AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, October 27, 2026
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 and virtual attendance. Attend this meeting remotely using Zoom. 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: 165 636 2224**. To 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.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

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.*

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. Amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to require undergrounding of electrical transformers on private land
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 8,035-N.S. amending Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to prohibit the above-ground installation of electrical transformers serving new residential, commercial, and mixed-use projects grade on private property, consistent with the Planning Commission's recommendation.
First Reading Vote: Ayes – Kesarwani, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Taplin, Bartlett.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

2. Waiver of Sanctuary City Ordinance for Westlaw Contract
From: City Attorney
Recommendation: Adopt a Resolution waiving the contract prohibition of Berkeley Municipal Code Chapter 13.105, Sanctuary City Contracting, in order to enter into a contract with Westlaw.
Financial Implications: None.
Contact: Farimah Brown, City Attorney, (510) 981-6950

3. 2026 Annual Commission Attendance and Meeting Frequency Report
From: City Manager
Recommendation: In accordance with Resolution No. 72,097-N.S., review and accept the 2026 Annual Commission Attendance and Meeting Frequency Report.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

4. Contract: Adrien Segal Public Artwork Commission for Santa Fe Trackbed to Park Conversion
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Adrien Segal for an amount not to exceed $150,000 for a public art commission of two unique vertical structures that will serve as habitat boxes for both birds and insects at the Community Garden Park (between Blake and Parker Streets) and the Urban Farm and Education Park (between Derby and Ward Streets).
Financial Implications: $150,000 - Cultural Trust Fund
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000

5. Contract No. 32500002 Amendment: Community Initiatives | Live Free USA for Gun Violence Intervention and Prevention Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32500002 with Community Initiatives | Live Free USA for gun violence intervention and prevention services to add $257,548 in Byrne State Crisis Intervention Program (SCIP) grant funding pursuant to a budget modification approved by the California Board of State and Community Corrections (BSCC), bringing the total contract not-to-exceed amount to $2,874,768; extend the contract term through December 31, 2027; and update the scope of services and budget accordingly.
Financial Implications: See report
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000

Consent Calendar

6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 27, 2026
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids 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: $750,000 - Various Funds
Contact: Henry Oyekanmi, Finance, (510) 981-7300

7. Contract: Insight Public Sector, Inc. dba Aurelian for Non-Emergency Call-Taking Software
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to enter into a "piggyback" contract with Insight Public Sector, Inc. dba Aurelian for non-emergency call taking software for the Emergency Communications Center and services using the cooperative purchasing organization Omnia Partners Contract No. 23-6692-03. The contract base period will begin on December 1, 2026, through April 30, 2028, and will not exceed $197,642.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

8. Contract No. 104289-1 Amendment: Jackson & Coker for Locum Tenens Psychiatrists
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 104289-1 to add $400,000 and for a not to exceed amount of $1,814,480. The term of the contract remains the same ending on June 30, 2027.
Financial Implications: See report.
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

9. Contracts for Recruitment Services ***Item Removed by City Manager***
From: City Manager
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

10. Donation: Memorial Bench at Berkeley Marina in Memory of Clarence and Loreina Fuller
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Marina in memory of Clarence and Loreina Fuller.
Financial Implications: $3,400 - Donation
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

11. Donation: Memorial Bench at Berkeley Waterfront Park at the Berkeley Marina in Memory of Mary & Bob Rubenstein
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at Berkeley Waterfront Park at the Berkeley Marina in memory of Mary & Bob Rubenstein.
Financial Implications: $3,400 (donation)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

12. Grant Application: The 2026 Surrendered and Abandoned Vessel Exchange (SAVE) Grant Program of the California Division of Boating & Waterways
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to 1) Submit a grant application to the California Division of Boating and Waterways (DBW) 2025 Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Accept the grant; 3) Execute any amendments; and 4) Authorize a local match contribution of $5,000.
Financial Implications: $95,000 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

13. Revenue Grant: California Office of Traffic Safety (OTS) for the 2026-2027 "Selective Traffic Enforcement Program (STEP)" Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to accept the "Selective Traffic Enforcement Program (STEP)" grant and execute any resultant revenue agreements and amendments with the California Office of Traffic Safety. This OTS grant is $200,000 for the period of October 1, 2026, through September 30, 2027, which corresponds to Federal Fiscal Year 2027.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

14. Authorizing the City Manager to Submit a Local Highway Safety Improvement Program (HSIP) Cycle-13 Grant Application and to Execute Any Resultant Grant Agreement and Amendments
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an application by November 2, 2026 to the California Department of Transportation (Caltrans) for a Local Highway Safety Improvement Program (HSIP) Cycle-13 grant for safety improvements to thirty (30) signalized intersections along Shattuck Avenue, University Avenue, Bancroft Way, and Oxford Street; accept the funds; and execute any resultant agreements and amendments.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

Consent Calendar

15. Authorize the City Manager to Negotiate and Execute a Project Specific Maintenance Agreement Between the California Department of Transportation and City of Berkeley for the San Pablo Avenue Safety Enhancements Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute a Project Specific Maintenance Agreement (PSMA) and any extensions and amendments with the California Department of Transportation (Caltrans) for maintenance of City improvements installed in the state highway during Alameda County Transportation Commission's (ACTC) San Pablo Avenue Safety Enhancements Project.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

16. Contract No. 32300096 Amendment: SCS Engineers for Landfill Post-Closure Maintenance and Monitoring Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300096 with SCS Engineers for maintenance, monitoring, and compliance services related to the closed landfill, increasing the contract amount by $1,600,000 for a total not to exceed amount of $5,678,022.
Financial Implications: Zero Waste Fund - $1,600,000
Contact: Jamie Parks, Public Works, (510) 981-6300

17. Contract No. 32300167 Amendment: POSM Software LLC for Pipeline Observation System Management Software Maintenance and Technical Support
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with POSM Software LLC for Pipeline Observation System Management software maintenance and technical support, extend the contract through October 31, 2028, increase the contract amount by $40,000 for a total not to exceed $88,650, and waiving competitive solicitation requirements on a sole-source basis.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

Consent Calendar

18. Ordinance Vacating and Authorizing Transfer of Property Adjacent to the North Berkeley BART TOD Site
From: City Manager
Recommendation:
1. Adopt first reading of an Ordinance (a) declaring four small pieces of land described in Exhibit A and shown in Exhibit B to the report, adjacent to the North Berkeley BART Transit Oriented Development (TOD), to be exempt surplus land; (b) summarily vacating two of the areas that are presently public right of way; and (c) approving the transfer of all four areas to the San Francisco Bay Area Rapid Transit District (BART);
2. Upon conclusion of the second reading of the Ordinance, authorize the City Manager to execute quitclaim deeds conveying the four areas described in Exhibit A and shown in Exhibit B to the report.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300, Jordan Klein, Planning and Development, (510) 981-7400

19. Purchase Order: Municipal Maintenance Equipment, Inc. for the Purchase and Installation of a CCTV Sewer Inspection System in One City-Owned Electric Van
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order with Municipal Maintenance Equipment, Inc. for the purchase and installation of a closed-circuit television (CCTV) sewer inspection system in one City-owned electric van in an amount not to exceed $515,636.69.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

20a. Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)
(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)
From: Commission on Disability
Recommendation: The Berkeley City Council shall refer to the City Attorney the requirement to include, in all City of Berkeley contracts that impact the public right-of-way, a clause that obligates City contractors to comply with the Public Right-of-Way Accessibility Guidelines (PROWAG).
Policy Committee Recommendation: Send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability.
Financial Implications: See report
Contact: Thomas Gregory, Commission Secretary, (510) 981-6300

Consent Calendar

20b. Companion Report: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG) *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee) (Item contains revised material.)*
From: City Manager
Recommendation: Receive this report on Public Works' progress responding to the Commission on Disability's PROWAG referral and concur with the FITES Committee's recommendation to refer development of PROWAG compliance provisions for work in the public right-of-way (construction-zone access guidelines and City contract language, with City Attorney review) to the City Manager, with input from the Commission on Disability (CoD).
Policy Committee Recommendation: Send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

21. Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park
From: Parks, Recreation and Waterfront Commission
Recommendation: Adopt a Resolution re-naming the park at the northern end of the Berkeley Waterfront as Si Se Puede Park.
Financial Implications: See report
Contact: Roger Miller, Commission Secretary, (510) 981-6700

22a. Adopt Amendments to Ordinances Governing Special Events: Block Parties; Park Events; Street Events
From: Zero Waste Commission
Recommendation: Adopt first reading of an ordinance amending BMC 6.46 (Park Events) and BMC 13.44 (Block Parties and Street Events).
Financial Implications: See report
Contact: Julia Heath, Commission Secretary, (510) 981-6300

22b. Companion Report: Adopt Amendments to Ordinances Governing Special Events: Block Parties; Park Events; Street Events
From: City Manager
Recommendation: Adopt first reading of two ordinances, as referred to Council by the Zero Waste Commission's report titled, "Adopt Amendments to Ordinances Governing Special Events: block parties; park events; street events," specifically amending: Berkeley Municipal Code (BMC) Chapter 6.46 (Park Events) and Chapter 13.44 (Block Parties and Street Events).
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

Consent Calendar

23a. Enforceable Mechanism for Berkeley Green Code Compliance
From: Zero Waste Commission
Recommendation: Recommend Council to direct the City Manager to refer Public Works Zero Waste staff and Planning, Safety and Building, Energy and Sustainability and Green Building staff work together to develop recommendations to implement a clear path to enforcement for non-compliance with Berkeley Green Code (BMC 19.37) Construction and Demolition (C&D) waste diversion requirements, including the possibility of fines and citations and other mechanisms to increase compliance.
Financial Implications: See report
Contact: Julia Heath, Commission Secretary, (510) 981-6300

23b. Companion Report: Enforceable Mechanism for Berkeley Green Code Compliance
From: City Manager
Recommendation: Direct the City Manager to assign the Public Works Department, in conjunction with the Planning and Development Department, to: 1. Review and consider research conducted by the Zero Waste Commission and UC Berkeley student researchers on enforcement mechanisms in other jurisdictions; and, 2. Develop a recommendation for City Council to adopt an appropriate enforcement mechanism(s) to strengthen compliance with California Green Building Standards Code by adding to Berkeley Green Code (BMC 19.37).
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

24a. Research on Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures
From: Zero Waste Commission
Recommendation: Recommend that Council refer the matter to the City Manager with direction to: 1. Instruct the Zero Waste Division, in collaboration with the Planning Department and Fire Department, to study, research, and recommend policies that standardize requirements for: a. Tenant-facing materials collection rooms for refuse, dual-stream recycling, and composting; b. Central collection rooms or enclosures; c. Curbside collection staging areas for all new construction. 2. Develop minimum per-unit service requirements, design parameters, and enforcement mechanisms; pursuant to Chapter 12.32.030 and 12.35 of the Berkeley Municipal Code.
Financial Implications: See report
Contact: Julia Heath, Commission Secretary, (510) 981-6300

24b. Companion Report: Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.32 - Storage, Collection and Disposal of Waste.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

Council Consent Items

25. Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager
(Reviewed by the Budget & Finance Committee)
From: Councilmember Kesarwani (Author), Mayor Ishii (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt an ordinance amending Berkeley Municipal Code (BMC) Chapter 7.18, Expenditure Limitations, to require procurement through competitive solicitation for all city contracts for professional services and other services greater than $100,000.
Further, for the City Attorney's Office (CAO), require development of an Outside Council Selection Protocol whereby the CAO develops an annual report to Council for its pre-qualified list of outside attorneys and law firms based on respondents to the office's ongoing Request for Qualifications process. When outside counsel is required, senior staff in the CAO would choose from pre-qualified attorneys/firms and identify the best candidate based on expertise, quality of work, and cost. This recommendation would allow for a competitive process using the pre-qualified list, thus accommodating the CAO's need to quickly engage outside counsel while preserving best procurement practices. Additionally, request the CAO report to Council on legal services contracts and amendments to City Council quarterly to increase transparency of spending on legal services contracts.
Refer to the City Manager to promulgate any further regulations that may be needed related to the requirement for competitive solicitation except for emergencies and when market research justifies the business case for a sole-source procurement, in alignment with the existing purchasing manual. Further, refer to the CAO to develop legal services regulations to implement the competitive solicitation process for outside counsel contracts and define circumstances where a sole-source procurement is justified by emergencies, market research, conflicts of interest, or other considerations.
Policy Committee Recommendation: To send the item to Council with a Qualified Positive Recommendation as written and amended during discussion, with additional direction to further consider:
-Specifying the 5-7 year contract rebidding timeframe in the ordinance as well as the purchasing manual
-Authorizing the City Attorney's Office to promulgate legal services procurement regulations and guidelines
-Establishing annual reporting to Council on legal services contracts and amendments
-B.M.C. Section 7.18.010(A) Expenditures pursuant to Charter Article XI, Sections 67 and 67.5 is amended to read as follows:
Except as otherwise provided in this Title, expenditures pursuant to Article XI, Sections 67 and 67.5 of the Charter of the City of Berkeley, for which ~~exceed~~ the initial amount exceeds ~~of~~ $10~~5~~0,000, inclusive only of professional services, other services, supplies, equipment, or materials (excluding leases and real estate agreements), shall require Council approval and shall be procured through competitive solicitation except in the case of emergencies pursuant to Article XI, Section 67.4. The requirement specified in Article XI, Section 67 of the Charter to

select the "lowest responsible bidder" only for supplies, equipment, or materials contracts remains. Professional services and other services contracts shall be based on demonstrated competence and qualifications for the types of services to be performed, at fair and reasonable prices to the City. This requirement for professional and other services contracts to be selected via competitive procurement applies to all Charter Officers. Pursuant to Article XVI Section 113, the City Attorney retains the authority to enter into contracts without Council approval after competitive procurement of professional services, other services, supplies, equipment or materials (excluding leases and real estate agreements). The City Attorney is authorized to promulgate regulations to implement this section with respect to City Attorney's Office contracts. All departments, excluding the City Attorney's Office, shall follow the City of Berkeley Purchasing Manual guidelines, Section 3, for extensions of contracts and re-bid all contracts under the timeframes specified. The City Attorney's Office shall follow regulations specific to City Attorney's Office contracts.

Financial Implications: Staff time

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

26. Berkeley Flea Market End-of-the-Season Fall Festival/Halloween Celebration Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Bartlett (Author)

Recommendation: Adopt a Resolution approving the expenditure of funds, including $600 from Councilmember Ben Bartlett, for the End-of-the-Season Fall Festival / Halloween Celebration of the South Berkeley Flea Market at Ashby BART, organized by Community Services United, a 501(c)3, with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

27. Harriet Tubman Terrace Residents' Low-Income Housing Bay Cruise Lunch Event on Thursday, November, 5, 2026 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Bartlett (Author)

Recommendation: Adopt a Resolution approving the expenditure of funds, including $500 from the discretionary Council Office Budget of Councilmember Ben Bartlett for the Harriet Tubman Terrace residents' low-income housing Bay Cruise Lunch event on Thursday, November, 5, 2026, to Nonprofit and 501(c)3: Lifesteps, to fund operational resources. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Council Consent Items

28. Appointment of Charles “Court” Jackson to the Board of Library Trustees
From: Councilmember O’Keefe (Author)
Recommendation: Adopt a Resolution appointing Charles “Court” Jackson to the Board of Library Trustees (“BOLT”) for a term of four years beginning November 4, 2026.
Financial Implications: None
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150, Rebecca Alcalá-Veraflor, Library, (510) 981-6100

29. Appointment of Hong-Sze Yu to the Board of Library Trustees
From: Councilmember O’Keefe (Author)
Recommendation: Adopt a Resolution appointing Hong-Sze Yu to the Board of Library Trustees (“BOLT”) for a term of four years beginning November 4, 2026.
Financial Implications: None
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150, Rebecca Alcalá-Veraflor, Library, (510) 981-6100

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 – New Business

30. Ashby BART East Lot Developer Selection for Exclusive Negotiation and Reservation of Predevelopment Funding
From: City Manager
Recommendation: Adopt two Resolutions that enable the City to move forward into negotiation and predevelopment with a selected development team for the Ashby East Lot Transit Oriented Development (TOD) project, located at the intersection of Woolsey St. and Tremont St., directly east of the Ed Roberts Campus, by:
1. Authorizing the City Manager or designee to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) and any required amendments with Satellite Affordable Housing Associates (SAHA), Habitat for Humanity East Bay/Silicon Valley, and Deborah D. Matthews Consulting (collectively, "the SAHA Team").
2. Authorizing the City Manager or designee to negotiate and enter into an ENRA and any required amendments with the alternative developer, Related California and the Kelsey (collectively, "the Related Team"), in the event that the ENRA with the SAHA Team is terminated or if the City does not enter into a ENRA with the SAHA Team. 3. Approving the reservation of $1 million of Affordable Housing Mitigation Fees (Fund 120) to the SAHA Team or their affiliate(s) to support master planning and predevelopment activities related to the development of affordable housing at the Ashby East Lot BART site. 4. Affirming that the City's Housing Trust Fund Guidelines will apply to the use of funds to support master planning and predevelopment activities related to the development of affordable housing at the Ashby East Lot BART site. 5. Authorizing the City Manager or designee to execute all original or amended documents or agreements in accordance with the intent of this Resolution.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Information Reports

31. Audit Status Report: 2009 Leases Audit Follow-Up
From: City Manager
Contact: Jamie Parks, Public Works, (510) 981-6300

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: berkeleyca.gov/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: berkeleyca.gov/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.

If you have obtained interpretation services for your use during a City Council meeting and would like to request assistance, please contact the City Clerk Department at (510) 981-6900, clerk@berkeleyca.gov, or in-person during 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 October 15, 2026.



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 #21: Re-Name the Park at the North Waterfront as Si Se Puede Park

1. Pear Michaels
2. David Tepper
3. 7 Similarly worded form letters

Parking Meter Changes

4. Eric Hyman

Berkeley Marina Visit

5. Gregory Kalkanis

Flock/Mass Surveillance Concern

6. Summer Brenner
7. Sam Holtzman
8. Dan Hibbing
9. Elizabeth Harrell
10. Judith Katz
11. Kelly Yan
12. Marcy Groot
13. Leona Benten
14. Craig Knudsen
15. 28 Similarly worded form letters

8th and Harrison

16. Elan Loeb

Upzoning/Zoning

17. Matthew Wadlund (2)
18. Beth Roessner
19. Michael Bauce

9th/10th and Camelia

20. Stephanie Chang (2)
21. Dana Hymel
22. Lisa Brown (2)
23. CC Miksza (2)
24. Chia Zau
25. Anne Aronov
26. Tatiana Davis

Musical Tent

27. Lauren Parsons

Marin Ave Concern
28. Kenny Yu

Grayson Encampments
29. Claudia Kawczynska
30. Cameron Woo
31. Karima Cammell
32. Sean Kenmore

Trash Pick Up Concerns
33. Amir Hay
34. Stephen Vonder Haar

600 Bancroft Way
35. Biolab Watch

College and Hopkins
36. Todd Jersey

Bay Trail Clean-Up
37. Chris Orr

Does Design Matter
38. Yolanda Huang

900 Grayson
39. Hillary Calvin Justice

Pedestrian Safety Concerns
40. Alex Merenkov

Hopkins
41. Stephen Alpert (2)

Golden Gate Fields Planning
42. Diane Quimby

Home Match Info
43. Rachel Matthews

Encampments
44. Ben Moreno
45. Jeff Cooksey

Vandalism Concern
46. Oscar Fernandez

Week Without Driving
47. Casey Passmore

Alameda County ECE Campaign Letter of Support
48. Christa Edwards

E-Scooters
49. Robert Borghese

Forwards/URLs
50. Eid Abdallah (8)
51. Russbumper (2)
52. Nodextrose Org

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. 8,035-N.S.

AMENDMENTS TO TITLE 23 (ZONING ORDINANCE) OF BERKELEY MUNICIPAL CODE TO REQUIRE UNDERGROUNDING OF TRANSFORMERS ON PRIVATE PROPERTY

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

Section 1. That Berkeley Municipal Code Section 23.304.100 is amended to read as follows:

23.304.100 Site Features.

A. *Residential and Commercial Zoning Districts.* The standards in this section apply in all Residential and Commercial zoning districts, and to all residential, commercial, and mixed-use projects.

1. Electrical Distribution Equipment. Electrical Distribution Equipment means primary-voltage electrical distribution system equipment, including but not limited to transformers, switches and fuses, and junction bars, and associated pads and enclosures needed for installation, operation, and maintenance.

2. Above Grade and Pad-Mounted Electrical Distribution Equipment Prohibited: No Electrical Distribution Equipment serving the development shall be installed above grade on a private parcel, except where the City Engineer determines that it is not in the public interest to site electric distribution equipment within the public right-of-way.

3. Electrical Distribution Equipment within Public Right-of-Way. Approval of the placement of any Electrical Distribution Equipment within the public right-of-way shall be at the sole discretion of the City Engineer and shall be based on protection of public safety, ADA accessibility, pedestrian and bicycle access, emergency response, existing and future public infrastructure, streetscape impacts, utility conflicts, operations, and maintenance considerations. Nothing in this section requires Public Works or the City Engineer to identify, design, or approve a location in the public right-of-way.

B. *Residential Districts.* The standards in this section apply in Residential Districts.

1. Garbage Cans. All garbage cans shall be effectively screened from view from the public right-of-way and surrounding properties.

2. *Utility Meters.* For buildings with two or more units, all utility meters shall be effectively screened from view from the public right-of-way and surrounding properties.

3. *Pedestrian Walkway for Multiple Dwellings.*

a. All multi-family dwellings shall have an unobstructed walkway for pedestrian access from the public right-of-way to the building.

b. The required walkway shall be separated and physically protected from a driveway or off-street parking spaces with a minimum 2-foot wide landscaped strip.

4. *Exterior Lighting.*

a. All exterior lighting shall be shielded and directed downward and away from lot lines to prevent excessive glare beyond the property on which the light is located.

b. Lights on motion sensors may not be triggered by movement or activity located off the property on which the light is located.

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 October 13, 2026, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: Bartlett, Taplin.

02

City Attorney's Office

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Farimah Brown, City Attorney

Nathan Dahl, Assistant to the City Attorney

Subject: Waiver of Sanctuary City Ordinance for Westlaw Contract

RECOMMENDATION

Adopt a Resolution waiving the contract prohibition of Berkeley Municipal Code Chapter 13.105, Sanctuary City Contracting, in order to enter into a contract with Westlaw.

CURRENT SITUATION AND ITS EFFECTS

In order to provide legal services, the City Attorney's Office ("CAO") relies on external legal resources. The preeminent provider of legal resources is Westlaw, a Thomsen Reuters Company. However, Westlaw also provides services to the United States Immigration and Customs Enforcement Department, among its many customers. Pursuant to Chapter 13.105, the Sanctuary City Contracting Ordinance, the Council must grant a waiver in order for the City to contract with Westlaw.

BACKGROUND

The CAO currently has a contract in place with Westlaw, set to expire November 30, 2026. The current contract was approved on June 1, 2021 by Council Resolution # 69,907 and required a waiver of the contract prohibition of Berkeley Municipal Code Chapter 13.105, the Sanctuary City Contracting Ordinance ("Ordinance").

One of the most critical tasks performed by attorneys is legal research. From researching cases and statutes for litigation to preparing ordinances and reviewing contract terms, having a robust and comprehensive legal research tool is indispensable. Since 2000 and until the passage of the Ordinance in 2019, the CAO has contracted with Westlaw, a Thomson Reuters company. Westlaw is relied upon by numerous legal organizations, governmental agencies, and non-profit organizations.

Current subscribers include entities such as the Federal and California courts, as well as hundreds of law firms of all sizes. Westlaw is essential to work done by city attorneys, public defense agencies, legal aid associations and prosecutors. In firms with

more than 500 attorneys, Westlaw is the legal resource service of choice for 75% of those firms and is the leading platform in the legal industry, relied on for:

- Accuracy of case law, statutes and regulations, all of which are interconnected through its proprietary Key Number System, a master classification system of U.S. law, which organizes legal authorities by topic, enabling researchers to readily locate pertinent cases, statutes, regulations and other sources, and track the evolution of various legal concepts.
  system.

- Exclusive content critical to municipal attorneys, such as McQuillen: The Law of Municipal Corporations, Matthews Municipal Ordinances, and The Ordinance Law Annotations.

- In addition to the exclusive and proprietary sources described above, the following critical legal research resources are also proprietary to Westlaw: California Jurisprudence, the Rutter Group Collection, Miller & Starr CA Real Estate, Witkin Library, American Law Reports, CA Civil Practice Collection, CA Judges BenchBook Series and CA Code Forms Government1.

The Ordinance, adopted in 2019, prohibits contracting with an entity that provides services to the United States Immigration and Customs Enforcement Department unless a waiver is granted by the Council. Section 13.105.030 provides that a waiver can be granted "…based on a specific determination that no reasonable alternative exists, taking into consideration the following:

1. The intent and purpose of this ordinance;
2. The availability of alternative services, goods and equipment; and
3. Quantifiable additional costs resulting from use of available alternatives."

The intent and purpose of the Ordinance is to ensure that the City does not financially support any company that provides services that infringe upon the rights of immigrants. Here, the CAO will be using Westlaw to, among other things, enhance efforts to protect immigrant rights as needed.

With respect to availability of alternative services, as explained above, due to the specialized and proprietary nature of Westlaw services, no alternative exists to provide the level of resources offered by Westlaw. Additionally, the second most used legal research software with 14% of the market – LexisNexis – also provides data services to the United States Immigration and Customs Enforcement Department. Not only is LexisNexis also not in compliance with the Sanctuary City Contracting Ordinance, its software also lacks the capability of Westlaw's products. Consequently, no additional costs have been identified for an alternative service provider which can provide services equivalent to those offered by Westlaw as not comparable alternative exists.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
While much of the proprietary publications identified above were previously only available in print (and are still available in print today), the CAO intends to contract only for online access to these sources, thereby significantly reducing reliance on print publications and the concomitant negative impact on the environment.

RATIONALE FOR RECOMMENDATION
The CAO requires services provided by Westlaw and no comparable alternative exists.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Farimah Brown, City Attorney, (510) 981-6998
Nathan Dahl, Assistant to the City Attorney (510) 847-6612.

Attachments:
1: Resolution

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

ADOPT A RESOLUTION WAIVING THE CONTRACT REQUIREMENTS OF THE SANCTUARY CITY CONTRACTING ORDINANCE PURSUANT TO CHAPTER 13.105 OF THE BERKELEY MUNICIPAL CODE, IN ORDER TO ENTER INTO A CONTRACT WITH WESTLAW, A THOMSON REUTERS COMPANY

WHEREAS, Pursuant to Ordinance No. 7650-N.S. and Chapter 13.105, the Sanctuary City Contracting Ordinance (“Ordinance”), in order to enter into a contract with Westlaw, a Thomson Reuters Company, the City Council must determine that no reasonable alternative exists based on consideration of three factors; and

WHEREAS, the three factors identified in the Ordinance ((1) The intent and purpose of the Ordinance, (2) the availability of alternative service providers, and (3) quantifiable additional costs resulting from the use of alternative providers) have all been considered; and

WHEREAS, the use of services provided by Westlaw is indispensable to the practice of law; and

WHEREAS, contracting with Westlaw will not violate the intent of the Ordinance as its services will be used to promote the interest of the immigrant community in conformance with the intent and purpose of the Ordinance; and

WHEREAS, no other contractors are available who can provide comparable services required by this contract; and

WHEREAS, no additional costs are quantifiable as there are no available alternatives; and

WHEREAS, failing to provide this waiver would result in additional costs to use Westlaw on an a la carte basis.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a waiver to the "no-contract" provision of the B.M.C. Section 13.105 is approved because no reasonable alternative exists to the services that will be provided under contract with Westlaw, a Thomsen Reuters Company.

03

City Clerk Department

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: 2026 Annual Commission Attendance and Meeting Frequency Report

RECOMMENDATION

In accordance with Resolution No. 72,097-N.S., review and accept the 2026 Annual Commission Attendance and Meeting Frequency Report.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Each of the City commissions that were active during the reporting period submitted an annual attendance report covering the period of September 1, 2025 through August 31, 2026 (Attachment 1). These reports include the number of meetings, meeting cancellations, commissioners in attendance, length of meetings, number of speakers, and members of the public present. The reports also reflect the number of vacant positions on the commission as of August 31, 2026. Attachment 2 provides a summary of the approved leaves of absence for each commission.

Resolution No. 72,097-N.S. establishes the meeting frequency for all commissions in accordance with current state law and City policy. Consistent with Resolution No. 72,097-N.S., commissions are divided into four categories (A, B, C, and D) depending on whether they have time-sensitive, legally mandated business to complete. The meeting activity for the reporting period of September 1, 2025 through August 31, 2026, has been broken down by category below.

Upon review of the meeting reports, the City Council may recommend that commissions be reorganized, or reclassified into a different meeting frequency category. Commissions that do not demonstrate a significant level of activity and engagement may be placed in the six-meeting-per-year category.

Category A – These commissions meet on their own schedule.

Commission	*Meetings Held*	*Meetings Cancelled*	*Vacant Positions*
Board of Library Trustees	16	2	1
Design Review Committee	10	2	0
Fair Campaign Practices Commission	9	3	1
Housing Advisory Commission	10	1	1
Landmarks Preservation Commission	10	1	1
Open Government Commission	9	3	1
Personnel Board	10	1	2
Planning Commission	12	0	0
Police Accountability Board	19	3	1
Zoning Adjustments Board	14	0	1

Category B – These commissions have a maximum of ten meetings per year.

Commission	*Meetings Held*	*Meetings Cancelled*	*Vacant Positions*
Behavioral Health Commission	10	0	5
Civic Arts Commission	10	1	0
Commission on Aging	10	0	2
Commission on Disability	8	2	0
Commission on Labor	6	1	3
Commission on the Status of Women	5	2	3
Community Health Commission	10	0	2
Disaster and Fire Safety Commission	10	0	0
Environment and Climate Commission	9	1	2
Homeless Services Panel of Experts	10	0	1
Human Welfare and Community Action Commission	9	1	4
Parks, Recreation and Waterfront Commission	10	0	0
Peace and Justice Commission	9	1	0
Safe Streets Citizen Oversight Committee	3	3	1
Sugar-Sweetened Beverage Product Panel of Experts	10	2	1
Transportation and Infrastructure Commission	8	2	2
Youth Commission	8	1	2
Zero Waste Commission	9	1	1

Category C – These commissions meet as necessary to fulfill their legal requirements as determined by the board chair and/or staff.

Commission	*Meetings Held*	*Meetings Cancelled*	*Vacant Positions*
Elmwood Business Improvement District Advisory Board	3	0	5
Loan Administration Board	0	0	6
Solano Avenue Business Improvement District Advisory Board	6	0	7

Category D – These commissions have a maximum of six meetings per year.

No commissions currently in Category D.

BACKGROUND

On June 14, 2005, the City Council discussed the reduction of commission meetings as a cost-saving measure, and adopted a proposal which created three categories of commission meeting schedules, a process for requesting Council approval of any extra meetings, direction to commission secretaries to submit an information report whenever a commission cancels two consecutive meetings for lack of quorum, and an annual attendance report.

On January 15, 2008, Council adopted Resolution No. 63,949–N.S., which updated the commission meeting frequency schedule to include a fourth category of meeting frequency.

On March 17, 2020, the council adopted Resolution No. 69,331–N.S. with the purpose of reducing the number of commission meeting schedules from four categories to two categories. This decision was made in response to the mandatory Shelter-in-Place order imposed as a result of the COVID-19 pandemic.

On November 28, 2023, the council adopted Resolution No. 71,109-N.S. restoring the meeting frequency categories to their previous count of four categories, as initially adopted by the council prior to the pandemic.

On January 27, 2026, the Council adopted Resolution No. 72,097-N.S., which incorporated the Safe Streets Citizen Oversight Committee into the City's commission meeting frequency schedule.

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

The annual commission attendance report informs the Council of commission activity and allows for comparison with the meeting frequency schedule. The annual attendance report documents increased demand on or under-utilization of commissions and allows Council to make changes to the meeting frequency schedule accordingly.

CONTACT PERSON

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

ATTACHMENTS:

1) 2026 Annual Commission Attendance Reports
    Attachment 1a – Category A
    Attachment 1b – Category B
    Attachment 1c – Category C
2) 2026 Approved Leaves of Absence Report

Commission: *Berkeley Public Library Board of Library Trustees*

Commission Secretary: Rebecca Alcalá-Veraflor

Vacant Seats (as of August 31, 2026): One vacant seat

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
09/03/2025 Regular Meeting	*No*	*5 of 5*	*11*	*1*	*1 hour, 1 minute*
10/08/2025 Regular Meeting	*Yes – No Quorum*	*2 of 5*	*38*	*4*	*1 hour, 18 minutes*
11/05/2025 Regular Meeting	*No*	*3 of 4*	*7*	*2*	*43 minutes*
12/03/2025 Regular Meeting	*No*	*5 of 5*		*1*	*1 hour, 10 minutes*
01/07/2026 Regular Meeting	*No*	*4 of 4*	*9*	*0*	*1 hour, 9 minutes*
01/07/2026 Special_Closed	*No*	*4 of 4*	*0*	*1*	*15 minutes*
02/04/2026 Regular Meeting	*No*	*4 of 4*	*11*	*1*	*53 minutes*
03/04/2026 Regular Meeting	*No*	*3 of 4*		*2*	*49 minutes*
04/15/2026 Regular Meeting	*No*	*3 of 4*	*35*	*2*	*1 hour, 4 minutes*

05/20/2026 Regular Meeting	*No*	*3 of 4*	*10*	*2*	*1 hour, 1 minute*
06/03/2026 Special_Closed	*No*	*4 of 4*	*0*	*0*	*7 hours, 0 minutes*
06/03/2026 Regular Meeting	*No*	*4 of 4*	*10*	*0*	*25 minutes*
06/08/2026 Special Closed	*No*	*4 of 4*	*0*	*0*	*58 minutes*
06/15/2026 Special_Closed	*No*	*4 of 5*	*0*	*0*	*1 hour, 4 minutes*
06/18/2026 Special_Closed	*No*	*4 of 5*	*0*	*0*	*1 hour, 18 minutes*
07/01/2026 Special_Closed	*Yes – Cancelled at the request of President Greene.*				
07/01/2026 Regular Meeting	*No*	*4 of 4*	*6*	*2*	*39 minutes*
07/08/2026 Regular Meeting	*No*	*4 of 4*	*0*	*2*	*10 minutes*

Commission: *Design Review Committee*

Commission Secretary: Anne Burns

Vacant Seats (as of August 31, 2026): 0

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/18/25	*No.*	*7 of 7*	*8*	*4*	*2.5 hrs.*
10/16/25	*No.*	*5 of 7*	*18*	*11*	*3.5 hrs.*
11/20/25	*No.*	*7 of 7*	*4*	*3*	*2.0 hrs.*
12/18/25	*Yes – no projects.*	*-*	*-*	*-*	*-*
1/15/26	*No.*	*5 of 7*	*2*	*2*	*1.5 hrs.*
2/19/26	*Yes – no projects.*	*-*	*-*	*-*	*-*
3/18/26	*No.*	*4 of 7*	*8*	*2*	*2.0 hrs.*
4/16/26	*No.*	*5 of 7*	*7*	*6*	*3.0 hrs.*
5/28/26	*No.*	*6 of 7*	*5*	*3*	*2.0 hrs.*
6/18/26	*No.*	*7 of 7*	*11*	*5*	*2.5 hrs.*
7/16/26	*No.*	*7 of 7*	*8*	*5*	*2.5 hrs.*
8/20/26	*No.*	*4 of 7*	*11*	*9*	*3.0 hrs.*

Commission: Fair Campaign Practices Commission

Commission Secretary: Sam Harvey, Stephen Hylas, Lauren Packard

Vacant Seats (as of August 31, 2026): ____1 (D5)_____

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
September 18, 2025	No	8/9	7	7	2 hours 42 minutes
October 16, 2025	Yes: no new agenda items	N/A	N/A	N/A	N/A
November 20, 2025	No	6/7	3	4	2 hours 34 min
December 18, 2025	No	5/7	0	0	1 hour 21 min
January 15, 2026	No	7/7	0	0	1 hour 11 min
February 19, 2026	No	7/7	0	0	1 hour 23 min
March 19, 2026	Yes: no new agenda items	N/A	N/A	N/A	N/A
April 16, 2026	No	6/7	0	0	1 hour 35 min
May 21, 2026	No	6/7	0	0	1 hour 10 min
June 18, 2026	No	5/7	0	0	1 hour 20 min
July 16, 2026	No	6/7	0	0	1 hour 30 min
August 20, 2026	Yes: no new agenda items	N/A	N/A	N/A	N/A

Commission: *Housing Advisory Commission*

Commission Secretary: Snow Zhu

Vacant Seats (as of August 31, 2026): __1_____

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/4/2025	*No*	*7/8*	*10*	*1*	*2.0 hrs*
10/9/2025	*No*	*6/7*	*3*	*0*	*2.0 hrs*
11/6/2025	*No*	*7/8*	*8*	*0*	*2.0 hrs*
1/15/2026	*No*	*6/6*	*4*	*2*	*2.5 hrs*
2/5/2026	*No*	*7/8*	*3*	*1*	*3.0 hrs*
3/5/2026	*No*	*7/8*	*5*	*1*	*2.0 hrs*
4/9/2026	*No*	*9/9*	*10*	*1*	*2.75 hrs*
5/7/2026	*No*	*7/7*	*7*	*3*	*3.0 hrs*
6/4/2026	*No*	*9/9*	*19*	*12*	*3.0 hrs*
7/2/2026	*No*	*6/6*	*5*	*2*	*2.0 hrs*
7/9/2026	*Yes – Staffing availability, special meeting was held a week earlier*				

Commission: *Landmarks Preservation Commission*

Commission Secretary: Allison Riemer, Sarah Price (Interim-Secretary)

Vacant Seats (as of August 31, 2026): __1___

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/4/2025	*No*	*6/7*	*14*	*7*	*3.5 hrs.*
10/6/2025	*No*	*6/7*	*5*	*2*	*2.5 hrs.*
11/6/2025	*No*	*6/6*	*30*	*15*	*3.5 hrs.*
12/4/2025	*No*	*6/7*	*12*	*4*	*3 hrs.*
2/5/2026	*No*	*6/7*	*4*	*5*	*3 hrs.*
3/5/2026	*No*	*6/7*	*11*	*2*	*3 hrs.*
4/6/2026	*No*	*6/7*	*4*	*6*	*2.5 hrs.*
5/7/2026	*No*	*6/7*	*92*	*37*	*3.5 hrs.*
6/4/2026	*No*	*9/9*	*107*	*25*	*3.5 hrs*
7/2/2026	*No*	*8/9*	*17*	*4*	*3.5 hrs.*
8/6/2026	*Yes – no items*	*-*	*-*	*-*	*-*

Commission: Open Government Commission

Commission Secretary: Sam Harvey, Stephen Hylas, Lauren Packard

Vacant Seats (as of August 31, 2026): ____1 (D5)_____

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
September 18, 2025	No	8/9	7	7	2 hours 42 minutes
October 16, 2025	Yes: no new agenda items	N/A	N/A	N/A	N/A
November 20, 2025	No	6/7	3	4	2 hours 34 min
December 18, 2025	No	5/7	0	0	1 hour 21 min
January 15, 2026	No	7/7	0	0	1 hour 11 min
February 19, 2026	No	7/7	0	0	1 hour 23 min
March 19, 2026	Yes: no new agenda items	N/A	N/A	N/A	N/A
April 16, 2026	No	6/7	0	0	1 hour 35 min
May 21, 2026	No	6/7	0	0	1 hour 10 min
June 18, 2026	No	5/7	0	0	1 hour 20 min
July 16, 2026	No	6/7	0	0	1 hour 30 min
August 20, 2026	Yes: no new agenda items	N/A	N/A	N/A	N/A

Commission: **Personnel Board**

Commission Secretary: Janelle Rodrigues

Vacant Seats (as of August 31, 2026): Two

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
09/08/2025	*No*	*5/7*	*1*	*1*	*1hr4m*
10/06/2025	*No*	*5/7*	*0*	*0*	*1hr13m*
11/03/2025	*No*	*6/7*	*3*	*0*	*1hr3m*
12/01/2025	*No*	*6/7*	*0*	*0*	*15m*
01/12/2026	*No*	*5/7*	*0*	*0*	*1h13m*
02/02/2026	*No*	*6/7*	*0*	*0*	*29m*
03/02/2026	*No*	*4/7*	*0*	*0*	*31m*
04/06/2026	*No*	*7/7*	*0*	*0*	*38m*
05/04/2026	*No*	*6/7*	*2*	*0*	*46m*
06/01/2026	*Yes, no items to present.*				
07/13/2026	*No*	*4/7*	*0*	*0*	*38m*

Commission: *Planning Commission*

Commission Co-Secretaries: Justin Horner and Alisa Shen

Vacant Seats (as of August 31, 2026): None

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
Sept 17 2025	*No*	*6/9*	*66*	*45*	*3 hours 57 min*
Oct 8 2025	*No*	*9/9*	*6*	*4*	*1 hour 29 min*
Nov 5 2025	*No*	*8/9*	*14*	*14*	*2 hours 59 min*
Dec 3 2025	*No*	*7/9*	*1*	*1*	*1 hour*
Jan 21 2026	*No*	*6/9*	*16*	*6*	*1 hour 40 min*
Feb 4 2026	*No*	*8/9*	*76*	*40*	*4 hours*
Mar 4 2026	*No*	*9/9*	*70* *49 on zoom*	*12*	*2 hours 31 min*
Mar 18 2026 (Special)	*No*	*9/9*	*20* *11 on zoom*	*10*	*2 hours 35 min*
Apr 15 2026	*No*	*7/9*	*14* *6 on zoom*	*11*	*1 hour 55 min*
May 6 2026	*No*	*8/9*	*100* *95 on zoom*	*74*	*3 hours 42 min*
June 3 2026	*No*	*7/9*	*25* *13 on zoom*	*21*	*2 hours 46 min*
July 1 2026	*No*	*6/9*	*13* *13 on zoom*	*8*	*3 hours*

Commission: *Police Accountability Board*

Commission Secretary: Katherine Lee, Interim Director of Police Accountability

Vacant Seats (as of August 31, 2026): 1

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/3/2025	*No*	*8/8*	*11*	*1*	*2.67 hrs.*
9/17/2025	*No*	*6/7*	*11*	*4*	*2.07 hrs.*
9/29/2025	*No*	*5/6*	*3*	*0*	*2.43 hrs.*
10/8/2025	*Yes – no quorum*				
11/5/2025	*No*	*5/6*	*14*	*2*	*3.38 hrs.*
12/3/2025	*No*	*6/6*	*15*	*0*	*3.4 hrs.*
12/10/2025	*Yes – PAB rescheduled via motion to later date*				
12/17/2025	*No*	*5/6*	*11*	*1*	*2.45 hrs.*
1/7/2026	*No*	*5/6*	*15*	*6*	*2.95 hrs.*
1/17/2026	*No*	*5/6*	*8*	*1*	*3.25 hrs.*
1/21/2026	*No*	*5/6*	*12*	*4*	*3.5 hrs.*
2/11/2026	*No*	*3/4*	*24*	*8*	*3.67 hrs.*
2/25/2026	*No*	*3/4*	*15*	*3*	*3.13 hrs.*
3/11/2026	*No*	*4/4*	*16*	*6*	*4.18 hrs.*
3/25/2026	*No*	*4/4*	*14*	*3*	*3.2 hrs.*
4/22/2026	*No*	*3/4*	*10*	*2*	*2.13 hrs.*
5/6/2026	*Yes – no quorum*				
5/20/2026	*No*	*4/6*	*7*	*1*	*3.21 hrs.*
6/3/2026	*No*	*5/6*	*8*	*2*	*2.67 hrs.*
6/17/2026	*No*	*5/7*	*13*	*3*	*3.5 hrs.*
7/8/2026	*No*	*5/7*	*11*	*1*	*2.38 hrs.*
7/22/2026	*No*	*7/8*	*11*	*2*	*2.87 hrs.*

Commission: *Zoning Adjustments Board*

Commission Secretary: Sharon Gong, Sarah Price

Vacant Seats (as of August 31, 2026): 1(Appointed by Mayor Ishii)

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
09/11/2025	*No*	*7/8*	*16*	*5*	*2.5 hrs.*
09/25/2025	*No*	*5/8*	*18*	*3*	*1.0 hrs.*
10/09/2025	*No*	*5/8*	*15*	*10*	*1.25 hrs.*
10/30/2025	*No*	*8/8 Temporary Appointees: 1*	*11*	*2*	*0.5 hrs.*
11/13/2025	*No*	*6/8*	*25*	*5*	*2.0 hrs.*
12/11/2025	*No*	*8/8 Temporary Appointees: 1*	*39*	*20*	*3.0 hrs.*
01/22/2026	*No*	*7/8*	*31*	*7*	*0.75 hrs.*
02/26/2026	*No*	*8/8*	*28*	*10*	*2.5 hrs.*
03/12/2026	*No*	*5/8 Temporary Appointees: 1*	*19*	*3*	*1.0 hrs.*
04/09/2026	*No*	*7/8 Temporary Appointees: 1*	*37*	*10*	*1.25 hrs.*

05/14/2026	*No*	*7/8 Temporary Appointees: 2*	*12*	*1*	*0.25 hrs.*
06/11/2026	*No*	*7/8*	*8*	*0*	*0.25 hrs.*
07/09/2026	*No*	*6/8*	*14*	*3*	*1.75 hrs.*
08/13/2026	*No*	*6/8 Temporary Appointees: 1*	*23*	*6*	*1.0 hrs.*

2026 Annual Commission Attendance Form

Reporting Period: September 1, 2025 through August 31, 2026

Commission: *Behavioral Health Commission*

Commission Secretary: Jamie Works-Wright

Vacant Seats (as of August 31, 2026): 5

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled? If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/25/25	*No*	*8/10*	*4*	*3*	*1:53*
10/23/25	*No*	*7/10*	*2*	*0*	*1:56*
11/20/25	*No*	*9/9*	*4*	*1*	*1:56*
1/22/26	*No*	*7/9*	*2*	*1*	*1:54*
2/26/26	*No*	*6/8*	*5*	*3*	*1:45*
3/26/26	*No*	*7/9*	*7*	*6*	*1:39*
4/23/26	*No*	*7/9*	*6*	*0*	*1:42*
5/28/26	*No*	*8/8*	*2*	*1*	*1:54*
6/25/26	*No*	*8/8*	*1*	*0*	*1:52*
8/27/26	*No*	*5/8*	*3*	*2*	*1:53*

Commission: Civic Arts Commission

Commission Secretary: Carianna Arredondo

Vacant Seats (as of August 31, 2026): 0

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled? If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/17/2025	No	6/9	9	8	1 hr. 44 min.
10/29/2025	Yes – Secretary Cancelled due to staff availability				
12/3/2025	No	8/9	0	0	2 hrs. 46 min.
1/28/2026	No	7/9	1	1	2 hrs. 4 min.
2/25/2026	No	8/9	3	2	2 hrs. 57 min.
3/25/2026	No	7/9	4	2	1 hr. 59 min.
4/22/2026	No	9/9	2	1	1 hr. 53 min.
5/20/2026	No	8/9	0	0	1 hr. 57 min.
6/24/2026	No	7/9	4	1	2 hrs. 12 min.
7/22/2026	No	8/9	8	2	2 hrs. 17 min.
8/26/2026	No	9/9	4	2	2 hrs. 16 min.

Commission: *Commission on Aging*

Commission Secretary: Darlene Bronson

Vacant Seats (as of August 31, 2026): 2

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled? If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/17/2025	*NO*	*8/8*	*12*	*12*	*1.5*
10/15/2025	*NO*	*7/8*	*1*	*0*	*1.5*
11/19/2025	*NO*	*7/8*	*3*	*1*	*2*
1/21/2026	*NO*	*6/8*	*3*	*3*	*1.5*
2/18/2026	*NO*	*7/8*	*0*	*0*	*2.14*
3/18/2026	*NO*	*7/9*	*2*	*2*	*2.11*
4/15/2026	*NO*	*7/9*	*1*	*0*	*2.20*
5/20/2026	*NO*	*7/9*	*1*	*3*	*2.10*
6/17/2026	*NO*	*5/8*	*0*	*0*	*2.14*
7/17/2026	*NO*	*5/7*	*0*	*0*	*2.14*

Commission: *Commission on Disability*

Commission Secretary: Thomas Gregory

Vacant Seats (as of August 31, 2026): zero vacant seats

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/10/25	*no*	*6/8*	*2*	*2*	*2 hours, 8 mins*
10/8/25	*no*	*8/9*	*2*	*1*	*2.5 hours*
11/12/25	*no*	*8/9*	*3*	*3*	*2 hours, 14 mins*
1/21/26	*no*	*8/9*	*1*	*1*	*1 hour, 54 mins*
2/11/26	*no*	*7/9*	*0*	*0*	*2 hours, 13 mins*
3/11/26	*no*	*5/9*	*3*	*1*	*2 hours, 10 mins*
4/15/26	*Yes, at Chair's direction*				
5/13/26	*no*	*8/9*	*0*	*0*	*1 hour, 50 mins*
6/10/26	*Yes, at Chair's direction*				
7/8/26	*no*	*7/9*	*4*	*4*	*2 hours, 24 mins*

Commission: *Commission on Labor*

Commission Secretary: Emily Rose

Vacant Seats (as of August 31, 2026): __3_____

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/17/2025	*Yes – no quorum*				
11/19/2025	*No*	*3/5*	*1*	*1*	*2 hrs.*
1/21/2026	*No*	*3/5*	*1*	*1*	*2 hrs.*
3/18/2026	*No*	*4/5*	*0*	*0*	*1.5 hrs.*
4/27/2026	*No*	*5/6*	*2*	*2*	*0.5 hrs.*
5/20/2026	*No*	*6/7*	*3*	*3*	*1.5 hrs.*
7/15/2026	*No*	*5/6*	*3*	*2*	*1 hr.*

Commission: *Commission on the Status of Women*

Commission Secretary: Okeya Vance-Dozier

Vacant Seats (as of August 31, 2026): 3

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
01/21/2026	*no*	*5/6*	*2*	*2*	*2 hrs.*
02/18/2026	*no*	*5/6*	*1*	*1*	*2 hrs. 15mins.*
03/18/2026	*no*	*4/7*	*1*	*0*	*2 hrs.*
04/15/2026	*yes*	*no agenda*			*2 hrs.*
05/20/2026	*no*	*6/6*	*1*	*1*	*2 hrs. 4 mins*
06/17/2026	*no*	*5/7*	*1*	*0*	*2 hrs.*
07/15/2026	*yes*	*no staffing or quorum*			

Commission: *Community Health*

Commission Secretary: Kellie Knox

Vacant Seats (as of August 31, 2026): Two

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled? If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
09/25/2025	*No*	*5/5*	*2*	*0*	*2 hours*
10/30/2025	*No*	*5/5*	*1*	*0*	*2.25 hours*
12/04/2025	*No*	*4/5*	*3*	*1*	*2.5 hours*
01/22/2026	*No*	*4/5*	*2*	*1*	*2.5 hours*
02/26/2026	*No*	*6/7*	*1*	*0*	*2.25 hours*
03/26/2026	*No*	*5/6*	*1*	*1*	*2.5 hours*
04/23/2026	*No*	*6/7*	*2*	*0*	*2.5 hours*
05/28/2026	*No*	*6/8*	*0*	*0*	*2.5 hours*
06/25/2026	*No*	*6/8*	*0*	*1*	*2.75 hours*
07/23/2026	*No*	*7/8*	*2*	*1*	*2.75 hours*

Commission: *Disaster and Fire Safety Commission*

Commission Secretary: Keith May
Vacant Seats (as of August 31, 2026): 0

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/17/2025	*No*	*8/9*	*3*	*1*	*1:11*
10/29/2025	*No*	*7/9*	*6*	*5*	*2:0*
12/3/2025	*No*	*6/9*	*1*	*0*	*1:06*
1/28/2026	*No*	*8/8*	*7*	*6*	*2:09*
2/25/2026	*No*	*8/9*	*3*	*2*	*1:11*
3/25/2026	*No*	*8/9*	*2*	*0*	*1:38*
4/22/2026	*No*	*8/9*	*5*	*5*	*2:12*
5/20/2026	*No*	*6/9*	*7*	*3*	*1:48*
6/24/2026	*No*	*7/9*	*4*	*2*	*1:33*
8/5/2026	*No*	*6/9*	*2*	*2*	*1:43*

Commission: *Environment & Climate Commission*

Commission Secretary: Sarah Moore

Vacant Seats (as of August 31, 2026): two (2)

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/17/2025	No	9 of 10	1	0	1.75 hrs.
10/29/2025	No	10 of 11	4	0	2.0 hrs.
12/03/2025	No	9 of 11	1	0	2.0 hrs.
1/28/2026	No	7 of 11	2	2	1.0 hr.
2/25/2026	No	9 of 10	3	0	2.25 hrs.
3/25/2026	No	9 of 10	0	0	1.5 hrs.
4/22/2026	No	10 of 10	3	1	1.75 hrs
5/20/2026	Yes - no action items				
6/24/2026	No	5 of 9	8	1	2.0 hrs.
7/22/2026	No	8 of 9	1	1	2.0 hrs.

Commission: *Homeless Services Panel of Experts*

Commission Secretary: Josh Jacobs

Vacant Seats (as of August 31, 2026): one

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/10/2025	*No*	*5/7*	*1*	*2*	*2 hrs*
10/8/2025	*No*	*4/6*	*4*	*2*	*2 hrs*
11/5/2025	*No*	*5/7*	*3*	*0*	*2 hrs*
1/7/2026	*No*	*6/6*	*6*	*5*	*2.67 hrs*
2/4/2026	*No*	*6/6*	*2*	*0*	*2 hrs*
3/4/2026	*No*	*6/6*	*2*	*0*	*2 hrs*
4/15/2026	*No*	*5/6*	*3*	*0*	*2 hrs*
5/6/2026	*No*	*6/6*	*2*	*0*	*2 hrs*
6/3/2026	*No*	*6/7*	*4*	*3*	*2.15 hrs*
7/1/2026	*No*	*5/7*	*2*	*1*	*2.15 hrs*

Commission: *Human Welfare and Community Action Commission*

Commission Secretary: Kat Larrowe

Vacant Seats (as of August 31, 2026): 4

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
09/24/2025	*No*	*5/5*	*1*	*1*	*2 hrs.*
10/15/2025	*No*	*4/4*	*3*	*1*	*2 hrs.*
11/19/2025	*Yes – special meeting held in June 2025. Cancelled Nov meeting to ensure commission did not meet more than 10 times in one calendar year*				
01/21/2026	*No*	*3/3*	*2*	*1*	*2 hrs.*
02/18/26	*No*	*3/3*	*2*	*2*	*2 hrs.*
03/18/2026	*No*	*4/4*	*2*	*1*	*2 hrs.*
04/22/2026	*No*	*3/5*	*2*	*1*	*2 hrs..*
05/20/2026	*No*	*3/5*	*3*	*1*	*2 hrs..*
06/17/2026	*No*	*5/5*	*4*	*3*	*1.75 hrs.*
07/15/2026	*No*	*5/5*	*4*	*2*	*2 hrs.*

Commission: *Parks, Recreation, and Waterfront*

Commission Secretary: Roger Miller

Vacant Seats (as of August 31, 2026): 0

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled? If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
09/10/2025	*N*	*4/6*	*14*	*12*	*1.50 hrs*
10/08/2025	*N*	*8/8*	*8*	*8*	*2.00 hrs*
11/12/2025	*N*	*7/8*	*14*	*14*	*3.00 hrs*
01/13/2026	*N*	*5/7*	*6*	*4*	*3.25 hrs*
02/11/2026	*N*	*5/7*	*10*	*8*	*2.75 hrs*
03/11/2026	*N*	*5/7*	*16*	*24*	*2.50 hrs*
04/08/2026	*N*	*7/7*	*9*	*5*	*3.00 hrs*
05/13/2026	*N*	*5/7*	*13*	*15*	*3.50 hrs*
06/10/2026	*N*	*3/7*	*32*	*22*	*3.00 hrs*
07/08/2026	*N*	*5/7*	*12*	*10*	*3.00 hrs*

Commission: *Peace and Justice*

Commission Secretary: Tasha Tervalon

Vacant Seats (as of August 31, 2026): 0

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/10/2024	*No*	*8 of 9*	*5*	*3*	*2.5 hrs.*
1/19/2025	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
10/5/25	*No*	*12 of 14*	*N/A*	*N/A*	*3 hours*
11/9/25	*No*	*10 of 14*	*N/A*	*N/A*	*3 hours*
1/5/26	*Yes – no quorum*				
2/2/26	*No*	*15 of 15*	*4*	*0*	*3 hours*
3/9/26	*No*	*14 of 15*	*33*	*20*	*3 hours*
4/6/26	*No*	*12 of 14*	*4*	*2*	*2 hours*
5/4/26	*No*	*12 of 15*	*3*	*0*	*3 hours*
6/1/26	*No*	*15 of 15*	*2*	*0*	*2 hours*
7/6/26	*No*	*10 of 15*	*2*	*0*	*1.5 hours*
8/31/26	*No*	*10 of 15*	*3*	*3*	*3 hours*

Commission: *SAFE STREETS Citizen Oversight Committee*

Commission Secretary: Candise Almendral

Vacant Seats (as of August 31, 2026): 1

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
November 19, 2025	*No*	*6/7*	*2*	*3*	*2 hrs. 14mins.*
February 26,2026	*Yes-staff vacancies*				
April 9, 2026	*Yes- emergency location change*				
April 22, 2026	*No*	*6/7*	*3*	*3*	*1 hr.49 mins.*
May 6, 2026	*Yes-accommodate rescheduled meetings*				
June 10, 2026	*No*	*7/7*	*3*	*4*	*1 hr. 54 mins.*

2026 Annual Commission Attendance Form

Reporting Period: September 1, 2025 through August 31, 2026

Commission: **Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission**

Commission Secretary: Roberto Terrones

Vacant Seats (as of August 31, 2026): 1

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/18/2025	*Yes – no quorum*				
10/6/2025	*No*	*6/9*	*0*	*0*	*1.6 hrs.*
10/16/2025	*No*	*6/9*	*0*	*0*	*1.8 hrs.*
11/20/2025	*No*	*7/9*	*0*	*0*	*1.4 hrs.*
1/15/2026	*No*	*6/8*	*0*	*0*	*1.8 hrs.*
2/19/2026	*No*	*7/8*	*0*	*0*	*1.9 hrs.*
3/19/2026	*No*	*6/8*	*0*	*0*	*1.8 hrs.*
4/16/2026	*No*	*4/7*	*0*	*0*	*1.6 hrs.*
5/21/2026	*No*	*6/7*	*0*	*0*	*1.7 hrs.*
6/18/2026	*No*	*7/7*	*0*	*0*	*1.8 hrs.*
7/16/2026	*Yes – no quorum*				
8/20/2026	*No*	*8/8*	*0*	*0*	*1.9 hrs.*

Commission: *Transportation and Infrastructure*

Commission Secretary: Mark Helmbrecht

Vacant Seats (as of August 31, 2026): 2

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/18/2025	*No*	*8 of 8 (1 seat was vacant)*	*6*	*4*	*2.5 hrs.*
10/16/2025	*No*	*8 of 9*	*5*	*3*	*2.25 hrs.*
11/20/2025	*No*	*6 of 9*	*12*	*9*	*3.0 hrs.*
01/15/2026	*No*	*7 of 9*	*10*	*7*	*2.25 hrs.*
02/19/2026	*No*	*7 of 9*	*4*	*8*	*2.75 hrs.*
03/19/2026	*Yes -no agenda terms*	*0 of 8 (1 seat vacant)*	*0*	*0*	*0*
04/16/2026	*No*	*7 of 9*	*13*	*13*	*2.75 hrs.*
05/21/2026	*No*	*8 of 9*	*13*	*13*	*3.0 hrs.*
07/23/2026	*Yes -no agenda terms*	*0 of 8 (1 seat vacant)*	*0*	*0*	*0*
08/20/2026	*No*	*7 of 9 (2 seats vacant)*	*5*	*3*	*2.5 hrs.*

Commission: *Youth Commission*

Commission Secretary: Ginsi Bryant, Co-Secretary Jasmine Gunn-Vaca

Vacant Seats (as of August 31, 2026): 2

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled? If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/8/2025	*NO*	*8/10*	*None*	*None*	*46min*
10/14/2025	*NO*	*8/10*	*None*	*None*	*34min*
11/10/2025	*Yes – no quorum*				
12/8/2025	*No*	*10/13*	*None*	None	*45min*
1/12/2026	*No*	*12/13*	*None*	None	*56min*
2/9/2026	*No*	*9/12*	*None*	None	*50min*
3/9/2026	*No*	*9/13*	*None*	None	*27min*
4/13/2026	*No*	*9/12*	*None*	None	*1hr6min*
5/11/2026	*No*	*10/17*	*None*	None	*35min*
June	*Break*				
July	*Break*				
Aug	*Break*				

Commission: Zero Waste Commission

Commission Secretary: Julia Heath

Vacant Seats (as of August 31, 2026): 1

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
9/18/2025	*No*	*7/8*	*3*	*0*	*2 hrs*
10/16/2025	*Yes – no quorum*				
11/20/2025	*No*	*8/8*	*2*	*2*	*2 hrs*
1/21/2026	*No*	*5/8*	*3*	*3*	*1 hr 55 mins*
2/18/2026	*No*	*7/8*	*2*	*2*	*2 hrs*
3/18/2026	*No*	*6/8*	*4*	*2*	*2 hrs*
4/15/2026	*No*	*7/8*	*7*	*3*	*2 hrs*
5/20/2026	*No*	*5/8*	*5*	*3*	*1 hr 55 mins*
6/17/2026	*No*	*7/8*	*2*	*1*	*2 hrs*
7/1/2026	*No*	*5/8*	*3*	*2*	*1 hr 55 mins*

Commission: *Elmwood Business Improvement District Advisory Board*

Commission Secretary: Vincent McCoy

Vacant Seats (as of August 31, 2026): 5

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled? If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
09/09/2025	*No*	*4/5*	*0*	*0*	*0:58*
02/06/2026	*No*	*3/4*	*0*	*0*	*0:40*
06/05/2026	*No*	*3/5*	*0*	*0*	*0:42*

Commission: *Loan Administration Board*

Commission Secretary: Vincent McCoy

Vacant Seats (as of August 31, 2026): 6

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled? If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
No Meetings					

Commission: *Solano Avenue Business Improvement District Advisory Board*

Commission Secretary: Vincent McCoy

Vacant Seats (as of August 31, 2026): 7

Example:

Scheduled Meeting Date	Cancelled? If Yes, Provide Reason	Commissioners Present	Public Present	Public Speakers	Meeting Length
10/14/2025	*No*	*8/9*	*5*	*3*	*2.5 hrs.*
2/11/2026	*Yes – no quorum*				

Scheduled Meeting Date *(include both regular and special meetings)*	**Cancelled?** **If Yes, Provide Reason**	**Commissioners Present** (include temporary appointees; names are not required)	**Public Present** (names are not required)	**Public Speakers** (names are not required)	**Meeting Length**
09/23/2025	*No*	*3/3*	*0*	*0*	*1:35*
11/18/2025	*No*	*2/3*	*0*	*0*	*1:20*
02/10/2026	*No*	*2/2*	*1*	*1*	*0:59*
03/17/2026	*No*	*2/2*	*0*	*0*	*1:44*
05/20/2026	*No*	*2/2*	*0*	*0*	*1:40*
07/21/2026	*No*	*2/2*	*1*	*1*	*1:40*

Approved Leaves of Absence Granted During the Period September 1, 2025 - August 31, 2026	
Commission	**# Leaves granted**
Behavioral Health Commission	0
Board of Library Trustees	0
Civic Arts Commission	7
Commission on Aging	10
Commission on Disability	7
Commission on Labor	5
Commission on the Status of Women	7
Community Health Commission	6
Design Review Committee	6
Disaster and Fire Safety Commission	3
Elmwood Business Improvement District Advisory Board	0
Environment and Climate Commission	11
Fair Campaign Practices Commission	6
Homeless Services Panel of Experts	5
Housing Advisory Commission	14
Human Welfare and Community Action Commission	4
Landmarks Preservation Commission	5
Loan Administration Board	0
Open Government Commission	6
Parks, Recreation and Waterfront Commission	12
Peace and Justice Commission	18
Personnel Board	8
Planning Commission	17
Police Accountability Board	12
Safe Streets Citizen Oversight Committee	1
Solano Avenue Business Improvement District Advisory Board	0
Sugar-Sweetened Beverage Product Panel of Experts	11
Transportation and Infrastructure Commission	9
Youth Commission	2
Zero Waste Commission	11
Zoning Adjustments Board	16

04

Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Carianna Arredondo, Assistant to the City Manager

Subject: Contract: Adrien Segal Public Artwork Commission for Santa Fe Trackbed to Park Conversion

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Adrien Segal for an amount not to exceed $150,000 for a public art commission of two unique vertical structures that will serve as habitat boxes for both birds and insects at the Community Garden Park (between Blake and Parker Streets) and the Urban Farm and Education Park (between Derby and Ward Streets).

FISCAL IMPACTS OF RECOMMENDATION

The $150,000 contract will be funded through the Cultural Trust Fund 148-21-211-000-0000-000-446-612990- in Fiscal Year 2027. Funds will be requested to be appropriated during the Annual Appropriations Ordinance process.

CURRENT SITUATION AND ITS EFFECTS

Artist Adrien Segal was selected through a competitive process to create two distinct artworks—one artwork installed at each site -- Community Garden Park (between Blake and Parker Streets) and the Urban Farm and Education Park (between Derby and Ward Streets). Each structure must stand vertically for high visibility to park visitors and function effectively as both a bird and insect habitat. Artworks will be installed permanently and must be structurally sound, highly durable, and easy to maintain. The goals of the project are:

1. Create permanent structures that effectively offer shelter and nesting opportunities for native and migratory birds, as well as non-stinging insects. Structures will be made of highly durable materials, and their design considers safety, maintenance, weatherization, and vandalism.

2. Integrate strong design aesthetics with a focus on environmental awareness and park integration. Artworks will be appropriate for the site in terms of scale, medium, design, and imagery, and will complement the context of the surrounding area.

3. Develop bold, visually striking installations at both ends of the park corridor to serve as key points of interest.

Adrien Segal's proposal *Murmur Nest* is inspired by the motion and flight of birds and insects as they skillfully navigate the sky. These visually striking 9' tall 3D printed wood adobe sculptures will serve as bold visual landmarks at each end of the park. Integrating layered textures, swooping curvature, and micro-alcoves, they will offer cavity nesting habitat and sheltered perches for birds and non-stinging insects as they seek rest and shelter on their pollination and migratory journey across Berkeley. (Figure 1.)



Figure 1: Artwork proposal by Adrian Segal, *Murmur Nest*, 3D printed adobe for Santa Fe Trackbed to Park Conversion (2027).

Staff anticipate that the two artworks will be installed by late September 2027.

BACKGROUND

The Santa Fe [1] to Park Conversion project will transform four blocks of former railroad property between Blake and Ward Streets, crossing Acton Street, into new neighborhood parkland. The City acquired the railroad property in 1980 and subsequently converted portions of the corridor into parks, pathways, housing, and

[1] https://berkeleyca.gov/your-government/our-work/capital-projects/santa-fe-trackbed-park-conversion

community gardens. This project continues that effort by developing some of the remaining undeveloped parcels in South Berkeley.

In 2021, the City received a $5 million Proposition 68 Statewide Parks Program grant to support the conversion. Additional funding from Measure T1 and Parks Tax funds supports completion of the project. Informed by community input, the park design includes a community garden, dog park, outdoor exercise stations, a playground with a tot cycle track, and an outdoor classroom with a teaching garden and orchard. The project includes soil remediation followed by park construction, expanding access to green space and outdoor recreation.

The public art commission will complement these recreational and educational amenities by integrating sculptural habitat structures into two park sites. The artworks are intended to create distinctive focal points, provide shelter and nesting opportunities for birds and insects, and encourage visitors to engage with the surrounding environment.

On February 26, 2025, the Civic Arts Commission approved the *Santa Fe Trackbed to Park Conversion Public Art Project Plan*, which called for the commission of two unique vertical structures that will serve as habitat boxes for both birds and insects at the Community Garden Park (between Blake and Parker Streets) and the Urban Farm and Education Park (between Derby and Ward Streets) as follows: M/S/C (Woo/Pineda) to approve *Public Art Project Plan for the Santa Fe Trackbed to Park Conversion* Vote: Ayes — Bachrach, Blecher, Bullwinkel, Covarrubias, Pineda, Scott, Woo; Nays — None; Abstain — None.

A Request for Qualifications for this public art commission was released on November 13, 2025, and was open through January 12, 2026 (Specification No. 25-11729-C). A selection panel comprised of 8 arts professionals and subject matter experts reviewed the qualifications of the 72 applicants and recommended 14 applications to be presented to the Santa Fe Trackbed to Park Conversion selection panel. The selection panel was comprised of three Bay Area arts professionals, a Civic Arts Commissioner, a Parks, Recreation and Waterfront Commissioner, a member of the building’s architecture team, an entomologist, and an ornithologist. This panel reviewed the qualifications of the 14 recommended artists and advanced 3 finalists to develop detailed conceptual site-specific proposals.

Once the 3 finalist proposals were received, staff conducted extensive community outreach to collect public input on the proposals. A “Berkeley Considers” survey was hosted on the City’s website from August 6 to August 24, 2026, inviting public for input on each proposal and at the close of the survey, 695 responses were collected and reviewed by the panel equaling 34.75 hours of public comment.

On August 31, 2026, the selection panel was reconvened to consider finalists' presentations in an interview format. At the end of three rounds of competitive scoring, the selection panel recommended Adrien Segal's proposal *Murmur Nest* to the Public Art Subcommittee for approval.

On September 3, 2026, the Public Art Subcommittee unanimously recommended Adrien Segal's proposal *Murmur Nest* to the Civic Arts Commission for approval.

On September 22, 2026, the Civic Arts Commission unanimously approved Adrien Segal's proposal Murmur Nest with the following vote: M/S/C (Dutta-Choudhury /Pineda) to approve Public Art Project Plan for the Santa Fe Trackbed to Park Conversion Vote: Ayes — Bachrach, Blecher, Dutta-Choudhury, Montgomery, Pineda, Woo; Nays — None; Abstain — None; Absent — Bullwinkel (LoA), Kramer (LoA), Scott

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed artworks, including their foundations and installation, are within the scope of the Santa Fe Trackbed to Park Conversion project covered by the City's July 2021 Notice of Exemption under the California Environmental Quality Act (CEQA). Installation will involve localized foundation work, material deliveries, and temporary use of construction equipment. Associated noise, dust, vehicle emissions, and soil disturbance are within the scope of the park project's environmental determination, and no additional CEQA review is required. Installation will be coordinated with park construction.

The artworks are designed to provide shelter and nesting opportunities for birds and non-stinging insects. The proposed wood adobe combines salvaged redwood fiber, water, clay, and a cellulose binder, incorporating reclaimed material into the sculptures. They will also encourage public awareness of local wildlife and urban habitat.

RATIONALE FOR RECOMMENDATION

Adrien Segal's proposal, Murmur Nest, was selected through a competitive process using the criteria published in the RFQ: creativity, experience, project goals, site specificity, feasibility and maintenance, and project management. These criteria align with the City's public art approval considerations concerning originality, artist qualifications, relevance to the site, feasibility, and long-term maintenance, and complies with the process outlined with BMC 6.14.010 "Visual Art in Public Places."

The proposed sculptures respond to the park's natural environment and educational purpose by combining public art with habitat for birds and non-stinging insects. Their distinctive design will enhance the two park sites-- the Community Garden Park (between Blake and Parker Streets) and the Urban Farm and Education Park (between Derby and Ward Streets)-- and provide opportunities for community engagement with art and local ecology. Public input informed the selection panel's review, and the proposal received unanimous recommendations from the Public Art Subcommittee and approval by the Civic Arts Commission

ALTERNATIVE ACTIONS CONSIDERED
None. The City Council could defer or decline authorization of the contract. Deferral could delay fabrication and installation of the artworks. Declining authorization would require staff to reassess the public art commission and return with an alternative approach. Staff recommends proceeding with the selected proposal based on the competitive selection process and its alignment with the project's goals.

CONTACT PERSON
Mark Salinas, Public Art Program Lead, (510) 981-7538

Attachment:
1: Resolution

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

CONTRACT WITH ADRIEN SEGALTO CREATE TWO PUBLIC ARTWORKS FOR THE SANTA FE TRACKBED TO PARK CONVERSION

WHEREAS, the City of Berkeley's Arts and Culture Plan calls for the enhancement of Berkeley's environment by placing temporary and permanent public art in public spaces throughout the city; and

WHEREAS, the Civic Arts Commission approved the Santa Fe Trackbed to Park Conversion Public Art Project Plan on February 26, 2025, which called for two unique vertical structures that will serve as habitat boxes for both birds and insects at the Community Garden Park (between Blake and Parker Streets) and the Urban Farm and Education Park (between Derby and Ward Streets).

WHEREAS, funding for the artist contract for the two unique vertical structures is included in the budget of Fund 148 for Fiscal Year 2027; and

WHERES, a Request for Qualifications from professional practicing artists was released on November 13, 2025 and 72 applications were received; and

WHEREAS, a selection panel comprised of three Bay Area arts professionals reviewed the qualifications of the 72 applicants and recommended 14 applications to be presented to the Santa Fe Trackbed to Park Conversion Public Art selection panel comprised of eight people including the three Bay Area arts professionals, a Civic Arts Commissioner, a Parks, Recreation and Waterfront Commissioner, a member of the project's architect team, an entomologist, and an ornithologist; and

WHEREAS, three finalists were selected by the panel and invited to develop site-specific public art project proposals; and

WHEREAS, the selection panel reconvened to evaluate the three proposals and selected the proposal by Adrien Segal entitled *Murmur Nest* for recommendation to the Civic Arts Commission; and

WHEREAS, the Civic Arts Commission approved Adrien Segal for two unique vertical structures that will serve as habitat boxes for both birds and insects at the Community Garden Park (between Blake and Parker Streets) and the Urban Farm and Education Park (between Derby and Ward Streets) at a special commission meeting on September 22, 2026.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments thereto with Adrien Segal for two unique vertical structures that will serve as habitat boxes for both

birds and insects at the Community Garden Park (between Blake and Parker Streets) and the Urban Farm and Education Park (between Derby and Ward Streets) for an amount not to exceed $150,000. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.

