoughtful housing first policy action plan for the Harrison 6th street encampments -- we are advocating to shift that programming and staffing to address the homeless encampment at Berkeley high with care and supports to support the folks across from the school and to ensure that our students are safer immediately.

For Berkeley high school Safety plan, the vision is to create a section that says as a complement to recent city policy changes to addressed unhoused populations that we are applying the language of the policy to bolster the safety of our students at BHS.

Encampments near schools come with safety issues, public nuisance issues, and health threats thus there are to be no homeless encampments within 500 feet of Berkeley high school. (This should be replicated for every single school site in BUSD)

Because this is a city matter and the school district does not have the authority to clear encampments BUSD does not have to pay for it, there are no dollars associated on our budget since this is a city park.

If we put this into our policy, then it allows us to leverage supports needed to clear the encampment and keep it clean because we've told the state of California this is what we're doing to keep our students safer.

In addition to this, we could have a second SRO at Berkeley high right now. This is something BUSD wanted in 2021. I think the powers that we were surprised by the outcome of the task force. They expected the goal to get rid of all police officers associated with Berkeley high and in fact it was the opposite. With An 8 to $9 million budget coming to BUSD This makes absolute sense from a financial perspective and Safety perspective

Background:

In 2021, the Reimagine the SRO task force, a multidisciplinary group comprised of School Resource Officers (SROs), School Officers (SOs), parents, students, Berkeley High School (BHS) teachers, Berkeley Unified School District (BUSD) Teacher Support Assistants (TSAs), the BTA Principal, the BHS Vice Principal, and the BUSD Dean of Student Services, conducted a comprehensive review of school safety practices, focusing on the role of the SRO. This work culminated in

a 45-minute discussion and a nine-page presentation delivered to the BUSD School Board on April 21, 2021. A key recommendation within this presentation was the addition of an SRO position.

The intent behind this additional SRO was to facilitate proactive relationship-building among students, staff, and the broader community. The goal was to shift the SRO role from a reactive posture within a student body of 3,200 to one of proactive engagement. This envisioned engagement included relationship development, guest speaking in classes, regular visits to all Unit Offices (U9's), community outreach, engagement with local 8th-grade middle school students, participation in classroom environments, and attendance at sporting events.

Regrettably, in the 4 years since these recommendations BUSD has not moved forward with an additional SRO but multiple incidents have occured on BHS campus including 2 students found carrying guns found on BHS less than 2 months ago.

The other thing we should consider to put in our policy is that given we have the ability to have a second police officer on our campus who could help keep the encampment at bay help support, broader prevention efforts, perhaps even extending to the middle schools we say something in the policy like:

"when there are free city resources like additional SROs available to promote safety at BHS we will absolutely make it a priority that those positions are filled and supported in student centered trauma informed ways to integrate seamlessly into our school."

Officer Lino please correct me if I'm wrong, but I believe we went over this in a meeting if not this last time the time before an additional officer was possible and had at one point planned for.

I believe it's in the purview of the safety committee to request that a second safety resource officer be obtained from Berkeley police department. And if it's not us, I would like to know who it is.

Other cities have done very specific work to make sure that students are safer. this is something I'm going to be taking up with the 2 x 2 committee.

Please find below information on ordinances enacted by several cities to address this issue.

- **San Diego**: The "Unsafe Camping Ordinance," approved in June 2023, prohibits encampments on public property and codifies how, when, and where the city may abate or conduct enforcement related to violations of the regulations. Enforcement of the ordinance began on July 31, 2023.https://www.sandiego.gov/police/services/neighborhood-policing-division/unsafe-camping

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- **Los Angeles**: In August 2022, the Los Angeles City Council approved an ordinance prohibiting homeless encampments within 500 feet of schools and daycare centers.https://californiaglobe.com/fl/la-bans-homeless-camps-near-schools-while-sacramento-prohibited-from-removing-homeless-on-public-property/

These measures aim to balance compassion for unhoused individuals with the imperative to protect students and maintain safe educational environments. Individuals who have been offered housing yet

choose to remain in encampments should do so beyond 500 feet of schools or parks. The primary focus must be on ensuring the safety of our children.

I'm requesting an additional meeting to focus on these specific areas or if you don't think a meeting is possible then I'm going to request We review a draft of these two proposals as part of the overall read on the 18th.

Thoughts, concerns, ideas?

I realize I'm pushing.

I wake up every day and think about what it feels like to have been grabbed by someone
In homeless encampment on your way to school and report it. Then Learn that the person who grabbed you only needs to be 100 yards away from you and your school and that the source of your harm remains.

What does that say to our student?

I wonder if it means she's skipping more school because she doesn't want to walk by the park. I wonder if she's having difficulty concentrating or sleeping I wonder if she's vaping more or using substances because she is having a hard time managing her anxiety.

When folks are in trauma, what they remember is how they were made to feel. The boiler plate means Jack to her.

I think we have a choice to make and I think it's a moral one. I understand that the boiler plate is a requirement for the state of California. That's not my beef.

My beef is we have children who are being hurt groped, screamed at Katcalled made to feel afraid and we could make it stop.

I believe in us and I believe this is absolutely something to solve for in this moment with this group of people.

Proud to be in community with you.

Warmly, Rebecca

Berkeley
PUBLIC SCHOOLS
Excellence • Equity • Engagement • Enrichment

2x2 Committee Meeting Agenda
Berkeley Unified School District &
Berkeley City Council

February 19, 2025
1005 Parker Street
Berkeley, CA 94710
Hybrid Option:
Zoom Link
Webinar ID: 861 6316 4909
Password: 126949
3:30 - 4:30 PM

Committee Members:

Berkeley Unified School District	Berkeley City Council
Ka'Dijah Brown, BUSD Board President	Councilmember Terry Taplin
Jennifer Shanoski, BUSD Board Vice-President	Councilmember Shoshana O'Keefe

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54653. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Dee Williams-Ridley, City Manager, at 981-7000.

The Berkeley Unified School District intends to provide reasonable accommodations in accordance with the Americans with Disabilities Act of 1990. If a special accommodation is desired, please call the Superintendent's Office 48 hours prior to the meeting at 510-644-6206

El Distrito Escolar Unificado de Berkeley tiene la intención de proporcionar adaptaciones especiales en conformidad con el Americans with Disabilities Act of 1990 (Ley de Americanos con Discapacidades de 1990). Si usted desea una adaptación especial, por favor comuníquese con el personal de la Oficina del Superintendente 48 horas antes de la reunión al 510-644-6206.

Rebecca Levenson Consulting
she/her/hers
415 786-2084

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Hello Safety Committee,

In our next Safety Committee meeting we will have an action item, the school safety plan, that requires a vote. In order to vote we will need to meet quorum, meaning at least half of the committee plus 1 of the total number of members. My hope is of course that all members are present and able to vote.

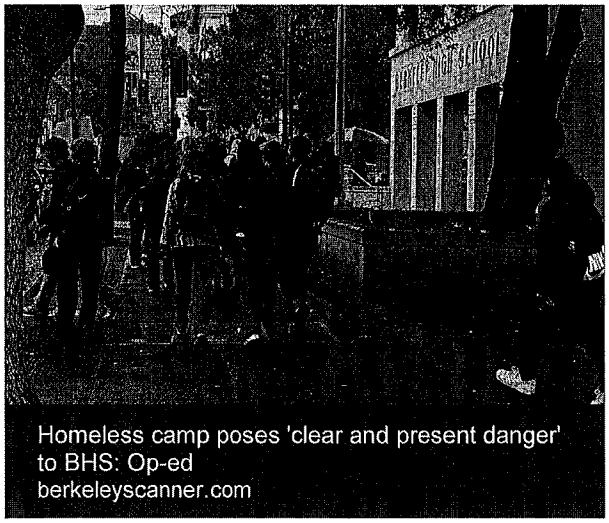
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--
Best,
Yorda Weldeghiorgis
Dean of Students
Berkeley High School

Durr, Jasmine

From: Rebecca Levenson <rebecca@rebeccalevenson.com>
Sent: Tuesday, February 18, 2025 9:56 AM
To: Berkeley Mayor's Office; All Council; boardofed@berkeley.net
Cc: Yorda Weldeghiorgis; Safety Committee BUSD; Jennifer Shanoski; Rhonda Jefferson; Lila Hallward; Walter Mitchell; Guananja, Lino; Chiara Hyman; Pushpinderjeet Kaur; John Calise; Debbie Taylor; Josh Austin; Jasmina Viteskic; Cornelius Smith; yasmingarret@berkeley.net; Weldon Bradstreet; May, Keith; Daniel Frydman; KeldonClegg@berkeley.net; Michelle Wolfson; Asia Evans; Phillip Shelley; Vicki Davis; Nicole Chabot; Maria McLaughlin
Subject: Please read Scanner Op Ed and still waiting to hear about 2x2 committee meeting -- February 19th hybrid formal request to amend agenda!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.



On Feb 16, 2025, at 10:55 AM, Rebecca Levenson <rebecca@rebeccalevenson.com> wrote:

<preview.png>
February 19 2x2 Meeting Agenda and Minutes
PDF Document · 232 KB

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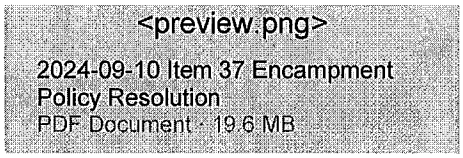
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415 786-2084

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I have attached the plan so that you can review it prior to our vote.

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Best,
Yorda Weldeghiorgis

Durr, Jasmine

From: Jennie Hicks <jennielara@yahoo.com>
Sent: Tuesday, February 18, 2025 9:20 PM
To: All Council; boardofed@berkeley.net; Blackaby, Brent
Cc: Ian Wulfson
Subject: Important Cragmont Elementary traffic concerns (info for tomorrows 2 by 2 meeting)

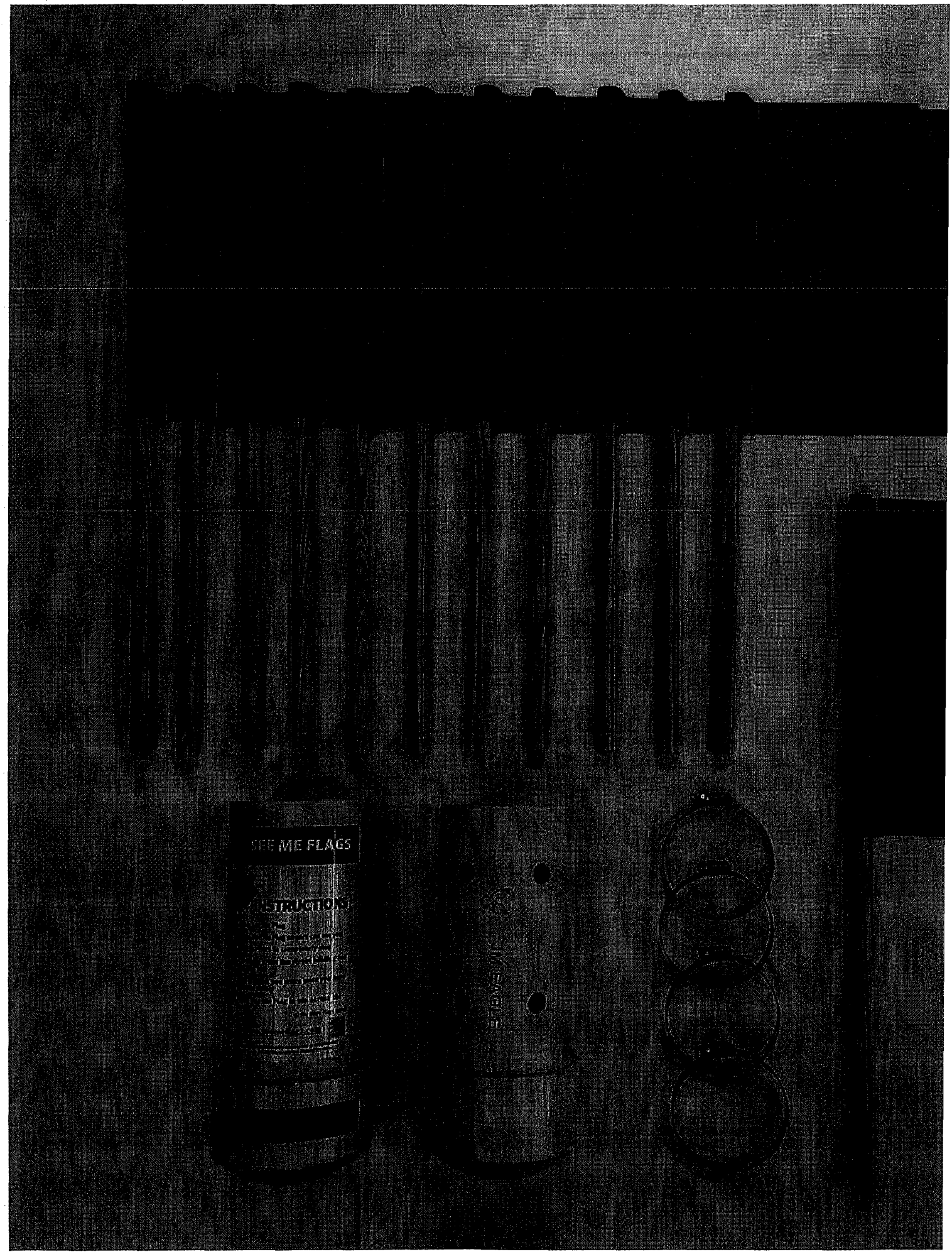
WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley City Counsel and BUSD Board Members,

We're writing as concerned Cragmont Elementary parents regarding the unsafe traffic conditions for kids and families who walk to Cragmont Elementary. We are so grateful to live in the neighborhood and be able to walk to school, as do many other families we know, however many of us feel that the crosswalk at Marin Ave and Cragmont Ave is dangerous and needs to be addressed to increase safety.

We are grateful for the crossing guards who are there in the morning, and at the 3:15pm pick up time, however for those who have kids in TK or Kindergarten their kids get out at 2:15pm and it feels especially dangerous to cross Marin at Cragmont Ave at that time without a crossing guard. Even with the crossing guard, it feels like a dangerous street to cross, with cars speeding above the speed limit. When the crossing guard isn't there cars often don't stop, in addition to their speeding by, which makes our family and other families feel unsafe.

The "your speed" sign near that crosswalk is broken and needs to be fixed. Many families also feel that installing "flashing pedestrian crossing signs" or "flashing crosswalk beacons" would be very helpful at increasing safety. We feel that would make a tremendous difference in increasing our sense of safety. In the meantime there should at least be some crosswalk flags available on each side of the street for kids and families to use to increase safety when they cross. Here is an example of those:


SEE ME FLAGS

Thank you so much for hearing our concerns. We truly appreciate all you can do to make it a safer environment for the kids and families attending Cragmont Elementary.

Thanks,
Jennie Hicks & Ian Wulfson
(Parents of a child in TK at Cragmont Elementary)

Durr, Jasmine **70**

From: Sasha Courtade <sasha.courtade@gmail.com>
Sent: Friday, February 14, 2025 3:33 PM
To: All Council
Subject: Expanding City of Berkely Aftercare and Transit for Fall 2025

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley Council members,

I'm writing to thank Terry Taplin and Shoshana O'Keefe for their work expanding City aftercare with BUSD via the 2x2 meetings, and look forward to attending the next meeting on 2/19. I'm also writing to urge the council to prioritized this effort to have funding and logistics arranged for the Fall 2025 school year.

Berkeley Unified School District (BUSD) has invested effort over many years towards their long-term goal for aftercare improvements/expansion (see 2017- 2019 Extended Learning Taskforce and ongoing efforts). Progress continues, but budget and resource constraints limit fast solutions.

This isn't just a BUSD issue, it's also a city issue. The shortage of after-school childcare creates significant challenges. Parents are forced to leave work early daily to transport or care for children or to individually hire babysitters. This leads to stress, lost productivity, and economic strain. Children too young to be home alone may end up with unsafe or inconsistent supervision. Schools feel the impact with late pickups, stretched resources. Increased availability of quality programs will provide more Berkeley kids with structured activities, homework support, and safe social time with friends. Families experience less daily stress, businesses benefit from a more stable workforce, and schools can focus on education rather than after-hours logistics. Investing in after-school programs strengthens community connections with the city and the school.

I was excited to hear the CoB and BUSD are already working towards expansion of the City of Berkeley after school programs, along with solutions for transportation issues. The city already has in place the people and skills and facilities to run affordable and well regarded aftercare programs, and should expand to the maximum extent. Making available the current capacity to expand City programs by 100 students (October 2024 2x2 BUSD/CoB meeting) would be a big help. Supporting the transportation needs is also necessary. I urge the City Council to prioritize these ongoing efforts for Fall 2025 implementation.

In the longer term, the City should continue this collaboration with BUSD, with a long term vision of universal aftercare availability (as in Los Angeles USD) for all Berkely families (market rate with a sliding scale). Universal aftercare availability is necessary in order for Berkeley to be a family-friendly city.

Best,
Sasha Courtade, District 6

Durr, Jasmine **71**

From: Kellie Stoddart <kellie.stoddart@gmail.com>
Sent: Wednesday, February 19, 2025 11:19 AM
To: All Council
Subject: Publicize Effects of Budget Cuts & Layoffs

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please hold a rally, public meeting, or online town hall so that Berkeley residents can tell the stories of what is really being cut – not waste and fraud but vital services to our veterans, special education students, cancer research, and shrinking markets for farmers. It would be great to hear from UC Berkeley personnel about how this is affecting them. Town and gown are linked after all. Trump and Musk are inflicting pain on everyday Americans in the name of efficiency. Why? Is it really so that the rich pay less in taxes or are they doing it to please Putin. The American people are not the enemy. Please use your platform to tell their stories to help build support to counter these measures. Afterwards, perhaps council members could issue a condemnation of these federal actions that are impacting so many here locally.

Durr, Jasmine **72**

From: ianleipper <ianleipper@proton.me>
Sent: Saturday, February 15, 2025 12:15 PM
To: AC-OCAP@oaklandca.gov; jpatton@oaklandca.gov; pgerard@oaklandca.gov; eburton@oaklandca.gov; GMinor@oaklandca.gov; lAppleyard@oaklandca.gov; homelessness@oaklandca.gov; nbalram@oaklandca.gov; tblack@oaklandca.gov; kaugust@oaklandca.gov; kgonzales@oaklandlibrary.org; MCOA@oaklandca.gov; adaprograms@oaklandca.gov; ofcy@oaklandca.gov; lhcustomerservice@oakha.org; dfjones@oaklandca.gov; OWDB@oaklandca.gov; stiras@oaklandca.gov; pjones2 @oaklandca.gov; kwoo@oaklandca.gov; youthcommission@oaklandca.gov; LStewart@paramounttheatre.com; publiccomments2prac@oaklandca.gov; jbellow@oaklandca.gov; oaklandplanningcommission@oaklandca.gov; KZaremba@oaklandca.gov; OpenData@oaklandca.gov; All Council; Berkeley Mayor's Office; Kesarwani, Rashi; Taplin, Terry; Bartlett, Ben; Harrison, Kate; Hahn, Sophie; Wengraf, Susan; Robinson, Rigel; Humbert, Mark; AffordableHousing; Health, Housing & Community Services; Senior Disabled Rehabilitation Loan Program; AnimalServices; Customer Service; ADAMailbox; Customer Service Counter; HCI; vital records; transportation; Civic Arts; City of Berkeley COVID-19 Information; Public Health Officer Unit; OES; Public Health Mailbox; Wild Fire; OED (Office of Economic Development); Business License; Environmental Health Division; Ancheta, Lino; realproperty@cityofberkeley.info; purchasingmailbox; FinanceMailbox; Recreation; specialevents; Berkeley Fire Department; BFD Fire Prevention; Murray, Ryan P; Shared Mobility Program; BESO; sustainabilitymailbox; ShelterPlusCareProgram; MWO; HR; YouthWorks; Landmarks Preservation Commission; Planning Dept. Mailbox; retrofitgrants; ShortTermRental; MentalHealth; Mental Health Internship; Klatt, Karen; Camps; T1; Nature Center; City of Berkeley Urban Forestry; Parks Division; marinainbox; Building and Safety; permits; PW PSL Program; BPD PIO; Office of the Director of Police Accountability; BPD Webmail; Police Records Bureau; City of Berkeley Communicable Disease Program; hhcsdoc; Quit, Now; WIC Program; HR@harrisburgpa.gov; info@harrisburgpa.gov; officeofthechief@harrisburgpa.gov
Subject: Fw: Civil Action Petition - Ian A. Leipper - 02/15/2025
Attachments: 20220603102659242 (1).pdf; Janet Farhie M.D. Trauma Medical Letter.jpg; Lifestyle Prescription.pdf; Lifestyle Prescription Prima Medical Group.pdf; final_bhrs_description_of_services_20-21_9.14.2020.pdf; Ian A. Leipper Birth Certificate Front.jpg; Ian A. Leipper Birth Certificate Back.jpg

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From: ianleipper <ianleipper@proton.me>
Date: On Saturday, February 15th, 2025 at 12:14 PM
Subject: Fw: Civil Action Petition - Ian A. Leipper - 02/15/2025
To: jrichardson2@oaklandca.gov <jrichardson2@oaklandca.gov>, jgarcia@oaklandca.gov <jgarcia@oaklandca.gov>, cvelasquez@oaklandca.gov <cvelasquez@oaklandca.gov>, wwirt@oaklandca.gov <wwirt@oaklandca.gov>, mrojo@oaklandca.gov <mrojo@oaklandca.gov>, tha@oaklandca.gov <tha@oaklandca.gov>, ratkinson@oaklandca.gov <ratkinson@oaklandca.gov>, gibarra@oaklandca.gov <gibarra@oaklandca.gov>, tpicot@oaklandca.gov

<tpicot@oaklandca.gov>, cscyphers@oaklandca.gov <cscyphers@oaklandca.gov>, dbrown2@oaklandca.gov <dbrown2@oaklandca.gov>, bwan@oaklandca.gov <bwan@oaklandca.gov>, sgunari@oaklandca.gov <sgunari@oaklandca.gov>, rwalker@oaklandca.gov <rwalker@oaklandca.gov>, jwimbish@oaklandca.gov <jwimbish@oaklandca.gov>, tcampbell@oaklandca.gov <tcampbell@oaklandca.gov>, lgunari@oaklandca.gov <lgunari@oaklandca.gov>, dhilton@oaklandca.gov <dhilton@oaklandca.gov>, aleighton@oaklandca.gov <aleighton@oaklandca.gov>, pon@oaklandca.gov <pon@oaklandca.gov>, dsilva-rodriguez@oaklandca.gov <dsilva-rodriguez@oaklandca.gov>, bstanley@oaklandca.gov <bstanley@oaklandca.gov>, kwong-russell@oaklandca.gov <kwong-russell@oaklandca.gov>, cpayne@oaklandca.gov <cpayne@oaklandca.gov>, rlind@oaklandca.gov <rlind@oaklandca.gov>, bmarvin@oaklandca.gov <bmarvin@oaklandca.gov>, pvollmann@oaklandca.gov <pvollmann@oaklandca.gov>, ctan@oaklandca.gov <ctan@oaklandca.gov>, habdur-rasheed@oaklandca.gov <habdur-rasheed@oaklandca.gov>, lkaminski@oaklandca.gov <lkaminski@oaklandca.gov>, alieberworth@oaklandca.gov <alieberworth@oaklandca.gov>, calvin@oaklandca.gov <calvin@oaklandca.gov>, dfindley@oaklandca.gov <dfindley@oaklandca.gov>, jwinter@oaklandca.gov <jwinter@oaklandca.gov>, khaynes@oaklandca.gov <khaynes@oaklandca.gov>, lrajagopalan@oaklandca.gov <lrajagopalan@oaklandca.gov>, mjohannessen@oaklandca.gov <mjohannessen@oaklandca.gov>, rfilipau@oaklandca.gov <rfilipau@oaklandca.gov>, sskelton@oaklandca.gov <sskelton@oaklandca.gov>, rmerkamp@oaklandca.gov <rmerkamp@oaklandca.gov>, hklein@oaklandca.gov <hklein@oaklandca.gov>, ngray@oaklandca.gov <ngray@oaklandca.gov>, sprice@oaklandca.gov <sprice@oaklandca.gov>, gqwan@oaklandca.gov <gqwan@oaklandca.gov>, dthai@oaklandca.gov <dthai@oaklandca.gov>, lmorton@oaklandca.gov <lmorton@oaklandca.gov>, kinanli@oaklandca.gov <kinanli@oaklandca.gov>, cdunaway@oaklandca.gov <cdunaway@oaklandca.gov>, dfrench@oaklandca.gov <dfrench@oaklandca.gov>, dallison@oaklandca.gov <dallison@oaklandca.gov>, amendoza@oaklandca.gov <amendoza@oaklandca.gov>, dlindsey@oaklandca.gov <dlindsey@oaklandca.gov>, cwong@oaklandca.gov <cwong@oaklandca.gov>, KSuttle@oaklandca.gov <KSuttle@oaklandca.gov>, JAWatson@oaklandca.gov <JAWatson@oaklandca.gov>, ethicscommission@oaklandca.gov <ethicscommission@oaklandca.gov>, RMicik@oaklandca.gov <RMicik@oaklandca.gov>, CHill@oaklandca.gov <CHill@oaklandca.gov>, APerteet@oaklandca.gov <APerteet@oaklandca.gov>, FUpton@oaklandca.gov <FUpton@oaklandca.gov>, sdoran@oaklandca.gov <sdoran@oaklandca.gov>, jkillings@oaklandca.gov <jkillings@oaklandca.gov>, alarafranco@oaklandca.gov <alarafranco@oaklandca.gov>, srussell@oaklandca.gov <srussell@oaklandca.gov>, cking-bailey@oaklandca.gov <cking-bailey@oaklandca.gov>, dre@oaklandca.gov <dre@oaklandca.gov>, jlarrainzar@oaklandca.gov <jlarrainzar@oaklandca.gov>, dflynn2@oaklandca.gov <dflynn2@oaklandca.gov>, asallen@oaklandca.gov <asallen@oaklandca.gov>, oaklandDVP@oaklandca.gov <oaklandDVP@oaklandca.gov>, gkillens@oaklandca.gov <gkillens@oaklandca.gov>, sgallaread@oaklandca.gov <sgallaread@oaklandca.gov>, crwalters@oaklandca.gov <crwalters@oaklandca.gov>, kdillon@oaklandca.gov <kdillon@oaklandca.gov>, kgrant@oaklandca.gov <kgrant@oaklandca.gov>, lhaywood@oaklandca.gov <lhaywood@oaklandca.gov>, dguillory@oaklandca.gov <dguillory@oaklandca.gov>, kkilgore@oaklandca.gov <kkilgore@oaklandca.gov>, jargueta@oaklandca.gov <jargueta@oaklandca.gov>, emena@oaklandca.gov <emena@oaklandca.gov>, jdjimenez@oaklandca.gov <jdjimenez@oaklandca.gov>, rsantiago2@oaklandca.gov <rsantiago2@oaklandca.gov>, sserin-christ@oaklandca.gov <sserin-christ@oaklandca.gov>, jlinchey@oaklandca.gov <jlinchey@oaklandca.gov>, mwang@oaklandca.gov <mwang@oaklandca.gov>, cces@oaklandca.gov <cces@oaklandca.gov>, mmayberry@oaklandca.gov <mmayberry@oaklandca.gov>, jdumas@oaklandca.gov <jdumas@oaklandca.gov>, sdarensburg@oaklandca.gov <sdarensburg@oaklandca.gov>, rsanmiguel@oaklandca.gov <rsanmiguel@oaklandca.gov>, vinman@oaklandca.gov <vinman@oaklandca.gov>, shang@oaklandca.gov <shang@oaklandca.gov>, mberens@oaklandca.gov <mberens@oaklandca.gov>, enettles@oaklandca.gov <enettles@oaklandca.gov>, tdotson@oaklandca.gov <tdotson@oaklandca.gov>, ljjones@oaklandca.gov <ljjones@oaklandca.gov>, dmunoz@oaklandca.gov <dmunoz@oaklandca.gov>, ppeav@oaklandca.gov <ppeav@oaklandca.gov>, mdelatorre@oaklandca.gov <mdelatorre@oaklandca.gov>, DHort@oaklandca.gov <DHort@oaklandca.gov>

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------- Forwarded Message -------
From: ianleipper <ianleipper@proton.me>
Date: On Saturday, February 15th, 2025 at 12:13 PM
Subject: Fw: Civil Action Petition - Ian A. Leipper - 02/15/2025
To: loanservicing@oaklandca.gov <loanservicing@oaklandca.gov>, oaklandhsdRFQ@oaklandca.gov <oaklandhsdRFQ@oaklandca.gov>, ITDquestions@oaklandca.gov <ITDquestions@oaklandca.gov>, oig@oaklandca.gov <oig@oaklandca.gov>, mphillips@oaklandca.gov <mphillips@oaklandca.gov>, landerson@oaklandca.gov <landerson@oaklandca.gov>, smorris@oaklandca.gov <smorris@oaklandca.gov>, kgums2@oaklandca.gov <kgums2@oaklandca.gov>, msanchez4@oaklandca.gov <msanchez4@oaklandca.gov>, EANSWERS@oaklandlibrary.org <EANSWERS@oaklandlibrary.org>, parksandrec@oaklandca.gov <parksandrec@oaklandca.gov>, emanasse@oaklandca.gov <emanasse@oaklandca.gov>, cragland@oaklandca.gov <cragland@oaklandca.gov>, mdavis2@oaklandca.gov <mdavis2@oaklandca.gov>, cmanusopc@gmail.com <cmanusopc@gmail.com>, jfearnopc@gmail.com <jfearnopc@gmail.com>, tlimon.opc@gmail.com <tlimon.opc@gmail.com>, SShiraziOPC@gmail.com <SShiraziOPC@gmail.com>, vsugrueopc@gmail.com <vsugrueopc@gmail.com>, jrenkopc@gmail.com <jrenkopc@gmail.com>, rjonesopc@gmail.com <rjonesopc@gmail.com>, marcusjohnson.lpab@gmail.com <marcusjohnson.lpab@gmail.com>, timm@mithun.com <timm@mithun.com>, chrisrandrews@sbcglobal.net <chrisrandrews@sbcglobal.net>, benfu.oakland@yahoo.com <benfu.oakland@yahoo.com>, aolenci@gmail.com <aolenci@gmail.com>, craigr@seradesign.com <craigr@seradesign.com>, ssmith@oaklandca.gov <ssmith@oaklandca.gov>, mbellomo@oaklandca.gov <mbellomo@oaklandca.gov>, mearly@oaklandca.gov <mearly@oaklandca.gov>, mhamidi@oaklandca.gov <mhamidi@oaklandca.gov>, chanif@oaklandca.gov <chanif@oaklandca.gov>, shanif@oaklandca.gov <shanif@oaklandca.gov>, tjull@oaklandca.gov <tjull@oaklandca.gov>, alu@oaklandca.gov <alu@oaklandca.gov>, vmendoza@oaklandca.gov <vmendoza@oaklandca.gov>, apalma@oaklandca.gov <apalma@oaklandca.gov>, asilva-rodriguez@oaklandca.gov <asilva-rodriguez@oaklandca.gov>, nrossini@oaklandca.gov <nrossini@oaklandca.gov>, esabiniano@oaklandca.gov <esabiniano@oaklandca.gov>, jselby@oaklandca.gov <jselby@oaklandca.gov>, tsimmons@oaklandca.gov <tsimmons@oaklandca.gov>, sspry@oaklandca.gov <sspry@oaklandca.gov>, bstewart@oaklandca.gov <bstewart@oaklandca.gov>, lhoang@oaklandca.gov <lhoang@oaklandca.gov>, mhackett@oaklandca.gov <mhackett@oaklandca.gov>, jherrera@oaklandca.gov <jherrera@oaklandca.gov>, mmorris2@oaklandca.gov <mmorris2@oaklandca.gov>, mrivera@oaklandca.gov <mrivera@oaklandca.gov>, ewu@oaklandca.gov <ewu@oaklandca.gov>, jchan@oaklandca.gov <jchan@oaklandca.gov>, njackson@oaklandca.gov <njackson@oaklandca.gov>, lrussell@oaklandca.gov <lrussell@oaklandca.gov>, jbell@oaklandca.gov <jbell@oaklandca.gov>, dbieneman@oaklandca.gov <dbieneman@oaklandca.gov>, hchu@oaklandca.gov <hchu@oaklandca.gov>, EMcGee@oaklandca.gov <EMcGee@oaklandca.gov>, dsuguitan@oaklandca.gov <dsuguitan@oaklandca.gov>, DRArmstrong@oaklandca.gov <DRArmstrong@oaklandca.gov>, jarnold@oaklandca.gov <jarnold@oaklandca.gov>, ibriceno@oaklandca.gov <ibriceno@oaklandca.gov>, lcompton@oaklandca.gov <lcompton@oaklandca.gov>, gshropshire@oaklandca.gov <gshropshire@oaklandca.gov>, agplacido@oaklandca.gov <agplacido@oaklandca.gov>, jfwong@oaklandca.gov <jfwong@oaklandca.gov>, achiang2@oaklandca.gov <achiang2@oaklandca.gov>, jliu@oaklandca.gov <jliu@oaklandca.gov>, txie@oaklandca.gov <txie@oaklandca.gov>, cqlee@oaklandca.gov <cqlee@oaklandca.gov>, fawayan@oaklandca.gov <fawayan@oaklandca.gov>, jjwong@oaklandca.gov <jjwong@oaklandca.gov>, Tmao@oaklandca.gov <Tmao@oaklandca.gov>, fsilva@oaklandca.gov <fsilva@oaklandca.gov>, cluong@oaklandca.gov <cluong@oaklandca.gov>, tlow@oaklandca.gov <tlow@oaklandca.gov>, rduenas@oaklandca.gov <rduenas@oaklandca.gov>, dmiles@oaklandca.gov <dmiles@oaklandca.gov>, jreyes@oaklandca.gov <jreyes@oaklandca.gov>, dvelez@oaklandca.gov <dvelez@oaklandca.gov>, rbernal@oaklandca.gov <rbernal@oaklandca.gov>, jdelagrange@oaklandca.gov <jdelagrange@oaklandca.gov>, jfryer@oaklandca.gov <jfryer@oaklandca.gov>, kgunari@oaklandca.gov <kgunari@oaklandca.gov>, thasert@oaklandca.gov

<thasert@oaklandca.gov>, vharris2@oaklandca.gov <vharris2@oaklandca.gov>, rjacomet@oaklandca.gov <rjacomet@oaklandca.gov>, sejohnson@oaklandca.gov <sejohnson@oaklandca.gov>, knguyen@oaklandca.gov <knguyen@oaklandca.gov>, snorris@oaklandca.gov <snorris@oaklandca.gov>, towczarzak@oaklandca.gov <towczarzak@oaklandca.gov>, kpacheco@oaklandca.gov <kpacheco@oaklandca.gov>, iramirez2@oaklandca.gov <iramirez2@oaklandca.gov>, athynne@oaklandca.gov <athynne@oaklandca.gov>, jwindom@oaklandca.gov <jwindom@oaklandca.gov>, dcarrillo@oaklandca.gov <dcarrillo@oaklandca.gov>, gmartinelli@oaklandca.gov <gmartinelli@oaklandca.gov>, dsims2@oaklandca.gov <dsims2@oaklandca.gov>, jverschuur@oaklandca.gov <jverschuur@oaklandca.gov>, tvo@oaklandca.gov <tvo@oaklandca.gov>, kmartin@oaklandca.gov <kmartin@oaklandca.gov>

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------- Forwarded Message -------
From: ianleipper <ianleipper@proton.me>
Date: On Saturday, February 15th, 2025 at 12:11 PM
Subject: Fw: Civil Action Petition - Ian A. Leipper - 02/15/2025
To: mmalsin@oaklandca.gov <mmalsin@oaklandca.gov>, district2@oaklandca.gov <district2@oaklandca.gov>, DIsrael1@oaklandca.gov <DIsrael1@oaklandca.gov>, malvarenga@oaklandca.gov <malvarenga@oaklandca.gov>, kjones3@oaklandca.gov <kjones3@oaklandca.gov>, District3@oaklandca.gov <District3@oaklandca.gov>, rbayeh@oaklandca.gov <rbayeh@oaklandca.gov>, brbrown@oaklandca.gov <brbrown@oaklandca.gov>, District4@oaklandca.gov <District4@oaklandca.gov>, ilmerriouns@oaklandca.gov <ilmerriouns@oaklandca.gov>, rdean@oaklandca.gov <rdean@oaklandca.gov>, jsavas@oaklandca.gov <jsavas@oaklandca.gov>, Ngallo@oaklandca.gov <Ngallo@oaklandca.gov>, pjturner@oaklandca.gov <pjturner@oaklandca.gov>, HKzuniga@oaklandca.gov <HKzuniga@oaklandca.gov>, RVindiola@oaklandca.gov <RVindiola@oaklandca.gov>, District6@oaklandca.gov <District6@oaklandca.gov>, pbrooks@oaklandca.gov <pbrooks@oaklandca.gov>, gvivas-suarez@oaklandca.gov <gvivas-suarez@oaklandca.gov>, lhandy@oaklandca.gov <lhandy@oaklandca.gov>, mmcglothen@oaklandca.gov <mmcglothen@oaklandca.gov>, District7@oaklandca.gov <District7@oaklandca.gov>, oas@oaklandca.gov <oas@oaklandca.gov>, cityadministratorsoffice@oaklandca.gov <cityadministratorsoffice@oaklandca.gov>, hduffey@oaklandca.gov <hduffey@oaklandca.gov>, lsimmons@oaklandca.gov <lsimmons@oaklandca.gov>, elake@oaklandca.gov <elake@oaklandca.gov>, jdevries@oaklandca.gov <jdevries@oaklandca.gov>, arobinsonpinon@oaklandca.gov <arobinsonpinon@oaklandca.gov>, nneditch@oaklandca.gov <nneditch@oaklandca.gov>, amccullough@oaklandca.gov <amccullough@oaklandca.gov>, dhamilton2@oaklandca.gov <dhamilton2@oaklandca.gov>, anguyen2@oaklandca.gov <anguyen2@oaklandca.gov>, sdjones@oaklandca.gov <sdjones@oaklandca.gov>, tgilmore@oaklandca.gov <tgilmore@oaklandca.gov>, rrubel@oaklandca.gov <rrubel@oaklandca.gov>, fverdin@oaklandca.gov <fverdin@oaklandca.gov>, wwoo@oaklandca.gov <wwoo@oaklandca.gov>, jwood@oaklandca.gov <jwood@oaklandca.gov>, agarza@oaklandca.gov <agarza@oaklandca.gov>, lbannister@oaklandca.gov <lbannister@oaklandca.gov>, oaklandpio@oaklandca.gov <oaklandpio@oaklandca.gov>, kmassie@oaklandca.gov <kmassie@oaklandca.gov>,

bsylvester@oaklandca.gov <bsylvester@oaklandca.gov>, dsahner@oaklandca.gov <dsahner@oaklandca.gov>, makanji@oaklandca.gov <makanji@oaklandca.gov>, mdyer@oaklandca.gov <mdyer@oaklandca.gov>, trisker@oaklandca.gov <trisker@oaklandca.gov>, shirshfield-gold@oaklandca.gov <shirshfield-gold@oaklandca.gov>, jcaban@oaklandca.gov <jcaban@oaklandca.gov>, acollinsmcmurray@oaklandca.gov <acollinsmcmurray@oaklandca.gov>, gmonares@oaklandca.gov <gmonares@oaklandca.gov>, info@oaklandcityattorney.org <info@oaklandcityattorney.org>, claims@oaklandcityattorney.org <claims@oaklandcityattorney.org>, cityauditor@oaklandca.gov <cityauditor@oaklandca.gov>, cityclerk@oaklandca.gov <cityclerk@oaklandca.gov>, aclark@oaklandca.gov <aclark@oaklandca.gov>, gdizon@oaklandca.gov <gdizon@oaklandca.gov>, mholmes@oaklandca.gov <mholmes@oaklandca.gov>, jkahn@oaklandca.gov <jkahn@oaklandca.gov>, jliao@oaklandca.gov <jliao@oaklandca.gov>, alandingham@oaklandca.gov <alandingham@oaklandca.gov>, mmorton@oaklandca.gov <mmorton@oaklandca.gov>, bmulholland@oaklandca.gov <bmulholland@oaklandca.gov>, mmunson@oaklandca.gov <mmunson@oaklandca.gov>, nphan@oaklandca.gov <nphan@oaklandca.gov>, areed@oaklandca.gov <areed@oaklandca.gov>, ksams@oaklandca.gov <ksams@oaklandca.gov>, srsmith@oaklandca.gov <srsmith@oaklandca.gov>, cparker@oaklandca.gov <cparker@oaklandca.gov>, CPRA@oaklandca.gov <CPRA@oaklandca.gov>, snavarro@oaklandca.gov <snavarro@oaklandca.gov>, rbedoya@oaklandca.gov <rbedoya@oaklandca.gov>, kkahn@oaklandca.gov <kkahn@oaklandca.gov>, kmak@oaklandca.gov <kmak@oaklandca.gov>, bmoriarty@oaklandca.gov <bmoriarty@oaklandca.gov>, rperry@oaklandca.gov <rperry@oaklandca.gov>, BTWebSupport@oaklandca.gov <BTWebSupport@oaklandca.gov>, iSupplier@oaklandca.gov <iSupplier@oaklandca.gov>, TaxCompliance@oaklandca.gov <TaxCompliance@oaklandca.gov>, rmcmillian@oaklandca.gov <rmcmillian@oaklandca.gov>, dbanks-seals@oaklandca.gov <dbanks-seals@oaklandca.gov>, CitywideLiens@oaklandca.gov <CitywideLiens@oaklandca.gov>, Audit@oaklandca.gov <Audit@oaklandca.gov>, VacantPropertyTaxInquiry@oaklandca.gov <VacantPropertyTaxInquiry@oaklandca.gov>, SPARE@oaklandca.gov <SPARE@oaklandca.gov>, FPBilling@oaklandca.gov <FPBilling@oaklandca.gov>, WildfirePrevention@oaklandca.gov <WildfirePrevention@oaklandca.gov>, FPBReceptionist@oaklandca.gov <FPBReceptionist@oaklandca.gov>, ofdrecruit@oaklandca.gov <ofdrecruit@oaklandca.gov>, housingassistance@oaklandca.gov <housingassistance@oaklandca.gov>, rap@oaklandca.gov <rap@oaklandca.gov>, hearingsunit@oaklandca.gov <hearingsunit@oaklandca.gov>, evictionnotices@oaklandca.gov <evictionnotices@oaklandca.gov>, homebuyers@oaklandca.gov <homebuyers@oaklandca.gov>, CDBG@oaklandca.gov <CDBG@oaklandca.gov>, info@eastoaklandcdc.org <info@eastoaklandcdc.org>, HCDInfo@oaklandca.gov <HCDInfo@oaklandca.gov>, tenantsrights@centrolegal.org <tenantsrights@centrolegal.org>, membership@ebrha.com <membership@ebrha.com>

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------- Forwarded Message -------
From: ianleipper <ianleipper@proton.me>
Date: On Saturday, February 15th, 2025 at 12:09 PM
Subject: Civil Action Petition - Ian A. Leipper - 02/15/2025
To: Complaint@fppc.ca.gov <Complaint@fppc.ca.gov>,
Advice@fppc.ca.gov <Advice@fppc.ca.gov>, Cpra@fppc.ca.gov
<Cpra@fppc.ca.gov>, Press@fppc.ca.gov <Press@fppc.ca.gov>,
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Form700@fppc.ca.gov <Form700@fppc.ca.gov>, CBS@acgov.org
<CBS@acgov.org>, PlanningInfo@acgov.org <PlanningInfo@acgov.org>,
Albert.Lopez@acgov.org <Albert.Lopez@acgov.org>,
alex.ying@acgov.org <alex.ying@acgov.org>, Alfonso.Flores@acgov.org
<Alfonso.Flores@acgov.org>, Andrew.Schnieder@acgov.org
<Andrew.Schnieder@acgov.org>, carole.kajita@acgov.org
<carole.kajita@acgov.org>, christine.green@acgov.org
<christine.green@acgov.org>, damien.curry@acgov.org
<damien.curry@acgov.org>, Edward.labayog@acgov.org
<Edward.labayog@acgov.org>, holly.felix@acgov.org
<holly.felix@acgov.org>, Jazmin.Sanchez@acgov.org
<Jazmin.Sanchez@acgov.org>, Jessica.Valdez@acgov.org
<Jessica.Valdez@acgov.org>, john.kransky3@acgov.org
<john.kransky3@acgov.org>, Juan-Carlos.Martinez@acgov.org <Juan-
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<maria.palmeri@acgov.org>, Michael.Peters@acgov.org
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<Sophie.mcguinness@acgov.org>, taiwan.mccullough@acgov.org
<taiwan.mccullough@acgov.org>, Terrance.Jackson@acgov.org
<Terrance.Jackson@acgov.org>, William.chin@acgov.org
<William.chin@acgov.org>, james.agostino@acgov.org
<james.agostino@acgov.org>, Katie.alducin@acgov.org
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<pauline.blackwell@acgov.org>, suzanne.campillo@acgov.org
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<beth.griston@acgov.org>, angelica.guardiancic@acgov.org

<angelica.guardiancic@acgov.org>, topaz.hayden@acgov.org <topaz.hayden@acgov.org>, meera.jacob3@acgov.org <meera.jacob3@acgov.org>, stefani.katz@acgov.org <stefani.katz@acgov.org>, christina.kim@acgov.org <christina.kim@acgov.org>, laurap.kitsch@acgov.org <laurap.kitsch@acgov.org>, monica.leite@acgov.org <monica.leite@acgov.org>, john.lo@acgov.org <john.lo@acgov.org>, trina.loggins2@acgov.org <trina.loggins2@acgov.org>, christina.nguyen@acgov.org <christina.nguyen@acgov.org>, natasha.paddock@acgov.org <natasha.paddock@acgov.org>, michelle.starratt@acgov.org <michelle.starratt@acgov.org>, dylan.sweeney@acgov.org <dylan.sweeney@acgov.org>, kelly.thiermann@acgov.org <kelly.thiermann@acgov.org>, leticia.tijero@acgov.org <leticia.tijero@acgov.org>, jeanmargaret.thomas@acgov.org <jeanmargaret.thomas@acgov.org>, catherine.valdez@acgov.org <catherine.valdez@acgov.org>, Eileen.dalton@acgov.org <Eileen.dalton@acgov.org>, Susan.mccue@acgov.org <Susan.mccue@acgov.org>, Jamie.orfanos@acgov.org <Jamie.orfanos@acgov.org>, Kristin.perrault@acgov.org <Kristin.perrault@acgov.org>, Lane.bailey@acgov.org <Lane.bailey@acgov.org>, Dora.ramirez@acgov.org <Dora.ramirez@acgov.org>, alcoems@acgov.org <alcoems@acgov.org>, kreig.harmon@acgov.org <kreig.harmon@acgov.org>, Joanna.Leal@acgov.org <Joanna.Leal@acgov.org>, GSA-Assistance@acgov.org <GSA-Assistance@acgov.org>, HCSA-PIO@acgov.org <HCSA-PIO@acgov.org>, ncov@acgov.org <ncov@acgov.org>, center@acgov.org <center@acgov.org>, emailEBC@acgov.org <emailEBC@acgov.org>, lawlib@acgov.org <lawlib@acgov.org>, circ.lawlib@acgov.org <circ.lawlib@acgov.org>, cr.lawlib@acgov.org <cr.lawlib@acgov.org>, info@acpwa.org <info@acpwa.org>, digital.services@acgov.org <digital.services@acgov.org>, ehvector1@acgov.org <ehvector1@acgov.org>, officeofthemayor@oaklandca.gov <officeofthemayor@oaklandca.gov>, LHanson@oaklandca.gov <LHanson@oaklandca.gov>, BWilliams@oaklandca.gov <BWilliams@oaklandca.gov>, MChavez@oaklandca.gov <MChavez@oaklandca.gov>, BGarza2@oaklandca.gov <BGarza2@oaklandca.gov>, JGenolio@oaklandca.gov <JGenolio@oaklandca.gov>, bharami@oaklandca.gov <bharami@oaklandca.gov>, JHoang2@oaklandca.gov <JHoang2@oaklandca.gov>, atlarge@oaklandca.gov <atlarge@oaklandca.gov>, cfife@oaklandca.gov <cfife@oaklandca.gov>, zunger@oaklandca.gov <zunger@oaklandca.gov>, ajemmott@oaklandca.gov <ajemmott@oaklandca.gov>, kodoherty@oaklandca.gov <kodoherty@oaklandca.gov>

Dear Civil Counsel,
I petition for your agency to fully profile all within your jurisdiction against my person human rights abuse, and take in accordance with legal due process action.

I am taking civil action to restore my livelihood and sustain my right to life, liberty and security, in accordance with Article 3 of the Universal Declaration of Human Rights, through the streaming ten year subpoena process to uphold equal and humane service, care and justice before the public courts to address all human rights abuse (e.g. war; health status; climate change; public corruption; debt; white and blue collar crime; the trafficking, possession, and use of illicit narcotics; racial discrimination and illegal immigration; prostitution and pornography; domestic abuse; and indigency).