05

Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Carianna Arredondo, Assistant to the City Manager

Subject: Contract No. 32500002 Amendment: Community Initiatives | Live Free USA for Gun Violence Intervention and Prevention Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32500002 with Community Initiatives | Live Free USA for gun violence intervention and prevention services to add $257,548 in Byrne State Crisis Intervention Program (SCIP) grant funding pursuant to a budget modification approved by the California Board of State and Community Corrections (BSCC), bringing the total contract not-to-exceed amount to $2,874,768; extend the contract term through December 31, 2027; and update the scope of services and budget accordingly.

FISCAL IMPACTS OF RECOMMENDATION

The proposed amendment incorporates an additional $257,548 in SCIP funding into the contract through a BSCC-approved budget modification. These funds are being reallocated within the City's existing grant award and do not increase the total award or require additional General Fund support. The revised contract not-to-exceed amount of $2,874,768 includes the original contract funding, previously authorized SCIP funding, the previously approved $200,000 General Fund allocation, and the additional SCIP funding requested through this action. The General Fund allocation were awarded through the Mayor's final Budget Recommendations and will be appropriated as part of the Annual Appropriations Ordinance.

Contract funding component	**Amount**	**Fund**
Original contract funding	$2,000,000	011
Previously authorized SCIP funding	$417,220	336
FY 27-28 approved General Fund support	$200,000	011
Additional SCIP funding under the approved budget modification	$257,548	336
Total contract not-to-exceed amount	**$2,874,768**	

CURRENT SITUATION AND ITS EFFECTS

The City's Gun Violence Intervention and Prevention Program (GVIPP) coordinates community-based outreach, violence interruption, and supportive services for individuals at elevated risk of firearm-related harm. Community Initiatives | Live Free USA serves as the City's community-based violence intervention partner, providing trauma-informed engagement, life coaching, case management, crisis stabilization, and referrals to services.

During SCIP implementation, the City identified $210,044 in Crime Analyst personnel savings and $47,504 in available technology funding within the original grant allocation. The Berkeley Police Department (BPD) supports redirecting these resources to strengthen Live Free USA's community-based services. BSCC approved the City's request to reallocate the combined $257,548 for this purpose.

The proposed amendment incorporates these funds into the contract, updates the scope and budget, and extends the term through December 31, 2027. The amended scope supports proactive outreach, individualized service planning, ongoing participant engagement, and crisis stabilization following shooting incidents or credible threats of retaliation.

GVIPP advances the Strategic Plan goal to create a resilient, safe, connected, and prepared city.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339. This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

BACKGROUND

GVIPP builds on the City's Reimagining Public Safety initiative and the 2023 Gun Violence Prevention Report, combining community-based intervention with law enforcement coordination.

The City entered into Contract No. 32500002 with Community Initiatives | Live Free USA on July 1, 2024, with an original not-to-exceed amount of $2,000,000, to support program implementation.

The City subsequently received a $1 million SCIP award to support Crime Analyst staffing, expanded Live Free USA services, and investigative technology. On July 29, 2025, the City Council adopted Resolution No. 71,907-N.S., authorizing acceptance of the award and related actions, including amendment of the Live Free USA contract. The grant allocation included $417,220 for Live Free USA services.

In its June 9, 2026 report, Live Free reported reaching 56 individuals, maintaining 26 active participants, and completing 28 gun violence-related mediations. Eleven participants obtained employment, including 10 who remained employed; six secured stable housing; and 18 connected with additional programs and services. All five youth participants demonstrated educational progress, and three graduated from high school. Berkeley also recorded zero gun violence-related homicides or injuries in 2025, alongside GVIPP implementation and broader City public safety efforts. The June report highlighted NICJR's Cost of Gun Violence in Berkeley analysis, which estimated taxpayer costs of approximately $3.2 million per fatal shooting and $726,000 per nonfatal injury shooting. Applied to the shootings reported in 2024, these estimates total approximately $13.3 million across local, county, and state systems, underscoring the human and fiscal importance of prevention.

During the FY2027–FY2028 budget process, Mayor Adena Ishii recommended $200,000 in General Fund support for Live Free USA. The City Council incorporated this allocation into the biennial budget through Resolution No. 72,340-N.S., adopted June 23, 2026.

The proposed amendment builds on these prior funding commitments by incorporating the additional $257,548 in SCIP funding approved through the budget modification described above. The revised total contract amount includes the previously approved General Fund allocation and $674,768 in combined SCIP funding. The additional resources and extension through December 31, 2027 will support continued outreach, mediation, and life coaching, with anticipated outcomes of sustained participant engagement, reduced retaliation risk, and improved employment, housing, and educational stability.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No direct environmental sustainability or climate impacts are anticipated from this contract amendment.

RATIONALE FOR RECOMMENDATION

The proposed amendment aligns the contract amount, scope, and term with the additional funding identified for GVIPP implementation. It implements the City Council's $200,000 General Fund allocation and incorporates $257,548 in SCIP Grant resources into the service agreement. Continuing services through the existing contractor supports established participant relationships and coordination with City and community partners.

ALTERNATIVE ACTIONS CONSIDERED

The City Council could decline the proposed amendment. Staff would then need to assess adjustments to service levels and duration and coordinate with BSCC regarding an alternative use of the reallocated SCIP funds.

The City Council could also authorize a smaller SCIP increase or shorter extension. This would require corresponding revisions to the scope, budget, and deliverables and may require further BSCC approval.

CONTACT PERSON
Carianna Arredondo, Assistant to the City Manager, City Manager's Office, 510-981-7007

Attachments:
1: Resolution

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

CONTRACT NO. 32500002 AMENDMENT: COMMUNITY INITIATIVES | LIVE FREE USA TO ADD SCIP FUNDING FOR GUN VIOLENCE INTERVENTION AND PREVENTION SERVICES AND EXTEND THE TERM THROUGH DECEMBER 31, 2027

WHEREAS, the City of Berkeley entered into Contract No. 32500002 with Community Initiatives | Live Free USA on July 1, 2024, with an original not-to-exceed amount of $2,000,000, to support the City's Gun Violence Intervention and Prevention Program (GVIPP); and

WHEREAS, on July 29, 2025, the City Council adopted Resolution No. 71,907-N.S., authorizing acceptance of a $1,000,000 Byrne State Crisis Intervention Program (SCIP) grant award from the California Board of State and Community Corrections (BSCC) and related actions, including amendment of the Live Free USA contract, with $417,220 allocated for expanded services; and

WHEREAS, on June 23, 2026, the City Council adopted Resolution No. 72,340-N.S., approving the FY2027–FY2028 biennial budget, including $200,000 in General Fund support for Live Free USA through Mayor Adena Ishii's supplemental budget recommendations; and

WHEREAS, the City identified $210,044 in Crime Analyst personnel savings and $47,504 in available technology funding within the original SCIP grant allocation, totaling $257,548; and

WHEREAS, the Berkeley Police Department supports redirecting these resources to strengthen Live Free USA's community-based violence intervention, outreach, and participant support services; and

WHEREAS, BSCC approved a budget modification reallocating this $257,548 within the City's existing SCIP award without increasing the total grant award; and

WHEREAS, the City desires to incorporate the additional SCIP funding into Contract No. 32500002 and extend the contract term through December 31, 2027, to support continued GVIPP services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to amend Contract No. 32500002 with Community Initiatives | Live Free USA to:

1. Add $257,548 in SCIP grant funding pursuant to the BSCC-approved budget modification, bringing the total contract not-to-exceed amount to $2,874,768, inclusive of the previously approved $200,000 General Fund allocation;
2. Extend the contract term through December 31, 2027; and
3. Update the scope of services and payment budget to reflect the additional funding and extended term.

BE IT FURTHER RESOLVED that SCIP-funded expenditures shall comply with the approved grant budget, applicable grant conditions, and grant performance period. The extension of the City's contract term does not independently extend the SCIP grant performance period.

BE IT FURTHER RESOLVED that all other terms and conditions of Contract No. 32500002, as previously amended, shall remain in full force and effect.

Office of the City Manager

06

CONSENT CALENDAR
October 27, 2026

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 October 27, 2026

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 **$750,000**

PROJECT	Fund	Source	Amount
Fire Department Resilience & Clinical Support Services	164	Measure FF – Public Safety	$600,000
On-Call Real Estate Appraisal and Brokerage Advisory Services	673	Building Maintenance	$150,000
Total:			**$750,000**

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
Henry Oyekanmi, Director, Finance, 510-981-7326

Attachments:
1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 27, 2026

a. Fire Department Resilience & Clinical Support Services
b. On-Call Real Estate Appraisal and Commercial Brokerage Advisory 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
27-11812-C	Fire Department Resilience & Clinical Support Services	10/28/26	11/30/2026	Behaviorial health resilience and clinical support services that promote operational rediness, early intervention, recovery, and access to the appropriate professional care for Fire Department personnel	$ 600,000.00	164-72-742-835-0000-000-422-612410-	Fire	David Sprague 510-847-8435
DEPT TOTAL					**$600,000**			
27-11813-C	On-Call Real Estate Appraisal and Commercial Brokerage Advisory Services	10/28/26	11/30/2026	As-needed real estate valuation, asset assessment, and broker services including Broker Opinion of Value (BOV), evaluate land for affordable housing development, municipal asset management, property value, potential to handle transactionsand inform strategic property positioning	$150,000 for three year	673-54-624-697-0000-000-472-612990	Public Works	Dionne Early 510-981-6453
DEPT TOTAL					**$150,000**			
TOTAL					**$750,000**			

07

Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Contract: Insight Public Sector, Inc. dba Aurelian for non-emergency call-taking software

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or their designee to enter into a "piggyback" contract with Insight Public Sector, Inc. dba Aurelian for non-emergency call taking software for the Emergency Communications Center and services using the cooperative purchasing organization Omnia Partners Contract No. 23-6692-03. The contract base period will begin on December 1, 2026, through April 30, 2028, and will not exceed $197,642.

FISCAL IMPACTS OF RECOMMENDATION

The total cost, covering the period from December 1, 2026, through April 30, 2028, will not exceed $197,642. All funds required to pay for this contract will be paid for by Measure FF (Fire & Emergency Services, 2020).

CURRENT SITUATION AND ITS EFFECTS

The Emergency Communications Center handles approximately 196,000 incoming and outgoing police and fire calls annually. Only about one-quarter of this telephone workload consists of incoming 911 calls; the remainder includes calls received through the City's non-emergency and administrative lines, as well as outgoing calls made by dispatch staff in the course of their work. This is consistent with the City Auditor's 2019 Dispatch Workload report (911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale), which found that total telephone activity increased from approximately 184,000 calls in 2013 to more than 256,000 in 2017, including 55,587 911 calls, and concluded that "the majority of this increase came from a rise in non-emergency calls into the Center and outbound calls." Current data continue to show that most of the Center's telephone workload occurs outside of incoming 911 calls.

The Fire Department seeks to improve how non-emergency and administrative calls are processed. Aurelian products analyze non-emergency calls in real time and transfers them instantly when an emergency is detected. It also captures caller details, location, incident type, and key statements to help dispatchers process the call. This creates a

warm handoff, saves time, eliminates duplicative questions, and moves critical information to the right place faster.

This item is consistent with the City Strategic Plan goals to “create a resilient, safe, connected, and prepared city,” to “be a customer-focused organization that provides excellent, timely, easily accessible service and information,” and to “attract and retain a talented and diverse City government workforce.”

BACKGROUND

Responsibility for dispatch modernization was assigned to the Fire Department through the Reimagining Public Safety initiative. The Dispatch Needs Assessment prepared by Federal Engineering, Inc., was presented to the Public Safety Policy Committee on May 15, 2023, and provided to the full Council on October 29, 2024 (Appendix J)[1]. The subsequent analysis by Mission Critical Partners, LLC was also provided to Council on October 29, 2024 (Appendix J). Each identified that call-handling modernization is necessary to improve consistency and reduce attrition. To this end, the non-emergency call taking software offered by Aurelian reduces the number of non-emergency and administrative calls, reducing overall call volume, so dispatchers can focus on 911 calls.

Aurelian’s non-emergency call taking software consists of two components:

- The software solution can answer the City’s ten-digit non-emergency phone lines, route misdirected callers to the correct department, text relevant resources, monitor every call for indications of an emergency and transfer those callers immediately to a live telecommunicator, and collect information from routine reports to prepare a call for service. The software also supports the languages spoken in the Berkeley community.

- The proposed solution also provides real-time assistive support on handling emergency calls detected from the non-emergency phone tree. The system starts documenting key information for a warm handoff from the phone tree to the dispatcher.

The City is utilizing Omnia Partners contract and procurement process for the Request for Proposals, following the standard public procurement. The Cobb County Department of Procurement issued RFP 23-6692 on August 26, 2022. On October 13, 2022, the Department received 17 proposals. A committee evaluated the proposals using the criteria established in the RFP; the committee elected to enter into negotiations and contract with five firms, including Insight Public Sector, a firm that manages contract and RFP services for Aurelian. The contract term is for 60 months and runs from May 1, 2023 through April 30, 2028.

[1] https://berkeleyca.gov/sites/default/files/documents/2024-10-29%20Special%20Item%2001%20Reimagining%20Public%20Safety%20Status.pdf

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This administrative action to purchase dispatch software has no direct environmental or climate impacts. The project supports efficient deployment of emergency resources, which may indirectly reduce unnecessary vehicle responses and emissions.

RATIONALE FOR RECOMMENDATION

Aurelian provides a tested call-handling solution that can reduce the volume of non-emergency and administrative calls requiring direct dispatcher attention, creating additional capacity for Emergency Communications Center staff to complete training and implement standardized call-processing protocols. This approach is consistent with the modernization work previously identified through the City's Reimagining Public Safety initiative. Both the Federal Engineering, Inc. Dispatch Needs Assessment, and the subsequent Mission Critical Partners analysis identified call-handling modernization as necessary to improve consistency and reduce attrition. The proposed Aurelian implementation, together with the previously approved ProQA protocol dispatch system, advances those consultant recommendations by reducing avoidable call-handling workload while standardizing the processing of emergency calls.

Staff recommends procuring the Aurelian system through the OMNIA Partners cooperative purchasing agreement rather than conducting a separate City solicitation. The cooperative contract was established through a competitively solicited public procurement process and allows the City to leverage previously negotiated pricing and contract terms while avoiding the additional time and administrative expense of conducting a duplicative request for proposals. Using the cooperative agreement will allow implementation to proceed more quickly while retaining the benefits of a competitive procurement process.

ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to implement a call-screening tool and continue current dispatch practices. Under this alternative, the Emergency Communications Center would continue to receive thousands of non-emergency and administrative calls each month that require attention from professional Telecommunicator staff, reducing the time available for 911 call handling, training, protocol implementation, and other modernization work.

The City could also conduct a separate competitive solicitation for a call-screening solution. Staff does not recommend this approach because it would delay implementation during a critical period of forward progress in the Emergency Communications Center, including implementation of other consultant-recommended operational and call-processing improvements. Agencies using virtual call-handling tools such as Aurelian or similar products have reported substantial reductions in the volume of administrative and non-emergency calls reaching 911 call takers.

CONTACT PERSON

Shanalee Gallagher, Principal Program Manager, Fire Department, 510-981-3473

Attachments:
1: Resolution

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

AUTHORIZING A CONTRACT WITH INSIGHT PUBLIC SECTOR, INC. DBA AURELIAN FOR NON-EMERGENCY CALL TAKING SOFTWARE

WHEREAS, the City of Berkeley Emergency Communications Center provides emergency communications services for the Berkeley Police and Fire Departments and handles approximately 196,000 incoming and outgoing calls annually; and

WHEREAS, the City seeks to modernize call handling in the Emergency Communications Center by reducing the number of non-emergency and administrative calls requiring direct attention from telecommunicators, thereby increasing capacity for 911 call handling, training, and implementation of standardized call-processing protocols; and

WHEREAS, the Dispatch Needs Assessment prepared by Federal Engineering, Inc. and the subsequent analysis by Mission Critical Partners, LLC identified call-handling modernization as necessary to improve consistency and reduce attrition in the Emergency Communications Center; and

WHEREAS, Aurelian provides non-emergency call automation and assistive call-taking technology that can route callers to appropriate City resources, identify and transfer emergency calls to live telecommunicators, collect information for routine reports and calls for service, and provide real-time support to telecommunicators; and

WHEREAS, Insight Public Sector, Inc. provides contract and procurement services for Aurelian and was selected through a competitively solicited procurement conducted by Cobb County, Georgia, under OMNIA Partners Contract No. 23-6692, which is available to the City through cooperative purchasing; and

WHEREAS, use of the OMNIA Partners cooperative purchasing agreement allows the City to utilize competitively established pricing and contract terms while avoiding the time and administrative expense of conducting a duplicative solicitation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or their designee is authorized to enter into a contract with Insight Public Sector, Inc. dba Aurelian for non-emergency call taking software for the Emergency Communications Center and services using the cooperative purchasing organization Omnia Partners Contract No. 23-6692-03. The contract base period will begin on December 1, 2026, through April 30, 2028, and will not exceed $197,642.

AND BE IT FURTHER RESOLVED that the total cost, covering the period from December 1, 2026, through April 30, 2028, will not exceed $197,642. All funds required to pay for this contract will be paid for by funding sources that include but are not limited to Measure FF (Fire & Emergency Services, 2020)

08

Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing & Community Services

Subject: Contract No. 104289-1 Amendment: Jackson & Coker for Locum Tenens Psychiatrists

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 104289-1 to add $400,000 and for a not to exceed amount of $1,814,480. The term of the contract remains the same ending on June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the scope of work in the amount of $400,000 are currently available in the Fiscal Year (FY) 2027 budget in Health (Short/Doyle) Fund 316.

CURRENT SITUATION AND ITS EFFECTS

This service provides a safety net for consumers when the Mental Health Division's Adult Mental Health Clinic experiences a shortage of staff allowed to prescribe medication. This contract will allow intermittent usage of locum tenens medication services through Jackson & Coker Locum Tenens, LLC to ensure clients have access to medication. Locum tenens are licensed and qualified Psychiatrists or Psychiatric Nurse Practitioners who have a temporary placement at the contracting facility.

A new Request for Proposals (RFP) for locum tenens psychiatry services will be processed during the second quarter of FY 2027. City Council previously approved Resolution No. 72,032-N.S., which laid out a plan to complete an RFP before the end of FY 2026, however, due to subsequent noticing requirements outlined in Government Code Section 3504.1 as amended by AB 339 involved detailed discussions with labor unions which did not conclude until June 2026. The current objective is to amend this contract to provide necessary services throughout the RFP process.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339. This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

BACKGROUND
The Mental Health Division has experienced great difficulty in filling vacant positions for staff who can prescribe psychiatric medications. Due to a variety of factors, including the Medi-Cal expansion through the Affordable Care Act, an existing shortage of psychiatrists in the region has been greatly exacerbated. By contracting with a locum tenens, the City is able to provide constant services when there is staffing turnover, long term vacancies or additional short-term staffing needs.

Hourly rates for locum tenens psychiatrists and psychiatric nurse practitioners have increased significantly in recent years, due to the staffing shortages throughout the region. This contract ensures the City will provide quality mental health care when there are staffing vacancies. The clear desire is to have career staff working in the clinic, but locum tenens capacity is needed to continue to serve our clients with medication during potential vacancies. This contract will provide sufficient funds to ensure that there will be no interruption in medication services.

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
Jackson & Coker offers locum tenens that provide psychiatric prescriber services to Medi-Cal, uninsured, disenfranchised, and underserved populations. These services are necessary for the provision of behavioral health treatment provided by the City. These services will only be utilized during staff shortages and are not a replacement of permanent staffing.

ALTERNATIVE ACTIONS CONSIDERED
The City is required to provide necessary medication prescription and monitoring services for individuals with mental illness. A shorter contract period and a smaller amount of funding were considered, but this would require the Mental Health Division to return with more frequent amendments to this contract over time.

CONTACT PERSON
Jeffrey Buell, Manager of Mental Health Services, HHCS, (510) 981-7682
Conor Murphy, Associate Management Analyst, HHCS, (510) 981-7611

Attachments:
1: Resolution

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

CONTRACT NO. 104289-1 AMENDMENT: JACKSON & COKER FOR LOCUM TENENS PSYCHIATRISTS

WHEREAS, Berkeley Mental Health ("BMH") Division has a successful partnership with Jackson & Coker Locum Tenens, LLC ("J&C"), providing locums tenens psychiatry services for BBH clients; and

WHEREAS, the City of Berkeley entered into Contract No. 104289-1 with J&C on March 17, 2015, for an expenditure contract limit not to exceed $24,900, in order to provide locums tenens psychiatric services including necessary medication prescribing and attempting to fill staff vacancies; and

WHEREAS, the City of Berkeley amended Contract No. 104289-1 with J&C on June 19, 2015, for an expenditure contract limit not to exceed $49,900, in order to provide ongoing locums tenens psychiatric services when recruitment efforts did not lead to permanent staffing; and

WHEREAS, the City of Berkeley amended Contract No. 104289-1 with J&C on July 24, 2015, for an expenditure contract limit not to exceed $99,900, in order to provide ongoing locums tenens psychiatric services due to continued staff vacancies and expenditures approaching the prior contract limit; and

WHEREAS, the City of Berkeley amended Contract No. 104289-1 with J&C on August 24, 2016, for an expenditure contract limit not to exceed $174,900, in order to provide ongoing locums tenens psychiatric services due to continued staff vacancies and expenditures approaching the prior contract limit; and

WHEREAS, the City of Berkeley amended Contract No. 104289-1 with J&C on January 2, 2018, for an expenditure contract limit not to exceed $400,000, in order to provide ongoing locums tenens psychiatric services due to continued staff vacancies and expenditures approaching the prior contract limit; and

WHEREAS, the City of Berkeley amended Contract No. 104289-1 with J&C on August 9, 2022, for an expenditure contract limit not to exceed $964,480, in order to provide ongoing locums tenens psychiatric services due to continued staff vacancies and expenditures approaching the prior contract limit; and

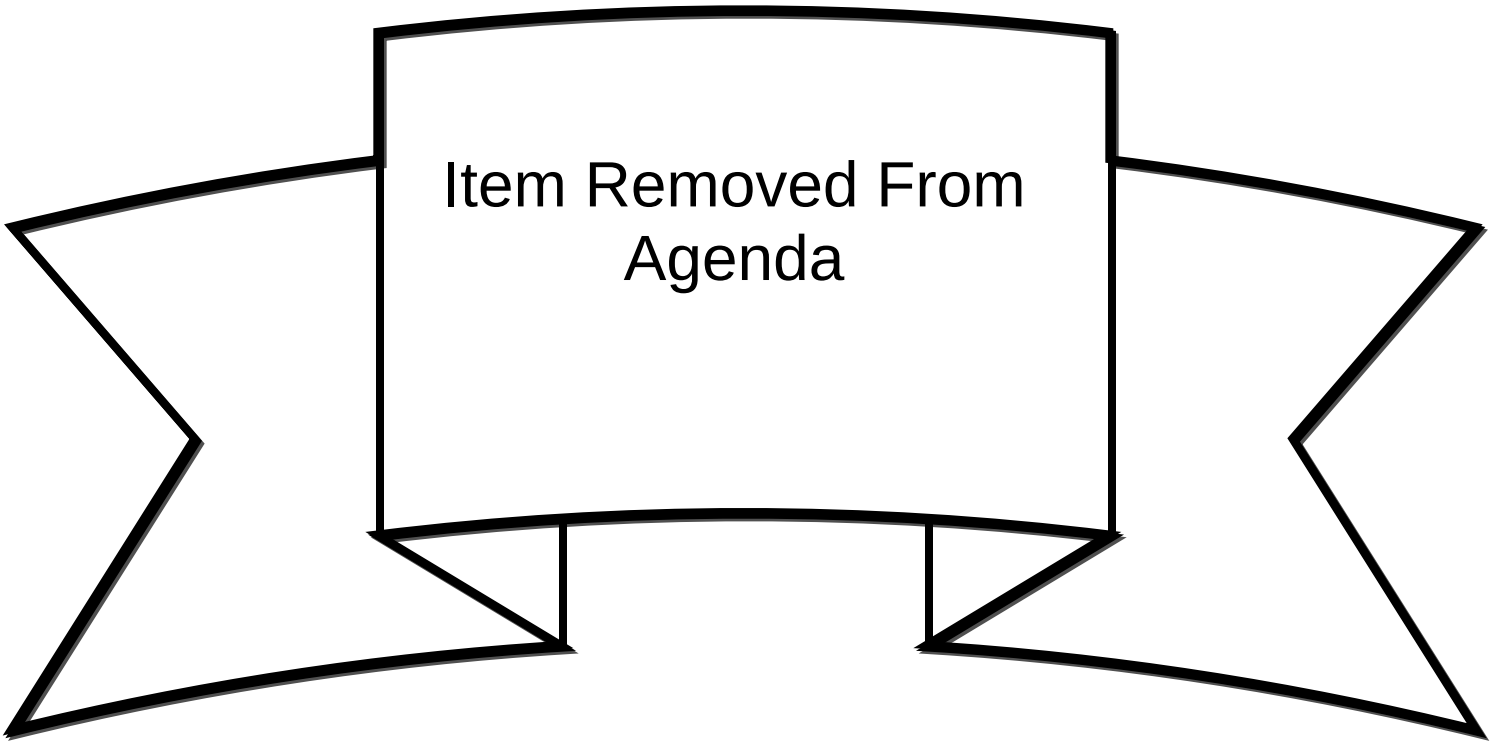
WHEREAS, the Council of the City of Berkeley approved amending Contract No. 104289-1 with J&C via Resolution 72,032-N.S. on November 18, 2025, for an expenditure contract limit not to exceed $1,414,480, in order to provide ongoing locum tenens psychiatric services due to continued staff vacancies and expenditures approaching the prior contract limit; and

WHEREAS, this contract is exempt from the noticing requirements set forth in Government Code Section 3504.1; and

WHEREAS, funds are currently available in the Fiscal Year 2027 budget in Health (Short/Doyle) Fund 316.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to execute a contract amendment to add $400,000 with Jackson & Coker Locum Tenens, LLC for locum tenens psychiatrists through June 30, 2027, for a total amount not to exceed $1,814,480. A record signature copy of said contract to be on file with the Office of the City Clerk.

09



This item has been removed from the agenda by the City Manager.

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

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

The City of Berkeley, City Council's Website
https://berkeleyca.gov/your-government/city-council

10

Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Donation: Memorial Bench at Berkeley Marina in memory of Clarence and Loreina Fuller

RECOMMENDATION
Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Marina in memory of Clarence and Loreina Fuller.

FISCAL IMPACTS OF RECOMMENDATION
The value of a single bench and memorial plaque is $3,400, which covers the purchasing and installation costs performed by the City. The cash donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated in FY 2027.

CURRENT SITUATION AND ITS EFFECTS
The family of Clarence and Loreina Fuller wishes to donate a memorial bench in their memory to be placed at the Berkeley Marina with a cash donation of $3,400. Per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation. The Director has determined that the proposed donation complies with the City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the donation, subject to Council approval.

BACKGROUND
Benches are placed throughout the City in accordance with the City's Park Bench Donation Policy approved by Council on July 22, 2008 (Resolution No. 64,148-N.S.). The City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of $1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

The City's vendor for benches, Dumor, Inc., makes its priority to purchase only sustainably-harvested wood derived from stringently-regulated timber source locations, including California, Oregon, Washington and British Columbia. This policy reduces solid waste volumes in landfills, helps conserve natural resources and limits the environmental effects resulting from the extraction of virgin materials. The benches therefore comply with the City's environmentally preferable purchasing policy, specifically section 3.7 Forest Conservation.

RATIONALE FOR RECOMMENDATION

The City's Parks Donation Policy provides a mechanism whereby families can donate a memorial bench that both honors a family member and provides the public with a needed amenity.

CONTACT PERSON

Scott Ferris, Director, 510-981-6700

Attachments:
1: Resolution

RESOLUTION NO. _____ -N.S.

DONATION: MEMORIAL BENCH AT THE BERKELEY MARINA IN MEMORY OF CLARENCE AND LOREINA FULLER

WHEREAS, on July 22, 2008, Council adopted the Park Bench Donation Policy (Resolution No. 64,148-N.S.); and

WHEREAS, the City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of $1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.); and

WHEREAS, the family of Clarence and Loreina Fuller wishes to donate a memorial bench in their memory to be placed at the Berkeley Marina with a cash donation of $3,400; and

WHEREAS, per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation; and

WHEREAS, the Director has determined that the proposed donation complies with City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the proposed donation; and

WHEREAS, the cash donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated in FY 2027.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Marina in memory of Clarence and Loreina Fuller is hereby accepted.

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Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Donation: Memorial Bench at Berkeley Waterfront Park at the Berkeley Marina in memory of Mary & Bob Rubenstein

RECOMMENDATION
Adopt a Resolution accepting a cash donation in the amount of $3,400 for a memorial bench to be placed at Berkeley Waterfront Park at the Berkeley Marina in memory of Mary & Bob Rubenstein.

FISCAL IMPACTS OF RECOMMENDATION
The value of a single bench and memorial plaque is $3,400, which covers the purchasing and installation costs performed by the City. The cash donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated in FY 2027.

CURRENT SITUATION AND ITS EFFECTS
The family of Mary & Bob Rubenstein wishes to donate a memorial bench in their memory to be placed at the Berkeley Marina with a cash donation of $3,400. Per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation. The Director has determined that the proposed donation complies with the City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the donation, subject to Council approval.

BACKGROUND
Benches are placed throughout the City in accordance with the City's Park Bench Donation Policy approved by Council on July 22, 2008 (Resolution No. 64,148-N.S.). The City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of $1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.)

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACT

The City's vendor for benches, Dumor, Inc., makes its priority to purchase only sustainably-harvested wood derived from stringently-regulated timber source locations, including California, Oregon, Washington and British Columbia. This policy reduces solid waste volumes in landfills, helps conserve natural resources and limits the environmental effects resulting from the extraction of virgin materials. The benches therefore comply with the City's environmentally preferable purchasing policy, specifically section 3.7 Forest Conservation.

RATIONALE FOR RECOMMENDATION

The City's Parks Donation Policy provides a mechanism whereby families can donate a memorial bench that both honors a family member and provides the public with a needed amenity.

CONTACT PERSON

Scott Ferris, Director, 510-981-6700

Attachments:
1: Resolution

RESOLUTION NO. _____ -N.S.

DONATION: MEMORIAL BENCH AT THE BERKELEY MARINA IN MEMORY OF MARY & BOB RUBENSTEIN

WHEREAS, on July 22, 2008, Council adopted the Park Bench Donation Policy (Resolution No. 64,148-N.S.); and

WHEREAS, the City's Open Governance Ordinance (OGO) requires City Council disclosure and approval of any gift to the City in excess of $1,000 (BMC Section 2.06.150, Ord. 7,166-N.S.); and

WHEREAS, the family of Mary & Bob Rubenstein wishes to donate a memorial bench in their memory to be placed at the Berkeley Marina with a cash donation of $3,400; and

WHEREAS, per the City's Park Bench Donation Policy, individuals may donate memorial benches to the City's parks in selected locations, subject to the approval of the Director of the Parks Recreation & Waterfront Department, and pay for all associated costs, subject to Council disclosure and approval of the gift donation; and

WHEREAS, the Director has determined that the proposed donation complies with City's Bench Donation Policy as described in Resolution No. 64,148-N.S. and has approved the proposed donation; and

WHEREAS, the cash donation will be deposited into Marina Fund donation revenue budget code 608-52-544-591-0000-000-000-481110 and will be appropriated in FY 2027.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that a cash donation in the amount of $3,400 for a memorial bench to be placed at the Berkeley Marina in memory of Mary & Bob Rubenstein is hereby accepted.

Office of the City Manager

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CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director, Parks, Recreation, and Waterfront

Subject: Grant Application: The 2026 Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or his designee to 1) Submit a grant application to the California Division of Boating and Waterways (DBW) 2025 Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Accept the grant; 3) Execute any amendments; and 4) Authorize a local match contribution of $5,000.

FISCAL IMPACTS OF RECOMMENDATION

The cost to remove and dispose of abandoned and derelict vessels at the Berkeley Marina through FY2026 is estimated at $95,000. The Parks, Recreation, and Waterfront Department submitted a grant application to the DBW 2026 SAVE grant program in the amount of $95,000 for this work. The awarded amount is $50,000, and a local match of $5,000 (10% of award) is required. Funding for the local match will be recommended for appropriation through the second amendment to the appropriation ordinance in the Marina Fund (608). The grant funds will be deposited in the Boating and Waterways Fund (Fund 608-52-545-000-0000-000-472-612990).

CURRENT SITUATION AND ITS EFFECTS

Each year, approximately ten (10) vessels get abandoned by their owners at the Berkeley Marina because they lack funds to repair the vessels or they lack funds to pay for their dockage fees. Due to the age and neglect of the vessels, they have no value, are not sea-worthy, and are likely to sink. These vessels occupy slips in the Berkeley Marina that could otherwise be used to generate dockage revenue for the City, and these vessels are a visual blight on our Marina and harm our reputation. This new round of funding will assist us as we work to keep our docks clear of derelict vessels in the coming year, and build upon the progress we make in removing derelict vessels via previous SAVE Grants.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code

Section 3504.1 as amended by AB 339. This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

BACKGROUND

Responsibility for derelict and abandoned vessels, unfortunately, often falls on public agencies. Over time, the City has been awarded the following SAVE grants to remove derelict vessels:

- In 2020, the Berkeley Marina was awarded a SAVE grant for $130,000 and removed 25 derelict vessels.
- In late 2020, the Berkeley Marina was awarded a SAVE grant for $42,000 and removed eight derelict vessels.
- In late 2021, the Berkeley Marina was awarded a SAVE grant for $42,000 and removed seven vessels.
- In late 2022, the Berkeley Marina was awarded a SAVE grant for $60,000 and removed 16 vessels.
- In late 2023, the Berkeley Marina was awarded a SAVE grant for $60,000 and removed 16 vessels.
- In late 2024, the Berkeley Marina was awarded a SAVE grant for $50,000 and removed nine vessels.
- In late 2025, the Berkeley Marina was awarded another grant for $10,000 and removed one vessel.

For the past 20 years, the Division of Boating and Waterways has provided grant funding assistance to public agencies throughout California, including the City of Berkeley, to properly remove, store, and dispose of abandoned, wrecked, or dismantled vessels or any other partially submerged objects that pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent.

ENVIRONMENTAL SUSTAINABILITY

Derelict, abandoned, and sunken vessels pose a navigational and environmental hazard to the waters of the Bay (e.g., they can leak oil fuel, oil coolant, paints and solvents, sanitary waste, etc.) Removal and proper disposal of these vessels contributes to the improvement to the health of the Bay waters.

RATIONALE FOR RECOMMENDATION

The City's Parks, Recreation, and Waterfront Department has the primary responsibility for removing derelict and abandoned vessels from local waters. SAVE grants allow the City to substantially leverage our existing funding to safely remove potential environmental and navigational hazards from our waters. The swift removal of derelict vessels from our Marina via SAVE Funds prevents the accumulation of such vessels on our docks improves the attractiveness of the Berkeley Marina to existing and prospective slip holders. This project advances the Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

ALTERNATIVE ACTIONS CONSIDERED
None

CONTACT PERSON
Sean Crothers, Waterfront Supervisor, 981-6744

Attachments:
1: Resolution

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

GRANT APPLICATION: SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) GRANT PROGRAM OF THE STATE DIVISION OF BOATING AND WATERWAYS

WHEREAS, Each year, approximately ten (10) vessels get abandoned by their owners at the Berkeley Marina because they lack funds to repair the vessels or they lack funds to pay for their dockage fees. Due to the age and neglect of the vessels, they have no value, are not sea-worthy, and are likely to sink. These vessels occupy slips in the Berkeley Marina that could otherwise be used to generate dockage revenue for the City, and these vessels are a visual blight on our Marina and harm our reputation; and

WHEREAS, responsibility for abandoned vessels, unfortunately, often falls on public agencies. For the past 20 years, the Division of Boating and Waterways (DBW) has provided grants to public agencies, including the City of Berkeley, to remove, store, and dispose of abandoned, wrecked, or dismantled water vessels or any other partially submerged objects that pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent; and

WHEREAS, the City's Parks, Recreation and Waterfront (PRW) Department has the primary responsibility for removing derelict and abandoned vessels from local waters. By applying for SAVE grants, the City is able to substantially leverage our existing funding for these projects, and safely remove potential environmental and navigational hazards from our waters; and

WHEREAS, the cost to remove and dispose of ten (10) abandoned and derelict vessels at the Berkeley Marina through FY2026 is estimated at $95,000. The PRW Department submitted a grant application to the DBW 2026 SAVE grant program in the amount of $95,000 for this work. DBW awarded $50,000, and a local match of $5,000 (10% of award) is required. Funding for the local match will be recommended for appropriation through the second amendment to the appropriation ordinance in the Marina Fund (Fund 608). The grant funds will be deposited in the Boating and Waterways Fund (Fund 608-52-545-000-0000-000-472-612990).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to 1) submit a grant application to the California Division of Boating and Waterways 2026 SAVE grant program for $95,000; 2) accept the grant; 3) execute any resulting grant agreements and any amendments; and 4) the City Council authorizes the implementation of the projects and appropriation of funding for related expenses, including $5,000 in local match from the Marina Fund, subject to securing the grant. A record signature copy of said agreements and any amendments to be on file in the Office of the City Clerk.

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Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jennifer A. Louis, Chief of Police

Subject: Revenue Grant: California Office of Traffic Safety (OTS) for the 2026-2027 "Selective Traffic Enforcement Program (STEP)" Grant

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to accept the "Selective Traffic Enforcement Program (STEP)" grant and execute any resultant revenue agreements and amendments with the California Office of Traffic Safety. This OTS grant is $200,000 for the period of October 1, 2026, through September 30, 2027, which corresponds to Federal Fiscal Year 2027.

FISCAL IMPACTS OF RECOMMENDATION

The total of this project will not exceed $200,000. Grant revenues will be deposited into budget code 309-71-703-812-0000-000-000-431110- to fully offset associated expenditures. The STEP grant will fund overtime, related benefits, equipment purchases, and training costs, thereby reducing additional General Fund obligations.

CURRENT SITUATION AND ITS EFFECTS

Securing OTS grant funding is a Strategic Plan Priority Project that advances the City's goal of fostering a resilient, safe, connected, and prepared community.

The Traffic Bureau within the Berkeley Police Department is currently staffed by two motor officers, one traffic data analyst, one Sergeant, and one Lieutenant. Motor officers are responsible for injury-collision investigations and traffic enforcement; however, their availability is often limited due to ancillary duties and ongoing personnel shortages within the Operations/Patrol Division.

OTS grant funding strengthens the City's traffic-safety initiatives by enabling both patrol and motor officers to address critical traffic safety concerns—most notably impaired driving—outside of their regularly scheduled duties. In addition to enhancing impaired-driving enforcement, the grant supports leadership development and specialized training in traffic safety and DUI/impaired-driving enforcement. Collectively, these improvements bolster the department's mission to promote public safety for all roadway users.

BACKGROUND

Office of Traffic Safety (OTS) rankings place the City of Berkeley number one for seven of the last eight years in pedestrian and bicycle related injury collisions when compared to sixty-two other cities with similar populations. Each year, hundreds of people are injured in traffic collisions in Berkeley. The City also consistently ranks high in total fatal and injury collisions, hit-and-run injury collisions, speed-related collisions, nighttime collisions, and motorcycle-involved collisions. With assistance from the 2027 Office of Traffic Safety Grant, the department will continue our efforts to reduce the number of community members injured in collisions —whether they walk, roll, drive, bike, or ride a motorcycle in our city.

In 2023, OTS data shows Berkeley ranked:

- 1st out of 62 cities for injury collisions involving pedestrians
- 2nd out of 62 cities for collisions involving bicyclists
- 3rd out of 62 cities for collisions involving pedestrians age 65+
- 8th out of 62 cities for collisions involving motorcyclists

Based on these rankings, Berkeley remains one of the most dangerous cities in California for pedestrians or bicyclists.

Between 2015 through 2025, The City experienced 34 fatal auto collisions. Of these fatalities, 20 involved pedestrians, 4 involved bicyclists, and 4 involved drugs or alcohol as contributing factor.

The OTS Grant directly aligns with the City Council's Vision Zero Program, which aims to eliminate severe and fatal traffic injuries. The grant supports two of Vision Zero's three core tenets: Public Awareness/Education and Traffic Enforcement. Public awareness efforts include social media messaging, departmental updates, and direct engagement with community members in the field and at public meetings. Traffic enforcement is conducted through data-driven strategies focused on primary collision factor violations in areas where they are most likely to occur. Together, these efforts strengthen Berkeley's commitment to roadway safety and injury prevention.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City of Berkeley continues to have one of the highest bicycle and pedestrian usage rates in the Alameda County. As a result, a significant number of bicyclists and pedestrians regularly share the roadway with motorists. This grant supports the City's efforts to promote sustainable transportation choices that reduce greenhouse gas emissions, while also advancing the goal of reducing traffic-related injuries and fatalities across all modes of transportation.

RATIONALE FOR RECOMMENDATION

The Police Department requests approval of this funding to enhance our current mission of providing a safer environment for pedestrians, bicyclists, motorcyclists, and motorists on all City of Berkeley roadways and highways.

ALTERNATIVE ACTIONS CONSIDERED

The California Office of Traffic Safety currently provides the only known grant funding specifically to traffic enforcement and related education. If the City were to decline this grant, the Police Department would need to rely on additional General Fund overtime resources to maintain current enforcement and education efforts. Without these grant-supported activities, the overall level of traffic safety in Berkeley could be reduced, potentially increasing the risk of injuries and fatalities for community members.

CONTACT PERSON

Lieutenant Rashawn Cummings, Police Traffic Bureau, (510) 981-5983

Attachments:
Resolution: Selective Traffic Enforcement Program (STEP) Grant from The Office of Traffic Safety to Fund Strategies to Reduce the Number of Injuries and Deaths Related to Traffic Collisions in The City of Berkeley

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

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT FROM THE OFFICE OF TRAFFIC SAFETY TO ADDRESS THE INJURIES AND DEATHS RELATED TO TRAFFIC COLLISIONS OCCURING IN THE CITY OF BERKELEY

WHEREAS, the Police Department is committed to providing a safe and secure environment through law enforcement within the City of Berkeley; and

WHEREAS, the Office of Traffic Safety (OTS) has made grant funding available to the Police Department to assist in its mission of increasing traffic safety; and

WHEREAS, this grant will provide funding to support efforts to reduce injury and fatal collisions involving pedestrians, bicyclists, motorcyclists, and motorists on all City of Berkeley roadways and highways; and

WHEREAS, grant revenues will be deposited into budget code 309-71-703-812-0000-000-000-431110-, in the DUI Enforcement Education Program Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to accept the Selective Traffic Enforcement Program (STEP) Grant and enter into the resultant grant agreement and any amendments, with the Office of Traffic Safety (OTS) to fund increased levels of impaired or distracted driving enforcement, nighttime seatbelt enforcement, motorcycle safety enforcement, and educational programs regarding bicycle and pedestrian collisions, in the amount of $200,000 for the period of October 1, 2026 to September 30, 2027.

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Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Authorizing the City Manager to submit a Local Highway Safety Improvement Program (HSIP) Cycle-13 Grant Application and to execute any resultant Grant Agreement and amendments

RECOMMENDATION

Adopt a resolution authorizing the City Manager to submit an application by November 2, 2026 to the California Department of Transportation (Caltrans) for a Local Highway Safety Improvement Program (HSIP) Cycle-13 grant for safety improvements to thirty (30) signalized intersections along Shattuck Avenue, University Avenue, Bancroft Way, and Oxford Street; accept the funds; and execute any resultant agreements and amendments.

SUMMARY

On November 2, 2026, the City of Berkeley Public Works Transportation Division will submit a Local Highway Safety Improvement Program (HSIP) Cycle-13 grant application to the California Department of Transportation: the Berkeley Vision Zero Signal Safety Improvement Project. This project proposes to make systemic traffic signal safety improvements at 30 signalized intersections along: Shattuck Avenue between Rose and Ward streets; University Avenue between Milvia and Bonar streets; Bancroft Way between Telegraph Avenue and Fulton Street; and, Oxford Street between Hearst and Center streets.

Proposed improvements include upgrading traffic signal heads and backplates; installing or upgrading smart detection cameras, accessible pedestrian signals (APS), traffic signal cabinets, controllers and related signal hardware; optimizing signal timing and phasing for improved safety and operations; and, implementing protected left-turn phasing at locations where existing left-turn lanes and intersection conditions support the improvement. This technology stack of smart cameras, cabinets, controllers and other hardware will allow electricians to monitor traffic signal operations in real-time, identify and improve traffic management issues, understand road users' intersection movements, and improve signal timing and safety for people on foot, bicycle, in cars and on public transit.

These improvements, along some of the City's busiest transportation corridors, would benefit a broad range of Berkeley road users, including pedestrians, bicyclists, transit riders, motorists, young people, elders, and people with disabilities. The improvements are intended to reduce the potential for severe crashes, improve pedestrian and bicyclist visibility and detection, reduce conflicts between turning drivers and other roadway users, and modernize aging signals, some of which are over 50 years old.

The project would also support the City's Vision Zero goal to eliminate traffic fatalities and severe injuries by prioritizing safety improvements at locations with documented collision histories and roadway safety needs. All of the proposed locations are on Berkeley's network of Vision Zero high-injury streets -- these are the 15-percent of Berkeley roads that account for over 80-percent of severe and fatal crashes.

Approximately $370-million in funding is available statewide through Caltrans for HSIP Cycle-13. Approval of the resolution would authorize and support the City's application for HSIP Cycle-13 funding for the proposed traffic signal safety improvement project.

FISCAL IMPACTS OF RECOMMENDATION

If the Berkeley Vision Zero Signal Safety Improvement Project is awarded HSIP Cycle-13 funding, Caltrans would provide up to $6,335,550 in grant funds, which would be accounted for in the City's Fund 306-Capital Grants-State. The program requires a 10-percent local match based on the total project cost, resulting in a required City contribution of $703,950. Funding for the local match would be available beginning in Fiscal Year 2028/2029 from Measure FF (Fund 166).

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Vision Zero Signal Safety Improvement Project addresses safety needs at 30 signalized intersections along Shattuck Avenue, University Avenue, Bancroft Way, and Oxford Street. These corridors are major multimodal routes serving pedestrians, bicyclists, transit riders, and motorists. They are all designated through Berkeley's Vision Zero Action Plan as high-injury streets – priority focus areas for safety investments.

Existing conditions vary by location and include aging or outdated signal equipment, limited detection capabilities, signal visibility concerns, turning conflicts, and opportunities to improve signal timing and phasing. Collision history at the project intersections further demonstrates the need for targeted safety improvements.

Without additional investment, many of these safety and operational deficiencies would need to be addressed incrementally or not at all using limited local funding. HSIP Cycle-13 provides an opportunity to implement coordinated improvements across multiple high-priority corridors and accelerate upgrades intended to reduce fatal and severe-injury collisions.

BACKGROUND

The Berkeley Vision Zero Signal Safety Improvement Project is a systemic traffic signal safety project focused on 30 signalized intersections along Shattuck Avenue, University Avenue, Bancroft Way, and Oxford Street. Together, the project locations encompass approximately 4.9-miles of roadway along corridors identified by the City as part of its network of high-injury streets. The project will address recurring intersection crash patterns through targeted improvements to existing traffic signal infrastructure and operations.

The City's HSIP Cycle-13 grant application safety analysis uses collision data from the Statewide Integrated Traffic Records System (SWITRS) and UC Berkeley SafeTREC Transportation Injury Mapping System (TIMS) in combination with estimated crash reduction benefits for various treatments in order to calculate the application's "Benefit-Cost Ratio". This ratio is the primary criterion for project funding decisions.

For the five-year period from January 1, 2021 through January 1, 2026, the 30 project intersections experienced 432 reported crashes, including 1 fatal crash, 41 severe-injury crashes, 296 other visible-injury crashes, and 94 complaint-of-pain crashes. This represents 42 fatal or severe-injury crashes at the proposed project locations during the analysis period.

Based on this collision history, staff analysis, and the crash reduction benefits assigned by the HSIP program to various treatments, the project proposes three primary countermeasures: signal hardware, signal timing, and protected left-turn phasing (i.e., dedicated left-turn arrows). These improvements would be applied at locations supported by collision patterns, roadway conditions, existing signal configurations, and engineering analysis rather than applying the same treatment uniformly at every intersection.

Proposed improvements include replacement or installation of signal heads and backplates with retroreflective borders, pedestrian countdown indications, accessible pedestrian signal equipment, smart detection cameras, traffic signal cabinets and controllers, and other related signal hardware. The project would also optimize signal timing and phasing and install protected left-turn phasing and associated equipment at locations where existing left-turn lanes and intersection conditions allow. The HSIP cost estimate currently identifies protected left-turn improvements at 16 intersections, signal hardware improvements at 28 intersections, and signal timing improvements at all 30 project intersections.

The proposed improvements are intended to reduce the frequency and severity of intersection crashes, improve signal visibility and detection, reduce conflicts associated with turning movements, and modernize existing traffic signal infrastructure. By pursuing these improvements through a coordinated, systemic project, the City can address common safety needs across several priority corridors.

The project is also consistent with the City's 2020 Vision Zero Action Plan and 2020 Pedestrian Plan, which establish City priorities for reducing fatal and severe-injury collisions and improving pedestrian safety and accessibility throughout Berkeley. The proposed HSIP improvements advance goals in these adopted plans by directing investment toward high-injury corridors and implementing proven signal-related safety countermeasures. The project further supports the City's broader Vision Zero and Safe System approach by using collision data and engineering analysis to prioritize improvements that reduce the likelihood and severity of crashes.

This Local Highway Safety Improvement Program (HSIP) Cycle-13 Grant Application to fund the Berkeley Vision Zero Signal Safety Improvement Project advances the Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Berkeley Vision Zero Signal Safety Improvement Project supports the City's environmental sustainability and climate goals by improving the safety and operation of major multimodal transportation corridors. The Berkeley Climate Action Plan establishes a citywide goal of reducing greenhouse gas emissions 80-percent below 2000 levels by 2050 and identifies public transit, walking, bicycling, and other sustainable mobility options as important components of achieving the City's climate objectives.

Improving the safety and reliability of the City's multimodal transportation network supports continued use of walking, bicycling, and public transit as alternatives to single-occupancy vehicle travel. Modernized signal controllers, detection systems, and optimized signal timing can also improve traffic operations by reducing unnecessary delays and vehicle idling. This is consistent with the City's Climate Action Plan, Vision Zero Action Plan, Pedestrian Plan, and Bicycle Plan. The City's current adopted transportation plans identify improving safety and expanding sustainable transportation choices as complementary objectives.

RATIONALE FOR RECOMMENDATION

Adoption of the Resolution would allow the City to pursue up to $6,335,550 in HSIP Cycle-13 funding for the Berkeley Vision Zero Signal Safety Improvement Project. The grant would leverage Measure FF funding for the required local match and allow the City to accelerate safety improvements that would otherwise need to compete for limited local transportation funding.

ALTERNATIVE ACTIONS CONSIDERED

Staff considered a range of potential transportation safety projects and eligible countermeasures for submission under HSIP Cycle-13 before selecting the Berkeley Vision Zero Signal Safety Improvement Project. The proposed project was selected because it provides a competitive Benefit-Cost Ratio that maximizes the chance for funding, while addressing safety on multiple high-priority corridors.

Staff considered implementing these improvements using local funding sources. However, relying solely on local funds would require the improvements to be phased over a long period of time. HSIP Cycle-13 provides an opportunity to leverage Measure FF funding to deliver a broader package of safety improvements and accelerate implementation of priority traffic signal upgrades.

Council could choose not to adopt the Resolution, in which case the City would forego the opportunity to compete for HSIP Cycle-13 funding for this project.

CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works, 510-981-6396
Mark Helmbrecht, Transportation Division Manager, Public Works (510) 981-6403
Wei Sun, Supervising Transportation Engineer, Public Works (510) 981-6389
Nhat Phan, Associate Transportation Engineer, Public Works (520) 981-5209

Attachments:
1: Resolution authorizing the filing of an application for the Local Highway Safety Improvement Program (HSIP) Cycle-13 grant application
2: Berkeley Vision Zero Signal Safety Improvement Project Map

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

AUTHORIZING THE FILING OF AN APPLICATION FOR LOCAL HIGHWAY SAFETY IMPROVEMENTS PROGRAM (HSIP) CYCLE-13 GRANT FUNDING FOR THE BERKELEY VISION ZERO SIGNAL SAFETY IMPROVEMENT PROJECT

WHEREAS, the California Department of Transportation ("CALTRANS"), through its Division of Local Assistance, administers California's local agency share of HSIP funding for eligible roadway safety improvement projects that are identified through crash history, crash potential, crash rates, or other data-supported safety analyses; and

WHEREAS, CALTRANS announced the Local HSIP Cycle-13 Call for Projects on July 1, 2026, with applications due November 2, 2026, and requires applicants to develop projects in accordance with the HSIP Guidelines, Local Roadway Safety Manual for California Local Road Owners, and applicable program requirements; and

WHEREAS, the City of Berkeley ("APPLICANT") proposes to submit an HSIP Cycle-13 grant application for the Berkeley Vision Zero Signal Safety Improvement Project ("PROJECT"), which would implement systemic traffic signal safety improvements at 30 signalized intersections along Shattuck Avenue, University Avenue, Bancroft Way, and Oxford Street; and

WHEREAS, the proposed PROJECT is intended to reduce the frequency and severity of collisions through improvements that include traffic signal hardware upgrades, signal timing and phasing improvements, enhanced detection systems, accessible pedestrians signals, and protected left-turn phasing at locations where existing left-turn lanes and intersection conditions support such improvements; and

WHEREAS, as the Project Sponsor, APPLICANT has the legal authority to apply for funding for PROJECT and plans to submit a HSIP Cycle-13 application ("APPLICATION") to Caltrans for $6,335,550; and

WHEREAS, there are no legal impediments to APPLICANT applying for funding and there is no active, pending or threatened litigation that may adversely affect the proposed PROJECT or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its City Manager or designee to execute and file an application with Caltrans for discretionary HSIP CYCLE-13 FUNDS for the PROJECT as referenced in this Resolution.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that that City Manager is authorized to file an APPLICATION to Caltrans for funding for the PROJECT; and

BE IT FURTHER RESOLVED that APPLICANT hereby confirms that there is no pending or threatened litigation that might in any way adversely affect APPLICANT's ability to implement and deliver the proposed PROJECT; and

BE IT FURTHER RESOLVED that APPLICANT authorizes its City Manager or designee to execute the funding AGREEMENT with Caltrans and all subsequent amendments; and

BE IT FURTHER RESOLVED that APPLICANT shall provide Caltrans with a fully-executed copy of this Resolution concurrently with submittal of the APPLICATION; and

BE IT FURTHER RESOLVED that the City Council of APPLICANT, by adopting this resolution, hereby confirms that:

1. APPLICANT will commit to implementing the PROJECT as described in the APPLICATION; and
2. APPLICANT will have adequate staffing resources to deliver and complete the PROJECT within the time period identified in the application; and
3. APPLICANT understands it will enter into an AGREEMENT with Caltrans, and will comply with the AGREEMENT's requirements, including adherence to the completion of the agreed upon project scope, project delivery milestones, funding deadlines, project reporting and deliverable deadlines; and
4. APPLICANT commits to delivering the PROJECT consistently with Caltrans HSIP-Cycle-13 Guidelines and policies; and
5. APPLICANT will commit matching funds as proposed in the APPLICATION against the awarded Caltrans HSIP Cycle-13 FUNDS by phase in the amount(s) of $57,000 for Design (PSE), and $646,950 for construction, anticipated to be from local Measure FF Funds source(s); and

Duly passed and adopted by the Berkeley City Council at the Berkeley City Council meeting held on Tuesday, October 27, 2026 in Berkeley, California by the following votes:

AYES: NOES: ABSTAIN: ABSENT:

SIGNED:

_____
Adena Ishii, Mayor

ATTEST:

_____
Mark Numainville, City Clerk



Berkeley Vision Zero Signal Safety Improvements Project

- Intersection Improvements
- Selected High Injury Corridors

This map is for reference purposes only.
Data are not survey precise

Care was taken in the creation
of this map, but it is provided "AS IS".
Please contact the City of Berkeley
to verify map information or to report
any errors.

If you have trouble accessing this content
or require materials in an alternative format,
please contact ada@berkeleyca.gov

September 18, 2026

CITY OF BERKELEY
Transportation Division
1947 Center Street
Berkeley CA 94704

N

Office of the City Manager

15

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Authorize the City Manager to Negotiate and Execute a Project Specific Maintenance Agreement between the California Department of Transportation and City of Berkeley for the San Pablo Avenue Safety Enhancements Project

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to negotiate and execute a Project Specific Maintenance Agreement (PSMA) and any extensions and amendments with the California Department of Transportation (Caltrans) for maintenance of City improvements installed in the state highway during Alameda County Transportation Commission's (ACTC) San Pablo Avenue Safety Enhancements Project.

SUMMARY

The Alameda County Transportation Commission (ACTC) is making road safety and mobility improvements on San Pablo Avenue between Heinz Avenue and the Berkeley-Albany border. ACTC's project is based on approved City plans and extensive community outreach. ACTC is making these improvements at no cost to the City. As a condition of this investment, the City is required commit to maintain these improvements, even though San Pablo Avenue is a state route under the jurisdiction of Caltrans.

FISCAL IMPACTS OF RECOMMENDATION

The PSMA commits the City to maintain the identified improvements installed along San Pablo Avenue (State Route 123) under ACTC's San Pablo Avenue Safety Enhancements Project. There would be no reimbursement from Caltrans for the City's efforts on maintaining the items identified in the PSMA such as Rectangular Rapid Flashing Beacons (RRFBs), Pedestrian Hybrid Beacons (PHBs), pedestrian scale lighting, green bike lane striping, bus shelters, benches, trash cans, and bike racks.

The design and construction of the San Pablo Avenue Safety Enhancements Project is fully funded by ACTC. The City's contribution is the commitment to pay for the long-term maintenance of certain improvements installed by the project, through the proposed PSMA. The City funds Public Works maintenance activities from Measure BB, Fund 134, and Vehicle Registration Fee (VRF) direct local distribution funds, Fund

133, and the proposed action will incrementally impact the long-term sustainability of these funds.

CURRENT SITUATION AND ITS EFFECTS

This Project Specific Maintenance Agreement between the California Department of Transportation and City of Berkeley for the San Pablo Avenue Safety Enhancements Project advances the Strategic Plan goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

On November 14, 2023, City Council approved Resolution No. 71,097-N.S. authorizing the City Manager to direct staff to partner with ACTC on the final design and implementation of the San Pablo Avenue Safety Enhancements Project. The project will improve transit operations along San Pablo Avenue and safety for bicycle and pedestrian crossings of San Pablo Avenue in Berkeley and Albany.

The project includes bus bulbs and pads, relocating bus stops, Americans with Disabilities Act-compliant curb ramp and signal upgrades, high-visibility cross walk markings, pedestrian lighting upgrades, new pedestrian hybrid beacons (PHBs), and new rectangular rapid flashing beacons (RRFBs). This segment of the project is on San Pablo Avenue from Heinz Avenue to the Berkeley-Albany border. City streets that connect to San Pablo Avenue will also experience construction-related improvements as part of corner curb ramps and drainage upgrades.

Between 2022 and 2026, staff from Public Works Transportation, Engineering, ADA, Operations and Maintenance, and Zero Waste along with technical advisory committee (TAC) members from the Fire Department, Police Department, and PRW Urban Forestry reviewed design and engineering packages. In May 2026 the City's TAC completed review of the final design plans, enabling Caltrans to proceed with advertising the project for construction.

ACTC is expected to start construction on the project in spring 2027 and take up to two years to finish.

BACKGROUND

ACTC initiated engagement with the City and Caltrans to improve safety, transit performance, and adding Complete Streets design elements to the San Pablo corridor following adoption of the Countywide Transportation plan in 2020. San Pablo Avenue is on the countywide High Injury Network and identified in the City's 2020 Vision Zero Action Plan as a high injury street. San Pablo Avenue in Berkeley is in an Equity Priority Community (EPC) and a Priority Development Area (PDA) planned for growth and increased density. All of these factors were considered when Council approved Resolution No 71,097-N.S. on November 14, 2023 authorizing the City Manager to partner with ACTC on the final design and implementation of the San Pablo Avenue Safety Enhancements Project.

The project underwent five rounds of review with City staff at various stages of design, and City Council approved the conceptual design for the project in November 2023. Numerous city departments and divisions within Public Works participated in the review process to ensure that the project fully supports City plans, policies and requirements. The final review was completed in May 2026.

Maintenance, as defined by Caltrans, is the preservation and keeping of right-of-way, and each type of roadway structure safety convenience or device, planting, illumination equipment, and other facility, in the safe and usable condition to which it has been improved or constructed, but does not include reconstruction or other major improvement.

The City and Caltrans have negotiated the terms of the PSMA, but legal review to finalize the agreement remains and is not expected to materially change the terms of the agreement attached to this staff report.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Ongoing maintenance of the San Pablo Avenue Safety Enhancements Project will help more people move through Berkeley by foot, bicycle, scooter, transit and other low- and no-carbon modes of transportation. Building and maintaining this project supports the City's adopted Climate Action Plan, which aims to make transit, walking, cycling, and other sustainable mobility modes the primary means of transportation for Berkeley residents and visitors by 2050. This project also supports other City adopted plans, including but not limited to the ADA Transition Plan, Age-Friendly Berkeley Action Plan, Bicycle Plan, Electric Mobility Roadmap, Pedestrian Plan and Vision Zero Action Plan.

RATIONALE FOR RECOMMENDATION

ACTC must obtain an encroachment permit from Caltrans in order to perform construction work in the State's right of way for the San Pablo Avenue Safety Enhancements Project, and Caltrans requires that a PSMA be executed prior to issuing the encroachment permit.

Therefore, in order to proceed with construction, Council needs to authorize the City Manager to finalize negotiations and execute the PSMA with Caltrans to maintain the project improvements installed in the state highway.

ALTERNATIVE ACTIONS CONSIDERED

Council could not to authorize execution of a PSMA and ACTC would need to cancel implementation of San Pablo Avenue Safety Enhancements Project. Public Works staff have reviewed and limited the City's commitments in the PSMA to only non-standard features to support safe walking, biking, and transit use along the corridor.

CONTACT PERSON

Mark Helmbrecht, Transportation Manager, Public Works Department, (510) 981-6403
Eric Anderson, Principal Planner, Public Works Department, (510) 981-7062

Catherine Clark, Associate Planner, Public Works Department, (510) 981-7776

Attachments:
1: Resolution
2: Draft Project Specific Maintenance Agreement (PSMA)

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

AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROJECT SPECIFIC MAINTENANCE AGREEMENT BETWEEN THE CALIFORNIA DEPARTMENT OF TRANSPORTATION AND CITY OF BERKELEY FOR THE SAN PABLO AVENUE SAFETY ENHANCEMENTS PROJECT

WHEREAS, the Alameda County Transportation Commission's (ACTC) funding and construction of the San Pablo Avenue Safety Enhancements Project will improve safety and accessibility for people walking, biking and taking transit along the busy San Pablo Avenue corridor between Heinz Avenue and the jurisdictional boundary of Berkeley and Albany; and

WHEREAS, this project includes improvements within the State of California right of way on Highway 123 (San Pablo Avenue); and

WHEREAS, the California Department of Transportation (Caltrans) requires ACTC to apply for an encroachment permit prior to performing any work within the State right of way; and

WHEREAS, Caltrans requires the execution of a Project Specific Maintenance Agreement (PSMA) for maintenance of local improvements within State highways such as rectangular rapid flashing beacons, pedestrian hybrid beacons, green bikeway pavement markings, pedestrian scale lighting, benches, trash receptacles, bus shelters, and bike racks as a precondition to issuing an encroachment permit; and

WHEREAS, the City receives Measure BB and Alameda County Vehicle Registration Fee (VRF) funds to support paying for maintenance of local transportation improvements; and

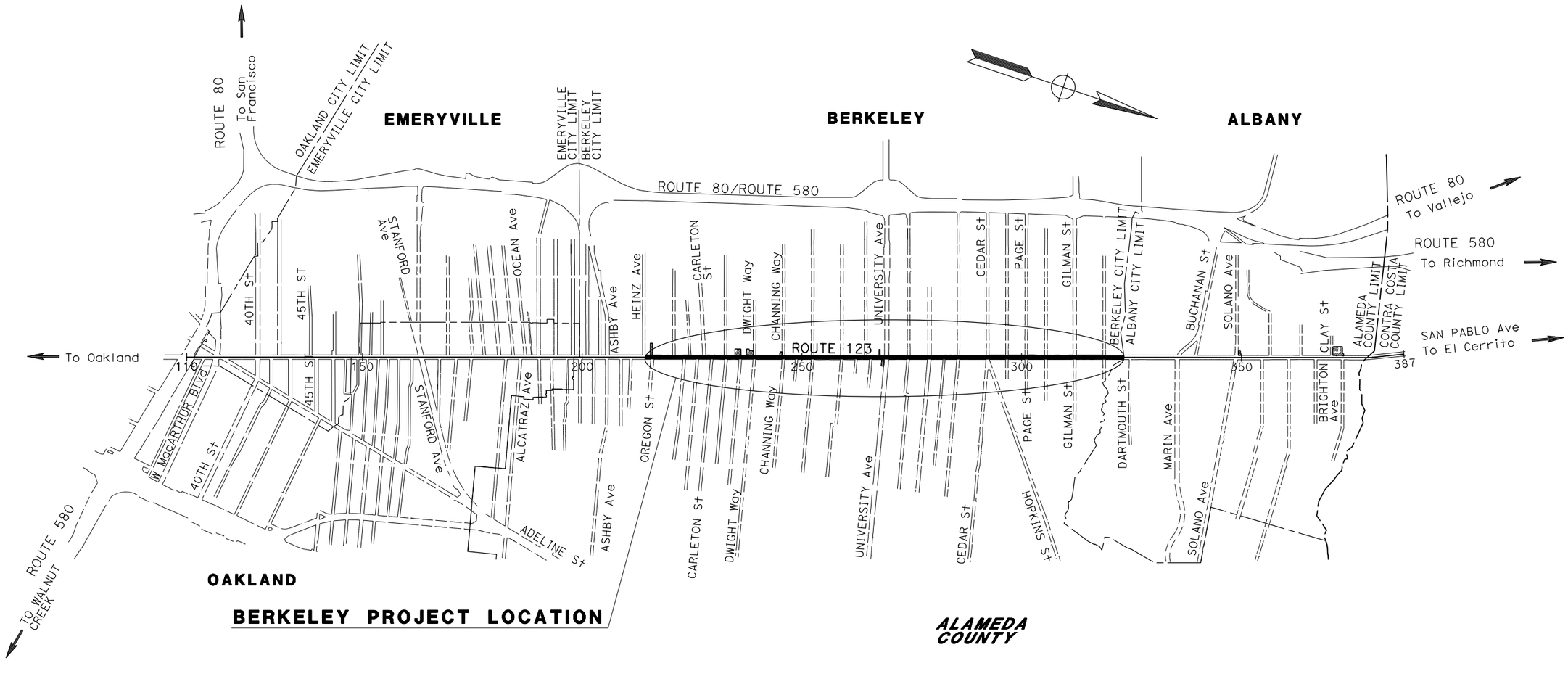
WHEREAS, City staff and Caltrans have negotiated the terms of a PSMA and the final legal reviews are not anticipated to materially change the nature of the negotiated agreement.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley authorizes the City Manager to finalize negotiations and execute a Project Specific Maintenance Agreement (PSMA) and any extensions and amendments with the California Department of Transportation (Caltrans) for maintenance of specific identified improvements constructed during the San Pablo Avenue Safety Enhancements Project. A record signature copy of the PSMA will be on file in the Office of the City Clerk.

STATE OF CALIFORNIA

DEPARTMENT OF TRANSPORTATION

EXHIBIT "A"



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

04-Ala-123 PM 2.0-4.2

NO SCALE

THE CONTRACTOR SHALL POSSESS THE CLASS (OR CLASSES) OF LICENSE AS SPECIFIED IN THE "NOTICE TO BIDDERS."

DATE: 08/21/26

CONTRACT No.			04-2Y3014		
PROJECT ID			0423000094		
Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	2.0/4.2	1	20

LAST REVISION 08-21-26

DATE PLOTTED => 21-AUG-2026
TIME PLOTTED => 11:37

CONSULTANT DESIGN MANAGER: RYAN J. DOLE | CALTRANS DESIGN OVERSIGHT APPROVAL | REGISTRATION No. | LICENSE Exp DATE | DATE SIGNED

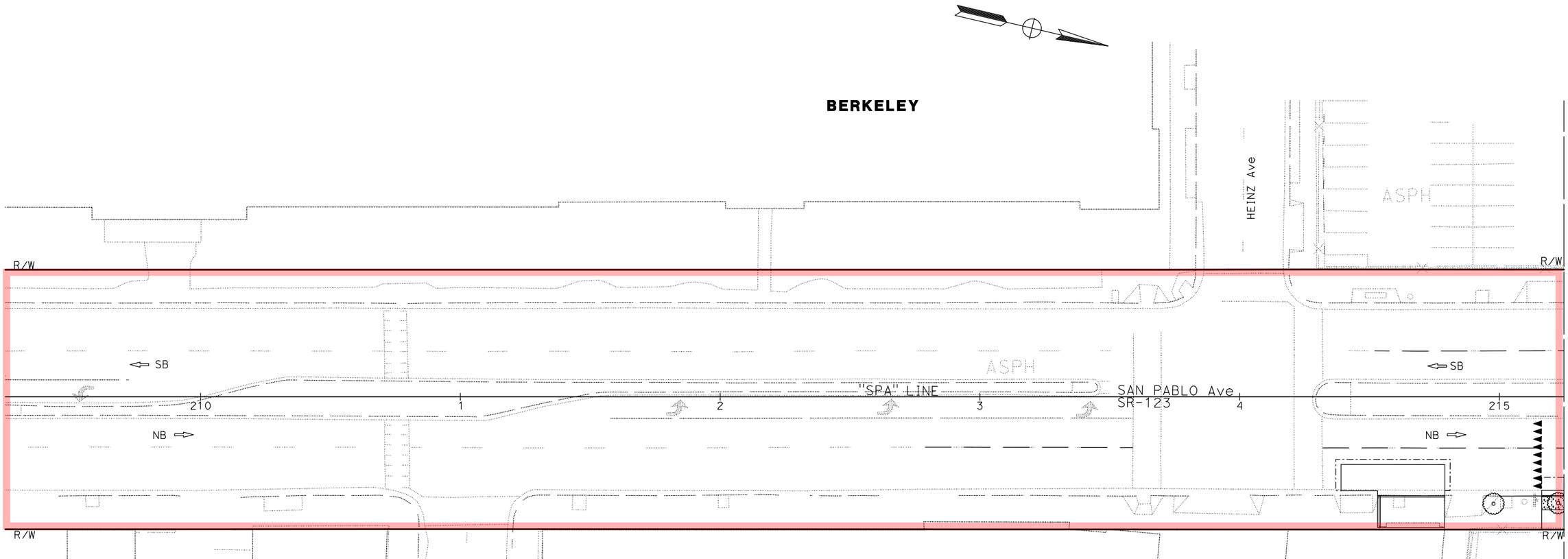
APPROVED AS TO IMPACT ON STATE FACILITIES AND CONFORMANCE WITH APPLICABLE STATE STANDARDS AND PRACTICES AND THAT TECHNICAL OVERSIGHT WAS PERFORMED.