I petition for the Supreme Court to the United States, Supreme Court of California, State Bar Court, and lower courts to take immediate on my behalf civil action to restore my access to housing with my Section 8 voucher and good health, and fulfill my other livelihood recovery petitions.

I petition for your agencies to order for the Marin County BHRS IMPACT Team to immediately order for the County of Marin and, or, Marin Housing Authority to produce and apply my Section 8 voucher from the waitlist to either my under appeal at 4 Circle Drive #F, Tiburon, CA 94941; prior The Cove at Tiburon; or a comparable in the The Cove at Tiburon apartment complex; apartment (i.e. whichever is most humane). I am willing to accept a, "Single occupancy. No pets." lease. I was on 02/05/2025 unlawfully discharged from Johnathan's Place, Homeward Bound of Marin when I filed a complaint upon staff which included a criminal profile of the guest who was in shelter guidelines violation, for which they accused I of racial profiling, in my California constitutional status as law enforcement (i.e. an attorney as set forth by Articles 6 and 14 of the Constitution of the United States and Article 1, Section 1; and Article VI, Section 9 - California Constitution), denial and am in need of immediate shelter, or a hotel room voucher, until I am able to complete my livelihood recovery case management. I have only *circa* $60.73 to sustain myself for the 02/2025 month. I need to find immediate adequate temporary, or long-term shelter, or I will not have enough resources or security to sustain myself until 03/03/2025 (i.e my livelihood recovery complaint period's end). Lee Gerner Park, Novato, CA 94945, to which I was referred by the Marin County BHRS IMPACT Team, has inadequate facilities (e.g. no potable running water, electricity, and designated cooking area), security, and protection from the weather to sustain my person and the City of Novato on 02/11/2025 unanimously voted to within 60 days permanently close the park as a homeless encampment. The Marin County BHRS IMPACT Team has ordered that my only current housing

option is to go to the Marin County Crisis Stabilization Unit and then transfer to Casa Rene in my petition to a hotel room voucher denial, which would terminate my civil control upon the Federal Bureau of Investigation and livelihood recovery case management and on a short and long-term basis endanger my livelihood.

I petition for your agency to order for the public courts to order to restore my access to housing with my pending Marin County Section 8 voucher 2 weeks before my 2 1/2 year Federal Bureau of Investigation complaint period is complete, due to my person's endangerment.

I petition for your agency to order Janet Farhie, M.D. with the County of Marin, Behavioral Health and Recovery Services division to order Honorable Judge Andrew E. Sweet with the Superior Court of California, County of Marin to immediately fulfill her on my behalf to immediately reappropriate my circa $4.7 million trust medical letter and Janet Farhie, M.D. to call and order public law enforcement to appear before Honorable Judge Andrew E. Sweet to enforce her medical letter. I petition for your agency to order Honorable Judge Andrew E. Sweet to fulfill my before his chambers with medical prescription petitions.

I petition for your agency to order the State Bar of California to with interest, and without a trustee, or medication, upon my person immediately reappropriate my trust.

I petition for your agency to order the State Bar of California to with interest immediately reappropriate my trust from Bradshaw & Associates, P.C.; including funds allocated from the trust to Brian Getz, John Passaglia and their referrals.

I petition for your agency to order Janet Farhie, M.D. to order the State Bar of California to immediately reappropriate my trust. I petition for your agency to order public law enforcement, in accordance with Janet Farhie, M.D.'s medical letter due to my homeless status to order the State Bar of California to immediately upon my person reappropriate my trust. I petition for your agency to order the State Bar of California, in accordance with my before their party with medical prescription petitions to immediately reappropriate my trust. I petition for your agency to order the County of Marin, Behavioral Health and Recovery Services division to reserve a hotel room for I until the State Bar of California upon my person reappropriates my trust, or I otherwise secure my access to housing. To live in public endangers my person. I petition for, in accordance with Article 3 of the Universal Declaration of Human Rights greater security of person and access to utilities.

I petition for your agency to order, in accordance with my before the courts with medical prescription petitions respectively to be dismissed are the before the Fourth Judicial District Court, County of Elko, NV and Superior Court of California, County of Alameda held against my person criminal charges; redacted are the held against my person restraining order; and with interest upon my person reimbursed are the court and jail fines and restitution. I petition for your agency to order Janet Farhie, M.D. to order respectively to be dismissed are the before the Fourth Judicial District Court, County of Elko, NV and Superior Court of California, County of Alameda held against my person criminal charges; redacted are the held against my person restraining order; and with interest upon my person reimbursed are the court and jail fines and restitution.

I petition for your agency to order, in accordance with my before the court with medical prescription petition to be immediately vacated is the by Honorable Judge Stephen P. Frecerro with the Superior Court of California, County of Marin regarding suppressed Case No.: CIV 2201627, Sunhill Enterprises, L.P. vs. Ian Alexander Leipper, in violation of The Geneva Conventions of August 12, 1949 -- Geneva Convention I - Article 12 (i.e. "Only urgent medical reasons will authorize priority in the order of treatment to be administered."); United Nations Convention Against Corruption - Article 25; Universal Declaration of Human Rights - Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11(1)(2), 12, 15(1)(2), 18, 19, 21(1)(2)(3), 22, 23(1)(2)(3), 24, 25(1), 27(1)(2), 28, 29(1)(2)(3), and 30; Constitution of the United States - Amendments 8, 13, and 14; War Crimes Act of 1996 -- 18 U.S. Code 2401 -- 18 U.S. Code 2441 - War Crimes. (a)(c)(1)(3)(d)(1)(A)(B)(D)(E)(F)(I)(2)(A)(B)(D)(i)(ii)(iv)(E); 18 U.S.C § 241; 18 U.S.C § 401; 18 U.S.C § 1001; 18 U.S.C. §§ 1111, 1112, and 1114; 18 U.S.C. §§ 1621-1623; and, "Right to Civic Engagement" and, "Medical Care" clauses of the associated Curtis F. Robinson, M.D. and Amanda Kelly, N.P. lifestyle prescriptions verdict to evict I from my at 4 Circle Drive #F, Tiburon, CA 94920 apartment. I have been unlawfully made homeless.

I petition for your agency to order Janet Farhie, M.D. to order public law enforcement to order Sunhill Corporation to fulfill her on my behalf to obtain access to housing accommodation medical letter at, and, in accordance with my lifestyle prescriptions to return my belongings to, the at 4 Circle Drive #F, Tiburon, CA 94920 apartment. I petition for your agency to order public law enforcement to immediately dispatch an officer to appear before Sunhill Corporation to order their party to provide I with access to the at 4 Circle Drive #F, Tiburon, CA 94920 apartment (i.e.

still legally my apartment, in accordance with Geneva Convention 1 - Article 12 and the War Crimes Act of 1996). I petition for free-of-charge access to the apartment until Janet Farhie, M.D. orders public law enforcement to immediately reappropriate my trust and reappropriated upon my person is my trust, at which time I will pay the amount I owe for the time spent at 4 Circle Drive #F, Tiburon, CA 94920 from my readmittance to the apartment to the time reappropriated is my trust. I petition for Janet Farhie, M.D. and public law enforcement to order without henceforth inflation to be reduced to its original $2,300.00 per month is the apartment rent. I petition for my belongings to be charge-free produced from storage.

I petition for your agency to order Janet Farhie, M.D. and Marin Housing Authority to order to be immediately produced and applied is an in my name Section 8 voucher for which to return I to my apartment at 4 Circle Drive #F, Tiburon, CA 94920; or 139 Barbaree Way, Tiburon, CA 94920. Janet Farhie, M.D. agreed to pay for my first month on Section 8. Janet Farhie M.D. has failed to fulfill her verbal contract to issue the necessary medical orders for I to return to either of my Tiburon apartments.

I petition for your agency to fully profile Sunhill Enterprises, L.P.; Sunhill Corporation; and the County of Marin, Behavioral Health and Recovery Services IMPACT Team for against my person human rights abuse in their at 4 Circle Drive #F, Tiburon, CA 94920 my access to Section 8 voucher apartment rental denial and take in accordance with legal due process action. Sunhill Corporation has for $2,350.00 per month on Craigslist posted for rent what is still legally my apartment, in accordance with Geneva Conventions 1 - Article 12 and my associated medical prescriptions and despite our before the Superior Court of California, County of Marin appeal.

I petition for your agency to fully profile The Cove at Tiburon and the County of Marin, Behavioral Health Recovery Services IMPACT Team for against my person human rights abuse in their at The Cove at Tiburon my access to $2,931.00 Section 8 voucher apartment rental denial and take in accordance with legal due process action. I was unlawfully evicted from my circa $2,650.00 per month at 139 Barbaree Way, Tiburon, CA 94920 apartment, in Geneva Convention 1 - Article 12 and my medical cannabis prescription violation. Janet Farhie, M.D. during our March, 2023 psychiatry appointment assured I that she would successfully order for I to with Section 8 return to my at The Cove at Tiburon apartment. I petition for if since the prior tenant moved in The Cove at Tiburon has raised rent for the at 139 Barbaree Way, Tiburon, CA 94920 apartment to

whichever comparable available at The Cove at Tiburon apartment to be fully applied is my Section 8 voucher.

I petition for by the County of Marin, Behavioral Health and Recovery Services IMPACT Team and Housing Authority of the County of Marin to be provided for the 03/2025 month is a my Section 8 voucher extension.

I petition for to be denied is any by Sunhill Enterprises, L.P.; or Sunhill Corporation; motion to remove I from the property, or against my person take a restraining order.

I petition for your agency to fully profile the Marin County BHRS Administrators and Medical staff, BHRS IMPACT Team's North and South offices, other Marin County Public officials, and all homelessness treatment organizations with which they are in contact regarding my treatment for denying my right to privacy to their families and communities and in redress of grievances, socially, and psychokinetically aggressing I and denying I equal access to public services with the intent to my person maim/murder, in against my before the public courts to equal and humane service, care and justice civil action retaliation, and take in accordance with legal due process action.

I petition for your agency to fully profile Mayor Marylin Ezzy Ashcraft, her family, and community for violating my right to privacy and the associated human rights abuse, and take in accordance with legal due process action.

I petition for your agency to fully profile all parties who have received confidential information regarding my person *via*Mayor Mayrlin Ezzy Ashcraft for against my person human rights abuse, and take in accordance with legal due process action.

I petition for to be denied is any motion to deny I access to all public library and transportation services.

I petition for the University of California, Santa Cruz to provide I with a letter of recommendation.

I petition for San Francisco State University to immediately expunge my academic transcript of all lower than A grades, or delete my academic record (i.e. whichever is more humane), in accordance with the, "Right to Civic Engagement," "Medical Care," " and Other Lifestyle Accommodations" clauses of my upon their party lifestyle prescriptions.

I petition for your agency to order for the San Rafael Police Department's property unit to release my 2013 Jamis Quest with a, "Fitted by Pedro" sticker on it to I.

I petition for Mill Valley Recreation to provide I with a locker rental accommodation.

I petition for your agency to fully profile Marin Humane Society for against my person human rights abuse, and take in accordance with legal due process action.

I petition for your agency to order for my Tracfone Wireless, Inc. service to allow I to change my telephone number, every time to be provided with a standard ten digit telephone number, and for their service to process my ten digit telephone number change within their companies 5 minute policy.

I petition for your party to order for the Superior Court of California, County of San Francisco to same-day file and log in the register of actions all by my person upon their party documents.

I petition for I to be provided with a full-body X-Ray screening by Marin Outpatient Imaging.

I petition for your agency to order for Google, Inc. to allow for I to use my single telephone number to verify all in my name Gmail accounts, not restrict my Gmail account access, and correct all other against my person service errors.

I petition for your agency to order for Google, Inc. to allow I to send 2000 E-Mails per E-Mail account. I am allowed to send 1,000, or 1,500 (i.e. on one account), E-Mails per E-Mail account.

I petition for your agency to restore my Civil Rights Division, U.S. Department of Justice; U.S. Department of Health and Human Services Hotline complaint form; Office for Civil Rights, U.S. Department of Health and Human Services complaint form; Governor Josh Shapiro; and Pennsylvania Office of Attorney General online complaint form use access.

I petition for your agency to order for the Mill Valley Postal Service to immediately upon my person produce all held by their party in my name from 4 Circle Drive #F, Tiburon, CA 94941 forwarded mail upon my 751 East Blithedale Avenue, #553, Mill Valley, CA 94941 P.O. box mail.

I petition for the Marin County BHRS IMPACT Team to without obstruction accept my daily E-Mails, in accordance with my constitutional right to unabridged redress of grievances and the Marin County BHRS IMPACT Team's order to my self-sufficiency as legal representation.

I petition for your agency to order for the San

Francisco Division of the Federal Bureau of Investigation, U.S. Department of Justice's legal department to accept and fulfill to all *via* E-Mail by my person upon their party Touhy letter related communications and PDF Touhy letters.

I petition for your agency to fully profile all upon your party against my person complaint filing citizens for against my person human rights abuse, and take in accordance with legal due process action.

I petition for your agency to fully profile all within your jurisdiction against my person complaint filing citizens, by my person for high-risk behaviour upon public law enforcement reported citizens, their social support groups, and jurisdictional public and private officers for regarding their high-risk behaviour human rights abuse, and take in accordance with legal due process action.

I petition for your agency to take all within your jurisdiction civil action to keep The Bay Club Company, its associates, members, and their communities with a one, or more, year(s) upon any interdimensional, intergalactic, international, federal, state, local, or private agency complaint from using this complaint to consciously spiritually regulate, or otherwise use personal psychokinesis against, my person, immediately, permanently.

I petition for your agency to take all within your jurisdiction civil action to keep any citizen, or entity, with a daily upon any interdimensional, intergalactic, international, federal, state, local or private agency complaint from using this complaint to consciously spiritually regulate, or otherwise use personal psychokinesis against, my person, immediately, permanently.

I petition for in my person without medication to be induced is no telepathic mental function (i.e. medically appropriate closed system mental facility - by other than my primary care practitioner and attending stately physicians no perceptible external transmission).

I petition for your agency to order for the Behavioral Health and Recovery Services Division, County of Marin to cease and desist treating I on a telepathic basis and to keep all against my person complaint filing entities from psychokinetically attacking I via their upon the IMPACT Team against my person complaints.

I petition for your agency to fully profile all within your jurisdiction citizens/entities who/which have blocked one, or more, of my E-Mail addresses for against my

person human rights abuse, and take in accordance with legal due process action.

I petition for your agency to order to I to be provided with a list of all public agency E-Mail addresses.

I petition for your agency to order for to be induced upon my person is my birth certificate status.

I petition for your agency to order for to be induced is my 34 year San Francisco Division of the Federal Bureau of Investigation indictment.

I petition for to be denied is any by Mill Valley Recreation motion to remove I, from the premises, or terminate my membership, in accordance with The Geneva Conventions of August 12, 1949 -- Geneva Convention I - Article 12 (i.e. "Only urgent medical reasons will authorize priority in the order of treatment to be administered."); United Nations Convention Against Corruption - Article 25; Universal Declaration of Human Rights - Article 3; Constitution of the United States - Amendments 8, 13, and 14; War Crimes Act of 1996 -- 18 U.S. Code 2401 -- 18 U.S. Code 2441 - War Crimes.
(a)(c)(1)(3)(d)(1)(A)(B)(D)(E)(F)(I)(2)(A)(B)(D)(i)(ii)(iv)(E); 18 U.S.C § 241; 18 U.S.C § 401; 18 U.S.C § 1001; 18 U.S.C. §§ 1111, 1112, and 1114; 18 U.S.C. §§ 1621-1623; and, "Places to be," "Right to Civic Engagement," "Medical Care," and, "Other Lifestyle Accommodations" clauses of the associated Curtis F. Robinson, M.D. and Amanda Kelly, N.P. lifestyle prescriptions. I use Mill Valley Recreation's Aquatics & Fitness Center for my mental health exercise program.

I petition for by the County of Marin, Behavioral Health and Recovery Services division access and the right to use the Safeway, Inc. gift cards to purchase non-food, beverage, and toiletry items at Safeway, Inc. and to purchase Safeway, Inc. gift cards to purchase other necessities (e.g. from Amazon.com, Inc.). The County of Marin, Behavioral Health and Recovery Services IMPACT Team claims that I can only buy groceries and toiletries with the Safeway, Inc. gift cards and that I must be accompanied by a staff member to use Target Corporation gift cards.

I petition for the County of Marin, Behavioral Health and Recovery Services IMPACT Team to provide with the monthly Marin Local 31-Day Senior Pass bus passes for which I have signed a bus pass voucher for local rides, errand running, and to get to court and to provide I with a taxi to, and from, my psychiatry appointments due to the against my person Marin Transit harassment and equal access to public service denial, in Geneva Convention 1 - Article 12

(i.e. "Only urgent medical reasons will authorize priority in the order of treatment to be administered."), violation.

I petition for your agency to order the County of Marin, Behavioral Health and Recovery Services division to immediately pay my bills and fulfill their promise to the in my court cases medical letters which they assured I that they would provide to recover my livelihood. The County of Marin, Behavioral Health and Recovery Services IMPACT Team claims to have denied to pay my bills on a personal hate crime with intent to maim/murder regarding my before the public courts to equal and humane service, care and justice civil action basis; claiming that I threaten to kill their parties and that they cannot do anything for I unless I do it for myself, in our verbal contract violation.

I petition for my in the year 2015 via E-Mail upon the Federal Bureau of Investigation, U.S. Department of Justice ten year subpoena petition to be as a streaming ten year subpoena fulfilled either at ten year subpoena, or upon the necessity, or for your agency to produce my upon the Superior Court of California, County of San Francisco for the most recent via the United Nations 10 year subpoena, as a streaming ten year subpoena, upon necessity to mediate equal and humane service, care and justice.

This petition is in accordance with the First Amendment of the Constitution of the United States and Section 3, Declaration of Rights - Article 1, California Constitution.

Respectfully,
-Ian A. Leipper

Sent with Proton Mail secure email.

Durr, Jasmine **73**

From: James McGrath <macmcgrath@comcast.net>
Sent: Monday, February 17, 2025 4:03 PM
To: All Council
Cc: Buddenhagen, Paul
Subject: Bike Safety
Attachments: BICYCLE PLAN COMMENTS too.docx

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Additional comments on the bike plan update attached.

James McGrath
2301 Russell Street
Berkeley, CA 94705
February 17, 2025

Berkeley City Council and City Manager
1947 Center Street, 2nd Floor
Berkeley, CA 94704

Subject: BICYCLE PLAN UPDATE COMMENTS, ADDENDUM

Dear Council members and city staff:

These comments are submitted as an addendum to my letter of February 5, 2025. I remain concerned that Berkeley has not adopted rigorous design standards that implement Caltrans' Highway Design Manual design standards for bicycle facilities, CHAPTER 1000 – BICYCLE TRANSPORTATION DESIGN, or the recently issued AASHTO "Guide for the Development of Bicycle Facilities", fifth addition. I have also had a chance to review the scope of work for Alta Planning and Design for the "Bicycle Plan Update." The limited scope of work that the city used to authorize Alta's work means that many of the safety issues that I identify here and in my earlier letter will not be addressed. That will leave cyclists, pedestrians, and drivers at risk from inadequate design.

VISIBILITY AND LIGHTING

Berkeley does not light its roads in a manner that allows drivers to easily see pedestrians and bicycles. I noted this driving up Marin recently. While in Albany, I could easily see not only the road, but the sidewalks and crosswalks where there might be bicycles and pedestrians. This ended when I reached the Berkeley city limits, and I found it difficult to see the margins of the road on Marin, and as I turned north onto Martin Luther King. Twenty percent of Berkeley's population are seniors, but even non-seniors would have difficulty seeing anyone approaching the road because the low beams of car lights illuminate the travel path, and the city's lighting is inadequate.

This issue is addressed in the Caltrans guidance cited above. It establishes illumination standards, including lighting levels and reflectorized facilities specifically for nighttime visibility. It also establishes standards that such facilities be coated with a bright color to enhance daytime visibility. As I pointed out in my earlier letter, many of the facilities that Berkeley has constructed recently fail to meet these standards and are essentially invisible at night.

The Caltrans guidance also addresses the lack of visibility problems outlined in my letter. To avoid a hazard, a cyclist and a driver must be able to see it. The Caltrans manual is specific on this point, stating:

> To provide bicyclists with an opportunity to see and react to the unexpected, a bicycle path should be designed with adequate stopping sight distances. **The minimum stopping sight distance based on design speed shall be 125 feet for 20 miles per hour, 175 feet for 25 miles per hour and 230 feet for 30 miles per hour**. (emphasis in original)

I expressed these concerns over the design of new facilities such as the two-way path on the north side of Bancroft, where parked cars limit sight distance. The authorization for Alta does not include either review of the existing facilities as to whether they meet the new ASHTO standards or the Caltrans design standards. A fundamental safety issue has been ignored in the current effort.

CONCLUSION

I did not shell out thousands of dollars for the new ASHTO standards publication, so I don't know what additional guidance is provided there. But such a handbook should be used by any city consultant. You need to make sure that the bicycle plan update really is an update, and uses the most recent safety guidance to assure safety for all users of the city's roads.

Very truly yours,

Jim McGrath

Durr, Jasmine **74**

From: Laura K Fujii <fujiiwilkinson1@yahoo.com>
Sent: Sunday, February 23, 2025 3:48 PM
To: Berkeley Mayor's Office; All Council; Brozyna, Andrew; Planning Dept. Mailbox; May, Keith; Mostowfi, Hamid; Anderson, Eric
Subject: Comments on the 2017 Bicycle Plan Update

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Mayor, City Council Members, and Commissioners February 23, 2025

City of Berkeley
2180 Milvia Street
Berkeley, CA 94704

Subject: Comments on the 2017 Bicycle Plan Update

Dear Mayor, City Council Members, and Commissioners:
I am a native, born in Berkeley. I and my husband are life-long bicycle riders. In fact, I rode my fully loaded touring bicycle across the entire US from East to West. Now we are recreational bicyclists using trails such as the Ohlone Greenway. We relied on public transit and bicycles for most of our lives only obtaining a car after we retired in our 60s. Even now we walk and take public transit a lot and hardly use our car.

Below are my comments on the 2017 Bicycle Plan Update:

There is the legal requirement to reassess the 2017 Bicycle Plan under the California Environmental Quality Act (CEQA) due to significantly changed circumstances.
The California Environmental Quality Act (CEQA) requires a local government to reassess its plans when circumstances have changed to the point where new environmental impacts, or substantially worse impacts, can be anticipated. Road and traffic conditions are significantly different from those evaluated in 2017. First, Berkeley has adopted new land use plans and zoning which will allow a substantial increase in population and in commercial development.

In addition to new development, the commercial, transportation, and traffic world is now extremely different than it was in 2017. It is now a world of Uber and Lyft cars—waiting at the curb or in the bicycle lane. Uber Eats deliveries, UPS deliveries, Amazon deliveries, Sonic internet provider trucks, all waiting in the bike lanes and double parked. These commercial uses did not exist at their current level in 2017, and need to be taken into account.

Furthermore, there are now many different modes of transportation that would use the proposed bicycle route system. There is the need to consider and plan for all non-car modalities which may use the bicycle routes and tracks proposed in the 2017 Bicycle Plan, such as electric bicycles, pedal bicycles, scooters, adult tricycles, electric wheelchairs, and skateboards. I have even seen a Harley Davidson motorcycle using a bicycle track in San Francisco.

Implement the 2017 commitment for further studies to evaluate actual data on transportation modes and success/failure of already built protected bike tracks.

The adopted 2017 Bicycle Plan includes commitments for further study that have not been kept in the seven years since the plan was adopted. The material that has been provided in public "pop up" sessions does not make it clear whether these commitments will now be met. As noted throughout the 2017 Bicycle Plan, the Plan explicitly calls for designs that accommodate all users, not those of a small group of cyclists.

The 2017 Bicycle Plan specifically states that Class IV Cycle Tracks and other bikeway types that might impact transit operations, parking, or roadway capacity *will not be implemented without these Complete Street Corridor Studies* that will include a traffic study, environmental analysis, public process, and coordination with all affected State, County, and local transit.

As defined by the Berkeley Complete Streets Policy, "Complete Streets" describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including people walking, people bicycling, persons with disabilities, people driving motor vehicles, movers of commercial goods, users and operators of public transportation, emergency responders, seniors, youth, and families.

Example projects that have already been built which should be evaluated for success/failure include: 1.The Milvia bicycle track; and 2. The recently installed protected bicycle tracks on Bancroft Way and its connecting streets. We have seen at least 5 incidents where car drivers, confused by the protected bicycle track on Dana Street, have turned into the bicycle track going against the 2-way bicycle flow. Due to the concrete curb of the protected bicycle track, these cars were *forced* to drive down the bicycle track for at least a block before they were able to exit it.

Safety

It is imperative that a revised bicycle plan establish the safety goals that are being pursued and include metrics for measurement to gauge success. The 2017 Bicycle Plan clearly states that GOAL 1 is safety first with performance measures of Zero bicycle-involved fatalities and Zero bicycle-involved severe injuries by certain dates.

The proposed protected bicycle tracks may actually *reduce safety* for cyclists, pedestrians, those with disabilities, seniors, drivers, and delivery trucks due to the significant increase in roadway complexity through the addition of more curbs and other barriers, reduced visibility caused by dining kiosks and parked cars, and narrow bicycle tracks that provide no escape. Some of the proposed designs are contrary to the lessons of bicycle and traffic system studies that stress avoiding complex interactions and maintaining good visibility for all.

The concrete bicycle track edges and proposed intersection floating islands will introduce a huge number of additional driver and pedestrian obstacles within already highly congested areas. These obstacles represent a major hazard for those with disabilities, seniors, pedestrians, bicyclists, and drivers. There is growing evidence that these obstacles can, and will be, major hazards as is evident from the many skid marks on the already constructed floating islands in the Alameda intersection and bulb outs along Milvia Street near the YMCA. These obstructions are virtually invisible at night especially in the heavy rain. We have already had collisions and near collisions with these obstacles when we could not see them at night or in the heavy rain.

Proposed bicycle tracks protected by parked cars, as proposed in the East Segment of the Hopkins Street Corridor Plan, are especially dangerous for bicyclists, pedestrians, and drivers. Users of the bicycle track are completely invisible to drivers and pedestrians when hidden behind these parked cars. We strongly oppose any bicycle track with a configuration that uses parked cars as the protective barrier for the track.

- My husband was almost run over by a car near the Ashby BART Station because the oncoming car's and Robert's views were blocked by the parked cars on the side of the bicycle track.
- A bicyclist hit and rolled over my sister's car hood in Bethesda, Maryland when the bicyclist materialized into the intersection from behind the parked cars of the bicycle track. My sister had made a full stop at the stop sign and did not see the bicyclist behind the parked cars. She was just starting her turn when the bicyclist hit her car. Fortunately, no one was hurt and the bicyclist walked away.

Furthermore, there is growing evidence that these protected bicycle tracks, bulb outs and other added road obstructions result in increased response times by emergency vehicles. Fast first responders and emergency response is a matter of life or death. We urge the full review and approval of the 2017 Bicycle Plan Update by the Fire Department, Safety Department, and emergency and safety personnel and experts.

Commit to an evaluation of the current use of bicycles and the existing bicycle tracks.
Despite the language in the complete streets policies of both the City and Alameda County Transportation Commission, Berkeley has not collected data on the use of bicycles and how that use has been changed by the projects that have been constructed. Much has changed since the 2014 US Census American Community Survey regarding bicycle use in Berkeley that was used to develop the 2017 Bicycle Plan. There are now many more non-car transportation modes that use the bicycle routes, significantly increased traffic density, and many more temporary and permanent obstructions that increase traffic interactions and greatly reduce driver and bicycle visibility.

Commit to Pilot Projects to study the real-world consequences of proposed bicycle infrastructure.
Pilot projects enable the City to study the real-world efficacy of proposed bicycle infrastructure changes, often at a relatively modest cost due to the short-term materials used. Utilizing before and after data collection, they are monitored to understand benefits and tradeoffs, with the goal of adjusting the final design before committing to a more expensive permanent capital project. Longer-term pilot projects can be installed for a longer period of time, typically weeks or months, prior to potential permanent implementation. This allows for extensive data collection and public input, especially for complex multi-modal projects which all proposed bicycle tracks are now with motorized scooters, wheelchairs, motorized bikes, scooters, wheelchairs, skateboards, and regular bicycles. Pilot Projects should integrate improvements for all modes of transportation whenever possible, including consideration of people walking, biking, riding transit, and driving.

Sincerely,

Laura Fujii
Albina Avenue, Berkeley, CA.

Cc: Commission on Aging, Commission on Disability, Community Health Commission, Disaster and Fire Safety Commission, Transportation and Infrastructure Commission.

Durr, Jasmine **75**

From: Octavio Raygoza <olraygoza@hotmail.com>
Sent: Monday, February 24, 2025 11:37 AM
To: All Council
Subject: Strong Support for the Proposed Bike Plan

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Bike Plan:https://berkeleybikeplan.org/#/contact

Dear City Council Members,

I hope this email finds you well. I am writing to express my **strong support for the proposed bike plan**. I understand that those who oppose such projects often make their voices heard, and I want to ensure that the voices of supporters are equally represented. As a father of young children, I am unable to attend city council meetings, but I feel compelled to show my support through this email. People with more free time often have their voices heard more, and I want to do my part in supporting this important initiative.

One particular aspect of the proposal that **I strongly support is the addition of a traffic diverter at the intersection of Rose and Chestnut**. I have been trying to advocate for a stop sign at this intersection for some time now, as my children frequently cross this unmarked street to access the playground nearby. There are no other crossings with a stop sign for 500 feet going north from Cedar Rose, making it a dangerous area for pedestrians, especially children. With a few fatal accidents having occurred on Rose, I am deeply concerned for my children's safety at this intersection. Additionally, the Ala Costa Center for disabled individuals is also located near this intersection, further emphasizing the need for improved safety measures.

The inclusion of the traffic diverter in the new bike plan is a critical step towards enhancing safety at this intersection. I urge the city council to keep this suggestion in the final plan when you vote in July. While I may not be able to attend pop-ups or city council meetings, I believe that maintaining the plan with minimal changes, especially retaining the traffic diverter suggestion, will greatly contribute to the safety of children and other pedestrians. This measure will cause only a minor inconvenience for some motorists, who can find alternative routes away from a popular park and playground.

Thank you for your attention to this matter and for considering the safety of our community. I appreciate your efforts and look forward to seeing the positive impact this bike plan will have in Berkeley

Sincerely, Octavio Raygoza

Durr, Jasmine **76**

From: Ona Weiss <onaweiss@students.berkeley.net>
Sent: Monday, February 24, 2025 8:08 AM
To: All Council
Subject: Gold Award project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,
I hope you are well.
My name is Ona Weiss and I am a junior at Berkeley High. I have also been a proud member of local Girl Scout Troop 33531 for twelve years. I am currently working on a project called "The Gold Award", which is an honorable opportunity to create a positive impact on my community through 80 hours of work. I've noticed a lack of trees in South-West Berkeley (the flats), and I would appreciate any assistance you can offer in helping me find a way to address this issue. I have a great love for trees and many benefits they hold, and think that communities could benefit from more trees.

Thank you for your time
Ona Weiss

Durr, Jasmine **77**

From: david lerman <415justice@att.net>
Sent: Monday, February 17, 2025 9:15 PM
To: All Council; Berkeley Mayor's Office; Manager, C; BPD Webmail
Subject: Criminals Crashing into Berkeley Businesses/ Hedgehogs

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Berkeley:

I am sad to see more Berkeley businesses suffering huge losses when criminals crash a vehicle into the front of a store and loot the business.

Looking Glass Photo was a victim of this type of crime and is reported to have lost over $50,000 of goods. These crimes destroy businesses, jobs, and city tax revenues. The crimes also raise insurance premiums for everyone in Berkeley.

We need to encourage businesses to install Hedgehogs to fight this serious and growing problem. Hedgehogs can protect Berkeley businesses and stop these horrible crimes even without a police response.

Hedgehogs can stop tanks, trucks & cars. They can help stop crime in Berkeley.

https://www.popsci.com/technology/czech-hedgehog-tank-trap-ukraine/
https://nanovic.nd.edu/features/petrykivka-hedgehogs/

Berkeley should encourage businesses to install protective and decorative Hedgehogs.

-David Lerman

Durr, Jasmine **78**

From: Patrick Kennedy <pk@pgkennedy.net>
Sent: Tuesday, February 18, 2025 2:03 PM
To: All Council
Subject: Literacy Project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Good afternoon Councilmembers and Mayor,

California has a major literacy problem, and by extension so does Berkeley. Read this recent article from Cal Matters to get a sense of the issue and especially its impact on Black boys.

I'd like to suggest that Berkeley considers a unique and budget neutral way to help the situation. Let's pass an ordinance that requires all outdoor advertisers (billboards) to run public service ads related to literacy on portions of any unrented billboards. The ads would feature prominent local Black artists and musicians promoting literacy and reading in age appropriate language and imagery directed toward young people. I am certain we could get the artwork and personalities to donate their efforts, and I am pretty sure even the ClearChannels and Outfront Medias of the world won't push back too hard on this.

I know Oakland's council is a little distracted by the mayor's race, but I'm proposing the same idea to them, then will keep working around the area. This could be a characteristically east bay way of trying to help what is truly a desperate situation.

Thanks,

-Pat Kennedy

--
Pat Kennedy
(415)680-4075

From: Deborah Barer <debbarer@gmail.com>
Sent: Tuesday, February 18, 2025 1:29 PM
To: All Council
Subject: Stop up zoning south side

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello,
I live in south Berkeley and oppose the UC project without proposed taxes that will unfairly upset out residential taxes and negatively affect BUSD. As a former BUSD teacher and a long time resident on Essex st in South Berkeley I want the project to have agreed upon taxes. Right now uc will not be paying their share. This is a big problem for residents and our school district.
Sincerely,
Deborah Barer
2135 Essex st Berkeley 94705
Resident
Retired BUSD teacher

From: BPEorg <bpeorg2024@gmail.com>
Sent: Thursday, February 13, 2025 3:51 PM
To: All Council
Subject: Berkeley Public Eye | Pubic Comment @ City Council-2/11/25

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Greetings Berkeley City Council Members:

BERKELEY PUBLIC EYE
PUBIC COMMENT (delivered at)
City Council meeting February 11, 2025

My name is Bernard Marszalek and I am a crew member with a non-profit journalistic endeavor - **Berkeley Public Eye**.

Since May of last year, we have been video recording the meetings of the Planning Commission and posting them to our YouTube Channel. Search for Berkeley Public Eye and you will find all the meetings archived there, including the most recent one on February 5th. https://www.youtube.com/@BerkeleyPublicEye2024

Berkeley Public Eye requests that the City Council support our work. Each video recording, editing, and posting with Timestamps to our YouTube Channel costs $800/ per meeting.

We have been filming these meetings because the proceedings of the Planning Commission share the same legal standing as this City Council meeting, the Rent Board and the Zoning Adjustments Board.

That is, anyone who speaks at Public Comment at those meetings has litigious rights in a Court of Law.

While those three venues are recorded so that the public can participate, this is not the case with the Planning Commission.

Berkeley Public Eye believes that the Planning Commission's deliberations are significant and the public should be aware of their proceedings.

Items come to the Planning Commission from City Council and the commissioners and staff discuss these items in detail before sending their recommendations back to Council.

If the public had access to those meetings where policy is being formulated, we believe it would expedite consensus on issues BEFORE they arrive at City Council – this is a matter of transparency. **Contentious issues would be eliminated or greatly reduced.**

Council Member Wengraf, on May 7th of 2024, proposed a budget of $110,000 for infrastructure to conduct hybrid city meetings for ALL commissions. CM Wengraf's Budget Referral was passed and I hope that it is incorporated in the budget for fiscal year 2025/26.

In the meantime, Berkeley Public Eye requests that the City Council fund our work to provide recordings of Planning Commission meetings for $800 per month.

Thank you,
- Bernard Marszalek

Durr, Jasmine **81**

From: david lerman <415justice@att.net>
Sent: Thursday, February 13, 2025 11:35 AM
To: All Council; Kesarwani, Rashi; Gerstein, Beth; Humbert, Mark; Taplin, Terry; Berkeley Mayor's Office; Manager, C; Berkeley Fire Department
Subject: 100+ YEAR OLD PG&E GAS LINES IN BERKELEY ARE RUSTED, CRUMBLING AND POSE A SERIOUS RISE OF FIRE, ESPECIALLY AFTER A BIG EARTHQUAKE

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

PG&E GAS LINES IN BERKELEY ARE MORE THAN 100 YEARS OLD, RUSTED AND CRUMBLING

PG&E is doing almost nothing to replace old gas lines in Berkeley. We need to reduce the risk of major gas leaks after large earthquakes, and replacing old gas lines will reduce the risk of major fires after the earthquakes.

NOTE: Earthquakes and gas pipeline damage could happen at the same time as a Diablo wind fire event.

I encourage the City of Berkeley to try to get PG&E to replace more old gas lines in Berkeley. The gas line on my street, 1700 block of Francisco St, is 103 years old. EBMUD is currently working to replace our 100 year old water line, but PG&E refused to replace our 103 year old gas line. PG&E claims that gas lines can last forever (I have an email from PG&E saying this). However, a PG&E employee doing excavation in my neighborhood told me that the 103 year old gas lines are rusted, crumbling, and should be replaced.

When the big quakes come, the ancient, rusted, brittle gas lines throughout Berkeley will rupture. (This includes the huge 10 inch gas lines). It will likely take many hours or days for PG&E to turn off the gas. This will cause fires throughout Berkeley.

When PG&E's pipeline in San Bruno exploded it took PG&E hours to finally shut off the gas. The explosion and fire killed 8 people, injured dozens, and destroyed 38 homes.

We need to pressure PG&E to do more to replace gas lines and valves. At their current rate of gas line replacement it will take them more than 700 years to replace all of their ancient gas lines.

PG&E is doing almost nothing to replace old gas lines to prevent fires and explosions.

I reviewed a PG&E Gas Pipeline report.

https://www.pge.com/assets/pge/docs/about/pge-systems/PDF_GasPipelineSafetyOIR_Report_PGE_20240315.pdf

I have three pieces of information I wish to share from the report:

A. 1.49 billion cubic feet of natural gas = the amount released into the atmosphere due to leakage by PG&E last year. (Natural gas that has not been burned has a huge amount of methane, a very potent greenhouse gas).
B. 78,600+ = the number of miles of gas pipeline operated by PG&E.
C. 112= the number of miles of gas pipeline replaced by PG&E in 2023.

At the current rate, it would take over 700 years to replace all of PG&E's aging and leaking gas pipeline infrastructure.
(78,600 miles / 112 miles per year = 702 years) (See page 38 of PG&E report linked above)

EBMUD IS REPLACING 100+ YEAR OLD WATER LINES IN BERKELEY. PG&E SHOULD REPLACE 100+ YEAR OLD GAS LINES IN BERKELEY TO REDUCE THE RISK OF FIRES AND EXPLOSIONS.

THE CITY OF BERKELEY SHOULD FORMALLY AND PUBLICLY CALL OUT PG&E FOR NOT REPLACING MORE GAS DISTRIBUTION LINES IN BERKELEY.

***Francisco Street is scheduled for complete demolition and repaving. Why not replace the pipes BEFORE the repaving project?**

-Best regards,

David Lerman

From: Alexander (Alex) Merenkov <alexmerenkov@gmail.com>
Sent: Wednesday, February 12, 2025 10:24 AM
To: Rent Stabilization Board
Cc: Tregub, Igor; Manager, C; HCI; All Council
Subject: Re: Mandatory Unit Inspections: Stolen Property

WARNING: This is not a City of Berkeley email: Do not click links or attachments unless you trust the sender and know the content is safe.

Hey Rent Board,

According to the AI this is a violation of several Berkeley tenant protections ordinances and I'm requesting that the city of Berkeley and various departments take immediate action to enforce BMC now.

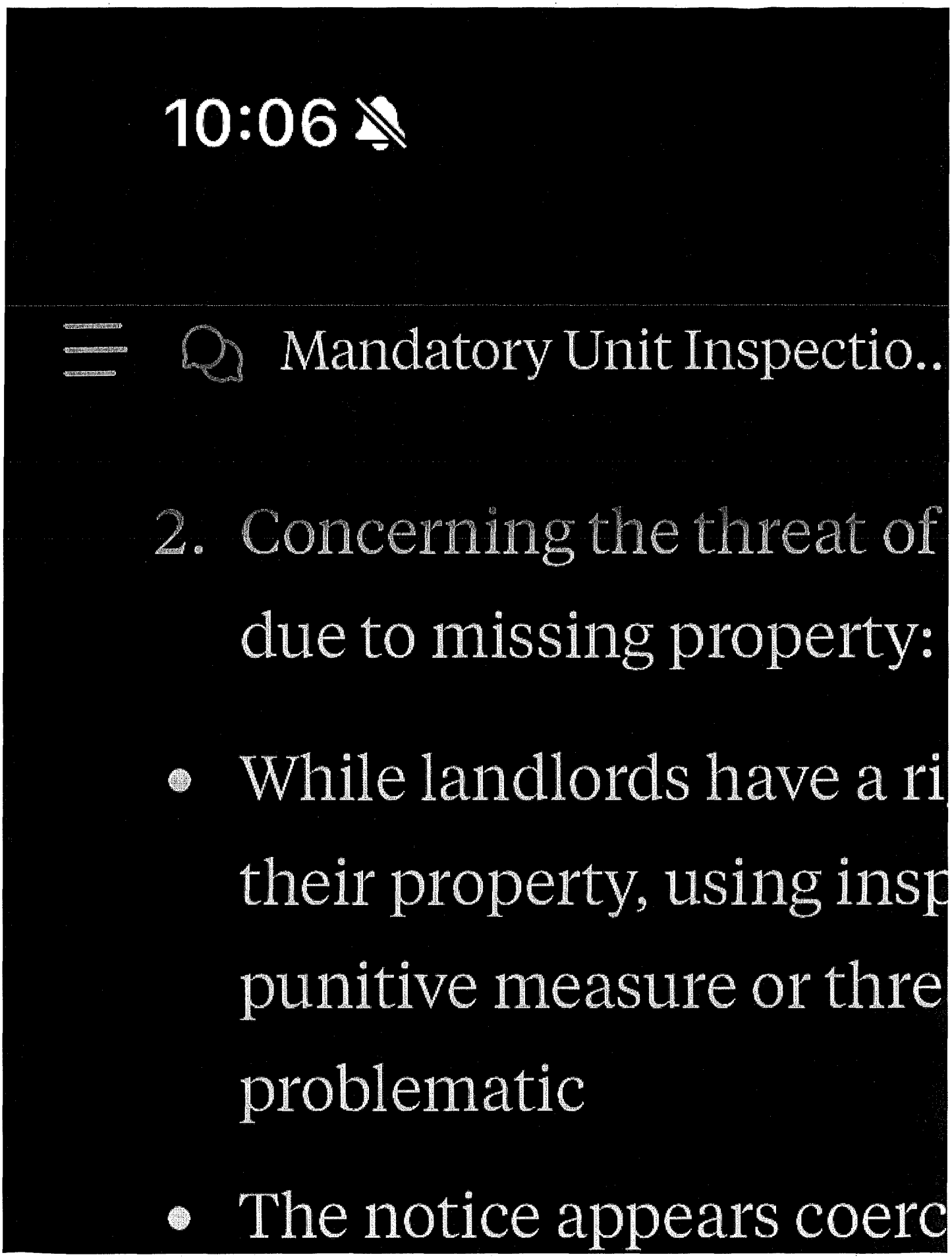
I have also called the Eviction Defense Center Berkeley Hotline so potentially their lawyer Peter can send a cease and desist letter.

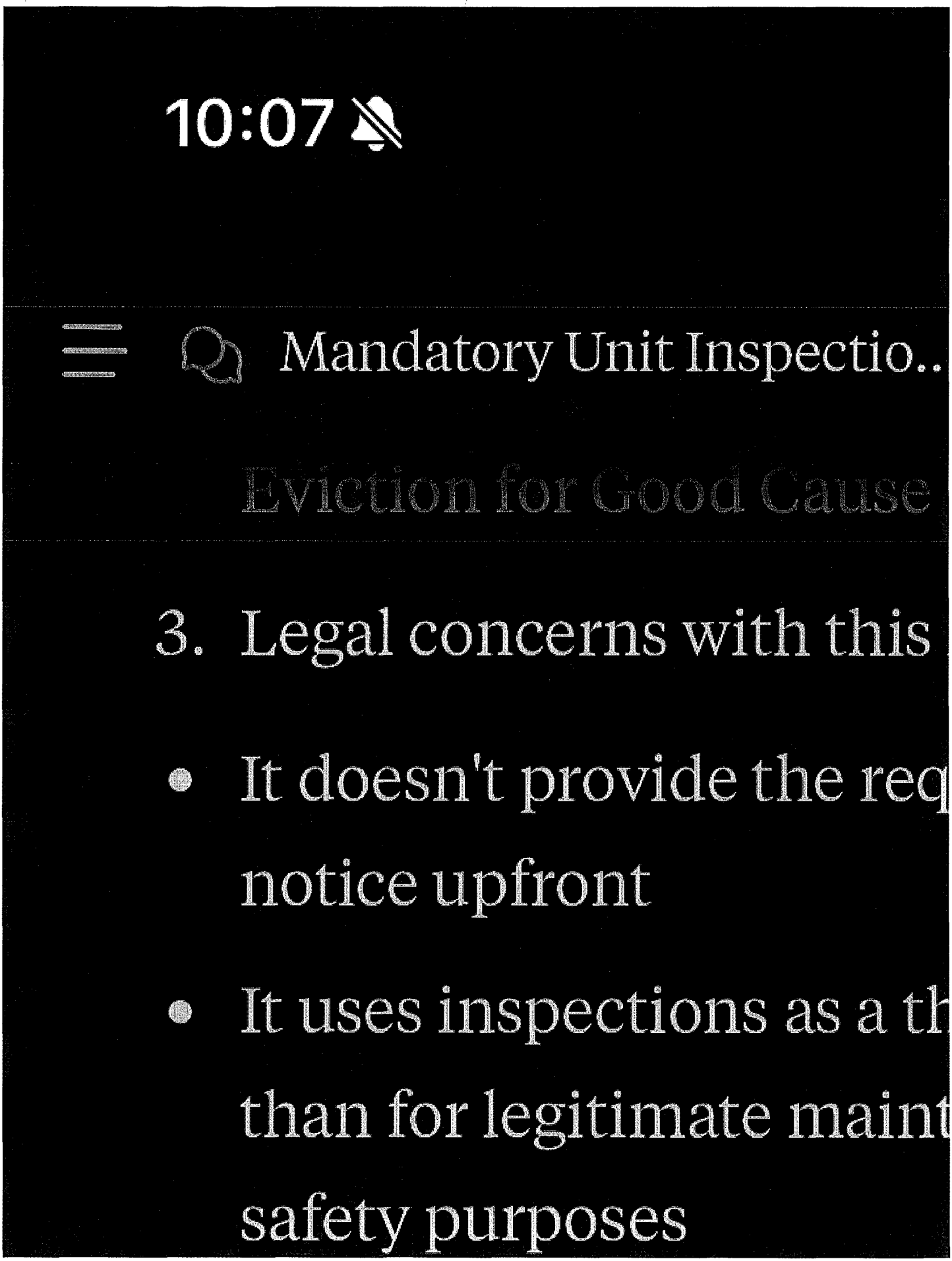
I see that K Street Flats is just trying to scare someone to bring chairs back but this is illegal conduct completely.

When the city of Berkeley turns a blind eye to this conduct it creates a culture of violation and disobedience.

I've CC'd all city council now too so they can see that the tenant protections they placed to protect are failing in our city.

Thank you for looking into this right away.


10:06
Mandatory Unit Inspectio..
2. Concerning the threat of
due to missing property:
• While landlords have a ri
their property, using insp
punitive measure or thre
problematic
• The notice appears coerc


10:07
Mandatory Unit Inspectio..
Eviction for Good Cause
3. Legal concerns with this
• It doesn't provide the req
notice upfront
• It uses inspections as a th
than for legitimate maint
safety purposes

Sincerely,

Alex S. Merenkov
alexmerenkov@gmail.com

On Wed, Feb 12, 2025 at 10:01 AM Alexander (Alex) Merenkov <alexmerenkov@gmail.com> wrote:

Hey Rent Board,

We got a very bizarre email from property management at 2020 Kittredge that they suspect someone stole common area property. Now everyone is being subjected to a search and seizure. Is this legal? Seems very hostile and reductive.

Sincerely,

Alex S. Merenkov
alexmerenkov@gmail.com

---------- Forwarded message ---------
From: **K Street Flats** <Resident_Office-kstreet@knck.io>
Date: Wed, Feb 12, 2025 at 9:10 AM
Subject: Mandatory Unit Inspections: Stolen Property
To: <alexmerenkov@gmail.com>

Hello Valued Tenants:

Regrettably we will have to do **mandatory unit inspections** as our community property (chairs) have gone missing. You will receive proper 24-hour written notice if the **chairs are not returned by the end of day today**.