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EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
- UNSHELTERED ENCAMPMENT REMOVAL BY STATE



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	3.5/5.2	2	20

Page 123

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans

CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE

CONNER L'HOMMEDIEU — JASON VALENCIA

REVISED BY — DATE REVISED

CALCULATED-DESIGNED BY — CHECKED BY

LAST REVISION — DATE PLOTTED => 21-AUG-2026 — TIME PLOTTED => 11:05

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EXHIBIT "A"

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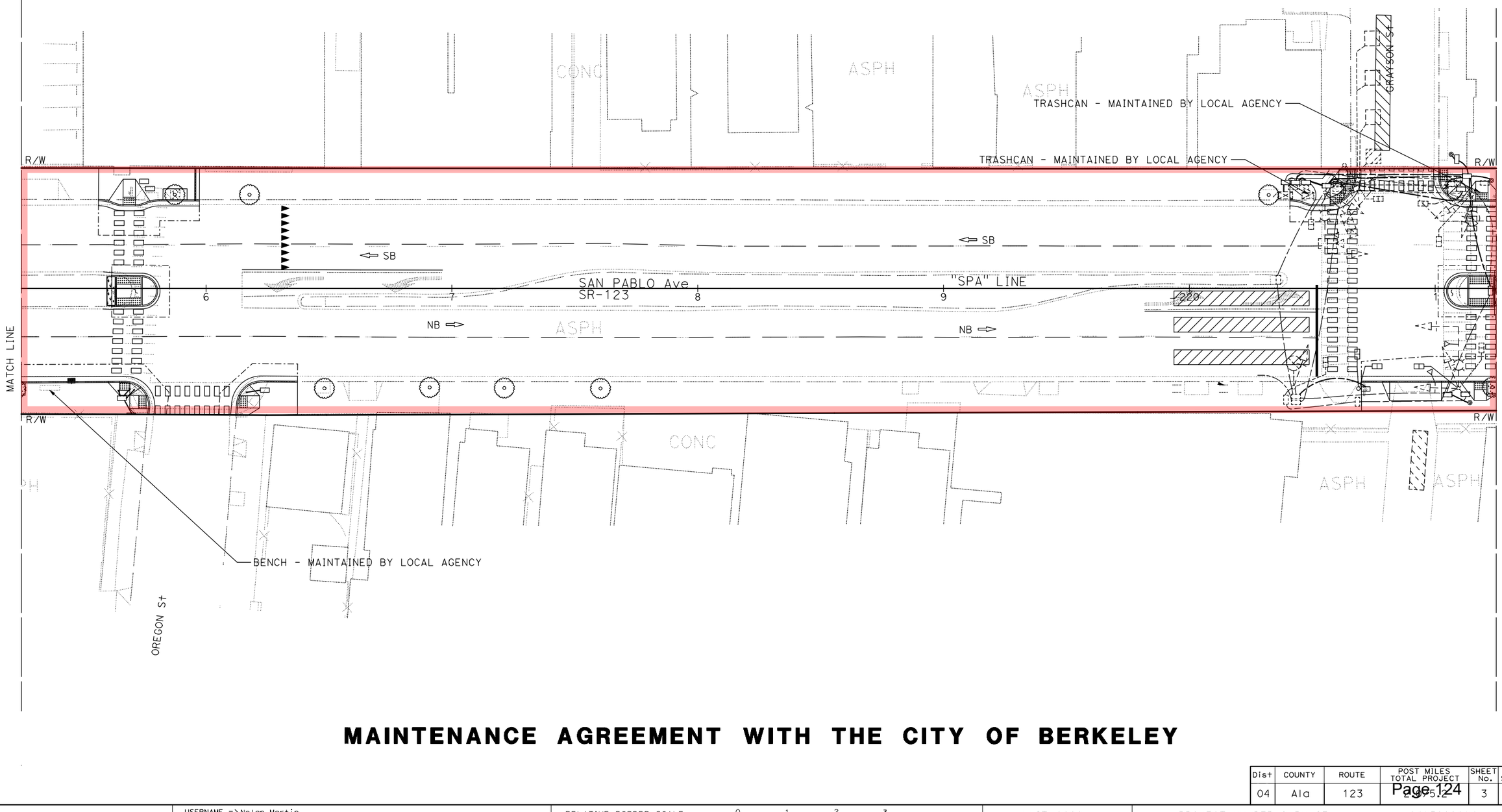
STATE R/W

BIKEWAY - MAINTAINED BY LOCAL AGENCY

RECTANGULAR-RAPID FLASHING BEACON

UNSHELTERED ENCAMPMENT REMOVAL BY STATE

BERKELEY



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	29.5/32.2	3	20

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE

CALCULATED-DESIGNED BY: JASON VALENCIA

CHECKED BY: CONNER L'HOMMEDIEU

REVISED BY | DATE REVISED

LAST REVISION: 00-00-00

DATE PLOTTED => 21-AUG-2026

TIME PLOTTED => 11:05

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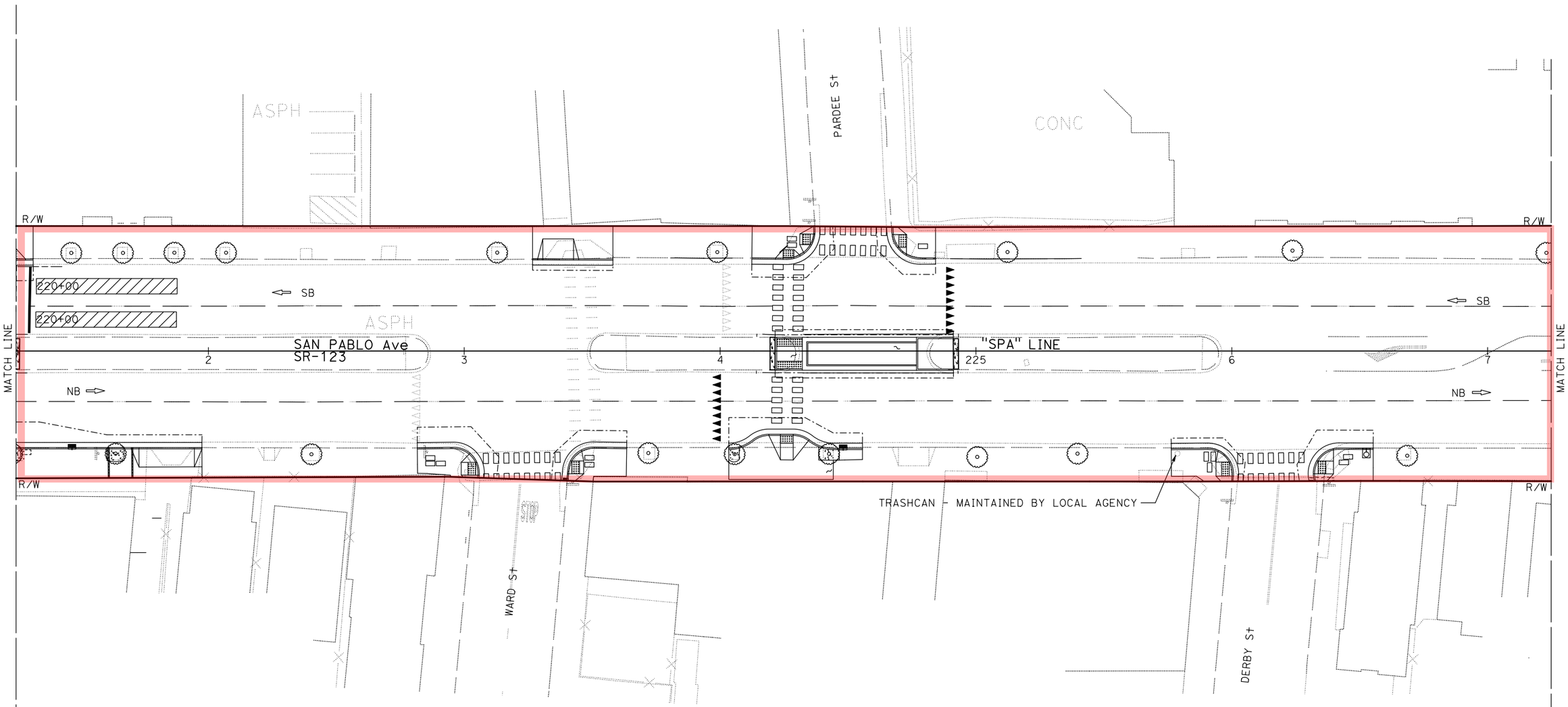
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EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
- UNSHELTERED ENCAMPMENT REMOVAL BY STATE

BERKELEY



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	29.5.2	4	20

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE

CALCULATED-DESIGNED BY: CONNER L'HOMMEDIEU

CHECKED BY: JASON VALENCIA

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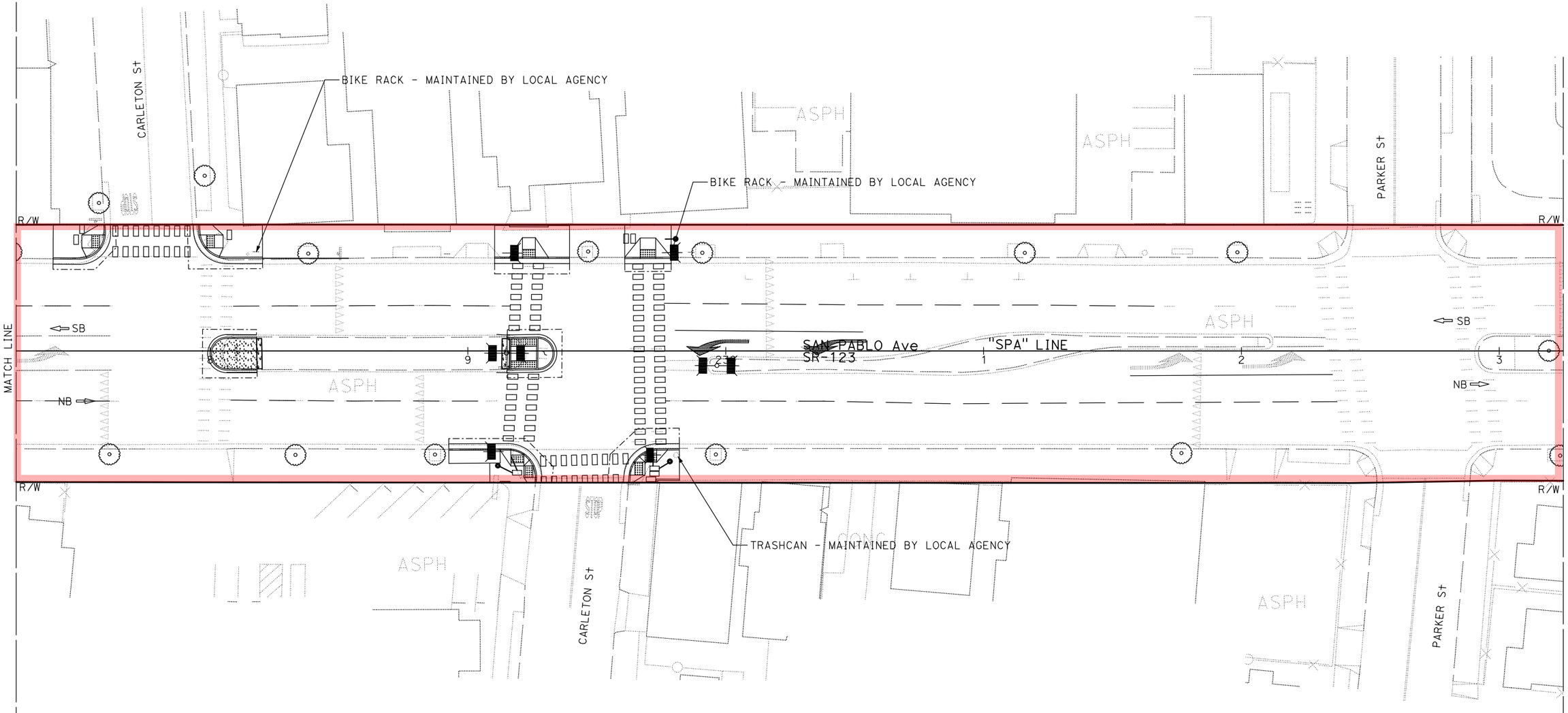
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EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
- UNSHELTERED ENCAMPMENT REMOVAL BY STATE

BERKELEY



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	2.95.2	5	20

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE
CONNER L'HOMMEDIEU | JASON VALENCIA
CALCULATED-DESIGNED BY | CHECKED BY
REVISED BY | DATE REVISED
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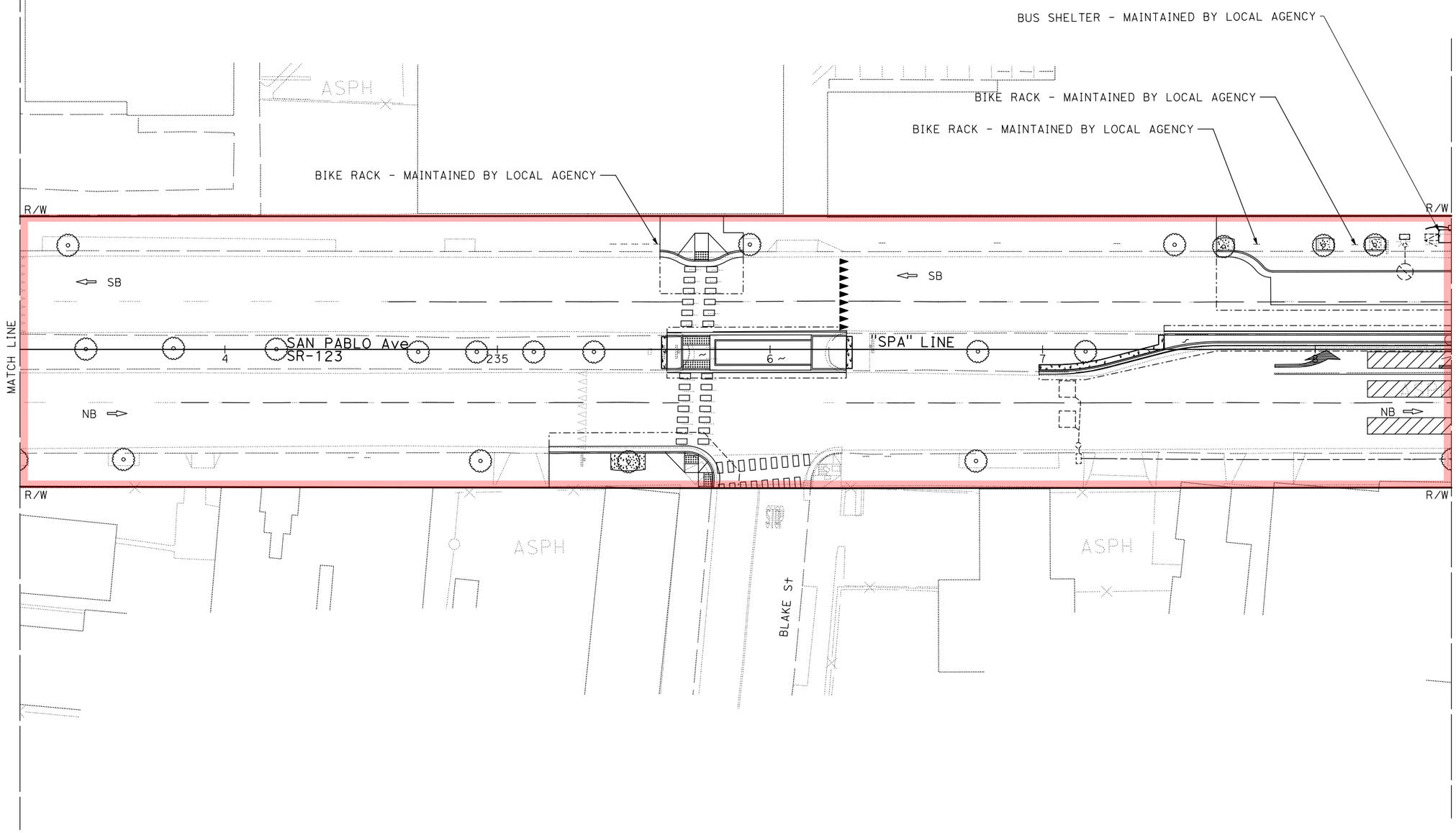
STATE R/W

BIKEWAY - MAINTAINED BY LOCAL AGENCY

RECTANGULAR-RAPID FLASHING BEACON

UNSHELTERED ENCAMPMENT REMOVAL BY STATE

BERKELEY



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	23.5/23.7	6	20

CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE

CONNER L'HOMMEDIEU / JASON VALENCIA

CALCULATED-DESIGNED BY / CHECKED BY

REVISED BY / DATE REVISED

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

Caltrans

LAST REVISION | DATE PLOTTED => 21-AUG-2026 | 00-00-00 | TIME PLOTTED => 11:05

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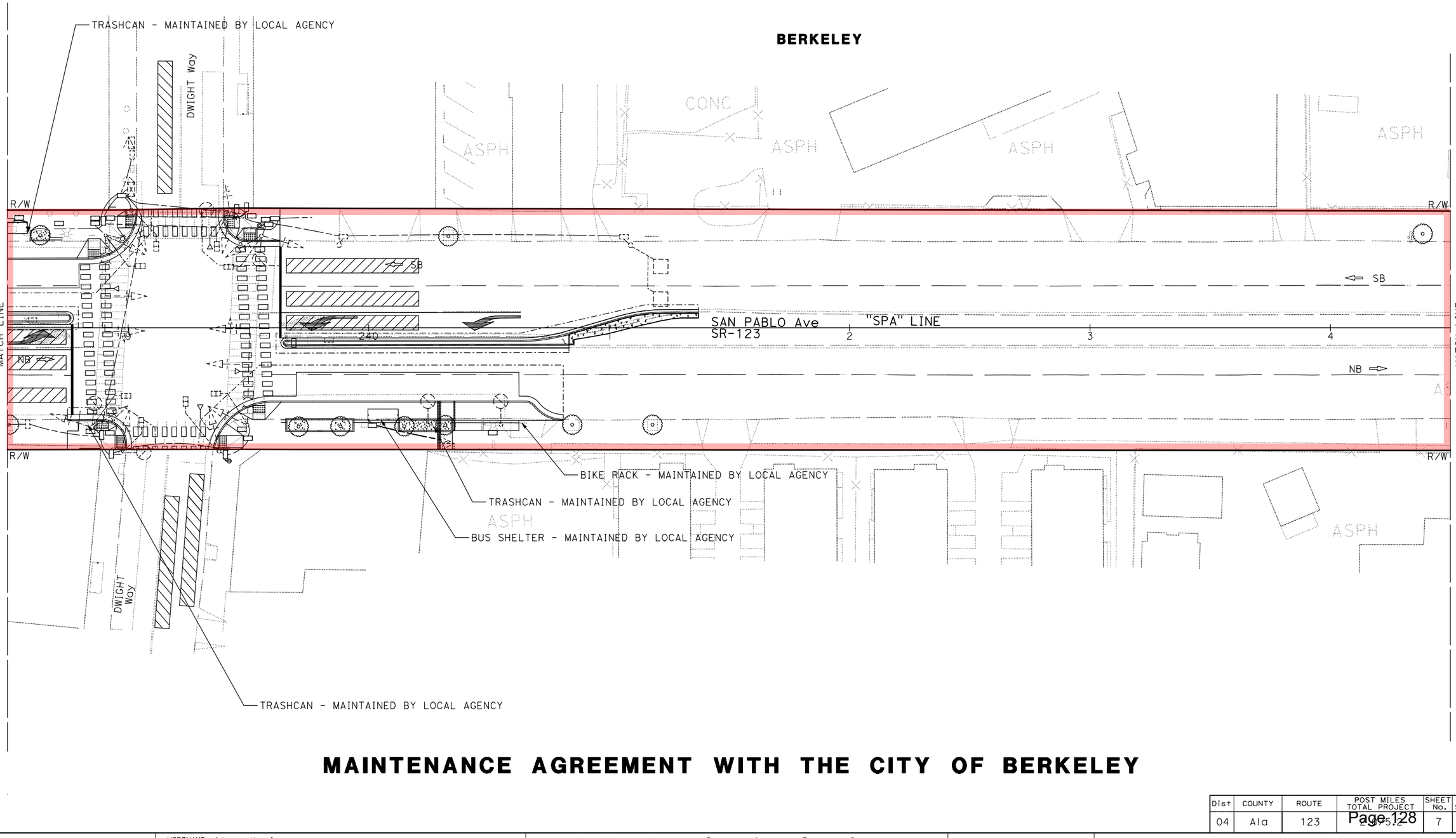
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PROJECT NUMBER & PHASE 0425000024 PHASE "1"

EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
- UNSHELTERED ENCAMPMENT REMOVAL BY STATE



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
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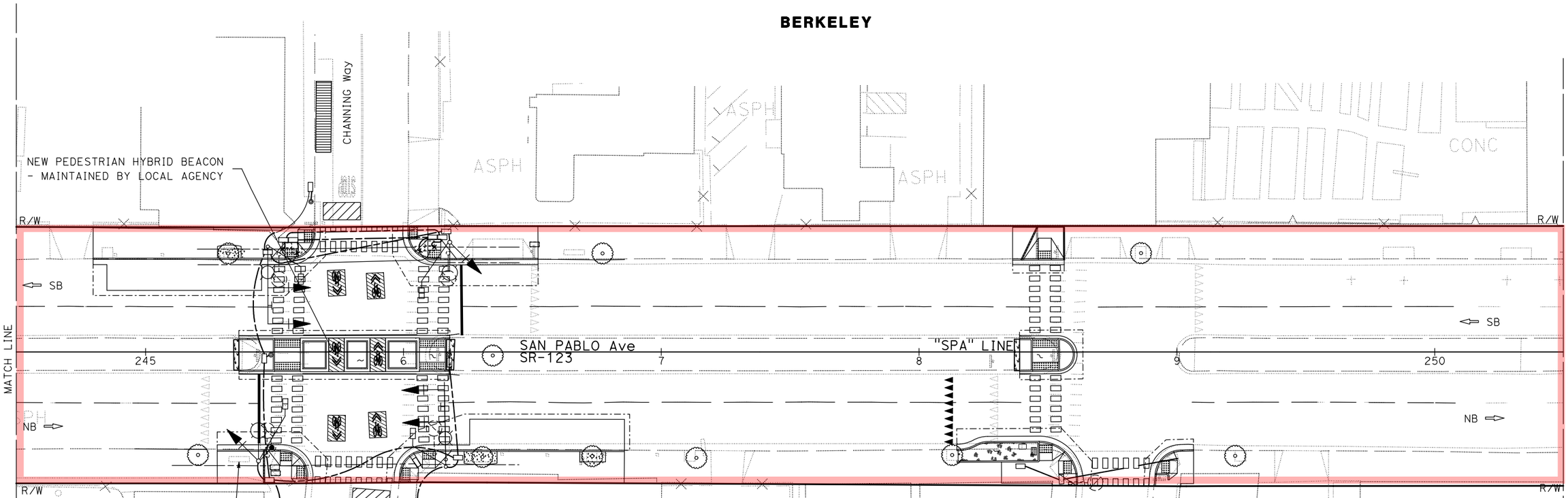
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE
CONNER L'HOMMEDIEU / JASON VALENCIA
REVISED BY / DATE REVISED
CALCULATED-DESIGNED BY / CHECKED BY
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00-00-00 TIME PLOTTED => 11:05

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EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
- UNSHELTERED ENCAMPMENT REMOVAL BY STATE



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	29.5/32.2	8	20

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE
CALCULATED-DESIGNED BY: CONNER L'HOMMEDIEU
CHECKED BY: JASON VALENCIA
REVISED BY
DATE REVISED
LAST REVISION 00-00-00
DATE PLOTTED => 21-AUG-2026
TIME PLOTTED => 11:05

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EXHIBIT "A"

LEGEND:

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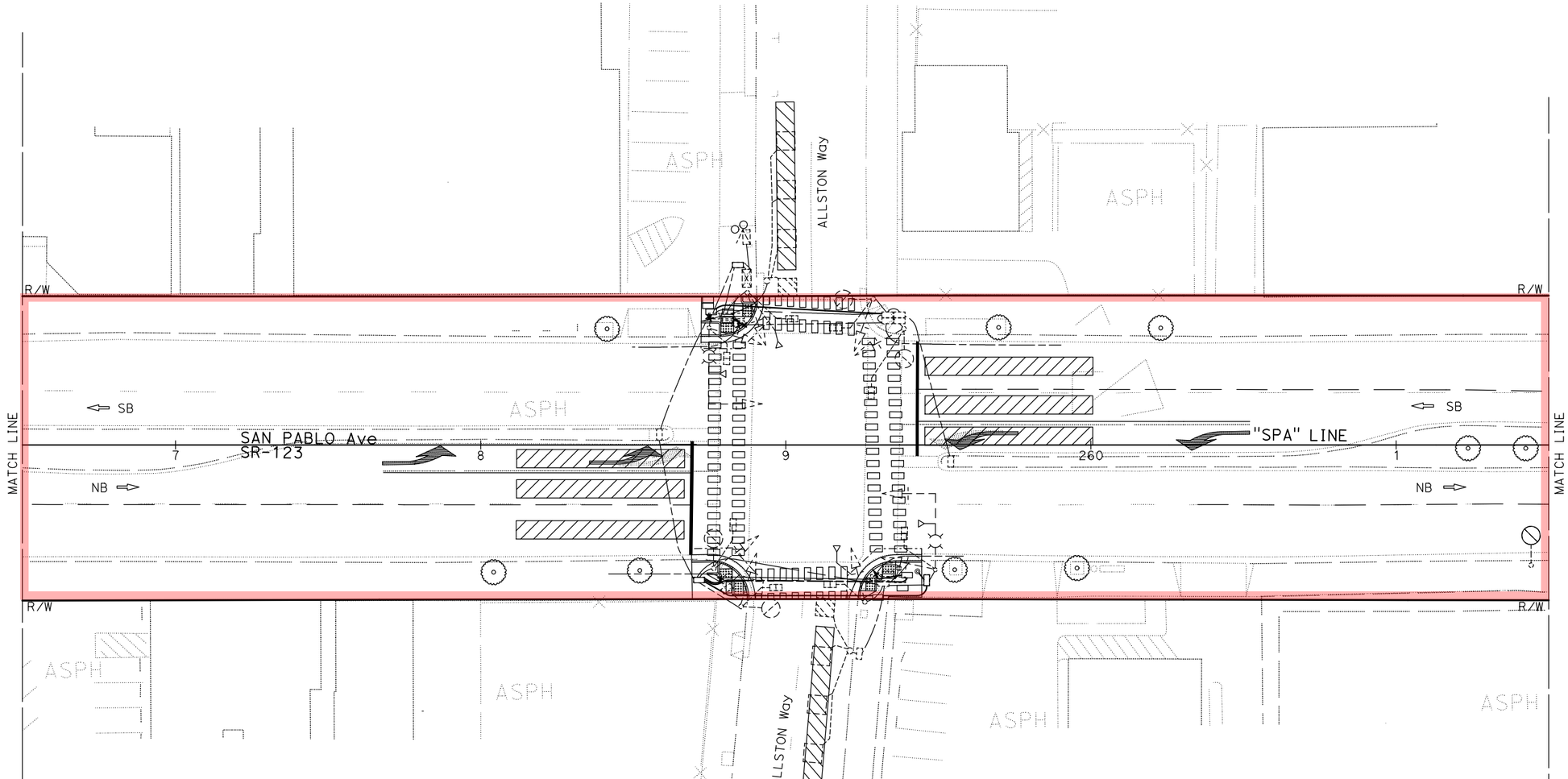
STATE R/W

BIKEWAY - MAINTAINED BY LOCAL AGENCY

RECTANGULAR-RAPID FLASHING BEACON

UNSHELTERED ENCAMPMENT REMOVAL BY STATE

BERKELEY



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	5.12	9	20

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE

CALCULATED-DESIGNED BY: CONNER L'HOMMEDIEU

CHECKED BY: JASON VALENCIA

REVISED BY

DATE REVISED

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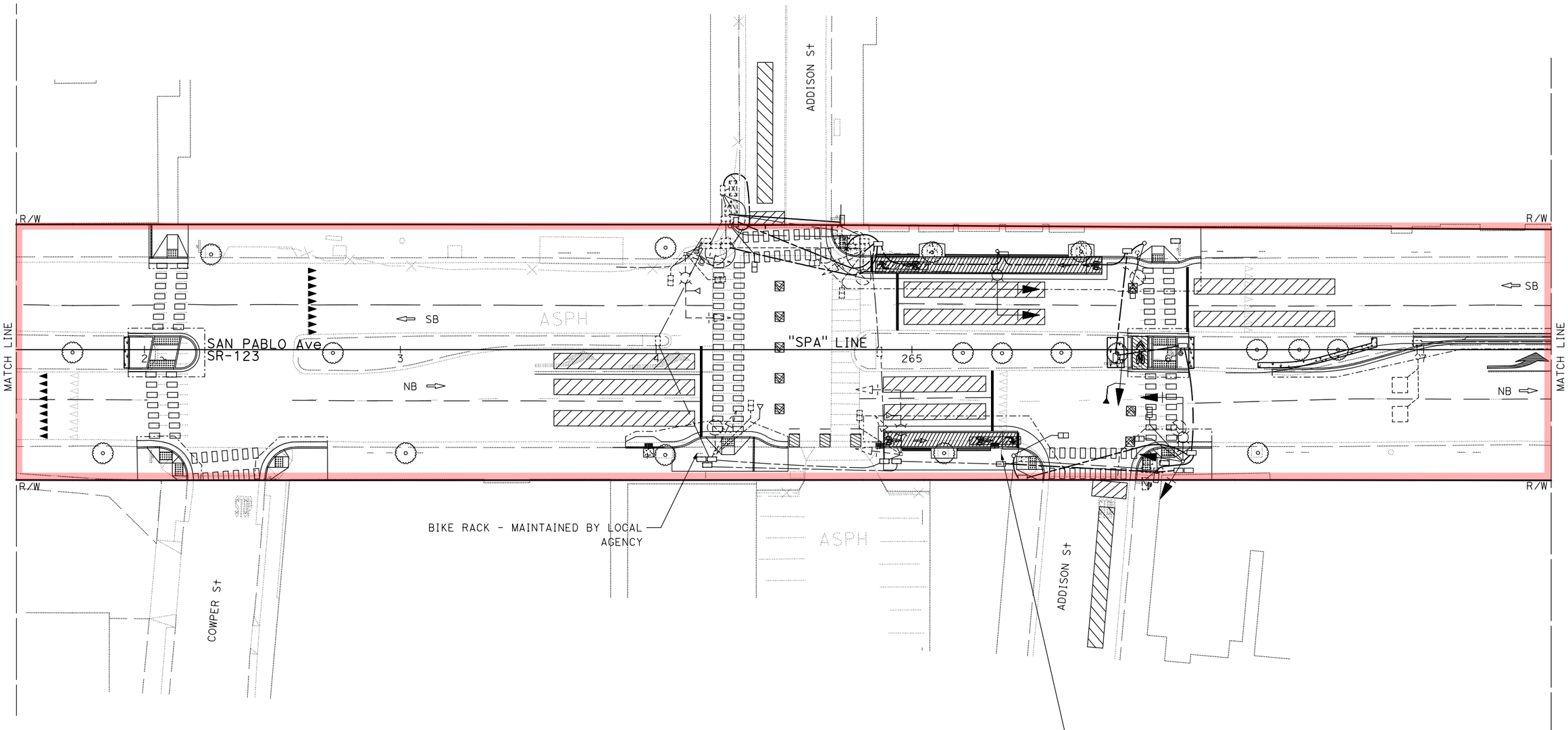
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EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
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BERKELEY



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	23.5/23.7	10	20

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LAST REVISION 00-00-00 | DATE PLOTTED => 21-AUG-2026 | TIME PLOTTED => 11:05

REVISED BY | DATE REVISED

CONNER L'HOMMEDIEU | JASON VALENCIA

CALCULATED-DESIGNED BY | CHECKED BY

CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

Caltrans

BORDER LAST REVISED 7/2/2010 | USERNAME => Nolan.Martin | DGN FILE => ea009.dgn | RELATIVE BORDER SCALE IS IN INCHES 0 1 2 3 | UNIT 0000 | PROJECT NUMBER & PHASE 0425000024 PHASE "1"

EXHIBIT "A"

LEGEND:

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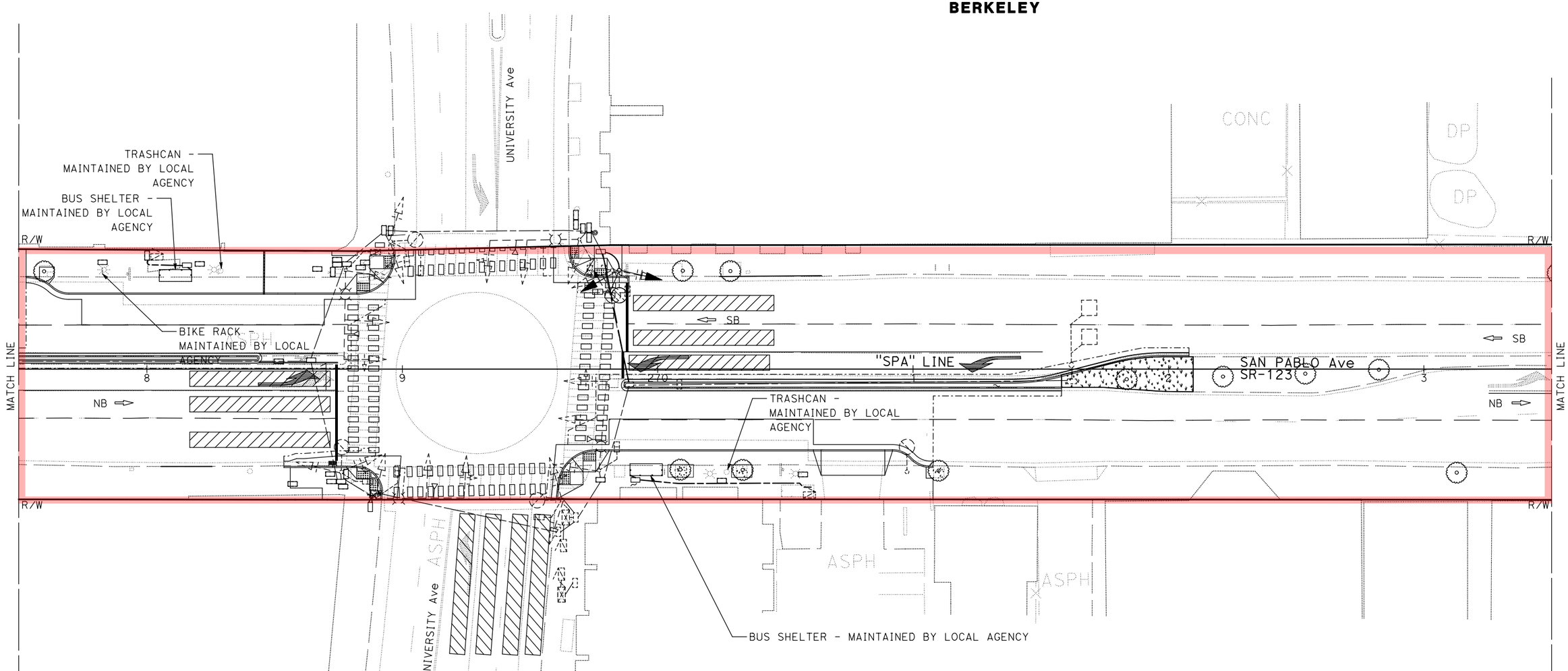
STATE R/W

BIKEWAY - MAINTAINED BY LOCAL AGENCY

RECTANGULAR-RAPID FLASHING BEACON

UNSHELTERED ENCAMPMENT REMOVAL BY STATE

BERKELEY



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	23.5/23.7	11	20

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE

CALCULATED-DESIGNED BY: CONNER L'HOMMEDIEU

CHECKED BY: JASON VALENCIA

REVISED BY

DATE REVISED

LAST REVISION

DATE PLOTTED => 21-AUG-2026

TIME PLOTTED => 11:05

BORDER LAST REVISED 7/2/2010

USERNAME => Nolan.Martin

DGN FILE => ea010.dgn

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UNIT 0000

PROJECT NUMBER & PHASE 0425000024 PHASE "1"

EXHIBIT "A"

LEGEND:

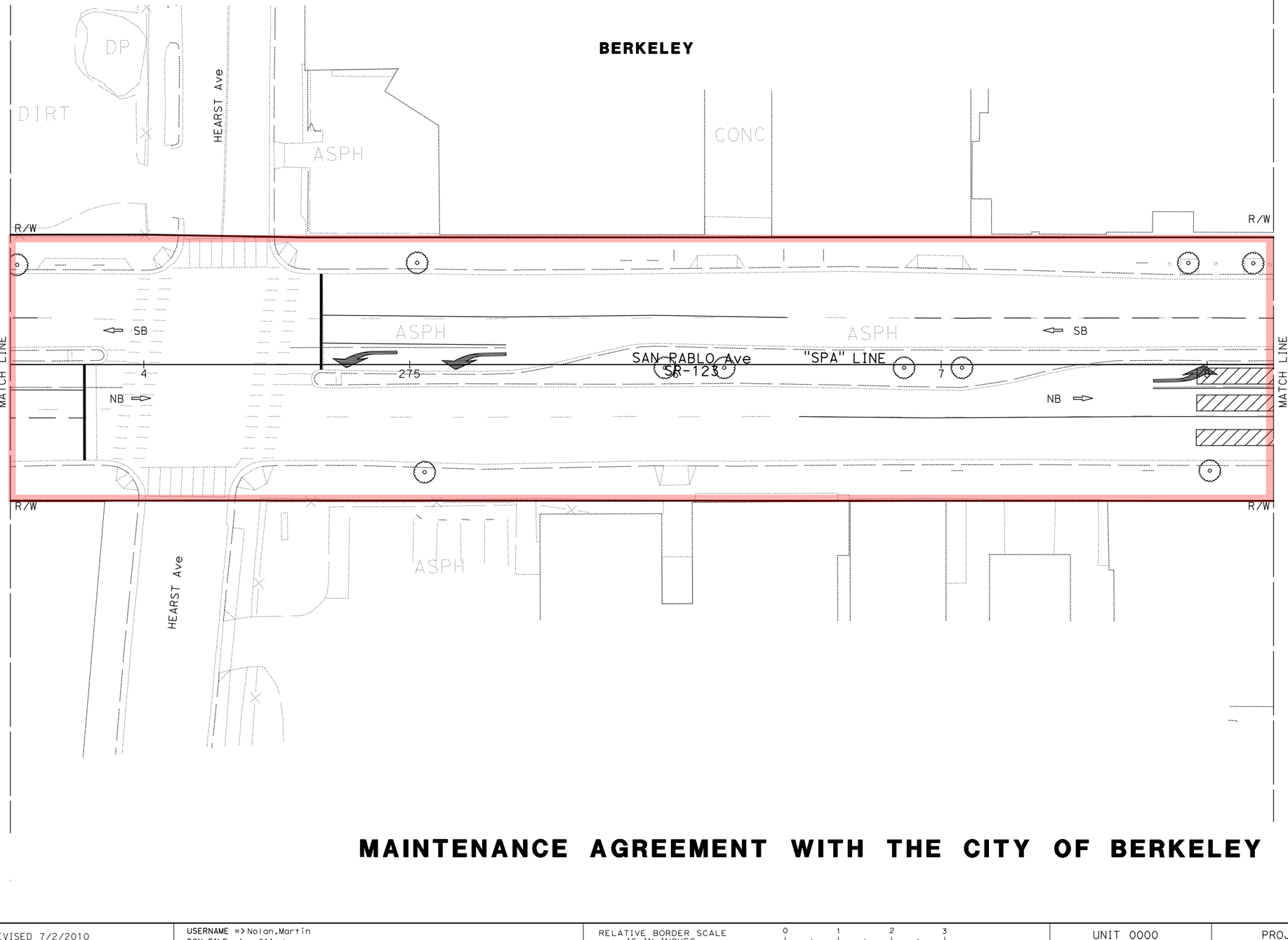
BUS SHELTER

STATE R/W

BIKEWAY - MAINTAINED BY LOCAL AGENCY

RECTANGULAR-RAPID FLASHING BEACON

UNSHELTERED ENCAMPMENT REMOVAL BY STATE



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	29.5.12	12	20

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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION

CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE

CONNER L'HOMMEDIEU | JASON VALENCIA | REVISED BY | DATE REVISED

CALCULATED-DESIGNED BY | CHECKED BY

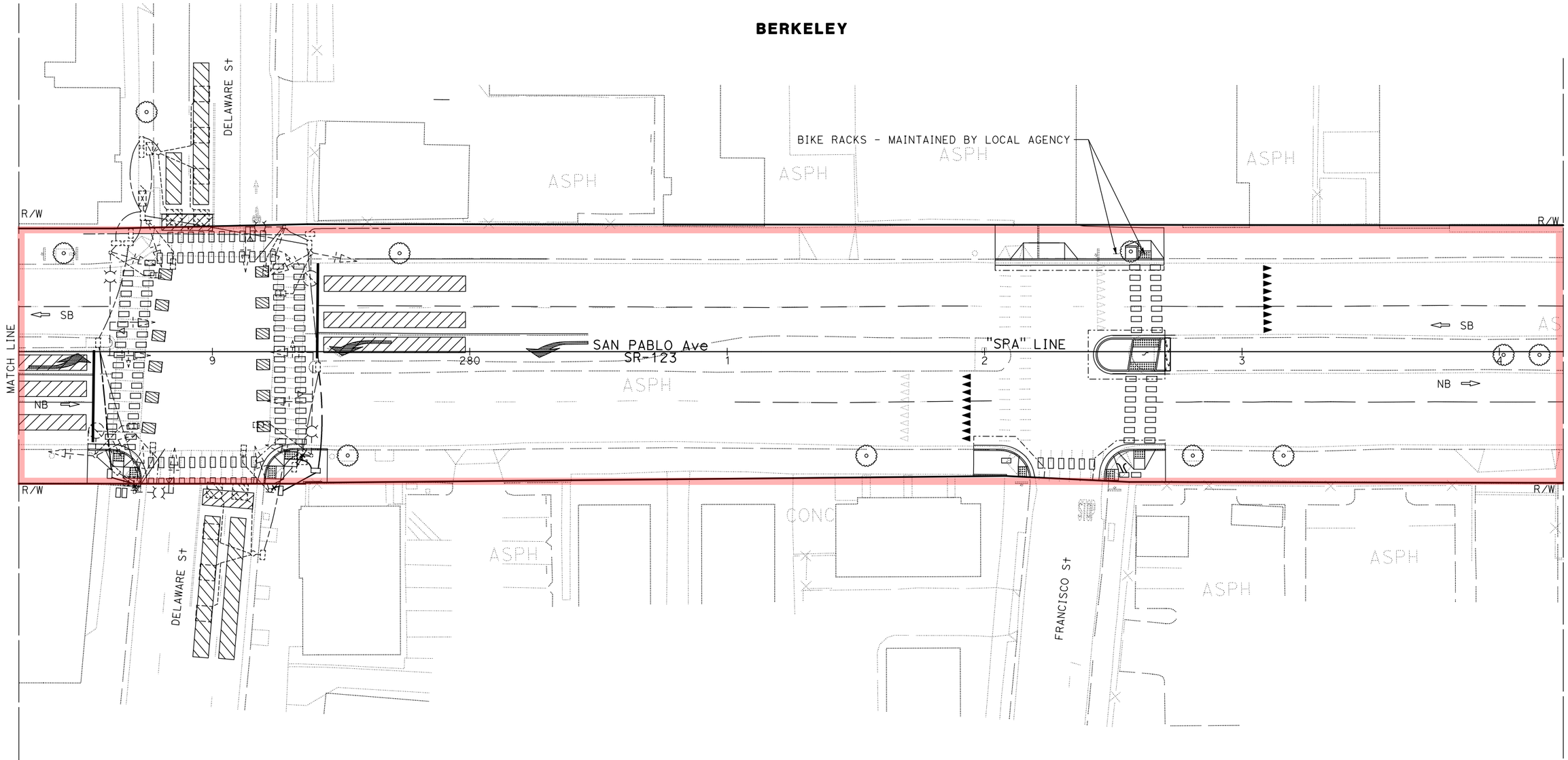
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EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
- UNSHELTERED ENCAMPMENT REMOVAL BY STATE



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	29.5.2	13	20

CONNER L'HOMMEDIEU — REVISED BY / DATE REVISED
JASON VALENCIA — CALCULATED-DESIGNED BY / CHECKED BY
RYAN J. DOLE — CONSULTANT FUNCTIONAL SUPERVISOR
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION — Caltrans

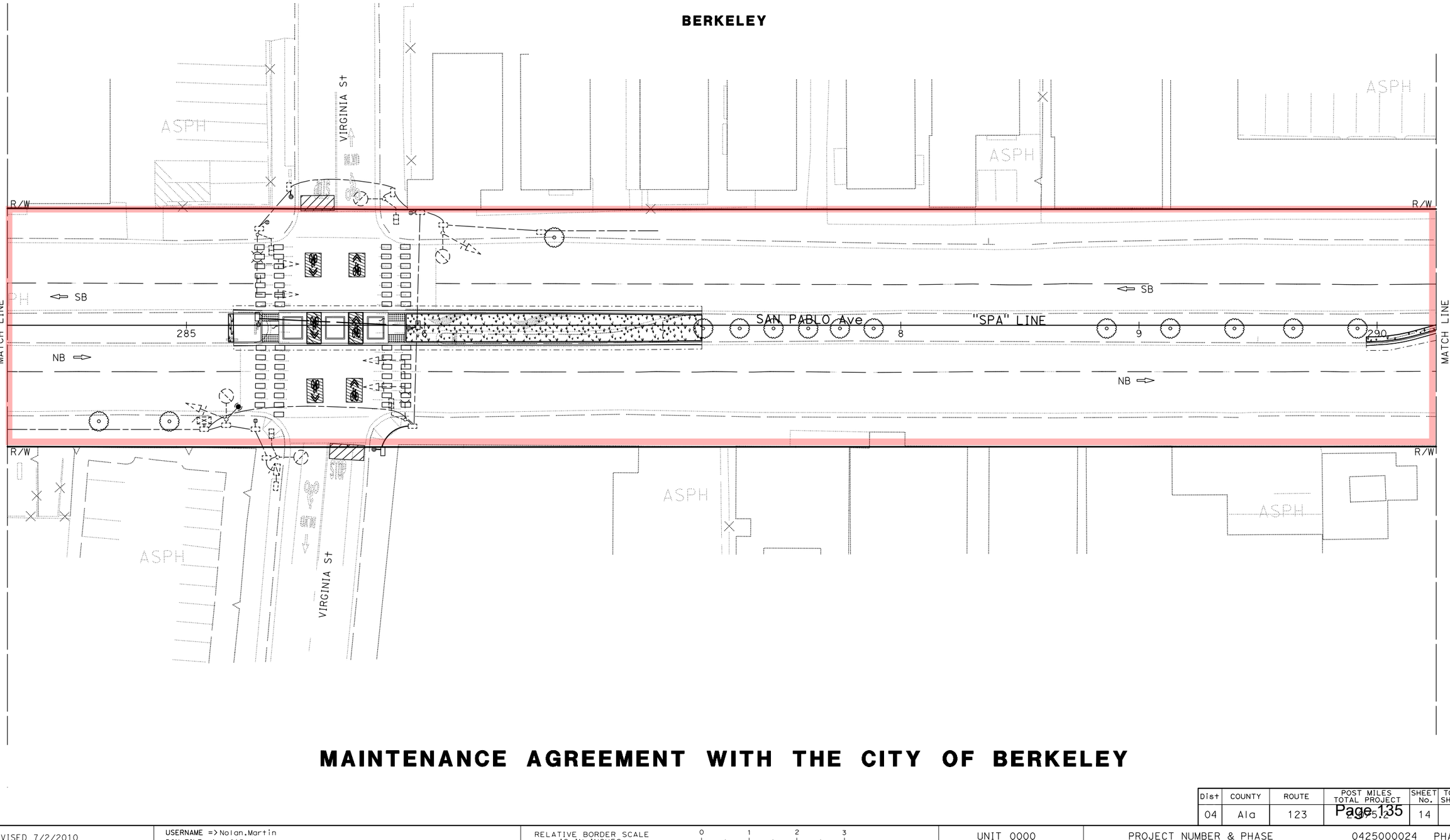
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EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
- UNSHELTERED ENCAMPMENT REMOVAL BY STATE



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
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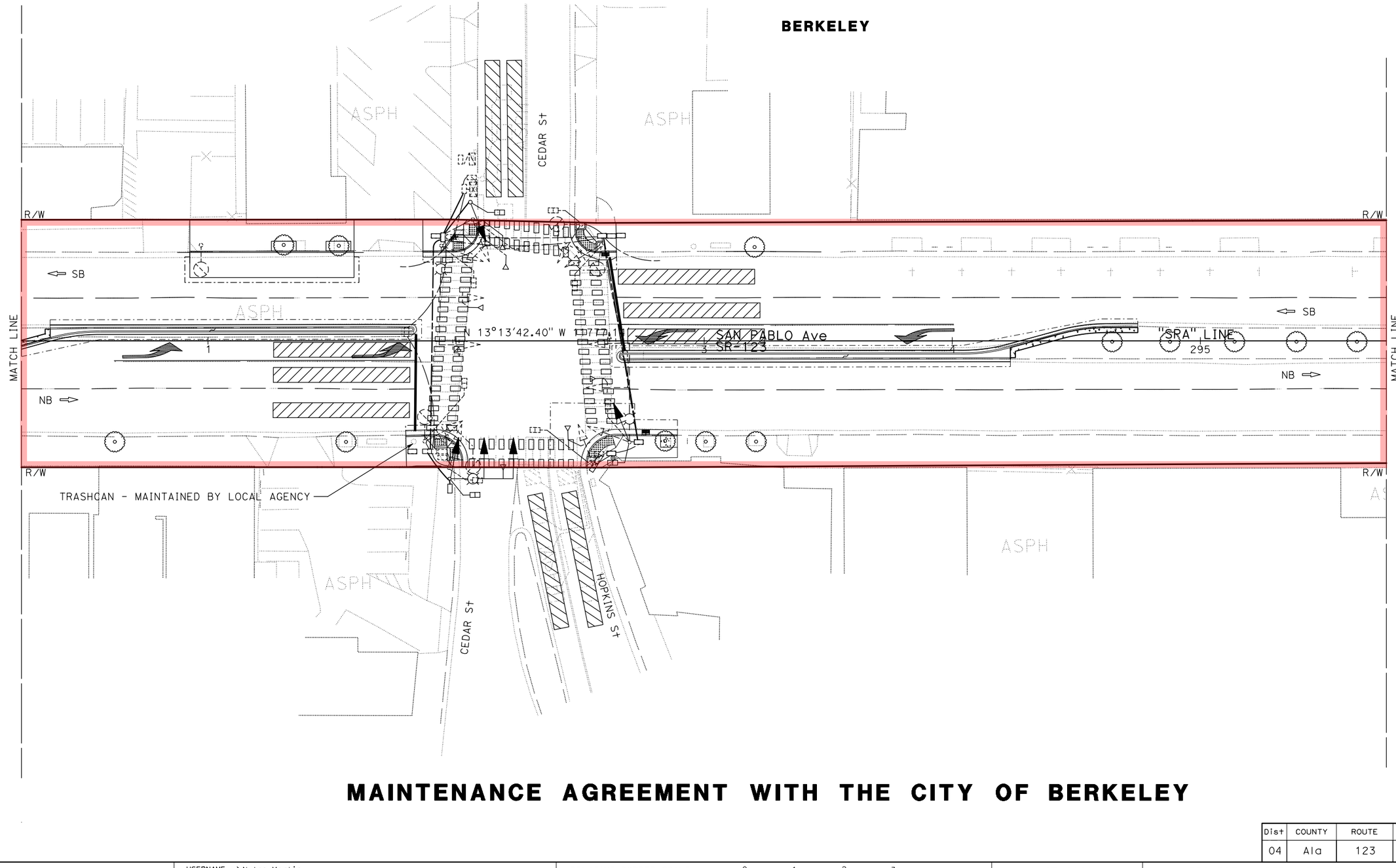
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CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE
CALCULATED-DESIGNED BY: CONNER L'HOMMEDIEU
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REVISED BY
DATE REVISED
LAST REVISION 00-00-00
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TIME PLOTTED => 11:05

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PROJECT NUMBER & PHASE 0425000024 PHASE "1"

EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
- UNSHELTERED ENCAMPMENT REMOVAL BY STATE



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
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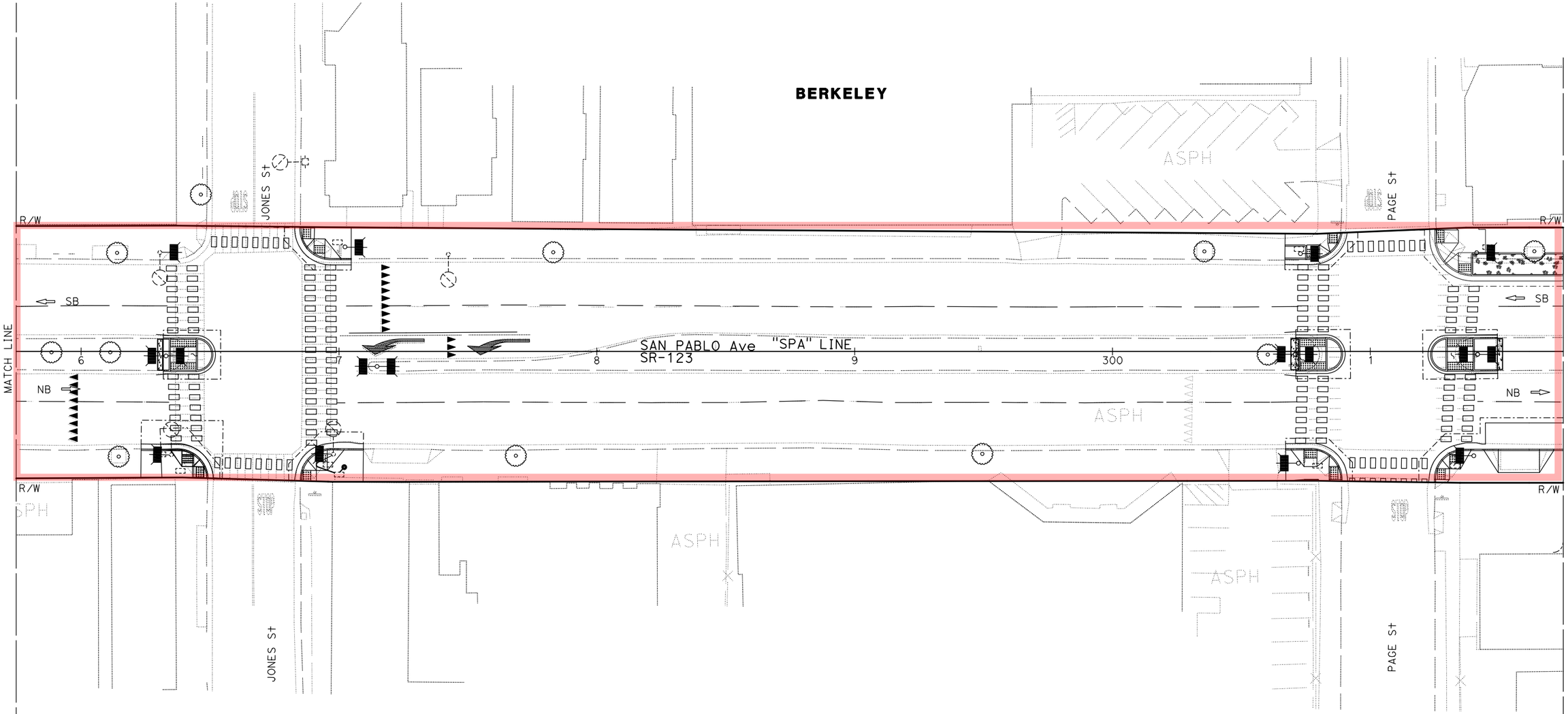
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CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE
CALCULATED-DESIGNED BY: JASON VALENCIA
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REVISED BY / DATE REVISED
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DATE PLOTTED => 21-AUG-2026
TIME PLOTTED => 11:06

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PROJECT NUMBER & PHASE 0425000024 PHASE "1"

EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
- UNSHELTERED ENCAMPMENT REMOVAL BY STATE



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	29.5.2	16	20

CONNER L'HOMMEDIEU — CALCULATED-DESIGNED BY
JASON VALENCIA — CHECKED BY
RYAN J. DOLE — CONSULTANT FUNCTIONAL SUPERVISOR
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION — Caltrans®
REVISED BY — DATE REVISED
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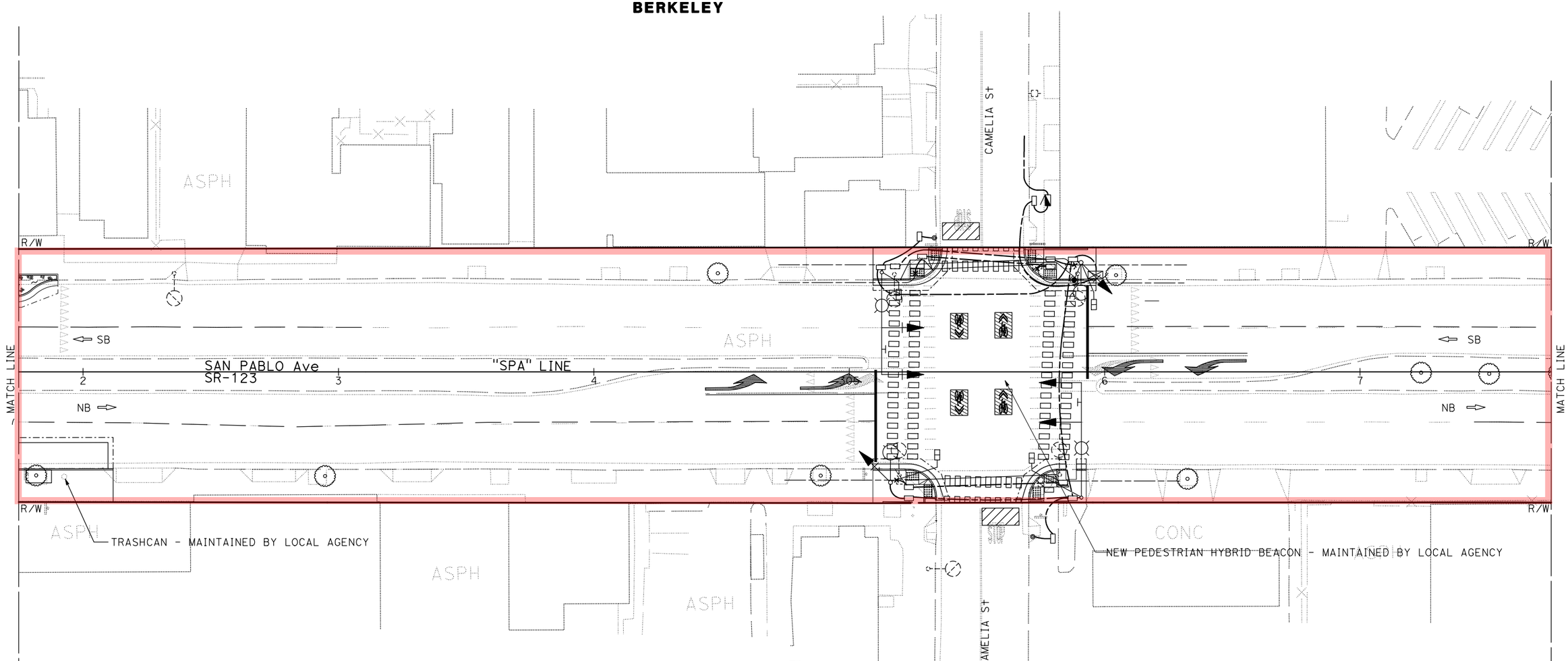
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EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
- UNSHELTERED ENCAMPMENT REMOVAL BY STATE

BERKELEY



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
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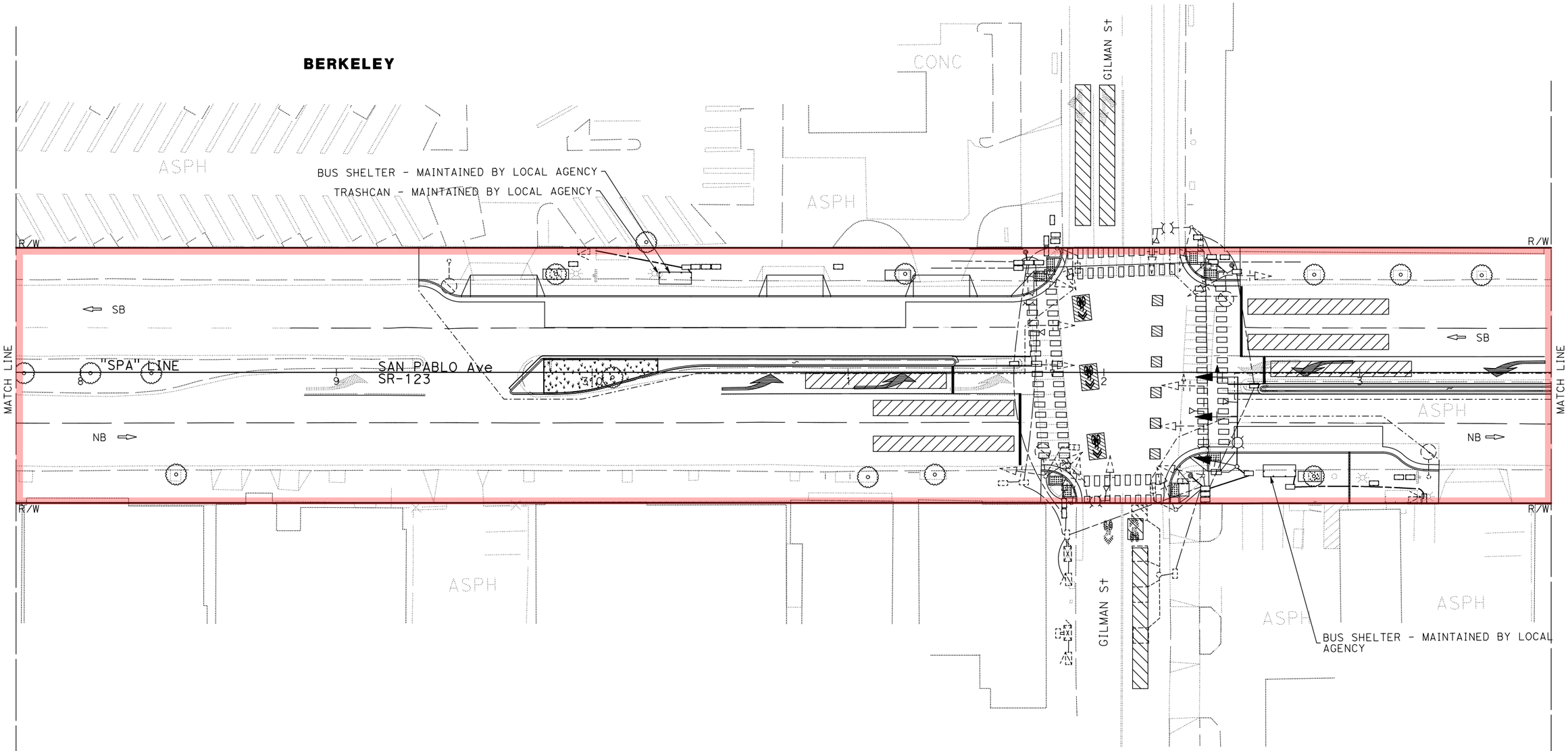
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CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE
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DATE REVISED
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EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
- UNSHELTERED ENCAMPMENT REMOVAL BY STATE



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	29.5.2	18	20

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
CONSULTANT FUNCTIONAL SUPERVISOR: RYAN J. DOLE
CONNER L'HOMMEDIEU | JASON VALENCIA
CALCULATED-DESIGNED BY | CHECKED BY
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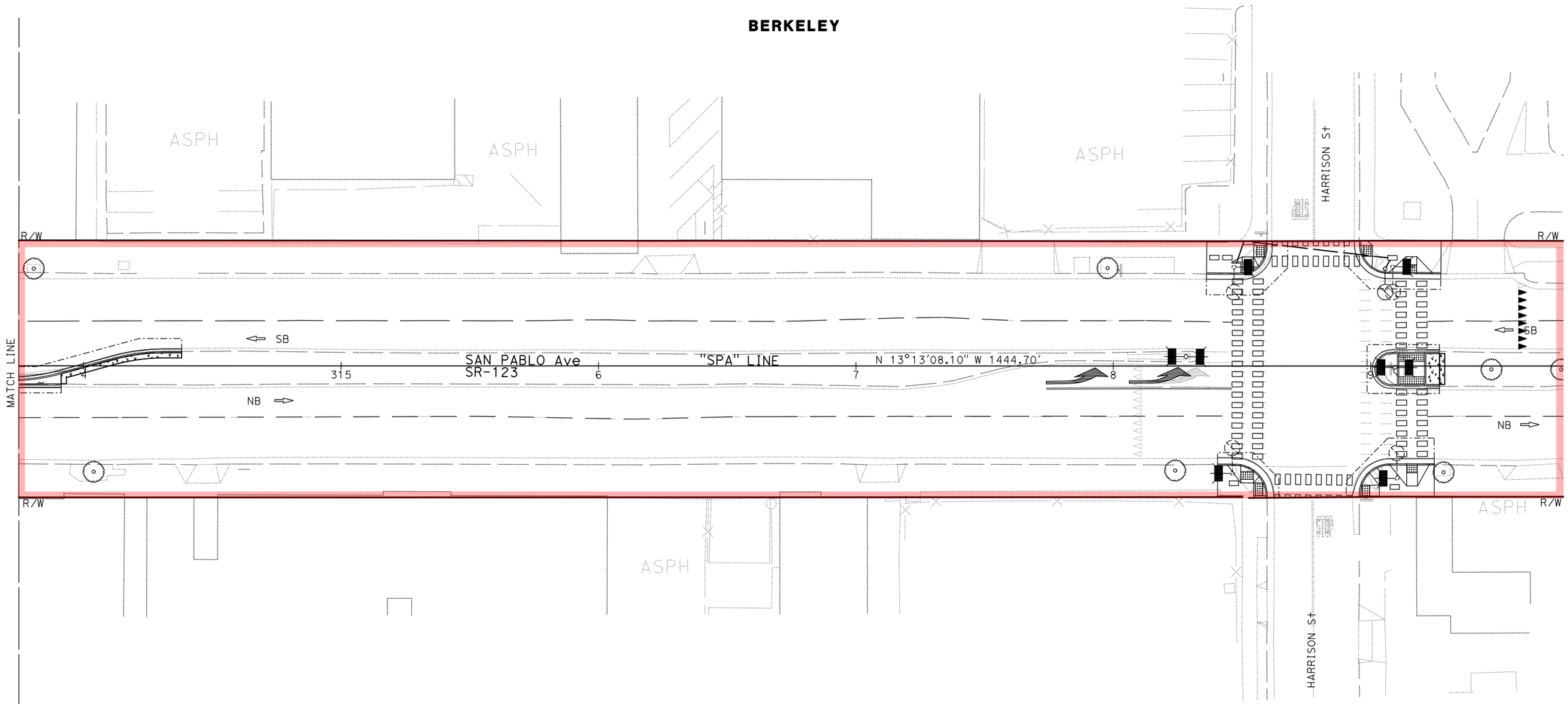
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UNIT 0000
PROJECT NUMBER & PHASE 0425000024 PHASE "1"

EXHIBIT "A"

LEGEND:

- BUS SHELTER
- STATE R/W
- BIKEWAY - MAINTAINED BY LOCAL AGENCY
- RECTANGULAR-RAPID FLASHING BEACON
- UNSHELTERED ENCAMPMENT REMOVAL BY STATE

BERKELEY



MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
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STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans

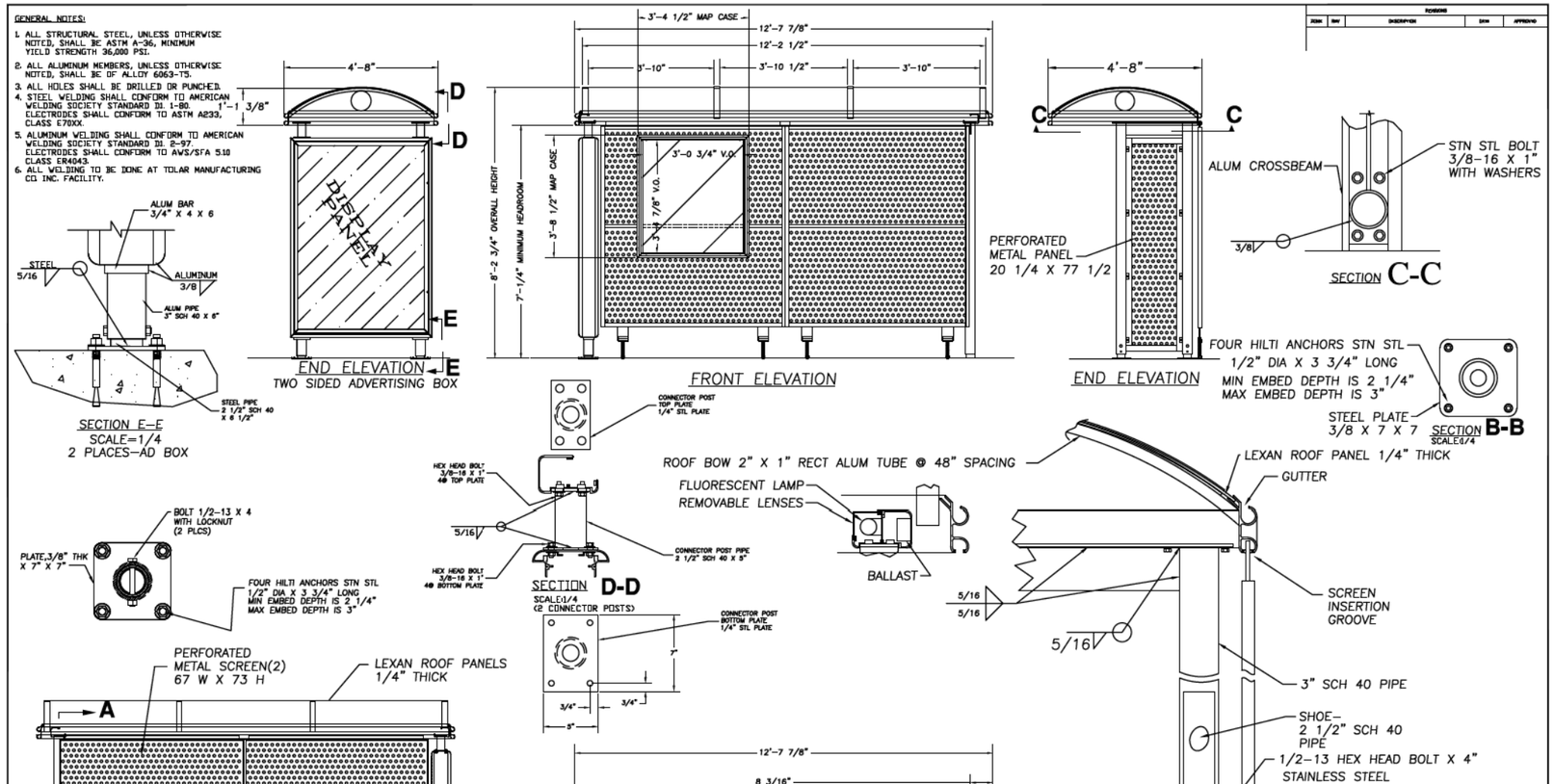
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DATE REVISED

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EXHIBIT "A"

BEACON



TOLAR BUS SHELTER DETAILS

MAINTENANCE AGREEMENT WITH THE CITY OF BERKELEY

CONSTRUCTION DETAILS

Dist	COUNTY	ROUTE	POST MILES TOTAL PROJECT	SHEET No.	TOTAL SHEETS
04	Ala	123	2.5.2	20	20

CALCULATED-DESIGNED BY
CHECKED BY
CONNER L'HOMMEDIEU — REVISED BY
JASON VALENCIA — DATE REVISED
CONSULTANT FUNCTIONAL SUPERVISOR
RYAN J. DOLE
STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
Caltrans

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PROJECT NUMBER & PHASE 0425000024 PHASE "1"

16

Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Contract No. 32300096 Amendment: SCS Engineers for Landfill Post-Closure Maintenance and Monitoring Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300096 with SCS Engineers for maintenance, monitoring, and compliance services related to the closed landfill, increasing the contract amount by $1,600,000 for a total not to exceed amount of $5,678,022.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this amendment in the amount of $1,600,000 is available in FY 2027 in the Zero Waste Fund (601).

CURRENT SITUATION AND ITS EFFECTS

The City relies on the resources and expertise of qualified consultants to maintain the landfill gas collection and flare system at the closed landfill located at the park at the Berkeley Waterfront, and to monitor surface and subsurface conditions at the closed landfill in compliance with regulatory agencies.

The current contract with SCS Engineers ("SCS") for landfill post-closure maintenance, monitoring, and compliance services was authorized by Council on September 20, 2022 by Resolution No. 70,532-N.S. The contract was originally executed for a term of January 1, 2023 to June 30, 2026. Amendments to the current contract were authorized by Council on May 14, 2024 by Resolution No. 71,330-N.S and on July 29, 2025 by Resolution No. 71,917-N.S. increasing the contract amount to an amount not to exceed $4,078,022. The amended contract amount provides for routine maintenance and Abatement Order compliance services through October 2026.

The amendments were triggered by a series of Notices of Violations (“NOVs”) issued by the Bay Area Air Quality Management District (BAAQMD) Board to the City, preparations for a variance request to BAAQMD for these violations, and a subsequent hearing with the BAAQMD Hearing Board. Following the hearing, the BAAQMD denied the City’s variance request and issued an Abatement Order (Order). The order mandated

compliance actions and conditions beyond routine monitoring and maintenance activities that City staff can accomplish.

Additional contract authority is required to extend routine maintenance and monitoring services and additional year of Abatement Order related compliance monitoring through the extended contract deadline of June 30, 2027, perform one-time permitting and construction tasks identified during previous Abatement Order required investigatory work, and to perform tasks required to fulfill the City's Work Plan to address elevated leachate levels, which was approved in January 2026.

Along with Abatement Order work, routine maintenance and monitoring activities continue to be required for the closed landfill to complete routine compliance tasks and regulatory submittals.

These actions and improvements are estimated to require $1,600,000 in additional funding through the end of Fiscal Year 27.

The services provided by the SCS contract support the Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The park at the Berkeley Waterfront is located at the Berkeley Marina on the site of the former ninety-acre Berkeley Landfill. The park has been open to the public for recreational use since 1991. BAAQMD issued the City of Berkeley an operations permit for a Landfill Post Closure Monitoring and Maintenance Program to monitor and maintain the landfill gas collection system, groundwater wells, leachate wells, and other surface and subsurface conditions in accordance with Air District, CalRecycle and State Regional Water Quality Control Board regulations. Landfill post-closure compliance services will be required for a forty to fifty-year period before the site can be deemed permanently closed.

Beginning on November 22, 2021, BAAQMD issued a series of NOVs related to non-compliant operation of the landfill gas collection system. On February 6, 2024, BAAQMD voted to issue an Abatement Order which requires the City to take a series of compliance actions to bring the closed landfill to full compliance. Actions include locating missing gas collection wells, testing, repairs of the gas collection system; and the development and implementation of a process to identify any gas seeping offsite.

In addition to the Abatement Order, the San Francisco Bay Regional Water Quality Control Board (RWQCB) issued various requirements for the City for radiological testing at the closed landfill and reports summarizing the testing results and a requirement to address elevated leachate levels in the subsurface gas collection system. The radiological testing requirements are based on a January 18, 2024 letter from the RWQCB indicated that industrial waste materials from the Stauffer Chemical Company (later known as Zeneca) Richmond Plant may have been disposed at the former landfill between 1960 and 1971. The requirement to address elevated leachate levels is a result

of an October 3, 2024, letter from RWQCB indicating that leachate must be collected and removed from the gas wells to allow proper function of the gas collection and flare system.

This contract is exempt from AB 339, which requires noticing of contract work to local public employee unions. Section 3504.1 of the California Government code explicitly states in Section 1(d) (1), that AB 339 does not apply to the contracting of services related to, "…the planning, design, administration, oversight, review, or delivery of public works, …or other infrastructure projects subject to adopted uniform codes or standards."

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Hiring SCS to continue providing landfill post-closure engineering services will help ensure that greenhouse gases that are emanating from the closed landfill are captured and incinerated before entering the atmosphere.

RATIONALE FOR RECOMMENDATION

The services requested are required to comply with the landfill post-closure operations permit and the Abatement Order. Continuing with the same contractor ensures ongoing compliance measures are uninterrupted and consistent. SCS has familiarity with the site conditions and operations and has long served as the primary contractor for the City's closed landfill. Their historic familiarity with both the site and the requirements of the Abatement Order means that amending their current contract will allow for uninterrupted work towards completion of all regulatory compliance tasks at the closed landfill. The City lacks the in-house expertise or resources needed to fulfill these obligations.

ALTERNATIVE ACTIONS CONSIDERED

No alternative action was considered since compliance with federal, state, and regional regulatory requirements is mandatory.

CONTACT PERSON

Wahid Amiri, Deputy Director, Public Works, (510) 981-6396
Pejman Mehrfar, City Engineer, Public Works, (510) 981-6439
Ricardo Salcedo, Supervising Civil Engineer, (510) 981-6407

Attachments:
1: Resolution – Amendment to Contract with SCS Engineers

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

CONTRACT NO. 32300096 AMENDMENT: SCS ENGINEERS

WHEREAS, the City is required to maintain the landfill gas collection and flare system at the Park at the Berkeley Waterfront, as well as monitor surface and subsurface conditions at the closed landfill, in accordance with a post-closure permit issued by the Bay Area Air Quality Management District ("Air District"); and

WHEREAS, the City does not have the resources or expertise to fulfill the obligations of the landfill post-closure permit and requires the services of qualified firms to fulfill these obligations; and

WHEREAS, on June 28, 2022, the City released a Request for Qualifications (Specification No. 22-11521-C) seeking firms to provide professional services for the landfill post-closure maintenance and monitoring project at the Park and SCS Engineers was determined to be the best qualified bidders; and

WHEREAS, on September 20, 2022, by Resolution No. 70,532-N.S., the City Council authorized Contract No. 32300096 with SCS Engineers for landfill post-closure maintenance and monitoring, in an amount not to exceed $714,022 for the contract period of January 1, 2023 to June 30, 2026; and

WHEREAS, an Abatement Order was issued for the closed landfill by the Air District on February 16, 2024, which mandates compliance actions and conditions beyond routine monitoring and maintenance activities; and various orders have been issued by The San Francisco Bay Regional Water Quality Control Board (RWQCB) requiring testing, reporting, and other work beyond routine monitoring; and

WHEREAS, additional contract authority was required to continue compliance with routine monitoring and maintenance activities, as well as the orders set forth by BAAQMD; and

WHEREAS, contract amendments with SCS Engineers ("SCS") for landfill post-closure maintenance, monitoring, and Abatement Order compliance services were authorized by Council on May 14, 2024 by Resolution No. 71,330-N.S. and on July 29, 2025 by Resolution No. 71,917-N.S, increasing the contract to an amount not to exceed $4,078,022; and

WHEREAS, the contract was extended by the City Manager to June 30, 2027; and

WHEREAS, the City must continue to perform routine maintenance and monitoring tasks as well as continue working towards completion of tasks related to the Abatement Order and various orders issued by the RWQCB; and

WHEREAS, these actions are estimated to require $1,600,000 of additional funding over the remainder of the contract term; and

WHEREAS, $1,600,000 is available in FY 2027 in the Zero Waste Fund (601).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an amendment to Contract No. 32300096 with SCS Engineers for continuing engineering, monitoring, maintenance, and compliance services for the closed landfill, increasing the amount by $1,600,000 for a total amount not to exceed $5,678,022. A record signature copy of said contract and any amendments will be on file in the Office of the City Clerk.

17

Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Contract No. 32300167 Amendment: POSM Software LLC for Pipeline Observation System Management Software Maintenance and Technical Support

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract amendment with POSM Software LLC for Pipeline Observation System Management software maintenance and technical support, extend the contract through October 31, 2028, increase the contract amount by $40,000 for a total not to exceed $88,650, and waiving competitive solicitation requirements on a sole-source basis.

FISCAL IMPACTS OF RECOMMENDATION

Funding is available in the Fiscal Year (FY) 2027 adopted budget in Fund 611 and Fund 616. Funding for the portion of the contract occurring in FY 2028 and FY 2029 is subject to Council's approval of the proposed citywide budgets.

CURRENT SITUATION AND ITS EFFECTS

Software maintenance, updates, and technical support are necessary to ensure the reliable operation of the City's Pipeline Observation System Management (POSM) software. The software supports the City's two IBAK closed-circuit television (CCTV) camera vans and manages wastewater pipeline inspection data collected by the equipment.

Contract No. 32300167 expires on October 31, 2026. The existing contract has a not-to-exceed amount of $48,650, which was below the $50,000 threshold requiring City Council approval. The proposed amendment would extend the contract through October 31, 2028 and increase the contract amount by $40,000, for a total not-to-exceed amount of $88,650.

The proposed amendment will increase the contract amount above $50,000 and therefore requires City Council approval. Staff recommends waiving competitive solicitation requirements on a sole-source basis because POSM Software LLC exclusively provides the proprietary maintenance and technical support required for the City's existing system. Extending the contract for two years will prevent disruptions to wastewater inspection operations while Public Works completed implementation of its

new telematics systems and confirms the system integrations. The extension will also allow Information Technology staff sufficient time to evaluate an appropriate cloud-based solution. Authorizing the City Manager to execute a contract amendment with POSM Software LLC for Pipeline Observation System Management software maintenance and technical support supports the City's Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339. This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

BACKGROUND

The City entered into Contract No. 32300167 with POSM Software LLC for software installation, configuration, training, maintenance, and technical support. The agreement was executed on May 18, 2023, for a term beginning November 1, 2022, and expiring October 31, 2025. The City subsequently extended the contract through October 31, 2026.

The current contract has a current not-to-exceed amount of $48,650. The proposed two-year amendment would increase the total contract amount to $88,650, requiring City Council approval. The City did not conduct a new competitive solicitation or use a cooperative purchasing agreement because POSM Software LLC develops and supports the proprietary software currently used by the City. Staff therefore recommends that Council waive competitive solicitation requirements on a sole-source basis.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Continued POSM software maintenance and technical support will enable the City to manage video footage and inspection data collected by its camera vans. This information helps the City identify sewer pipeline problems, prioritize maintenance and repairs, prevent potential failures, and use public resources efficiently.

RATIONALE FOR RECOMMENDATION

Approval of the two-year amendment will maintain uninterrupted software maintenance, updates, and technical support for the City's wastewater pipeline inspection operations while Public Works completes implementation of its new telematics system and Information Technology evaluates an appropriate cloud-based pipeline-inspection solution. POSM Software LLC is the sole source for vendor-level support of its proprietary software; therefore, continuing the existing contract is the most practical way to maintain system functionality during this transition.

ALTERNATIVE ACTIONS CONSIDERED

Council could decline to approve the contract amendment. However, the City would no longer have software maintenance or technical support after October 31, 2026, which could disrupt the operation of the POSM system and the City's wastewater pipeline inspection program. City staff cannot independently provide the proprietary licensing, maintenance, updates, or vendor-level technical support required for the system.

CONTACT PERSON

Joy Brown, Interim Deputy Director, Public Works, 510-981-6629
John Trepczynski, Equipment Maintenance Superintendent, Public Works, 510-981-6469
Jesus Sandoval, Senior Public Works Supervisor, Public Works, 510-981-6676

Attachment:
1: Resolution

RESOLUTION NO. ##,###-N.S.
CONTRACT NO. 32300167 AMENDMENT: POSM SOFTWARE LLC FOR PIPELINE OBSERVATION SYSTEM MANAGEMENT SOFTWARE MAINTENANCE AND TECHNICAL SUPPORT

WHEREAS, the City uses proprietary Pipeline Observation System Management (POSM) software to support wastewater pipeline inspection and manage condition data collected by the City's closed-circuit television (CCTV) inspection equipment; and

WHEREAS, POSM Software LLC and the City executed Contract No. 32300167 on May 18, 2023, for software installation, configuration, training, maintenance, and technical support, with a term beginning November 1, 2022; and

WHEREAS, Contract No. 32300167 currently has a total amount not to exceed $48,650 and expires on October 31, 2027; and

WHEREAS, continued software maintenance, updates, and technical support are necessary to ensure operation of the City's existing POSM software and access to its wastewater pipeline inspection data; and

WHEREAS, POSM Software LLC develops and supports the specialized proprietary POSM software currently used by the City and is the sole source for vendor-level maintenance and technical support; and

WHEREAS, funding for the additional $40,000 is available in the Fiscal Year 2027 adopted budget in Fund 611 and Fund 616, and funding for the portion of the contract occurring in Fiscal Year 2028 is subject to Council's approval of the proposed citywide budget for Fiscal Year 2028.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32300167 with POSM Software LLC for proprietary POSM software maintenance and technical support, extend the contract term from November 1, 2026, through October 31, 2028, and increase the contract amount by $40,000 for a total amount not to exceed $88,650.

BE IT FURTHER RESOLVED that the Council waives competitive solicitation requirements for this amendment because POSM Software LLC is the sole source for maintenance and technical support of the specialized proprietary POSM software currently used by the City.

18

Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development
Jamie Parks, Director, Public Works

Subject: Ordinance Vacating and Authorizing Transfer of Property Adjacent to the North Berkeley BART TOD Site

RECOMMENDATION

1. Adopt first reading of an Ordinance (a) declaring four small pieces of land described in Exhibit A and shown in Exhibit B, adjacent to the North Berkeley BART Transit Oriented Development (TOD), to be exempt surplus land; (b) summarily vacating two of the areas that are presently public right of way; and (c) approving the transfer of all four areas to the San Francisco Bay Area Rapid Transit District (BART);

2. Upon conclusion of the second reading of the Ordinance, authorize the City Manager to execute quitclaim deeds conveying the four areas described in Exhibit A and shown in Exhibit B.

FISCAL IMPACTS OF RECOMMENDATION

Fees associated with processing the proposed street vacations and property transfers offset the City's costs related to processing and implementing the recommended action.

CURRENT SITUATION AND ITS EFFECTS

The application submitted by the North Berkeley Housing Partners for the North Berkeley BART Transit-Oriented Development project (the Project) pursuant to AB 2011 (Government Code Section 65912) at 1750 Sacramento (PLN2024-0010) was approved on December 11, 2024. Approval of this project included approval of Tentative Tract Map #8713 for the subdivision of 7.88 acres into 12 parcels for residential, open space, public access, and BART facilities. In addition, Tentative Tract Map #8713 included four small areas, totaling approximately 1,279 square feet, along Sacramento, Delaware, and Acton streets adjacent to the North Berkeley BART property to be transferred from the City to BART. Four areas are proposed for transfer from the City to BART. Two of these four areas, totaling approximately 165 square feet, are proposed for street vacation ("Street Vacation Areas"), and the remaining two areas, totaling approximately 1,114 square feet, are not presently in the right-of-way and are proposed for property

transfer (“Transfer Areas”), as shown in the attached legal descriptions and plats (Exhibit A).

BACKGROUND

Pursuant to Division 9, Part 3, Chapter 4 of the Streets and Highways Code of the State of California, a local agency may summarily vacate excess right-of-way of a street or highway when the excess is not required for street or highway purposes and does not contain in-place public utility facilities that are in use and would be affected by the vacation. The Streets and Highways Code allows the local agency to summarily vacate the right-of-way by the adoption of a resolution of vacation.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The impacts of development consistent with the City Code, such as the Project, were considered in the Ashby and North Berkeley BART Stations Transit-Oriented Development (TOD) Zoning Project Environmental Impact Report (SCH #: 2020110320), which was certified by the City Council on June 2, 2022 (Zoning EIR). The vacation and conveyances recommended here are not substantial changes to the Project; moreover, there has been no substantial change to the circumstances of the Project nor has new information of substantial importance become available since the certification of the Zoning EIR. No further environmental review is required pursuant to CEQA Guidelines section 15162.

As for the vacations and transfers, it can be seen with certainty that there is no possibility that transferring ownership of a very small area of paved land may have a significant effect on the environment. Therefore, the vacation and conveyance are not subject to CEQA pursuant to CEQA Guidelines section 15061.

RATIONALE FOR RECOMMENDATION

The vacation and transfer areas are necessary to reconcile existing property and right-of-way boundaries with the approved Tentative Tract Map (TTM) #8713. Approval will allow BART, the City, and the developer to prepare a report for Council consideration to approve a Final Map and associated land dedications. These actions will allow EBALDC to proceed with recording the Final Map and implementation of the approved project. The public benefits from the Project, including the construction of affordable housing and other community benefits proposed for the site, are equal to or greater than the de minimis value of the lands to be conveyed.

The Planning and Development Department has reviewed the proposed street vacation and transfers for consistency with the approved TTM Map #8713. The purpose of the transfers and vacations shown in TTM #8713 and set forth in this item for final approval is to fulfill the North Berkeley Objective Design Standards (ODS), which require widening of sidewalks around the site. The additional width for the widened sidewalks in the ODS results in a shifting of the back of the sidewalk into the site (BART parcels) and not into the right-of-way. The transfers and vacations move the boundary to the new

back of the sidewalk so that each stretch of sidewalk sits in a single ownership. Without the proposed transfers and vacations shown in TTM #8713, the resulting sidewalk would be split between City and BART ownership along much of the perimeter. In addition, the City and BART Joint Vision & Priorities[1] sets a goal of narrowing the perimeter streets and returning them to their original geometry for safety. Consistent with the JVP, the project straightens Delaware and Acton streets, eliminates the turn pocket on Acton Street and slightly narrows Delaware Street.

The lands are subject to the Surplus Land Act, California Government Code §§ 54220 et seq. Prior to conveying them out of City ownership, the City must either declare them to be "exempt surplus land" or undertake procedures to offer them for development as affordable housing or open space. These lands fit the definition of "exempt surplus lands," because they are being conveyed to the adjacent landowner, a state agency, (BART) and/or because they are a "former street, right-of-way, or easement" being conveyed to an owner of an adjacent property. *See* Gov. Code sections 54221(f)(1)(D) and 54221(f)(1)(E). Therefore, the City may convey them to BART without undertaking the longer Surplus Land Act processes.

The Public Works Department has reviewed the proposed vacation areas pursuant to the California Streets and Highways Code §§ 8330 to 8336, and determined that the segments are excess right-of-way of a street and not required for street purposes. These segments do not contain in-place public utility facilities that are in use and would be affected by the vacation. The proposed vacations and transfers will not meaningfully affect traffic circulation or access in the vicinity of the North Berkeley BART station.

ALTERNATIVE ACTIONS CONSIDERED

The alternative course of action is to deny the proposed vacations and transfers. Denial would prevent implementation of the property and right-of-way configuration shown on the approved Tentative Tract Map and would impede recording the Final Map and advancement of the approved North Berkeley BART TOD project.

CONTACT PERSON

Alisa Shen, Principal Planner, Planning and Development, (510) 981-7409
Vincent Chen, Supervising Civil Engineer, Public Works Department, (510) 981- 6409

Attachments:
1: Ordinance
Exhibit A: Transfer Area/Street Vacation Legal Descriptions and Area Plats
Exhibit B: Site Plan and Parcel Details: Vacation and Transfer Areas

[1] See Public and Civic Space, Priorities for North Berkeley, Priority C, City and BART Joint Vision and Priorities for Transit-Oriented Development for Ashby and North Berkeley BART Stations (June 2022).

ORDINANCE NO. -N.S.

AN ORDINANCE VACATING CERTAIN PUBLIC RIGHTS-OF-WAY AND AUTHORIZING THE CITY MANAGER TO CONVEY CERTAIN PROPERTY INTERESTS TO THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

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

Section 1. Findings. The City Council finds as follows:

a. The North Berkeley BART Transit-Oriented Development project at 1750 Sacramento Street was approved on December 11, 2024, including Tentative Tract Map No. 8713, which identifies the property and right-of-way configuration proposed for the site.
b. The portions of land described in Exhibit A are small areas located adjacent to the North Berkeley BART station site and are proposed to be vacated and/or transferred in order to implement the parcel configuration shown on Tentative Tract Map No. 8713 and thus to facilitate the project.
c. The portions of the right-of-way described in Exhibit A are excess right-of-way not required for street or highway purposes, pursuant to Streets and Highways Code section 8334(a);
d. The portions of the right-of-way described in Exhibit A do not contain in-place public utility facilities that are in use and would be affected by the vacation, pursuant to Streets and Highways Code section 8334.5;
e. The public benefits of the project are equal to or greater than the de minimis value of the lands to be conveyed;
f. The City Clerk is hereby authorized and directed to cause a certified copy of this ordinance of vacation, attested by him under seal, to be recorded in the Office of the Recorder for Alameda County, California;
g. The portions of land described in Exhibit A are surplus and not necessary for the City's use. The properties described in Exhibit A are being transferred to another state agency, the San Francisco Bay Area Rapid Transit District, and/or are a "former street, right-of-way, or easement," conveyed to an owner of an adjacent property. The properties described in Exhibit A are not necessary for the City's use in light of the affordable housing development proposed to be built at the North Berkeley BART station site and the corresponding changes to the right of way associated with that project.

Section 2. Summary Vacation of Portions of the Right-Of-Way.
That pursuant to Streets and Highways Code Division 9, Part 3, Chapter 4, Sections 8330 to 8336, the City of Berkeley hereby vacates the portions of public right-of-way described in Exhibit A and shown in Exhibit B. From and after the date this ordinance is recorded, the street, highway, or public service easements vacated no longer constitute street, highway, or public service easements.

Section 3. Declaration of Exempt Surplus Land.

Pursuant to Government Code section 54221(b)(1), the City Council hereby declares that the lands described in Exhibit A are exempt surplus land.

Section 4. Conveyance of Property.
That the City Manager and City Clerk are hereby authorized and directed to execute quitclaim deeds, conveying the City's interests in the portions of the right-of-way and other land described in Exhibit A to the San Francisco Bay Area Rapid Transit District and take all additional actions required to effectuate that conveyance.

Section 5. Posting.
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.

Exhibits
A: Transfer Area/Street Vacation Legal Descriptions and Area Plats
B. Site Plan and Parcel Details: Vacation and Transfer Areas

September 22, 2026
Project No. 20230975

EXHIBIT A
LEGAL DESCRIPTION
TRANSFER AREA 1

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Parcel R22-6 and Parcel R22-7 as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

BEGINNING at the northwesterly terminus of that certain course shown as "N15°16'46"W, 20.40'", as shown on said map, thence along the westerly lines of said Parcels R22-6 and R22-7, said westerly lines also being common to the easterly lines of Parcel O-R 382 and Parcel O-R 381 as shown on said map, North 05°25'30" West, 25.92 feet;

Thence leaving said common line, South 46°06'38" East 7.67 feet to a point on the easterly line of said Parcel R22-7, said line being common to the westerly right-of-way line of Sacramento Street as shown on said map;

Thence along said common line, South 05°25'30" East, 7.78 feet;

Thence leaving said common line, South 00°59'15" East, 26.97 feet to a point on said common line of said Parcel R22-6 and said Parcel O-R 382;

Thence along said common line, North 16°44'06" West, 14.85 feet to the **POINT OF BEGINNING**.

Containing 139 square feet, more or less.

BASIS OF BEARINGS

(a) The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

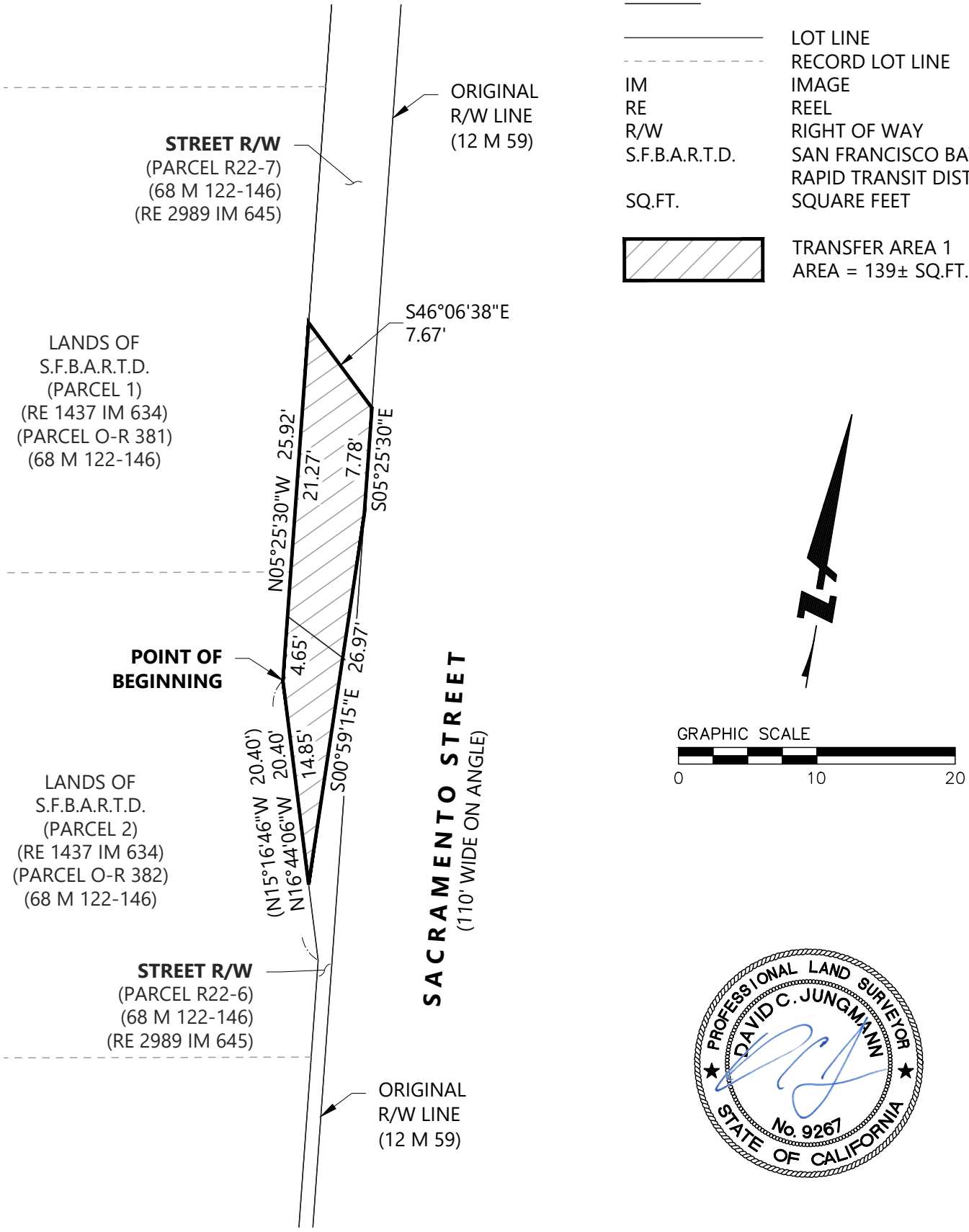
This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

David C. Jungmann, PLS 9267



09/22/2026
Date

END OF DESCRIPTION



LEGEND

———	LOT LINE
- - - - - - - - - -	RECORD LOT LINE
IM	IMAGE
RE	REEL
R/W	RIGHT OF WAY
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SQ.FT.	SQUARE FEET

TRANSFER AREA 1
AREA = 139± SQ.FT.

GRAPHIC SCALE

0 10 20

PROFESSIONAL LAND SURVEYOR
DAVID C. JUNGMANN
No. 9267
STATE OF CALIFORNIA

BKF
255 SHORELINE DR.,
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

SUBJECT EXHIBIT B – PLAT TO ACCOMPANY LEGAL DESCRIPTION
JOB NO. 20130975
BY BDF APPR. DCJ DATE 09/22/2026

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DRAWING NAME: C:\Box\Projects - BKF\BKF-RC\2023\230975_North_Berkely_BART_Survey\SUR\Mapping\Plot and Legal\2026-09-22_UPDATES\2026-09-22_Transfer_Area_1-UPDATE\230975-Transfer_Area_1_Plot_2026-09-22.dwg
PLOT DATE: 09-22-26
PLOTTED BY: rileyscovill

September 22, 2026
Project No. 20230975

EXHIBIT A
LEGAL DESCRIPTION
TRANSFER AREA 2

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Parcel R22-5 as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

BEGINNING at the northwesterly terminus of that certain course shown as "N04°04'14"W, 127.00'", as shown on said map, thence along the easterly line of said Parcel R22-5, said easterly line also being common to the westerly lines of the Parcel O-R 359, Parcel O-R 376 and Parcel O-R 375 as shown on said map, South 05°31'15" East, 127.06 feet;

Thence continuing along the common line of said Parcel R22-5 and said Parcel O-R 375, South 11°34'55" West 23.59 feet;

Thence leaving last said common line, North 05°31'15" West, 153.95 feet to a point on the common line of said Parcel R22-5 and said Parcel O-R 359;

Thence along said common line, South 63°30'55" East, 8.18 feet to the **POINT OF BEGINNING**.

Containing 975 square feet, more or less.

BASIS OF BEARINGS

The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

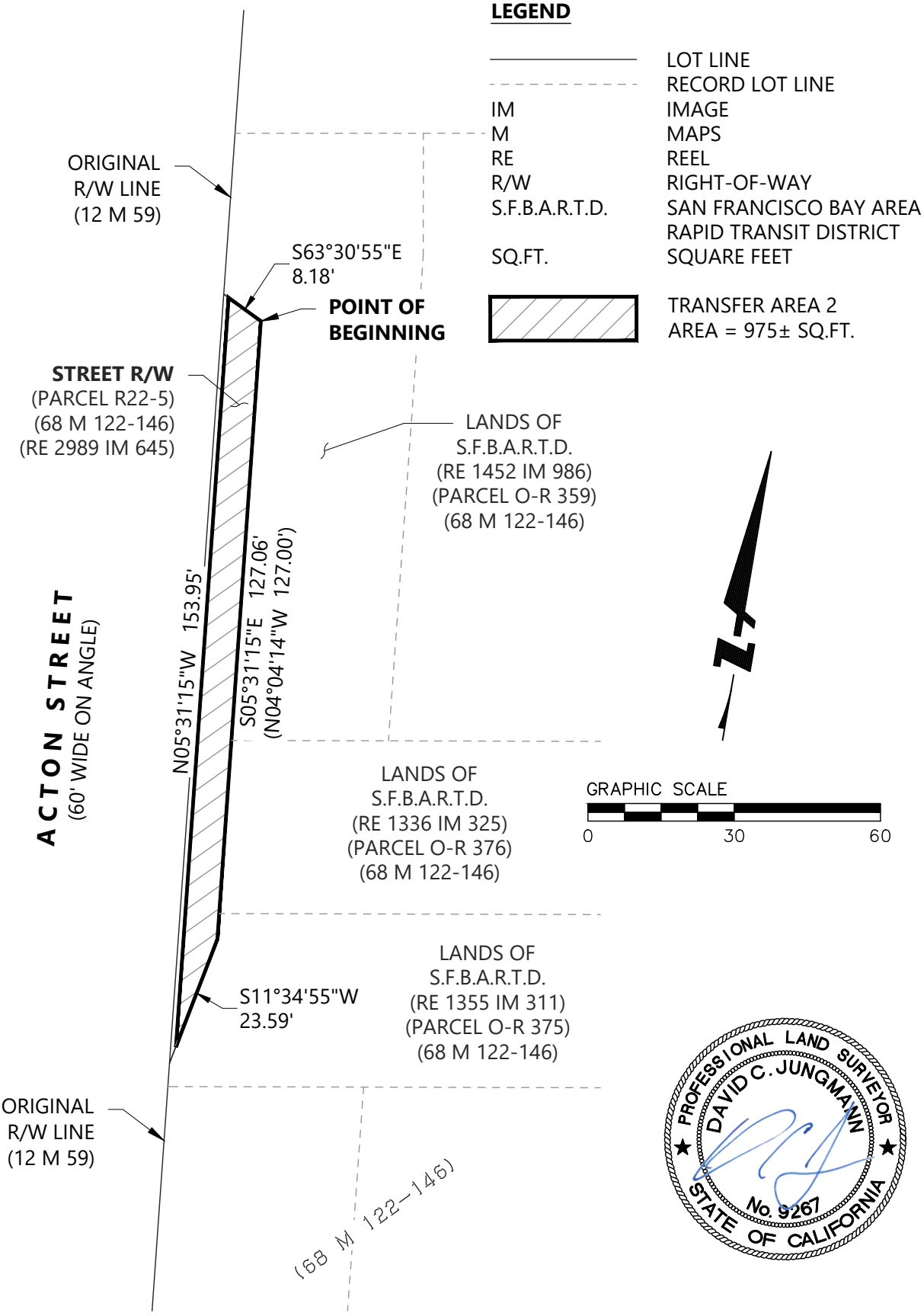
This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

David C. Jungmann, PLS 9267



09/22/2026
Date

END OF DESCRIPTION



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JOB NO. 20130975
BY BDF APPR. DCJ DATE 09/22/2026
3 OF 3

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PLOT DATE: 09-22-26
PLOTTED BY: rileyscwill

August 17, 2026
Project No. 20230975

EXHIBIT A
LEGAL DESCRIPTION
STREET VACATION AREA 1

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Sacramento Street as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

COMMENCING at the southeast corner of Parcel R22-2 as shown on said map;

Thence along the easterly lines of said Parcel R22-2, Parcel R22-6 and Parcel R22-7 as shown on said map, North 05°25'30" West, 210.93 feet to the **POINT OF BEGINNING**;

Thence continuing along said easterly line of said Parcel R22-7, North 05°25'30" West, 7.78 feet;

Thence leaving said easterly line, South 46°06'38" East, 0.85 feet;

Thence South 00°59'15" East, 7.16 feet to the **POINT OF BEGINNING**.

Containing an area of 2 square feet, more or less.

BASIS OF BEARINGS

The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

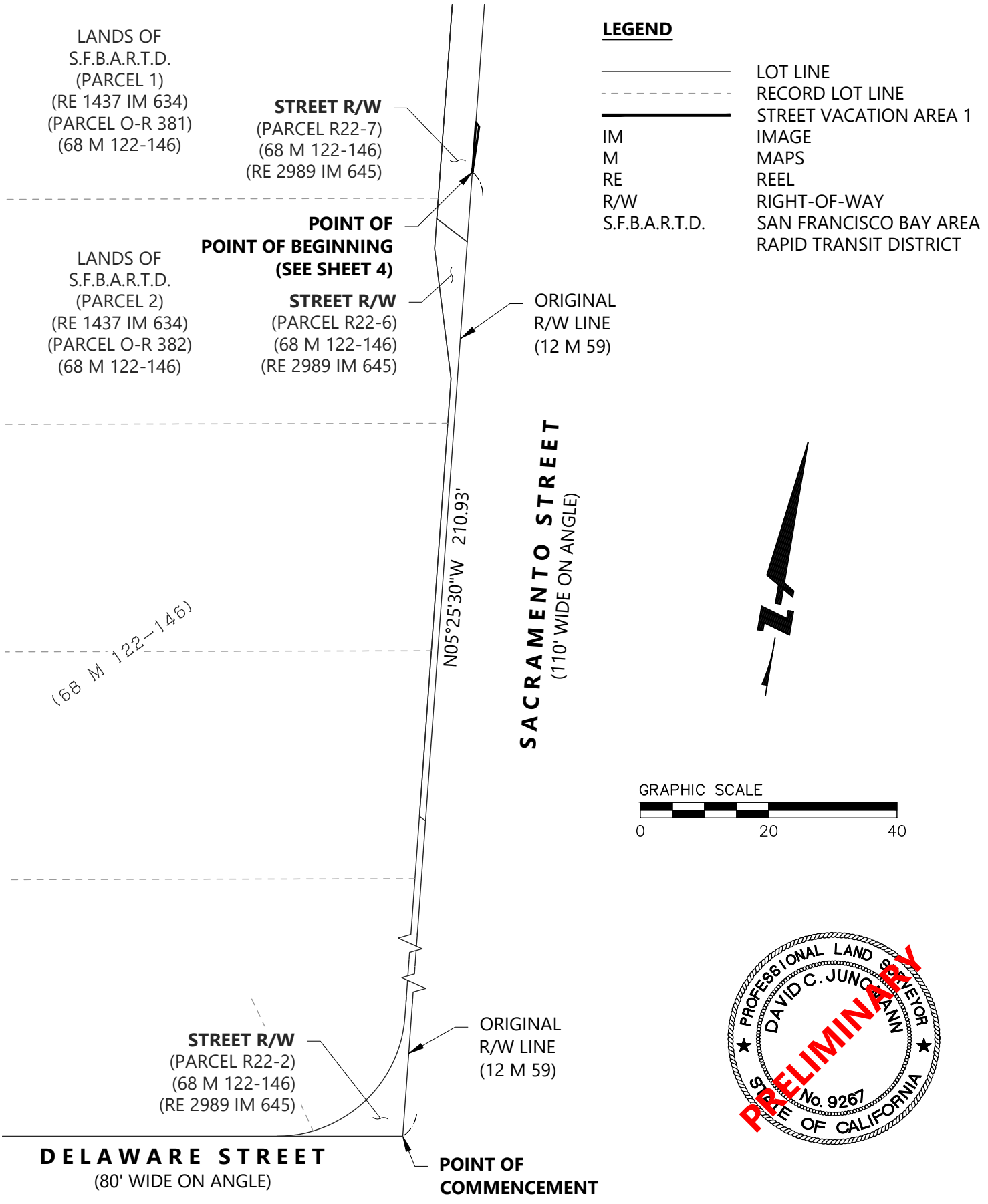
Preliminary

David C. Jungmann, PLS 9267



09/22/2026
Date

END OF DESCRIPTION

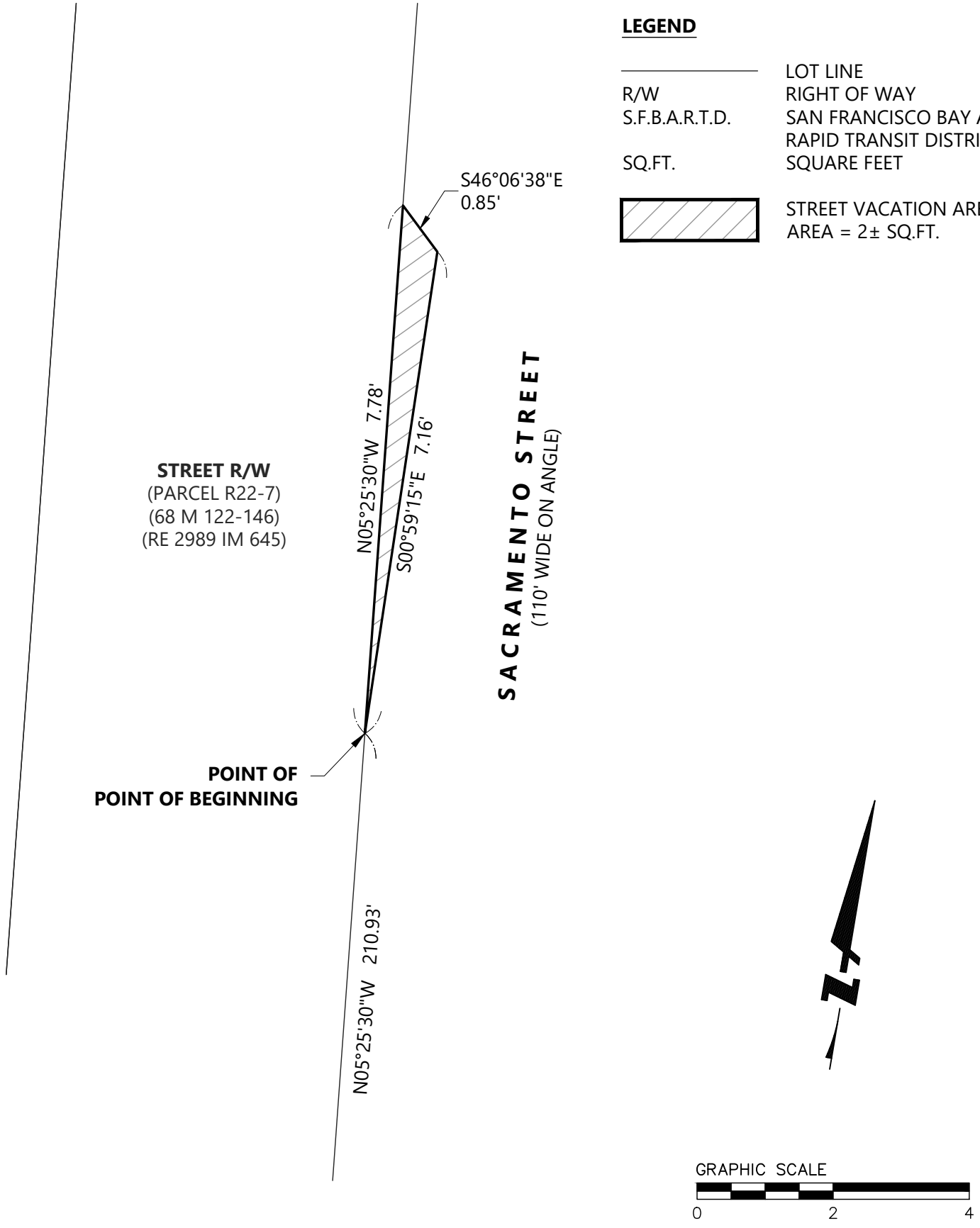


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SUBJECT EXHIBIT B – PLAT TO ACCOMPANY LEGAL DESCRIPTION
JOB NO. 20130975
BY BDF APPR. DCJ DATE 09/22/2026
3 OF 4

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PLOT DATE: 09-22-26
PLOTTED BY: rileyscovill



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4 OF 4

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DRAWING NAME: C:\Box\Projects - BKF\BKF-RC\2023\230975_North_Berkeley_BART_Survey\SUR\Mapping\Plot and Legal\2026-09-2026_UPDATES\2026-09-22_Vacation_Area_1_UPDATE\230975-Vacation_Area_1_Plot_2026-08-13.dwg
PLOT DATE: 09-22-26
PLOTTED BY: rileyscovill

August 17, 2026
Project No. 20230975

EXHIBIT A
LEGAL DESCRIPTION
STREET VACATION AREA 2

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Delaware Street as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

COMMENCING at the southwest corner of Parcel R22-4 as shown on said map;

Thence along the southerly line of said Parcel R22-4 and the northerly right of way line of said Delaware Street, North 80°27'00" East, 13.75 feet to the **POINT OF BEGINNING**;

Thence continuing along said northerly right of way line, North 80°27'00" East, 186.73 feet;

Thence leaving said northerly right of way line, South 76°16'28" West, 12.52 feet;

Thence South 80°27'00" West, 168.76 feet to the beginning of a tangent curve to the right;

Thence along said tangent curve, having a radius of 17.00 feet, through a central angle of 18°50'47", for an arc length of 5.59 feet to the **POINT OF BEGINNING**.

Containing an area of 163 square feet, more or less.

BASIS OF BEARINGS

The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

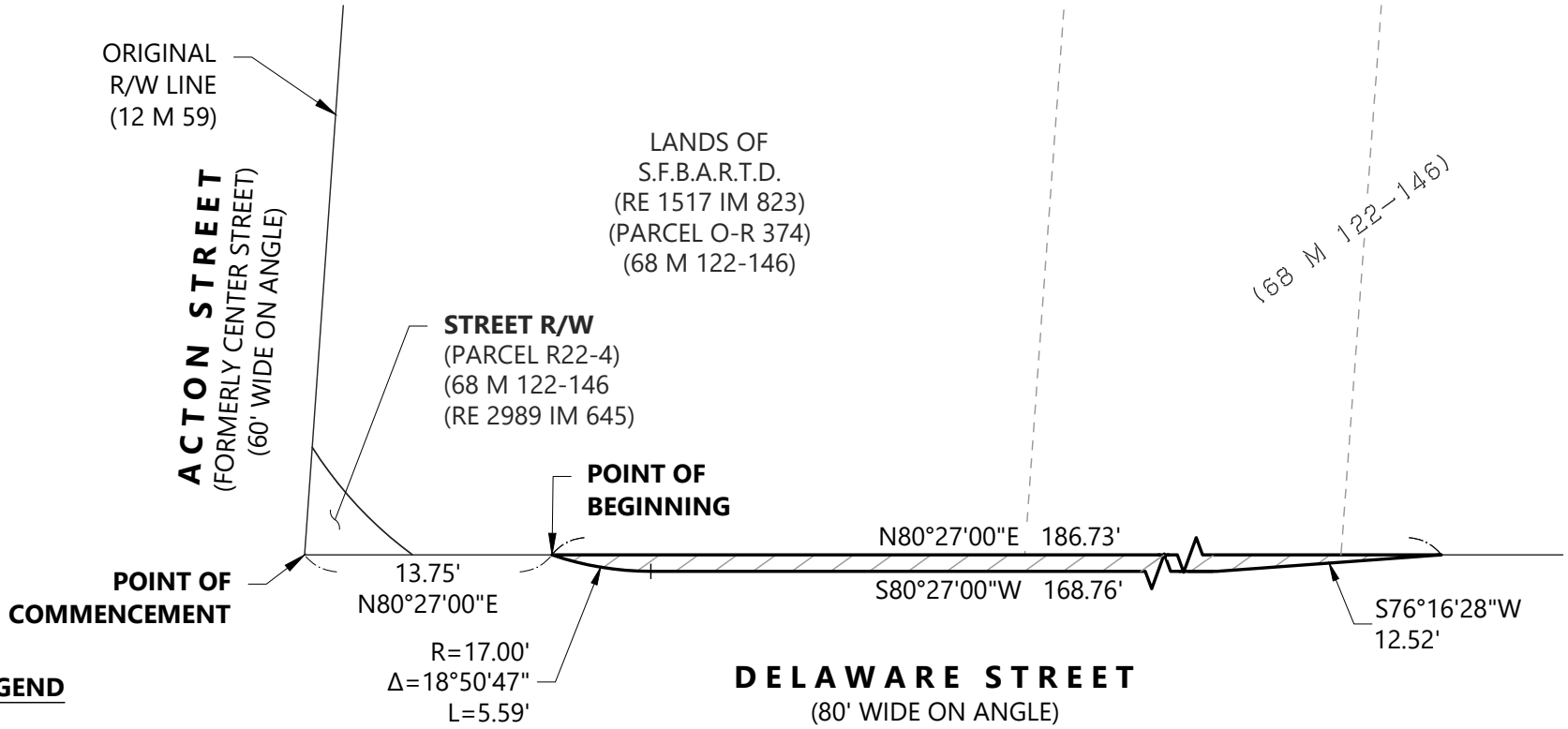
This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



Preliminary
David C. Jungmann, PLS 9267

09/22/2026
Date

END OF DESCRIPTION



LEGEND

———	LOT LINE
- - - - - -	RECORD LOT LINE
IM	IMAGE
M	MAPS
RE	REEL
R/W	RIGHT-OF-WAY
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

STREET VACATION AREA 2
AREA = 163± SQ.FT.

GRAPHIC SCALE
0 10 20

PROFESSIONAL LAND SURVEYOR
DAVID C. JUNCKMANN
No. 9267
STATE OF CALIFORNIA
PRELIMINARY

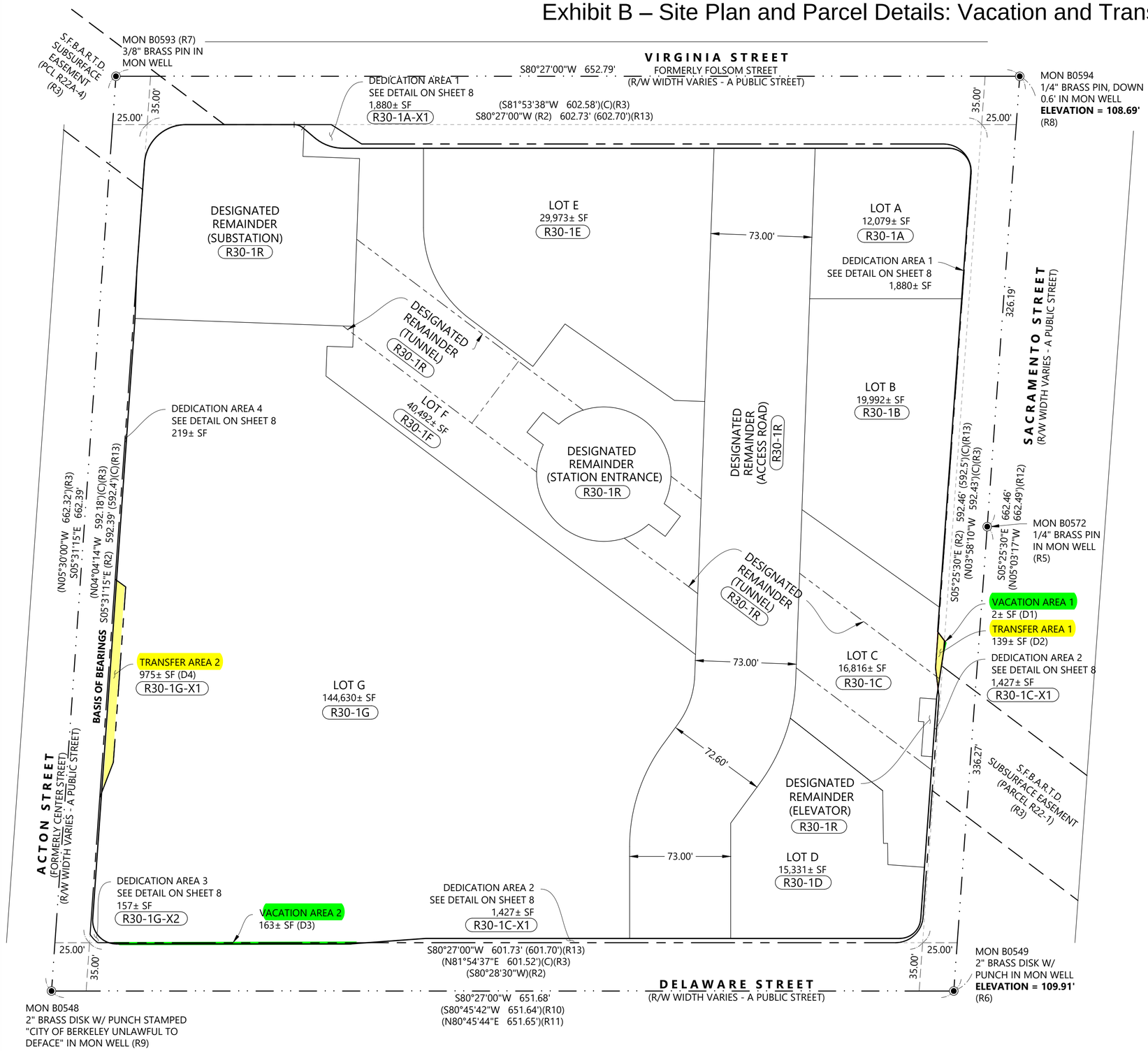
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JOB NO. 20230975
BY BDF APPR. DCJ DATE 09/22/2026
3 OF 3

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PLOT DATE: 09–22–26
PLOTTED BY: riley.cowell

Exhibit B – Site Plan and Parcel Details: Vacation and Transfer Areas



LEGEND

◉	FOUND MONUMENT AS NOTED
(C)	CALCULATED FROM RECORD
(D#)	DENOTES RECORD DOCUMENT REFERENCE
MON	MONUMENT
O.R.	OFFICIAL RECORDS
PCL	PARCEL
PTR	PRELIMINARY TITLE REPORT
(R)	DENOTES RADIAL BEARING
(R#)	DENOTES RECORD MAP REFERENCE
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SQ. FT.	SQUARE FEET
R30-1A	S.F.B.A.R.T.D. PARCEL #

LINETYPES

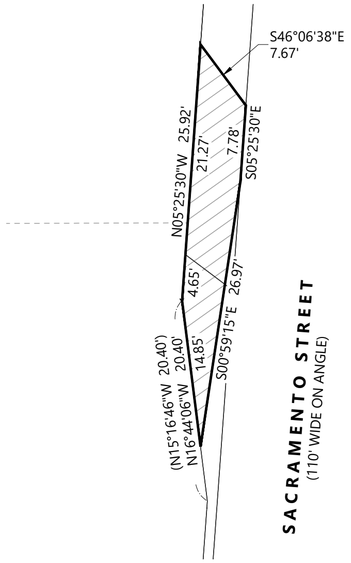
- RESULTANT BOUNDARY LINE
- EXISTING BOUNDARY LINE
- FORMER RIGHT-OF-WAY LINE
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE/RADIAL LINE
- VERTICAL STEP IN LOT

CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

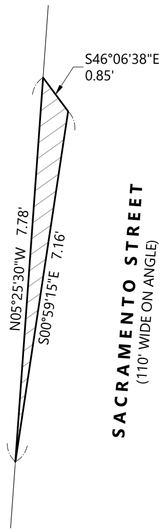
SCALE 1" = 50' AUGUST 2026

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(650) 482-6300
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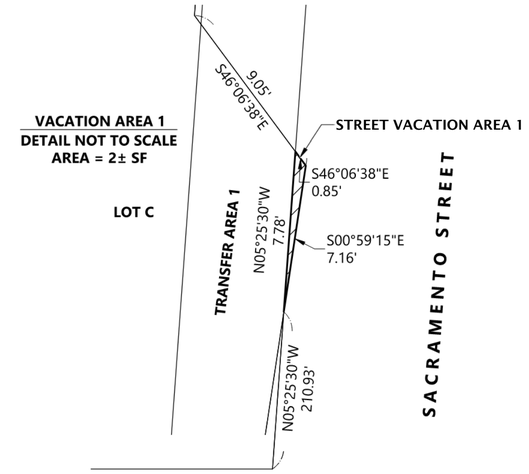
Exhibit B – Site Plan and Parcel Details: Vacation and Transfer Areas



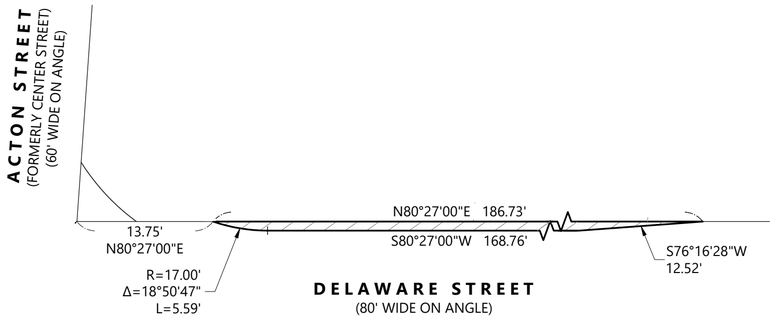
TRANSFER AREA 1
AREA = 139± SQ.FT.



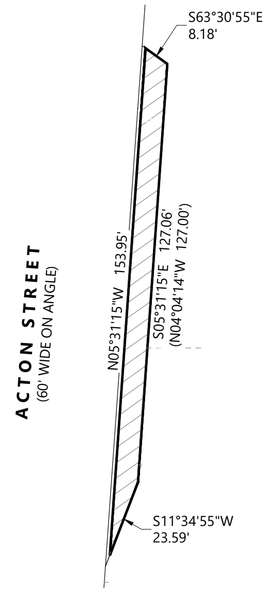
STREET VACATION AREA 1
AREA = 2± SQ.FT.



STREET VACATION AREA 1, SHOWN
WITH TRANSFER AREA 1 DETAIL



STREET VACATION AREA 2
AREA = 163± SQ.FT.



TRANSFER AREA 2
AREA = 975± SQ.FT.

CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

AUGUST 2026

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19

Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Purchase Order: Municipal Maintenance Equipment, Inc. for the Purchase and Installation of a CCTV Sewer Inspection System in One City-Owned Electric Van

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a purchase order with Municipal Maintenance Equipment, Inc. for the purchase and installation of a closed-circuit television (CCTV) sewer inspection system in one City-owned electric van in an amount not to exceed $515,636.69.

FISCAL IMPACTS OF RECOMMENDATION

The FY 2027 Adopted Public Works Department Equipment Replacement Fund (Fund 671) budget includes funding for this purchase. The requested $515,636.69 authorization includes the vendor's purchase price of $425,179.71, 10% contingency of $42,517.97 and estimated sales tax of $47,939.01. Any expenditure exceeding the authorized not to exceed amount is subject to Council approval.

Cost Component	Amount
Municipal Maintenance Equipment, Inc. — Sourcewell contract price	$425,179.71
10% Contingency	$42,517.97
Estimated sales tax (10.25%)	$47,939.01
Total not-to-exceed authorization	**$515,636.69**

The sales-tax amount is an estimate calculated at 10.25 percent of the vendor's purchase price plus a 10% contingency and is subject to confirmation by Public Works Administrative and Fiscal staff.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Department's existing CCTV sewer inspection van is a 2016 model and has reached the end of its useful life. Replacing it is necessary to maintain the

City's ability to inspect sanitary sewer pipelines, document defects, and make informed maintenance and repair decisions.

The City previously purchased a 2024 electric Ford Transit cargo van to support another division's operational needs. After reassessing its fleet needs, the City determined that the van is better suited for use as a CCTV sewer inspection vehicle.

Installing a RapidView IBAK high-definition CCTV pipeline inspection system in this City-owned van is the most cost-effective option because it avoids the need to purchase another vehicle. The installation will create a complete mobile CCTV sewer inspection unit with the equipment and vehicle modifications needed to inspect and document the condition of the City's sanitary sewer pipelines.

Municipal Maintenance Equipment, Inc.'s proposed purchase price is $425,179.71, 10% contingency of $42,517.97 plus estimated sales tax of $47,939.01, for a total of $515,636.69. The purchase includes delivery to Berkeley, installation, round-trip transportation of the City-owned van to RapidView's installation facility in Rochester, Indiana, two days of onsite equipment training, and one day of onsite support to transfer the City's POSM Software LLC software license (Pipeline Observation System Management).

The vendor estimates that delivery will occur 120 to 270 days after receiving the City's van, depending on equipment availability and installation scheduling. The purchase will be made through Sourcewell Master Agreement No. 080525-RVL and will not exceed the amount authorized by the City Council. This purchase supports the City's Strategic Plan goal of providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain service contracts that meet the criteria established by Government Code Section 3504.1, as amended by Assembly Bill 339. This purchase does not meet those criteria and is therefore exempt from the noticing requirement.

BACKGROUND

The City may use pricing obtained through a competitively solicited cooperative purchasing agreement when procuring goods and services. Sourcewell is a government cooperative purchasing organization that competitively solicits and awards contracts for use by participating public agencies.

On June 17, 2025, Sourcewell issued Request for Proposal No. 080525 for Underground Infrastructure Inspection and Rehabilitation Equipment with Related Services. The solicitation was nationally advertised for 49 days, and 17 proposals were submitted. Sourcewell selected RapidView LLC as the highest-ranked responsive and responsible proposer and awarded Master Agreement No. 080525-RVL effective March 5, 2026. The four-year agreement expires March 4, 2030.

Municipal Maintenance Equipment, Inc. is RapidView's authorized local dealer for the City's purchase and will provide local warranty and service support for the RapidView IBAK equipment.

The City will provide its 2024 electric Ford Transit van for the installation, reducing the total project cost by eliminating the need to purchase another vehicle. The requested purchase-order authority covers the inspection equipment, specialized vehicle modifications, transportation, delivery, training, and POSM Software LLC license-transfer support; it does not include the cost of the van.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The inspection system will be installed in the City's 2024 electric Ford Transit van, avoiding tailpipe emissions during vehicle operation. Lithium iron phosphate batteries and solar panels will support the system's onboard electrical needs. Clear video footage and inspection data will help the City identify problems in sewer pipelines, prioritize maintenance and repairs, and use public resources efficiently.

RATIONALE FOR RECOMMENDATION

Installing the proposed system will create a complete mobile CCTV sewer inspection unit with the equipment, vehicle modifications, training, and software support needed for sewer inspections. Using an existing City-owned electric van repurposes an available City asset, maximizes the City's prior investment, and reduces the total project cost. Using the competitively solicited Sourcewell contract provides established pricing and access to the manufacturer's authorized local dealer for warranty and service support.

ALTERNATIVE ACTIONS CONSIDERED

The City could choose not to proceed with the installation, procure a different inspection system, or purchase another van for this purpose. Staff do not recommend these alternatives because they would delay placing the 2024 electric Transit into service, prolong reliance on the 2016 inspection van beyond its useful life, or add unnecessary vehicle-purchase costs. City staff do not have the specialized capacity to complete the vehicle modifications and integrate the proprietary inspection system in-house.

CONTACT PERSON

Joy Brown, Interim Deputy Director, Public Works, 510-981-6629
John Trepczynski, Equipment Maintenance Superintendent, Public Works, 510-981-6469
Jesus Sandoval, Senior Public Works Supervisor, Public Works, 510-981-6676

Attachment:
1: Resolution

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

PURCHASE ORDER WITH MUNICIPAL MAINTENANCE EQUIPMENT, INC. FOR THE PURCHASE AND INSTALLATION OF A CCTV SEWER INSPECTION SYSTEM IN ONE CITY-OWNED ELECTRIC VAN

WHEREAS, the Public Works Department needs a RapidView IBAK high-definition closed-circuit television (CCTV) pipeline inspection system installed in a City-owned 2024 electric Ford Transit van to replace the existing 2016 CCTV sewer inspection van and maintain reliable sanitary sewer inspection operations; and

WHEREAS, the City-owned 2024 electric Ford Transit van is suitable for use as a CCTV sewer inspection vehicle and can be repurposed and modified for this purpose, maximizing the City's prior investment while avoiding the higher cost of purchasing another vehicle; and

WHEREAS, on June 17, 2025, Sourcewell issued Request for Proposal No. 080525 for Underground Infrastructure Inspection and Rehabilitation Equipment with Related Services and subsequently awarded Master Agreement No. 080525-RVL to RapidView LLC for a four-year term ending March 4, 2030; and

WHEREAS, the competitive solicitation and resulting Sourcewell Master Agreement No. 080525-RVL provide the procurement basis for the City's purchase from Municipal Maintenance Equipment, Inc., RapidView LLC's authorized local dealer; and

WHEREAS, Municipal Maintenance Equipment, Inc.'s proposed pricing under Sourcewell Master Agreement No. 080525-RVL lists a purchase price of $425,179.71 for the purchase and installation of a RapidView IBAK high-definition CCTV pipeline inspection system in the City-owned 2024 electric Ford Transit van, including vehicle modifications, transportation, delivery, training, and POSM Software LLC license-transfer support; and

WHEREAS, funds are available in the FY 2027 Adopted Public Works Department Equipment Replacement Fund (Fund 671) budget for a total authorization not to exceed $515,636.69, including estimated sales tax.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a purchase order with Municipal Maintenance Equipment, Inc. for the purchase and installation of a RapidView IBAK high-definition CCTV pipeline inspection system in the City-owned 2024 electric Ford Transit van in an amount not to exceed $515,636.69.

Commission on Disability

20a

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Commission on Disability

Submitted by: Kathi Pugh, Chairperson

Subject: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)

RECOMMENDATION

The Berkeley City Council shall refer to the City Attorney the requirement to include, in all City of Berkeley contracts that impact the public right-of-way, a clause that obligates City contractors to comply with the Public Right-of-Way Accessibility Guidelines (PROWAG).

POLICY COMMITTEE RECOMMENDATION

On September 16, 2026, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Lunaparra/Humbert) send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability. Vote: All Ayes

FISCAL IMPACTS OF RECOMMENDATION

Examples of PROWAG contract clauses are readily available to the Office of the City Attorney. Adoption of this recommendation should not require significant time or expense.

The City currently has a staff position assigned to investigate, monitor and enforce PROWAG. The job description of the City's ADA Program Coordinator states that "under general supervision" the position is tasked with "implementation of the City's ADA program which includes…receiving and investigating grievance, reviewing projects plans for accessibility, [and] training city staff."

CURRENT SITUATION AND ITS EFFECTS

Both the ADA Program Coordinator and 311 receive complaints when disabled pedestrians and wheelchair users confront hazardous conditions in the public right-of-way. City staff time, significantly by the ADA Program Coordinator, is already used to, in many cases, successfully secure compliance with PROWAG. In some cases, City contractors refuse to comply with accessibility guidelines—because the requirement to comply is not stipulated in their contract. This is often on large, months-long City projects that significantly alter and disrupt the public right-of-way.

Failure to comply with PROWAG creates serious safety hazards for people with disabilities. At times, wheelchair users are forced into busy streets when PROWAG is not followed. In 2024-2025, this occurred repeatedly at projects on Bancroft/Fulton, University and Shattuck Avenues.

In addition, Audible Information Devices that warn blind and low vision individuals about blocked and alternate routes are rarely used by City contractors or private construction companies. When employed, these warning devices are frequently useless. They are, with regularity, incorrectly placed, not operating and inaudible. The routine failure to address accessibility for blind and low vision pedestrians creates manifestly unsafe conditions.

The City of Berkeley Public Works Department must develop proactive and effective educational, monitoring and enforcement systems to ensure that disruptions in the public right-of-way, whether performed by the City, its contractors, or during private construction projects, conform to PROWAG standards. When the City is informed of potential violations, timely investigation and remediation must bring violations into PROWAG compliance.

With the passage of Measure FF and the significant street redesign projects that will result, complying with PROWAG technical standards—in both design and construction—is imperative. Over many years, significant resources will be devoted to improving the condition and safety of Berkeley streets and sidewalks. Attention to PROWAG must be the rule—and included in City contracts. When envisioning Berkeley's future, Safe Streets must include the safety of people with disabilities.

BACKGROUND

PROWAG defines aspects of the ADA not specified at the time of the groundbreaking law's passage in 1990. The ADA never specifically addressed accessibility in areas deemed the "public right-of-way." To support implementation of the ADA, the U.S. Access Board, a federal agency charged with promoting "equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards" created PROWAG. These accessibility guidelines were developed over the past two decades.

PROWAG was entered into the Federal Register in 2023 and adopted by the U.S. Department of Transportation in 2024. The City of Berkeley's 2020 Pedestrian Plan, Appendix B: Engineering and Design Guidance references PROWAG numerous times. CalTrans uses its technical standards. It is considered best practice. Yet, it does not hold the force of federally mandated law. Because of this, the City's ADA Program Coordinator has indicated that some City contractors are unwilling to follow PROWAG. This obstacle to securing the rights and safety of people with disabilities can be overcome by including a PROWAG clause in City contracts.

PROWAG will define the access standards expected by the City of Berkeley in the public right-of-way. It will make clear the City's commitment to accessibility guidelines, empower the ADA Program Coordinator to enforce those guidelines and give the City legal recourse should contractors fail to comply with the contract.

Yet a contract clause, without monitoring and enforcement of its obligations, is meaningless. For implementation, this recommendation requires a Public Works Department committed to the principles and technical standards outlined in PROWAG. We expect—and the City should secure—this level of accessibility and safety for the disability community.

The Commission on Disability took the following action at its April 9, 2025 meeting:

Action: Motion(Fischer/Pugh):To approve the recommendation to City Council regarding the enforcement of PROWAG, with the ability to make small edits regarding Caltrans and the City's use of PROWAG.
Votes: Ayes: Walsh, Fischer, Pugh, Sun, Lewkowicz, Mann, and Holloway;.Nays: None Abstain: None; Unexcused Absence: None; Leave of Absence: Paz

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
None.

RATIONALE FOR RECOMMENDATION
The PROWAG Contract Clause recommendation is a Strategic Plan Priority Project, advancing the City's goals in multiple areas:

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities;
- create a resilient, safe, connected, and prepared city;
- champion and demonstrate social and racial equity.

ALTERNATIVE ACTIONS CONSIDERED
No alternative actions have been considered.

CITY MANAGER
The City Manager recommends referring this item to the FITES Committee to better understand the potential costs and time impacts of undertaking the recommendation to streetscape projects.

CONTACT PERSON
Thomas Gregory, ADA Program Coordinator, Public Works, 510-981-6418

20b

Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Companion Report: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)

RECOMMENDATION

Receive this report on Public Works' progress responding to the Commission on Disability's PROWAG referral and concur with the FITES Committee's recommendation to refer development of PROWAG compliance provisions for work in the public right-of-way (construction-zone access guidelines and City contract language, with City Attorney review) to the City Manager, with input from the Commission on Disability (CoD).

POLICY COMMITTEE RECOMMENDATION

On September 16, 2026, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Lunaparra/Humbert) send the item to Council with a Qualified Positive Recommendation to refer the development of the PROWAG guidelines to the City Manager with the input of the Commission on Disability. Vote: All Ayes

FISCAL IMPACTS OF RECOMMENDATION

An assessment of comparable jurisdictions conducted in early 2026 found no other jurisdiction currently committed to full compliance with PROWAG within construction zones. This was primarily due to PROWAG not yet being fully adopted by the Federal government and concerns about the level of effort and costs associated with full compliance. This makes exact cost estimates challenging. However, adding compliance with PROWAG as a contractual requirement may result in contractors requiring additional compensation, additional inspection staff to assure compliance, and some one-time costs across departments to adjust current practices and educate staff.

Staff time for administering the recommendation has not been calculated within the following potentially impacted departments: City Attorney, Public Works; Parks Recreation and Waterfront; Planning and Development; and Health Housing and Community Services. City staff across multiple departments working in project delivery, permitting and inspections are not currently trained in PROWAG requirements. Training expenses have not been determined. Public Works ability to enforce PROWAG compliance will also be limited by having only one Right-of-Way inspector. Additional

inspectors would increase City's personnel costs and enable the City to proactively enforce these regulations. .With only one traffic inspector, the City enforcement will be complaint driven and subject to staff availability. Public Works will assess inspection staffing needs as part of implementation through a review of the volume of complaints and observed compliance issues, including whether any portion of additional staff costs could be covered through relevant inspection fees and/or fines.

Public Works staff have evaluated the contractual, bidding, and specification language needed to be modified to require PROWAG compliance. Many documents and procedures across multiple groups and departments will need to be updated. The City Attorney's Office will be consulted on all draft contract provisions.

CURRENT SITUATION AND ITS EFFECTS

Public Works staff have met on multiple occasions with Commission on Disability subcommittee members to gather input around complying with PROWAG in construction zones. The final design of projects within Berkeley are generally compliant with PROWAG and have been for several years, which the CoD members affirmed. This achievement represents process improvements in both the Public Works Department and Planning and Development Department to ensure that approved plans for improvements in the public right-of-way prioritize accessibility.

CoD's concerns are primarily focused on maintaining PROWAG compliant access adjacent to construction sites in the City. These include a large number of sidewalk closures for new development projects, as well as improper or inadequate signs and guidance to provide accessible paths of travel through construction zones. Moreover, Public Works staff have heard from multiple members of the public, including the Transportation and Infrastructure Commission, expressing concern with both pedestrian and bicycle detours through construction zones.

State and federal regulations to which cities must adhere do not require compliance with PROWAG as it is not currently federal law. To require contractor compliance with PROWAG in construction zones, staff would have to include requirements into our contracts, specifications, and bid documents.

BACKGROUND

Following CoD review and action in April 2025, the CoD subcommittee approached the Public Works Department to address accessibility through and adjacent to all construction sites throughout the City. Public Works had previously started a process in 2023 or earlier to develop guidelines for accommodating pedestrians, cyclists, and transit riders at construction sites, but the process never concluded.

In early 2026, the Public Works Department updated the prior draft guidelines based on best practices and to ensure feasibility, and shared them with the CoD subcommittee and an ad-hoc subcommittee of the Transportation and Infrastructure Commission (TIC). Following edits based on stakeholder feedback, Public Works is ready to adopt

Berkeley's "Pedestrian, Bicycle, and Bus Facility Accommodation in Construction Zones" guidelines in November l 2026.

Following adoption, these guidelines would apply immediately to Public Works permits issued for new development sites, and other permitted construction (e.g.; utility company actions) within the public ROW. Adopted, rather than draft, guidelines are necessary to enforce contractor compliance.

In addition, Public Works is proceeding with updating language within City contracts, bid documents, and pre-construction activities to highlight and require PROWAG compliance at job sites to ensure compliance for City-led construction projects that do not require permits. These are primarily construction contracts for capital projects managed by Public Works and Parks, Recreation and Waterfront. Staff anticipates that incorporating guidance into contract documents will take approximately 6-8 months.

CoD requested modifications to the City's 311 system to support reporting of PROWAG compliance issues and violations at construction sites. The CoD subcommittee provided specific modifications to support this reporting to 311. Public Works evaluated this request and supports this change. Public Works staff are working across departments to determine the feasibility of making the necessary system changes to 311.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Compliance with PROWAG in construction zones assures pedestrian access supporting walking as a viable mode of transportation for more trips. The Accommodation in Construction Zones guidelines also require improved protection to maintain cycling access adjacent to construction zones. Cycling and walking are zero emission travel modes which support the City's Climate and sustainability goals.

RATIONALE FOR RECOMMENDATION

The City anticipates that PROWAG is going to become federal law and is looking to take proactive steps to comply. Moreover, ensuring that construction zones prioritize pedestrian and bicycle safety and accessibility is consistent with numerous City of Berkeley policies. Given the volume of current and anticipated construction projects in Berkeley, adopting new guidelines is a high priority for the Public Works Department.

ALTERNATIVE ACTIONS CONSIDERED

City Council could give direction to delay implementation of PROWAG guidelines developed by the Public Works Department until federal adoption of PROWAG.

CONTACT PERSON

Thomas Gregory, ADA Program Coordinator, Public Works, 510-981-6418
Mark Helmbrecht, Transportation Manager, Public Works, 510-981-6403
Wahid Amiri, Deputy Director, Public Works, 510-981-6396

Office of the City Manager

ACTION CALENDAR
06/03/2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jaime Parks, Director, Public Works

Subject: Companion Report: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)

RECOMMENDATION

The City Manager recommends that the Public Right-of Way Accessibilities Guidelines item be referred to the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee for discussion of potential impacts.

FISCAL IMPACTS OF RECOMMENDATION

An assessment of comparable jurisdictions that currently adhere to PROWAG would need to be conducted to begin to understand the costs for implementation and the potential long-term impact on contracting and timelines for streetscape infrastructure.

Additionally, staff time for the administration of the recommendation has not yet been calculated within the following potentially impacted departments: City Attorney, Public Works; Parks Recreation and Waterfront; Planning and Building; Health Housing and Community Services; and Finance. City staff across multiple departments acting as project managers serve as contract monitors and are not currently trained in PROWAG requirements. Training expenses have not yet been determined.

Time to develop the contractual language needed for implementation would additionally impact the City Attorney's Office, which has not been consulted to calculate the exact staff time required or the potential need for an outside contractor to draft the provisions.

CURRENT SITUATION AND ITS EFFECTS

The City Manager recommends that Council refrain from referring this matter to the City Attorney's Office at this time. Staff would first need to assess capacity to monitor contractors' adherence to PROWAG and to determine how to take remedial steps if contractors fail to comply with PROWAG.

PROWAG is not incorporated in state or federal guidelines to which cities are required to adhere, and there are no funds tied to citywide implementation. If a contractor was unwilling or unable to comply with PROWAG, staff do not currently have clear protocols for when or how to terminate the noncompliant contract. Currently, there are no

protocols for determining if qualified alternative contactors are readily available to fill any gaps created by non-PROWAG compliant contractors. Adding compliance with PROWAG as a contractual duty may result in contractors requiring additional compensation.

Staff have yet to analyze current budgetary constraints to determine if recommended implementation costs are feasible.

BACKGROUND

The Commission on Disability took the following action at its April 9, 2025 meeting:

Action: Motion(Fischer/Pugh):To approve the recommendation to City Council regarding the enforcement of PROWAG, with the ability to make small edits regarding Caltrans and the City's use of PROWAG.
Votes: Ayes: Walsh, Fischer, Pugh, Sun, Lewkowicz, Mann, and Holloway; Nays: None
Abstain: None; Unexcused Absence: None; Leave of Absence: Paz

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

All future potential City contractors for projects related to lowering carbon emissions through upgrading the public right of way to encourage pedestrian and bicyclist use, would be required by the City to adhere to the PROWAG requirements. While many already do, including this in the contractual language, rather than in the design phase, may increase costs.

RATIONALE FOR RECOMMENDATION

Better understanding the PROWAG project and cost implications would be prudent ahead of mandating they be made.

ALTERNATIVE ACTIONS CONSIDERED

Staff could begin the process to study the cost of implementation, but the time required for that study would necessitate an outside contractor to supplement current staffing. A working group consisting of the aforementioned departments impacted by PROWAG requirements could be convened to begin to determine feasibility. There are not currently any funds dedicated in the City Budget for a study by an outside contractor or an interdepartmental working group.

CONTACT PERSON

Thomas Gregory, ADA Program Coordinator, Public Works, 510-981-6418
Wahid Amiri, Deputy Director, Public Works, 510-981-6396

21

Parks, Recreation, and Waterfront Commission

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Parks, Recreation and Waterfront Commission

Submitted by: Allan Abshez, Chairperson

Subject: Re-Name the park at the northern end of the Berkeley Waterfront as Si Se Puede Park

RECOMMENDATION
Adopt a Resolution re-naming the park at the northern end of the Berkeley Waterfront as Si Se Puede Park.

FINANCIAL IMPLICATIONS
Renaming the park at the northern end of the Berkeley Waterfront will require replacement signage with an estimated cost of approximately $16,000, which is not identified in the PRW FY2027-28 budget.

CURRENT SITUATION AND ITS EFFECTS
In the Council agenda for March 24, 2026, Councilmember Kesarwani and co-sponsors Taplin, Bartlett, and Blackaby made a referral to the Parks, Recreation and Waterfront Commission as follows: Refer to the Parks, Recreation and Waterfront Commission to officially rename Cesar Chavez Park. This referral to the Parks Commission initiates a community process which should incorporate feedback from the Commemorative Committee (which initiated the first renaming process of the park in 1994) as well as input from other community members and stakeholders. We recommend that Dolores Huerta be among the options considered for renaming (see Attachment 2).

In the Council agenda for April 14, 2026, Mayor Ishii made a referral to the Parks, Recreation, and Waterfront Commission as follows: Refer to the City Manager and the Parks Commission the request to develop and implement a plan and identify budget to rename City of Berkeley locations, events, and the city holiday currently named for Cesar Chavez and engage with the Chavez/Huerta Commemoration Period partners and Latinos Unidos de Berkeley to bring back to City Council recommendations for how the City of Berkeley, may move forward with a name changes that will continue to honor the legacy of labor organizing and solidarity for farm workers and recognize farm workers as the backbone of America (see Attachment 2).

In response to the referrals regarding the renaming of the park at the northern end of the Berkeley Waterfront, at its regular meetings of May 13, June 10, July 8, and September 10, 2026, the Parks, Recreation, and Waterfront Commission agendized this item and heard public comment on the renaming of the park at the northern end of the Berkeley Waterfront. The Commission gave deference to the work and recommendations of the Commemorative Renaming Committee as had been requested by the City Council in its referral of the matter to the Commission. Per the Council Naming Policy procedures, on July 8, 2026, the PRW Commission conducted a public hearing, and on September 10, 2026, took action to recommend that Council rename the park at the northern end of the Berkeley Waterfront as Si Se Puede Park as recommended by the Commemorative Renaming Committee. (M/S/C: Stewart/Granzella/U); Ayes: Abshez; Granzella; Nash; Philip; Rybczynski; Samelson; Stewart; Noes: none; Absent: Muszynski; Yeo.

BACKGROUND

The Parks, Recreation, and Waterfront Commission agendized this item and heard public comments at its regular meetings in May, June, July, and September of 2026. Public comments received by the Commission, including the work of the Commemorative Renaming Committee suggested several possible names (see Attachment 2).