K Street Flats
K Street Flats
2020 Kittredge St Berkeley CA 94704
https://www.kstreetflats.com/

You are receiving this email because you are a resident at K Street Flats.

Durr, Jasmine **83**

From: Gill, Manreet
Sent: Thursday, February 13, 2025 10:13 AM
To: Alexander (Alex) Merenkov; Rent Stabilization Board
Cc: Tregub, Igor; Manager, C; HCI; All Council
Subject: Re: Mandatory Unit Inspections: Stolen Property

Hi Alex,

Thank you for contacting the Berkeley Rent Board.

State law allows landlords the right of entry under certain circumstances, such as: in the case of an emergency, to make necessary or agreed repairs, decorations, alterations or improvements, to supply necessary or agreed services, or to show the unit to prospective buyers, tenants, etc. (Ca. Civ. Code § 1954). This law also requires landlords to provide 24-hour notice prior to the time of entry, and limits entry to normal business hours. The tenant's presence is not required at the time of entry under state law.

The City of Berkeley has a Tenant Protection Ordinance, which prohibits conduct including abuse of the right of access to the rental unit. A tenant aggrieved by violations of the Tenant Protection Ordinance may bring a civil action in court against the landlord. Violators may be held liable for damages (including emotional distress, and an additional penalty of up to $5,000 for each violation against any person who is disabled or age sixty-five or over), court costs, and attorney's fees. *For violations related to repairs, Tenants must first provide fifteen days' notice of the violations (see B.M.C. 13.79.060.E.2). Legal challenges brought under the TPO are adjudicated by a court of law, not at our agency. Housing Counselors are not able to provide legal analysis or determinations, nor advise on potential legal outcomes and/or remedies.*

The Rent Board's mediation program could also be helpful in this situation - Mediation is a free, voluntary service provided by the Berkeley Rent Board, whereby both the tenant and landlord meet with one of our mediators in attempts to reach a compromise. Information about the mediation process, including a request for mediation form, is available here. Mediation is less formal but could resolve this matter in about 1-3 weeks. Review our mediation FAQs for more information on the process: Mediation FAQs. *If multiple tenants would like to join the mediation, they can fill out the form and request it be combined into a single meeting with the landlord.*

I hope this helps.

Best,
Manreet

We have moved! Our **NEW** office is located at **2000 Center Street, Suite 400!**

Please note that any inquiries to the Berkeley Rent Board may require up to 5 business days for a response.

Manreet Gill, MPA | Housing Counselor

City of Berkeley Rent Stabilization Board
2000 Center Street Suite 400 Berkeley
City of Berkeley Rent Stabilization Board
PHONE: (510) 981-4917 | FAX: (510) 981-4910
mgill@cityofberkeley.info | www.cityofberkeley.info/rent

From: Alexander (Alex) Merenkov <alexmerenkov@gmail.com>
Sent: Wednesday, February 12, 2025 10:24 AM
To: Rent Stabilization Board <rent@berkeleyca.gov>
Cc: Tregub, Igor <ITregub@berkeleyca.gov>; Manager, C <CManager@berkeleyca.gov>; HCI <HCI@berkeleyca.gov>; All Council <council@berkeleyca.gov>
Subject: Re: Mandatory Unit Inspections: Stolen Property

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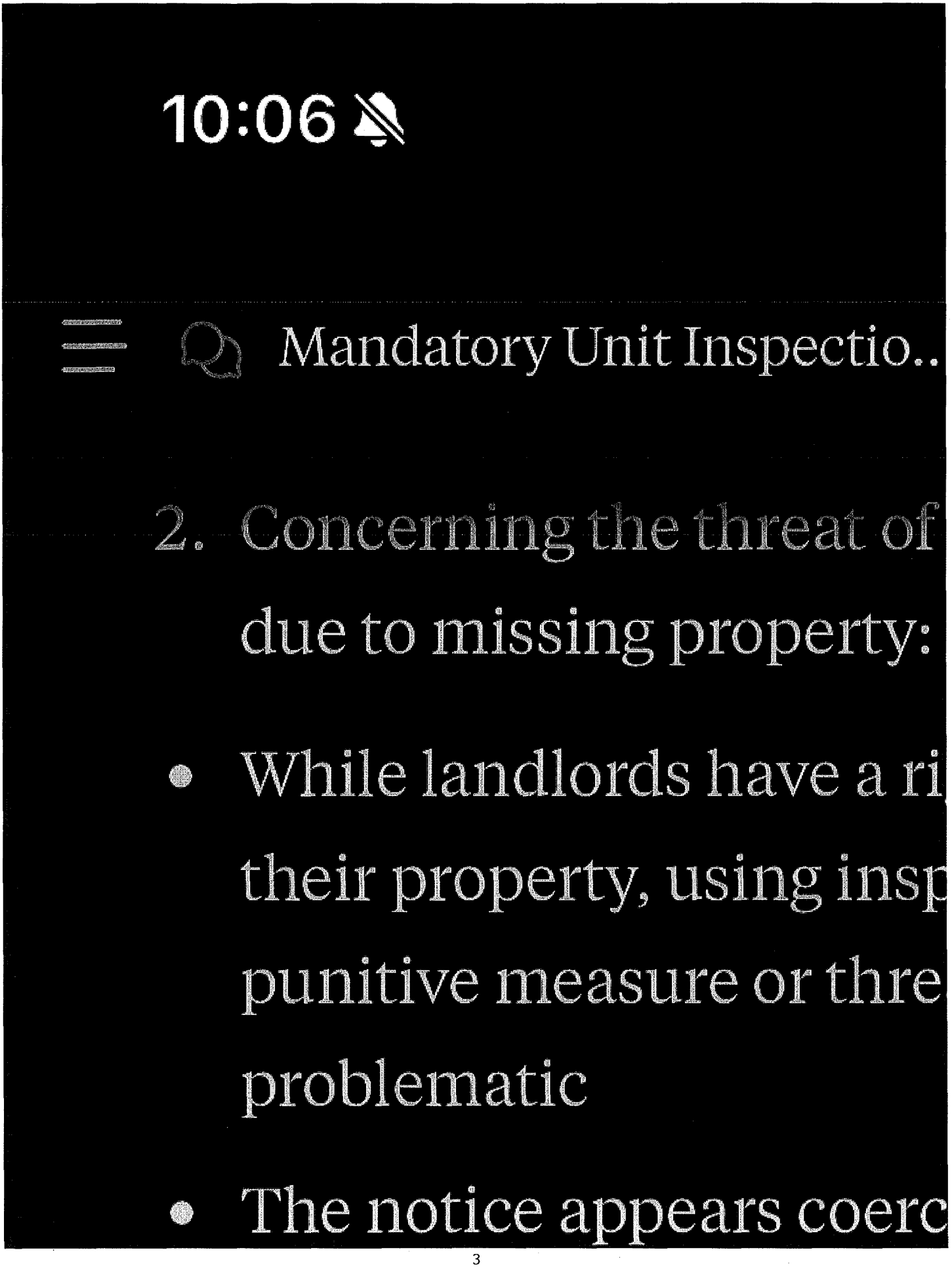
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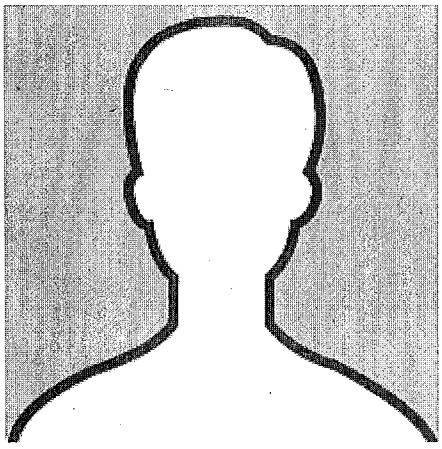
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K Street Flats

K Street Flats
2020 Kittredge St Berkeley CA 94704
https://www.kstreetflats.com/

You are receiving this email because you are a resident at K Street Flats.

Durr, Jasmine **84**

From: Roger Hooks <hookscreativ@yahoo.com>
Sent: Monday, February 10, 2025 2:05 AM
To: All Council
Subject: Inquiry about future plans for Golden Gate Fields

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello my name is Roger Hooks. I'm an entrepreneur with a type of Amusement Park idea. I'm looking for properties that might be interested. I'm aware of some of the challenges that Golden Gate fields possesses but think this particular amusement park is an environmentally friendly opportunity that might fit within them. The idea is in its earliest stages so there is plenty of opportunity to pivot and adjust where necessary. I'll be in contact with Albany and Stronach Group for alignment.

Sent from Yahoo Mail for iPhone

Durr, Jasmine **85**

From: Asa Bradman <asabradman@gmail.com>
Sent: Monday, February 10, 2025 8:15 PM
To: O'Keefe, Shoshana; All Council; Berkeley Mayor's Office; PWWorks
Subject: Other Dangerous Intersections

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear All, following up on the tragic accident at Ada and California, there are a few nearby intersections in the King School vicinity that may warrant 4-way stop signs or other safety measures to prevent an accident. Specifically, I think it is worth taking a look at all the intersections where Buena Ave crosses McGee, California, and Holly Street. Vehicles often travel quite fast on these cross streets as shortcuts (sometimes dangerously fast), and regardless of speed, vehicles making turns without slowing down may be too late to stop for a pedestrian or bike.

In particular,

- Right turns on to Buena Ave from Holly Street when traveling North. (There is also a general vehicle collision hazard at this uncontrolled intersection - especially when turning left onto Holly Street when traveling west on Buena Ave).
- Turns, especially right turns, on to Buena Ave from California when traveling in either direction.
- Turns onto Buena from McGee traveling in either direction.

Thanks for considering.

Best regards, Asa Bradman, Holly Street

Durr, Jasmine

From: Justin Wong <justin.wong@svn.com>
Sent: Tuesday, February 11, 2025 5:02 PM
To: All Council
Subject: Request for Certificate of Recognition for AREAA Incoming Board Members

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I hope this message finds you well. My name is Justin Wong and I am reaching out on behalf of AREAA of the Greater East Bay Chapter. AREAA (Asian Real Estate Association of America) is dedicated to promoting sustainable homeownership opportunities in Asian American communities by creating a powerful national voice for housing and real estate professionals that serve this dynamic market.

We are excited to welcome our new board members for the upcoming term and would love to recognize their commitment to community service with a Certificate of Recognition from your office. Our board members dedicate their time and expertise to advancing our mission, and a certificate from you would be a meaningful acknowledgment of their contributions.
We would greatly appreciate it if you could issue certificates for the incoming board members.

If possible, we would love to receive the certificates next week, as we plan to present them at our upcoming gala installation on February 20th. Please let us know the best way to coordinate this request, and if you need any further information, I would be happy to provide it. Thank you for your time and consideration. We truly appreciate your support in recognizing the individuals who help make a difference in our community.

Best regards,

Justin

--

Justin Wong | Associate Advisor
SVN | Pacific Commercial Advisors
AREAA National Treasurer 2025
AREAA National Commercial Chair 2022
AREAA Greater East Bay Past President 2020-2022

DRE Lic.#01974254
1674 Post Street, Suite 1
San Francisco, CA 94115
415.922.2900 ext. 106
510.917.2022 Mobile
415.922.2902 Fax
justin.wong@svn.com

Subscribe to my Bay Area ***SVN Newsletter***





Collective Strength. Accelerated Growth.

Durr, Jasmine **88**

From: tdeloachreed@icloud.com
Sent: Wednesday, February 12, 2025 6:37 PM
To: All Council
Cc: Taylor, Briana
Subject: Red Cross Month Proclamation
Attachments: 2025 Proclamation Alameda County.docx

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear City of Berkeley,

As in years past, your city and constituents have supported the work of the American Red Cross Bay Area Chapter. This year, the American Red Cross is recognizing our everyday heroes during Red Cross Month. Again, we would like to celebrate our ongoing collaboration with a City Proclamation in honor of Red Cross Month, March 2025.

We have attached a sample of the proclamation and will schedule a member of the Red Cross Leadership Council to attend the city council meeting to say a few words about the work of the Red Cross in the community and be available for a photo with the council members when the proclamation is issued.

Please contact Briana Taylor, briana.taylor2@redcross.org this year to let us know the council meeting date, time and location of the meeting. If you have any questions, please feel free to contact me.

Thank you, a copy of a sample proclamation is attached.

Teresa Deloach Reed / Volunteer
American Red Cross Bay Area
Chair Alameda County Leadership Council
teresa.deloachreed2@redcross.org

March 2025, Red Cross Month
American Red Cross Proclamation

WHEREAS, March is American Red Cross month, when we recognize the compassion of people in [COMMUNITY] and renew our commitment to lend a helping hand to our neighbors in need; and

WHEREAS, American Red Cross volunteers have stepped up to deliver relief and care across our country and around the world, bringing out the best of humanity in times of crisis as Clara Barton, founder of the American Red Cross, did over 140 years ago; and

WHEREAS, the volunteers, blood and platelet donors, and supporters shine a beacon of hope in people's darkest hours —delivering shelter, food and comfort during disasters; providing critical blood donations for hospital patients; supporting service members, veterans and their families; saving lives with first aid, CPR, AED and other skills; or delivering international aid and reconnecting loved ones separated by global crises; and

WHEREAS, with 1,638 volunteers in Alameda County, the American Red Cross assisted or responded to 163 disasters, assisting 305 families; and through our Sound the Alarm program, the American Red Cross installed 988 smoke alarms, making 291 homes safer and trained 2,544 youth and adults through Pedro and Preparedness Programs; and

WHEREAS, Alameda County residents donated 30,572 units of lifesaving blood; hosted 1,154 blood drives; and trained 13,893 citizens in first aid, CPR, AED, and aquatics; and provided 455 case services to military members and their families; and provided humanitarian aid internationally; and

WHEREAS, this work to uplift our community is made possible by those who selflessly answer the call to help, whenever and wherever it is needed. We hereby recognize this month of March in honor of their remarkable service, and we ask everyone to join in their commitment to care for one another.

NOW, THEREFORE, I, [MAYOR/COUNTY EXECUTIVE NAME], of [CITY], by virtue of the authority vested in me by the laws of [CITY/COUNTY] and [STATE], do hereby proclaim March 2025 as Red Cross Month. I encourage all citizens of [COMMUNITY OR STATE] to reach out and support its humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand this [first] day of March, in the year of our Lord two thousand twenty-five, and of the [CITY/COUNTY] [WRITE OUT THE NAME OF THE STATE].

[INSERT SIGNATORY]

Durr, Jasmine

From: Shirley Kirsten <shirley_kirsten@yahoo.com>
Sent: Wednesday, February 12, 2025 11:06 AM
To: Shirley Kirsten; All Council; O'Keefe, Shoshana; Humbert, Mark; Blackaby, Brent; Kesarwani, Rashi; Berkeley Mayor's Office; transportation; Sprague, David A.; BPD Webmail; Manager, C; Bartlett, Ben; Tregub, Igor; Lunaparra, Cecilia; PWWorks; Taplin, Terry
Subject: second video... dangerous maneuver by van on ADA/CA 2/12/2025
Attachments: Dangerous van maneuver ADACA IMG_0912.mov

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

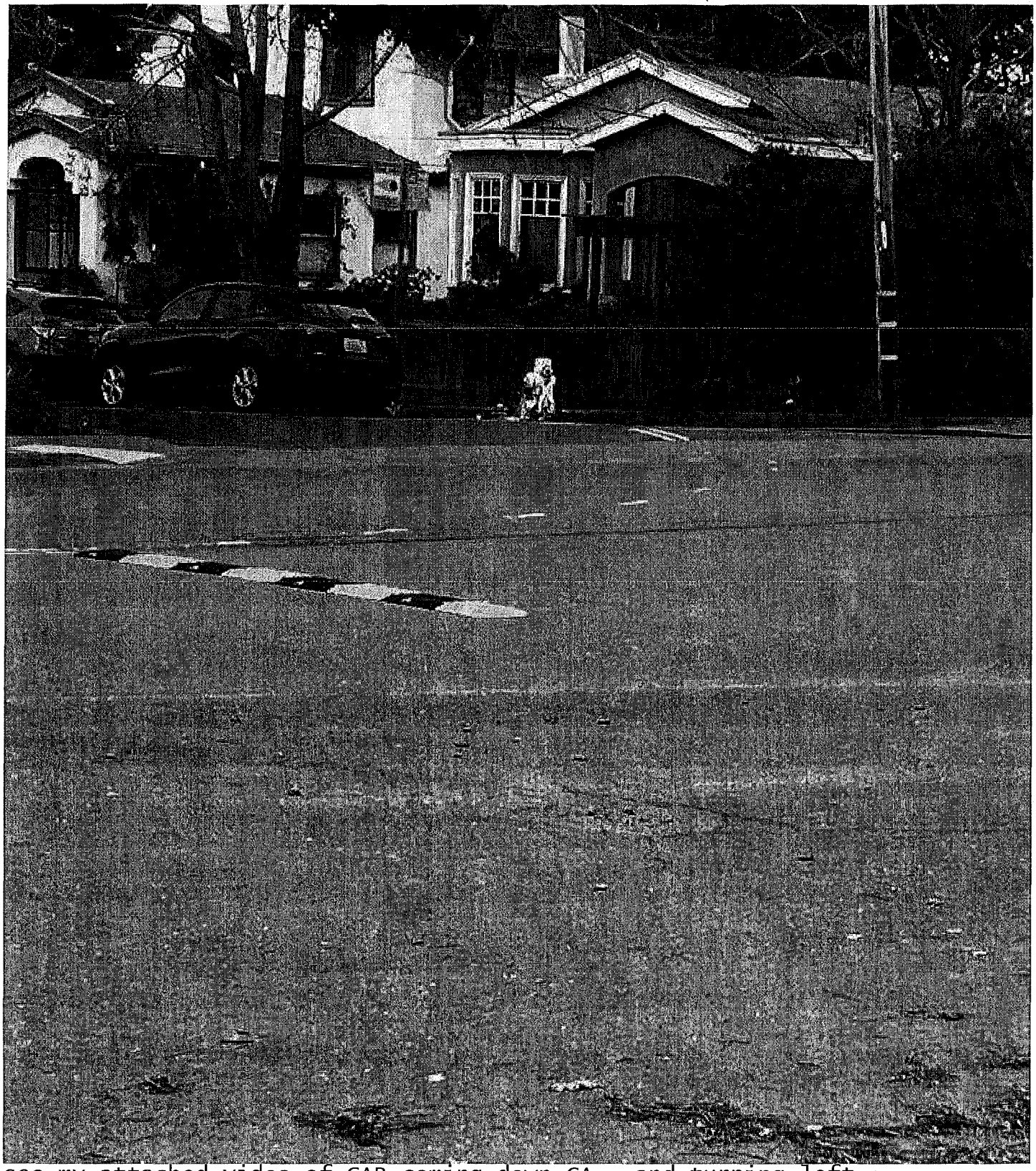
The first video in a preceding email.. magnifies the issue with the new bumper on ADA/CA-
In the video below, WHERE IS ENFORCEMENT. Is there another fatality in waiting?

Durr, Jasmine

From: Shirley Kirsten <shirley_kirsten@yahoo.com>
Sent: Wednesday, February 12, 2025 10:59 AM
To: All Council; Manager, C; Berkeley Mayor's Office; Humbert, Mark; O'Keefe, Shoshana; Blackaby, Brent; Kesarwani, Rashi; Lunaparra, Cecilia; Tregub, Igor; Taplin, Terry; transportation; Sprague, David A.; Bartlett, Ben; BPD Webmail
Subject: Today 2/12 ADA/CA BUMPER added and other
Attachments: Car coming down CA trying to go around bumper.mov

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

The bumper is not wide enough.. I waited for a car to come down California and make a diverted Left turn onto ADA.. My video illustrates... I will send a separate video of an egregiously dangerous maneuver made by a van today on the other side of ADA/CA where there is a worthless Stop sign. I could not load TWO videos in this mailing.



see my attached video of CAR coming down CA.. and turning left with diverter onto ADA

I will send the second video of a highly dangerous maneuver of a van on the other portion of ADA/CA

Durr, Jasmine **90**

From: Julie Elis <julieelis2008@gmail.com>
Sent: Sunday, February 16, 2025 1:21 PM
To: All Council
Subject: Comments section

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hi All,

If you have not already, I highly encourage you to read the comments section of this article to see what your constituents are saying: https://www.berkeleyside.org/2025/02/14/berkeley-unhoused-residents-eighth-harrison-civic-center-park

Julie

Durr, Jasmine

91

From: Flip Side <berkeleyflipside@gmail.com>
Sent: Monday, February 17, 2025 1:34 PM
To: All Council
Subject: There's Work to be Done

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please do it.

Berkeley's Conscience Still Floundering - The Flipside

-- Flipside

Durr, Jasmine

92

From: Nancy Fox <medium4god@gmail.com>
Sent: Wednesday, February 19, 2025 12:50 PM
To: All Council
Subject: https://abolishcps.wordpress.com/

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

https://abolishcps.wordpress.com/

Durr, Jasmine **93**

From: Eids TV <luvmetal@gmail.com>
Sent: Tuesday, February 18, 2025 12:20 PM
To: Berkeley Mayor's Office; Manager, C; Seniors; City Clerk; Health, Housing & Community Services; City Attorney's Office; Bartlett, Ben; Humbert, Mark; Kesarwani, Rashi; Taplin, Terry; O'Keefe, Shoshana; Blackaby, Brent; Lunaparra, Cecilia; Tregub, Igor
Subject: Fwd: Eids TV & Smash-and-grab robbery at Looking Glass Photo

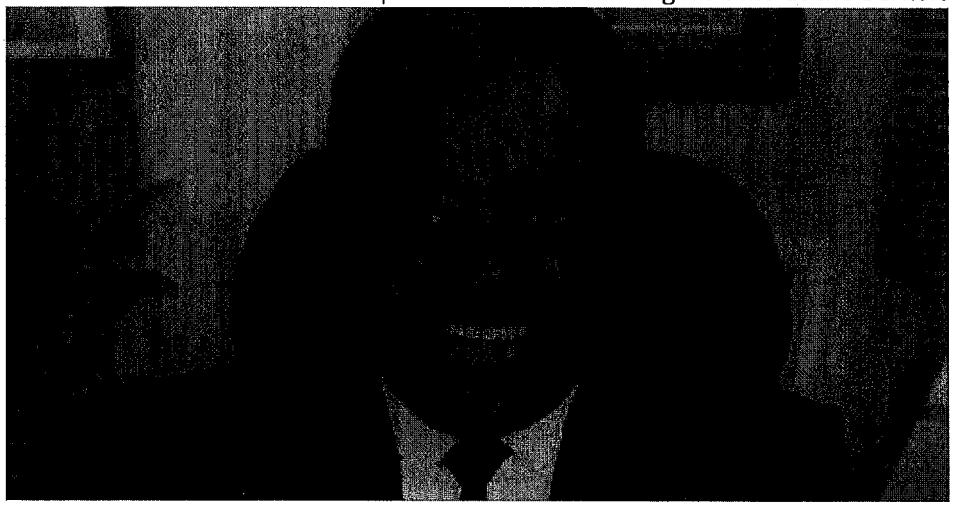
WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Channel 7 TV news just showed that on their 11PM news.....That happened to us at 1702 MLK and 1799 University ave some years ago

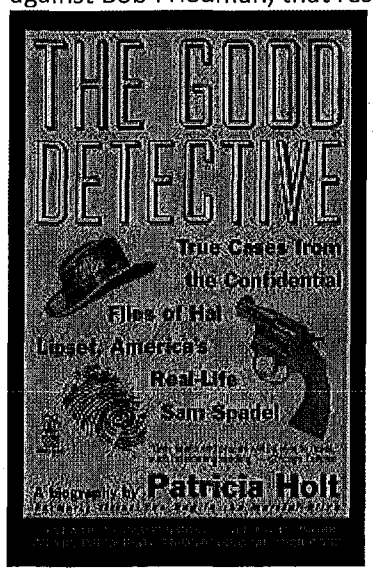
Several other incidents happened frequently at our store at 1941 University avenue Berkeley, 2480 Shattuck ave Berkeley' and 3151 Scott Street in San Francisco Marina district.....All happened very late at night, so whenever my home phone rang late at night, I knew it was a call from the police about massive burgery in one of our stores.....For decades we had 3 stores in Berkeley and one in San Francisco.....I also must mention the one million dollars embezzlement in our San Francisco store by the store manager Robert Friedman, sales manager Bruce short, and store accountant Joseph Cunningham. only Robert Friedman was arrested, tried, and convicted, he was sent to 6 month in prison, he was ordered to pay back the million dollars at 5 thousands dollars each month, but I never got single penny, he also threatened me and my family life from his prison, that is why I had to hire 2 Berkeley policemen to guard our house on Euclid For 2 over years at cost of 6 thousands dollar a month, this service was offered by the late Berkeley Police Dash Butler 3ho was ver goodman, and great friend

Dash Butler, Berkeley police chief for 11 years, dies at 66

Dash Butler oversaw several important initiatives during his time at the Berkeley Police Department.