CITY MANAGER

The City Manager takes no position on the recommendation contained in this report. The cost of the replacement signage is $16,000, which is not identified in the PRW FY2027-28 budget. Once the City has identified funds, the signage can be ordered and installed in a three month period.

ENVIRONMENTAL SUSTAINABILITY

There are no negative environmental impacts were identified as a result of this recommendation.

RATIONAL FOR RECOMMENDATION

At its regular meetings of May 13, June 10, July 8, and September 10, 2026, the Parks, Recreation, and Waterfront Commission agendized this item and heard public comment on the renaming of the park at the northern end of the Berkeley Waterfront. The PRW Commission concurs with the work of the Commemorative Renaming Committee to rename the park at the northern end of the Berkeley Waterfront as Si Se Puede Park.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Allan Abshez, Chair, Parks, Recreation, and Waterfront Commission, 310-922-7573
Roger Miller, Secretary, Parks, Recreation and Waterfront Commission, 510-981-6704

Attachments:
1: Resolution;
2: Council Referrals of March 24 and April 14, 2026, the Commemorative Renaming Committee Report of June 3, 2026, and public comments

RESOLUTION NO. – N.S.

RE-NAME THE PARK AT THE NORTHERN END OF THE BERKELEY WATERFRONT AS SI SE PUEDE PARK

WHEREAS, in the Council agenda for March 24, 2026, Councilmember Kesarwani and co-sponsors Taplin, Bartlett, and Blackaby made a referral to the Parks, Recreation and Waterfront Commission as follows: Refer to the Parks, Recreation and Waterfront Commission to officially rename Cesar Chavez Park. This referral to the Parks Commission initiates a community process which should incorporate feedback from the Commemorative Committee (which initiated the first renaming process of the park in 1994) as well as input from other community members and stakeholders. We recommend that Dolores Huerta be among the options considered for renaming; and

WHEREAS, in the Council agenda for April 14, 2026, Mayor Ishii made a referral to the Parks, Recreation, and Waterfront Commission as follows: Refer to the City Manager and the Parks Commission the request to develop and implement a plan and identify budget to rename City of Berkeley locations, events, and the city holiday currently named for Cesar Chavez and engage with the Chavez/Huerta Commemoration Period partners and Latinos Unidos de Berkeley to bring back to City Council recommendations for how the City of Berkeley, may move forward with a name changes that will continue to honor the legacy of labor organizing and solidarity for farm workers and recognize farm workers as the backbone of America; and

WHEREAS, in response to the referrals regarding the renaming of the park at the northern end of the Berkeley Waterfront, at its regular meetings of May 13, June 10, July 8, and September 10, 2026, the Parks, Recreation, and Waterfront Commission agendized this item and heard public comment on the renaming of the park at the northern end of the Berkeley Waterfront. The Commission gave deference to the work and recommendations of the Commemorative Renaming Committee as had been requested by the City Council in its referral of the matter to the Commission; and

WHEREAS, per the Council Naming Policy procedures, on July 8, 2026, the PRW Commission conducted a public hearing, and on September 10, 2026, took action to recommend that Council rename the park at the northern end of the Berkeley Waterfront as Si Se Puede Park as recommended by the Commemorative Renaming Committee. (M/S/C: Stewart/Granzella/U); Ayes: Abshez; Granzella; Nash; Philip; Rybczynski; Samelson; Stewart; Noes: none; Absent: Muszynski; Yeo.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the park at the northern end of the Berkeley Waterfront is named Si Se Puede Park.

Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR
March 24, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author), Councilmembers Terry Taplin, Ben Bartlett and Brent Blackaby (Co-Sponsors)

SUBJECT: Referral to the Parks, Recreation and Waterfront Commission to officially Rename Cesar Chavez Park.

RECOMMENDATION

Refer to the Parks, Recreation and Waterfront Commission to officially rename Cesar Chavez Park. This referral to the Parks Commission initiates a community process which should incorporate feedback from the Commemorative Committee (which initiated the first renaming process of the park in 1994) as well as input from other community members and stakeholders. We recommend that Dolores Huerta be among the options considered for renaming.

And further, direct the City Manager to remove or cover all signage bearing the name Cesar Chavez from park property as soon as practicable while leaving intact signage related to directions and park rules.

CURRENT SITUATION AND ITS EFFECTS

On March 18, 2026, *The New York Times* published an investigation finding extensive evidence that United Farm Workers (UFW) co-founder Cesar Chavez, now deceased, sexually abused young girls and women who worked within The Farmworkers Movement.[1] Two women, now in their sixties, described to the *Times* how the civil rights icon and leader abused them for years. The investigation, based on interviews with more than 60 people–including top aides, relatives, and members of the UFW–found extensive evidence to support their accusations and those raised by several other women, including Dolores Huerta, working within The Movement.

That same day, Dolores Huerta issued a statement publicly acknowledging the abuse she had kept secret for the last six decades in the interest of protecting The Farmworkers Movement.[2] Huerta identified herself as a survivor "of violence, of sexual abuse, of domineering men who saw me, and other women, as property, or things to control…." Huerta also commented that she carried this secret for years "because building the movement and securing farmworker rights was my life's work…I channeled

[1] New York Times, March 18, 2026: "Cesar Chavez, a Civil Rights Icon, Is Accused of Abusing Girls for Years" https://www.nytimes.com/2026/03/18/us/cesar-chavez-sexual-abuse-allegations-ufw.html
[2] Medium, March 18, 2026: "A Statement from Dolores Huerta" https://medium.com/@dolores_huerta/march-18-2026-e74c20430555

everything I had into advocating on behalf of millions of farmworkers and others who were suffering and deserved equal rights."[3]

That inner strength and dedication to human rights sustained Dolores Huerta throughout her entire career. In addition to co-leading the UFW, she worked with the Feminist Majority Foundation to help Latina women become more active within politics, founded the Dolores Huerta Foundation[4] that advocates for social justice issues and marginalized communities through grassroots organizing and civic engagement, and has been active in politics by supporting causes such as immigration reform and LGBTQ rights.

Born on April 10, 1930 in New Mexico, Dolores Huerta grew up mostly in California, moving to the state during her early elementary school years after her mother divorced her father. Throughout her life, she has remained active in California-based human rights issues, starting with her deep involvement supporting farmworkers throughout the state, continuing on with the Bakersfield-based Dolores Huerta Foundation, as well as her campaigning for statewide propositions and supporting local politicians. In addition to her many awards honoring her human rights work, the California State Senate awarded Ms. Huerta "Outstanding Labor Leader" in 1984. In 2018, then-Governor Jerry Brown signed into law Assembly Bill 2644, first introduced by Assemblywoman Eloise Gomez Reyes, designating April 10th Dolores Huerta Day.[5]

BACKGROUND

Cesar Chavez Park was officially renamed after the labor leader on July 26, 1994 when the Berkeley City Council passed resolution No. 57,627 N.S. (attached). Before that it had been called North Waterfront Park. The name change was in recognition of the labor leader's influence on the Berkeley community and the rest of the world, and to commemorate his life's work for future generations. When news of the sexual abuse accusations against him surfaced on March 18th, many residents reached out to City Council inquiring about changing the name of this park, reflecting community members' current pain and anger that a leader of such significance would use his status to dominate, silence, and abuse women who worked beside him.

Since the news broke, cities, school districts, and leaders throughout the state and country have been grappling with the information and the many public facilities and events that have honored Cesar Chavez. As a once-revered labor hero, many parks, pathways, streets, murals, schools, and community buildings bear his name as a way to honor his work and advocacy on behalf of workers. Currently, many city, school board and state leaders are considering changing the names of the facilities that honor him, as *Berkeleyside* and *The San Francisco Chronicle* have covered.[6] State legislators have

[3] Medium, March 18, 2026: "A Statement from Dolores Huerta" https://medium.com/@dolores_huerta/march-18-2026-e74c20430555

[4] Dolores Huerta Foundation: https://doloreshuerta.org/

[5] Dolores Huerta Wikipedia page: https://en.wikipedia.org/wiki/Dolores_Huerta

[6] Berkeleyside, March 18 article by Natalie Orenstein, Alec N. Gecan, Vanessa Arredondo, Felicia Mello and Zac Farber: "Berkeley lionized Cesar Chavez. Now it's reevaluating" https://www.berkeleyside.org/2026/03/18/cesar-chavez-berkeley-reevaluates and San Francisco Chronicle March 19 article by Roland Li: Cesar Chavez's name is all over the Bay Area. Will streets, schools and parks get renamed?" https://www.sfchronicle.com/bayarea/article/cesar-chavez-name-streets-parks-rename-22083714.php

agreed to legislation to rename the upcoming holiday on March 31, 2026 Farmworker Day.

RATIONALE FOR RECOMMENDATION
Like others, community leaders in Berkeley are struggling to integrate the painful news of the accusations against Cesar Chavez while many are also wanting to elevate and honor Dolores Huerta who shines as a pillar of strength even more so now that we know she hid her own pain in an effort to focus on support for laborers. Dolores Huerta has accomplishments as a labor organizer equal to Cesar Chavez, as well as a significant background advocating for human rights issues. Considering renaming the park for her would be a fitting tribute to her life and accomplishments and her survivorship..

ENVIRONMENTAL SUSTAINABILITY
There is no significant environmental impact of this referral. Renaming the park could be a way of promoting a sense of healing within the community and thus be a way of advancing a more positive social environment.

FISCAL IMPACT
This referral has no fiscal impact save staff time for the Parks, Recreation and Waterfront Commission secretary. It is expected that this commission would also investigate costs for replacement signage to accommodate the renaming.

CONTACT PERSON
Rashi Kesarwani, Councilmember District 1 (510) 981-7110

Attachments:
1) Resolution NO. 57,627-N.S. RE-NAMING NORTH WATERFRONT PARK THE “CESAR E. CHAVEZ PARK”

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7110 ● TDD: (510) 981-6903 ● Fax: (510) 981-7111
E-Mail: rkesarwani@cityofberkeley.info

CITYWIDE COMMEMORATION COMMITTEE AGENDA
Zoom meeting tentatively planned for Monday, April 13, 5 pm

REBOOT CITYWIDE COMMEMORATIVE COMMITTEE & MAKE RECOMMENDATIONS TO BUSD AND COB

Mayor Ishii's representative (Andrea Bernal) ?
BUSD Supt. Representative
School Board Rep - Ana Vasudeo
State Senator Arreguin's rep - Ariana Casanova
Council representative (Cecilia Lunaparra, or D1/D2)
Latinos Unidos rep (Lupe Gallego-Diaz, Chair)
BFT representative (Matt Meyer)
Ecology Center rep. (Martin Bourque)
UCB rep (Rubén Lizardo, Dir. Govt. & Com. Relations)
Sheila Jordan, Alam Cty Brd of Ed, Emeritus)
Martin Nicolaus, CEO of the C…… Park Conservancy
Todd Kerr, Editor, Berkeley TImes
Beatriz Leyva Cutler, BUSD Director, Emeritus
Seasonal Gathering Coordinator (Vivian White)
Santiago Casal, Founder/Director, Tribute Site
Coordinator of Site Stewards (Carlos Hill)
BCC rep (Lissette Flores)
Multicultural Institute (Mirna Cervantes)
Adult School (?)

DISCUSS AND RECOMMEND CHANGES TO PARK

- The name of the park.
- Statement on how to strongly frame any references to Chavez.
- Update and replace, the three main signs at the Park (Partially removed)
  And within those signs the 12" by 25" updated section on the Tribute Site (DONE)
- Remove the wood pieces above the three main signs that say "Cesar E. Chavez Park) (DONE)
- Chavez Park road signage routing people driving toward the Park.

BUSD CHANGES

- Remove/Replace Chavez related curriculum for Commemorative Period
- **NOTE:** Begin to work on how to introduce all this to Berkeley Students, particularly around boys and demeaning and exploitive attitudes/behavior toward young women and girls, and sexual violence in general.

See attached article from EdSource - https://edsource.org/2026/cesar-chavez-schools-remove-names/754713

CHANGES TO CITYWIDE COMMEMORATIVE COMMITTEE

In addition to weighing in on the above:

- Change the name of the Citywide *Commemorative Period*
- Rethink *Commemorative Period dates:* Currently March 20th (Planting Season), thru Chavez Day, March 31 and on to April 10 Dolores' birthday.
- The name of the Chavez Park Conservancy, which is already underway
- The name of the Cesar Chavez Off Leash Area at the Park, which is also underway

REVIEW CHANGES TO TRIBUTE SITE

- Seek City funding for the following:
- Change name of Tribute Site
- Redesign and reproduce all the signage (8 signs) and half of the audio and video pieces linked to QR Codes (i.e., 6 audio and video pieces)
- Redesign/produce the content of the website: www.solarcalendar.org
- Redesign the content and name of Commemorative Period website: chavezhuerta.org
- Change Email address – chavezhuertatributesite@gmail.com to tributesite@gmail.com??

Other changes??

ADENA ISHII
MAYOR OF BERKELEY

CONSENT CALENDAR
April 14, 2026

To: Honorable Members of the City Council

From: Mayor Adena Ishii (Author), and Council Members Lunaparra, Humbert and O'Keefe (Co-Sponsors)

Subject: Referral to the City Manager and the Parks Commission the request to develop and implement a plan and identify budget to rename City of Berkeley locations, events, and the city holiday currently named for Cesar Chavez, and engage with the Chavez/Huerta Commemoration Period partners and Latinos Unidos de Berkeley to bring back to City Council recommendations for how the City of Berkeley may move forward with a name changes that will continue to honor the legacy of labor organizing and solidarity for farm workers and recognize farm workers as the backbone of America.

RECOMMENDATION

Refer to the City Manager and the Parks Commission the request to develop and implement a plan and identify budget to rename City of Berkeley locations, events, and the city holiday currently named for Cesar Chavez and engage with the Chavez/Huerta Commemoration Period partners and Latinos Unidos de Berkeley to bring back to City Council recommendations for how the City of Berkeley, may move forward with a name changes that will continue to honor the legacy of labor organizing and solidarity for farm workers and recognize farm workers as the backbone of America.

BACKGROUND

Cesar Chavez, the late United Farm Workers (UFW) co-founder and labor leader has long been an icon and hero to communities across the country. Berkeley has a long history of honoring the legacy of Cesar Chavez dating back to 1996 by naming the City's waterfront park after him and with an official city holiday that aligns with the State of California holiday. Over the years, the City has worked collaboratively with the Latinx community, local educational institutions, and community based organizations to organize commemorative activities that honor Cesar Chavez, Dolores Huerta, and farm workers.

The following is an initial list of locations and events:

- Cesar Chavez Park (1996)
- Cesar Chavez Day -March 30/31 (2000 - aligned with the State Holiday)
- Chavez/Huerta Tribute Site and Solar Calendar (2011)
- Cesar Chavez-Dolores Huerta Commemorative Period (2021)
- Cesar Chavez Park Perimeter Trail Project (2024 -aka Olivia Stegman Trail)

On March 18, 2026, the New York Times published an in-depth investigation documenting extensive evidence that Mr. Chavez groomed and sexually abused young girls who worked in the farmworker movement[1]. In the same story it was revealed that Mr. Chavez raped UFW co-founder Dolores Huerta. After 60 years of silence, Ms. Huerta, a renowned labor leader and civil rights activist issued a statement with her personal story recounting how Chavez had raped her and how she stayed silent because she "believed that exposing the truth would hurt the farmworker movement I have spent my entire life fighting for."[2]

The members of the Berkeley City Council condemns sexual violence and stands with the survivors who bravely told their story. In light of the in-depth reporting of credible accusations against Mr. Chavez the City must work on a path forward to remove Cesar Chavez's name from city locations, events, and holidays.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
No Impact

FISCAL IMPACTS OF RECOMMENDATION
Staff time to develop a plan and cost allocation to change the name.

ALTERNATIVE ACTIONS CONSIDERED
No name change

CONTACT PERSON
Mayor Adena Ishii
(510) 981-7100

[1] https://www.nytimes.com/2026/03/18/us/cesar-chavez-sexual-abuse-allegations-ufw.html

[2] https://medium.com/@dolores_huerta/march-18-2026-e74c20430555?

Miller, Roger

From: Nancy Carleton <nancy94705@gmail.com>
Sent: Tuesday, March 31, 2026 12:32 PM
To: All Council; Manager, C
Cc: Miller, Roger
Subject: Renaming Cesar Chavez Park and the Legacy of the Farmworker Movement

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.

Honorable Mayor and City Councilmembers (with cc to members of the Parks, Recreation and Waterfront Commission):

Some thoughts on renaming Cesar Chavez Park, from someone who volunteered extensively for the UFW in the 1970s and was a full-time volunteer 1975-1976: Like many I was shocked to learn of the sexual assault allegations against Cesar Chavez as reported recently in the New York Times. I was already disillusioned about the UFW by 1977. I later submitted a lengthy essay to the Farmworker Movement Documentation Project, whose archives are stored at UC San Diego. In it I did my best to describe my experiences both positive and negative of that time as a low-level volunteer for "la causa." But while I'd seen firsthand that in addition to being a brilliant and charismatic organizer, Cesar was a petty tyrant whose paranoia was becoming more and more damaging to the farmworker cause by the late 1970s, I never would have predicted sexual abuse, of which he now stands credibly accused. I guess I still bought his carefully crafted persona as a servant leader who led a life of almost monklike simplicity.

But here's what I'll say to my well-meaning friends who'd simply like to swap out Cesar Chavez's name with Dolores Huerta's name on streets, parks, and holidays: While Chavez's flaws now include sexual transgressions, all of the leadership of the UFW, including Huerta, share responsibility for the hierarchical UFW culture that prohibited debate, mandated silence, and punished even the mildest questioning, dissent, or truth-telling (witness the staff purges of the late 1970s well documented in books as well as articles in the LA Times). I have great admiration for Dolores Huerta and the many good causes she has supported over the decades. And I understand that as a woman of my mother's generation -- their birthdays are one day apart -- there is deeply ingrained conditioning at play. But withholding the truth about her experience for decades strikes me as not so far removed from the many ways the UFW leadership, including Huerta, tried to control what could and could not be said through a code of silence as well as an undemocratic and authoritarian structure.

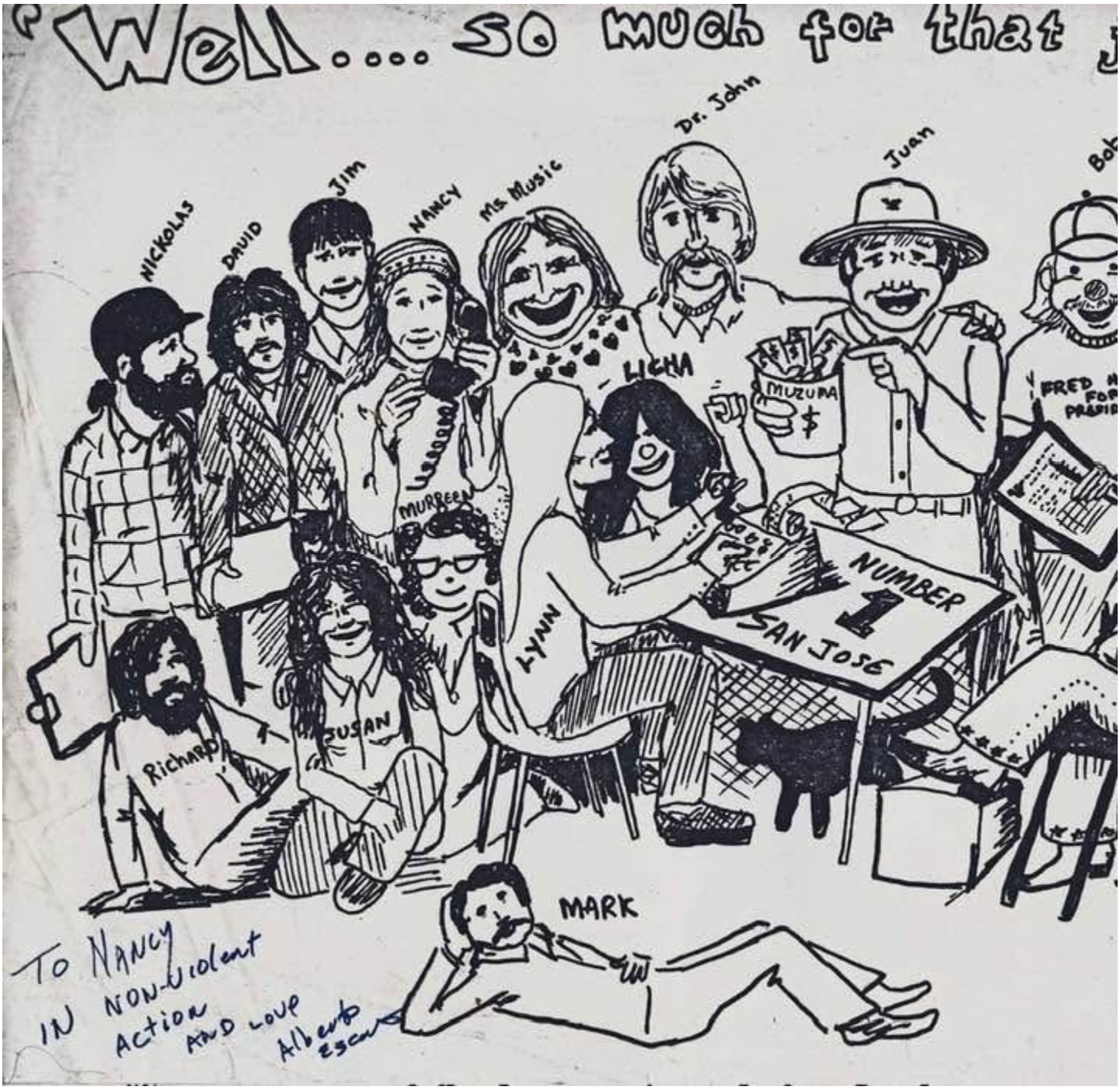
It's the farmworkers themselves, along with their supporters across the country, who made the movement. Could it be time to release the idea that we have honor individual heroes rather than the movements they represent? Can we at long last learn from the flaws not just of one man but of entire structures? I continue to bow before the many, many individuals I met while working for the UFW, some depicted in the drawing below. They will always represent to me the best of humanity, whatever the flaws of the leadership they followed. Together they won important improvements for farmworkers, but much more remains to be done. I'm grateful to the State of California legislature and governor for renaming this year's March 31st holiday Farmworkers Day.

I trust you will allow a full community process to unfold as you consider alternate names for our precious park by the bay. I hope you will refrain from honoring a specific individual as you rename the park.

Farmworkers -- who harvest the food we all eat -- and the movement they built deserve consideration in that process.

SIncerely yours,
Nancy Carleton
Former Vice Chair, Parks and Recreation Commission (before the Waterfront was added!)
Former UFW staff, 1975-1976

3044-B Halcyon Ct.
Berkeley CA 94705
510-644-0172



(Art by Alberto Escalante, 1976, depicting the incredible San Jose Boycott staff, who helped get Prop. 14 on the ballot in record time in the spring of that year. I'm the organizer fourth from left, top row, with the ubiquitous phone in my hand.)

Miller, Roger

From: Ryan <ryncsy@gmail.com>
Sent: Saturday, April 18, 2026 4:18 PM
To: Miller, Roger
Cc: All Council; Save CC
Subject: Cesar Chavez Park - Renaming & PRW Item

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

I'm emailing you today about the upcoming name change to Cesar Chavez Park. Is this item going to be at the next PRW meeting?

I would like to suggest that the City not rename the park after another person. Rather it should be a generic name, like "Bay Park" or " North Waterfront Park".

Thanks,

Ryan Casey
1300 Parker Street
951-265-6314

Miller, Roger

From: Everett Wetchler <everett.wetchler@gmail.com>
Sent: Saturday, April 18, 2026 4:37 PM
To: Miller, Roger
Cc: All Council
Subject: New name for CCP. Please include in the PRW agenda item.

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 Mr. Miller,

I have been informed that the Park, Recreation, and Waterfront (PRW) commissioners are seeking public comments and suggestions about a new name for what was formally called Cesar Chavez Park.

Please inform the PRW that I would like the Park's new name to be: "Isle of Dogs"

Thank you for your attention to this matter,

Everett Wetchler

Miller, Roger

From: Jen Chou <jelo510@gmail.com>
Sent: Monday, April 20, 2026 12:23 PM
To: Miller, Roger
Cc: All Council
Subject: Suggestions for renaming 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.

Thank you for considering what to rename the Cesar Chavez park.
I go to the park several times a week, and have winced every time referring to it by that name since the NY Times article came out.

-As Chavez was an activist for farmworkers, how about Farmworkers Park?

Other notable activists for farmworkers:

-Dolores Huerta https://en.wikipedia.org/wiki/Dolores_Huerta

-Larry Itliong ... https://en.wikipedia.org/wiki/Larry_Itliong

To change topics, how about the Burrowing Owl Park? (To bring public awareness)

Thanks for your kind attention,
Jennifer Chou
Berkeley resident since 2003

Jennifer S. Chou
The arc of the moral universe is long, but it bends towards justice.

Miller, Roger

From: Sherry Shannon <sherry.sfbike@gmail.com>
Sent: Monday, April 20, 2026 11:00 AM
To: Miller, Roger
Cc: All Council; Save CC
Subject: New name for CCP

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 Mr. Miller,

I have been informed that the Park, Recreation, and Waterfront (PRW) commissioners are seeking public comments and suggestions about a new name for what was formally called Cesar Chavez Park**.**

Please inform the PRW that I would like the Park's new name to be: "Dolores Huerta Park"

Thank you for your attention to this matter!

Sherry Shannon

"Women belong in all places where decisions are being made... It shouldn't be that women are the exception." —Ruth Bader Ginsburg

Miller, Roger

From: Ken Blum <ecuadorblum@hotmail.com>
Sent: Tuesday, April 21, 2026 1:57 PM
To: Miller, Roger
Cc: All Council
Subject: Re:North Waterfront Park Name

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 Mayor Miller,

Please create a committee of citizens to figure out new name for this park.
Keep the North Waterfront name until a more descriptive and wonderful name is chosen.

I have used this park hundreds of times because my Cal graduate son lives in the area.

Best,
Ken Blum
Santa Monica, CA

Miller, Roger

From: Daniel Borgstrom <danielfortyone@gmail.com>
Sent: Tuesday, April 21, 2026 8:43 PM
To: Miller, Roger; All Council
Cc: Martin Nicolaus; savecc6@gmail.com
Subject: Suggested name for the Waterfront 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 Roger Miller and Berkeley City Council,

Since so many interesting birds live in the Berkeley Waterfront Park, I suggest we name it

"Jardin de los pajaros"

Sincerely,
Daniel Borgstrom


Virus-free.www.avast.com

Miller, Roger

From: Virginia Browning <vexxie@yahoo.com>
Sent: Tuesday, April 21, 2026 2:16 PM
To: Miller, Roger
Cc: All Council
Subject: Name for 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.

I suggest El Jardin. (The garden) It's Spanish which continues connection with the farmworker theme to some degree. Has a nice sound. It seems appropriate as the place has been recycled into a lovely garden from the waste site that it was before. Thank you, I'm in District 1.

My partner suggests El Jardin de Pajaros (of birds) .
Virginia Browning
Yahoo Mail: Search, Organize, Conquer

Miller, Roger

From: Gerald Derblich <yidlgetzl@gmail.com>
Sent: Tuesday, April 21, 2026 4:09 PM
To: Save CC
Cc: All Council; Miller, Roger
Subject: Re: Time to rename CCP! This is an opportunity to voice your opinion to the PRW and City Counsel regarding a new name for our beloved 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.

On Apr 21, 2026, at 1:30 PM, Save CC <savecc6@gmail.com> wrote:

Time to rename CCP! This is an opportunity to voice your opinion to the PRW and City Counsel regarding a new name for our beloved park.

Dear Friends of North Waterfront Park and the Off-Leash-Area (OLA)!

(As I mentioned earlier, I will use the original name of the park, “North Waterfront Park,” until a new name has been decided.)

Allison & Bodhi recently sent this message to me:

> I attended a PRW (Park, Recreation, and Waterfront) meeting this evening and it sounds like **Cesar Chavez Park is going to be renamed**. The PRW was supposed to have a public hearing on it tonight but there were only 4 people attending and they decided they will take more public comment before deciding. **I wanted to let you know that they will bring this up again at the next meeting on the May 13th agenda**. Seems there's a shared agreement of the commission that the park will not be renamed after another person. A suggestion provided by a community member was the original name: "North Waterfront Park."
>
> Just an FYI for you, this could be the optimal time for a poll from your followers and bring the results to the next PRW meeting on May 13th.

There you have it. If you are receiving this message, I know that you use or have used the Park. It doesn't matter where you live. If you are a Berkeley resident or not, now is the time to send the PRW, the City Counsel, and the mayor the new name you would like for our park.

This is your park so thanks for helping to keep it clean and safe, Jeff

…….

Please send your suggestions and/or comments to:

Roger Miller at: rmiller@berkeleyca.gov
Copy: council@berkeleyca.gov
This email goes directly to the mayor, each individual Councilmember, and the City Clerk for inclusion in the public record.
Copy me at: savecc6@gmail.com

Subject line: New name for CCP. Please include in the PRW agenda item.

Dear Mr. Miller,
I have been informed that the Park, Recreation, and Waterfront commissioners are seeking public comments and suggestions about a new name for what was formally called Cesar Chavez Park**.**

Please inform the PRW that I would like the Park's new name to be: "Bayview Park……"

Thank you for your attention to this matter,
Gerald Derblich
2410 Jefferson Avenue 94703

Miller, Roger

From: judyandrich <judyandrich@gmail.com>
Sent: Tuesday, April 21, 2026 8:59 PM
To: Miller, Roger
Subject: Park rename

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 rename Cesar Chavez park to become Delores Huerta Park.

Miller, Roger

From: Sally Nelson <sallynels7@gmail.com>
Sent: Tuesday, April 21, 2026 8:03 PM
To: Miller, Roger; Miller@berkeleyca.gov; All Council; All Council
Cc: savecc6@gmail.com
Subject: New name for CCP. Please include in the PRW agenda item.

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 Mr. Miller,
I have been informed that the Park, Recreation, and Waterfront commissioners are seeking public comments and suggestions about a new name for what was formally called Cesar Chavez Park**.**

Please inform the PRW that I would like the Park's new name to be: "Burrowing Owl Park"

Thank you for your attention to this matter,

Sally Nelson
D-4
2200 McGee Avenue
Berkeley, CA 94703

Miller, Roger

From: Virginia Browning <vexxie@yahoo.com>
Sent: Friday, April 24, 2026 7:18 AM
To: Miller, Roger; All Council
Cc: Martin Nicolaus
Subject: De Colores (UFW anthem title) for Chavez Park name

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.

For some reason it has been decreed that labor and farmworkers be honored with the renaming of Chavez Park. While always worthy of honor, many never understood what farmworkers or UFW (United Farmworkers Union) had to do with Chavez Park. HOWEVER,

I hit on the anthem used by the UFW, "De Colores." It is appropriate in honoring the United Farmworker theme, and also in honoring the multifarious colors in evidence daily at the park, new each day.

Here's a thumbnail history of the song, not written by Chavez but going back to the 16th century, though adopted as a well-known anthem sung by Dolores Huerta's UFW movement.
Below that are 2 renditions and the lyrics. While we don't have chickens (as briefly mentioned in the song) we sometimes have turkeys and many singing birds, as in the song. And anyway the literalness of this traditional song in praise of all was never the point.

Virginia Browning
see below:
from AI summary: "De Colores" is a traditional Spanish folk song with unknown, ancient origins, likely brought from Spain to the Americas in the 16th century. It is considered a Mexican folk song celebrating creation, and it later became the anthem of the United Farm Workers union

https://www.youtube.com/watch?v=ZwAi4dQHqys

https://www.youtube.com/watch?v=9aRZLbZFeLU

De Colores
De Colores se visten los campos en la primavera
De Colores
De Colores son los pajarillos que vienen de afuera
De Colores
De Colores es el arco iris que vemos lucir

Y por eso los grandes amores
De muchos colores
Me gustan a mi

Y por eso los grandes amores

De muchos colores
Me gustan a mi

Canta el gallo
Canta el gallo con el quiri quiri quiri quiri quiri
La gallina
La gallina con el cara cara cara cara cara
Los polluelos
Los polluelos con el pio pio pio pio pi

Y por eso los grandes amores
De muchos colores
Me gustan a mi

Y por eso los grandes amores
De muchos colores
Me gustan a mi


Virus-free.www.avast.com

Miller, Roger

From: Save CC <savecc6@gmail.com>
Sent: Sunday, May 3, 2026 1:15 PM
To: Save CC; Miller, Roger; Allan Abshez & Jasper
Subject: New name for CCP. Please include in the PRW agenda item.

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 Mr. Miller and Mr. Abshez,

On April 8 I received the message below from one of 4 attendees at the PRW meeting:

> I attended a PRW (Park, Recreation, and Waterfront) meeting this evening and it sounds like Cesar Chavez Park is going to be renamed. The PRW was supposed to have a public hearing on it tonight but there were only 4 people attending and they decided they will take more public comment before deciding. I wanted to let you know that they will bring this up again at the next meeting on the May 13th agenda. Seems there's a shared agreement of the commission that the park will not be renamed after another person. A suggestion provided by a community member was the original name: "North Waterfront Park."
>
> Just an FYI for you, this could be the optimal time for a poll from your followers and bring the results to the next PRW meeting on May 13th.

I confirmed this message was correct with another attendee. Since I was under the assumption that the PRW was interested in taking more public comment before deciding on a name for what was CCP, I sent a request to our group asking for suggestions to be emailed to you and the City Counsel. This is the reason you have been receiving emails about suggested names.

Then, on April 21 I received an email from Mr. Casal asking if I wanted to join the “Citywide Commemorative Committee” to come up with a name for the park. The “Committee” is composed of 21 people representing various groups. I declined the invitation since I do not have time to join the committee but more importantly, I really thought the naming process would be open to the general public.

Now that I have been informed this is not the case, I would still like to list the suggestions from our group. I will include mine as well since I don’t see anything prohibiting our suggestions:

Gerald Derblich suggested “Bayview Park”
Berkeley

Virginia Browning and her partner suggested: “El Jardin” and “El Jardin de Pajaros"
Berkeley

Ryan Casey suggested: "Bay Park" or "North Waterfront Park"
Berkeley

Everett Wetchler suggested "Isle of Dogs”
Berkeley

Michael & Hannah Bennett suggested “Blackbird Park” (for the Red Winged Blackbirds)
Berkeley

David King suggested “George Washington Park”

Sherry Shannon suggested “Dolores Huerta Park”

Sally Nelson suggested “Burrowing Owl Park”
Berkeley

Gianna Michael suggested “Berkeley Paradise Peninsula”
Berkeley

Judy Andrich suggested “Delores Huerta Park”

Daniel Borgstrom suggested "Jardin de los Pajaros"

Kristine Larsen suggested “Blue Heron Park” or “Brown Pelican Park”

Kathleen Mclaughlin suggested “Berkeley Waterfront Park” or “Berkeley Marina Park”

Regarding my suggestions, I learned from Mr. Casal’s email that a set of Criteria has also been established. In keeping with the Criteria, I suggest any of the following:

Parque de los Obreros
Parque de los Olvidados
Parque del Bracero
Parque de los Braceros
or:
Jardín de los Obreros
Jardín de los Olvidados
Jardín del Bracero
Jardín de los Braceros

All of my suggestions should be self-explanatory with two exceptions: Parque de los Olvidados and Jardín de los Olvidados. All of these suggestions however are keeping with the Criteria.

For 38 years I have worked to help severely injured limited English and mono-lingual Spanish speakers navigate the worker comp system to obtain their rightful vocational benefits. Of the more than 10,000 (!) injured workers I have helped during these nearly 4 decades, the vast majority have been agricultural field workers and laborers. For some, I had the opportunity to develop and coordinate funding for scores of self-employment plans for injured Spanish speakers in rural Mexico and Central America. Examples include shoe repair shops, dairy farms, slaughterhouses, lime orchards, cattle breeding farms, bakeries, an art gallery, grocery stores, tailor shops, and one of my favorites, I had a computer/internet facility at primary school in a rural village installed.

Nevertheless, for the vast majority of limited English and mono-lingual Spanish speaking injured workers, I have seen firsthand the rampant system-wide bias and disastrous effects they and their families experience as the result of work related injuries. Once injured, these workers have no use to their prior employers or any other employer. Their primary value was their pre-injury physical abilities. Once injured, these agricultural workers

and laborers are, in essence, tossed aside like so much debris and forgotten. For these thousands upon thousands of injured agricultural workers and laborers, I suggest Parque de los Olvidados or Jardín de los Olvidados.

Regardless of my suggestions, I believe that all suggestions made by the public should also be entitled to fair consideration.

Thank you,

Jeff Malmuth
Berkeley D-1

Handout - PRW Commission - 05-13-2026

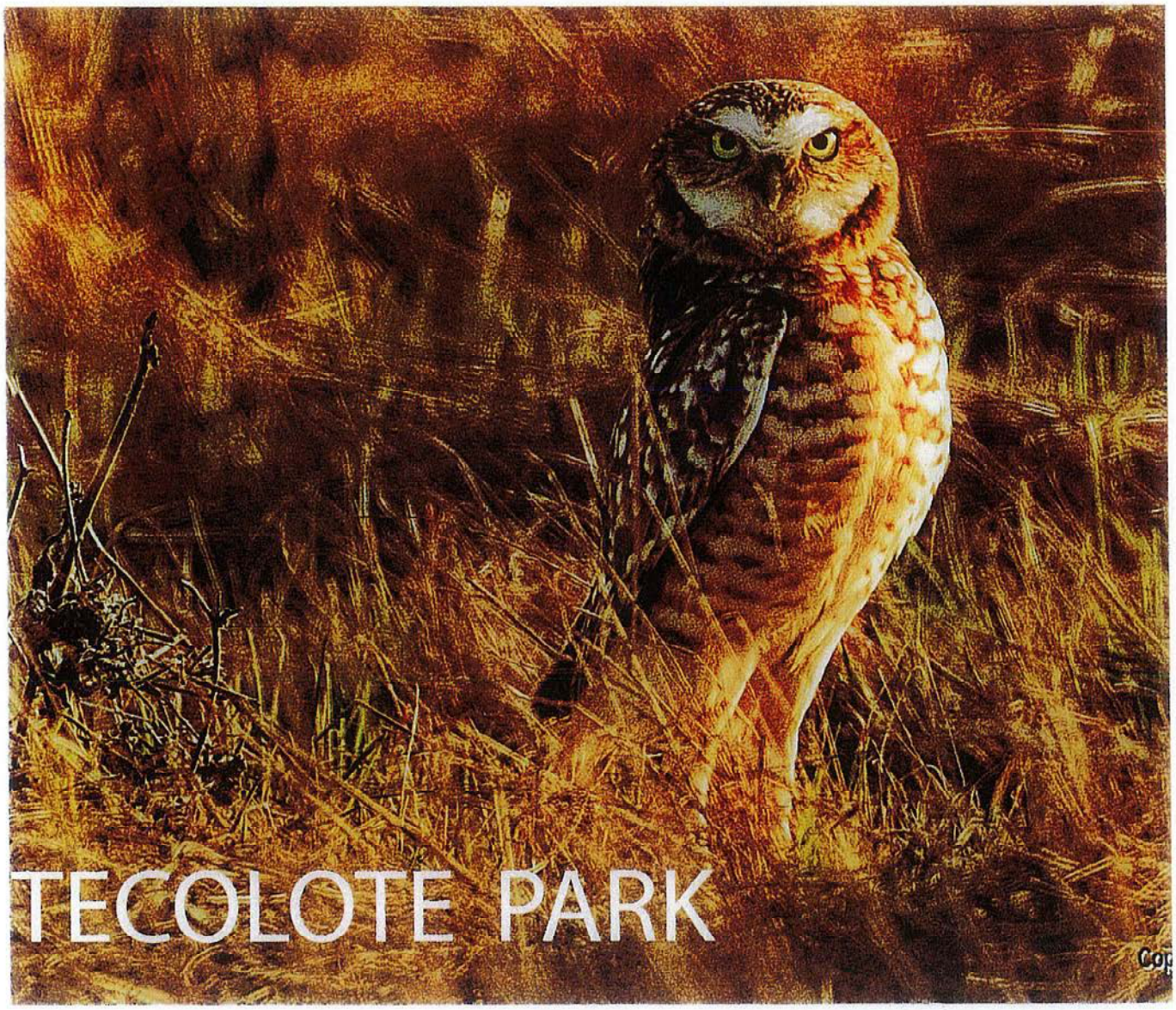
Miller, Roger

From: Wendy Abshez <wendyabshez@sbcglobal.net>
Sent: Wednesday, May 13, 2026 2:44 PM
To: Miller, Roger
Subject: Tonight's PRWC Meeting - Agenda Item 16

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.

TECOLOTE PARK

My name is Wendy Abshez. I live in Berkeley. I've been a docent at the Shorebird Park Nature Center in the Berkeley Marina for about 3 years. As a volunteer at the Nature Center I've spent a lot of time in the marina with school kids who are visiting on field trips. We take bird walks, search the muddy shoreline for crabs and discover the colorful sponges that live on the docks. When I'm there I am continually amazed that an area that is landfill and totally man-made has become such a rich habitat for all kinds of life. Now that a new name is being considered for the Cesar Chavez portion of the park, I think it's a wonderful chance to choose a name that highlights an actual feature of this specific location. You probably already know that there is a very special species of migratory owl that spends the fall and winter months here. Western Burrowing Owls were once abundant in California but are now listed as a California Species of Concern due to their greatly reduced numbers. One of the few areas you can find them is right here in Berkeley. They live in abandoned ground squirrel burrows on the grassy hills of Cesar Chavez Park. They are here from about October until March. They're diurnal and spend most of their time on the ground, so if you're lucky you might see one, but they are rare, and we are very lucky to have them right here in Berkeley. I'm asking the commission to consider renaming Cesar Chavez Park for these unique and amazing birds. I know other people have suggested the name Burrowing Owl Park, but I have a slightly different idea. In Mexico they call these small owls "Tecolote". It's a word that came to Mexican Spanish from an indigenous Mexican language. Naming the park Tecolote Park evokes this beautiful animal, but also honors and will be an enduring reminder of Berkeley's rich and diverse cultural heritage. That's why I think it's a great choice. Thank you for allowing me this time and I hope you'll give serious consideration to renaming the park Tecolote Park.


TECOLOTE PARK

Miller, Roger

From:	Beatriz Leyva-Cutler <beatrizleyvac@gmail.com>
Sent:	Tuesday, June 2, 2026 3:50 PM
To:	Ferris, Scott; Miller, Roger
Cc:	Santiago Casal; Natasha Beery
Subject:	Recommendation for renaming Meeting on June 10, 2026
Attachments:	1. Park Renaming Report for 6_10_2026 PRW Meeting.pdf; 2. Appendix for Renaming Report to PRW 06_10_26.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 Mr. Ferris and Mr. Miller,
On behalf of the Commemorative Renaming Committee, which has been working to provide the Parks, Recreation, and Waterfront Department with a recommendation on the renaming of Chavez Park, we hereby submit our recommendation for discussion at the upcoming meeting on June 10, 2026.

As previously requested, we would greatly appreciate being placed early on the agenda and being given 15 minutes to present and discuss. Attached are the documents to be provided to the commissioners, the public, and for your review. There are a few items in the document that have links to open and view.

We look forward to hearing from you and plan to attend, along with some of our committee members. Please let us know if you have any questions or need any additional information.

Respectfully,

Beatriz Leyva-Cutler
Santiago Casal
Natasha Beery

Attachments:

1. Renaming Report
2. Appendix includes:

- Rationale for 2nd and 3rd polled names
- Straw Poll Results
- Committee Members

Date: June 3, 2026

To: **Parks, Recreation, and Waterfront Commissíon**
cc: Mayor Ishii, City Manager Paul Buddenhagen, PRW Director Scott Ferris

From: **Commemorative Committee Renaming Working Group**
Re**: Recommendation for Renaming the Waterfront Park**

Following the April 14, 2026, referral by the Mayor,[1] members of the Citywide Commemorative Committee[2] constituted a renaming working group in order to submit a recommendation to the Parks, Recreation and Waterfront Commissíon and City Manager for renaming the waterfront park. The committee of 21 members was drawn from many constituencies and stakeholders, including representatives from Latinos Unidos, the Multicultural Institute, Berkeley Unified School District, the Park Conservancy, the Off-Leash Association, the Tribute Síte, the Ecology Center, UC Berkeley, the mayors and council aides, and community members (see Appendix).

Each individual and constituency brought a unique perspective on the park's history, current use, and potential. We conducted a substantial deliberative process that included reviewing the Mayor's referral, consulting city policy on naming and renaming, and developing criteria to review proposed names before polling representatives and discussing the poll results.

This committee process adapted the successful model developed and refined during recent BUSD school renaming efforts to carefully consider each name, including its educational implications and any caveats. We hope you will find this report illuminating for your discussion and deliberation, and believe you may find this process helpful for your future naming or renaming work.

We are pleased to have reached a strong consensus on a recommendation for a new name, one that we believe will endure and inspire our Berkeley community for generations to come: **¡Sí Se Puede! Park**. Please read the attached report for supporting details.

Respectfully submitted on behalf of the Committee,

Beatriz Leyva-Cutler, BUSD School Board Director, Emerita
Santiago Casal, Founder of The Tribute Síte & Former Chair of Latinos Unidos
Lupe Gallegos-Diaz, UC Berkeley Lecturer and Current Chair of Latinos Unidos
Natasha Beery, BUSD Superintendent's Desígnate & Former Director of Community Relations

This report includes the following components:

1) *Naming Background and Renaming Working Group Process*
2) *Naming Recommendation and Rationale for Sí Se Puede Park*
3) *Appendices: Rationales for 2nd & 3rd Choices (Esperanza and Campesíno/a), Poll Results, Working Group Roster*

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[1] 5/13/2026 PRW Agenda, page 12
[2] formerly known as the Citywide Chavez-Huerta Commemorative Committee

Park Naming and Renaming Background

Thirty years ago, in 1996, the City of Berkeley renamed Waterfront Park to César Chávez Park in recognition of the Farmworker movement and of Chávez as one of its leaders.

In 2003, a citywide Chávez-Huerta Commemoration period was established as a collaboration between the City of Berkeley, the Berkeley Unified School District, and the Berkeley community. It begins on the Spring Equinox to coincide with the planting season and César Chávez's birth, and concludes on Dolores Huerta's birthday, April 10th.

In 2004, the Berkeley City Council approved a Chávez Tribute Síte in César Chávez Park, desígned as an ancient solar calendar to honor key virtues of the Farmworker movement: Hope, Determination, Courage, and Tolerance/Non-Violence.

The park, the Tribute Síte, and the Commemoration period have played a crucial role in 23 years of city-wide celebrations and are a source of pride for the Latino community in Berkeley and beyond. With the shocking and painful news about Chávez that broke in March of this year, new and founding members of the Commemorative Committee stepped up to offer to work toward the park's renaming.

On April 14th, 2026, the Mayor requested the City Manager and the PRW Commissíon to "engage with the Chavez/Huerta Commemoration Period partners and Latinos Unidos de Berkeley…to bring back to City Council recommendations for…name changes that will continue to honor the legacy of labor organizing and solidarity for farm workers and recognize farm workers as the backbone of America."

Renaming Working Group Timeline

The Working Group adapted a process used by the Berkeley Unified School District in the recent renaming of two of our elementary schools. Five meetings were held over the past two months to work intensívely and thoughtfully together. Following is a snapshot of the process:

April 16: Reviewed the Mayor's directive, City policy on naming and renaming, and discussed potential criteria for selecting a new name. A poll on criteria was conducted April 21-26.

April 27: Reviewed results of the criteria poll, agreed to use eight key criteria to assess possible names, began soliciting names from committee members and their constituencies, and shared updates on district and city actions so far. Straw poll on names April 29-May 3.

May 4: Reviewed and discussed results of first poll, and prepared for May 13 update to PRW Commissíon. Discussed the creation of rationales and learning opportunities for each name. Conducted a second straw poll, May 6-12, which included new names written in during the first poll. The writing group began working on drafts of top-name rationales, May 17-25.

May 26: Shared results of 2nd poll and initial drafts, found consensus on top name.

June 1: Reviewed report drafts and discussed presentation ahead of the June PRW meeting.

Committee Consensus Recommendation:

¡Sí Se Puede! Park



[3]

1. Summary Statement

Coined by civil rights activist Dolores Huerta for the United Farmworkers Movement in 1972, **¡Sí Se Puede!** has served as an empowering rallying cry for labor and immigrant rights as well as for political change, emphasízing collective action to overcome obstacles. What others saw as insurmountable obstacles, Dolores and others saw as the next hill to climb. Their example motivated and inspired others to follow their leadership. It has become an international phrase of the will to overcome.

The name not only meets all the committee's naming criteria, but you'll also find "**Sí Se Puede**" reflected in the Park's Tribute Síte and Solar Calendar as one of the four directions linked to the virtue of Determination.

Dolores Huerta has indicated that she does not want to have places named/renamed after her personally, but rather to honor the farmworker movement itself, and "**Sí Se Puede**" manages to honor both Huerta and the movement without being about one person.

Barack Obama used the saying "Yes We Can" during his presídential campaign, and he acknowledged his debt to Huerta for these words of inspiration. In fact, **Sí Se Puede** can serve as a rallying cry for many in our community to overcome the enormous setback posed by the shocking revelations about Chavez. "Yes, we can overcome this!" The name also lends an uplift to a beautiful park that once suffered from its status as a garbage dump and is now a community gathering place.

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2. Results of the Committee Poll

In two rounds of polling, **¡Sí Se Puede! was consístently the #1 choice** of a majority of the committee. In the first poll, with 19 names under consíderation and five additional write-ins, **66%** ranked **Sí Se Puede Park as the top choice,** and **83% placed it in their top three names.** In the second poll, Sí Se Puede Park rose to **the top three for 93% of respondents and** was the **#1 choice for two-thirds**. The May 26th meeting confirmed that the committee as a whole would move forward with this consensus name.

[3] Image created by 2nd graders at Sylvia Mendez elementary school for the Si Se Puede march

3. Opportunities for Learning and Celebration

¡Sí Se Puede! rings through the halls of our public schools during the Commemorative Period. This name readily lends itself to many existing educational materials used District-wide. Each year, our students will be inspired to honor the farmworker movement leaders and organizers, particularly Dolores Huerta, and to imagine themselves as change-makers and champions for their community.

Sí Se Puede connects directly to the history of the Farmworker Movement and conveys a celebratory sense that "we can do it," which is uplifting and engaging. Banners that say "Sí Se Puede" could be used and reused in many settings - schools, parades, gatherings of all kinds.

It is a beautiful expressíon of what Berkeley is all about. The phrase invites curiosity about its origin and use and is found in many places, including as one of the four directions at the Tribute Site, re: determination. It is the *Sí Se Puede* attitude (It Can Be Done!).

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4. Relevance to Committee Criteria

A. Celebrates **FARMWORKERS:**

Yes - it is the motto of the United Farm Workers of America

B. Honors the **HISTORY OF LABOR ORGANIZING:**

Yes - this chant has been used widely throughout labor and other organizing movements

C. Reflects **SPANISH-SPEAKING** and/or **CHICANO/LATINX HERITAGE**

Yes - this saying is in the Spanish language and connected to this heritage

D. Reflects our **SHARED VALUES**

Yes - this chant reflects the possíbility of community and posítive change

E. Promotes **UNITY**

Yes - this is meant to be chanted together with united voices

F. Is likely to **ENDURE**

Yes, there is not likely to be any controversy over this saying

G. Uplifts the **COMMUNITY** rather than just one individual

Yes - this reflects a community working together

H. Resonates with **BERKELEY** and/or the **BAY AREA**

Yes - this phrase is used at many Berkeley and Bay Area gatherings…and beyond!

5. Additional Considerations, Caveats, and Variations

- The phrase honors Dolores Huerta, who coined the phrase.
- The phrase brings a smile and a shout to the lips of all who say it!
- One person commented that it could be hard to pronounce, but we don't think that's a major concern. The phrase has been in the public sphere for 50 years and is widely used by English and Spanish speakers alike.
- The word Sí (“yes”) should be written with an accent. (Note that the name César Chávez should also have accents, but these are often omitted by many.)
- The phrase is typically used with at least one exclamation point, or in the Spanish usage, ¡an inverted exclamation point followed by another exclamation point!
- Multiple variations could be acceptable in actual use:
    - Sí Se Puede Park
    - Sí Se Puede! Park
    - ¡Sí Se Puede! Park

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6. How is this name being used elsewhere?

- Denver's César Chávez celebration will be called **"Sí, se puede"** this year
- 30th Annual **Sí Se Puede** Celebration | California State University Stanislaus
- County replaces César Chávez Day name with “**Dolores Huerta - Sí Se Puede**”
- Mesa County “**Sí Se Puede**” celebration
- What will Cesar Chavez Park be renamed? Modesto narrows list to 3 options
- **Sí Se Puede** Academy - El Centro de la Raza
- **Sí Se Puede!** | Los Lobos Farmworker Fundraiser Album

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7. Google AI Response to “Is Sí Se Puede a Good Name for a Park?”

"Sí Se Puede" is an excellent name for a park because it honors civil rights and community resílience. Originating as a famous rallying cry in the farmworker labor movement co-founded by Dolores Huerta, the phrase embodies hope, collective struggle, and the possíbility of posítive social change. [1, 2, 3, 4]

Key Reasons the Name Works:

- *Empowerment and Hope*: It transforms a park into a symbol of encouragement, reminding visítors that challenges can be overcome through community effort and perseverance.
- *Cultural Heritage:* The phrase is deeply tied to the Chicano and farmworker civil rights movements. Naming a public space "Sí se puede" serves as an enduring tribute to the hard work and dignity of laborers
- *Inclusivity:* Rather than being dedicated to a single historical figure, the name emphasizes the community's strength. It invites everyone to feel welcome and capable of achieving great things.
- *Universal Motivation:* In addition to its deep roots in Latinx and labor history, the phrase has become a universal, uplifting motto used across various campaigns for social and economic justice. [1, 2, 3, 4, 5, 6, 7]

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8. Wikipedia: Sí Se Puede:

"Sí, se puede" (Spanish for "Yes, you can"), pronounced [ˈsí se ˈpwe.ðe], is the motto of the United Farm Workers of America and has since been taken up by other activist groups. UFW co-founder Dolores Huerta created the phrase in 1972.[1][2][3]

"Sí se puede" has long been a UFW guiding principle that has inspired the accomplishment of goals. The phrase has been widely adopted by other labor unions and civil rights organizations and has drawn widespread political and media attention as a rallying cry during the U.S. immigration reform protests.[4][5]



APPENDIX:

Rationale for 2nd Choice: Esperanza Park

Rationale for 3rd Choice: Campesino Park

Poll Results

Commemorative Committee Roster

Second Choice Name:

Esperanza Park

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1. Summary Statement

Esperanza was the second choice among the many suggested names, but a distant second compared to “Sí Se Puede.”

While Esperanza is a positive feeling that conveys support and resonates with the Latino community, in the farmworker movement, it is not necessarily as strong a word as a movement that requires action and change. “Hope” was famously popularized by civil rights leader and politician Rev. Jesse Jackson during his 1988 presidential campaign as a rallying cry for equality, justice, and collective resilience in the face of systemic adversity.

Esperanza is a popular name for parks, particularly in revitalized or historically underserved areas. It transforms green spaces into symbols of community renewal, safety, and a brighter future. The park offers a majestic view of the west, San Francisco, which inspires hope, especially at sunset. Esperanza is also one of the cardinal virtues of the Farmworker Movement (Hope, Determination, Courage, and Tolerance) reflected in the Tribute Site and Solar Calendar at the park.

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2. Results from the Committee Poll

Esperanza came in as a fairly strong second choice in the Committee straw poll, with **44%** of respondents placing it in 2nd or 3rd place (although none had it as a first choice). In the second poll, support increased, with **57%** in 2nd or 3rd place, although it was again not a first choice for any respondent (71% had selected “Sí Se Puede” in first place, and 93% in top three)

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3. Opportunities for Learning and Celebration

Esperanza is a verb, an action, a feeling. Learning materials would need to be created to explicitly connect Hope and Activism: Hope for change; Hope for farm workers to be valued; Hope for improved conditions, wages, and benefits; and Hope for stopping the deportation of farm workers.

Hope is directly connected with the EAST at the Tribute Site, and indirectly to the UFW rallying cry of *¡Viva La Causa!* The creation of the UFW gave highly exploited and abused farm workers Hope that they could overcome seemingly insurmountable odds. Common spring metaphors (the planting season) include birth, renewal, new beginnings, and HOPE.

4. Committee Criteria

A. Celebrates **FARMWORKERS**
? - The word itself, “Esperanza,” does not directly celebrate Farmworkers

B. Honors the **HISTORY OF LABOR ORGANIZING**
Yes - Esperanza, meaning “Hope,” is a part of the labor movement

C. Reflects **SPANISH-SPEAKING and/or CHICANO/LATINX HERITAGE**
Yes - The word is in Spanish

D. Reflects our **SHARED VALUES**
Yes - We all hope / Esperanza for things to be better.

E. Promotes **UNITY**
Yes - We all hold hope / Esperanza as a uniting factor

F. Is likely to **ENDURE**
Yes, the concept of Esperanza can endure and is uncontroversial

G. Uplifts the **COMMUNITY** rather than just one individual
Yes, Esperanza is a feeling, a desire, a communal wish.

H. Resonates with **BERKELEY** and/or the **BAY AREA**
? - Can be a word that resonates, but we would need to market it more!

---

5. Additional Considerations, Caveats and Variations

The connection to the Farmworker movement is indirect, or not obvious to many, and it will take further education and explanation to make that link. Some may find the word less strong than other options. However there is a direct connection to the Tribute Site at the park, with the cardinal direction of “Hope”.

Esperanza is pronounced in Spanish, with soft a; Esperanza does not rhyme with Anza, as in Lake Anza.

The word “la” serves as a definite article in Spanish, equivalent to “the” in English, but specifically used with the feminine singular noun, like Esperanza, so in Spanish this would be Parque de la Esperanza

---

6. **How is this name being used elsewhere?**

    - La Esperanza Park, Brownsville, Texas
    - Esperanza Park in Cathedral City, California.
    - Esperanza Hills Regional Park

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7. **Google AI Response to "Is Esperanza a Good Name for a Park?"**

"Esperanza Park" is a strong name because "esperanza" translates to "hope" in Spanish. It is frequently used by communities to symbolize renewal, resilience in the face of adversity, and the realization of a long-awaited vision for neighborhoods that have been historically overlooked. [1, 2, 3, 4, 5]

The name works well for a few key reasons:

- Symbol of Renewal: "Hope" embodies the transformation of neglected land, a former landfill, or an empty lot into a vibrant, safe community space for families and children.
- Cultural Connection: In neighborhoods with strong Hispanic roots, using Spanish names directly connects the park's identity to the heritage of local residents.
- Community Advocacy: Often, these parks result from years of grassroots campaigning. The name serves as a monument to the long-awaited vision and perseverance of the people who fought for the space.
- Promotes Community Gathering: The meaning of "hope" translates directly to the park's purpose: a vibrant, free space that encourages families to celebrate, gather, and recreate together
- Environmental Transformation: It honors the journey of healing or repurposing land. For example, a former landfill in L.A. County was transformed and renamed *Esperanza Hills Regional Park*.

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8. **Wikipedia: Esperanza**

Esperanza is the Spanish word for hope, and may refer to [a long list of places, including mines, people, films, TV shows, music, and organizations such as Esperanza International, a non-profit organization that develops Dominican Republican communities through microfinancing, Esperanza Peace and Justice Center, a non-profit community-based arts & cultural organization that advocates for social justice, Esperanza Unida, Inc., a non-profit organization that provides job training and placement to unemployed minority workers in Milwaukee, Wisconsin, United States

Third Choice Name:

Campesino/a Park

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1. Summary Statement

In the United Farm Worker (UFW) movement, *Campesino* signifies a profound relationship to the land, and often a familial way of life. It centers the park on recognition of farm workers who powered the movement. Organizers used the word to foster a collective identity among farmworkers who cultivate the land, often highlighting their struggles for dignity, fair wages, and land rights, rather than just their economic status. *El Teatro Campesino* (The Farmworkers' Theater) used this term to empower striking workers through performances that illustrated their struggle against exploitation. Rather than using "peasant," the UFW used *Campesino* to dignify the agricultural laborer. It celebrated a deep, spiritual, and communal relationship with the land.

Campesino may underscore awareness of farm workers who are currently facing mass deportations and threats, with workplace protections being rolled back and efforts to reduce their hard-won hourly benefits. Between 1/3 and 1/2 of all farmworkers in America reside in California, or roughly 500,000 - 800,000 farmworkers. Approximately 1/3 are women, and they range in age from their teens to their 60s. In addition, 400,000 children work in U.S. fields.

However, since “Campesino” is the masculine form of the word, the alternative “Campesina” to honor women is a viable alternative. Women farmworkers (Campesinas) are often systematically subjected to sexual slurs, groping, threats, beatings and even rape in the fields. In California, 80% of farmworker women (campesinas) state that they have experienced sexual harassment. Using “Campesina” brings attention to their struggle.

---

2. Results from the Committee Poll

In the first round of Committee polling, Campesino Park was the first choice of only two of 18 respondents; two listed it in second place and two in third, for a total of 6 respondents (**33%**) who included it in their top three choices.

By the second round, Campesino had dropped considerably in favor, with no committee members listing it as a first or second choice, and only 3 people listing it as a third choice. In fact, another option, “El Pueblo Unido” initially polled slightly higher than Campesino. However, we included Campesino in the top three due to its popularity with the Conservancy. In the Conservancy’s final online poll in late April, when choices they offered to their readers were limited to just three options (*Campesino*, *Sí Se Puede,* and *Farmworker*), and their leadership declared in favor of Campesino when launching the poll, a plurality (55.6%) preferred *Campesino*, with *Sí Se Puede* in second place, and *Farmworker* in third place.

3. Opportunities for Learning and Celebration

For Campesina Park, per se, a new series of educational materials would need to be developed unless there are examples of existing curricula specifically related to this version of the name. Part of the benefit would be to move the many women leaders from the background to the foreground of the movement. This particular opportunity could be applied equally to the two other names, *Esperanza Park* and *¡Si Se Puede! Park*, land the distinct leadership and can-do spirit of women.

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4. Committee Criteria

A. Celebrates **FARMWORKERS**

Yes - for example, *El Teatro Campesino* uses this term to empower striking workers through performances, illustrating their struggle against exploitation.

B. Honors the **HISTORY OF LABOR ORGANIZING**

Yes - It bridges Mexican and Filipino laborers in a shared struggle against poor working conditions, low pay, and exploitation by growers.

C. Reflects **SPANISH-SPEAKING** and/or **CHICANO/LATINX HERITAGE**

Yes - a Spanish word

D. Reflects our **SHARED VALUES**

? - it is the male version of the word in Spanish, and this usage could be more in question today. The word “Campesina” honors women.

E. Promotes **UNITY**

? - Perhaps people would unite around the intent of honoring farmworkers.

F. Is likely to **ENDURE**

Yes - as the referral says, “Farmworkers are the backbone of America.”

G. Uplifts the **COMMUNITY** rather than just one individual

? - If the name “Campesino” is used, it refers to a group, but given the male version, the image that comes to mind often doesn’t include women.

H. **Resonates** with **BERKELEY** and/or the **BAY AREA**

Yes - May resonate well if Berkeley chooses to make the case for featuring women farmworkers with “Campesina”. Possibly connect it to the fact that parts of Berkeley were farmland. In a committee member’s West Berkeley backyard (8th Street between Virginia and Cedar), an old plow is still there.

5. Additional Considerations, Caveats and Variations

Given that the word Campesino is the male version of the term, it would have to be written with a slash as “Campesino/a or Campesinx”. Alternatives such as Campesinx or Campesine are not universally accepted and are problematic for signage.

“Campesina” Park could serve as an affirmation/ celebration of women farm workers; however, many people might accidentally default to “Campesino,” since it may not resonate with those used to talking about the “Campesino” movement.

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6. How is this name being used elsewhere?

- Campesino Park (Santa Ana, CA): This Orange County landmark reverted to its original name to reflect inclusivity for a broader coalition of farmworkers.
- Camino Campesino (Hollister, CA): Following community outreach, the city renamed a prominent avenue to Camino Campesino to honor the enduring agricultural legacy of the region.
- Campesinos Unidos: A prominent resource and community assistance hub based in El Centro, California, serving the migrant and agricultural working populations of the Imperial Valley.

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7. Google AI Response to “Is Campesino a Good Name for a Park?”

"Campesino" (Spanish for "farmer" or "farmworker") is a powerful and fitting name for a park because it honors the essential, hardworking laborers who cultivate the land. It reflects cultural heritage, grounds the space in community history, and represents values of perseverance, dignity, and connection to the earth. [1, 2, 3, 4, 5]

Key Reasons the Name Works:

- Honors Laborers: It pays direct tribute to the agricultural workers whose sweat and labor form the backbone of local and regional economies, particularly in agricultural states like California.
- Cultural Representation: In areas with large Latino and Hispanic populations, it uses an accessible, recognizable term that speaks directly to the local community's heritage and history.
- Connection to the Land: "Campo" (from the Latin for field) signifies a relationship with nature. A name like Campesino reinforces the park's purpose as a green, natural space intended for the community to nurture, enjoy, and find peace

- Promotes Community Gathering: The meaning of "hope" translates directly to the park's purpose: a vibrant, free space that encourages families to celebrate, gather, and recreate together
- Environmental Transformation: It honors the journey of healing or repurposing land. For example, a former landfill in L.A. County was transformed and renamed *Esperanza Hills Regional Park*.

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8. Wikipedia: Campesino

Campesino means 'farmer' or 'peasant' in Spanish and may refer to:

- a translation of the word "peasant", referring to a Latin American farmer
- Los Campesinos!, an indie pop band from Cardiff, Wales
- Teatro Campesino, a theater group founded by the United Farm Workers
- Valentín González, El Campesino, a military leader during the Spanish Civil War
- Via Campesina, the collaborating body for an international peasant movement
- *Bloque Obrero y Campesino*, the Workers and Peasants' Bloc in 1930s Barcelona
- *Confederación Revolucionaria de Obreros y Campesinos*, Mexico
- *Confederación Sindical Única de Trabajadores Campesinos de Bolivia*, Unique Confederation of Rural Laborers of Bolivia

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Straw Poll Results

Each member was asked to rank their top three names
In the first round, additional write-in votes were also solicited
Any park name that received a first, second or third place vote was included in the next round.

POLL NAMES ROUND ONE		POLL NAMES ROUND TWO
¡Sí Se Puede! Park		**¡Sí Se Puede! Park**
Esperanza Park		**Esperanza Park**
Campesino Park		**Campesino Park**
Farmworker Park		*El Pueblo Unido Park*
El Pueblo Unido Park		*Parque (or Jardín) de los Obreros*
Movimiento Park		*Farmworker Park*
Huelga Park		*Farmworker Solidarity Park*
¡Viva La Causa! Park		*Bahia Del Sol (Dorado) Park*
¡Hasta La Victoria! Park		
¡Viva La Huelga! Park		**IN POLL, NO VOTES RECEIVED**
La Gente Unida Park		Movimiento Park
North Waterfront Park		Huelga Park
		¡Viva La Causa! Park
NEW SUGGESTIONS		¡Hasta La Victoria! Park
Parque (or Jardín) de los Obreros		¡Viva La Huelga! Park
Bahia Del Sol (Dorado)		La Gente Unida Park
Farmworker Solidarity		North Waterfront Park
Parque (or Jardín) de los Olvidados		
Parque (or Jardín) de los Braceros		
IN POLL, NO VOTES RECEIVED		
Águila Negra Park		
Burrowing Owl Park		
Comunidad Park		
Hope Park		
JardÍn de los Pájaros Park		
Oceanview Park		
Park del Movimiento		

Commemorative Committee Membership and Constituencies

	Name	Title, Representative
1	Cydney Chilimidos	Mayor Adena Ishii Representative*
2	Beth Gerstein for Rashi Kesarwani	City Council District 1
3	Ruben Hernandez for Terry Taplin	City Council District 2
4	Senator Jesse Arreguin	State Senator
5	Ariana Casanova	State Senator Arreguin, Representative*
6	Ana Vasudeo	BUSD Board Director
7	Natasha Beery	BUSD Superintendent Designate
8	Beatriz Leyva-Cutler	BUSD Board Emerita, Tribute Site Education Director
9	Ruben Lizardo	UCB Representative
10	Sheila Jordan	Alameda County Board of Education, Emeritus
11	Lisette Flores	Peralta College
12	Lupe Gallegos-Diaz	Latinos Unidos Representative
13	Daniela Gonzalez Mirna Cervantes	Multicultural Institute
14	Martin Nicolaus	Park Conservancy
15	Santiago Casal	Founder/Director, Tribute Site
16	Carlos Hill	Coordinator of Site Stewards
17	Vivian White	Seasonal Gathering Coordinator
18	Jeff Malmuth	Off-Leash-Area (OLA)
19	Martin Borque	Ecology Center
20	Alexis Adorador	Community Member
21	Todd Kerr	Berkeley Times
		*Advising, non-voting

Commemorative Renaming Committee

	Name	Title/Representative
1	Cydney Chillimidos	Mayor Adena Ishii Representative
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3	Ruben Hernandez for Terry Taplin	City Council District 2
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19	Vivian White	Seasonal Gathering Coordinator
20	Lisette Flores	Peralta College
21	Jeff M	Off Leash Area (OLA) Community

April 16, 2026
1920 7th Street, Berkeley
5-6:30 PM

Commemorative Renaming Committee

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1	Cydney Chillimidos	Mayor Adena Ishii Representative
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Commemorative Renaming Committee
Individual Comments from Straw Polls on Names
May 2026

Sí Se Puede Park

- Sí Se Puede Park captures the essence of the United Farm Worker Movement. "Sí se puede" is a Spanish phrase meaning "Yes, it can be done." Coined by civil rights activist Dolores Huerta, it serves as an empowering rallying cry for labor and immigrant rights and for political change, emphasizing collective action to overcome obstacles. It also gives an uplift to what has become a beautiful park that once suffered from its "former garbage dump status." It is also a beautiful expression of what Berkeley is all about. And will ring through the halls of schools during the CityWide Commemorative Period each year, as our students march to honor the farm worker movement leaders and organizers, particularly Dolores Huerta.
- While I could live with Esperanza Park and maybe Campesina Park (re: honoring the women of the movement), I do not think that they give the park the dramatic boost and direct link to the farmworker movement that the ¡Sí Se Puede! Park name does. It has an elaborate history, is linked directly to Dolores Huerta, is a marching chant known to all, is linked directly to the Tribute Site and one of the four directions (South) and the virtue of Determination, and lends itself easily to much of the existing educational materials that we have used during the Citywide Commemorative Period, and at the Tribute Site. In fact, it can serve as a rallying cry for us to overcome the enormous setback posed by the SHOCKING Chavez revelations. "Yes, we can overcome this!" It also represents an added, consistent boost to a Park that has had to overcome its "former dump" reputation. AND it meets all the park naming criteria.
- It resonates with Berkeley's activist history and with the farmworker movement. "Sí Se Puede" was used to defy and resist authorities who believed farmworkers could not win against growers who, for generations, grew wealth on the backs of farmworkers. "Sí "Se Puede" is used to unite people - Yes We Can! Sí Se Puede Park will give Berkeley a rallying cry for unity, hope, and resilience in the face of this era of hate, war, and divisiveness.
- Si Se Puede connects directly to the Farmworker Movement and honors Dolores Huerta without naming her. It captures the spirit of Berkeley, of positive change, and was adopted by Obama (Yes We Can). We do have to deal with how it is spelled (with an accent on Sí) and with exclamation points, but it is so positive and unifying.
- Sí Se Puede is the iconic saying coined by Dolores Huerta. It is an uplifting, positive message that says that any obstacles can be overcome. The farm workers movement overcame incredible odds to form the first union by and for farm workers. This saying is a testament to the movement's grit, sacrifice, and determination.

- Si se puede is a chant that transcends time. I met Dolores last year, and she informed our group that she was the one who coined this chant, even though the credit was always given to Cesar. This chant has the opportunity to mean so much more to so many more people.
- Si Se Puede is a slogan associated with a farmworkers' movement, and yet its literal translation is very polite. All in all, it calls for a thoughtful reconsideration of history and suggests a nuanced, positive attitude.
- “Si se puede” … a thought which opens endless possibilities for el Pueblo Unido to achieve its objectives despite all obstacles. Dolores contribution to the labor movement & uplifting humanity itself are encapsulated in that idea
- It's a slogan associated with Dolores Huerta and the farmworkers' movement, and it has a positive "can do" tone that embodies the value of resilience. There's a history lesson or two in this name and a value as well. I prefer a name in Spanish.
- It meets most of the criteria for naming and is a well-known saying from the farm worker movement. It reflects an enduring positive message.
- Concept reflecting possibilities in our struggles as a Pueblo for human dignity, respect, and compassion to emerge triumphant via determination (*esfuerzo*)
- Strong association with the farmworker movement. Can be applied universally by all different kinds of communities. It’s positive and inspiring.
- It aligns with the spirit of Berkeley's activism for social justice and its status as a Sanctuary City. It is also the rallying cry for justice, human rights, and unity.
- Another important chant which lifts up the unity of the farmworkers in their fight for justice.
- The rallying cry of the farmworkers, championed by Dolores Huerta, seems fitting.
- Teaches the legacy of determination from the farmworkers movement
- I really like the positiveness of Si Se Puede and people recognize the saying.
- Encourages optimism in our various struggles.
- Acknowledges that we can make a change.
- Promotes collective agency
- Encompasses all the criteria
- empowerment
- It’s a call to action

Esperanza Park

- Esperanza is one of the values associated with the Farmworkers movement, and it is associated with a forward-looking perspective, which this westward-facing park enjoys.
- I feel that “Hope” is an invisible energy in the heart chakra. When the heart opens hope floods into the sanctuary of our being. It is the light of our Creator, Dios, always within us. Hope and Love are brother and sister.
- Esperanza (translation>>hope) is a value associated with the farmworkers' movement, and it's a value that is universal.
- Esperanza: It’s important not to lose hope with everything occurring, which speaks to a collective dream
- “Esperanza” is the root of our faith in seeking truth and justice.Hope becomes action and is the invisible force that fuels lasting victories through time
- Esperanza - really speaks to the Hope for the future and being in a place where we can find joy.
- Hope is something we always need, and it's a cardinal direction of the Tribute Site
- It embeds a value of hope
- Who doesn’t need hope?