By the way I had to hire and pay 60 thousands dollars to the great Bay Area detective Hal Lipset to make a tight case against Bob Friedman, that resulted in his conviction

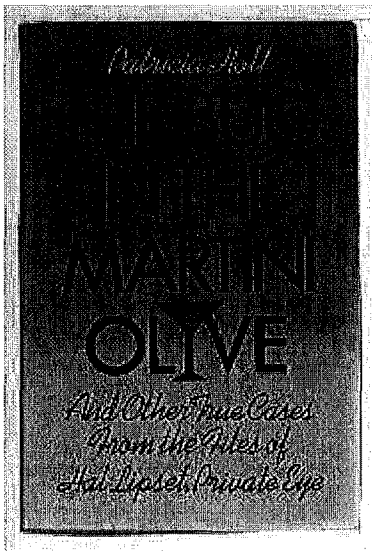


Dean of Detectives Dies in S.F. / Harold Lipset transformed the world of private eyes

By Michael Taylor, Chronicle Staff WriterDec 9, 1997

1997-12-09 04:00:00 PDT SAN FRANCISCO -- Harold K. "Hal" Lipset, the famed private eye who demolished the myth of the trench-coated, gat-wielding Humphrey Bogart character and turned the detective business into a respectable, lucrative and even intellectual profession, died yesterday at the age of 78.

Lipset suffered an aneurysm in the abdomen last week, according to his bookkeeper, Dorothy Jansizian, and was taken to Mount Zion Hospital in San Francisco, where he underwent an operation Friday. Although the operation was successful, Jansizian said, Lipset died yesterday of cardiac arrest.



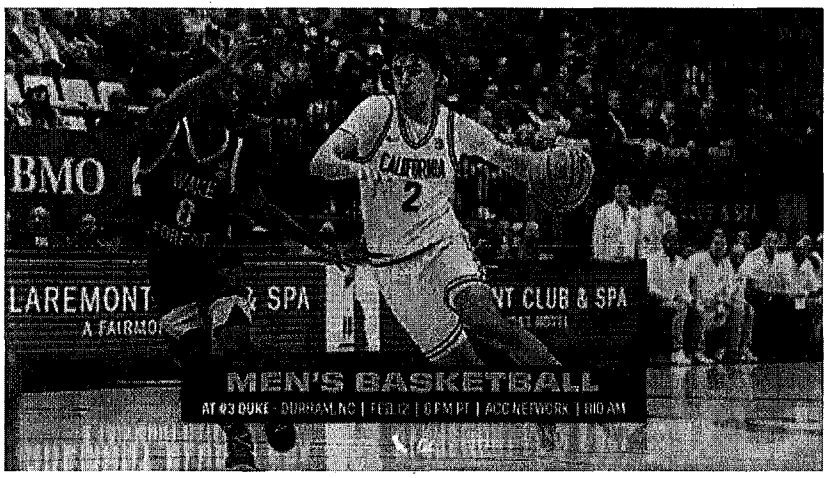
https://www.berkeleyside.org/2025/02/17/smash-and-grab-robbery-looking-glass-photo-berkeley-damage-losses

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From: josh atwood <joshatwood2088@gmail.com>
Sent: Wednesday, February 12, 2025 6:21 PM
To: All Council; chernandez@oakdiocese.org
Subject: Screenshot (Feb 12, 2025 6:19:14 PM)
Attachments: Screenshot_20250212-181914.png

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

a first since 2013.....this is monstrously disgraceful.....I know Gary Payton is in the area.....Can we bring him on board ASAP pls



MBB • February 10, 2025

Bears To Battle No. 3 Blue Devils

Cal Seeks First Road Win Against Top-10 Team Since 2013 **Full Story »**

Watch Listen Live Stats Notes (PDF)
ACC Media: Madsen

LATEST HEADLINES

Cal OAK Official Airport of Cal Athletics
Hey Sacramento! See how much you can save this Presidents Day!
SHOP NOW

Durr, Jasmine

From: josh atwood <joshatwood2088@gmail.com>
Sent: Friday, February 21, 2025 1:54 PM
To: Breed, Mayor London (MYR); City of San Jose Mayor's Office; Office of the Mayor; district6@oaklandca.gov; Supervisor Dean Preston; district2@oaklandca.gov; jmcgill@skylinechurch.org; jbauters@emeryville.org; Chanstaff@sfgov.org; All Council; chernandez@oakdiocese.org; Tyler Chicourrat; St. Edward's University
Subject: Factoid

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Gender flipping is illegal bcuz it reflects contempt of DIVINE court.....

People misinterpret "separation of church & state".....bcuz they fail to ascertain correct premises.....meaning WHAT is America?.....

The answer, America was devised as an EXPERIMENT that man could champion virtuous living without a supervising monarch ....& all executives ought to be informed at the deepest root, all of western civilizations laws find their source from the Jewish talmud.....I humbly implore people to seek out prof. of law at Bay area University's on this matter as this is critical.....

From: Eids TV <luvmetal@gmail.com>
Sent: Tuesday, February 11, 2025 1:14 PM
To: Berkeley Mayor's Office; Manager, C; Seniors; City Clerk; Health, Housing & Community Services; City Attorney's Office; Bartlett, Ben; Humbert, Mark; Kesarwani, Rashi; Taplin, Terry; O'Keefe, Shoshana; Blackaby, Brent; Lunaparra, Cecilia; Tregub, Igor
Subject: Fwd: Mail to Mayor
Attachments: 3c.png; 4d.png; 2b.png; 5a.png; chief.png; 6ff.png; 5e.png; 1a.png; mayor22.png

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Arreguin.....Have you heard that Bed Bath & Beyond company filed bankruptcy, and about to shutdown hundred of their branches, that is real sad, hundreds of their employees will lose their jobs, cities across the Bay Area will lose their tax revenues, and thousands of loyal customers will lose their necessary needs and supplies,,,,,

Driving through the streets of Bekeley lately, I see hundreds of stores that are shut down and out of business, In so many cases the entire block is full of out business stores, like Bancroft Way, University avenue. Shattack avenue and many others, I see far more parking enforcement little cars roaming all over across the streets of Berkeley, in many cases their number far exceeds the number of cars,and in some parts of the city their numbers exceeds even pedestrians, people walking in the street..... That is a rotten way by the city of raising revenue, instead you and the rest of the city staff should do what other cities across the Bay Area, like Oakland, San Francisco, San Jose, and many others did, please support small businesses like ours to raise revenue in more honorable way.....It has been over 2 years since you committed to have our business to Durant Mall, please keep your commitment, Dionne Dearly was wrong and had serious conflict of interest, Our 50 years old great company, our employees, and our broadbase Bay Area consumers are ours greatest concern and should be yours as well ,...,Call me 510 848 5000

Mohamed Eid Abdallah
Eids Television

Dear Mayor Arreguin,

Last week I had Requested the needed forms to rent the Channing- Telegraph Malll by email, but I got no response. Then I called the phone number listed 510 981 6453 Dionne Early answered the phone, after introducing myself as Mr Abdallah, she did not seem very friendly. NEXT WEEK ON WEDNESDAY FEBRUARY 14, I WILL TOGETHER WITH MY EMPLOYEES, AS WELL AS SEVERAL CITY OF BERKELEY LONGTIME RESIDENTS AND LOYAL CUSTOMERS OF EID WILL ATTEND THE NEXT CITY COUNCIL MEETING to present the unfair way you and the city staff for nearly 30 months have been dealing with our application to relocate our great business Eids Television to the Berkeley city owned Channing - Telegraph Mall which near 30 month ago you, Mayor Jesse Arreguin, as well the then acting city manager, and the head of the city public works Liam Garland had approved. Berkeley where I have resided for the last 59 years, in 1973 while working on my PHD in Nuclear Engineering at U C Berkeley, created one of the largest 50 years old consumer electronics business in the Bay Area, with very large customer base.

Mohamed Eid Abdallah Eids Television

February 06th 2023

Dear Mayor arreguin Please don't do that again, having to deal with the same woman you described her to me in your own words by phone , as SHE IS MY STAFF WORST, who for no apparent valid reason blocked your order to have move to Durant Mall in August 2021 till now blocked you issuing a licence bending a lease at that Mall, that is near 30 month of waste and total loss to us all,, in your own words you told me that she was saying bunch of nonsense (Gubiligoo)...Both you and Liam Garland on phone calls committed the lease for our business inside the city owned Durant Mall by phone calls and emails in August 2021 while our own building being demolished at 2556 Telegraph avenue, infact Liam Garland called me that morning at 10 AM to tell me that he is having this woman write the lease and will have by it tomorrow, and even yourself Mr Mayor you twice called Araan Keifer our being demolished location at 2556 Telegraph Avenue asking him to give us couple of weeks extention before they demolish the building to give the city of Berkeley Public Work staff to get one of the retail spaces ready for EIDSTV ....Please keep your word, our family owned the best consumer electronics company the city of Berkeley have ever seen, and no other business has replaced us since then, as not only our company and employees are suffering with our situation, but also the great city of Berkeley and the great Bay Area,consumers and the city of Berkeley itself is losing as well

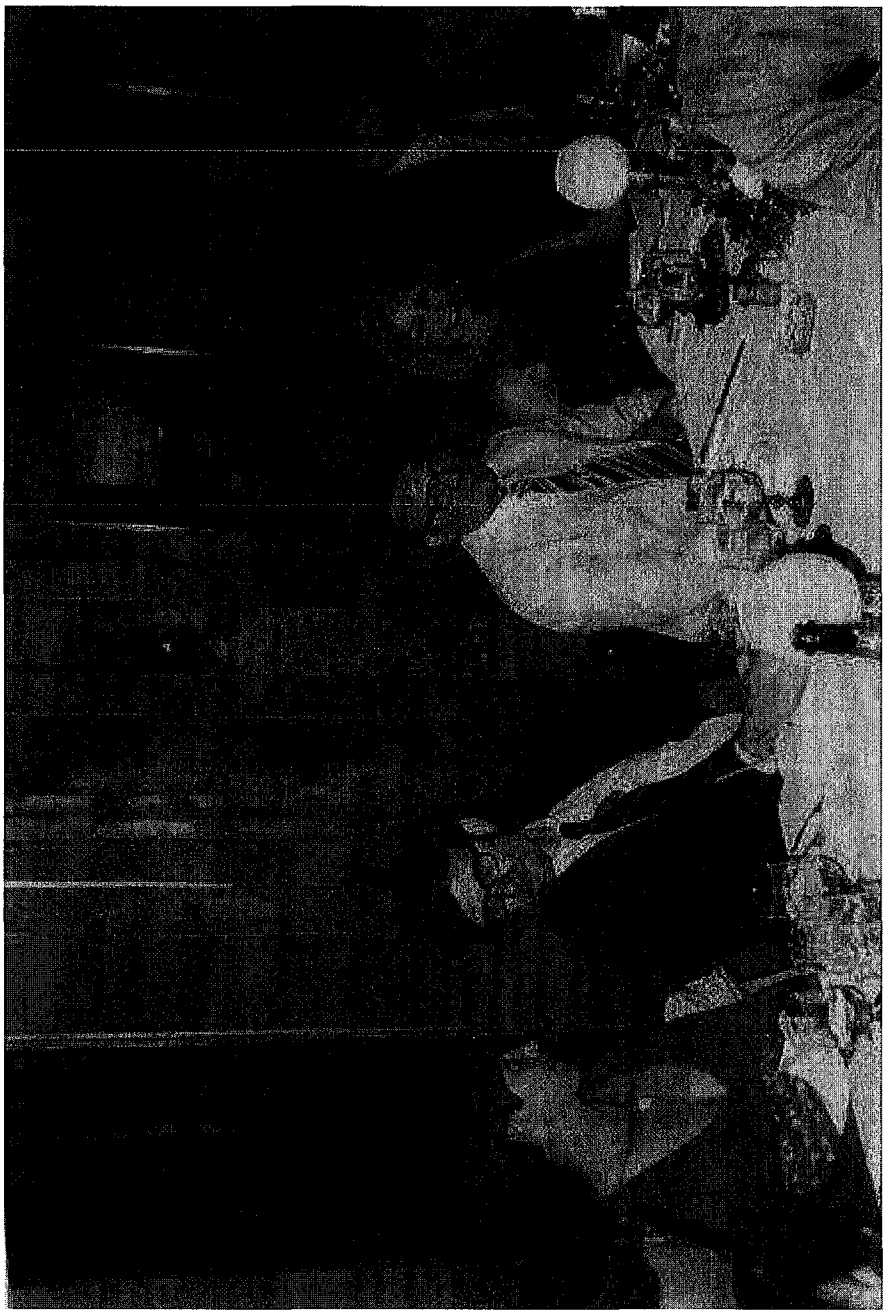
http://message.eidstv.com/

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These 2 U C Berkeley students employed by Eids TV uncovered a million dollars embezzlement scheme by the store manager and two employees at EIDS TV San Francisco store in 1981

Eid's TV and Electronics
2556 Telegraph ave
Berkeley,CA
94704
(510) 848-5000
www.eidstv.com

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Berkeley Police Chief Dash Butler

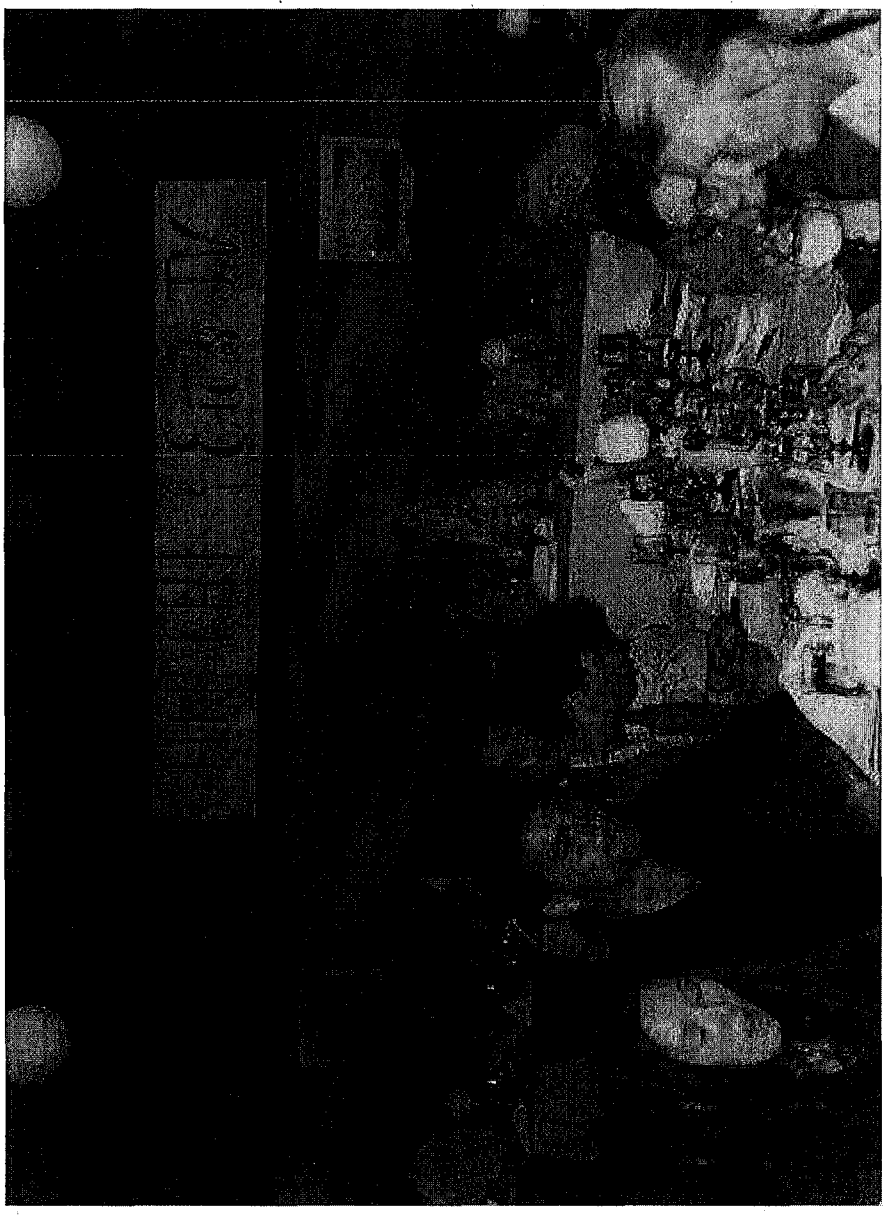
We are Moving

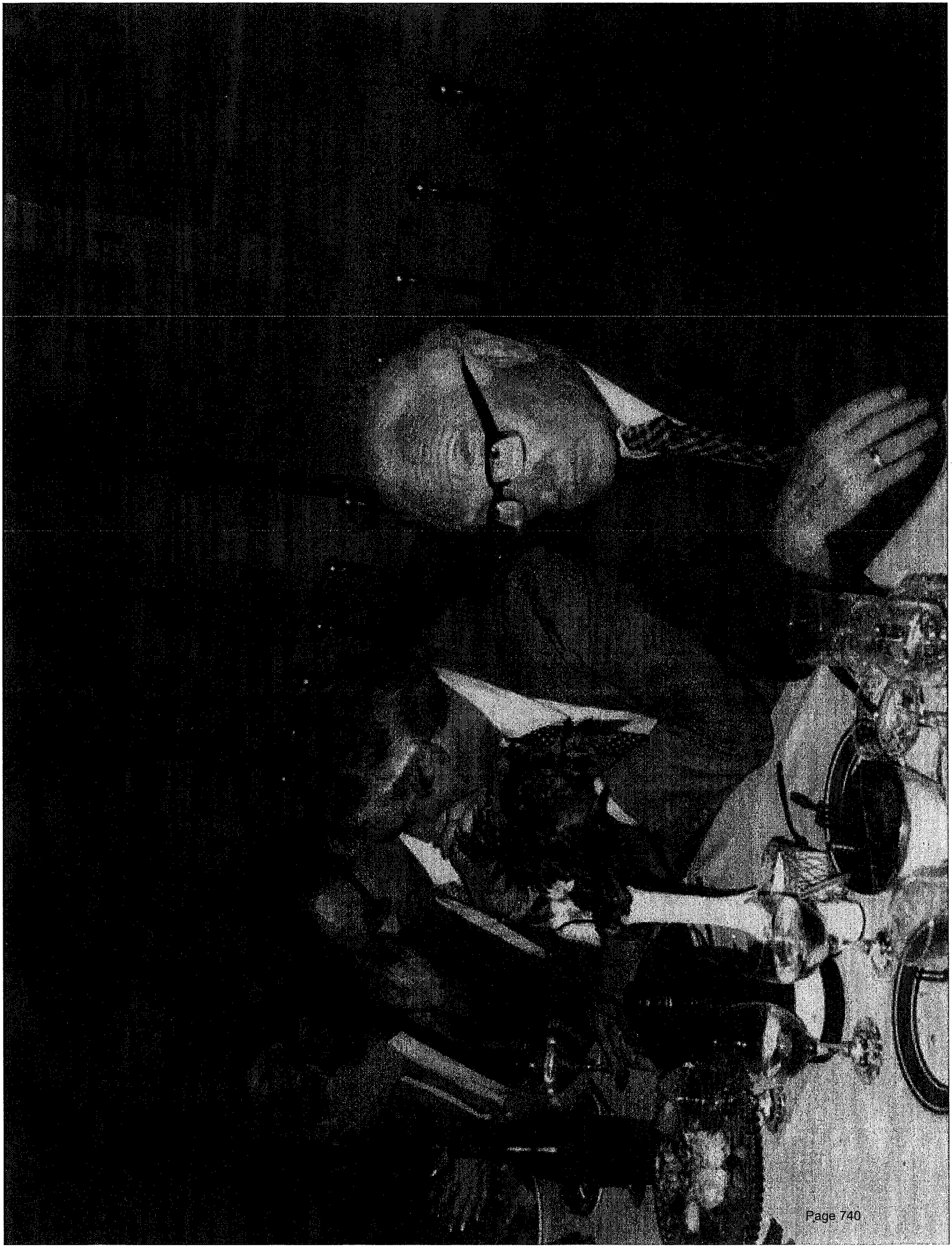
To a New Location

Open for Business by Phone/Email

www.eidstv.com * eidstv@gmail.com**

(510) 848-5000





mayor
jesse
arreguin
LEADING BERKELEY FORWARD

Durr, Jasmine **96**

From: Hannah Wenrich <Hannah.Wenrich@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Kesarwani, Rashi
Cc: All Council; City Clerk
Subject: Move forward on the BESO amendments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilmember Kesarwani,

I want to urge the Council to move forward on the amendments to the Buildings Emissions Saving Ordinance (BESO). The new policies will increase efficiency, help transition homes to renewable energy, make homes safer and healthier, and reduce air and climate pollution.

Often before people sell a home, they buy new appliances to increase the appeal for buyers. Too often these are fossil-fueled appliances, and home buyers pay extra for homes with locked in air and climate pollution. The new policies will help sellers focus on upgrades that increase efficiency and help transition homes to renewable energy. The policies will apply to single family homes and buildings with up to four dwellings.

The amendments have important exemptions, including for first-time home buyers receiving Federal or State assistance, buildings that are already all-electric, and buildings that already have at least one heat pump system.

Berkeley has been a leader in the movement for clean and safe buildings. The BESO amendments are a groundbreaking way to address pollution from existing homes. We applaud how staff have developed this approach and this new opportunity for leadership from the City.

Please support the BESO amendments through first reading and final passage.

Sincerely,

Thank you,
Hannah Wenrich, 17042

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Hannah Wenrich <Hannah.Wenrich@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Taplin, Terry
Cc: All Council; City Clerk
Subject: Move forward on the BESO amendments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilmember Taplin,

I want to urge the Council to move forward on the amendments to the Buildings Emissions Saving Ordinance (BESO). The new policies will increase efficiency, help transition homes to renewable energy, make homes safer and healthier, and reduce air and climate pollution.

Often before people sell a home, they buy new appliances to increase the appeal for buyers. Too often these are fossil-fueled appliances, and home buyers pay extra for homes with locked in air and climate pollution. The new policies will help sellers focus on upgrades that increase efficiency and help transition homes to renewable energy. The policies will apply to single family homes and buildings with up to four dwellings.

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Please support the BESO amendments through first reading and final passage.

Sincerely,

Thank you,
Hannah Wenrich, 17042

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Hannah Wenrich <Hannah.Wenrich@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Bartlett, Ben
Cc: All Council; City Clerk
Subject: Move forward on the BESO amendments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilmember Bartlett,

I want to urge the Council to move forward on the amendments to the Buildings Emissions Saving Ordinance (BESO). The new policies will increase efficiency, help transition homes to renewable energy, make homes safer and healthier, and reduce air and climate pollution.

Often before people sell a home, they buy new appliances to increase the appeal for buyers. Too often these are fossil-fueled appliances, and home buyers pay extra for homes with locked in air and climate pollution. The new policies will help sellers focus on upgrades that increase efficiency and help transition homes to renewable energy. The policies will apply to single family homes and buildings with up to four dwellings.

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Please support the BESO amendments through first reading and final passage.

Sincerely,

Thank you,
Hannah Wenrich, 17042

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Hannah Wenrich <Hannah.Wenrich@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Berkeley Mayor's Office
Cc: All Council; City Clerk
Subject: Move forward on the BESO amendments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Ishii,

I want to urge the Council to move forward on the amendments to the Buildings Emissions Saving Ordinance (BESO). The new policies will increase efficiency, help transition homes to renewable energy, make homes safer and healthier, and reduce air and climate pollution.

Often before people sell a home, they buy new appliances to increase the appeal for buyers. Too often these are fossil-fueled appliances, and home buyers pay extra for homes with locked in air and climate pollution. The new policies will help sellers focus on upgrades that increase efficiency and help transition homes to renewable energy. The policies will apply to single family homes and buildings with up to four dwellings.

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Please support the BESO amendments through first reading and final passage.

Sincerely,

Thank you,
Hannah Wenrich, 17042

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Hannah Wenrich <Hannah.Wenrich@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Tregub, Igor
Cc: All Council; City Clerk
Subject: Move forward on the BESO amendments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilmember Tregub,

I want to urge the Council to move forward on the amendments to the Buildings Emissions Saving Ordinance (BESO). The new policies will increase efficiency, help transition homes to renewable energy, make homes safer and healthier, and reduce air and climate pollution.

Often before people sell a home, they buy new appliances to increase the appeal for buyers. Too often these are fossil-fueled appliances, and home buyers pay extra for homes with locked in air and climate pollution. The new policies will help sellers focus on upgrades that increase efficiency and help transition homes to renewable energy. The policies will apply to single family homes and buildings with up to four dwellings.

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Please support the BESO amendments through first reading and final passage.

Sincerely,

Thank you,
Hannah Wenrich, 17042

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Hannah Wenrich <Hannah.Wenrich@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Lunaparra, Cecilia
Cc: All Council; City Clerk
Subject: Move forward on the BESO amendments

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Councilmember Lunaparra,

I want to urge the Council to move forward on the amendments to the Buildings Emissions Saving Ordinance (BESO). The new policies will increase efficiency, help transition homes to renewable energy, make homes safer and healthier, and reduce air and climate pollution.

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Please support the BESO amendments through first reading and final passage.

Sincerely,

Thank you,
Hannah Wenrich, 17042

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Hannah Wenrich <Hannah.Wenrich@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: O'Keefe, Shoshana
Cc: All Council; City Clerk
Subject: Move forward on the BESO amendments

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Dear Councilmember O'Keefe,

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cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Hannah Wenrich <Hannah.Wenrich@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Blackaby, Brent
Cc: All Council; City Clerk
Subject: Move forward on the BESO amendments

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Hannah Wenrich, 17042

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Hannah Wenrich <Hannah.Wenrich@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Humbert, Mark
Cc: All Council; City Clerk
Subject: Move forward on the BESO amendments

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Dear Councilmember Humbert,

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Sincerely,

Thank you,
Hannah Wenrich, 17042

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Isabella Almeida <Isabella.Almeida@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Bartlett, Ben
Cc: All Council; City Clerk
Subject: Make Berkeley homes safer and healthier

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Dear Councilmember Bartlett,

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Sincerely,

Thank you,
Isabella Almeida, M4G 4H1

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Isabella Almeida <Isabella.Almeida@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Berkeley Mayor's Office
Cc: All Council; City Clerk
Subject: Make Berkeley homes safer and healthier

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Dear Mayor Ishii,

I want to urge the Council to move forward on the amendments to the Buildings Emissions Saving Ordinance (BESO). The new policies will increase efficiency, help transition homes to renewable energy, make homes safer and healthier, and reduce air and climate pollution.

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Sincerely,

Thank you,
Isabella Almeida, M4G 4H1

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Isabella Almeida <Isabella.Almeida@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Kesarwani, Rashi
Cc: All Council; City Clerk
Subject: Make Berkeley homes safer and healthier

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Dear Councilmember Kesarwani,

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Sincerely,

Thank you,
Isabella Almeida, M4G 4H1

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Isabella Almeida <Isabella.Almeida@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Taplin, Terry
Cc: All Council; City Clerk
Subject: Make Berkeley homes safer and healthier

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Dear Councilmember Taplin,

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Sincerely,

Thank you,
Isabella Almeida, M4G 4H1

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Isabella Almeida <Isabella.Almeida@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Humbert, Mark
Cc: All Council; City Clerk
Subject: Make Berkeley homes safer and healthier

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Isabella Almeida, M4G 4H1

cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Isabella Almeida <Isabella.Almeida@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Tregub, Igor
Cc: All Council; City Clerk
Subject: Make Berkeley homes safer and healthier

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Dear Councilmember Tregub,

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cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Isabella Almeida <Isabella.Almeida@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Lunaparra, Cecilia
Cc: All Council; City Clerk
Subject: Make Berkeley homes safer and healthier

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Dear Councilmember Lunaparra,

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cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Isabella Almeida <Isabella.Almeida@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: O'Keefe, Shoshana
Cc: All Council; City Clerk
Subject: Make Berkeley homes safer and healthier

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Dear Councilmember O'Keefe,

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cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine

From: Isabella Almeida <Isabella.Almeida@letter.stand.earth>
Sent: Saturday, February 22, 2025 7:32 PM
To: Blackaby, Brent
Cc: All Council; City Clerk
Subject: Make Berkeley homes safer and healthier

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cc: Councillors City Councillors

cc: Clerk Berkeley Clerk

Durr, Jasmine **98**

From: bgilbertca@aol.com
Sent: Monday, February 24, 2025 9:12 AM
To: All Council; Manager, C; Auditor
Subject: Apartment Values Falling/Rents Will Fall/Vacancies Rise Etc.

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Berkeley Public Officials:

Please see below article.

https://www.eastbaytimes.com/2025/02/20/berkeley-home-house-apartment-economy-property-real-estate-loan-build/

Given these depopulation trends, why keep taxing, building, polluting, and destroying our traditional urban landscape? Face it, you cannot control key variables or predict the impacts of your policies. Please just fix our streets, prevent crime, address disaster issues, and perform the basics.

Time to get over your hubris and get real.

Barbara Gilbert

Barbara Gilbert
Vincente Avenue
Berkeley, CA 94707-1520

Phone: 510-559-8216
E-mail: bgilbertca@aol.com

Durr, Jasmine **99**

From: Terrones, Roberto
Sent: Monday, February 24, 2025 10:48 AM
To: All Council
Subject: Communication Memo from SSBPPE: Commission Recommendation on Governor EO N-1-25
Attachments: Communication Memo_SSBPPE Recommendation on Healthy Foods EO_02.24.25.pdf

Good Morning,

Submitting the attached communication to Council on behalf of the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission re: **Commission Recommendation on Governor Executive Order N-1-25: Healthy Foods.**

Thank you!

Best Regards,

Roberto Terrones, MPH | Health Services Program Specialist
Oral Health & Healthy Berkeley, Program Manager
Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission, Secretary
City of Berkeley Public Health Division
Health, Housing, & Community Services Department
1947 Center Street, 2nd floor | Berkeley, CA 94704
Office: 510-981-5324 | rterrones@cityofberkeley.info | www.cityofberkeley.info

Please be aware that e-mail communication can be intercepted in transmission or misdirected. The information contained in this message may be privileged and confidential. If you are NOT the intended recipient, please notify the sender immediately with a copy to HIPAAPrivacy@cityofberkeley.info and destroy this message immediately.

Sugar-Sweetened Beverage Product
Panel of Experts Commission

COMMUNICATION TO COUNCIL

Date: February 24, 2025

To: Mayor and Members of the City Council

From: Pat Crawford, Chair, Sugar-Sweetened Beverage Products Panel of Experts Commission (SSBPPE)

Subject: Commission Recommendation on Governor Executive Order N-1-25: Healthy Foods

The Berkeley Sugar-Sweetened Beverage Product Panel of Experts Commission respectfully requests that the Council sign and send to the California Department of Public Health the attached memo, unanimously approved in the Commission's February 20, 2025, meeting.

> **Action:** M/S/C (Kao/Rodriguez) approve communication memo (with edits) to City Council on Governor's Executive Order N-1-25.
> **Votes:** Ayes—Morales, Rodriguez, Mashama, Kao, Lopez, Crawford, Esonwune, Hecht, Chan; Noes—None; Absent—None.

The letter asks CDPH to rely upon Berkeley's successful experience with the Healthy Berkeley Program as the basis for its recommendations to Governor Newsom pursuant to his Executive Order N-1-25 "... requesting community input to improve the health of Californians specifically regarding potential actions to limit the harms associated with 'ultra-processed foods' and food ingredients that pose a health risk to individuals."

Sugar sweetened beverages are among the most egregious of the ultra-processed foods having the most studies demonstrating the clear link between consumption and risk of chronic disease.

The SSBPPE Commission thanks you in advance for your direction, management and assistance with our mission.

If you have any questions or comments, please do not hesitate to contact the SSBPPE Commission Chair, Pat Crawford, through the Commission Secretary, Roberto Terrones at rterrones@berkeleyca.gov

Attachment:
1: Draft Letter for City Council on Governor Executive Order N-1-25.
2: Healthy Foods Executive Order Signed by Governor Newsom.

Feb 21, 2025

Re: Recommendations for Governor re: EO N-1-25

Dear Director of CDPH:

The City of Berkeley appreciates this opportunity to submit these suggestions that we hope the California Department of Public Health will consider in developing its recommendations to Governor Newsom, as directed by Executive Order N-1-25 "... regarding potential action to limit the harms associated with 'ultra-processed foods' and food ingredients that pose a health risk to individuals." The City has had direct experience through Healthy Berkeley with the strategies that we describe below that have been shown to be effective in improving health and wellness among our most vulnerable populations. These "proof of concepts" have been demonstrated to be effective and are immediately ready for implementation at the state level, where they can benefit a large range of Californians, particularly those who live in communities most heavily impacted by preventable chronic diseases which are inextricably linked to sugar-sweetened beverages (SSBs), the most ubiquitous, most harmful, and least justifiable ultra-processed food or beverage.

Suggestion 1. Local SSB Tax. In 2014, 76 percent of Berkeley's voters passed a measure to impose a 1-cent per ounce excise tax on the distributors of SSBs in Berkeley and to establish a citizen's commission to manage a grant program to make grants from the tax's revenue to Berkeley Unified School District's cooking and garden program and to Berkeley nonprofit community based organizations to improve the health environment in the communities most impacted by consumption of SSBs. Peer reviewed studies establish the effectiveness of the tax: SSB consumption declined, consumption of drinking water increased, and weights have decreased significantly. Thoughtful grant making by the soda commission has deployed the revenues through grants that have improved and promoted access to drinking water and other aspects of the health environment in low-income communities. The community-led norms change is an approach that raises population level health understanding and leads to community led norms change that promotes agency and dignity among our most vulnerable.

After significant positive health outcomes for children and very positive community outcomes, ten years after the tax originally was proposed, Berkeley resident satisfaction with the tax had increased. In the November 2024 election, a remarkable 80 percent of voters removed a sunset provision, thereby extending the tax indefinitely.

Deborah Rohm Young, PhD; Monique M. Hedderson, PhD, MPH; Margo A. Sidell, ScD; Catherine Lee, PhD; Deborah A. Cohen, MD, MPH; Emily F. Liu, MPH; Lee J. Barton, MS; Jennifer Falbe, ScD, MPH; Galina Inzhakova, MPH; Sneha Sridhar, MPH; Allison C. Voorhees, MPH; Bing Han, PhD. City-Level Sugar-Sweetened Beverage Taxes and

Youth Body Mass Index Percentile. AMA Netw Open. 2024;7(7):e2424822. doi:10.1001/jamanetworkopen.2024.24822

Falbe J, Thompson HR, Becker CM, Rojas N, McCulloch CE, Madsen KA. Impact of the Berkeley Excise Tax on Sugar-Sweetened Beverage Consumption. Am J Public Health. 2016 Oct;106(10):1865-71. doi: 10.2105/AJPH.2016.303362. Epub 2016 Aug 23. PMID: 27552267; PMCID: PMC5024386.

Suggestion 2. Statewide SSB Tax. Currently, there is no state SSB tax that can be evaluated, but there is no apparent reason why it would not be at least as effective as the local taxes. In fact, its greater geographical breadth should be an asset: unlike the circumstances with local SSB taxes, with a statewide tax shoppers could not as readily go to a neighboring city or county to avoid the tax, and allied nutrition education could reach people no matter where they lived (or moved) within the state.

Suggestion 3. Procurement Restrictions. The thinking behind procurement restrictions on SSBs is very simple: If SSBs are not readily available, they are much less likely to be consumed. California has ample experience with SSB restrictions. Twenty years ago, Governor Schwarzenegger signed legislation to ban the sale of SSBs in all K-12 schools in California. No SSBs could be sold in school cafeterias, school stores, vending machines or any other venue on campus, and the effect was immediate and dramatic. It should be noted that, following California's lead, Congress enacted similar nationwide restrictions: sodas have been removed from all schools receiving USDA funding (and this is virtually all schools). It also should be noted that at the same time (2010), Congress – again following California's example – imposed a regulation requiring all schools to provide free drinking water in places where meals are served when they are being served, thus ensuring that complementary mandates replace unhealthy beverages with healthy ones.

Also in 2010, then-Mayor Gavin Newsom issued an executive order barring calorically sweetened beverages from vending machines on San Francisco property. Santa Clara County and other California cities and counties have issued similar edicts, as have numerous jurisdictions outside California.

In 2015, UCSF medical school implemented a campus wide procurement ban of SSBs which was extensively evaluated. Medical school researchers conducted a study to examine the effect of this SSB ban on staff health. They found a significant improvement in the staff's metabolic markers which are associated with chronic disease. Changes in worksite availability of SSB in the form of a procurement ban can be simply implemented and will reduce consumption, and in turn, improve employee health.

Elissa S. Epel, PhD; Alison Hartman, BA; Laurie M. Jacobs, PhD; Cindy Leung, ScD, MPH; Michael
A. Cohn, PhD; Leeane Jensen, MPH; Laura Ishkanian, MPH; Janet Wojcicki, PhD, MPH; Ashley E. Mason, PhD; Robert H. Lustig, MD, MSL; Kimber L. Stanhope, PhD,

MS, RD; Laura A. Schmidt, PhD, MSW, MPH. Association of a Workplace Sales Ban on Sugar-Sweetened Beverages With Employee Consumption of Sugar-Sweetened Beverages and Health. JAMA Intern Med. 2020;180(1):9-16. doi:10.1001/jamainternmed.2019.4434.

In 2019, the City of Berkeley adopted a procurement ban on SSBs which prohibits the purchase of SSBs with city funds, the sale of SSBs in city facilities, and the serving of SSBs at events for which the city supports. Reports of the ban have been positive.

The City of Berkeley and its residents are proud of the effectiveness of these initiatives and of the role of the citizens' commission that has been responsible for their implementation. We eagerly invite CDPH and the governor to call on us to advise on the development of these initiatives at the state level.

Thank you. **Signatures here.**

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-1-25

WHEREAS emerging scientific evidence has linked "ultra-processed foods" to increased health risks, including some cardiovascular conditions, certain cancers, diabetes, and other health problems; and

WHEREAS ultra-processed foods are generally characterized as industrial formulations of chemically modified substances extracted from foods, along with additives to enhance taste, texture, appearance, and durability, with minimal to no inclusion of whole foods, with the following among common examples that are linked to negative health outcomes: packaged snacks, chips, crackers, cookies, candy, sugary beverages, and highly processed meats like hot dogs and lunch meat; and

WHEREAS experts have estimated that more than 10,000 chemicals are currently authorized for use in the United States as food or color additives or ingredients, while just over 300 food additives are currently authorized for use in the European Union; and

WHEREAS the U.S. Department of Agriculture's 2025 Dietary Guidelines Advisory Committee issued a systematic review in December 2024 assessing available scientific evidence that confirmed the link between consumption of ultra-processed foods and greater risks of obesity and being overweight in adults and greater risks of being overweight in children and adolescents; and

WHEREAS, despite this emerging evidence, food companies have opposed efforts across the country to regulate ultra-processed foods and the proliferation of food additives, while continuing to market and sell their products without disclosing to consumers the potential harms their products may cause; and

WHEREAS the new 2025 Dietary Guidelines Advisory Committee Advisory Report to the federal Secretaries of Health and Human Services and Agriculture found that 73 percent of U.S. adults 20 years and older are overweight or obese; and

WHEREAS the report also found that 38 percent of children and youth between 12 and 19 years old are prediabetic; and

WHEREAS the report states that the prevalence of conditions such as overweight, obesity, and prediabetes at young ages is particularly concerning not only due to their effects on the current health of the child but also the risks of persistent chronic health conditions into adulthood; and

WHEREAS data in the report shows significant disparities in prevalence of nutrition-related chronic health conditions among sociodemographic groups; and

WHEREAS the report concludes that diets higher in vegetables, fruits, legumes, whole grains, fish/seafood, nuts, and unsaturated vegetable oils, and lower in processed meats, sugar-sweetened foods and beverages, refined grains, and saturated fats were associated favorably with health outcomes, such as lower risks of cardiovascular disease, type 2 diabetes, obesity, age-related cognitive decline, and colorectal and breast cancer; and

WHEREAS California was the first state to implement a statewide Universal Meals Program for schoolchildren, providing all public TK-12 students access to two free meals per school day; and

WHEREAS I signed Senate Bill 348 (Skinner, 2023), making California the first state to codify President Biden's new federal guidelines on school nutrition standards to reduce sugar and salt in school meals, and establishing a process for California to maintain those standards should a different federal Administration enact lower standards that are less protective of children's health; and

WHEREAS I signed AB 418 (Gabriel, 2023) and AB 2316 (Gabriel, 2024), banning four potentially harmful chemical food additives from products sold statewide, including red dye 3 and brominated vegetable oil, which is often used as a stabilizer in citrus-flavored beverages, and prohibiting schools from serving and selling foods containing synthetic food dye additives associated with risks to health harms in children, including cancer, damage to the immune system, and neurobehavioral issues; and

WHEREAS California already has adopted or proposed standards for school meals that exceed the federal standards, including:

- The long-standing ban on sodas on K-12 campuses;
- Restricting caffeine at any grade level, while federal standards allow caffeine in high schools;
- Requiring entrees sold on the same day or day after they appear on the menu to meet standards for calories, total fat, and trans fat, while federal standards allow these to be sold without meeting nutrition standards; and
- Proposed a sugar limit on non-dairy milk, which is anticipated to become effective in 2025, while federal standards do not have a sugar limit; and

WHEREAS under my Administration, California has invested $850 million in school nutrition, including funds to procure fresh, locally grown foods; install and improve kitchen equipment; and train food service workers so schools can prepare and serve nutritious and healthy food; and

WHEREAS in 2024, I signed legislation to increase enrollment in state food assistance programs, reduce youth consumption of processed foods, and increase access to healthy, locally grown food in all California communities, including:

- AB 660 (Irwin, 2024): Standardizes quality and safety date labels on food products to better inform consumers and significantly reduce food waste in the state;
- AB 518 (Wicks, 2024): Improves data collection to increase enrollment in the CalFresh program;
- AB 1830 (Arambula, 2024): Requires corn masa and corn masa products to be fortified with folic acid to support women's health during pregnancy;
- AB 2033 (Reyes, 2024): Requires the California Community Colleges and California State University campuses, and requests University of California campuses, to apply for at least one store that sells food on campuses to accept SNAP/EBT cards; and
- AB 2786 (Bonta, 2024): Establishes a new category of "certified mobile farmer's markets" and requires registration of these markets with both the California Department of Food and Agriculture (CDFA) and the California Department of Public Health (CDPH); and

WHEREAS my Administration has expanded investments in CDFA's farm-to-schools programs, a vital way to improve the health and well-being of California

schoolchildren through integrated food-based education and healthy food access and created a Farm to School Working Group to advance a resilient, climate-smart food supply; and

WHEREAS the First Partner released a report, *Planting the Seed: Farm to School Roadmap for Success*, promoting the expansion of farm-to-school programs across California; and

WHEREAS California grows one-third of the country's vegetables and over three-quarters of the country's fruits and nuts, and the 2024-25 enacted budget maintains $1 billion over multiple years for climate smart agriculture investments to help foster a healthy, resilient, accessible, and equitable food system, underscoring the critical leadership role California must continue to play in advancing policy, responsive to the latest scientific evidence, that promotes positive health outcomes for all; and

WHEREAS California's health system is being increasingly strained due to rapidly increasing costs for prescription drugs that combat diabetes, obesity and other chronic health conditions; and

WHEREAS the National Institute of Health and the Centers for Disease Control & Prevention identifies the link between healthy eating and lowering an individual's risk for heart disease, stroke, diabetes, and other chronic health conditions; and

WHEREAS California has responded by launching new initiatives, such as the inclusion of Medically Tailored Meals as an optional Medi-Cal benefit under the Department of Health Care Services' CalAIM Medi-Cal Waiver, CDPH's Rethink Your Drink campaign to reduce consumption of sugary drinks, and nearly $44 million in forthcoming contracts focused on public education to reduce consumption of sugar-sweetened beverages; and

WHEREAS California promotes the Women, Infant and Children (WIC) program to ensure all eligible participants have access to nutritious foods, nutrition education, infant feeding support, and referrals to health care and critical social services, resulting in positive maternal and child health outcomes, including healthy growth and development, improved birth outcomes, fewer preterm births, and low birthweights; and

WHEREAS California must continue innovating to reduce the burden of chronic health conditions on all Californians, and particularly our youth, and the public programs that assist in their treatment and recovery.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. No later than April 1, 2025, the California Department of Public Health (CDPH) shall provide recommendations to the Governor's Office regarding potential action to limit the harms associated with "ultra-processed foods" and food ingredients that pose a health risk to individuals. Such recommendations may include, but are not necessarily limited to, requiring the inclusion of warning labels for certain ultra-processed foods.

2. The Office of Environmental Health Hazard Assessment (OEHHA), in consultation with CDPH, shall continue their work to investigate adverse health impacts of food dyes to individuals and shall, no later than April 1, 2025, provide a briefing to the Governor's Office on any additional adverse health impacts identified through that investigation.

3. No later than April 1, 2025, CDPH, in consultation with OEHHA, shall report to the Governor's Office on the feasibility of state-level evaluation of food additives that food companies have voluntarily reported to the federal Food & Drug Administration (FDA) as "Generally Regarded As Safe (GRAS)" and state-level action if companies fail to notify the FDA of certain food additives through the voluntary GRAS process.

4. No later than April 1, 2025, the California Department of Social Services shall provide recommendations to the Governor's Office regarding actions that the State can take to reduce the purchase of soda, candy, other ultra-processed foods and/or foods with synthetic food dye or other additives.

5. No later than April 1, 2025, the California Department of Health Care Services (DHCS) shall report to the Governor's Office on the feasibility of requiring or encouraging Medi-Cal managed care plans and California hospitals to use their Community Investment dollars and Community Benefit funds to enhance access to fresh, healthy foods, mitigate the impacts of "food deserts," and otherwise promote public health at the local level. DHCS shall consult with the California Department of Food and Agriculture (CDFA) and its Office of Farm to Fork, as appropriate.

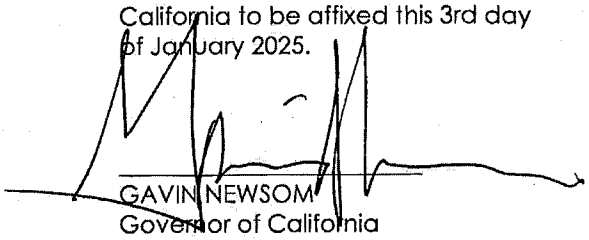
6. No later than October 1, 2025, the Executive Director of the State Board of Education shall identify, and the California Department of Education is requested to identify, areas where California may adopt higher standards for healthy school meals than the standards contained in the U.S. Department of Agriculture's *Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans*, beyond those areas where California already has stricter standards, and provide recommendations to the Governor's Office for implementing any higher standards deemed appropriate, taking into account costs, logistical considerations, and any other factors deemed relevant.

7. No later than October 1, 2025, CDFA and its Office of Farm to Fork Program shall explore developing new standards and partnerships to further ensure our universal school food programs have fresh ingredients and options grown in California and shall redouble its efforts to support the nation-leading investments to support farm-to-school programs statewide, particularly in areas with existing gaps in access to healthy, fresh food. CDFA shall consult with CDPH's Nutrition and Physical Activity Branch, as appropriate.

IT IS FURTHER ORDERED that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 3rd day of January 2025.



GAVIN NEWSOM
Governor of California

ATTEST:

SHIRLEY WEBER, PH.D.
Secretary of State

From: Kenneth Hecht <kenhecht34@gmail.com>
Sent: Monday, February 24, 2025 11:15 AM
To: Terrones, Roberto
Cc: All Council
Subject: Re: Communication Memo from SSBPPE: Commission Recommendation on Governor EO N-1-25

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Roberto, I think this all looks great. Thanks for getting it out so fast today.

Kenneth Hecht
Director of Policy
Nutrition Policy Institute, University of CA
1111 Franklin Street, 5th Floor
Oakland, CA 94607 | 510-409-6436
kenhecht34@gmail.com | npi.ucanr.edu

University of California
Agriculture and Natural Resources | Nutrition Policy Institute

On Feb 24, 2025, at 10:47 AM, Terrones, Roberto <RTerrones@berkeleyca.gov> wrote:

Good Morning,

Submitting the attached communication to Council on behalf of the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission re: **Commission Recommendation on Governor Executive Order N-1-25: Healthy Foods.**

Thank you!