Campesino Park

- This centers the park and the recognition of the farm workers who powered the movement. This is especially important at a time when farm workers are facing mass deportations and threats by the administration, and workplace protections are being rolled back.
- Campesino Park is problematic because of the masculine gender.
- Honors the people who stood to lose the most in the movement.
- Lifting up the workers who make sacrifices every day
- Really acknowledges the workers in the fields.
- A way to honor our farmworkers.
- Means “Farmworker”

No# 1 Choice




Welcome! ¡Bienvenidos!
Sí Se Puede Park
Berkeley, CA

STATEMENT FROM MAYOR ADENA ISHII

(Berkeley, CA) – On Wednesday, March 18, 2026, Berkeley Mayor Adena Ishii issued the following statement in response to recent reporting detailing allegations of abuse of women and girls by the late labor leader César Chávez*: *"As a city that has long honored the labor movement and its leaders, including through the naming of our treasured waterfront park, the information now coming to light about César Chávez is deeply disturbing and heartbreaking. Like much of the world, we are only just learning of these allegations.*

My office is in conversation with Latinx community leaders, and we will keep residents informed as we consider how to move forward while continuing to honor the importance of the farm worker labor movement in our nation's history. Any action by the City Council will be guided by thoughtful consideration and meaningful input from our community.

Berkeley stands with the survivors who bravely came forward. We honor their courage in sharing the traumatic experiences they have carried for decades.

Miller, Roger

From: lupeatcal@gmail.com on behalf of LatinosUnidos de Berkeley <latinosunidosdberk@gmail.com>
Sent: Monday, May 25, 2026 7:59 PM
To: Berkeley Mayor's Office; Sinai, Julie; All Council; Miller, Roger; Ferris, Scott; jmann@berkeleyca.gov
Cc: LatinosUnidos de Berkeley; Beatriz Leyva-Cutler
Subject: Letter of Support

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 and Berkeley City Council members:

On behalf of the Latinos Unidos de Berkeley (LUdB)- a grassroots community group - we are in full support of the relocation of the Korean War monument that is currently located at the Veterans Memorial Building on center street to the James Kenny Park in west Berkeley. This is the right thing to do as these five young men were from west Berkeley.
Latinos Unidos de Berkeley hopes that the city and city council members will find the funds to make this move as a sign of respect to these veteran's and their families.

-Latinos Unidos de Berkeley

To: Mayor Ishii, Berkeley City Council, and Senior Aide Julie Sinai,
CC: Scott Ferris, Director of Parks and Recreation
Roger Miller, Staff
Waterfront Commission, c/o John Mann, Waterfront Manager

Today, on Memorial Day, we commemorate U.S. military personnel who made the ultimate sacrifice while serving in the Armed Forces. Specifically, here in Berkeley, we have a monument located in front of the Veterans Building that honors five young West Berkeley soldiers who gave their lives in service to our country. So it is fitting that we reach out to you today,

We are writing to formally request that funding be included in the City of Berkeley's 2027–2028 budget for the relocation of this Korean War monument. Several city staff members have come up with different estimates as to the cost of relocation.

Over the years, this memorial has been neglected, including the placement of portable toilets right in front of the site. Following meetings in January between our community representatives, City officials, and Councilmember Tregub, the portable toilets were moved to the street and sidewalk in front of the Veterans Building.

La Colectiva Latina de Berkeley, which created the Berkeley Historical Society and Museum exhibit on the history of Latinos in Berkeley, discussed this issue with Mayor Ishii during her visit to the exhibit. We agreed that relocating the monument to James Kenney Park would be the most appropriate and respectful long-term solution. This park is part of the community these young men

called home, and it would provide a more dignified setting to preserve and honor their memory. We intend to work with all stakeholders to determine the most suitable location within the park.

The West Berkeley community originally funded both the monument's creation and its placement in front of the Mobilized Women of Berkeley center at University Avenue and 10th Street. When that center closed, the community again raised funds to relocate the monument to the Veterans Building. We now respectfully ask the City to provide the financial and logistical support necessary for a permanent relocation.

We appreciate your consideration and look forward to your support for this issue, which is of deep importance to the Latino community.

Sincerely,

Representatives from the Five Families:
Larry Pozos
David Martínez
Sam Martínez
Yolanda Fernández
Christina Fernández Franco

Representatives of La Colectiva Latina de Berkeley:
Clementina Durón
Harvey Smith
Larry Reyna Sr.
Beatriz Leyva-Cutler

--
Latinos Unidos de Berkeley
latinosunidosdberk@gmail.com

Like us on Facebook
Join our Facebook Group

The mission of Latinos Unidos de Berkeley is to improve the quality of life of Latinos who live and work in the City of Berkeley by addressing and advocating for emerging issues.

Miller, Roger

From: Alexis Adorador <alexisadorador@gmail.com>
Sent: Tuesday, June 2, 2026 11:10 AM
To: Miller, Roger
Subject: Renaming of 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.

Dear Mr. Miller,
I am writing to voice my support for the recommendations being made by the committee to rename Cesar Chavez Park. As a member of that committee, I can attest to the thorough and inclusive process that was lead by Beatriz Leyva Cutler, Santiago Casal and others.
It is my hope that the Commission will recognize the hard work and many hours that have been put into this recommendation so that it can move forward for approval by the city council.
Best wishes,
Alexis Adorador MFT
Community member
1737 Blake st. Berkeley

Sent from my iPhone

Miller, Roger

From: Martin Nicolaus (via Google Docs) <manicolaus@gmail.com>
Sent: Wednesday, June 3, 2026 4:21 PM
To: Miller, Roger
Cc: Miller, Roger; Miller, Roger
Subject: Park Name Poll backs "Campesino Park"
Attachments: Park Name Poll backs "Campesino Park".pdf

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Martin Nicolaus attached a document

Martin Nicolaus (manicolaus@gmail.com) has attached the following document:
Learn more

Dear Roger,
I would appreciate it if this could be included in the agenda for the June 10 meeting of the Commission.
Thank you.
Martin Nicolaus

Park Name Poll backs "Campesino Park"

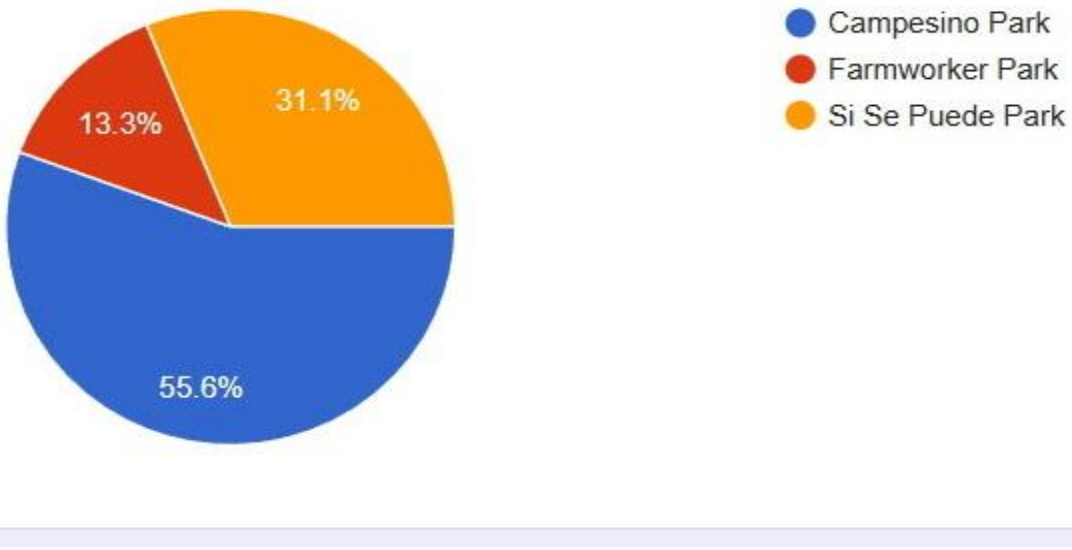
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Park Name Poll backs “Campesino Park”



The fourth edition of the Park Name Poll published **Apr 17** (and still live) is showing a strong majority for “Campesino Park” as the new name.

This is the first poll showing a clear majority for a new name. The initial poll, published here **March 19**, showed an exactly 50 percent vote in favor of “Dolores Huerta Park.” (**March 20**). A day later, that slipped to 40 percent. (**March 21**).

Then the news hit that Dolores Huerta did not want her name put on public property. A second poll, posted **Mar 26**, dropped the Dolores Huerta option. The results, published **Mar 31**, were a fractured mess. No name had as much as 20 percent of the vote. (The leading name was “Burrowing Owl Park” with 19.5 percent.) The lack of consensus, the wide scattering of opinions, offered no guidance whatever to the ultimate deciders, the members of City Council.

Then came a breakthrough. On April 14, City Council met and unanimously approved a statement by Mayor Adena Ishii, stating clearly that the new name “will continue to honor the legacy of labor organizing and solidarity for farm workers and recognize farm workers as the backbone of America.”

Immediately, just about the whole slate of options in the earlier polls was wiped clean. There are only three names, so far, that fit the bill that the Mayor has spelled out. It’s Campesino Park, Sí Se Puede Park. or Farmworker Park.

Of these three, Campesino Park is the strong favorite in the current poll, with a 55 percent majority. No other name, not even “Dolores Huerta” when that was an option, captured as high a response.

This is of course not an official vote. There is a process starting up involving the Commemorative Committee and then going to the Parks Commission which must hold a public hearing and then report to the City Manager who will take it to City Council. This will take long dreary months during which the park has no name and the C***** Park Conservancy has no name either but is compelled to keep using the chavezpark.org website address.

-- chavezpark.org Apr 22 2026

Portland City Council advances proposal to rename Cesar E. Chavez Boulevard to Campesinos Boulevard

A five-person committee unanimously approved a proposal to fast-track the renaming process, potentially bypassing the city's requirements for resident approval.

Author: Evan Watson
Published: 4:57 PM PDT May 26, 2026
Updated: 10:34 AM PDT May 27, 2026

PORTLAND, Oregon — A Portland City Council committee unanimously advanced a proposal Tuesday to rename Cesar E. Chavez Boulevard to Campesinos Boulevard, following a New York Times investigation alleging the late labor leader sexually abused women and girls for decades.

The proposal, introduced by Councilor Loretta Smith, would bypass city code that requires the support of 2,500 Portlanders or 75% of residents living on a street before a name change can occur.

The word "campesinos" is a Spanish term for farmworkers, and supporters say the name would honor the Latino community and their fight for labor rights. The full city council will now hold a hearing on the measure….

Marta Guembes, co-chair of Por La Causa Committee, made an emotional appeal at the council meeting in support of the Campesinos name.

"Long after we are gone people will still drive this boulevard, what story will each name tell? We are asking for the name to reflect our community's strength, honesty, and inclusion. Please vote for Campesinos Boulevard, and que vivan los campesinos," she said….

Reyna Lopez, executive director of PCUN, said in a statement that she supports the Campesinos name change as a tribute to migrant farmworkers.

"Campesinos Boulevard honors the collective struggle of farmworkers while making clear that accountability and justice must exist inside our movements too," Lopez said. "We do not move forward by protecting legacies at all costs. We move forward by telling the truth and continuing the fight for dignity for all workers."

Date: July 1, 2026
Re: Letter of Support

We, the members of the Citywide Commemorative Committee, are pleased to write in support of the CONSENSUS vote of the Committee for renaming the waterfront park formerly known as Cesar Chavez Park to a new, uplifting name **!Sí Se Puede! Park**.

Since the heart-breaking New York Times revelations about Cesar Chavez (March 18, 2026) we, long-standing community members, are grateful for the immediate action, proposed by Councilmember Kesarwani, to remove the name, and for the recommendation made on April 14, 2026, by Mayor Ishii and Council members Lunaparra, Humbert and O'Keefe, in which direction was provided to the City Manager and the Parks, Recreation, and Waterfront Commission and Director, "to engage with the Chavez/Huerta Commemoration Period partners and Latino Unidos de Berkeley to bring back to City Council recommendations for how the City of Berkeley may move forward with a name change that will continue to honor the legacy of labor organizing and solidarity for farm workers and recognize farm workers as the backbone of America."

We proudly report that our 19-member Commemorative Committee, representing multiple stakeholders and constituencies across Berkeley, met several times since the April 14th Consent Calendar item, and also convened with constituencies and conducted a deliberate process that included reviewing the Mayor's referral, the City's policy on naming and renaming, and developing criteria to test proposed names before polling representatives and discussing the poll and comments of committee members. In doing so, we adapted the successful renaming process utilized to rename schools in BUSD as a model. We highly recommend that the City adopt this model for the future naming and renaming of community places, parks, and buildings. We have attached a copy of the report submitted to the PRW Commission, which further details our process and rationale.

We, the Citywide Commemorative Committee, are pleased to present to the Mayor and the Berkeley City Council a strong consensus that we believe will endure and inspire our Berkeley community for generations to come: **¡Sí Se Puede! Park.**

Respectfully submitted,

- **Santiago Casal**, Founder of the Tribute Site & Co-Founder/Former Chair of Latinos Unidos
- **Beatriz Leyva-Cutler**, BUSD School Board Director, Emerita
- **Natasha Beery**, BUSD Superintendent's Designate, Former Dir. of Community Relations
- **Matt Meyer**, Berkeley Federation of Teachers
- **Alexis Adorador** MFT- Community Member
- **Larry Reyna Sr**, Berkeley Latino Historical Exhibit Committee, La Colectiva Latina de Berkeley committee, renaming of Cesar Chavez Park committee, relocating of the Korean War West Berkeley Chicano veterans memorial committee.
- **Lupe Gallegos-Diaz**, Chair, Latinos Unidos de Berkeley
- **Jeff Malmuth**, Off-Leash Area Group
- **Martin Bourque**, Ecology Center
- **Ana Vasudeo**, BUSD School Board Director
- **Vivian White**, Solar calendar steward and astronomer
- **Mirna Cervantes**, Multicultural Institute, Executive Director
- **Daniela Gonzalez**, Multicultural Institute, Engagement Director

22a

Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Zero Waste Commission

Submitted by: Steven Sherman, Chair, Zero Waste Commission

Subject : Adopt Amendments to Ordinances Governing Special Events: block parties; park events; street events

RECOMMENDATION
Adopt first reading of an ordinance amending BMC 6.46 (Park Events) and BMC 13.44 (Block Parties and Street Events).

SUMMARY
Special events have high visibility within the community, and provide ample opportunity during event planning and during the event to educate organizers, vendors, and attendees about zero waste requirements.

Many special event organizers make a good faith effort to aggregate and arrange for the proper processing of compostables and recyclables material, but too many organizers do not. As a result, too much of this material is collected by the City as trash, and often at City expense. The current code sections discussed herein regarding special events are inadequate to advance the City's zero waste goals. Clearly codified requirements and enforcement mechanisms are needed to ensure that, at special events, single-use packaging and materials are minimized, and diversion of compostable and recyclable materials from the waste stream is maximized.

The Zero Waste Commission reviewed relevant City codes regarding special events, namely BMC 6.46 (Park Events) and BMC 13.44 (Block Parties and Street Events), and is recommending specific amendments to each. Both Codes are attached, with proposed amendments noted in track-changes format.

FISCAL IMPACTS OF RECOMMENDATION
The fiscal impact to the City of these amendments will be minimal or none. It is possible that they will yield minimal fiscal savings. As one example, as amended, the special events regulations will require special events organizers to aggregate and arrange for the removal of all compostables, recyclables and trash, relieving the City of the potential cost of handling these materials. Relatedly, special events organizers will be instructed not to burden public refuse containers for their events, thus reducing the need for City staff to provide extra service at City expense after such events.

At the administrative level, the amendments may slightly increase City staff time for reviewing more detailed permit application requirements and for outreach regarding zero waste responsibilities, including set-up and reporting. The need for additional staff time is minimized, however, by the requirement that a detailed Zero Waste Plan must be included in the application only for events with more than 300 attendees. Moreover, the time before an event when a permit application must be submitted is increased from 5 days to 30 days for events with 300 or fewer attendees, and from 10 to 45 days for events with more than 300 attendees; these adjustments will help staff to stabilize the amount of time spent in any given week on the review of permit applications. Also, it is anticipated that repeat applicants will need less staff outreach over time, as they incorporate a zero waste ethos into their events.

The cost for complying with the amendments primarily will be on event organizers. This approach aligns with a “polluter pays” principle (i.e., those who cause resource depletion and pollution should bear the costs associated with managing and mitigating their effects). Event organizers and their food service vendors could incur some upfront purchasing costs for switching to recyclables, compostables, and reusables, which could be offset over time by lower costs for discharge management, plus they might garner additional public goodwill from modeling eco-conscious zero waste behavior. If an event organizer violates those requirements, the City has authority to withhold the permit deposit paid by the organizer, and impose other penalties, to help offset City staff expenditures incurred from the violations and to serve as an incentive for compliance.

CURRENT SITUATION AND ITS EFFECTS

The special events ordinance is a Strategic Plan Priority Project, advancing our goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment. As noted above, special event organizers too often fail to aggregate and arrange for the proper processing of compostables and recyclables material; far too much of this material is collected by the City as trash, and often at City expense. While everyone is expected to do their part to achieve zero waste, special events have a particularly beneficial effect on normalizing zero waste values and behavior. They have high visibility within the community and provide ample opportunity during event planning and during the event to model and gently educate organizers, vendors, and attendees about zero waste requirements and practices.

The final draft of the Special Events Amendments was presented to the Zero Waste Commission on November 20, 2025.

The Commission passed a motion as follows:
Agenda Item 5 - Subcommittee Reports Updates (C&D Report, Special Events Report)
It was Moved/Seconded (Commissioner Steven Sherman/ Commissioner Swasti Johri) that the Zero Waste Commission recommend amendments to the special events ordinance by the Berkeley City Council:

Aye: Dennis Uyat, Philip Monrad, Barun Singh, Sandra Curtis, Swasti Johri, Steven Sherman, Layla Dargahi, Claire Wilson; Nays: None; Abstentions: None; Absent: None.; Motion carried 8-0-0-0

BACKGROUND

The Zero Waste Commission (ZWC) advises City Council on solid waste policy and goals, including refuse, composting and recycling services, materials reuse and waste reduction, and budgets and other decisions relating to solid waste and materials generation.

The current code sections discussed herein regarding special events are insufficient to advance the City's zero waste goals. More generally, inadequate provisions for enforcement of zero waste and other environmental goals frequently underscore what the Commission sees as the credibility gap between aspirational environmental statements/resolutions/goals/plans/policies, and broad compliance that comes with enforcement.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The recommended zero waste action aligns well with the City's environmental sustainability and climate change mitigation goals. The result will be a reduction in the use of resource-depleting single-use products and packaging, and an increase in the rate of recycling and composting of such items.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed changes are not anticipated to result in a significant environmental change that would trigger CEQA.

RATIONALE FOR RECOMMENDATION

Special events in the city offer high-visibility opportunities to showcase the commitment of the City, its business and residents to zero waste principles and actions. Current regulations regarding planning, conducting, and cleaning up after special events do not adequately advance the City's zero waste goals, nor do such regulations have an enforcement component that guides special events planners and their vendors toward constructive zero waste behavior.

ALTERNATIVE ACTIONS CONSIDERED

Except as noted in the next paragraph, the only alternative action that was considered was No Action. This approach was deemed inappropriate and ineffective to address the problem noted above.

Regarding potential administrative improvements that do not rise to the level of codification within municipal code, Zero Waste Division staff suggested to the Commission that a software-based automated workflow process could increase efficiency within the permit review process. One such model is the Accella system (used

for processing construction permits), in which all work units have the opportunity to sign off that their requirements have been met. Besides investing in automation software, staff suggested that potential bottlenecks in the permitting process could be alleviated or avoided by allocating additional staff to permitting or by imposing a limit on permitted special events, such as 300 per year.

The Commission did not consider or make a recommendation about these suggestions, as they fall outside the scope of the Commission's charge to recommend solutions addressing the need to codify requirements and enforcement mechanisms that minimize use of single-use disposables, and maximize diversion of compostable and recyclable material from the waste stream. The Commission wishes, however, to include staff's suggestions in this Report to the City Council.

CITY MANAGER

The City Manager concurs with and supports Council adoption of the Zero Waste Commission's recommendations to amend Berkeley Municipal Code Chapters 6.46

(Park Events) and 13.44 (Block Parties and Street Events).

The current code sections governing special events are inadequate to advance the City's diversion and zero waste goals. Clearly codified requirements and enforcement mechanisms are needed to ensure that, at special events, single-use packaging and materials are minimized, and diversion of compostable and recyclable materials from the waste stream is maximized. These amendments will strengthen the City's ability to

uphold its diversion, Zero Waste, and Climate Action goals while improving the consistency and accountability of event permitting and event organizers.

The proposed amendments also reinforce the objectives of the City of Berkeley's Single-Use Foodware and Litter Reduction Ordinance (BMC Chapter 11.64) by extending compliance expectations to event organizers.

The amendments are anticipated to have minimal fiscal impact to the City while advancing sustainable event management practices and reducing the need for post-event waste services. The City Manager's Office will direct staff from the Public Works Department, Zero Waste Division, and Parks, Recreation & Waterfront Department to implement the ordinance amendments and update permit materials, outreach tools, and staff guidance accordingly following Council adoption.

CONTACT PERSON

Julia A. Heath, Recycling Program Manager, Public Works Department, (510) 981-6357

Attachments:

1: Berkeley Municipal Code Chapter 6.46 (Park Events), proposed edits in track-change
format
2: Berkeley Municipal Code Chapter 13.44 (Permits for Street Events and Block Parties), proposed edits in track-change format.

Berkeley Municipal Code Chapter 6.46 (Park Events)

Chapter 6.46
PARK EVENTS

Sections:

6.46.010 Applicability--Permit required for park events--Exclusions.
6.46.020 Definitions.
6.46.030 Park event permits--Application--Information required--Timing.
6.46.040 Late applications.
6.46.050 Permits--Standards for issuance or denial--Notification--Regulations.
6.46.060 Appeal procedure following denial or late filing of application.
6.46.070 Park event permit--Content--Restrictions--Limitations.
6.46.080 Cancellation and revocation of permits.
6.46.090 Indemnification--Security deposits.
6.46.100 Insurance--Exemption.
6.46.110 Fees.
6.46.120 Violation--Penalty.

6.46.010 Applicability--Permit required for park events--Exclusions.

A. *This chapter regulates park events as defined herein.* No person shall conduct any park event without first obtaining a permit as provided in this chapter.

B. Issuance of a permit under this chapter does not exempt the permittee from, or constitute compliance with:

1. any requirements relating to exclusive use facilities under Section 6.36.020;
2. local, state or federal laws regulating service or consumption of food or alcoholic beverages;
3. Chapter 13.40 of this code regulating amplified sound;
4. and any park rules or City ordinances applicable to parks; or
5. any other applicable local, state or federal law.

Every permit issued under this chapter is expressly conditioned on compliance with all other applicable laws.

C.

1. No park event may involve the sale, service or consumption of any alcoholic beverage other than beer, wine and champagne. References in this chapter to "alcoholic beverages", "alcohol" or "liquor" include only beer, wine and champagne.
2. No park event in a park which contains a recreation facility or program, or is adjacent to an elementary, middle or high school may involve the sale, service or consumption of alcoholic beverages at any time when the recreational facility or program or school is operating.

D. This chapter does not apply to:
1. events in indoor facilities;
2. spontaneous, unorganized assemblies which are neither sponsored, organized, promoted nor advertised by any person or organization, and do not involve amplified sound.

E. This chapter additionally does not apply to events in Aquatic Park or other parks that are authorized pursuant to any lease to which the City is a party or by a license or permit issued by the City under any other authority, to the extent that its application would be inconsistent with such leases or licenses. However it is the policy of the City that the standards and requirements of this chapter should be used as a guide to any future leases or licenses for property in parks. (Ord. 6579-NS § 2, 2000)

6.46.020 Definitions.

A. "City Manager" shall mean the City Manager of the City of Berkeley and any designee of the City Manager, except as context dictates otherwise.

B. "Major park event" means park events which:
1. involve pyrotechnics or other hazardous activities;
2. require the closure or partial closure of an arterial or collector street as defined in the City of Berkeley General Plan or the re-routing of public transportation;
3. involve a planned or likely attendance of more than ~~150~~300 persons;
4. require an amplified sound permit, a temporary food vendor permit or a liquor license; or
5. for which admission will be charged.

C. "Park" shall have the meaning set forth in Section 6.42.030.A of this code.

D. "Park event" means any demonstration, assembly, festival, fair, concert, or any other gathering of 50 or more persons over the age of 12 years at the same time and for the same collective purpose within an area circumscribed by a 500 foot radius, in any park other than Cesar Chavez Park or Civic Center Park. In Cesar Chavez Park, Civic Center Park and any other park or part thereof which is regularly used for organized sporting events, "park event" shall mean any demonstration, assembly, festival, fair, concert, or any other gathering of 100 or more persons over the age of 12 years at the same time and for the same purpose within an area circumscribed by a 500 foot radius. (Ord. 6579-NS § 2, 2000)

6.46.030 Park event permits--Application--Information required--Timing.

A. Application for a permit for a park event shall be made to the City Manager.

B. Application for park events shall be made at least ~~five (5) business~~thirty (30) days prior to the park event. Applications for major park events shall be made at least ~~ten (10) business~~forty-five (45) ~~-~~days prior to the major park event.

C. The application for such permit shall be made in writing on a form approved by the City Manager. In order that adequate arrangements may be made for the proper policing of the park event the application shall contain the following information, as applicable:
1. The name, address and telephone number of the applicant(s), including photo identification. If the park event will be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the

organization, and of the authorized head of such organization. Where a park event will be conducted for, on behalf of or by an organization, the organization will be considered a co-applicant;

2. The name, address and telephone number of all persons who are or will be responsible for the promotion and conduct of the park event, including a photo identification of each and effective means by which to reach them during the event, such as cell phone and pager numbers and likely location during the park event;

3. A description of the park event, including its purpose and the number of people expected to attend;

4. The date(s) of the park event;

5. The estimated times that the park event will start and terminate, including assembly and disassembly involving the use of public property;

6. The number and kind of vehicles, animals, musical instruments, sound units, and any other equipment that produces sound or noise during the park event that will be involved in the park event, and whether amplified sound is proposed. In the event the applicant seeks or needs an amplified sound permit, a temporary food permit, a facility rental or a temporary liquor license, the application for the park event should, but need not, be accompanied by copies of applications for such permits and/or licenses.

7. A statement whether the park event will occupy all or only a portion of the park;

8. The number and location of portable sanitation facilities and other equipment and services proposed for participants, if applicable;

9. A description of arrangements that have been made for first aid or emergency medical services, or both, if applicable;

10. A description of arrangements that have been made for security, including the name of the security contractor;

11. For events with more than 300 total attendees, applicants must submit a waste reduction, recycling and composting plan ("Zero Waste Plan"). This plan must be submitted to the Zero Waste Division of the Public Works Department and to the permitting agency issuing the permit at least 45 days before the event. The Zero Waste Plan must include the following, and such other components that the City Manager may require:

a. Containers:

I. Zero Waste Stations for Attendees: Plans must include affirmation that reservations have been made for lightweight, collapsible bins (e.g., ClearStream units or similar) that promote source separation;

II. Zero Waste Discard Service for Event: Documented, appropriate use of State of California compliant color-coded bins for zero waste event stations. All recyclables, and only recyclables, are to be placed in the blue recycling bin(s). All compostables, and only compostables, are to be placed in the green organics bin. Trash, and only trash, is to be placed in the black trash bin. Include brief description of services and proper handling for removal of recyclables, compostables and trash;

b. Education: Adequate and appropriate signage regarding proper use of the bins related to the event;

c. Event Greener: If an event greener is used, event greener's name, organization, email, phone number;

d. Recyclable, Compostable or Reusable Foodware: Affirmation that all food vendors will be informed that all foodware must be recyclable, certified compostable, or reusable, in accordance with City and State requirements;

e. Plastic Waste Reduction: Affirmation that all food and beverage vendors will be informed that plastic stirrers, plastic toothpicks, plastic straws, and other plastic-based beverage accessories are prohibited;

f. Waste Reduction: Affirmation that all food vendors will be encouraged to dispense food condiments in bulk containers;

g. Hydration Stations: Description of type and number of water bottle refilling dispensers for attendees;

h. Use of Reusables: Affirmation that all food and beverage vendors will be encouraged to use reusable food and beverage containers, and/or that attendees will be encouraged to bring their own reusable food and beverage containers;

i. Edible Food Rescue: Acknowledgement that if the event has over 2,000 attendees, State law (per CA Senate Bill 1383, also known as the Short-Lived Climate Pollutants Reduction Act of 2016) requires events to donate surplus edible food. If applicable, indicate which organization the applicant will work with to rescue the event's surplus edible food;

j. Non-Foodware Supplies: Affirmation that non-reusable, non-recyclable and/or non-compostable supplies, such as ballons and other decorations, table coverings, signage and party favors, shall not be used to the extent feasible. Include brief description of such items and their usage, along with description of efforts to minimize such usage.

12. For park events with 300 or fewer total attendees, event organizers must comply with the requirements outlined in the previous subsection, Chapter 646.030(C)(11), but need not submit a Zero Waste Plan described above in their permit application.

13. Insurance and surety bond information, if applicable; and

~~12. A fully refundable cleaning deposit in the amount set by resolution of the City Council; and~~

134. Such other information, in conformity with the requirements of this chapter, as the City Manager may reasonably require. (Ord. 6579-NS § 2, 2000)

6.46.040 Late applications.

A. Any application received after the deadlines established in Section 6.46.030 is a late application. The City Manager shall not accept late applications unless they find that:

1. the proposed park event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application; or

2. the imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.

B. When the City Manager finds both of the above conditions to exist, they shall accept the application and process it in accordance with this chapter, unless it does not meet

the criteria set forth in Section 6.46.030 or there is insufficient time for the City to make necessary preparations for traffic control or other public safety matters prior to the proposed date. (Ord. 6579-NS § 2, 2000)

6.46.050 Permits--Standards for issuance or denial--Notification--Regulations.

A. The City Manager shall issue a permit for a park event unless one or more of the following conditions exist:

1. The application is incomplete for failure to provide the information required by Section 6.46.030.
2. The information contained in the application, including supplemental information, if any, is found to be false in any material respect, the purpose of the event is contrary to law, and/or the applicant has failed to meet the City requirements for a permit.
3. A prior application for an event to be held at the same time and place has been granted.
4. The park event will unduly interfere with vehicular ingress to, egress from, or travel on a freeway, state designated highway, or major arterial or collector street of the City.
5. The park event will unreasonably interfere with fire or police protection, or public safety, including presenting a substantial or unwarranted traffic or safety hazard.
6. The park event would involve a number of people exceeding the capacity of the park for which it is proposed or would involve amplified sound contrary to regulations promulgated by the City Manager for that park.
7. The security arrangements that have been made are inadequate or the contractor that will be providing security is not qualified.
8. One or more of the applicants or persons whose name is shown on the application was also named on an application for a park event in Berkeley that resulted in a violation of this chapter as described in Section 6.46.120.B within the prior twelve (12) months or was responsible for an event in a park in any other jurisdiction that resulted in comparable problems prohibited by local law in that jurisdiction within the last twelve (12) months.

B. The applicant shall be notified in writing of the action of the City Manager in granting or denying the permit at least one day prior to the date of the proposed event, unless the application was made late, in which case notification shall be given as soon as reasonably possible and by any reasonable means.

1. If the permit is denied, the written notice briefly shall set forth reasons explaining the denial.
2. If the permit is denied pursuant to the criteria set forth in this chapter, because the proposed time or assembly and dispersal sites are unacceptable, the denial shall contain a statement of alternative acceptable times and sites.

C. The City Manager may issue regulations detailing the limitations for each park that implement this section, including regulations addressing park capacity, the permissibility and duration of amplified sound and requirements for the maintenance of accessibility during park events. (Ord. 6579-NS § 2, 2000)

6.46.060 Appeal procedure following denial or late filing of application.

Any decision by a designee of the City Manager to deny a permit under this chapter or to reject a late application may be appealed to the City Manager by letter within five (5) working days. The City Manager shall render a written decision on the appeal within one (1) working day thereafter, but in no event later than the time of the proposed event. If the initial decision was by the City Manager, it shall be final. (Ord. 6579-NS § 2, 2000)

6.46.070 Park event permit--Content--Restrictions--Limitations.

A. A park event permit shall contain the information given in the application and may impose reasonable time, place, and manner restrictions to ensure that the park event will not pose a traffic or safety hazard or unreasonably interfere with fire or police protection services. The restrictions shall be in conformity with the requirements of this chapter and shall provide only for such modification of the proposed park event as is necessary to achieve compliance with this chapter. Such restrictions may include, but are not limited to, requiring the applicant to:

1. Maintain a twelve foot wide emergency access lane at all times;
2. Provide first aid stations and teams within the closed-off area to provide emergency medical aid to participants;
3. Provide portable sanitation facilities and other equipment and services;
4. Provide barricades to close off streets or other areas;
5. Provide sufficient signs and directional arrows to divert traffic and arrange for A.C. Transit and other public transit detours, subject to the approval of the City Traffic Engineer;
6. Provide monitors for crowd control and security at the rate of one unarmed security person per twenty-five (25) attendees and establish liaison with the police department concerning security. Security shall only be required for major park events;
7. Distribute flyers throughout the surrounding areas in advance of the park event, notifying the affected residents and business people of any street closure associated with the park event;
8. Provide well-marked receptacles for recyclable, compostable and trash materials as prescribed in the Zero Waste Plan prescribed in Chapter 6.46.030(C)(11), and monitor their use to ensure that materials are placed in the proper receptacles, and not placed in the City's public refuse containers. For events with more than 300 total attendees, this Zero Waste Plan must be included in the event permit application and permit. Organizers of all park events, regardless of the number of attendees, must comply with the components required for an adequate Zero Waste Plan as specified in Chapter 6.46.030(C)(11);

~~8~~9. Clean all debris and litter from the park, street and sidewalk area and remove and properly handle recycling/composting/trash within four hours after the conclusion of the event;

~~9~~10. If an amplified sound permit is granted, provide and utilize a sound level meter to monitor compliance with Chapter 13.40 of the Berkeley Municipal Code;

110. If alcoholic beverages are to be sold at the event, obtain the appropriate license from the State Department of Alcoholic Beverage Control, follow responsible beverage service practices and provide security adequate to maintain order, as determined by the Chief of Police.

121. Include in all advertisements about the event a notice that parking in the area of the event is limited, encouraging attendees to take public transit, and notifying them of relevant public transit information.

13. The City Manager may require event organizers or contracted event greeners to submit documentation confirming that materials in the recycling/composting/trash receptacles have been properly handled, included but not limited to submitting sworn statements describing how these materials were handled, and/or submitting weight tickets and/or photo documentation verifying service levels. Organizers and/or greeners must confirm the amount of material generated by the event, and how much was sent to which transfer station or landfill, recycling facility and/or composting facility. For events with over 2,000 attendees, organizers shall provide documentation to the City per stipulations contained in Senate Bill 1383 (2016).

14. Failure to comply with these requirements may result in penalties provided in Chapter 6.46.120(F).

B. Applicants shall carry the permit during the park event and shall show it, upon demand, to any City employee.

C. The City Manager may require as a condition of a permit that park events involving over 100 persons may be monitored by City staff, provided that this condition is not imposed on the basis of any communicative characteristic of the proposed park event.

D. Parks in which park events occur shall remain open to the public during the park event, to the extent consistent with the park's capacity and to the maximum extent feasible given the nature of the park event. No park shall be closed to the public during a park event absent express permission to do so in a permit issued under this chapter.

E. All park events shall end no later than 10:00 p.m.

F. Permittees shall ensure that accessibility for persons with disabilities is not impaired by the park event. (Ord. 6579-NS § 2, 2000)

6.46.080 Cancellation and revocation of permits.

A. The City Manager may revoke a permit at any time, if they determine that as a result of inclement weather conduct of a park event would unreasonably damage the park for which it is proposed.

B. The City Manager may revoke a permit at any time, if they determine that any provision of this chapter or any condition of the permit has not been met or is being violated, or if a person responsible for the promotion or conduct of the park event was not shown on the application. The applicant may appeal any revocation as provided in Section 13.45.060. (Ord. 6579-NS § 2, 2000)

6.46.090 Indemnification--Security deposits.

A. The permit holder shall indemnify and hold harmless the City of Berkeley, its officers, agents, employees and volunteers, from any and all claims, causes of action,

penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property resulting from the event which were caused by the omissions or authorized acts of the permittee's officers, agents or employees.

B. If City property is destroyed or damaged by reason of a park event, the permittee shall reimburse the City for the cost of those repairs deemed necessary by the City. The City may retain the security deposit as full or partial reimbursement for any such damage. (Ord. 6579-NS § 2, 2000)

6.46.100 Insurance--Exemption.

A. For major park events, other than those which are major park events solely because of the number of attendees, the permittee must obtain insurance in the amount of one million dollars ($1,000,000) for the duration of the major park event, which names the City of Berkeley, its officers, agents, employees and volunteers as additional insured. For all other park events, the City Manager may require insurance in an amount appropriate to the event. The amount of insurance required shall not be based on the existence or content of any expression involved in the event, or on the expected reactions of observers.

B. No permit applicant shall be required to comply with the insurance requirement of this section if the proposed park event is protected by the First Amendment to the United States Constitution and the applicant produces evidence that complying with the insurance provision is impossible or so financially burdensome that it would preclude the proposed event from occurring.

C. If insurance is required pursuant to this section, a certificate of insurance shall be provided to the City and must be approved as to form and sufficiency by the City no later than two days before the event. If the applicant is unable to obtain insurance or does not provide the City with the certificate of insurance, the City Manager may obtain such insurance on behalf of the permit applicant and charge the permit applicant for the cost. (Ord. 6579-NS § 2, 2000)

6.46.110 Fees and Deposits.

A. The City Council may establish by resolution the fees that shall be charged for permits issued under this chapter. Said fees may include the cost of monitoring events pursuant to Section 6.46.070.C.

B. If a permittee is unable to hold or conduct an event because of inclement weather or due to some other cause not within the permittee's control, and the permittee submits written request for the refund of such fees to the City Manager's office within ten (10) days after the date that the event was to have been held or conducted, the City Manager may authorize the refund of any fees that are not necessary to reimburse the City's expenses of preparation for the park event, except for non-refundable application fees, if any.

C. Any indigent person who cannot apply for a permit because of an inability arising from such indigence to pay the application fee, shall not be required to pay the fee. Applications for indigent status shall be made upon application for the permit and shall be accompanied by such relevant information and documentation as is reasonably necessary to verify indigence. For purposes of this section, an indigent person is one

who is eligible for county relief pursuant to Sections 17000 et seq. of the Welfare and Institutions Code. (Ord. 6579-NS § 2, 2000)

D. The City Manager may impose a conditionally refundable deposit for permits issued under this Chapter, and may condition refunding of deposits on event organizer's compliance with the requirements of the permit, as provided in Chapter 6.46.120(F).

6.46.120 Violation--Penalty.

A. Violation of this chapter is a misdemeanor punishable as set forth in Chapter 1.20 of this code, but may be charged, in the discretion of the prosecutor, as an infraction.

B. In addition to any other remedy, the City Manager or Director of Parks & Waterfront may impose an administrative penalty of up to $10,000 on any person, whether or not they have obtained a permit under this ordinance:

1. who conducts a park event in such a manner that it results in a disturbance of any kind that requires the assignment of six Berkeley Police Department patrol officers after 11:00 a.m. and before 2:00 a.m., or three Berkeley Police Department patrol officers at any other time, to quell such disturbance.

2. makes any material misrepresentation or omission on their application which bears on security, management or crowd control in such a manner as to contribute to a disturbance described in paragraph B.1. of this section; or

3. violates any condition of their permit which bears on security, management or crowd control in such a manner as to contribute to a disturbance described in paragraph B.1. of this section.

C. No penalty may be imposed under this section without affording the person or persons on which the penalty is to be imposed reasonable notice and an opportunity to be heard by the City Manager or their designee.

D. 1. Any penalty imposed under this section may be appealed to the City Council within 10 days of the date written notice of that penalty is mailed to or otherwise provided to the person who is the subject of the penalty. An appeal must be in writing and must state all of the reasons for the appeal. Failure to appeal the City Manager's decision to impose a penalty shall be deemed consent to the penalty and a waiver of all rights to challenge it.

2. The appeal shall be placed on the Council agenda at the earliest feasible date. The Council may affirm or reverse the City Manager's decision on the basis of the written record before it, or may set the matter for hearing. If the Council takes no action within 30 days after the appeal first appears on its agenda, the City Manager's decision shall be deemed affirmed.

E. No penalty may be imposed under this section based on the behavior of persons not attending the event or based on the reactions of observers or bystanders to any communicative aspect of the event. (Ord. 6579-NS § 2, 2000)

F. Notwithstanding the preceding subsections of this section, the City Manager may impose administrative penalties for violations of permit requirements, including but not limited to: (i) forfeiture of all or a portion of a permit deposit; (ii) imposition of additional requirements for subsequent permits (such as mandating a third-party greener contractor to perform recycling/composting/trash collection services); (iii) denial of subsequent permits for repeated violations. The City Manager or his/her designee may impose a penalty in his/her discretion, based on the severity and/or frequency of the violation or size of the event. An event organizer may appeal to the City Manager a penalty imposed by a designee of the City Manager. The City Manager shall act upon said appeal promptly. The City Manager's decision shall be final.

2. Berkeley Municipal Code Chapter 13.44 (Block Parties and Street Events)

Chapter 13.44
PERMITS FOR STREET EVENTS AND BLOCK PARTIES*

Sections:

13.44.010 Applicability.
13.44.020 Definitions.
13.44.030 Block parties--Standards for issuance of permit--City Manager authorized to issue regulations.
13.44.040 Street event permits--Application--Information required--Timing--Issuance.
13.44.050 Late applications.
13.44.060 Permits--Standards for issuance or denial--Notification.
13.44.070 Appeals.
13.44.080 Street event permit--Content and possession--Rules and regulations.
13.44.090 Revocation of permit--Addition of conditions.
13.44.100 Indemnification.
13.44.110 Insurance--Exemption.

13.44.120 Fees.
13.44.130 Violation--Penalty.
13.44.140 Removal.
13.44.150 City Manager authority.

***** For vehicles and traffic generally, see Title 14 of this code.

13.44.010 Applicability.

A. No person shall conduct, cause to be conducted, participate in, engage in, hold, manage, employ, permit or allow another to conduct an event which requires street closure or other traffic control measures on any public street, sidewalk or alley within the City, without first obtaining a permit from the City Manager or their designated representative.

B. This Chapter does not apply to park events regulated by Chapter 6.46 or filming regulated by Chapter 9.78. (Ord. 7062-NS § 1 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.020 Definitions.

A. "Block party" means a gathering, sponsored solely by owners, residents or tenants of properties fronting a street, which causes a closure of the entire street, or a portion thereof, to vehicular traffic and use of the street for the gathering.

B. "Certified Farmers' Market" means a market operated in accordance with regulations established by the California Department of Food and Agriculture, Sections 47000-47026, and California Code Title III, Division 3, Chapter 1, Subchapter 4, Article 6.5, Direct Marketing; and those sections of the Health and Safety Code applicable to Certified Farmers' Markets.

C. "City Manager" shall mean the City Manager of the City of Berkeley and any designee of the City Manager, except as context dictates otherwise.

D. "Downtown Berkeley BART Plaza" means the portion of the public right-of-way on the western portion of Shattuck Avenue between Center Street and Allston Way, bounded on its north by the sidewalk curb face on the south side of Center Street, on its east by the sidewalk curb face on the west side of Shattuck Avenue, on its south by the sidewalk curb face on the north side of Allston Way, and on its west by the eastern edge of the parcels fronting the west side of Shattuck Avenue.

E. "High impact event" means an event (1) occupying all or a portion of a major street, collector or scenic route street, or (2) occupying more than two adjacent blocks of a local street, where a detour, including a temporary detour during only part of the event,

is required, and/or (3) where AC Transit, UCB or LBNL buses would need to be re-routed.

F. "Local streets" means those streets defined in the circulation element of the Berkeley General Plan as local streets.

G. "Low impact event" means an event occupying all or a portion of not more than two adjacent blocks of a local street (other than a major, collector or scenic route street) where a formalized detour is not required, and where AC Transit, University of California-Berkeley (UCB) or Lawrence Berkeley National Laboratory (LBNL) buses would not have to be re-routed.

H. "Street event" includes any march, demonstration, assembly, parade, festival, street fair, concert or any other gathering which takes place in the public street or right-of-way, and which is likely to impede, obstruct, or interfere with the normal flow of vehicular or pedestrian traffic. "Street event" does not include "block party". (Ord. 7594-NS § 2, 2018: Ord. 7062-NS § 2 (part), 2008: Ord. 6871-NS § 1 (part), 2005: Ord. 6647-NS § 2, 2001)

13.44.030 Block parties--Standards for issuance of permit--City Manager authorized to issue regulations.

A. Local streets not exceeding one City block or one intersection may be temporarily closed for block parties provided that the following requirements are met:

1. At least two-thirds of the area abutting the street or intersection to be closed is residentially zoned and the purpose of the block party is consistent with residential zoning regulations;

2. A valid permit has been obtained from the City Manager;

3. The applicant agrees to indemnify and hold harmless the City of Berkeley, its officers, agents and employees, from any and all claims, damages, or suits that may arise or in any way be occasioned by the willful or negligent acts or omissions of the applicant or the applicant's agents; and

4. The applicant agrees to clean all debris and litter from the street and sidewalk within four hours after the event. The applicant shall either: (i) provide sufficient and well-marked receptables for collecting trash, recyclable and compostable materials, and arrange for the proper handling of such material after the event, or (ii) ensure that such materials are removed by attendees. The City's public litter containers shall not be used during the event or during clean-up. If the applicant violates the clean up requirement, the City may choose to undertake the clean up and bill the applicant for the cost of the clean up.

B. The City Manager is authorized to issue administrative guidelines to further the purposes of this section, as well as to establish a non-refundable permit application fee. (Ord. 7062-NS § 3 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.040 Street event permits--Application--Information required--Timing--Issuance.

A. Application for a permit for a street event shall be made to the City Manager, or to their designee.

B. Application for (1) high impact events, (2) street events that involve the use of pyrotechnics, (3) Certified Farmers' Markets, or (4) street events that involve the use of the Downtown Berkeley BART Plaza shall be made at least ~~30~~45 ~~business~~ days prior to the street event.

C. Applications for all other street events shall be made at least ~~10~~30 ~~business~~ days prior to the street event.

D. The application for such permit shall be made in writing on a form approved by the City Manager. In order that adequate arrangements may be made for the proper policing of the street event, including the security of participants, and to ensure that the event is conducted in a lawful manner, the application shall contain the following information, as applicable:

1. The name, address and telephone number of the applicant, including photo identification. If the street event will be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized head of such organization shall also be supplied. Where a street event will be conducted for, on behalf of or by an organization, the organization will be considered a co-applicant;

2. The name, address and telephone number of all persons who are or will be responsible for the conduct of the street event, including a photo identification of each and effective means by which to reach them during the event, such as cell phone and pager numbers and likely location during the street event;

3. A description of the street event, including its purpose. These requirements are intended to allow the City to anticipate and provide for additional police and other services, if necessary, to protect the safety of participants and bystanders;

4. The date(s) of the street event;

5. The estimated times that the street event will start and terminate, including assembly and disassembly involving the use of public property;

6. The route of the street event, if applicable, the maximum length of any parade and whether the street event will occupy all or only a portion of the streets proposed to be traveled, if applicable;

7. The locations, if any, of the assembly area and dispersal areas of any street event;

8. If the dispersal area of a street event is located in another city, the location of such dispersal area, and if the required permit has not been issued by such other city, an alternate route and alternate dispersal area in the City of Berkeley;

9. As far as is reasonably practicable, the approximate number of persons; the number and kind of vehicles, animals, musical instruments, sound units, and any other equipment that produces sound or noise during the street event that will be involved in the street event, and whether amplified sound is proposed. In the event the applicant seeks or needs an amplified sound permit, a temporary food permit or a temporary liquor license, the application for the street event should be accompanied by copies of applications for such permits and/or licenses;

10. The number and location of portable sanitation facilities and other equipment and services necessary to conduct the street event and other equipment and services proposed for participants, if applicable, with due regard for participant and public health and safety;

11. A description of arrangements that have been made for first aid or emergency medical services, or both, if applicable;

12. A description of arrangements that have been made for security, including the name and telephone number of the lead contact person for the security contractor;

13. For events with more than 300 total attendees, applicants must submit a waste reduction, recycling and composting plan ("Zero Waste Plan"). This plan must be submitted to the Zero Waste Division of the Public Works Department and to the permitting agency issuing the permit at least 45 days before the event. The Zero Waste Plan must include the following, and such other components that the City Manager may require:

a. Containers:

I. Zero Waste Stati~~o~~ons for Attendees: Plans must include affirmation that reservations have been made for lightweight, collapsible bins (e.g., ClearStream units or similar) that promote source separation;

II. Zero Waste Discard Service for Event: Documented, appropriate use of State of California compliant color-coded bins for zero waste event stations. All recyclables, and only recyclables, are to be placed in the blue recycling bin(s). All

compostables, and only compostables, are to be placed in the green organics bin. All trash, and only trash, is to be placed in the black trash bin. Include brief description of services and proper handling for removal of recyclables, compostables and trash;

b. Education: Adequate and appropriate signage regarding proper use of the bins related to the event;

c. Event Greener: If an event greener is used, event greener's name, organization, email, phone number;

d. Recyclable, Compostable or Reusable Foodware: Affirmation that all food vendors will be informed that all foodware must be recyclable, certified compostable, or reusable, in accordance with City and State requirements;

e. Plastic Waste Reduction: Affirmation that all food and beverage vendors will be informed that plastic stirrers, plastic toothpicks, plastic straws, and other plastic-based beverage accessories are prohibited;

f. Waste Reduction: Affirmation that all food vendors will be encouraged to dispense food condiments in bulk containers;

g. Hydration Stations: Description of type and number of water bottle refilling dispensers for attendees;

h. Use of Reusables: Affirmation that all food and beverage vendors will be encouraged to use reusable food and beverage containers, and/or that attendees will be encouraged to bring their own reusable food and beverage containers;

i. Edible Food Rescue: Acknowledgement that if the event has over 2,000 attendees, State law (per CA Senate Bill 1383, also known as the Short-Lived Climate Pollutants Reduction Act of 2016) requires events to donate surplus edible food. If applicable, indicate which organization the applicant will work with to rescue the event's surplus edible food;

j. Non-Foodware Supplies: Affirmation that non-reusable, non-recyclable and/or non-compostable supplies, such as ballons and other decorations, table coverings, signage and party favors, shall not be used to the extent feasible. Include brief description of such items and their usage, along with description of efforts to minimize such usage.

14. For street events with 300 or fewer total attendees, event organizers must comply with the requirements outlined in the previous subsection, Chapter 13.44.040(D)(13), but need not submit a Zero Waste Plan described above in their permit application.

~~14~~15 Any proposed reasonable rules and regulations necessary for the safe and orderly conduct of the street event and the movement of persons, in furtherance of the goals and purposes of the street event. Such proposed rules may include, but are not limited to, prohibition or other regulation of the use of skates and wheeled vehicles, other than wheelchairs, if necessary for the safety or orderly circulation of persons attending the street event. For purposes of this subdivision, "wheeled vehicles" includes, but is not limited to, bicycles, tricycles, scooters, skateboards or any motorized vehicles of any sort. For purposes of this subdivision, "skates" includes roller skates, roller blades and in-line skates;

~~15~~16 Insurance information, if applicable; and

~~16~~17 Such other information, in conformity with the requirements of this Chapter, as the City Manager may reasonably require. (Ord. 7594-NS § 3, 2018: Ord. 7062-NS § 4 (part), 2008: Ord. 6871-NS § 2 (part), 2005: Ord. 6647-NS § 2, 2001)

13.44.050 Late applications.

A. Any application received after the deadlines established in Section 13.44.040 is a late application. The City Manager shall accept a late application if they find that:

1. The proposed street event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application; and

2. The imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.

B. When the City Manager finds both of the above conditions to exist, they shall accept the application and process it in accordance with this chapter, unless it does not meet the criteria set forth in Section 13.44.040 or there is insufficient time for the City to make necessary preparations for traffic control or other public safety matters prior to the proposed date. (Ord. 6647-NS § 2, 2001)

13.44.060 Permits--Standards for issuance or denial--Notification.

A. The City Manager shall issue a permit for a street event unless one or more of the following conditions exist:

1. The application is incomplete for failure to provide the information required by Section 13.44.040;

2. The information contained in the application, including supplemental information, if any, is found to be false in any material respect, the purpose of the street event is contrary to law, and/or the applicant has failed to meet the City requirements for a permit;

3. A prior application for a street event to be held at the same time and place has been received or granted;

4. The street event will unduly interfere with pedestrian access or with vehicular ingress to, egress from, or travel on a freeway, state designated highway, public transit stop, or major arterial or collector street of the City;

5. The street event will unreasonably interfere with fire or police protection; or

6. The event applicant, whether an individual or an organization, has substantially failed to comply with the terms and/or conditions of prior events, of any type, permitted by the City, as set forth in Subsection 13.44.130 (Violation—Penalty) below.

B. The applicant shall be notified in writing of the action of the City Manager with respect to the application as early as possible, but no less than two days prior to the date of the proposed event, unless the application was made late, in which case notification shall be given as soon as reasonably possible and by any reasonable means.

C. If a permit is denied, the written notice shall set forth reasons explaining the denial.

D. If a permit is denied pursuant to the criteria set forth in this chapter, because the proposed time, route, or assembly and dispersal sites are unacceptable, the denial shall contain a statement of alternative acceptable times, routes and sites. (Ord. 7594-NS § 4, 2018: Ord. 7439-NS § 1, 2015: Ord. 7062-NS § 5 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.070 Appeals.

An applicant may appeal the denial of an application made pursuant to this chapter by a designee of the City Manager to the City Manager. The City Manager shall act upon said appeal promptly. The City Manager's decision shall be final. (Ord. 6647-NS § 2, 2001)

13.44.080 Street event permit--Content and possession--Rules and regulations.

A. A street event permit shall contain the information given in the application and shall impose reasonable time, place, and manner conditions such that the street event will not pose a traffic or safety hazard or unreasonably interfere with fire or police protection services. The conditions imposed shall be in conformity with the requirements of this chapter and shall provide only for such modification of the application's proposed street event as is necessary to achieve compliance with this chapter. Such conditions may include, but are not limited to the following:

1. Maintain a 20-foot wide emergency access lane at all times.

2. Provide first aid stations and teams within the closed-off area to provide emergency medical aid to participants.

3. Provide barricades of the specified type to close off the involved areas or streets.

4. Provide sufficient signs and directional arrows as specified by the City to divert traffic and arrange for AC Transit and other public transit detours, subject to the approval of the traffic engineer.

5. Provide monitors for crowd control and security and establish liaison with the police department concerning the role of the monitors.

6. Distribute flyers throughout the surrounding areas in advance of the event, notifying the affected residents and business people of the street closure.

7. Provide well-marked receptables for recyclable, compostable and trash materials as described in the Zero Waste Plan prescribed in Chapter 13.44.040(D)(13), and monitor their use to ensure that materials are placed in the proper receptacles, and not placed in City refuse containers. For events with more than 300 total attendees, this Zero Waste Plan must be included in the event permit application and permit. Organizers of all events, regardless of the number of attendees, must comply with the components required for an adequate Zero Waste Plan as specified in Chapter 13.44.040(D)(13).

8. Clean all debris and litter from the street and sidewalk area and remove and properly handle recycling/composting/trash receptacles within four hours after the conclusion of the event.

9. Obey all applicable local, state and federal laws, including but not limited to the requirement for a sound permit under Chapter 13.40 of the Berkeley Municipal Code. However, notwithstanding anything to the contrary in Chapter 13.40, a permit issued under this Chapter may extend the hours for a sound amplification permit issued under Chapter 13.40 at a street event (a) for more than four hours, and (b) until 10:00 p.m.

10. If alcohol is to be served at the event, responsible beverage service practices shall be followed, and the applicant shall provide security adequate to maintain order, as determined by the Chief of Police.

11. The City Manager may require event organizers or contracted event greeners to submit documentation confirming that materials in the recycling/composting/trash receptacles have been properly handled, included but not limited to submitting sworn statements describing how these materials were handled, and/or submitting weight tickets and/or photo documentation verifying service levels. Organizers and/or greeners must confirm the amount of material generated by the event, and how much was sent to which transfer station or landfill, recycling facility and/or composting facility. For events with over 2,000 attendees, organizers shall provide documentation to the City per stipulations contained in SB1383 (2016).

12. Failure to comply with these requirements may result in penalties provided in Chapter 13.44.130.

B. City staff will assist applicants in meeting the conditions imposed by this section.

C. Applicants shall carry the permit during the street event and shall show it, upon demand, to any City employee.

D. Applicants may not limit the free distribution of literature at the street event by members of the public who have no formal or direct relationship with the applicant with respect to the presentation of the street event. (Ord. 7062-NS § 6 (part), 2008: Ord. 6871-NS § 3 (part), 2005: Ord. 6647-NS § 2, 2001)

13.44.090 Revocation of permit--Addition of conditions.

A. The City Manager shall have the authority to revoke a permit, in conformity with the criteria articulated in this Chapter, if they determine that any condition of the permit has not been met or is being violated. A decision by the City Manager or their designee to revoke a permit is final.

B. The City Manager may add conditions to a permit for a recurring Street Event if it is necessary or appropriate to do so in order to ensure compliance with subdivision 13.44.060.A. (Ord. 7439-NS § 2, 2015: Ord. 7062-NS § 7 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.100 Indemnification.

A. The permit holder shall indemnify and hold harmless the City of Berkeley, its officers, agents and employees, from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property which were caused by the willful or negligent acts or omissions of the permittee or the permittee's officers, agents or employees.

B. If City property is destroyed or damaged by reasons of permittee's use, event or activity, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed property.

C. Any damage or injury caused solely by the reaction to the permitted expressive activities is excluded from the indemnity and reimbursement provisions in this Section. (Ord. 7062-NS § 8 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.110 Insurance--Exemption.

A. If a street event involves one of the following conditions, the permittee must obtain insurance in the amount of one million dollars for the duration of the event, which names the City of Berkeley, its officers, agents and employees as additional insured:

1. Closure of a major arterial or collector City street, as defined in the City of Berkeley General Plan;

2. An anticipated crowd in excess of one thousand people;

3. A street closure anticipated to have a major effect on the flow of traffic in the area; i.e., closure of two or more intersections and rerouting of AC Transit or other public transportation; or

4. Use of any part of the Downtown Berkeley BART Plaza.

B. No permit applicant shall be required to comply with the insurance requirement of this section if the activity proposed is protected by the First Amendment to the United States Constitution and the applicant produces satisfactory evidence that complying with the insurance provision would preclude the proposed street event from occurring.

C. The amount of insurance required shall not be based on the existence or content of any expression involved in the event, or on the expected reactions of observers.

D. If insurance is required pursuant to this section, a certificate of insurance shall be provided to the City and must be approved as to form and sufficiency by the City no later than 5 days before the event. If the applicant is unable to obtain insurance or does not provide the City with the certificate of insurance, the City Manager may obtain such insurance on behalf of the permit applicant and charge the permit applicant for the cost. (Ord. 7594-NS § 5, 2018: Ord. 7062-NS § 9 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.120 Fees and Deposits.

A. The City Council may establish by resolution the fees that shall be charged for permits issued under this chapter.

B. If a permittee is unable to hold or conduct a street event because of inclement weather or due to some other cause not within the permittee's control, and the permittee submits written request for the refund of such fees to the City Manager's office within ten days after the date that the event was to have been held or conducted, the City Manager may authorize the refund of the fees, or a pro rata portion thereof, except for non-refundable application fees, if any.

C. Any indigent person who cannot apply for a permit because of an inability arising from such indigence to pay the application fee shall not be required to pay the fee. Applications for indigent status shall be made upon application for the permit and shall be accompanied by such relevant information and documentation as is reasonably necessary to verify indigence. For purposes of this section, an indigent person is one who is eligible for county relief pursuant to Sections 17000 et seq. of the Welfare and Institutions Code. (Ord. 6647-NS § 2, 2001)

D. The City Manager may impose a conditionally refundable deposit for permits issued under this Chapter, and may condition refunding of deposits on event organizer's compliance with the requirements of the permit, as provided in Chapter 13.44.130.

13.44.130 Violation--Penalty.

A. An intentional violation of this Chapter is a misdemeanor punishable as set forth in Chapter 1.20 of this code, but may be charged, in the discretion of the prosecutor, as an infraction. For purposes of this section, violation of a street event rule is not a violation of this Chapter. (Ord. 7062-NS § 10 (part), 2008: Ord. 6647-NS § 2, 2001)

B. The City Manager may impose administrative penalties for violations of permit requirements, including but not limited to: (i) forfeiture of all or a portion of a permit deposit; (ii) imposition of additional requirements for subsequent permits (such as mandating a third-party greener contractor to perform recycling/composting/trash collection services; (iii) denial of subsequent permits for repeated violations. The City Manager or his/her designee may impose a penalty in his/her discretion, based on the severity and/or frequency of the violation or size of the event. An event organizer may appeal to the City Manager a penalty imposed by a designee of the City Manager. The City Manager shall act upon said appeal promptly. The City Manager's decision shall be final.

13.44.140 Removal.

Any person who refuses to comply with a street event rule proposed and approved under Section 13.44.040.D.13 may be removed from the street event. (Ord. 6647-NS § 2, 2001)

13.44.150 City Manager authority.

The City Manager may adopt regulations for the implementation and administration of this Chapter. (Ord. 7439-NS § 3, 2015)

22b

Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Companion Report: Adopt Amendments to Ordinances Governing Special Events: block parties; park events; street events

RECOMMENDATIONS

Adopt first reading of two ordinances, as referred to Council by the Zero Waste Commission's report titled, "Adopt Amendments to Ordinances Governing Special Events: block parties; park events; street events," specifically amending Berkeley Municipal Code (BMC):

- Chapter 6.46 (Park Events); and,
- Chapter 13.44 (Street Events and Block Parties)

SUMMARY

The Public Works Department supports amending the Berkeley Municipal Code as proposed by the Zero Waste Commission. The amendments will bring the City's event requirements in line with State mandated requirements and codify existing department processes. They are expected to reduce City costs. The amendments will also strengthen Berkeley's commitment to protecting public health and the environment through waste reduction, cost recovery and enforcement options to address non-compliance. These changes are expected to increase landfill diversion, which is in line with the City's zero waste and climate action goals and state mandates.

FISCAL IMPACTS OF RECOMMENDATION

There will be no additional staff costs associated with the adoption of the proposed ordinance as staff already review the zero waste plans for permitted special events and work with event organizers to offer sorting and collection resources.

CURRENT SITUATION AND ITS EFFECTS

Public Works staff are in favor of adopting the Zero Waste Commission's proposed ordinance updates because the new language will codify SB-1383 requirements as well as the workflow that staff have already implemented. Adopting the proposed amendments to codify this will protect the City from liability related to non-compliance with state requirements, and it will create a reference for staff to send to event organizers so they can review post-event reporting and other requirements.

When the Zero Waste Commission Secretary reported on progress addressing implementing zero waste processes and procedures related to zero waste requirements in special events permitting, the Zero Waste Commission voted to move a referral to Council on November 20, 2025, requesting that Council adopt updated ordinance language that would codify the informal process staff had built to address compliance with state mandated zero waste events requirements.

> November 20, 2025 Zero Waste Commission Meeting
> Subcommittee Reports Updates (C&D Report, Special Events Report)
>
> Action Taken: M/S/C (Sherman/Johri) to move Special Events Amendments to Council.
>
> Aye: Dennis Uyat, Philip Monrad, Barun Singh, Sandra Curtis, Swasti Johri, Steven Sherman, Layla Dargahi, Claire Wilson; Nays: none; Abstentions: none; Absent: none
>
> Motion carried 8-0-0-0

Public Works staff have already implemented the Zero Waste Commission's proposed ordinance language. When an event organizer submits an application for a special event, they are referred to appropriate contacts in departments across the City for approval. Public Works staff check that event organizers have submitted the required Zero Waste Events plan as posted on the Special Events Permits webpage (see attachments).

Once the Zero Waste Events Plan has been approved, Event Organizers work with Public Works staff to schedule ClearStream reservations and schedule and pay for short term dumpsters that include state mandated subscription services to landfill, recycling and organics collection facilities. Staff also offer sample vendor agreements that event organizers can use to inform mobile food vendors of requirements in municipal code Chapter 11.64 Single Use Foodware and Litter Reduction. Staff also include information about state mandates under the California Senate Bill 1383 on Short-Lived Climate Pollutants to donate any edible food that the Environmental Health Division deems safe for human consumption. This reduces the occurrence of methane causing organic materials in landfills.

After the event, Public Works staff monitor the level of contamination in dumpsters for all material types and monitor the fullness of each dumpster in order to ensure that the event organizer is purchasing the correct service levels for each material type. Staff also provide feedback to event organizers when they can clearly observe that vendors are using disposable foodware that is out of compliance with BMC 11.64 or where other types of excess contamination has occurred.

In order to determine the cost of non-compliance to the City, staff will:

- Document when dumpsters are damaged and calculate the cost;
- Document lost or damaged equipment (Clearstreams and locks) and calculate the costs;
- Document when event organizers rent a recycling dumpster but fills it with trash and calculates the costs; and,
- Document when event organizers leave litter, illegal dumping, or use City litter containers to dispose of event waste and calculate the costs.

SB-1383 requires large event organizers to provide a post-event report that City staff use to inform SB-1383 required annual reporting that covers the total tonnage of materials that were diverted from landfills by special event organizers. Staff often do not receive post event surveys, so extra staff time is required to collect the mandated annual reporting data for special events. The largest challenge the new language will address is ensuring staff have sufficient time to work with event organizers to: offer technical assistance; support vendor education; and ensure event organizers' short-term dumpster rentals have been vetted for meeting Public Works inventory levels. The latter includes event organizers having appropriate and accessible delivery and collection locations; proper reservations; payment in advance of the event; and providing staff with sufficient time to ensure that the Public Works delivery and collection staff are informed about event details.

These proposed amendments to the Berkeley Municipal Code regarding block parties, park events, street events, and other special events advances the Strategic Plan goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

California laws SB 1383 and AB 2176 require event organizers of "large events" to implement comprehensive waste reduction, recycling, and organic waste collection programs, as well as recover excess edible food for human consumption.

AB 2176, passed in 2004, focuses on solid waste reduction and recycling strategies and requires event organizers to:

- **Develop a Waste Reduction Plan:** Create and implement a plan detailing waste prevention and recycling strategies.

- **Provide Recycling Services:** Arrange for recycling collection services throughout the venue.

- **Report Data:** Provide specific information to the local jurisdiction upon request, including the event's name, location, a description of the waste generated, and the types/weights of materials recycled versus disposed.

- **Meet with Haulers:** Consult with solid waste and recycling service providers to select appropriate diversion programs.

SB 1383 builds on existing laws by targeting the reduction of short-lived climate pollutants, specifically methane from organic waste in landfills. It mandates the following for large events and venues:

- **Provide Organics Collection:** Ensure convenient and clearly labeled organics (compost) collection, in addition to recycling and landfill bins. All three types of bins must be grouped together and clearly labeled with proper signage.

- **Recover Edible Food:** Mandate that all excess edible food generated at the event be recovered for human consumption, rather than being landfilled or composted.

- **Establish Agreements & Keep Records:** Maintain written agreements or contracts with food recovery services or organizations detailing the types and pounds of food donated monthly.

- **Ensure Vendor Compliance:** If the operator does not provide food services directly but allows vendors on site (like food trucks), they must require those vendors to comply with the organics diversion and food recovery requirements.

- **Promote Reusables/Compostables:** Encourage vendors to use reusable or locally compostable foodware and use bulk condiments instead of single-use packets.

Berkeley Municipal Code (BMC) Chapter 11.64, "Single Use Foodware and Litter Reduction," applies to all "Prepared Food Vendors" in the city, which includes temporary event vendors and food trucks and mandates:

- **No On-Premise Disposables:** If customers dine at a mobile food vendor (e.g., at provided tables), all food and beverages must be served in **reusable** (durable/washable) foodware and with reusable utensils.

- **Compostable Takeout Items:** All disposable foodware used for takeout must be Biodegradable Products Institute (**BPI)-certified compostable** and accepted by the City of Berkeley's municipal compost program.

- **Accessory Items Upon Request Only:** Disposable accessory items (straws, napkins, lids, condiment packets, etc.) must only be provided when a customer specifically requests them or via a self-serve station.

- **Cup Charge:** A mandatory **$0.25 charge** must be applied to every disposable beverage cup provided. This charge must be itemized separately on the receipt and clearly displayed on menus/signage. Customers using WIC or EBT cards are exempt from this charge.

- **Customer Reusables Allowed:** Vendors must allow customers to bring their own clean, reusable cups and foodware for service, as long as they comply with California State Health Code standards (vendors can refuse unsanitary items).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Increasing compliance with SB-1383, AB-2176 and BMC 11.64 requirements will result in an increase of diversion from landfills, which is in line with the City's zero waste and climate action goals.

RATIONALE FOR RECOMMENDATION

Public Works staff already work closely with event organizers to ensure they are reducing waste and subscribing to required collection services at their special events. Adopting the Zero Waste Commission's proposed amendments to Chapters 6.46 and 13.44 of the Berkeley Municipal codifies what is requested of special event organizers, aligns the City's municipal code with State mandated requirements and offers the City a cost recovery and enforcement option to address incidents of non-compliance. Implementing enforcement options is expected to result in increased compliance. This should directly increase landfill diversion, which is in line with the City's zero waste and climate action goals and state mandates.

The largest existing challenge the new language will address is ensuring staff have ample time to work with event organizers and ensure their short-term dumpster rentals have been vetted for meeting Public Works' requirements for inventory; appropriate and accessible delivery and collection locations; proper reservations; payment in advance of the event; sufficient staff time to ensure the delivery and collection staff are well-informed about the details of the event.

ALTERNATIVE ACTIONS CONSIDERED

Alternatives include not adopting the proposed ordinance, which could expose the City to liability related to CalRecycle enforcement action under SB-1383 and reduce opportunities for the City to meet its ambitious zero waste goals.

CONTACT PERSON

Leticia Jauregui, Division Manager, Public Works Department, 510-981-6362
Julia A. Heath, Recycling Program Manager, Public Works Department, 510-981-6357

Attachments:

1. Ordinance amending Berkeley Municipal Code Chapter 6.46
2. Ordinance amending Berkeley Municipal Code Chapter 13.44
3. Sample Vendor Agreement
4. Zero Waste Events Requirements
5. Collection Services
6. Zero Waste Events Checklist
7. Clearstream Reservation Form

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 6.46 – PARK EVENTS

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

Section 1. That Berkeley Municipal Code Chapter 6.46 is amended to read as follows:

Chapter 6.46
PARK EVENTS

Sections:

6.46.010 Applicability--Permit required for park events--Exclusions.
6.46.020 Definitions.
6.46.030 Park event permits--Application--Information required--Timing.
6.46.040 Late applications.
6.46.050 Permits--Standards for issuance or denial--Notification--Regulations.
6.46.060 Appeal procedure following denial or late filing of application.
6.46.070 Park event permit--Content--Restrictions--Limitations.
6.46.080 Cancellation and revocation of permits.
6.46.090 Indemnification--Security deposits.
6.46.100 Insurance--Exemption.
6.46.110 Fees.
6.46.120 Violation--Penalty.

6.46.010 Applicability--Permit required for park events--Exclusions.

A. *This chapter regulates park events as defined herein.* No person shall conduct any park event without first obtaining a permit as provided in this chapter.

B. Issuance of a permit under this chapter does not exempt the permittee from, or constitute compliance with:

1. any requirements relating to exclusive use facilities under Section 6.36.020;
2. local, state or federal laws regulating service or consumption of food or alcoholic beverages;
3. Chapter 13.40 of this code regulating amplified sound;
4. and any park rules or City ordinances applicable to parks; or
5. any other applicable local, state or federal law.

Every permit issued under this chapter is expressly conditioned on compliance with all other applicable laws.

C.

1. No park event may involve the sale, service or consumption of any alcoholic beverage other than beer, wine and champagne. References in this chapter to "alcoholic beverages", "alcohol" or "liquor" include only beer, wine and champagne.
2. No park event in a park which contains a recreation facility or program, or is adjacent to an elementary, middle or high school may involve the sale, service or

consumption of alcoholic beverages at any time when the recreational facility or program or school is operating.

D. This chapter does not apply to:

1. events in indoor facilities;
2. spontaneous, unorganized assemblies which are neither sponsored, organized, promoted nor advertised by any person or organization, and do not involve amplified sound.

E. This chapter additionally does not apply to events in Aquatic Park or other parks that are authorized pursuant to any lease to which the City is a party or by a license or permit issued by the City under any other authority, to the extent that its application would be inconsistent with such leases or licenses. However it is the policy of the City that the standards and requirements of this chapter should be used as a guide to any future leases or licenses for property in parks. (Ord. 6579-NS § 2, 2000)

6.46.020 Definitions.

A. "City Manager" shall mean the City Manager of the City of Berkeley and any designee of the City Manager, except as context dictates otherwise.

B. "Major park event" means park events which:

1. involve pyrotechnics or other hazardous activities;
2. require the closure or partial closure of an arterial or collector street as defined in the City of Berkeley General Plan or the re-routing of public transportation;
3. involve a planned or likely attendance of more than ~~150~~300 persons;
4. require an amplified sound permit, a temporary food vendor permit or a liquor license; or
5. for which admission will be charged.

C. "Park" shall have the meaning set forth in Section 6.42.030.A of this code~~.~~

D. "Park event" means any demonstration, assembly, festival, fair, concert, or any other gathering of 50 or more persons over the age of 12 years at the same time and for the same collective purpose within an area circumscribed by a 500 foot radius, in any park other than Cesar Chavez Park or Civic Center Park. In Cesar Chavez Park, Civic Center Park and any other park or part thereof which is regularly used for organized sporting events, "park event" shall mean any demonstration, assembly, festival, fair, concert, or any other gathering of 100 or more persons over the age of 12 years at the same time and for the same purpose within an area circumscribed by a 500 foot radius. (Ord. 6579-NS § 2, 2000)

6.46.030 Park event permits--Application--Information required--Timing.

A. Application for a permit for a park event shall be made to the City Manager.

B. Application for park events shall be made at least ~~five (5) business~~~~thirty (30)~~sixty (60) days prior to the park event. Applications for major park events shall be made at least ~~ten (10) business~~~~forty-five (45)~~ninety (90) days prior to the major park event.