Best Regards,

Roberto Terrones, MPH | Health Services Program Specialist
Oral Health & Healthy Berkeley, Program Manager
Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission, Secretary
City of Berkeley Public Health Division
Health, Housing, & Community Services Department
1947 Center Street, 2nd floor | Berkeley, CA 94704
Office: 510-981-5324 | rterrones@cityofberkeley.info | www.cityofberkeley.info

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<Communication Memo_SSBPPE Recommendation on Healthy Foods EO_02.24.25.pdf>

Durr, Jasmine **101**

From: Kellie Stoddart <kellie.stoddart@gmail.com>
Sent: Monday, February 24, 2025 11:01 AM
To: All Council
Subject: Vigorous Opposition to GOP Budget Cuts

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please be as vigorous as possible in opposing the GOP budget that slashes $2T from Medicaid, SNAP and Social Security while protecting tax breaks for the wealthy. These cuts will devastate working families, seniors like me, and vulnerable communities. We need articulate speakers to be out there holding rallies, making news, on social media, etc. and telling stories about the devastating consequences of this proposed budget. Could you collect testimony at one of the council meetings? How about an online rally where we can all tell our stories and share our concerns? We need to build momentum.

Thank you! I appreciate your consideration.

Durr, Jasmine **102**

From: Numainville, Mark L.
Sent: Monday, February 24, 2025 11:19 AM
To: City Clerk
Subject: FW: FCPC-OGC Letter to Council re Commission Vacancies
Attachments: FCPC-OGC Ltr to Council re Vacancies 2.21.2025.pdf

From: Harvey, Samuel <SHarvey@berkeleyca.gov>
Sent: Monday, February 24, 2025 11:13 AM
Cc: Brown, Farimah F. <FBrown@berkeleyca.gov>; Hylas, Stephen <SHylas@berkeleyca.gov>; Numainville, Mark L. <MNumainville@berkeleyca.gov>; Buddenhagen, Paul <PBuddenhagen@berkeleyca.gov>; Kitt Saginor <ksaginor@gmail.com>
Subject: FCPC-OGC Letter to Council re Commission Vacancies

Dear Mayor and Members of the City Council,

Please find attached a letter from the Fair Campaign Practices Commission / Open Government Commission approved at the Commission's February 20th meeting requesting that Councilmembers fill vacant seats on the Commission.

Regards,

Sam

Samuel J. Harvey
Secretary
Fair Campaign Practices Commission / Open Government Commission
City of Berkeley
2180 Milvia Street, 4th Floor
Berkeley, CA 94704
fcpc@berkeleyca.gov

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Fair Campaign Practices Commission
Open Government Commission

Date: February 21, 2025

To: Honorable Mayor and Members of the City Council

From: Kitt Saginor, Chair

Subject: Vacancies on the Fair Campaign Practices and Open Government Commissions

The Fair Campaign Practices Commission ("FCPC") and Open Government Commission ("OGC")[1] now have only five of nine seats filled, due in part to members moving out of Berkeley. Both Commissions have quasi-judicial responsibilities in the enforcement of and ensuring compliance with the Berkeley Election Reform Act (BMC Ch. 2.12), the Open Government Ordinance (BMC Ch. 2.06) and the Lobbyist Registration Act (BMC Ch. 2.09). These enforcement responsibilities require the knowledge and hard work of all members. Vacancies impact our ability to deal with election and public information matters in a timely fashion.

These vacancies also raise concerns for the Commissions regarding Brown Act compliance, as each Commission's subcommittees typically consist of three members, which now constitute a quorum of the Commission.

The Berkeley Election Reform Act directs that "Vacancies on the commission shall be filled, within thirty days, by appointment of the same official, or his or her successor, who appointed the prior holder of the position." (BMC § 2.12.190.) We respectfully request that members of the City Council fill these vacancies at their earliest convenience.[2]

Sincerely,

Kitt Saginor
Chair
Fair Campaign Practices Commission
Open Government Commission

cc: Mark Numainville, City Clerk

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[1] Pursuant to Berkeley Municipal Code section 2.06.190, the OGC consists of the members of the FCPC. The two commissions typically meet concurrently.

[2] The following seats are vacant: District 2, District 5, District 7, Mayor.

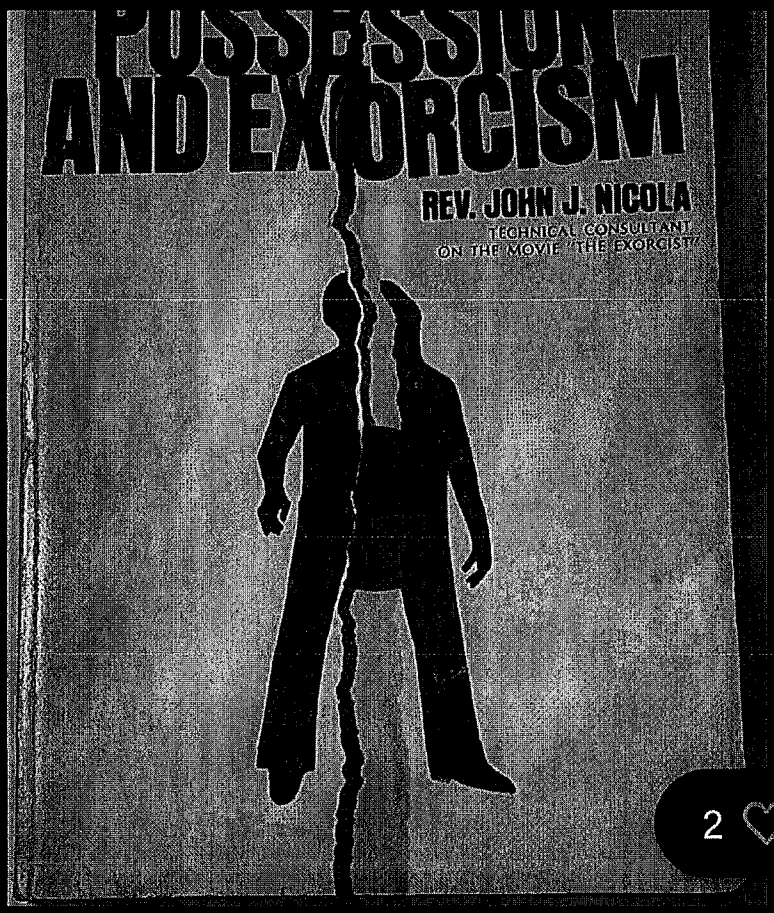
Durr, Jasmine **103**

From: josh atwood <joshatwood2088@gmail.com>
Sent: Monday, February 24, 2025 1:45 PM
To: jmcgill@skylinechurch.org; St. Edward's University; chernandez@oakdiocese.org; All Council; Chanstaff@sfgov.org
Subject: Enrichment about something everyone is a novice about
Attachments: Screenshot_20241103_112707_eBay.jpg

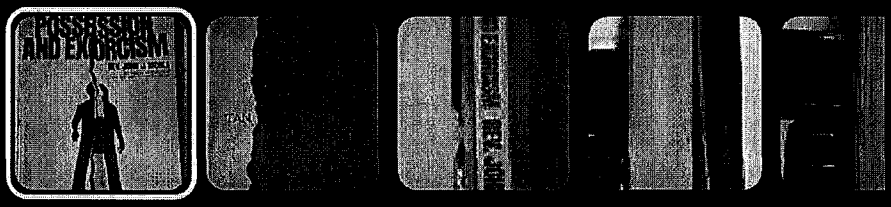
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11:27 5G 52%

Item



2



DIABOLICAL POSSESSION and EXORCISM, Rev John J. Nicola, 1974 paperback

Magic Valley Treasures (3492)
100% positive feedback

$149.95 + $4.53 shipping
or Best Offer

Durr, Jasmine **104**

From: j <sheehanceo@yahoo.com>
Sent: Monday, February 24, 2025 4:38 PM
To: Office of the Chancellor; All Council; Lunaparra, Cecilia; kgriscavage@berkeley.edu; City Attorney's Office; Capitalstrategies Departmental; Berkeley Mayor's Office; Gottlieb, Jonah; Ruben Lizardo; rood1@mindspring.com
Cc: BPD Webmail
Subject: Re: Chess Club
Attachments: 20250224_134552.jpg

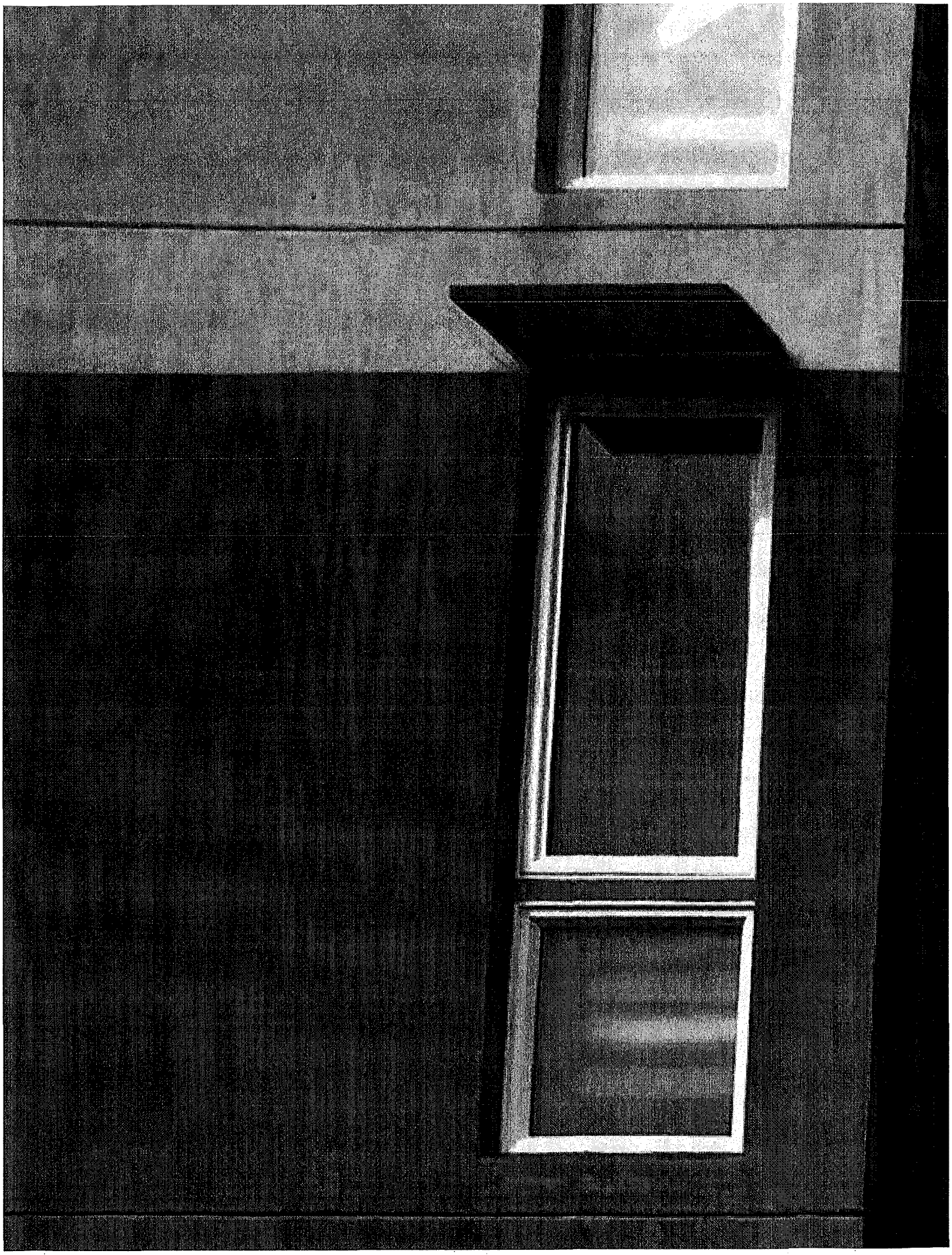
WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To The University Of California,

Today, Monday 2/24 at approximately 1:30, while one of my foreign Cal students sat at a chess table, waiting on her chess opponent, a large Chemex cement truck driver, parked his spinning cement truck in the red zone next to our tables after exiting Peoples Park. He asked if he could play chess, "a quick one," he said. When informed by other members that we are an assembly opposed to the development of Peoples Park and no construction workers may play at our club, he flipped our chess pieces onto the ground, destroying a $75 chess set, and threatened another player with physical violence while saying, "Fuck you nigger, I'm going to give you what you want. I'll be back." He climbed in the truck, where I photographed him and his truck #6248, and said once more, "I will be back up to "show you what I got." He was more than threatening and aggressive. Again attempting to bait me and our club into a violent response. We did not respond. I will be making a report with UCPD and BPD when I get a break today. Again we continue to document the continued harassment and intimidation from the employees and contractors working for UC Capital Strategies. We have asked many times to stop the harassment of our chess club.

Jesse Sheehan,

Chess Club chairman



On Wed, Jan 29, 2025 at 10:23 AM, j <sheehanceo@yahoo.com> wrote:

To The University of California,

We continue highlighting the ongoing debauched People's Park project. Rubin Lizardo and the UC Capital Strategies Office have been taking part in the harassment of our chess club and food distribution location on Telegraph and Haste. This is being done daily using Webcor and Blackstone asset management, their private security employees, and police. UC Capital Strategies continues to harass our local community and chess club chairman.

In bypassing the EIR (environmental impact report), the UC is moving on with construction as if people are not present around the construction site. Fifty trucks a day travel through the intersection throwing rocks and debris; the threats and harassment from construction workers are too many to name.

The clear effort using government and police to remove our community activities from Telegraph Avenue is now corroborated by the fact that park developers are moving into the Fred Cody Building, directly next door to our chess club and Food Not Bombs serving location.

Kevin Gordon (Gordon Real Estate) has rented space to UC Capital Strategies and their contractors on Telegraph Avenue, directly next door to our chess club, in the Fred Cody Building. Now we see the reason for the year of assaults and harassment by your developers. A clear effort to remove us.

Our community seriously questions the wisdom of this move, seeing as how the UC has many offices they could provide developers, in order to deescalate the situation.

Tuesday, 1/28, saw police called for a free speech, Save People's Park sign outside the developers new office. The third time in two weeks, armed police were called on the chess club. I'd like to again thank the BPD and UCPD for understanding what free speech is and handling the situation in a professional manner. Our sign is not a threat, and disclosure of the developer's office space is freedom of information.

Knowing that the supportive units in People's Park are yet to be a reality, due to UC Capital Strategies & Rubin Lazardo's mismanagement, many Park supporters are angry! Your project impacts people here on Telegraph Avenue. And you seem to care little about it. This dormitory project is a for-profit Blackstone project, devastating our community!

Chess Club,
Jesse Sheehan



On Tue, Jan 21, 2025 at 1:41 PM, j <sheehanceo@yahoo.com> wrote:

To The University of California,

Where it should come as no surprise the length UC developers, Webcor & DeSilva contracting will go, in order to end our chess club on Telegraph Avenue, I would like to briefly describe the ongoing harassing behavior of UC Berkeley's contractors and employees, connected to the Peoples Park Construction. I, Jesse Sheehan, and several members of the media continue to document through the lens of our chess club the development and displacement by contractors working on the Peoples Park Project. Without an impact study for this project, our community continues to be harassed, assaulted, and belittled.

Last week UC developers moved into the Fred Cody building directly next door to our chess club on Telegraph Ave. While filming the developers, I was accused of carrying a gun by the new workers entering the Cody building, and only after 8 hours in police custody was it found that I did not have a gun. Three employees of UC lied to police to remove me from the sidewalk, fabricating statements, in order to have me arrested.

Today, while photographing sidewalk art outside the office, I was shoved by one of the UC's employees. His attempt to smash my phone for photographing them was thwarted.

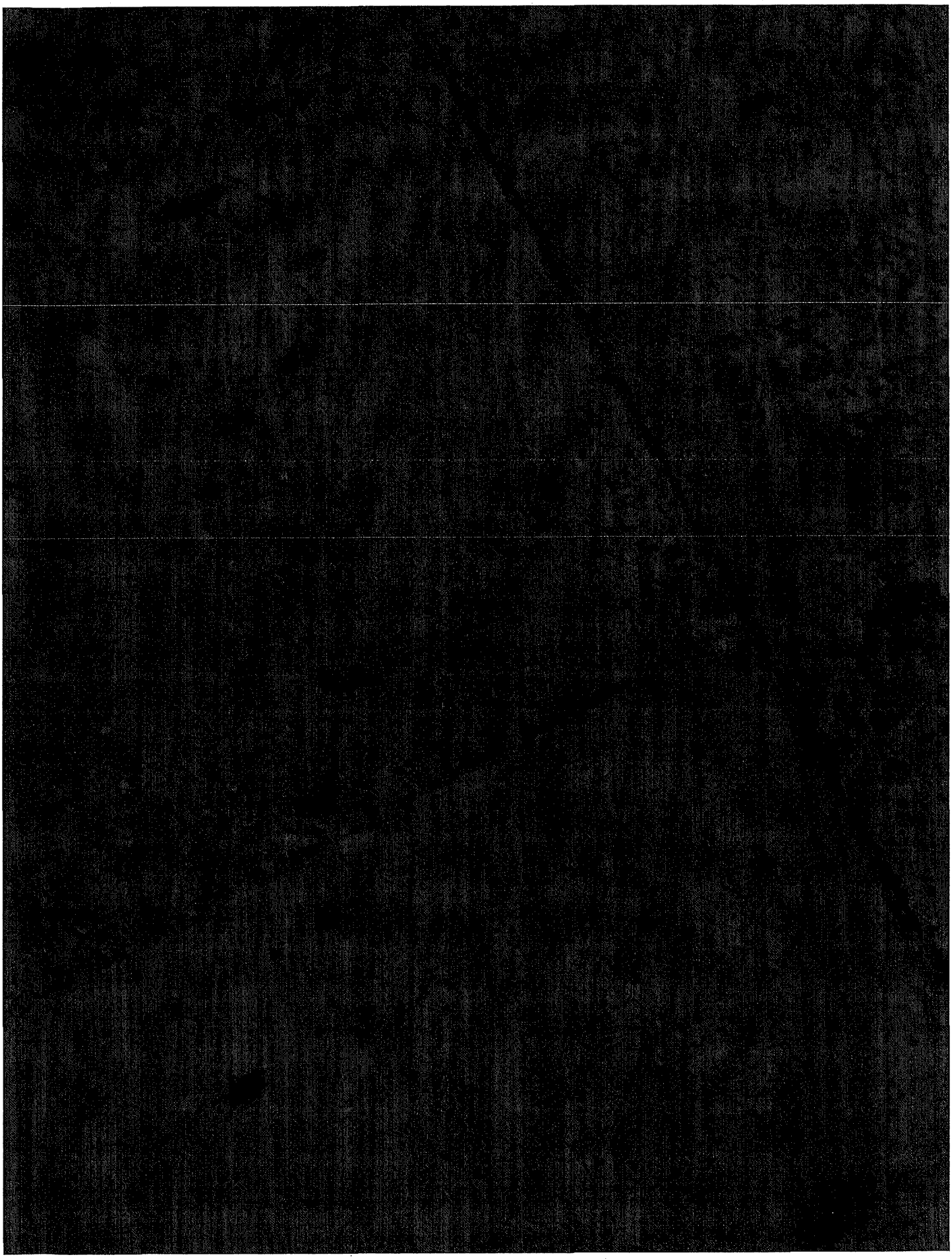
I called the Berkeley Police and would like to thank them for deescalating the situation.

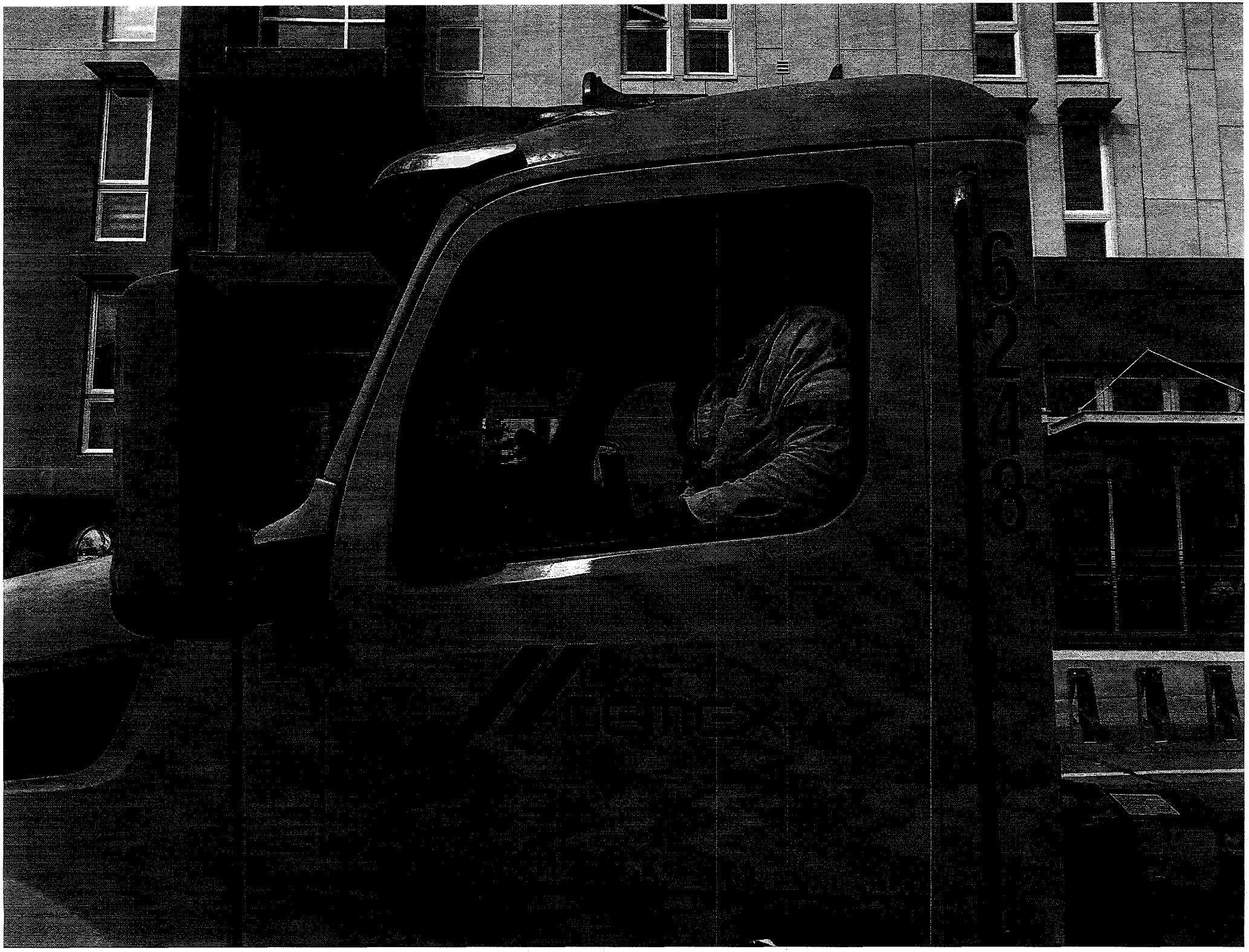
Minutes after Berkeley Police left, the UC contractors came over to me while I was seated by myself and threatened me with this statement: "I should move if I know what's good for me."

I have been assaulted by UC's security (Apex). I have been harassed, falsely accused of crimes, and physically threatened by your contractors from Webcor, DeSilva, and Cabral Enterprises.

I demand that the office of UC Capital Strategies, led by Rubin Lizardo and Dan Mogolof, stop harassing me and our chess club.

Jesse Sheehan





From: Bagshawe, Carol <cbagshawe@fennemorelaw.com>
Sent: Monday, February 24, 2025 4:36 PM
To: Gong, Sharon
Cc: Williams, Todd; Klein, Jordan; Hersch, Anne; All Council; Brown, Farimah F.; Buddenhagen, Paul; 'jessica.evans@hcd.ca.gov'; 'shannan.west@hcd.ca.gov'; 'david.zisser@hcd.ca.gov'; 'bill@austin-group.com'
Subject: StudiOne QOZB LLC/2138 Kittredge St. - resending letter via Box link

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This letter was previously emailed as a pdf attachment on February 7.
We did not receive any acknowledgements of receipt.

The same letter from Todd A. Williams – can be accessed via this link:

https://fclaw.box.com/s/ya2y3adsz1lezmofmr17dnd75015lr6h

Thank you,

Carol A. Bagshawe
Legal Administrative Assistant

FENNEMORE.

1111 Broadway, 24th Floor, Oakland, CA 94607 T: 510.622.7655
cbagshawe@fennemorelaw.com
Legal Administrative Assistant to:
Carl D. Ciochon, Amara L. Morrison, Eugene M. Pak, Todd A. Williams

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