C. The application for such permit shall be made in writing on a form approved by the City Manager. In order that adequate arrangements may be made for the proper policing of the park event the application shall contain but not be limited to the following information, as applicable:

1. The name, address and telephone number of the applicant(s), including photo identification. If the park event will be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized head of such organization. Where a park event will be conducted for, on behalf of or by an organization, the organization will be considered a co-applicant;
2. The name, address and telephone number of all persons who are or will be responsible for the promotion and conduct of the park event, including a photo identification of each and effective means by which to reach them during the event, such as cell phone and pager numbers and likely location during the park event;
3. A description of the park event, including its purpose and the number of people expected to attend;
4. The date(s) of the park event;
5. The estimated times that the park event will start and terminate, including assembly and disassembly involving the use of public property;
6. The number and kind of vehicles, animals, musical instruments, sound units, and any other equipment that produces sound or noise during the park event that will be involved in the park event, and whether amplified sound is proposed. In the event the applicant seeks or needs an amplified sound permit, a temporary food permit, a facility rental or a temporary liquor license, the application for the park event should, but need not, be accompanied by copies of applications for such permits and/or licenses.
7. A detailed event site plan and map, and statement whether the park event will occupy all or only a portion of the park;
8. The number and location of portable sanitation facilities and other equipment and services proposed for participants, if applicable;
9. A description of arrangements that have been made for first aid or emergency medical services, or both, if applicable;
10. A description of arrangements that have been made for security, including the name of the security contractor;
11. For events with more than 300 total attendees, applicants must submit a waste reduction, recycling and composting plan ("Zero Waste Plan"). This plan must be submitted to the Zero Waste Division of the Public Works Department and to the permitting agency issuing the permit at least 45 days before the event. The Zero Waste Plan must include the following, and such other components that the City Manager may require:
    a. Containers:
    I. Zero Waste Stations for Attendees: Plans must include affirmation that reservations have been made for lightweight, collapsible bins (e.g., ClearStream units or similar) that promote source separation;
    II. Zero Waste Discard Service for Event: Documented, appropriate use of State of California compliant color-coded bins for zero waste event stations. All recyclables, and only recyclables, are to be placed in the blue recycling bin(s). All compostables, and only compostables, are to be placed in the green organics bin.

Trash, and only trash, is to be placed in the black trash bin. Include brief description of services and proper handling for removal of recyclables, compostables and trash;

b. Education: Adequate and appropriate signage regarding proper use of the bins related to the event;

c. Event Greener: If an event greener is used, event greener's name, organization, email, phone number;

d. Recyclable, Compostable or Reusable Foodware: Affirmation that all food vendors will be informed that all foodware must be recyclable, certified compostable, or reusable, in accordance with City and State requirements;

e. Plastic Waste Reduction: Affirmation that all food and beverage vendors will be informed that plastic stirrers, plastic toothpicks, plastic straws, and other plastic-based beverage accessories are prohibited;

f. Waste Reduction: Affirmation that all food vendors will be encouraged to dispense food condiments in bulk containers;

g. Hydration Stations: Description of type and number of water bottle refilling dispensers for attendees;

h. Use of Reusables: Affirmation that all food and beverage vendors will be encouraged to use reusable food and beverage containers, and/or that attendees will be encouraged to bring their own reusable food and beverage containers;

i. Edible Food Rescue: Acknowledgement that if the event has over 2,000 attendees, State law (per CA Senate Bill 1383, also known as the Short-Lived Climate Pollutants Reduction Act of 2016) requires events to donate surplus edible food. If applicable, indicate which organization the applicant will work with to rescue the event's surplus edible food;

j. Non-Foodware Supplies: Affirmation that non-reusable, non-recyclable and/or non-compostable supplies, such as ballons and other decorations, table coverings, signage and party favors, shall not be used to the extent feasible. Include brief description of such items and their usage, along with description of efforts to minimize such usage.

12. For park events with 300 or fewer total attendees, event organizers must comply with the requirements outlined in the previous subsection, Chapter 646.030(C)(11), but need not submit a Zero Waste Plan described above in their permit application.

13. Insurance and surety bond information, if applicable; and

12. A fully refundable cleaning deposit in the amount set by resolution of the City Council; and

14. Such other information, in conformity with the requirements of this chapter, as the City Manager may reasonably require. (Ord. 6579-NS § 2, 2000)

6.46.040 Late applications.

A. Any application received after the deadlines established in Section 6.46.030 is a late application. The City Manager shall not accept late applications unless they find that:

1. the proposed park event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application; or

2. the imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.

B. When the City Manager finds both of the above conditions to exist, they shall accept the application and process it in accordance with this chapter, unless it does not meet the criteria set forth in Section 6.46.030 or there is insufficient time for the City to make necessary preparations for traffic control or other public safety matters prior to the proposed date. (Ord. 6579-NS § 2, 2000)

6.46.050 Permits--Standards for issuance or denial--Notification--Regulations.

A. The City Manager shall issue a permit for a park event unless one or more of the following conditions exist:

1. The application is incomplete for failure to provide the information required by Section 6.46.030.

2. The information contained in the application, including supplemental information, if any, is found to be false in any material respect, the purpose of the event is contrary to law, and/or the applicant has failed to meet the City requirements for a permit.

3. A prior application for an event to be held at the same time and place has been granted.

4. The park event will unduly interfere with vehicular ingress to, egress from, or travel on a freeway, state designated highway, or major arterial or collector street of the City.

5. The park event will unreasonably interfere with fire or police protection, or public safety, including presenting a substantial or unwarranted traffic or safety hazard.

6. The park event would involve a number of people exceeding the capacity of the park for which it is proposed or would involve amplified sound contrary to regulations promulgated by the City Manager for that park.

8~~7~~. The security arrangements that have been made are inadequate or the contractor that will be providing security is not qualified.

9~~8~~. One or more of the applicants, ~~or~~ persons, entity or organization whose name is shown on the application was also named on an application for a park event in Berkeley that resulted in a violation of this chapter as described in Section 6.46.120.B within the prior ~~twelve (12)~~twenty-four (24) months or was responsible for an event in a park in any other jurisdiction that resulted in comparable problems prohibited by local law in that jurisdiction within the last ~~twelve~~ twenty-four (24)~~(12)~~ months.

B. The applicant shall be notified in writing of the action of the City Manager in granting or denying the permit at least one day prior to the date of the proposed event, unless the application was made late, in which case notification shall be given as soon as reasonably possible and by any reasonable means.

1. If the permit is denied, the written notice briefly shall set forth reasons explaining the denial.

2. If the permit is denied pursuant to the criteria set forth in this chapter, because the proposed time or assembly and dispersal sites are unacceptable, the denial shall contain a statement of alternative acceptable times and sites.

C. The City Manager may issue regulations detailing the limitations for each park that implement this section, including regulations addressing park capacity, the permissibility and duration of amplified sound and requirements for the maintenance of accessibility during park events. (Ord. 6579-NS § 2, 2000)

6.46.060 Appeal procedure following denial or late filing of application.

Any decision by a designee of the City Manager to deny a permit under this chapter or to reject a late application may be appealed to the City Manager by letter within five (5) working days. The City Manager shall render a written decision on the appeal within one (1) working day thereafter, but in no event later than the time of the proposed event. If the initial decision was by the City Manager, it shall be final. (Ord. 6579-NS § 2, 2000)

6.46.070 Park event permit--Content--Restrictions--Limitations.

A. A park event permit shall contain the information given in the application and may impose reasonable time, place, and manner restrictions to ensure that the park event will not pose a traffic or safety hazard or unreasonably interfere with fire or police protection services. The restrictions shall be in conformity with the requirements of this chapter and shall provide only for such modification of the proposed park event as is necessary to achieve compliance with this chapter. Such restrictions may include, but are not limited to, requiring the applicant to:

1. Maintain a twelve foot wide emergency access lane at all times;
2. Provide first aid stations and teams within the closed-off area to provide emergency medical aid to participants;
3. Provide portable sanitation facilities and other equipment and services;
4. Provide barricades to close off streets or other areas;
5. Provide sufficient signs and directional arrows to divert traffic and arrange for A.C. Transit and other public transit detours, subject to the approval of the City Traffic Engineer;
6. Provide monitors for crowd control and security at the rate of one unarmed security person per twenty-five (25) attendees and establish liaison with the police department concerning security. Security shall only be required for major park events;
7. Distribute flyers throughout the surrounding areas in advance of the park event, notifying the affected residents and business people of any street closure associated with the park event;
8. Provide well-marked receptacles for recyclable, compostable and trash materials as prescribed in the Zero Waste Plan prescribed in Chapter 6.46.030(C)(11), and monitor their use to ensure that materials are placed in the proper receptacles, and not placed in the City's public refuse containers. For events with more than 300 total attendees, this Zero Waste Plan must be included in the event permit application and permit. Organizers of all park events, regardless of the number of attendees, must comply with the components required for an adequate Zero Waste Plan as specified in Chapter 6.46.030(C)(11);

98. Clean all debris and litter from the park, street and sidewalk area and remove and properly handle recycling/composting/trash within four hours after the conclusion of the event;
10. If an amplified sound permit is granted, provide and utilize a sound level meter to monitor compliance with Chapter 13.40 of the Berkeley Municipal Code;
11. If alcoholic beverages are to be sold at the event, obtain the appropriate license from the State Department of Alcoholic Beverage Control, follow responsible beverage service practices and provide security adequate to maintain order, as determined by the Chief of Police.
121. Include in all advertisements about the event a notice that parking in the area of the event is limited, encouraging attendees to take public transit, and notifying them of relevant public transit information.
13. The City Manager may require event organizers or contracted event greeners to submit documentation confirming that materials in the recycling/composting/trash receptacles have been properly handled, included but not limited to submitting sworn statements describing how these materials were handled, and/or submitting weight tickets and/or photo documentation verifying service levels. Organizers and/or greeners must confirm the amount of material generated by the event, and how much was sent to which transfer station or landfill, recycling facility and/or composting facility. For events with over 2,000 attendees, organizers shall provide documentation to the City per stipulations contained in Senate Bill 1383 (2016).
14. Failure to comply with these requirements may result in penalties provided in Chapter 6.46.120(F).

B. Applicants shall carry the permit during the park event and shall show it, upon demand, to any City employee.
C. The City Manager may require as a condition of a permit that park events involving over 100 persons may be monitored by City staff., provided that this condition is not imposed on the basis of any communicative characteristic of the proposed park event.
D. Parks in which park events occur shall remain open to the public during the park event, to the extent consistent with the park's capacity and to the maximum extent feasible given the nature of the park event. No park shall be closed to the public during a park event absent express permission to do so in a permit issued under this chapter.
E. All park events shall end no later than 10:00 p.m.
F. Permittees shall ensure that accessibility for persons with disabilities is not impaired by the park event. (Ord. 6579-NS § 2, 2000)

6.46.080 Cancellation and revocation of permits.

A. The City Manager may revoke a permit at any time, if they determine that as a result of inclement weather conduct of a park event would unreasonably damage the park for which it is proposed.
B. The City Manager may revoke a permit at any time, if they determine that any provision of this chapter or any condition of the permit has not been met or is being

violated, or if a person responsible for the promotion or conduct of the park event was not shown on the application. The applicant may appeal any revocation as provided in Section 13.45.060. (Ord. 6579-NS § 2, 2000)

6.46.090 Indemnification--Security deposits.

A. The permit holder shall indemnify and hold harmless the City of Berkeley, its officers, agents, employees and volunteers, from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property resulting from the event which were caused by the omissions or authorized acts of the permittee's officers, agents or employees.

B. If City property is destroyed or damaged by reason of a park event, the permittee shall reimburse the City for the cost of those repairs deemed necessary by the City. The City may retain the security deposit as full or partial reimbursement for any such damage. (Ord. 6579-NS § 2, 2000)

6.46.100 Insurance--Exemption.

A. For major park events , other than those which are major park events solely because of the number of attendees, the permittee must obtain insurance in the amount of one million dollars ($1,000,000) for the duration of the major park event, which names the City of Berkeley, its officers, agents, employees and volunteers as additional insured. For all other park events, the City Manager may will require insurance in an amount appropriate to the event. The amount of insurance required shall not be based on the existence or content of any expression involved in the event, or on the expected reactions of observers.

B. No permit applicant shall be required to comply with the insurance requirement of this section if the proposed park event is protected by the First Amendment to the United States Constitution and the applicant produces evidence that complying with the insurance provision is impossible or so financially burdensome that it would preclude the proposed event from occurring.

C. If insurance is required pursuant to this section, a certificate of insurance shall be provided to the City and must be approved as to form and sufficiency by the City no later than two days before the event. If the applicant is unable to obtain insurance or does not provide the City with the certificate of insurance, the City Manager may obtain such insurance on behalf of the permit applicant and charge the permit applicant for the cost. (Ord. 6579-NS § 2, 2000)

6.46.110 Fees and Deposits.

A. The City Council may establish by resolution the fees that shall be charged for permits issued under this chapter. Said fees may include the cost of monitoring events pursuant to Section 6.46.070.C.

B. If a permittee is unable to hold or conduct an event because of inclement weather or due to some other cause not within the permittee's control, and the permittee submits written request for the refund of such fees to the City Manager's office within ten (10) days after the date that the event was to have been held or conducted, the City Manager may authorize the refund of any fees that are not necessary to reimburse the

City's expenses of preparation for the park event, except for non-refundable application fees, if any.

C. Any indigent person who cannot apply for a permit because of an inability arising from such indigence to pay the application fee, shall not be required to pay the fee. Applications for indigent status shall be made upon application for the permit and shall be accompanied by such relevant information and documentation as is reasonably necessary to verify indigence. For purposes of this section, an indigent person is one who is eligible for county relief pursuant to Sections 17000 et seq. of the Welfare and Institutions Code. (Ord. 6579-NS § 2, 2000)

D. The City Manager may impose a conditionally refundable deposit for permits issued under this Chapter. ~~, and~~ The City Manager may condition refunding of deposits on event organizer's compliance with the requirements of the permit, as provided in Chapter 6.46.120(F).

6.46.120 Violation--Penalty.

A. Violation of this chapter is a misdemeanor punishable as set forth in Chapter 1.20 of this code, but may be charged, in the discretion of the prosecutor, as an infraction.

B. In addition to any other remedy, the City Manager or Director of Parks & Waterfront may impose an administrative penalty of up to $10,000 on any person, whether or not they have obtained a permit under this ordinance:

1. who conducts a park event in such a manner that it results in a disturbance of any kind that requires the assignment of six Berkeley Police Department patrol officers after 11:00 a.m. and before 2:00 a.m., or three Berkeley Police Department patrol officers at any other time, to quell such disturbance.

2. makes any material misrepresentation or omission on their application which bears on security, management or crowd control in such a manner as to contribute to a disturbance described in paragraph B.1. of this section; or

3. violates any condition of their permit which bears on security, management or crowd control in such a manner as to contribute to a disturbance described in paragraph B.1. of this section.

C. No penalty may be imposed under this section without affording the person or persons on which the penalty is to be imposed reasonable notice and an opportunity to be heard by the City Manager or their designee.

D. 1. Any penalty imposed under this section may be appealed to the City Council within 10 days of the date written notice of that penalty is mailed to or otherwise provided to the person who is the subject of the penalty. An appeal must be in writing and must state all of the reasons for the appeal. Failure to appeal the City Manager's

decision to impose a penalty shall be deemed consent to the penalty and a waiver of all rights to challenge it.

2. The appeal shall be placed on the Council agenda at the earliest feasible date. The Council may affirm or reverse the City Manager's decision on the basis of the written record before it, or may set the matter for hearing. If the Council takes no action within 30 days after the appeal first appears on its agenda, the City Manager's decision shall be deemed affirmed.

E. No penalty may be imposed under this section based on the behavior of persons not attending the event or based on the reactions of observers or bystanders to any communicative aspect of the event. (Ord. 6579-NS § 2, 2000)

F. Notwithstanding the preceding subsections of this section, the City Manager may impose administrative penalties for violations of permit requirements, including but not limited to: (i) forfeiture of all or a portion of a permit deposit; (ii) imposition of additional requirements for subsequent permits (such as mandating a third-party greener contractor to perform recycling/composting/trash collection services); (iii) denial of subsequent permits for repeated violations. The City Manager or his/her designee may impose a penalty in his/her discretion, based on the severity and/or frequency of the violation or size of the event. An event organizer may appeal to the City Manager a penalty imposed by a designee of the City Manager. The City Manager shall act upon said appeal promptly. The City Manager's decision shall be final.

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 NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 13.44 – PERMITS FOR STREET EVENTS AND BLOCK PARTIES

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

Section 1. That Berkeley Municipal Code Chapter 13.44 is amended to read as follows:

Chapter 13.44
PERMITS FOR STREET EVENTS AND BLOCK PARTIES*

Sections:

13.44.010 Applicability.
13.44.020 Definitions.
13.44.030 Block parties--Standards for issuance of permit--City Manager authorized to issue regulations.
13.44.040 Street event permits--Application--Information required--Timing--Issuance.
13.44.050 Late applications.
13.44.060 Permits--Standards for issuance or denial--Notification.
13.44.070 Appeals.
13.44.080 Street event permit--Content and possession--Rules and regulations.
13.44.090 Revocation of permit--Addition of conditions.
13.44.100 Indemnification.
13.44.110 Insurance--Exemption.
13.44.120 Fees.
13.44.130 Violation--Penalty.
13.44.140 Removal.
13.44.150 City Manager authority.

***** For vehicles and traffic generally, see Title 14 of this code.

13.44.010 Applicability.

A. No person shall conduct, cause to be conducted, participate in, engage in, hold, manage, employ, permit or allow another to conduct an event which requires street closure or other traffic control measures on any public street, sidewalk or alley within the City, without first obtaining a permit from the City Manager or their designated representative.

B. This Chapter does not apply to park events regulated by Chapter 6.46 or filming regulated by Chapter 9.78. (Ord. 7062-NS § 1 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.020 Definitions.

A. "Block party" means a gathering, sponsored solely by owners, residents or tenants of properties fronting a street, which causes a closure of the entire street, or a portion thereof, to vehicular traffic and use of the street for the gathering.

B. "Certified Farmers' Market" means a market operated in accordance with regulations established by the California Department of Food and Agriculture, Sections 47000-47026, and California Code Title III, Division 3, Chapter 1, Subchapter 4, Article 6.5, Direct Marketing; and those sections of the Health and Safety Code applicable to Certified Farmers' Markets.

C. "City Manager" shall mean the City Manager of the City of Berkeley and any designee of the City Manager, except as context dictates otherwise.

D. "Downtown Berkeley BART Plaza" means the portion of the public right-of-way on the western portion of Shattuck Avenue between Center Street and Allston Way, bounded on its north by the sidewalk curb face on the south side of Center Street, on its east by the sidewalk curb face on the west side of Shattuck Avenue, on its south by the sidewalk curb face on the north side of Allston Way, and on its west by the eastern edge of the parcels fronting the west side of Shattuck Avenue.

E. "High impact event" means an event (1) occupying all or a portion of a major street, collector or scenic route street, or (2) occupying more than two adjacent blocks of a local street, where a detour, including a temporary detour during only part of the event, is required, and/or (3) where AC Transit, UCB or LBNL buses would need to be re-routed.

F. "Local streets" means those streets defined in the circulation element of the Berkeley General Plan as local streets.

G. "Low impact event" means an event occupying all or a portion of not more than two adjacent blocks of a local street (other than a major, collector or scenic route street) where a formalized detour is not required, and where AC Transit, University of California-Berkeley (UCB) or Lawrence Berkeley National Laboratory (LBNL) buses would not have to be re-routed.

H. "Street event" includes any march, demonstration, assembly, parade, festival, street fair, concert or any other gathering which takes place in the public street or right-of-way, and which is likely to impede, obstruct, or interfere with the normal flow of vehicular or pedestrian traffic. "Street event" does not include "block party". (Ord. 7594-NS § 2, 2018: Ord. 7062-NS § 2 (part), 2008: Ord. 6871-NS § 1 (part), 2005: Ord. 6647-NS § 2, 2001)

13.44.030 Block parties--Standards for issuance of permit--City Manager authorized to issue regulations.

A. Local streets not exceeding one City block or one intersection may be temporarily closed for block parties provided that the following requirements are met:

1. At least two-thirds of the area abutting the street or intersection to be closed is residentially zoned and the purpose of the block party is consistent with residential zoning regulations;

2. A valid permit has been obtained from the City Manager;

3. The applicant agrees to indemnify and hold harmless the City of Berkeley, its officers, agents and employees, from any and all claims, damages, or suits that may arise or in any way be occasioned by the willful or negligent acts or omissions of the applicant or the applicant's agents; and

4. The applicant agrees to clean all debris and litter from the street and sidewalk within four hours after the event. The applicant shall either: (i) provide sufficient and well-marked receptables for collecting trash, recyclable and compostable materials, and arrange for the proper handling of such material after the event, or (ii) ensure that such materials are removed by attendees. The City's public litter containers shall not be used during the event or during clean-up. If the applicant violates the clean up requirement, the City may choose to undertake the clean up and bill the applicant for the cost of the clean up.

B. The City Manager is authorized to issue administrative guidelines to further the purposes of this section, as well as to establish a non-refundable permit application fee. (Ord. 7062-NS § 3 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.040 Street event permits--Application--Information required--Timing--Issuance.

A. Application for a permit for a street event shall be made to the City Manager, or to their designee.

B. Application for (1) high impact events, (2) street events that involve the use of pyrotechnics, (3) Certified Farmers' Markets, or (4) street events that involve the use of the Downtown Berkeley BART Plaza shall be made at least ~~30~~90~~45~~ ~~business~~ days prior to the street event.

C. Applications for all other street events shall be made at least ~~10~~60~~30~~ ~~business~~ days prior to the street event.

D. The application for such permit shall be made in writing on a form approved by the City Manager. In order that adequate arrangements may be made for the proper policing of the street event, including the security of participants, and to ensure that the event is conducted in a lawful manner, the application shall contain the following information, as applicable:

1. The name, address and telephone number of the applicant, including photo identification. If the street event will be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized head of such organization shall also be supplied. Where a street event will be conducted for, on behalf of or by an organization, the organization will be considered a co-applicant;

2. The name, address and telephone number of all persons who are or will be responsible for the conduct of the street event, including a photo identification of each and effective means by which to reach them during the event, such as cell phone and pager numbers and likely location during the street event;

3. A description of the street event, including its purpose. These requirements are intended to allow the City to anticipate and provide for additional police and other services, if necessary, to protect the safety of participants and bystanders;

4. The date(s) of the street event;

5. The estimated times that the street event will start and terminate, including assembly and disassembly involving the use of public property;

6. The route of the street event, if applicable, the maximum length of any parade and whether the street event will occupy all or only a portion of the streets proposed to be traveled, if applicable;

7. The locations, if any, of the assembly area and dispersal areas of any street event;

8. If the dispersal area of a street event is located in another city, the location of such dispersal area, and if the required permit has not been issued by such other city, an alternate route and alternate dispersal area in the City of Berkeley;

9. As far as is reasonably practicable, the approximate number of persons; the number and kind of vehicles, animals, musical instruments, sound units, and any other equipment that produces sound or noise during the street event that will be involved in the street event, and whether amplified sound is proposed. In the event the applicant seeks or needs an amplified sound permit, a temporary food permit or a temporary liquor license, the application for the street event should be accompanied by copies of applications for such permits and/or licenses;

10. The number and location of portable sanitation facilities and other equipment and services necessary to conduct the street event and other equipment and services proposed for participants, if applicable, with due regard for participant and public health and safety;

11. A description of arrangements that have been made for first aid or emergency medical services, or both, if applicable;

12. A description of arrangements that have been made for security, including the name and telephone number of the lead contact person for the security contractor;

13. For events with more than 300 total attendees, applicants must submit a waste reduction, recycling and composting plan ("Zero Waste Plan"). This plan must be submitted to the Zero Waste Division of the Public Works Department and to the permitting agency issuing the permit at least 45 days before the event. The Zero Waste Plan must include the following, and such other components that the City Manager may require:

a. Containers:

I. Zero Waste Stations for Attendees: Plans must include affirmation that reservations have been made for lightweight, collapsible bins (e.g., ClearStream units or similar) that promote source separation;

II. Zero Waste Discard Service for Event: Documented, appropriate use of State of California compliant color-coded bins for zero waste event stations. All recyclables, and only recyclables, are to be placed in the blue recycling bin(s). All compostables, and only compostables, are to be placed in the green organics bin. All trash, and only trash, is to be placed in the black trash bin. Include brief description of services and proper handling for removal of recyclables, compostables and trash;

b. Education: Adequate and appropriate signage regarding proper use of the bins related to the event;

c. Event Greener: If an event greener is used, event greener's name, organization, email, phone number;

d. Recyclable, Compostable or Reusable Foodware: Affirmation that all food vendors will be informed that all foodware must be recyclable, certified compostable, or reusable, in accordance with City and State requirements;

e. Plastic Waste Reduction: Affirmation that all food and beverage vendors will be informed that plastic stirrers, plastic toothpicks, plastic straws, and other plastic-based beverage accessories are prohibited;

f. Waste Reduction: Affirmation that all food vendors will be encouraged to dispense food condiments in bulk containers;

g. Hydration Stations: Description of type and number of water bottle refilling dispensers for attendees;

h. Use of Reusables: Affirmation that all food and beverage vendors will be encouraged to use reusable food and beverage containers, and/or that attendees will be encouraged to bring their own reusable food and beverage containers;

i. Edible Food Rescue: Acknowledgement that if the event has over 2,000 attendees, State law (per CA Senate Bill 1383, also known as the Short-Lived Climate Pollutants Reduction Act of 2016) requires events to donate surplus edible food. If applicable, indicate which organization the applicant will work with to rescue the event's surplus edible food;

j. Non-Foodware Supplies: Affirmation that non-reusable, non-recyclable and/or non-compostable supplies, such as ballons and other decorations, table coverings, signage and party favors, shall not be used to the extent feasible. Include brief description of such items and their usage, along with description of efforts to minimize such usage.

14. For street events with 300 or fewer total attendees, event organizers must comply with the requirements outlined in the previous subsection, Chapter 13.44.040(D)(13), but need not submit a Zero Waste Plan described above in their permit application.

~~14~~15 Any proposed reasonable rules and regulations necessary for the safe and orderly conduct of the street event and the movement of persons, in furtherance of the goals and purposes of the street event. Such proposed rules may include, but are not limited to, prohibition or other regulation of the use of skates and wheeled vehicles, other than wheelchairs, if necessary for the safety or orderly circulation of persons attending the street event. For purposes of this subdivision, "wheeled vehicles" includes, but is not limited to, bicycles, tricycles, scooters, skateboards or any motorized vehicles of any sort. For purposes of this subdivision, "skates" includes roller skates, roller blades and in-line skates;

~~15~~16 Insurance information, if applicable; and

~~16~~17 Such other information, in conformity with the requirements of this Chapter, as the City Manager may reasonably require. (Ord. 7594-NS § 3, 2018: Ord. 7062-NS § 4 (part), 2008: Ord. 6871-NS § 2 (part), 2005: Ord. 6647-NS § 2, 2001)

13.44.050 Late applications.

A. Any application received after the deadlines established in Section 13.44.040 is a late application. The City Manager shall accept a late application if they find that:

1. The proposed street event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application; and

2. The imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.

B. When the City Manager finds both of the above conditions to exist, they shall accept the application and process it in accordance with this chapter, unless it does not meet the criteria set forth in Section 13.44.040 or there is insufficient time for the City to make necessary preparations for traffic control or other public safety matters prior to the proposed date. (Ord. 6647-NS § 2, 2001)

13.44.060 Permits--Standards for issuance or denial--Notification.

A. The City Manager shall issue a permit for a street event unless one or more of the following conditions exist:

1. The application is incomplete for failure to provide the information required by Section 13.44.040;

2. The information contained in the application, including supplemental information, if any, is found to be false in any material respect, the purpose of the street event is contrary to law, and/or the applicant has failed to meet the City requirements for a permit;

3. A prior application for a street event to be held at the same time and place has been received or granted;

4. The street event will unduly interfere with pedestrian access or with vehicular ingress to, egress from, or travel on a freeway, state designated highway, public transit stop, or major arterial or collector street of the City;

5. The street event will unreasonably interfere with fire or police protection; or

6. The event applicant, whether an individual or an organization, has substantially failed to comply with the terms and/or conditions of prior events, of any type, permitted by the City, as set forth in Subsection 13.44.130 (Violation—Penalty) below.

B. The applicant shall be notified in writing of the action of the City Manager with respect to the application as early as possible, but no less than two days prior to the date of the proposed event, unless the application was made late, in which case notification shall be given as soon as reasonably possible and by any reasonable means.

C. If a permit is denied, the written notice shall set forth reasons explaining the denial.

D. If a permit is denied pursuant to the criteria set forth in this chapter, because the proposed time, route, or assembly and dispersal sites are unacceptable, the denial shall contain a statement of alternative acceptable times, routes and sites. (Ord. 7594-NS § 4, 2018: Ord. 7439-NS § 1, 2015: Ord. 7062-NS § 5 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.070 Appeals.

An applicant may appeal the denial of an application made pursuant to this chapter by a designee of the City Manager to the City Manager. The City Manager shall act upon said appeal promptly. The City Manager's decision shall be final. (Ord. 6647-NS § 2, 2001)

13.44.080 Street event permit--Content and possession--Rules and regulations.

A. A street event permit shall contain the information given in the application and shall impose reasonable time, place, and manner conditions such that the street event will not pose a traffic or safety hazard or unreasonably interfere with fire or police protection services. The conditions imposed shall be in conformity with the requirements of this chapter and shall provide only for such modification of the application's proposed street event as is necessary to achieve compliance with this chapter. Such conditions may include, but are not limited to the following:

1. Maintain a 20-foot wide emergency access lane at all times.

2. Provide first aid stations and teams within the closed-off area to provide emergency medical aid to participants.

3. Provide barricades of the specified type to close off the involved areas or streets.

4. Provide sufficient signs and directional arrows as specified by the City to divert traffic and arrange for AC Transit and other public transit detours, subject to the approval of the traffic engineer.

5. Provide monitors for crowd control and security and establish liaison with the police department concerning the role of the monitors.

6. Distribute flyers throughout the surrounding areas in advance of the event, notifying the affected residents and business people of the street closure.

7. Provide well-marked receptables for recyclable, compostable and trash materials as described in the Zero Waste Plan prescribed in Chapter 13.44.040(D)(13), and monitor their use to ensure that materials are placed in the proper receptacles, and not placed in City refuse containers. For events with more than 300 total attendees, this Zero Waste Plan must be included in the event permit application and permit. Organizers of all events, regardless of the number of attendees, must comply with the components required for an adequate Zero Waste Plan as specified in Chapter 13.44.040(D)(13).

8. Clean all debris and litter from the street and sidewalk area and remove and properly handle recycling/composting/trash receptacles within four hours after the conclusion of the event.

9. Obey all applicable local, state and federal laws, including but not limited to the requirement for a sound permit under Chapter 13.40 of the Berkeley Municipal Code. However, notwithstanding anything to the contrary in Chapter 13.40, a permit issued under this Chapter may extend the hours for a sound amplification permit issued under Chapter 13.40 at a street event (a) for more than four hours, and (b) until 10:00 p.m.

10. If alcohol is to be served at the event, responsible beverage service practices shall be followed, and the applicant shall provide security adequate to maintain order, as determined by the Chief of Police.

11. The City Manager may require event organizers or contracted event greeners to submit documentation confirming that materials in the recycling/composting/trash receptacles have been properly handled, included but not limited to submitting sworn statements describing how these materials were handled, and/or submitting weight tickets and/or photo documentation verifying service levels. Organizers and/or greeners must confirm the amount of material generated by the event, and how much was sent to which transfer station or landfill, recycling facility and/or composting facility. For events with over 2,000 attendees, organizers shall provide documentation to the City per stipulations contained in SB1383 (2016).

12. Failure to comply with these requirements may result in penalties provided in Chapter 13.44.130.

B. City staff will assist applicants in meeting the conditions imposed by this section.

C. Applicants shall carry the permit during the street event and shall show it, upon demand, to any City employee.

D. Applicants may not limit the free distribution of literature at the street event by members of the public who have no formal or direct relationship with the applicant with respect to the presentation of the street event. (Ord. 7062-NS § 6 (part), 2008: Ord. 6871-NS § 3 (part), 2005: Ord. 6647-NS § 2, 2001)

13.44.090 Revocation of permit--Addition of conditions.

A. The City Manager shall have the authority to revoke a permit, in conformity with the criteria articulated in this Chapter, if they determine that any condition of the permit has not been met or is being violated. A decision by the City Manager or their designee to revoke a permit is final.

B. The City Manager may add conditions to a permit for a recurring Street Event if it is necessary or appropriate to do so in order to ensure compliance with subdivision 13.44.060.A. (Ord. 7439-NS § 2, 2015: Ord. 7062-NS § 7 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.100 Indemnification.

A. The permit holder shall indemnify and hold harmless the City of Berkeley, its officers, agents and employees, from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property which were caused by the willful or negligent acts or omissions of the permittee or the permittee's officers, agents or employees.

B. If City property is destroyed or damaged by reasons of permittee's use, event or activity, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed property.

C. Any damage or injury caused solely by the reaction to the permitted expressive activities is excluded from the indemnity and reimbursement provisions in this Section. (Ord. 7062-NS § 8 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.110 Insurance--Exemption.

A. If a street event involves one of the following conditions, the permittee must obtain insurance in the amount of two ~~one~~ million dollars for the duration of the event, which names the City of Berkeley, its officers, agents and employees as additional insured:

1. Closure of a major arterial or collector City street, as defined in the City of Berkeley General Plan;

2. An anticipated crowd in excess of one thousand people;

3. A street closure anticipated to have a major effect on the flow of traffic in the area; i.e., closure of two or more intersections and rerouting of AC Transit or other public transportation; or

4. Use of any part of the Downtown Berkeley BART Plaza.

B. No permit applicant shall be required to comply with the insurance requirement of this section if the activity proposed is protected by the First Amendment to the United States Constitution and the applicant produces satisfactory evidence that complying with the insurance provision would preclude the proposed street event from occurring.

C. The amount of insurance required shall not be based on the existence or content of any expression involved in the event, or on the expected reactions of observers.

D. If insurance is required pursuant to this section, a certificate of insurance shall be provided to the City and must be approved as to form and sufficiency by the City no later than 5 days before the event. If the applicant is unable to obtain insurance or does not provide the City with the certificate of insurance, the City Manager may obtain such insurance on behalf of the permit applicant and charge the permit applicant for the cost. (Ord. 7594-NS § 5, 2018: Ord. 7062-NS § 9 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.120 Fees and Deposits.

A. The City Council may establish by resolution the fees that shall be charged for permits issued under this chapter.

B. If a permittee is unable to hold or conduct a street event because of inclement weather or due to some other cause not within the permittee's control, and the permittee submits written request for the refund of such fees to the City Manager's office within ten days after the date that the event was to have been held or conducted, the City Manager may authorize the refund of the fees, or a pro rata portion thereof, except for non-refundable application fees, if any.

C. Any indigent person who cannot apply for a permit because of an inability arising from such indigence to pay the application fee shall not be required to pay the fee. Applications for indigent status shall be made upon application for the permit and shall be accompanied by such relevant information and documentation as is reasonably necessary to verify indigence. For purposes of this section, an indigent person is one who is eligible for county relief pursuant to Sections 17000 et seq. of the Welfare and Institutions Code. (Ord. 6647-NS § 2, 2001)

D. The City Manager may impose a conditionally refundable deposit for permits issued under this Chapter, and may condition refunding of deposits on event organizer's compliance with the requirements of the permit, as provided in Chapter 13.44.130.

13.44.130 Violation--Penalty.

A. An intentional violation of this Chapter is a misdemeanor punishable as set forth in Chapter 1.20 of this code, but may be charged, in the discretion of the prosecutor, as an infraction. For purposes of this section, violation of a street event rule is not a violation of this Chapter. (Ord. 7062-NS § 10 (part), 2008: Ord. 6647-NS § 2, 2001)

B. The City Manager may impose administrative penalties for violations of permit requirements, including but not limited to: (i) forfeiture of all or a portion of a permit deposit; (ii) imposition of additional requirements for subsequent permits (such as mandating a third-party greener contractor to perform recycling/composting/trash collection services; (iii) denial of subsequent permits for repeated violations. The City Manager or his/her designee may impose a penalty in his/her discretion, based on the severity and/or frequency of the violation or size of the event. An event organizer may appeal to the City Manager a penalty imposed by a designee of the City Manager. The City Manager shall act upon said appeal promptly. The City Manager's decision shall be final.

13.44.140 Removal.

Any person who refuses to comply with a street event rule proposed and approved under Section 13.44.040.D.13 may be removed from the street event. (Ord. 6647-NS § 2, 2001)

13.44.150 City Manager authority.

The City Manager may adopt regulations for the implementation and administration of this Chapter. (Ord. 7439-NS § 3, 2015)

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.

Sample Vendor Agreement

Thank you for your participation in EVENT NAME. The organizing committee of the event is committed to making this a Zero Waste Event. You must follow all State, County and City regulations to reduce waste by following the requirements below. Please return the signed form indicating your agreement.

Waste Reduction & Disposal Guidelines

The City of Berkeley requires all event vendors to properly sort all recyclable and compostable materials generated during the event. Well-marked containers must be available to both vendors and attendees. The items listed below will be collected for recycling/composting at the event:

- Recycle bottles, cans, plastic food and beverage containers.
- Compost paper, cardboard, boxes, mixed paper, food waste, food soiled paper and BPI certified compostable foodware

1383 Food Donations Requirements

Vendors with excess food that is still safe for human consumption must donate the excess food to a local food pantry.

- Food Donation Guide for Event Vendors Surplus Food Donation Guide
- Surplus Food Donation Guide
- RE: Source | Your Online Guide for Reuse, Repair, Recycling, and Safe Disposal (stopwaste.org)

Single Use Foodware and Litter Reduction Ordinance Requirements for Food Vendors BMC 11.64

- All foodware must be reusable or BPI certified compostable.
- All disposable foodware must be recyclable or compostable in the City's Zero Waste program.
- Reusable plates, cups, utensils and other accessory items are preferred

Required Plastic Bag Charges BMC 11.63

- Please avoid providing bags where possible.
- If you must provide bags for food or retail items, the bags must not be plastic, they must be paper or reusable, you may charge ten cents per bag

Unacceptable materials

- Plastic Bags and Polystyrene foam are banned in Berkeley
- Electronic Waste must not be disposed in the trash
- The following items are not recyclable, they must be placed in the trash
  - Milk cartons, juice/soup/broth boxes, plastic wrap, balloons, laminated paper.

If you have any questions as to whether an item is recyclable or compostable, contact [event coordinator].

Thank you, we look forward to seeing you at EVENT NAME!

Vendor Name _____
Contact (print name):_____
Signature: _____ Date_____

BERKELEY SINGLE USE FOODWARE & LITTER REDUCTION ORDINANCE

Ordinance Requirements for Prepared Food Vendors

On-Site Dining Requirements



- **Reusable Foodware for On-Premises Dining**
  - ✓ All foodware utilized for on-premises dining must be reusable.
  - ✓ Disposable foodware is prohibited for on-premises dining.
  - ✓ Exceptions:
    - ✓ Compostable paper tray liners and wrappers allowed
    - ✓ Paper napkins & compostable straws allowed upon customer request
    - ✓ Recyclable aluminum foil allowed for burritos & wraps



- **Front-of-House Recycle & Compost Receptacles**
  - ✓ Place color-coded recycle and compost receptacles next to trash receptacles available to customers.
  - ✓ Post signage above and/or on each receptacle.

Take-Out Requirements



- **BPI-Certified Compostable Foodware**
  - ✓ Disposable foodware must be BPI-certified compostable.
  - ✓ No disposable plastics allowed.
  - ✓ Recyclable aluminum foil allowed for burritos & wraps.



- **$0.25 Disposable Cup Charge**
  - ✓ Charge $0.25 for every disposable cup provided to customers.
  - ✓ Identify the $0.25 cup charge separately on menus, menu boards, delivery ordering platforms, and receipts.



- **Accessory Items Upon Request**
  - ✓ Provide disposable accessory foodware items (e.g. straws, utensils, cup lids, sleeves, stirrers, napkins, etc.) only upon customer request or at self-service stations.

Limited waivers are available for businesses unable to comply with certain requirements.
Visit www.CityofBerkeley.info/FoodwareOrdinance for more information.

This handout is an overview of the ordinance. Please refer to BMC Chapter 11.64 for the complete ordinance requirements.

Zero Waste Events Requirements:

Application timeline.

- The application form must be submitted at least 45 days prior to the event and all trash, recycle and compost bin reservation and ClearStream reservation requests must be submitted at least 30 days prior to the event.

Contents of application form.

All applicants must submit an Events Recycling Plan clearly stating all of the following:

- How event discards will be properly sorted into trash, recycle, and compost;
- Proof of reservation and payment or plan for post event collection services for trash, recycle and compost;
- Confirmation that you are responsible for your vendors following all regulations and requirements

If you have food or vendors at the event you must also state the following:

- Documentation that all foodservice ware intended for use at the event will be compliant with BMC Chapter 11.64 and state law regarding single-use foodware accessories and standard condiments;
- Documentation that all retailers and food vendors will be compliant with BMC Chapter 11.63 regarding carryout bags
- Plan for how excess edible food will be managed for safe donation after the event per BMC Chapter 12.34;
- Proof of an agreement with a local food recovery organization that will either receive or collect the excess edible food for donation, if the event or venue meets the threshold for large event or large venue as contained in the definitions per BMC Chapter 12.34;

Post event follow-up.

Events with 2,000 people or more are subject State diversion reporting.

- All event organizer or event greener must submit weight tickets and/or photo documentation verifying service levels and final contents of each material type for short term dumpster rentals, extra service or self-haul.

Conditional approval of permit.

The City Manager may impose additional conditions to a permit in the exercise of his or her reasonable discretion when conditionally granting a permit, including but not limited to:

- Requiring a third-party vendor to conduct education on proper trash, recycle and compost sorting at zero waste stations and for post-collection sorting after the event.
- Requiring reusable food service ware at the event.

Grounds for denial of application.

Permits for special events will be granted at the discretion of the City Manager. A special event permit application may be denied upon evidence that:

- The applicant has failed in the past to adhere to their Events Recycling Plan by neglecting to provide either trash, recycle and compost collection or compliant food service ware and/or the donation of excess edible food.

Revocation of event permit.

An event permit may be revoked at any time, including during the event, by the City Manager for;

- Failure to provide trash, recycle and compost collection or compliant food service ware and/or donation of excess edible food.

Short Term Trash, Recycle and Compost Collection Service with the City of Berkeley

- Rates for short term service can be found at: https://berkeleyca.gov/city-services/trash-recycling/dumpster-rental
- Recycling service can only be ordered in conjunction with refuse and or compost services
- Compost service is 20% discounted from refuse service rates
- The City only offers short term service for refuse bins. Short term cart service is not available.

Requesting and Paying for Short Term Service

- Email order details to zwevents@berkeleyca.gov including:
  - The volume and type of desired service
  - A map clearly indicating the bin drop off location
- Receive confirmation from Zero Waste staff that they have approved and submitted your order to Customer Service
- The City of Berkeley, temporarily is unable to process credit card payment by phone. Please pay for the collection services in person at the Finance Customer Service office at 1947 Center Street Monday-Thursday, 8:30-4:00.

If You Are Not Using Short Term Collection Service with the City of Berkeley

Bring Sorted Materials to the Berkeley Transfer Station and Community Conservation Center (locations are neighboring)

- Landfill and compost materials can be taken to the Berkeley Transfer Station at 1201 Second Street for paid disposal. Hours of operation and rate details can be found at https://www.cityofberkeley.info/transferstation/
- Recycling can be taken to the Community Conservation Center at 669 Gilman St. for free disposal.

Coordinate with business sponsors

- Work with local businesses to dispose of event waste using their compost, recycling, and landfill service.
- Depending on restaurant service volume and event size, the restaurant may need to order extra service to accommodate the added volume of waste.
  - The authorized caller can schedule extra service on existing bins by contacting Customer Service 510-981-7270 (311 within Berkeley)

Take home event waste to your personal cans

- If the volume of event waste is small enough, you have the option of disposing of event waste in your personal cans

Event Greeners

Hiring event greeners is highly recommended for a successful zero waste event.
Below are suggested event greeners.

- Green Mary – Mary Munat (707) 548-7582
- Waste Busters – Mike Siminitus (510) 473-2087
- SF Clean City Coalition – Gia Grant: (415) 440-4409
- Clean Vibes – Anna Borofsky (828)738-3817
- Race to Zero Waste – Teresa Bradley: (415) 377-8931

Before the Event

- □ Limit the number of giveaways (i.e. free samples, paper fliers).
- □ Make sure all items purchased for the event (i.e. banners, display materials, and operational materials) are reusable, recyclable, or compostable.
- □ Offer hydration station for water bottle refill when possible.
- □ If you will have vendors, review applicable regulations and share the vendor agreement in advance of the event.
- □ Ensure all foodware is BPI certified compostable per BMC 11.64 & use reusable foodware when possible
  - □ Consider the following questions.
    - How much of the waste generated will be compostable vs. recyclable vs. landfill?
    - How long is your event?
    - How many people will attend the event?
    - Where will most waste generation occur?
      - Anticipate where to set-up zero waste stations so it will be most convenient for event patrons to sort properly
      - Will you need to hire an event greening service to help educate event patrons on what goes where and to help you sort material after the event if patrons do not do a suitable job
- □ Provide Zero Waste staff a Zero Waste Event Plan.
- □ Include a map of where your Zero Waste Stations will be set-up (for event patron sorting).
- □ Work with Zero Waste staff to reserve ClearStreams
- □ Work with Zero Waste staff to reserve short term dumpster collection service for trash, recycle and compost, if not self-hauling.
- □ Include a map of where trash, recycling and composting dumpsters with be delivered (for final collection), if applicable.

During the Event

- □ Ensure Zero Waste ClearStream Stations have been set-up appropriately and have clear signage so event patrons will be able to easily sort materials properly
- □ All stations should include three components: trash, recycle, and compost
  - There should be no stand-alone trash receptacles
- □ Compost ClearStreams should be lined with compostable bags, NOT plastic bags
- □ Recycling and trash ClearStreams should be lined with a clear plastic bag
- □ Ensure volunteers arrive on time and have been assigned to monitor waste sorting at stations and understand which materials go where.
- □ Ensure City litter containers have been covered
- □ Ensure vendors understand they must also sort the materials they generate
- □ Ensure vendors understand if they are expected to back-haul their trash, recycle and compost or if they can place it in the short-term dumpsters
- □ Ensure vendors are following the vendor agreement and are providing compostable or reusable foodware

After the Event

- □ Place all compostables (i.e. food scraps, food-soiled paper, compostable foodware, clean cardboard) in the green compost bin.
- □ Place tied bags of trash in the correctly labeled (usually brown/gray) trash bin.
- □ Empty bottles/cans/plastic containers LOOSE into the blue recycling bin. Place plastic bags in the trash.
- □ Break down and flatten all cardboard. Place cardboard in the Paper/Cardboard Recycling bin, if applicable. If a Paper/Cardboard bin is not available, you may place cardboard in the compost.
- □ Retrieve and clean all ClearStream frames, lids, bins & extra bags from the site (your deposit will not be returned in full if you do not return the clean ClearStreams).
- □ Store ClearStreams and extra bags securely until you return them to 1201 2nd St.
- □ Event Organizer or Event Greener will send Zero Waste Staff an event recap with attendance, estimated waste generated and any other notable details from event.

Zero Waste Division



ClearStream Event Equipment Reservation Form

Name of Event:
Event Date(s):
Estimated # of Attendees Per Day:
Event Location:
Name of Organization:
Website (if applicable):
Name of Borrower:
Borrower Phone #:
Borrower Email Address:

Equipment Requested	Color/material	Quantity requested
Frames/lids	Black (trash)	
	Blue (recycling)	
	Green (compost)	
Bags	Clear plastic bags (for trash frames)	
	Clear plastic bags (for recycling frames)	
	Compostable bags	

ClearStreams must be picked up/dropped off at the Berkeley Transfer Station: 1201 2nd St.

Pick-Up Date:	Pick-Up Time:
Return Date:	Return Time:

Portion below to be completed at the time of pick up/drop off.
City staff will verify all equipment is returned clean, dry, & in good condition by initialing below.

I am an authorized agent for the above-named organization.
I agree to return all equipment clean, dry, & in good condition within 2 business days of the end of the event.
I will report all missing or damaged items.
I authorize the City of Berkeley to charge for lost or damaged items: **Frame: $50; Lid: $25**

Equipment picked up by	Print Name:	Signature:	Date:	
Equipment returned by	Print Name:	Signature:	Date:	*Staff Initials:*

For general questions, please contact City of Berkeley Customer Service at 510-981-7270 (311 within Berkeley) or ZWEvents@berkeleyca.gov

23a

Zero Waste Commission

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Zero Waste Commission

Submitted by: Steven Sherman, Zero Waste Commission Chair

Subject: Enforceable Mechanism for Berkeley Green Code Compliance

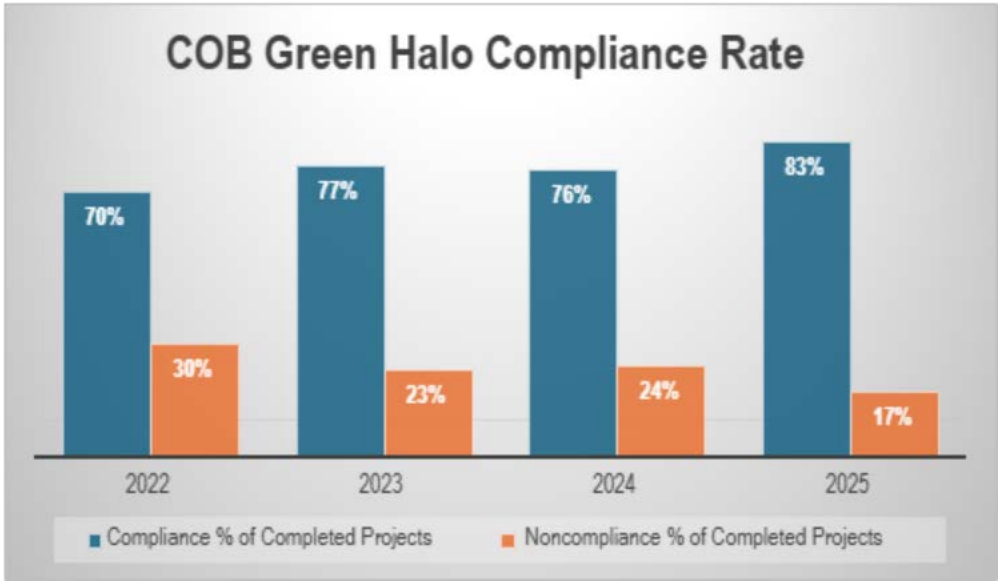
RECOMMENDATION

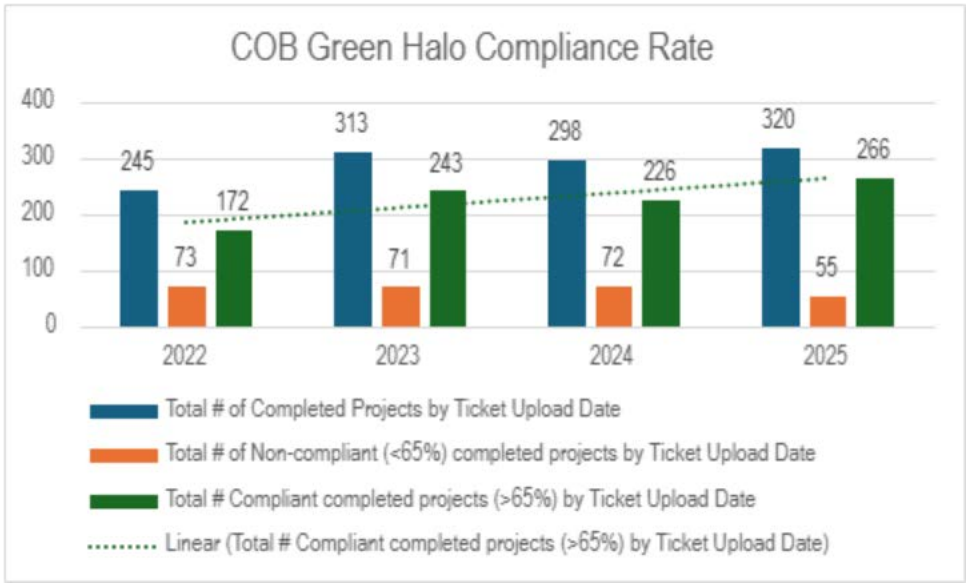
Recommend Council to direct the City Manager to refer Public Works Zero Waste staff and Planning, Safety and Building, Energy and Sustainability and Green Building staff work together to develop recommendations to implement a clear path to enforcement for non-compliance with Berkeley Green Code (BMC 19.37) Construction and Demolition (C&D) waste diversion requirements, including the possibility of fines and citations and other mechanisms to increase compliance.

SUMMARY

Compliance with Berkeley Green Code's more stringent amendment to the California Green Building Standards Code to recycle 100% of asphalt and concrete instead of the States requirement of 65%, relies on self-reporting through Green Halo. Self-reporting has resulted in fraudulent ticket uploads, poor sorting, and repeated noncompliance. As a result, 17% of projects in 2025 failed to meet code requirements but, the property owners, developers or contractors were not penalized.

Staff have diligently worked to educate and build relationships with contractors over the past three years and compliance has increased steadily. However, staff have identified approximately 40 offenders who have repeatedly been non-compliant for the past decade. With no clear path for penalization, staff are unable to simply encourage those bad actors into compliance.





C&D debris is one of the largest sources of material self-hauled to the Transfer Station, and a significant driver of greenhouse gas emissions and local pollution, particularly affecting low-income and minority communities. Strong enforcement is essential to advancing Berkeley's climate and equity goals. Researching and implementing an effective path to enforcement will streamline the process of meeting diversion requirements and make it easier for staff to hold contractors and haulers accountable.

FISCAL IMPACTS OF RECOMMENDATION

Staff in the Zero Waste Division of the Public Works Department, in conjunction with the Planning Department will research the fiscal impacts for the implementation of a menu of potential enforcement options and develop an associated cost model for each option. Assessment of these Fiscal Impacts will require minimal staff time.

CURRENT SITUATION AND ITS EFFECTS

This C&D enforcement referral is a Zero Waste Strategic Plan Priority Project, advancing the City's goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

Construction waste diversion is the process of redirecting waste materials generated from C&D debris away from landfills, toward salvage, recycling, and composting.

Berkeley Green Code diversion requirements were adopted in the Berkeley Municipal Code as Chapter 19.37 in 2025. Chapter 19.37 requires that 65% of construction and demolition (C&D) material be diverted from landfill, and 100% of excavated soil, concrete, and asphalt. Reducing the amount of C&D material that goes to landfill is essential to reducing associated GHG emissions, decreasing land use needed for landfills, and reducing environmental degradation.

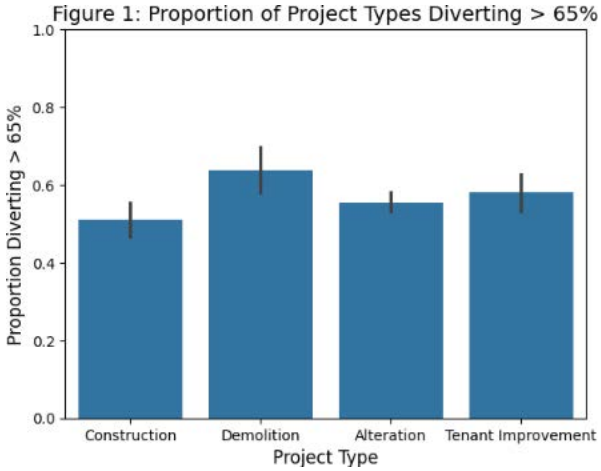
Because there is no consequential mechanism outlined in the Berkeley Municipal Code to provide guidance in regard to penalizing non-compliant contractors, staff have difficulty when it comes to ensuring contractors and haulers comply with diversion requirements. To understand diversion levels in Berkeley, staff rely on self-reporting from contractors on Green Halo, a C&D debris diversion tracking platform. Common issues surrounding compliance include:

1. Improper source separation to the extent that it impedes meeting C&D debris diversion requirements.

2. Uploading fraudulent weight tickets to the Green Halo platform.

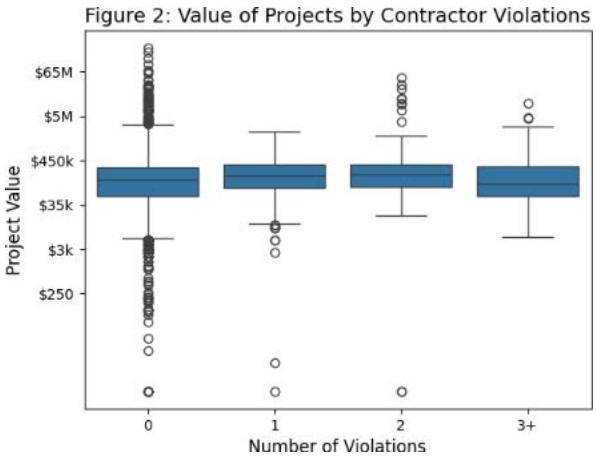
3. Uploading weight tickets in an untimely manner.

4. Repeated non-compliance beyond three violations.



As a result, 17% of projects in 2025 failed to meet Berkeley Green Code (BMC 19.37) requirements. Figure 1 displays the rates by project type for all registered projects in the database since 2012. Construction projects tend to divert the least amount of debris, while stand-alone demolition projects tend to divert the most.

Proper sorting and bagging ensure that C&D debris remains uncontaminated. Source separation is particularly important for materials like cement and asphalt so that these waste streams can achieve their required 100% diversion requirement. Many contractors transport C&D debris, mixed with residential waste, in black plastic bags– leading to recyclable debris being coded as landfill, leading to projects failing to achieve the 65% C&D diversion requirement. Miscoded tickets also prevent staff from verifying data, leading to unreliable documentation surrounding C&D debris diversion and potential missed opportunities to increase diversion.



The biggest area where diversion could improve is by penalizing repeat offenders. Over 40 contractors, who have repeatedly been out of compliance annually for over a decade, have been identified by staff. Contractors often attempt to reuse or tamper with weight tickets, causing staff to spend extra time scrutinizing each weight ticket. Some claim to have no weight tickets because the amount hauled to a transfer station was too minimal to be measured, leading to the improper disposal of C&D material that could have been diverted from landfill. Projects taken on by repeat offenders vary in size, illustrated by Figure 2, but the most problematic repeat offenders are those with high-value projects that produce a significant amount of C&D material.

BACKGROUND

The City requires that all construction, demolition, and some remodel projects submit a Construction Waste Management Plan (CWMP) that complies with its zero-waste requirements (Berkeley Green Code BMC 19.37 and California Green Building Standards Code Sections 4.408.2 and 5.408.1.1). Besides CWMP, all contractors are required to upload C&D debris weight tickets to the Green Halo platform. These weight tickets include information on the tons debris diverted from landfill and quantify project materials which have been recycled or reused. Staff also host office hours at the Permit Service Center on Tuesdays and Thursdays, allowing any contractors who are having issues with Green Halo to consult with Zero Waste staff first-hand and address their issues.

Zero Waste staff have been working on launching educational awareness campaigns to further assist contractors lacking experience with the Green Halo platform, and to encourage onboarding onto the Green Halo platform. Staff also conduct random site inspections, to ensure that projects comply with state requirements, allowing for interventions and flexibility when necessary. Additionally, Zero Waste staff participate in Design-Stage Round Table reviews, and Field Inspection Project Kickoff meetings, to provide notice of projects' Berkeley Green Code (BMC 19.37) requirements.

Penalizing repeat offenders for non-compliance will level the playing field and encourage development by contractors acting in good faith. The 65% diversion requirement is already embedded in the Berkeley Green Code and applies to most permitted construction and demolition projects in the City. Therefore, enforcing the requirement should not materially slow development or reduce project feasibility.

On June 19, 2025, the Zero Waste Commission authorized its Green Building Subcommittee to write and submit this referral to the City Council to request the City Manager refer the Zero Waste Division of the Public Works Department, and the Building and Safety Division, Energy and Sustainability and Green Building Program Management staff from the Planning Department to research and recommend best practices to codify enforcement mechanisms for improving compliance with state and city-mandated C&D debris diversion requirements.

Action Taken: M/S (Chrise/Barun) to approve the Green Building Ordinance. Ayes: Unanimous; Abstain: None; Absent: Layla Dargahi

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Lack of effective diversion can be damaging to local communities. The construction industry is considered to be the primary contributor to landfill material; in the United States, 67% of all solid waste is generated by the C&D industry alone (Chen et al., 2021). C&D debris is also the primary cause of environmental pollution; debris that ends up in landfill contains inorganics, heavy metals, organics, pesticides, and oils that leach into the landscape and contaminate soil and groundwater (Chen et al., 2021). Improper C&D debris salvaging also leads to indirect environmental damage, such as consumption of usable land, energy and non-energy resource consumption, resource depletion, air pollution, noise pollution, water pollution, and more (Chen et al., 2021).

Inadequate diversion introduces health-harming pollutants to the environment, as wind carries particles from landfills into neighboring communities. As landfills expand, substances like silica, asbestos, heavy metals, and volatile organic compounds can become airborne, and expose particularly low-income populations to respiratory irritants, allergens, and carcinogens (Dorevitch et al., 2006). This is especially alarming, as studies show that higher percentages of Black and Hispanic residents, as well as households with lower socioeconomic status, are in close proximity to landfills (Joseph and Kamanmalek, 2025).

Successful C&D diversion can yield results that are beneficial to surrounding communities. A study by the EPA found that diverting 70-90% of debris can reduce 250-400 kg of CO2 per ton of material, improving air quality in the area (Shajidha, and Mortula, 2025). In India, the recycling of C&D debris was found to improve *all* 15 impact categories of the recycling life cycle assessment, with observations like decreased leachate improving soil and groundwater, lower contamination from heavy metals, and reduced habitat disruption (Ram et al., 2020). Effective enforcement of C&D diversion is necessary if Berkeley is to sustain healthy communities and mitigate the harmful effects of climate change.

RATIONALE FOR RECOMMENDATION

Establishing an effective enforcement mechanism will support staff in bringing repeat offenders into compliance, levelling the playing field for all contractors and encouraging contractors who work in good faith. Beyond informing contractors of their responsibilities to meet the 65% diversion minimum, staff currently have little power to hold contractors accountable, especially those that are repeatedly out of compliance, and repeatedly act in bad faith.

ALTERNATIVE ACTIONS CONSIDERED

The alternative is no action as it relates to enforcement. Staff continue increasing outreach and education measures which only address part of the non-compliance issue

and do not target those bad actors who have repeatedly been out of compliance for the past decade with no consequence.

CITY MANAGER
See companion report.

CONTACT PERSON
Julia A. Heath, Zero Waste Commission Secretary, Recycling Program Manager, (510) 981-6357

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Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Companion Report: Enforceable Mechanism for Berkeley Green Code Compliance

RECOMMENDATION

Direct the City Manager to assign the Public Works Department, in conjunction with the Planning and Development Department, to:

1. Review and consider research conducted by the Zero Waste Commission and UC Berkeley student researchers on enforcement mechanisms in other jurisdictions; and,
2. Develop a recommendation for City Council to adopt an appropriate enforcement mechanism(s) to strengthen compliance with California Green Building Standards Code by adding to Berkeley Green Code (BMC 19.37).

SUMMARY

The City seeks to develop a clear and enforceable process for addressing non-compliance with construction and demolition (C&D) waste diversion requirements in the Berkeley Green Code. Currently, the Green Code does not provide a clear enforcement pathway when contractors fail to meet diversion requirements. Based on the Zero Waste Commission's recommendations, City staff will evaluate and then recommend specific enforcement mechanisms to the City Council that will improve compliance with state and city waste diversion requirements. It is anticipated that this work will be substantially completed by the end of 2026, and that staff will bring a recommendation to City Council no later than Spring 2027.

FISCAL IMPACTS OF RECOMMENDATION

The Public Works and Planning and Development departments have agreed to allocate 42 hours of staff time to meet to review research provided by the Zero Waste Commissioners and UC Berkeley student researchers. As outlined in the table below, the anticipated cost will be $5,802.23 in staff time. Staff costs will be reimbursed by CalRecycle Local Assistance Grant Funds-Fund 336-One-Time Grant Fund.

Estimated Personnel Costs Enforceable Mechanism for Berkeley Green Code Compliance			
Position	**Hourly Personnel Costs**	**Hours**	**FY 2027 Estimated Costs**
Building and Safety Manager	$192.37	6	$1,154.23
Assistant Building and Safety Manager	$173.59	6	$1,041.52
Program Manager II (2)	$155.84	12	$1,870.06
Community Services Specialist III	$129.07	6	$774.40
Recycling Program Manager	$132.80	6	$796.77
Intern	$27.54	6	$165.24
TOTAL		42	**$5,802.23**

Staff plan to substantially complete this work in calendar year 2026 and bring a recommendation to City Council no later than Spring 2027.

CURRENT SITUATION AND ITS EFFECTS

The Zero Waste Commission Secretary reported on progress at each meeting beginning in 2024 and the first half of 2025 regarding implementing zero waste processes and procedures related to increasing CalGreen compliance. The Zero Waste Commission voted to move a referral to Council on June 19, 2025, requesting that staff submit a proposal to the City Council to adopt updated ordinance language to clarify a formal enforcement mechanism for the City to use to improve compliance with state mandated construction and demolition materials recycling rates. City staff support the Commission's action.

June 19, 2025 Zero Waste Commission Meeting
Item 3: Review Green Building Ordinance
Action Taken: M/S (de Tourney/Singh) to approve the Green Building Ordinance.
Ayes: Steven Sherman, Dennis Uyat, Philip Monrad, Sandra Curtis and Swasti Johri; Nays: None; Abstentions: None; Absent: Layla Dargahi
Motion carried 7-0-0-1

The City originally adopted the Berkeley Green Code Chapter 19.37 on November 29, 2016, and the code went into effect on January 1, 2017. This adoption mandated 65-percent diversion of construction and demolition materials and 100-percent diversion of excavated soil, concrete, and asphalt. However, the Berkeley Municipal Code does not include a clear pathway to enforcing the waste diversion requirements. As a result, staff must rely on contractor self-reporting, which has led to noncompliance, including improper source separation, fraudulent, missing or late weight ticket uploads, and repeated violations by the same contractors.

Currently, the City requires all construction, demolition, and remodeling projects to submit a Construction Waste Management Plan and upload construction and demolition debris weight tickets to Green Halo, a cloud-based software platform. This platform is used by staff for waste tracking and approval or denial of submitted weight tickets that document compliance with the statewide 65-percent construction and demolition recycling requirement and the City's 100-percent recycling requirements for asphalt, cement and concrete. Public Works staff also provide technical assistance through office hours, educational outreach, site inspections, and early project reviews.

In 2025, 17-percent of contractors remained out of compliance with the Berkeley Green Code's construction and demolition debris diversion requirements. There is no current enforcement procedure within the Berkeley Green Code; this limits staff's ability to hold violators accountable. Actionable enforcement is essential for reducing landfill waste, cutting greenhouse gas emissions, protecting frontline communities, and advancing the City's climate and equity goals.

Mixed and improperly bagged debris, miscoded tickets, and unverifiable data further undermine diversion outcomes and staff oversight. Staff have identified forty (40) repeat offenders who have been out of compliance for over a decade. Repeat offenders pose the greatest challenge, particularly on high-value projects that generate large volumes of waste. Establishing a clear enforcement mechanism is a necessary next step to ensure compliance with state and local requirements, reduce the administrative burden on City staff who request information from non-responsive or uncooperative permittees, and to ensure that

permits are not finalized until the City receives all of the requested compliance documentation.

Staff cannot enforce mandated construction and demolition debris diversion requirements because there is currently no enforcement mechanism in the Berkeley Municipal Code. This gap in the municipal code creates ongoing challenges with compliance. Amending the code to allow for enforcement of CALGreen requirements will not materially slow development or reduce project feasibility. The 65-percent diversion requirement is already embedded in the Berkeley Green Code and applies to most permitted construction and demolition projects in Berkeley.

Developing a recommendation for the City Council to adopt enforcement mechanisms to strengthen compliance with California Green Building Standards Code advances the Strategic Plan goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment. To wit, construction and demolition waste diversion is critical to reducing landfill use, greenhouse gas emissions, and environmental degradation.

BACKGROUND

CALGreen 4.408.2 and 5.408.1.1 are part of the California Green Building Standards Code's construction waste management provisions, specifically for Universal Waste.

4.408.2 – Universal Waste Management

- Applies to certain projects where Universal Waste is generated during construction or demolition.
- Requires verification that Universal Waste is managed correctly in accordance with applicable state and local regulations.
- A list of prohibited Universal Waste materials must be included in the project's construction documents.
- This is a mandatory compliance method for those projects that produce Universal Waste, ensuring it is not disposed of in a way that violates environmental regulations.

5.408.1.1 – Construction Waste Management Plan

- Applies when the project meets the C&D waste diversion threshold (≥ 65-percent diversion or ≤2 lbs./ft² disposal for nonresidential; lower limits for residential) but must submit a Construction Waste Management Plan (CWMP).

The CWMP must:

- Outline the waste diversion and recycling strategy.
- Identify the methods and facilities used for diversion/recycling.
- Include a schedule for waste handling and disposal.
- Be updated as necessary during construction and accessible to the enforcing agency for inspection

Berkeley Green Code diversion requirements were adopted in the Berkeley Municipal Code as Chapter 19.37, requiring 65-percent of construction and demolition material be diverted from landfill, and 100-percent of excavated soil, concrete, and asphalt.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Effective enforcement of construction and demolition debris diversion is critical to reducing landfill use, cutting greenhouse gas emissions, protecting air and water quality, and preventing disproportionate health and environmental harms to low-income and minority communities, while supporting Berkeley's climate and environmental sustainability goals.

RATIONALE FOR RECOMMENDATION

Compliance challenges with construction and demolition debris diversion requirements primarily result from the absence of a clear path for the City to enforce the requirements. This limits staff's ability to hold contractors, particularly repeat and bad-faith offenders, accountable and underscores the need for a clear enforcement framework to support effective compliance.

ALTERNATIVE ACTIONS CONSIDERED

The alternative action to the proposed recommendation would be taking no action.

CONTACT PERSON

Leticia Jauregui, Division Manager, Public Works Department, 510-981-6362
Julia A. Heath, Recycling Program Manager, Public Works Department, 510-981-6357

24a

Zero Waste Commission

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Zero Waste Commission

Submitted by: Steven Sherman, Zero Waste Commission Chair

Subject: Research on Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures

RECOMMENDATION

Recommend that Council refer the matter to the City Manager with direction to:

1. Instruct the Zero Waste Division, in collaboration with the Planning Department and Fire Department, to study, research, and recommend policies that standardize requirements for:

    a. Tenant-facing materials collection rooms for refuse, dual-stream recycling, and composting

    b. Central collection rooms or enclosures

    c. Curbside collection staging areas for all new construction

2. Develop minimum per-unit service requirements, design parameters, and enforcement mechanisms; pursuant to Chapter 12.32.030 and 12.35 of the Berkeley Municipal Code.

SUMMARY

While the Berkeley Municipal Code mandates accessible waste storage, it fails to outline efficient refuse, dual-stream recycling and compost collection areas for tenants and employees, central collection locations or safe curbside staging areas for collection and enforce proper space allocation for said collection processes in the design phase of project lifecycles. Improper space allocation for refuse, dual-stream recycling and compost carts and bins in new commercial construction blueprints increases construction costs while compromising Zero Waste collection services and the safety of City workers.

There is an opportunity to codify refuse collection procedures and facilitate compliance by enforcing proper space allocation across all new commercial developments. In this effort, areas for focused research include, but are not limited to, the development of:

1. Minimum service requirements. Minimum service requirements create a baseline expectancy for refuse volume across all new commercial construction, allowing for the development of baseline design guidelines and a standardization of space allocation in refuse collection procedures.

2. Design parameters. In order to streamline refuse, dual-stream recycling and compost collection in new construction projects, design guidelines that allocate sufficient space to accommodate required collection services in every stage of the collection process are necessary.

3. Enforcement mechanisms. Ensuring adherence to a standardized refuse collection procedure ensures the safety, health, and cleanliness of the city.

FISCAL IMPACTS OF RECOMMENDATION

Staff in the Zero Waste Division of the Public Works Department, in conjunction with the Planning Department, will research the fiscal impacts of the implementation of proposed policies, including the potential for cost-recovery through bill back for staff time and enforcement mechanisms. Assessment of these fiscal impacts will require minimal staff time.

CURRENT SITUATION AND ITS EFFECTS

Under Chapter 12.32.030 of the Berkeley Municipal Code, the City of Berkeley requires “[every] person owning any premises, where garbage or rubbish is produced or accumulated [is to] provide and maintain…in a suitable place readily accessible to personnel of the solid waste and environmental health divisions, containers of sufficient capacity and number to store the accumulations of garbage or rubbish during the intervals between collections or disposal”. Under Chapter 12.35.010 of the Berkeley Municipal Code, the City of Berkeley adopted and codified the Short-Lived Climate Pollutants Organic Waste Reduction Strategy “The purpose of this Ordinance is to comply with certain state laws requiring cities, counties, and special districts providing solid waste collection services to adopt ordinances and take other measures to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators, more specifically the Short-Lived Climate Pollutants Organic Waste Reduction regulations adopted pursuant to Senate Bill 1383 (Statutes of 2016) set forth in the California Code of Regulations (the "SB 1383 Regulations"). Notably, the requirements not only emphasize the importance of establishing sufficient space for waste collection, but also mandate that containers of collected refuse are “readily accessible to personnel”.

The City of Berkeley operates municipal refuse collection in two ways:

1. Curbside Service. Building owners are responsible for placing refuse, dual stream recycling, and compost carts or bins at the appropriate staging locations along the street prior to collection day, and returning them to their enclosures within 24 hours.

2. Push-and-Pull Service: Building owners pay the City an additional fee to transport carts and bins from a central collection area to a curbside collection area and back.

The mandated collection process consists of the following three stages:

1. Occupant Refuse, Dual-Stream Recycling and Compost Collection. The first stage covers occupant access to material collection containers, at either a central collection location or in the case of large multi-family buildings, material collection rooms on each floor. In accordance with the BMC, equal access to all waste streams must be ensured across all building levels.

2. Staging. This stage covers the process of transporting collected materials to their proper staging area for collection. Important technicalities in this stage include, but are not limited to: doorway dimensions, alley widths, and slope gradients.

3. Municipal Refuse Collection. The final stage covers the municipal collection of the material from curbside staging areas for transportation to the Transfer Station. Important technicalities in this stage include, but are not limited to: curb cuts, red or yellow zones for ease of collection truck parking, considerations to avoid bike lanes and staging areas on busy thoroughfares, driveway, approach, and slope gradient.

Although the Zero Waste Division has published *New Construction: Adequate Space Guidelines for Waste Containers* and provides developers with a copy of these guidelines, the City's refuse, dual-stream recycling and compost collection process, as well as the aforementioned space guidelines, are not codified in the Berkeley Municipal Code, rendering enforcement impossible for City staff.

Unfortunately, the consequence of a lack of formalized specifications for new construction design and no enforceable mechanisms for ensuring space is properly allocated for tenant facing trash rooms, central collection rooms or enclosures and proper staging areas that take into account driver and pedestrian safety, staff encounter completed new construction that has failed to accommodate at least one stage of refuse collection, including but not limited to:

- Doors to refuse enclosures with insufficient clearance to accommodate bin collection services requested by the property, necessitating design modifications

- Dumpsters are placed in narrow alleyways. Enclosures and storage areas must have enough space for dumpsters. If moving a dumpster, ensure a curb cut is installed for push-pull service.

- Steeply sloped driveways from enclosures to the street, resulting in staff injuries during push-and-pull service provision;

- Alleyways with insufficient vertical clearance for refuse truck entrance;
- Trash chutes with no collocated chutes for recycling or compost;
- Staging locations that impede biker and pedestrian right-of-way;
- Negligent staging that leads to increased street litter from upended bins.

These issues not only compromise proper waste separation but can result in costly post-construction design modifications. Furthermore, inefficiencies place unnecessary administrative burden on staff, while endangering Zero Waste materials collection workers. In order to streamline refuse collection procedures and prevent aforementioned issues, important design elements that will be considered, categorized under each stage, include but will not be limited to:

1. Occupant Refuse Collection: equal access to all waste streams across all building levels, in accordance with BMC 12.35.
2. Staging: Maintain a minimum 18-inch clearance between dumpsters staged side by side. This required clearance would greatly reduce pinch hazards and prevent hand injuries during handling.
3. Doorway Dimensions: Entrances must provide enough width for containers plus 6 inches on either side to pass through freely without hitting frames. This prevents property damage and ensures smooth transitions between spaces.
4. Alley Widths: Driveways and alleys must be wide enough to allow for safe maneuvering of both containers and collection vehicles. Adequate space is essential to avoid scraping walls or damaging property.
5. Gradients: Gradients of staging areas will be considered and addressed to ensure reduce runaway dumpster hazard does not occur. Steep inclines are prohibited as they significantly increase the risk of injuries and property damage.
6. Surface & Obstructions: Containers must be kept on a smooth, level surface free of any debris or obstacles to reduce physical strain to our staff and reduce tipping accidents or injuries.
7. Public Right-of-Way: Containers and equipment must be positioned so they do not obstruct the public right-of-way or traffic lanes to increase safety of both the collection crew and the general public.

Proper space allocation for refuse collection, which includes instituting minimum service requirements and creating pre-construction design guidelines, is a crucial next step for streamlining compliance with materials collection and waste disposal requirements.

Staff expect that codifying the space allocation requirement will not materially slow development or reduce project feasibility. The guidelines are already informally required and codifying them will offer the opportunity to include an enforcement mechanism and increase compliance with BMC 12.35.

BACKGROUND

All commercial and multi-family (5+ units) properties within the City of Berkeley are subject to State Law SB 1383 and corresponding local Alameda County Organics Reduction and Recycling Ordinance (2021-02). In order to be in compliance with SB 1383, the City of Berkeley must accommodate four waste streams through materials collection procedures:

1. Landfill,
2. Recycling for Glass, Metals, and Plastics,
3. Recycling for Cardboard, Mixed Paper, and
4. Organics collection for Food Waste, Compostable Paper, and Plant Debris.

From 2019 to 2023, the Telegraph Business Improvement District and Downtown Berkeley Association piloted trash corrals— structures designed to contain businesses' waste bins on the street— in order to "make trash collection easier, and provide a more pleasing streetscape[1]." Part of an early effort to introduce trash enclosures by commercial districts, this pilot project exemplifies the need for allocating space for waste receptacles, given the implications of uncorralled receptacles in the public right of way.

At its meeting September 18, 2025, the Zero Waste Commission authorized its Green Building Subcommittee to write and submit this referral to the City Council to authorize the City Manager to refer the Public Works Zero Waste Division, to work in conjunction with the Planning Department to study, research and recommend procedures and enforcement mechanisms to increase proper waste sorting compliance by ensuring all new commercial construction includes the proper allocation of space to accommodate state and city-mandated waste collection requirements.

> September 18, 2025 Zero Waste Commission Meeting- Item 7: Voting on Moving the Space Allocation Referral to Council
> Action Taken: M/S (Dargahi/Singh) to move Space Allocation Ordinance Referral to Council.
> Aye: Dennis Uyat, Philip Monrad, Barun Singh, Sandra Curtis, Swasti Johri, Steven Sherman, Layla Dargahi, Claire Wilson; Nays: none; Abstentions: none; Absent: none;
> Motion carried 8-0-0-0

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Compromised refuse collection processes frequently expose waste to the environment and its natural processes, adversely impacting environmental health. Improperly staged

refuse bins are subject to being knocked over or left uncovered, and rainwater runoff from unenclosed waste creates leachate containing microplastics such as polyethylene, polystyrene, and polypropylene[2]. As leachate enters Berkeley's stormwater drainage systems, these microplastics inevitably contaminate the Bay. Clogged drainpipes are a consequential causative factor of water logging in urban areas[3], thus unenclosed waste and litter that result in clogged storm drains increase flood risks amidst already intensifying storms. Furthermore, 80% of global marine litter originates from land[4]. The City of Berkeley's contribution to this number could be significantly reduced by establishing effective refuse collection policies and processes. Beyond these impacts, inadequate materials collection infrastructure in multifamily developments significantly limits resident and business participation in proper refuse, recycling, and composting. When collection areas are inconvenient or poorly designed, participation declines, contamination increases, and diversion goals are undermined. Improving access and usability of tenant-facing collection spaces is therefore critical to increasing participation and achieving environmental outcomes.

Successful allocation of waste receptacles can benefit all local communities. Proper management is projected to conserve resources, reduce greenhouse gas emissions, save energy, and decrease pollutants[5]. Studies have shown that proper programs for waste management not only reduce environmental harm but improve the physical and mental health of citizens[6].

RATIONALE FOR RECOMMENDATION
The absence of code requirements on space allocation for efficient material collection and enforcement of minimum service requirements in the City of Berkeley, has restricted staff's ability to enforce compliance with our recommendations for proper space allocation in the pre-design and construction phases of the project lifecycle. This has led to development of properties that complicate the material collection process, elevating health and environmental risks. Problems at all levels of the refuse collection process occur without explicit standards for appropriate space allocation, and a lack of enforcement allows for these conditions to persist.

ALTERNATIVE ACTIONS CONSIDERED
The alternative action to the proposed recommendation would be taking no action.

CITY MANAGER
See companion report.

CONTACT PERSON
Julia A. Heath, Zero Waste Commission Secretary, Recycling Program Manager, (510) 981-6357

[1] As written in former Councilmembers Rigel Robinson and Kate Harrison's letter to the Mayor and Berkeley City Council requesting fee waivers for the referenced trash corral pilot project in 2019. https://records.cityofberkeley.info/PublicAccess/api/Document/AZTt6TtX96UhgjoIdp0qAorvaUCTpo4EUIf%C3%8934BX%C3%81YDKAnTLsKgSiZ5K40mqKqaWXlfSWV0GIzxDleBQy6w%C3%89DNQ%3D/

[2] Kabir, M. S., Wang, H., Luster-Teasley, S., Zhang, L., & Zhao, R. (2023). Microplastics in landfill leachate: Sources, detection, occurrence, and removal. Environmental Science and Ecotechnology, 16, 100256. https://doi.org/10.1016/j.ese.2023.100256

[3] Wang, X., Xia, J., Feng, J., & Dong, B. (2025). Numerical modelling of the impact of drainage system clogging on urban flood processes. Journal of Environmental Management, 388, 125969. https://doi.org/10.1016/j.jenvman.2025.125969

[4] Rossi, A., Wu, M., Wolde, B. T., Zerbe, K. W., David Hsu, T.-T., Giudicelli, A., & Da Silva, R. (2023). Understanding the factors affecting the quantity and composition of street litter: Implication for management practices. Heliyon, 9(3), e14245. https://doi.org/10.1016/j.heliyon.2023.e14245

[5] United States Environmental Protection Agency. (2025, May 14). Recycling Basics and Benefits. Www.epa.gov; EPA. https://www.epa.gov/recycle/recycling-basics-and-benefits

[6] Wilson, C. (2024). Down in the Dumps: Exploring San Francisco's Approach to Illegal Dumping and Recommendations for Optimization. City and County of San Francisco's Office of Refuse Rate Administration. https://media.api.sf.gov/documents/Illegal_Dumping_Final_Report.pdf

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Office of the City Manager

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Companion Report: Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures

RECOMMENDATION
Adopt first reading of an ordinance amending Berkeley Municipal Code Chapter 12.32 – Storage, Collection and Disposal of Waste.

SUMMARY
New commercial developments in Berkeley must have adequate space for refuse, recycling, and compost collection. The Public Works, Planning and Fire departments developed proposed amendments to the Berkeley Municipal Code to set safe and commonsense requirements for source separated refuse collection. The Zero Waste Commission's report reinforces work that staff are currently undertaking. The intentions of these requirements are to improve and increase waste sorting and, thus, reduce spills, contamination, greenhouse gas emissions from landfills, and other environmental, health and safety harms.

FISCAL IMPACTS OF RECOMMENDATION
Public Works' Zero Waste Division, the Planning Department's Building and Safety Division and Energy, Sustainability and Green Building Program Management groups, and the Fire Department have already implemented a workflow that addresses the requirements put forth in the Zero Waste Commission's proposed ordinance language. Therefore, no additional staffing time or associated costs are anticipated.

CURRENT SITUATION AND ITS EFFECTS
Public Works staff recommend Council adopt the first reading of an ordinance to amend Chapter 12.32 of the Berkeley Municipal Code to add Section 12.32.035 ("Adequate Space for Collection Containers"), which will clarify requirements for commercial developments to provide for the convenient sorting of refuse into landfill, recycling and compost streams and to require the construction of central collection locations or trash enclosures that are safe and easily accessible for Public Works staff to collect. Staff expect that codifying the space allocation requirement will not materially slow development or reduce project feasibility.

Berkeley Municipal Code Chapter 12.32.030 requires property owners to provide adequate and accessible refuse materials collection space. This section of the code does not describe what design standards should be considered. Additionally, there are no clear minimum service guidelines used to estimate the amount of space needed for “adequate collection space”. As a result, Public Works staff have worked closely with Planning staff to ensure that new construction projects receive the necessary feedback so that their construction plans comply with State, County and Local zero waste requirements.

Public Works staff have encountered very few applicants who refuse to collaborate and, therefore, do not anticipate a need to institute post-construction penalization. This collaborative process has increased worker safety, environmental health and landfill diversion. Additional design considerations in the municipal code will provide the missing clarification that will provide additional support to continue the current success and improve diversion efforts.

Amending Chapter 12.32 of the Berkeley Municipal Code to require adequate space for collection containers advances the Strategic Plan goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

BACKGROUND

The State of California's Senate Bill 1383 on Short-Lived Climate Pollutants requires that all refuse generators, residents and businesses, subscribe to landfill, recycling and organics collection services, provide equally accessible and convenient access to all of the required streams and to provide proper signage to increase participation in proper sorting and landfill diversion. These requirements are in line with the City’s zero waste and climate action goals and were adopted into the municipal code under chapter 12.35 Organics Reduction and Recycling.

Public Works and Planning staff have built a strong relationship over the last three years to implement an improved workflow where safety and compliance concerns are discussed and addressed directly with new construction designers. Public Works staff recognized that new buildings were being permitted without adequate space to accommodate the City’s required four stream collection services. This led to reduced participation in proper sorting and therefore, reduced opportunities to increase diversion from landfill. It was also leading to Public Works collection drivers being exposed to safety hazards related to refuse collection sites being placed in areas with pinch hazards, steep slopes, access issues or public right of ways with heavy traffic.

The Zero Waste Commission Secretary reported on progress addressing this issue at multiple Zero Waste Commission meetings beginning in September of 2023 to present, the Zero Waste Commission voted to move a referral to Council on September 18,

2025, requesting that Council adopt an ordinance that would codify the informal process staff had built to address its space allocation issue.

> September 18, 2025 Zero Waste Commission Meeting
> Item 7: Voting on Moving the Space Allocation Referral to Council
> Action Taken: M/S (Dargahi/Singh) to move Space Allocation Ordinance Referral to Council
> Aye: Dennis Uyat, Philip Monrad, Barun Singh, Sandra Curtis, Swasti Johri, Steven Sherman, Layla Dargahi, Claire Wilson; Nays: none; Abstentions: none; Absent: none
> Motion carried 8-0-0-0

The amendments to Chapter 12.32 of the Municipal Code proposed by staff reflect a significant modification to the to the amendments proposed by the Zero Waste Commission with respect to residential development. The Zero Waste Commission's recommendations contemplated application of the new waste storage, collection, staging, and space-allocation requirements to multifamily residential development and mixed-use development. Following further review by City staff, the proposed ordinance has been revised to remove residential development, including the residential component of mixed-use development, from the new physical space-allocation and design requirements. Assembly Bill 130 (Stats. 2025, ch. 22) generally prohibits cities and counties, from October 1, 2025 through June 1, 2031, from adopting new or more restrictive building standards applicable to residential units unless a statutory exception applies. The City can revisit residential developments after June 1, 2031.

Right now, the new Zero Waste space-allocation and design requirements cannot be enforced against residential developments without conflicting with AB 130. Accordingly, the proposed ordinance does not apply new physical design requirements to residential development. Zero Waste requirements that do not establish new residential building standards, like curbside waste collection procedures, are not affected by this modification.

Certain proposed fire and life-safety amendments recommended by the Fire Department will continue to apply to residential development. Many of these provisions do not establish new building standards, but instead expressly require compliance with existing requirements of the California Building Code, California Fire Code, Berkeley Fire Code, and Berkeley Wildland-Urban Interface Code. These include requirements governing waste and recycling chutes and associated shafts and collection rooms; combustible waste storage and separation; fire apparatus and emergency access; unobstructed access to fire hydrants, fire department connections, and other fire protection equipment; means of egress; existing requirements governing battery collection and storage; and applicable Wildland-Urban Interface requirements.

To the extent any Fire Department provision establishes a new or more restrictive residential building standard beyond existing code requirements, the City intends to seek approval under AB 130's health-and-safety exception. Health and Safety Code sections 17958, 17958.5, and 17958.7 permit a local residential building standard during the AB 130 moratorium where the California Building Standards Commission determines that the change or modification is necessary as an emergency standard to protect health and safety.

The Fire Department's proposed requirements most directly related to this exception are those intended to preserve required fire apparatus and emergency access; prevent obstruction of fire lanes, hydrants, fire department connections, means of egress, and other fire protection equipment; regulate combustible waste and battery storage that presents a fire hazard; and ensure that waste storage or staging facilities do not interfere with required fire and life-safety features. If the California Building Standards Commission does not approve a new residential standard under the applicable AB 130 exception, that standard would not be enforced against residential development during the AB 130 moratorium.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Improperly managed materials collection in Berkeley can reduce participation by business tenants and employees in commercial buildings, resulting in missed opportunities to divert recyclable and compostable materials from landfills. This increases greenhouse gas emissions, particularly methane from decomposing organic waste. In addition, spillage from improperly contained waste can contribute to microplastic contamination of waterways, increase flood risks, and add to marine litter. Proper allocation and management of waste receptacles help reduce pollution, conserve resources, lower greenhouse gas emissions, and improve community health and safety.

RATIONALE FOR RECOMMENDATION

Making the City’s space allocation standards easier to understand and formally adding them to the Berkeley Municipal Code will give engineers, architects, and contractors clearer design requirements. It will also allow staff to point applicants to an official set of rules before they submit their construction plans to Public Works for review.

ALTERNATIVE ACTIONS CONSIDERED

City Council could decide not to adopt a first reading of the proposed additional chapter to the Berkeley Municipal Code. Taking no action would maintain the status quo, leaving codified requirements vague and enforcement options unclear.

CONTACT PERSON

Leticia Jauregui, Division Manager, Public Works Department, 510-981-6362
Julia A. Heath, Recycling Program Manager, Public Works Department, 510-981-6357

Attachments:

1. Ordinance amending Berkeley Municipal Code Chapter 12.32

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 12.32 – STORAGE, COLLECTION AND DISPOSAL OF WASTE

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

Section 1. That Berkeley Municipal Code Chapter 12.32 is amended to read as follows:

Chapter 12.32
STORAGE, COLLECTION AND DISPOSAL OF WASTE*

Sections:

12.32.010 Definitions.

12.32.020 Accumulation prohibited--Storage requirements--Removal of construction rubbish.

12.32.030 Garbage containers required--Specifications--Use restrictions--Location.

12.32.035 Adequate Space for Collection Containers

12.32.040 Bulk wastes--Over one cubic yard--Over two cubic yards.

12.32.045 Definitions

12.32.050 Garbage collection--Service declared essential--Exclusive collection by City required--Notification by owner--Fees--Time--Districts established--Rubbish collected with garbage.

12.32.055 Adequate Space Requirement

12.32.060 Garbage fees--Payment requirements--Service charges.

12.32.065 Design Standards

12.32.070 Dumping at unauthorized disposal site prohibited.

12.32.075 Stormwater Requirements

12.32.080 Dumps--Use limitations.

12.32.085 Administrative Standards

12.32.090 Refuse burning prohibited--Exceptions.

12.32.095 Liability and Enforcement

12.32.100 Nuisances designated--Abatement authorized when.

12.32.110 Violation--Penalty.

12.32.120 Putrescible waste--Procedure for management--Vermin infestation control--Prima facie presumption of violation.
12.32.130 Collection and disposal--Private hauler requirements.
12.32.140 Collection and disposal--Rules and regulations--Public Works Department authority.

***** For Zero Waste Commission, see Ch. 3.40 of this code.

12.32.010 Definitions.

A. "Garbage" means putrescible animal or vegetable matter, and containers used for the storage thereof. "Garbage" does not include source-separated recyclables or yard waste.

B. "Hazardous waste" means that waste defined in Health and Safety Code Section 25117.

C. "Medical waste" means that waste defined in Health and Safety Code Section 25023.2

D. "Rubbish" means all nonputrescible waste matter, whether combustible or noncombustible, except hazardous waste and medical waste.

E. "Waste" means the useless, unused, unwanted or discarded material resulting from normal community activities, or materials which by their presence may injuriously affect the health, safety and comfort of persons and depreciate property values in the vicinity thereof. "Waste" shall include, but not be limited to garbage, putrescible organic material, rubbish, offal, swill, animal excreta, rubble, plaster or other waste resulting from the demolition, burning, alteration or construction of buildings or structures.

F. "Source-separated recyclables" means non-putrescible materials that are separated by the generator from other waste material for the purpose of reuse or recycling, by placing the recyclables in separate containers, or by binding them separately; the recyclable material is then kept separate from general rubbish by the collector and processor, and is returned to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be

used in the marketplace. Source separated recyclables contain no more than 20% of material which is disposed of as refuse by the collector or their subcontractors.

G. "Yard waste" means grass, weeds, leaves, tree trimmings, plants, shrubbery prunings, and such other similar materials which are generated in the maintenance of yards, gardens or landscaping, and which are separated by the generator from other solid waste materials for the purpose of recycling or composting, and which are taken by the hauler to a recycling or composting facility. (Ord. 6549-NS § 2, 2000; Ord. 6517-NS § 2, 1999; Ord. 6319-NS § 2 (part), 1996)

H. “Central consolidation location” means internal area generally located on the first floor or in the basement of a multi-story mixed use, commercial or multi-family building that is of adequate size to house waste receptacles that meet minimum service requirements including but not limited to landfill, dual-stream recycling and organics where materials from tenants can be centrally consolidate for collection.

I. “Minimum service requirements” mean all property owners or property managers are required to subscribe to landfill, dual-stream recycling and organics collection services at a minimum of 20 gallons per unit to ensure adequate service is provided to comply with state, county and local zero waste mandates. Waste enclosures or central consolidation locations shall be designed to accommodate the collection receptacles to meet minimum service requirements.

~~J. “Multi-family building” means property with five or more residential units.~~

~~K. “Mixed-use building” means multi-story property containing one or multiple businesses on the first story(s) with residential housing units on additional stories.~~

L. Tenant Facing Collection Room: rooms located on each story of a ~~multi-story mixed use,~~ commercial ~~or multi-family~~ building where tenants have convenient access to do dispose of landfill, dual-stream recycling and organics. If utilizing trash chutes, there must be enough chutes to accommodate all required material collection streams.

~~M~~J. Staging Area: area where Public Works staff will collect landfill, dual-stream recycling and organic materials for disposal or processing, generally located in the public right of way, at the waste enclosure or at the central consolidation location and shall not be located more than 100 ft from where the collection vehicle will need to park to provide service. If located in the public right of way, curb cuts and red zones must be

provided to ensure safe transport and storage of the collection receptacles on the day(s) of service.

~~N~~K. Valet Waste Service: a third-party service that collects municipal solid waste from outside of tenant's units and properly sorts it for disposal eliminating the need for tenant facing trash rooms. If utilizing a valet waste service, ensure the service provider has been adequately trained and approved by Public Works Department staff.

~~O~~L. Waste Enclosure: A stand-alone covered area on a commercial or multi-family property designed to house receptacles for storing solid municipal waste including but not limited to landfill, dual-stream recyclables, and organics.

C. “Universal waste” means universal waste as defined in the California Health and Safety Code Section 25123.8 and California Code of Regulations, Title 22, Division 4.5, Chapter 23. Universal waste includes certain batteries, electronic waste, non-empty aerosols cans, and other special materials designated as universal waste under applicable state law and is subject to the applicable requirements governing its collection, storage, handing, recycling, and disposal.

12.32.020 Accumulation prohibited--Storage requirements--Removal of construction rubbish.

A. No person owning any multiple-family dwelling or possessing any single-family dwelling, or industrial, commercial or business premises or structure shall allow or permit any garbage, rubbish or waste to collect and accumulate upon or in any such premises or structure except as otherwise provided by law. This provision shall not be construed as affecting any authorized waste disposal operation or properly conducted garden composting process carried on by a private individual in their own premises and for their own use and done in a manner consistent with this section.

B. During intervals between collection or disposal, the storage, accumulation, collection, keeping, handling or maintaining of waste on premises where produced shall be performed in such a manner as to prevent the harboring and breeding of rodents, insects and other vermin and as to prevent ready access to the waste by dogs and other small animals; as to prevent objectionable odors in the ambient air; as not to constitute a fire hazard; and as not to result in such unsightliness as to result in the

depreciation of the value of adjacent property or the comfortable enjoyment of life thereon.

C. **Construction and Demolition Rubbish and Waste.** During construction, alteration, or demolition activities, combustible debris, rubbish, and waste materials shall be managed in accordance with California Fire Code Section 3304, as applicable. Combustible debris, rubbish, and waste materials shall not be accumulated within buildings and shall be removed from buildings at the end of each shift of work.

1. Temporary rubbish containers exceeding 5.33 cubic feet (40 gallons) used for combustible debris, rubbish, or waste shall be provided with tight-fitting or self-closing lids and shall be constructed of noncombustible materials or other materials complying with California Fire Code Section 3304.1.3.

2. Materials susceptible to spontaneous ignition, including oily rags, shall be stored in listed disposal containers in accordance with California Fire Code Section 3304.2.

3. Construction and demolition waste containers shall not be located or maintained so as to obstruct required fire apparatus access, means of egress, fire hydrants, fire department connections, or access to required fire protection equipment.

~~C. Every person, contractor or builder engaged in the construction, repair or demolition of any building or structure shall at reasonable intervals dispose of or remove from such premises all rubbish resulting from the construction, repair or demolition and within a reasonable time of the final cessation of work on such building, structure or premises. (Ord. 6319-NS § 2 (part), 1996)~~

12.32.030 Garbage containers required--Specifications--Use restrictions--Location.

A. Every person owning any premises, where garbage or rubbish is produced or accumulated shall provide and maintain on the premises in a suitable place readily accessible to personnel of the solid waste and environmental health divisions, containers of sufficient capacity and number to store the accumulations of garbage or

rubbish during the intervals between collections or disposal. With the written of the owner, nonresidential tenants may contract for garbage collection service independently, either on their own behalf or on the owner's behalf, if the owner agrees in writing to guaranty payment of the garbage collection charge in the event the tenant does not pay it in a timely fashion.

B. Every contractor or builder engaged in the erection or repair of a building shall provide sufficient containers at or near such building for the deposit and storage of any waste resulting from the erection or repair work.

C. Garbage containers for other than bulk accumulation shall be constructed of metal or other impervious material approved by the managers of environmental health and solid waste with tight-fitting covers. The containers and covers shall be in good repair, leakproof, free from holes, flytight and rodentproof. Containers shall be equipped with handles adequate to lift the weight of a full container without breaking or bending. Such container shall be maintained in a sanitary condition by the owners thereof and covers shall not be removed except for the purpose of placing waste therein or removing waste therefrom.

D. Rubbish except broken glass, rocks, concrete, bricks and similar solid material, plaster or dirt may be deposited in garbage containers. Hazardous waste, human waste and other potentially infectious material shall not be deposited or placed in garbage containers. Liquid garbage shall not be deposited or placed in such containers.

E. No garbage containers or other containers for waste, other than those of the City, shall be placed, kept, stored or located within the right-of-way of a street or alley; provided, however, that the Public Works Department may authorize the location of such containers within the public right-of-way at specified places and times when such location is necessary for the expeditious collection and disposition of garbage by the City. (Ord. 6369-NS § 1 (part), 1997; Ord. 6319-NS § 2 (part), 1996)

12.32.0~~35~~40 ~~Findings and Purpose~~ Findings and Purpose

~~A. According to the Bureau of Labor Statistics, refuse collection is one of the most fatal civilian occupational activities. Furthermore, handling refuse is one of the greatest sources of occupational injury for building maintenance staff. When refuse collection~~

~~space is designated to an area that is difficult or unsafe to access by refuse collection workers or custodial staff, it could cause serious injury or even death.~~

~~B. When sufficient space is not allocated for appropriate refuse collection receptacles, including but not limited to landfill, dual-stream recycling and organics equally conveniently located with appropriate capacities to contain all materials generated onsite, the resulting building operational costs are often higher. If the space for refuse collection receptacles is not designed properly, it may require additional sorting time on the part of building staff or zero waste facilitators, require more frequent pickups by haulers or result in extra haulers charges for refuse collection workers to move bins for truck access, and may cause the building to incur charges, fines, or liens due to lack of compliance with Berkeley's zero waste service requirements.~~

~~C. Good design makes it easy to keep discarded materials separated for dual-stream recycling, composting and landfill. When sufficient space is allocated for all required streams in an equally convenient manner, materials will be more likely to be sorted into the correct receptacle. When space for dual-stream recycling and organics is an afterthought and designated to a less accessible or inconvenient location, occupants and operators will be less likely to participate successfully in recycling and organics collection programs.~~

~~D~~A. The purpose of this section is to ensure that new commercial development and substantial renovations provide adequate space for the storage, collection, and processing of solid waste, dual- stream recyclable, and organic materials or construction and demolition materials in a manner that supports public health, operational efficiency, compliance with state and local law, and the City's Zero Waste and climate goals.

12.32.0540 Bulk wastes--Over one cubic yard--Over two cubic yards.

A. In any premises where a volume of waste in excess of one cubic yard is allowed to accumulate between intervals of collection or disposal, such waste shall be managed in the manner specified by the manager of the environmental health division for the sanitary storage, collection or disposal of such waste on the premises.

B. In addition to the requirements of subsection A of this section, dumpsters and containers used for the storage of combustible waste shall comply with California Fire Code Sections 304.3 through 304.3.7, as applicable, including requirements for container construction, lids, location, separation from buildings, and fire protection. Waste storage locations shall not create a fire hazard and shall be subject to approval by the Fire Chief or designee where required by the California Fire Code. ~~In addition to the requirements of subsection A of this section, in any premises where a volume of waste in excess of two cubic yards is allowed to accumulate between intervals of collection or disposal, such waste shall be stored in fire-resistant containers and at locations approved by the Fire Chief. (Ord. 6319-NS § 2 (part), 1996)~~

12.32.0650 Garbage collection--Service declared essential--Exclusive collection by City required--Notification by owner--Fees--Time--Districts established--Rubbish collected with garbage.

A. It is found and determined that the periodic collection of garbage from all premises and places in the City in or from which garbage is created, accumulated or produced is essential for the maintenance of the public health and welfare of the City and that the provision by the City of such garbage collection service is a direct benefit to all premises and places in or from which garbage is created, accumulated or produced to the owners thereof.

B. Garbage collection service is provided by the City, and all owners of premises and places in the City in or from which garbage is created, accumulated or produced shall use or cause to be used, and pay the fees charged for, the City's collection service. It is unlawful for any person, other than authorized agents or employees of the City, to collect, remove or dispose of garbage in the City; provided, however, that nothing contained herein shall prevent the use of garbage disposal devices as provided in the City plumbing code.

C. All owners of premises and places in or from which garbage is created, accumulated or produced shall notify the solid waste division of the services department of the City that collection of garbage from such premises or place is required and the frequency of the collection required.

D. Fees for the collection of garbage shall be established by resolution of the City Council. All owners of premises and places in the City from which garbage is collected,

or the person with responsibility for those premises, shall pay the garbage collection fees established by the City Council. In the event of nonpayment of the garbage collection fees, the City, at its option, may discontinue furnishing garbage collection service as set forth in Section 12.32.060, such discontinuance of service to be in addition to any remedies that are available to the City to enforce payment of any unpaid garbage collection fees.

E. Collection of garbage shall be made at least once a week from private residences and as many times per week as the Director of Public Works may order from all other places.

F. The Director of Public Works may establish districts in the City for the purpose of collecting garbage and rubbish.

G. The City will collect and dispose of all rubbish which is deposited in garbage containers as authorized in Section 12.32.030, and to the extent that equipment and personnel are available as determined by the Director of Public Works, the City may collect and dispose of rubbish other than that deposited in garbage containers, provided such rubbish is placed in separate containers approved by the Director of Public Works and provided further that such rubbish is of such size that it can be placed in such separate containers. (Ord. 6369-NS § 1 (part), 1997; Ord. 6340-NS § 1 (part), 1996; Ord. 6319-NS § 2 (part), 1996)

12.32.0760 Garbage fees--Payment requirements--Service charges.

A. Fees for garbage and rubbish collection shall be billed and paid periodically as determined by the City. Any fee which is not paid in full on the thirty first day after billing is delinquent, except that fees which are billed semiannually shall be deemed delinquent on December 11th and April 11th. A penalty of ten percent shall be assessed on any delinquent amount. Delinquent amounts greater than one year delinquent shall accrue interest at the rate of one and one-half percent per month. Service on unpaid accounts may be reduced or discontinued thirty days after mailing notice of delinquency.

B. The City may elect to bill for garbage and rubbish collection service as a special assessment on the property taxes and charges collected by the county with property

taxes. The City may also elect to bill individual persons or businesses for service provided directly to those persons or businesses; however, because the provision by the City of garbage collection service is necessary for the public health and a benefit to the public, and necessary to prevent the creation of public nuisances, any amounts billed to persons or businesses are an obligation of both the user of the property who generates the garbage and the owner of the property who benefits from its use by others, and therefore also payable by, and debts of, the owner of the property.

C. The City may employ any method provided by state law for collection of service fees, delinquent amounts, penalties and interest, and all remedies shall be cumulative.

D. No refunds will be made for decreases in service during the billing period in which the decrease occurred.

E. The City may require payment of a deposit in the amount three times the monthly service charge for any City garbage collection service ordered in any case where the owner of the affected property is not ordering the service or the City is legally unable to impose a lien on the property in the event the service charges are not paid by the person or business ordering the service. Such deposits may be credited by the City against an account after one year for residential accounts and two years for non-residential accounts, if there have been no delinquencies during the applicable period. In the event an account is closed while the City has custody of a deposit, the City shall credit the amount of the deposit against the closing bill and refund any amount remaining. (Ord. 6393-NS § 1, 1997; Ord. 6369-NS § 1 (part), 1997; Ord. 6340-NS § 1 (part), 1996; Ord. 6319-NS § 2 (part), 1996)

12.32.0805~~55~~ Adequate Space Requirement

Effective January 1, 2027:

A. All new commercial, development shall conform to the Design Standards in Section 12.32.065.

B. Additions, alterations, or renovations to commercial development requiring discretionary approval or permits where the project affects waste storage areas, collection infrastructure, or collection services, shall conform to the Design Standards in Section 12.32.065.

12.32.09065 Design Standards

A. Waste storage and collection areas shall:

1. Provide adequate space for collection containers and related infrastructure sufficient to accommodate all required material streams and meet minimum service requirements including but not limited to:

    a. Landfill disposal.

    b. Recycling of paper and cardboard.

    c. Recycling of glass, metal, and plastic containers.

    d. Organic materials, including food scraps, compostable paper, and plant debris.

2. Be designed to accommodate the size, number, and configuration of containers required for collection service.

3. Provide convenient and equal access to all required material streams.

4. Have signage identifying the types of materials corresponding to each respective waste stream. Signage shall be permanently posted on or painted onto each receptacle. General instructions about how to recycle shall be posted on the walls inside the enclosure. The name and phone number of the person responsible for maintenance of the enclosure shall be included on the sign with general instructions.

5. Provide adequate access for commercial tenants, property owners and managers, facilities staff, third party valet waste service providers or Zero Waste collection staff.

6. Provide sufficient maneuvering area to safely move containers between storage and collection locations.

7. Include pathways, ramps, and access routes that meet applicable accessibility and safety requirements.

8. Reduce incidents of significant slopes

8. Maintain adequate vertical clearance for opening lids and servicing containers.

9. Include sufficient staging space to support collection operations.

~~10.~~ "Waste storage, collection and staging areas shall be located or constructed in a manner not to obstruct or reduce required fire apparatus access roads, fire lanes, emergency access, means of egress, fire hydrants, fire department connections, or access to other required fire protection equipment." ~~Be located and designed to minimize conflicts with vehicle circulation, pedestrian access, and emergency access requirements.~~

11. Be maintained in a manner that supports cleanliness, safety, and proper collection operations.

B. Fire Protection and Life Safety Requirements.

Waste storage areas, rooms, enclosures, and associated waste containers shall comply with the following Fire and Life Safety Requirements:

1. **Fire Protection.** Waste storage areas, rooms, enclosures, and associated waste containers shall comply with California Fire Code (CFC) Sections 304.3.1 through 304.3.7, including applicable requirements for location, construction, and separation. Where automatic sprinkler protection is utilized or other an approved method of compliance, such protection shall be provided in accordance with the applicable provisions of the CFC and applicable National Fire Protection Association (NFPA) standard.

2. **Battery Collection and Storage.** Where waste storage areas, collection rooms, enclosures, or other collection facilities are used for the collection or storage of lithium-ion, lithium-metal, or other batteries, such collection and storage shall comply with CFC Section 320. Damaged, defective, recalled, leaking, swollen, or other compromised batteries shall be handled and stored in accordance with the CFC and hazardous material requirements.

3. **Battery-Powered Equipment and Charging.** Waste storage areas, collection rooms, and waste enclosures shall not be used for the charging of powered micromobility devices or other battery-powered equipment unless specifically approved and permitted by the CFC, including Section 322.

4. **Emerging and Special Fire Hazards.** The collection, storage, handling, or processing of materials presenting special or emerging fire hazards, including lithium-ion, lithium-metal, or other battery technology shall comply with the

applicable provisions of the CFC and BFC. Where required by the CFC, such operations shall be subject to review and approval by the Fire Chief or designee.

5. **Use of Waste Storage Areas and Enclosures.** Waste storage areas, rooms, enclosures, and associated containers shall be used and maintained for their approved purpose. Containers shall not be filled beyond their designated capacity and, where lids are required, shall be maintained so that lids can fully close. Waste or other combustible materials shall not be allowed to accumulate outside designated containers or in a manner that creates a fire hazard, obstructs required means of egress, or obstructs or impairs required Fire Department access or access to fire protection equipment.

    a. Combustible storage, hazardous and universal waste or hazardous materials shall not be stored within exit passageways, interior exit enclosures or stairways, under unenclosed exterior exit or exit access stairways.

6. **Fire Department Access.** Waste storage, collection, and staging areas shall be located and maintained so as not to obstruct, reduce, or otherwise interfere with required fire apparatus access roads, fire lanes, emergency access to building exterior doors, openings and roofs required by the California Building Code, California Residential Code and California Fire Code, means of egress, fire hydrants, fire sprinkler system risers, fire department connections, or access to required fire protection system equipment in accordance with applicable provisions of the CFC Sections 503, 504, 507, 509, and 912.

    a. To ensure and maintain compliance, all developments requiring centralized waste, recycling, and/or organic collection shall construct dedicated concrete staging enclaves or recessed storage cutouts. These staging infrastructure elements must be situated entirely outside of the minimum required unobstructed width and vertical clearance of any designated fire apparatus access road, preventing any temporary or permanent container encroachment during stating or servicing.

7. **Wildland-Urban Interface and Fire Hazard Areas.** Where a project is located within an area subject to applicable Berkeley wildland-urban interface, fire hazard severity zone, defensible space, or vegetation management requirements, exterior waste storage areas and enclosures shall be designed, located and constructed of noncombustible materials in accordance with the applicable Berkeley Fire Code (BFC) and other adopted fire-safety requirements. [Berkeley Municipal Code Chapter 19.49]

8. **Maintenance of Fire and Life Safety Features.** Waste containers, storage areas, collection rooms, enclosures, and staging areas shall be maintained so as not to obstruct or reduce required fire apparatus access, emergency access, means of egress, fire hydrants, fire department connections, fire protection

system equipment, or other required fire and life safety features in accordance with the CFC.

9. **Fire Protection System Installations and Modifications.** Where compliance with this chapter requires the installation, extension, relocation, or modification of an automatic sprinkler system, fire detection system, or other required fire protection system, such work shall comply with the applicable CFC, BFC, associated NFPA standards, and shall be completed under a Fire Department Construction Permit in accordance with CFC §105.6.2 and §105.6.7 prior to installation.

12.32.100~~070~~ Dumping at unauthorized disposal site prohibited.

Except as otherwise provided by law, no person shall deposit or discharge or cause to be deposited or discharged any garbage, rubbish or other waste in any place other than a disposal site or dump which has been approved by the City. (Ord. 6319-NS § 2 (part), 1996)

12.32.110~~075~~ Stormwater Requirements

Waste Enclosure requirements. The following requirements apply to all waste enclosures:

Waste enclosure structures shall be covered and designed to prevent stormwater runoff from contacting waste materials. The roof canopy should extend sufficiently outward in all directions so that windblown rain will not enter the interior of the storage area. A horizontal or sloped canopy measuring approximately one-half the height of the canopy to the ground is recommended. The waste enclosure shall include walls or other barriers designed to prevent rainfall, stormwater run-on, and stormwater runoff from entering or leaving the enclosure, and to minimize the wind dispersal of litter. Berms, curbs, or other approved containment or diversion measures shall be incorporated, as necessary, to prevent pollutant discharges to the municipal storm drain.

1. Stormwater runoff from the enclosure roof must also drain away from the enclosure towards landscaping and/or stormwater treatment areas.

2. Waste enclosure floors shall be constructed of concrete and designed to prevent the discharge of runoff, wash water, or other liquids to the municipal storm drain. Discharges to the municipal storm drain system are prohibited. Floor drains, where permitted, shall discharge to the sanitary sewer, subject to approval by the applicable sanitary sewer agency.

3. Waste enclosures shall be removed from public right-of-way and block view of waste receptacles from public right-of-way.

4. No storm drains shall be located within the enclosure or in a location where stormwater could flow into or through the enclosure. The surrounding area shall be graded to prevent stormwater run-on. Grease interceptors, grease receptacles, and used cooking oil storage containers shall not be located within the trash enclosure unless specifically designed and permitted for such use. Any grease storage shall be covered, leak-proof, protected from stormwater run-on, and designed to prevent spills or discharges to the municipal storm drain.

12.32.120~~85~~ Administrative Standards

A. The Director of Public Works or designee may adopt and periodically update administrative guidelines, technical standards, landfill, dual-stream recycling and organics service levels, design criteria, and implementation procedures necessary to administer and enforce this chapter. Where such guidelines, standards, criteria, or procedures affect fire apparatus access, emergency access, means of egress, fire protection equipment or systems, combustible waste storage, fire-resistance-rated construction, waste or recycling chutes, or other matters regulated by the California Fire Code or California Building Code, they shall be developed in consultation with the Fire Department and Building and Safety Division. ~~The Director of Public Works or designee may adopt and periodically update administrative guidelines, technical standards, landfill, dual-stream recycling, and organics service levels, design criteria, and implementation procedures necessary to administer and enforce this chapte~~r.

Such standards may address, but are not limited to:

1. Container sizing and capacity requirements.

2. Waste enclosure and collection room dimensions.

3. Service access and collection vehicle requirements.

4. Staging area requirements.

5. Access pathway and maneuvering requirements.

6. Co-location of material streams.

7. Operational and safety considerations.

8. Stormwater requirements

Public Works Review Authority

The Director of Public Works or designee may require reasonable modifications to waste storage areas, collection access, collection infrastructure, and related facilities necessary to ensure safe, efficient, and compliant collection services.

B. Interdepartmental Coordination. Where administrative guidelines, technical standards, design criteria, or implementation procedures adopted pursuant to this section affect fire apparatus access, emergency access, means of egress, fire protection equipment or systems, combustible or hazardous waste storage, battery collection or storage, fire-resistance-rated construction, waste or recycling chutes, or other matters regulated by the California Fire Code or California Building Code, such standards shall be developed in consultation with the Fire Department and Building and Safety Division.

12.32.130~~095~~ Liability and Enforcement

1. No building permit shall be issued for a covered project unless the Director of Public Works or designee determines that the project complies with the requirements of this chapter.

2. No Certificate of Occupancy shall be issued for a covered project unless the Director of Public Works or designee determines that all required waste, recycling, and organics collection infrastructure has been installed in substantial conformance with approved plans.

3. Any modification to approved waste storage or collection facilities that materially affects compliance with this chapter shall require review and approval by the Director of Public Works or designee prior to implementation.

4. The remedies provided in this section are cumulative and do not preclude enforcement through any other remedies authorized by the Berkeley Municipal Code.

12.32.140~~080~~ Dumps--Use limitations.

It is unlawful for any person to deposit at the garbage and rubbish dumps maintained by the City any garbage or rubbish originating in any area outside the City limits; provided, however, that this section shall not apply to dumping permitted under any written agreement authorized by the City Council. (Ord. 6319-NS § 2 (part), 1996)

12.32.085 Administrative Standards

A. The Director of Public Works or designee may adopt and periodically update administrative guidelines, technical standards, service assumptions, design criteria, and implementation procedures necessary to administer and enforce this chapter.

12.32.150~~090~~ Refuse burning prohibited--Exceptions.

It is unlawful for any person to burn any refuse except as may be permitted pursuant to the provisions of the fire prevention code of the City and Regulation No. 2 of the Bay Area Air Pollution Control District. (Ord. 6319-NS § 2 (part), 1996)

12.32.095 Liability and Enforcement

A. No building permit shall be issued for a covered project unless the Director of Public Works or designee determines that the project complies with the requirements of this chapter.

B. No Certificate of Occupancy shall be issued for a covered project unless the Director of Public Works or designee determines that all required waste, recycling, and organics collection infrastructure has been installed in substantial conformance with approved plans.

C. Any modification to approved waste storage or collection facilities that materially affects compliance with this chapter shall require review and approval by the Director of Public Works or designee prior to implementation.

D. The remedies provided in this section are cumulative and do not preclude enforcement through any other remedies authorized by the Berkeley Municipal Code.

12.32.160~~100~~ Nuisances designated--Abatement authorized when.

The keeping of garbage in containers other than containers prescribed by this ordinance or the keeping upon premises of garbage or rubbish which is allowed to become offensive and noisome, shall constitute a public nuisance and may be abated in the manner provided by law for the abatement of nuisances. (Ord. 6319-NS § 2 (part), 1996)

12.32.170~~110~~ Violation--Penalty.

Any person violating any provision or failing to comply with any of the requirements of this chapter shall be deemed guilty of an infraction as set forth in Chapter 1.20 of this code. (Ord. 6319-NS § 2 (part), 1996)

12.32.180~~120~~ Putrescible waste--Procedure for management--Vermin infestation control--Prima facie presumption of violation.

A. Any person possessing any premises wherein putrescible waste is produced, handled, stored or allowed to accumulate shall manage such putrescible waste in such a manner as to preclude the breeding of flies or other vermin therein.

B. No person in control of putrescible waste shall knowingly allow or permit the same to serve as a breeding medium for flies or other vermin. Upon knowledge of such infestation, or after receiving written notice from the manager of environmental health, said person shall at once proceed and continue in good faith to destroy the flies, larvae or pupae thereof by poisoning, trapping, removal of the material to a disposal site which has been approved by the City, or by any other effective means.

C. In any prosecution charging violation of this chapter, a prima facie presumption of the violation of the provisions of this section shall exist upon proof by the chief of environmental health that an analysis of putrescible organic material controlled by any person charged shows that such material contains living larvae or pupae of domestic flies. (Ord. 6319-NS § 2 (part), 1996)

12.32.190~~130~~ Collection and disposal--Private hauler requirements.

Waste which is not deposited in garbage containers or separate containers and collected by the City may be collected and disposed of by private haulers who have secured a business license as provided by Section 9.04.176 of this code. All vehicles used to transport rubbish shall be provided with equipment to prevent rubbish from blowing out of, falling from or otherwise escaping from such vehicle. Such rubbish haulers shall comply with all applicable rules and regulations established by the Public Works Department. (Ord. 6319-NS § 2 (part), 1996)

12.32.200~~140~~ Collection and disposal--Rules and regulations--Public Works Department authority.

The Public Works Department, subject to the approval of the City Manager, shall have the power to establish rules and regulations consistent with the provisions of this title, governing the keeping, collection, removal and disposal of garbage, rubbish and waste, and the use by the public of the garbage, rubbish and waste dumps of the City. (Ord. 6319-NS § 2 (part), 1996)

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.

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Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR
October 27, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author), Mayor Adena Ishii (Co-Sponsor), Councilmember Terry Taplin (Co-Sponsor), and Councilmember Ben Bartlett (Co-Sponsor)

SUBJECT: Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager

RECOMMENDATION

Adopt an ordinance amending Berkeley Municipal Code (BMC) Chapter 7.18, Expenditure Limitations, to require procurement through competitive solicitation for all city contracts for professional services and other services greater than $100,000.

Further, for the City Attorney's Office (CAO), require development of an Outside Council Selection Protocol whereby the CAO develops an annual report to Council for its pre-qualified list of outside attorneys and law firms based on respondents to the office's ongoing Request for Qualifications process. When outside counsel is required, senior staff in the CAO would choose from pre-qualified attorneys/firms and identify the best candidate based on expertise, quality of work, and cost. This recommendation would allow for a competitive process using the pre-qualified list, thus accommodating the CAO's need to quickly engage outside counsel while preserving best procurement practices. Additionally, request the CAO report to Council on legal services contracts and amendments to City Council quarterly to increase transparency of spending on legal services contracts.

Refer to the City Manager to promulgate any further regulations that may be needed related to the requirement for competitive solicitation except for emergencies and when market research justifies the business case for a sole-source procurement, in alignment with the existing purchasing manual. Further, refer to the CAO to develop legal services regulations to implement the competitive solicitation process for outside counsel contracts and define circumstances where a sole-source procurement is justified by emergencies, market research, conflicts of interest, or other considerations.

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7110 ● Fax: (510) 981-7111
E-Mail: rkesarwani@cityofberkeley.info

POLICY COMMITTEE RECOMMENDATION

On October 5, 2026, the Budget & Finance Committee adopted the following action: M/S/C (Kesarwani/Blackaby) to send the item to Council with a Qualified Positive Recommendation as written and amended during discussion, with additional direction to further consider:

- Specifying the 5-7 year contract rebidding timeframe in the ordinance as well as the purchasing manual
- Authorizing the City Attorney's Office to promulgate legal services procurement regulations and guidelines
- Establishing annual reporting to Council on legal services contracts and amendments
- B.M.C. Section 7.18.010(A) Expenditures pursuant to Charter Article XI, Sections 67 and 67.5 is amended to read as follows:

Except as otherwise provided in this Title, expenditures pursuant to Article XI, Sections 67 and 67.5 of the Charter of the City of Berkeley, for which ~~exceed~~ the initial amount exceeds ~~of~~ $10~~5~~0,000, inclusive only of professional services, other services, supplies, equipment, or materials (excluding leases and real estate agreements), shall require Council approval and shall be procured through competitive solicitation except in the case of emergencies pursuant to Article XI, Section 67.4. The requirement specified in Article XI, Section 67 of the Charter to select the "lowest responsible bidder" only for supplies, equipment, or materials contracts remains. Professional services and other services contracts shall be based on demonstrated competence and qualifications for the types of services to be performed, at fair and reasonable prices to the City. This requirement for professional and other services contracts to be selected via competitive procurement applies to all Charter Officers. Pursuant to Article XVI Section 113, the City Attorney retains the authority to enter into contracts without Council approval after competitive procurement of professional services, other services, supplies, equipment or materials (excluding leases and real estate agreements). The City Attorney is authorized to promulgate regulations to implement this section with respect to City Attorney's Office contracts. All departments, excluding the City Attorney's Office, shall follow the City of Berkeley Purchasing Manual guidelines, Section 3, for extensions of contracts and re-bid all contracts under the timeframes specified. The City Attorney's Office shall follow regulations specific to City Attorney's Office contracts.

Vote: Ayes

CURRENT SITUATION AND ITS EFFECTS

City Auditor Recommends Competitive Procurement for Service Contracts. The City Auditor's report, *City Contracts: Outdated Process Led to Non-Competitive Contracts* (released Feb. 19, 2026) found that in fiscal year 2021-22, Berkeley executed two large recycling contracts with the Ecology Center and Community Conservation Centers for nearly $85 million over ten years without using a competitive procurement process.[1] The Auditor's report also found that the City Council authorized noncompetitive contracts for community-based organizations and amended service contracts that started below the threshold for Council approval of $50,000 that increased by an average of $218,026 per contract without competition. Recommendation 1.2 in the City Auditor's report recommends that Berkeley Municipal Code Chapter 7.18 be amended to explicitly require competition for service contracts.

City Charter Only Requires Competitive Procurement for the Purchase of Supplies, Equipment or Materials, Not Services. Pursuing competitive procurement is considered a best practice in contracting to ensure openness, fairness,

[1] City Auditor Jenny Wong: City Contracts: Outdated Process Led to Non-Competitive Contracts, February 19, 2026: https://berkeleyca.gov/sites/default/files/2026-02/City_Contracts_-_Outdated_Process_Led_to_Non-Competitive_Contracts.pdf p. 8.

transparency, and competition in the award and use of public funds. However, neither the Berkeley Municipal Code (BMC) nor the City Charter explicitly requires competitive procurement for professional services and other service contracts, such as recycling services. City Charter Section 67 only explicitly requires competitive solicitation for the purchase of supplies, equipment or materials to the "lowest responsible bidder." Updating the BMC to require competitive procurement for all service contracts that exceed $100,000 would ensure that large service contracts would be subject to competitive procurement, as those for construction, equipment, supplies and materials.

In the Case of Services (Including Professional Services), Competitive Procurement Should Yield A Balanced Consideration of Quality, Experience, and Cost. Competitive procurement is the process of acquiring goods, services, or public works by soliciting bids, proposals, or quotes from multiple competing vendors. The primary goal is to ensure that public funds are spent efficiently and transparently, obtaining the "best value"—which is a balance of quality, experience, and cost—while preventing favoritism or corruption. Characteristics of a competitive procurement include the following:

- Openness: The opportunity is publicly advertised (often via a Request for Proposals or Invitation for Bids) so that any qualified vendor can participate.
- Fairness: All bidders are treated equally, receiving the same information and being evaluated against the same predetermined criteria.
- Transparency: The selection process is documented and subject to audit, ensuring the public can see why a specific vendor was chosen.
- Competition: By forcing vendors to compete, the procurement process can drive down costs and encourage innovation or higher-quality service delivery.

Common methods for conducting a competitive procurement include the following:

- Invitation for Bids: Used when requirements are very specific (e.g., office supplies). The contract is typically awarded to the lowest responsive and responsible bidder.
- Request for Proposals: Used for complex projects (e.g., policy analysis or IT systems) where the "how" is as important as the price. Evaluation includes technical expertise, methodology, and cost.
- Request for Qualifications: Focuses strictly on the vendor's experience and "bench strength" before negotiating costs, often used for architectural or engineering services.

Recommended Amendment to BMC Section 7.18.010 Requires Competitive Procurement for Service Contracts Exceeding $100,000. The amended language below raises the threshold for Council approval to $100,000 to better reflect costs for services and to explicitly require competitive procurement for service contracts that exceed $100,000:

> Except as otherwise provided in this Title, expenditures pursuant to Article XI, Sections 67 and 67.5 of the Charter of the City of Berkeley, for which ~~exceed~~ the initial amount exceeds ~~of~~ $10~~5~~0,000, inclusive only of professional services, other services, supplies, equipment, or materials (excluding leases and real estate agreements), shall require Council approval and shall be procured through competitive solicitation except in

the case of emergencies pursuant to Article XI, Section 67.4. The requirement specified in Article XI, Section 67 of the Charter to select the "lowest responsible bidder" only for supplies, equipment, or materials contracts remains. Professional services and other services contracts shall be based on demonstrated competence and qualifications for the types of services to be performed, at fair and reasonable prices to the City. This requirement for professional and other services contracts to be selected via competitive procurement applies to all Charter Officers. Pursuant to Article XVI Section 113, the City Attorney retains the authority to enter into contracts without Council approval after competitive procurement of professional services, other services, supplies, equipment or materials (excluding leases and real estate agreements). The City Attorney is authorized to promulgate regulations to implement this section with respect to City Attorney's Office contracts. All departments, excluding the City Attorney's Office, shall follow the City of Berkeley Purchasing Manual guidelines, Section 3, for extensions of contracts and re-bid all contracts under the timeframes specified. The City Attorney's Office shall follow regulations specific to City Attorney's Office contracts.

BACKGROUND

Other Cities Require Competitive Procurement for Services. The proposed amendment to BMC Chapter 7.18 brings the City of Berkeley in line with neighboring jurisdictions that already require competition for service contracts. San Francisco's Municipal Code Section 21.1 states: "All City contracts for Commodities and/or Services shall be procured through competitive solicitation, except as otherwise authorized in this Code."[2] Similarly, the Oakland Municipal Code notes: "The City Administrator or the City Administrator's designee shall conduct a request for proposal ("RFP") or request for qualifications ("RFQ") process for the award of contracts that exceed fifty thousand dollars ($50,000.00) and are exempt from bidding under Subsection 2.04.050.1.1. …The RFP or RFQ requirement applies, but is not limited to, contracts for professional, technical or specialized services."[3]

RATIONALE FOR RECOMMENDATION

As the City Auditor notes in her recent report, "competition among contractors helps ensure that the City is accountable for public funds spent on contracts and can get the best value and best fit for Berkeley residents. Open and fair competition for contracts promotes ethical and inclusive purchasing practices."[4] While no evidence of misconduct was found during the audit, contracting corruption cases do exist and promote a lack of trust in local government. A competitive process can guard against waste and fraud and discourage favoritism for specific contractors. Competitive

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[2] San Francisco Municipal Code Chapter 21.1: https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_admin/0-0-0-13403

[3] Oakland Municipal Code Section 2.04.051: https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=TIT2ADPE_CH2.04PUSY_ARTIBICOPU_2.04.040COPR

[4] City Auditor Jenny Wong: City Contracts: Outdated Process Led to Non-Competitive Contracts, February 19, 2026: https://berkeleyca.gov/sites/default/files/2026-02/City_Contracts_-_Outdated_Process_Led_to_Non-Competitive_Contracts.pdf p.2

processes is a good government best practice that highlights transparency and inclusivity while saving taxpayers' money.

FISCAL IMPACT

Staff time to amend BMC Chapter 7.18.

ENVIRONMENTAL SUSTAINABILITY

Competition among contractors can help the city procure services for the best fit at the most reasonable price for recycling services and other environmentally sustainable services rendered to the city.

CONTACT PERSON

Rashi Kesarwani, Councilmember District 1 (510) 981-7110

Attachments

1) BMC Chapter 7.18 tracked changes
2) City Auditor February 19, 2026 Report "City Contracts: Outdated Process Led to Non-Competitive Contracts"
3) City of Berkeley Purchasing Manual

ORDINANCE NO. #,###-N.S.

EXPENDITURE LIMITATIONS; AMENDING BERKELEY MUNICIPAL CODE CHAPTER 7.18

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

Section 1. That Berkeley Municipal Code Chapter 7.18 is amended to read as follows:

Chapter 7.18

EXPENDITURE LIMITATIONS

Sections:

7.18.010 Expenditures pursuant to Charter Article XI, Sections 67 and 67.5.
7.18.020 Expenditures pursuant to Charter Article XI, Section 67.4--Emergencies.

7.18.010 Expenditures pursuant to Charter Article XI, Sections 67 and 67.5.

A. Except as otherwise provided in this Title, expenditures pursuant to Article XI, Sections 67 and 67.5 of the Charter of the City of Berkeley, for which ~~exceed~~ the initial amount exceeds~~of~~ the amount of ~~$50,000~~$100,000, inclusive of professional services, other services, supplies, equipment, or materials (excluding leases and real estate agreements),shall require Council approval and shall be procured through competitive solicitation except in the case of emergencies pursuant to Article XI, Section 67.4. The requirement specified in Article XI, Section 67 of the Charter to select the "lowest responsible bidder" only for supplies, equipment, or materials contracts remains. Professional services and other services contracts shall be based on demonstrated competence and qualifications for the types of services to be performed, at fair and reasonable prices to the City. This requirement for professional and other services contracts to be selected via competitive procurement applies to all Charter Officers. Pursuant to Article XVI Section 113, the City Attorney retains the authority to enter into contracts without Council approval after competitive procurement of professional services, other services, supplies, equipment or materials (excluding leases and real estate agreements). The City Attorney is authorized to promulgate regulations to implement this section with respect to City Attorney's Office contracts. All departments, excluding the City Attorney's Office, shall follow the City of Berkeley Purchasing Manual guidelines, Section 3, for extensions of contracts and re-bid all contracts under the timeframes specified. The City Attorney's Office shall follow regulations specific to City Attorney's Office contracts.

B. Expenditures for specific improvements (public projects), including play area improvements and equipment in public parks which exceed the amount of $200,000 shall require Council approval pursuant to Article XI, Section 67 of the Charter of the City of Berkeley.

C. Expenditures for Community Development Block Grant funded Community Facility Improvement Projects which exceed the amount of $200,000 shall require Council approval pursuant to Article XI, Section 67 of the Charter of the City of Berkeley.

D. Expenditures for the purchase of supplies, equipment, and materials which exceed the amount of $100,000 shall require Council approval.

E. Expenditures for the acquisition and renovation of small multifamily rental properties through the Small Sites Program shall not require Council approval, but shall be approved by the City Manager. Expenditures will comply with the Small Sites Program guidelines, adopted by Resolution.

7.18.020 Expenditures pursuant to Charter Article XI, Section 67.4--Emergencies.

A. Expenditures pursuant to Article XI, Section 67.4 of the Charter of the City which exceed the amount of $100,000 shall require Council approval; and expenditures for public construction projects and playground improvements and equipment which exceed the amount of $200,000 shall require Council approval.

B. Notwithstanding subsection A of this section, in the event of a declared emergency under Chapter 2.88, the expenditure limitation under Article XI, Section 67.4 of the Charter of the City shall be an amount not exceeding the amount appropriated by the Council in the most recent appropriation ordinance for the fund from which an expenditure is made and for the purpose authorized for such fund.

C. Whenever purchases are made pursuant to this section, the City Manager shall promptly inform the Council as to the nature and amount.

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.

Audit Report

February 19, 2026

City Contracts: Outdated Process Led to Non-Competitive Contracts



BERKELEY CITY AUDITOR

Jenny Wong, City Auditor

Caitlin Palmer, Audit Manager

Katie Wysong, Auditor I

City Contracts: Outdated Process Led to Non-Competitive Contracts

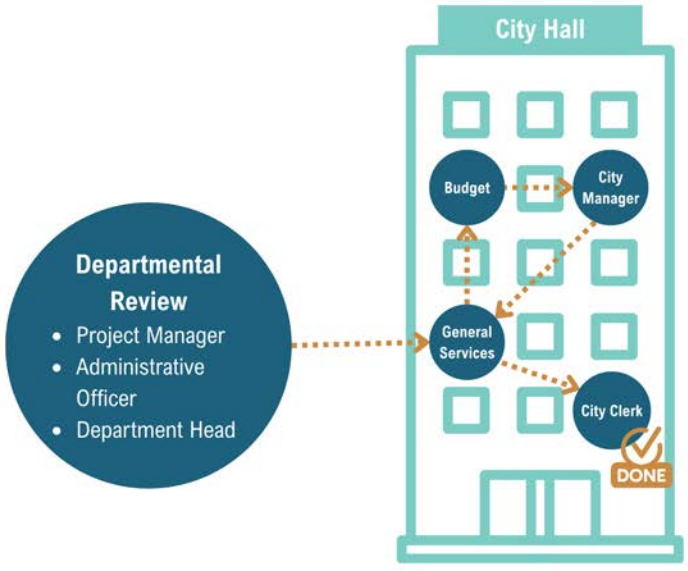
Report Highlights

February 19, 2026

Findings

1. In fiscal year 2022, the City authorized nearly $85 million in recycling contracts over 10 years without competition. Inconsistent rules made it difficult for staff to know when to waive competition. Our analysis of fiscal year 2024 waivers found that 38 percent did not clearly meet the Purchasing Manual criteria. City Council authorized additional non-competitive contracts for community-based organizations. Additionally, amended service contracts that started below the threshold for Council approval increased by an average of $218,026 per contract without competition.
2. Berkeley used paper contracts hand-delivered between departments and lacked a centralized digital system, creating delays and misplaced contracts. Additionally, the Purchasing Manual was missing key guidance, and training for staff was limited. Short staffing and turnover also made it difficult for the City to address these concerns and improve the contracting process.

Moving paper contracts throughout City Hall created opportunities for delays.



Source: Auditor analysis of contract review sheet for new expenditure contracts

Objectives

1. How does Berkeley use non-competitive contracts?
2. Why does Berkeley use non-competitive contracts when competition is possible?

Recommendations

We recommend the City add explicit competition requirements to the Berkeley Municipal Code for service contracts. We also recommend the City update the Purchasing Manual and contract forms for consistency and clarity, as well as expand training for staff. We recommend the City continue pursuing a comprehensive, integrated digital contracting system, as budget allows.

Why This Audit Is Important

Competition among contractors helps ensure that the City is accountable for public funds spent on contracts and can get the best value and best fit for Berkeley residents. Open and fair competition for contracts promotes ethical and inclusive purchasing practices. However, in fiscal year 2024, Berkeley executed 94 contracts without documented competition for a total value of $43 million. While it is not practical or possible for every contract to go through competition, it is important that the City uses competition when feasible.

BERKELEY CITY AUDITOR

For the full report, visit the City Auditor's website.

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Introduction

Competition among contractors helps ensure that the City is accountable for public funds spent on contracts and can get the best value for Berkeley residents. Best value may include not only lowest price, but also the quality of the good or service and fit with Berkeley's specific needs. However, Berkeley spends millions of dollars on contracts that are not competitive. While it is appropriate, even necessary, for some contracts to be non-competitive, it is important that the City pursues competition when possible. Although we found no evidence of misconduct in Berkeley during our audit, contract corruption cases in neighboring jurisdictions emphasize the importance of having open, competitive contracting processes. A competitive process can discourage favoritism and guard against waste and fraud.

Competition has additional benefits for equity and fairness. According to a consultant report commissioned by the Berkeley City Council, "minority and women-owned business enterprises" lost out on an estimated $21.7 million in contract dollars with the City of Berkeley between 2016-2019. In general, a fair and open competitive process can encourage additional contractors to seek City contracts, including from historically excluded groups.

This audit focuses on contracts that were not competitive and were subject to the requirements of the Berkeley Municipal Code and the City's Purchasing Manual. We did not evaluate the City's competitive selection processes or staff's compliance with them, nor the management of contracts after execution.

Objectives

The objectives of this audit are to address the following questions:

1. How does Berkeley use non-competitive contracts?
2. Why does Berkeley use non-competitive contracts when competition is possible?

Scope and Methodology

We reviewed expenditure contracts executed between July 1, 2023, and June 30, 2024 (fiscal year 2024). We also analyzed subsets of all expenditure contracts active in the City's financial system as of March 6, 2025, including the largest dollar value contracts and service contracts approved at or below the threshold for City Council approval, then later amended to exceed it. Additionally, we reviewed Berkeley's laws, policies and procedures related to contracts, researched best practices and other jurisdictions' policies, and interviewed relevant staff and

leadership. This audit focused on the City's contracting processes, and we did not audit individual contracts or contractors.

Background

Berkeley uses formal and informal competition to select contractors depending on the cost and type of purchase.

Depending on the expected cost and type of purchase, the City uses different formal and informal competition to select a contractor (Table 1).

- **Formal competition involves a structured public process.** For supplies, equipment and materials, the City Charter requires the City to select the vendor with the lowest bid that meets the City's criteria after publicly issuing an Invitation for Bids (IFB). For more complex purchases, such as professional services, the City selects the contractor with the best value based on the criteria set in the posted Request for Proposals (RFP).
- **For informal competition,** departments are required to reach out directly to at least three contractors for written quotes and then select the contractor with the lowest cost or best value. Informal competition allows for more flexible timelines and does not require City Council approval.

The General Services Division in the Finance Department reviews and processes all purchases of goods and services for the entire City, but staff in each department have a responsibility in purchasing goods and services for their department. The City uses contracts for most services that are not done by City staff, like public artwork and towing, and for specialized goods like fire trucks. The City typically uses simpler purchase orders rather than contracts to buy goods like office furniture and equipment for parks maintenance.

Table 1: City Purchasing Requirements by Price and Type[1]

Purchase Value	Competitive Purchasing Process
Services	
Under $5,000	Purchase Order with 3 verbal quotes
$5,000 - $25,000	Purchase Order with informal competition (3 written quotes)
$25,000 - $50,000	Contract with informal competition (3 written quotes)
Over $50,000	Contract with formal competition (Request for Proposal or Request for Qualifications)
Goods	
Under $5,000	Purchase Order with 3 verbal quotes
$5,000 - $100,000	Purchase Order with informal competition (3 written quotes)
Over $100,000	Purchase Order or contract with formal competition (Invitation for Bid)
Construction	
Under $5,000	Purchase Order with 3 verbal quotes
$5,000 - $25,000	Purchase Order with informal competition (3 written quotes)
$25,000 - $200,000	Contract with informal competition (3 written quotes)
Over $200,000	Contract with formal competition (Invitation for Bid)

Source: Auditor analysis of Berkeley's Purchasing Manual as of end of fiscal year 2024

The benefits of competitive contracts are well-established. According to the U.S. Government Accountability Office, competitive contracts can save taxpayers money, improve contractor performance, curb fraud, and promote accountability for results. Competition is a critical tool for achieving the best return on the government's investment. Berkeley's Purchasing Manual requires all purchases to be made through a competitive process unless they meet specific criteria described in the next section.

In some cases, the City can select a contractor without competition.

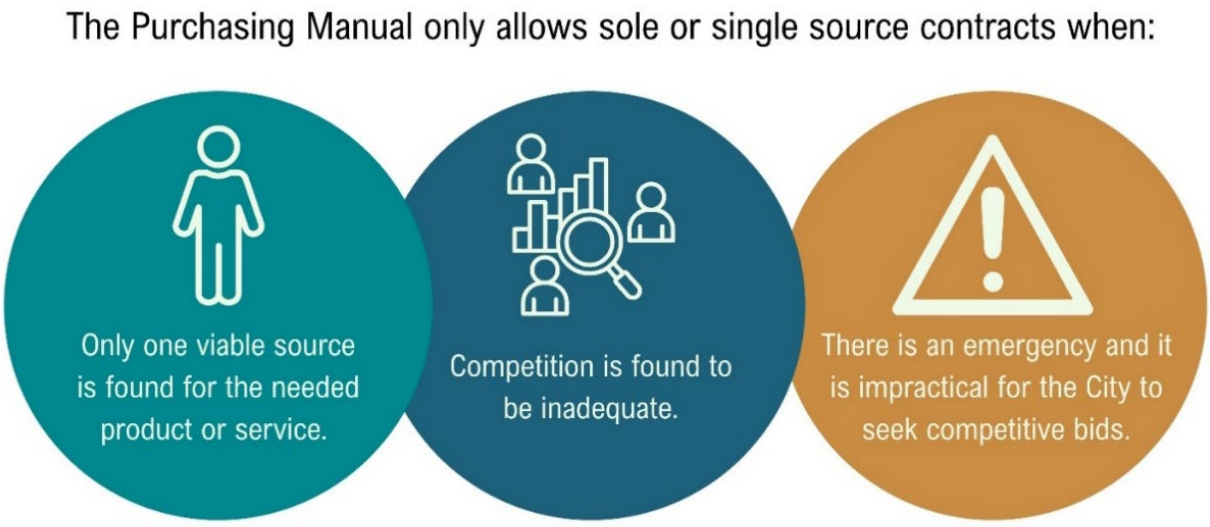
Competition is not always possible or appropriate, so City policies allow for non-competitive contracts in specific circumstances, such as when emergency maintenance is needed. In these cases, non-competitive contracts give the City flexibility to respond quickly to emergencies or meet a need where competition is not feasible or practical.

During the audit period, the Purchasing Manual allowed the City Manager to waive the competition requirement for contracts under the cost threshold for formal competition in specific circumstances (Figure 1). Departments could request waivers of competition if there was only one contractor that provided a good or service, or competition was otherwise found to be inadequate. Waivers were also allowed in emergencies when competition was not feasible or practical. The Purchasing Manual also required departments to conduct market research to

[1] Solicitation is the process of reaching out to contractors, which ideally results in competition among contractors. We use the term competition to refer to competitive solicitation for simplicity.

justify the business case for the waiver, and whenever possible, avoid requesting items that could only be obtained from a sole or single source.

Figure 1: Purchasing Manual Criteria for Non-Competitive Contracts



Source: Auditor analysis of Berkeley's Purchasing Manual as of end of fiscal year 2024

City Council can also waive competition for specific contracts or broader categories of purchases. Once a contract is in place, the City can use amendments to increase the dollar amount and extensions to extend the duration of a contract without new competition. Even if the contractor offered the best value when selected, years later, a different contractor may be more affordable or better suited for the City's needs.

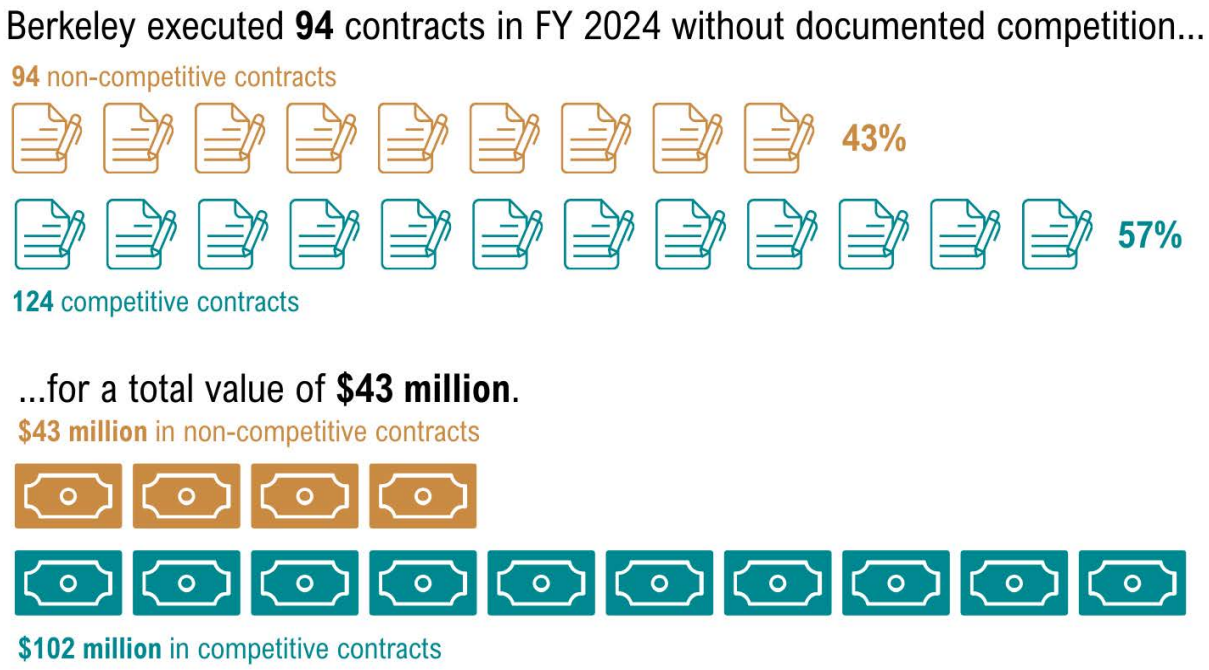
Though non-competitive contracts are sometimes the most appropriate or practical option, if the City over-relies on non-competitive contracts, it runs the risk of:

- Overpaying for services,
- Not getting the best quality service,
- Having fewer opportunities for new and small businesses, including historically marginalized contractors, and
- Creating more opportunities for bribery or corruption between staff, officials, and contractors.

Over 40% of the contracts executed in fiscal year 2024 did not clearly go through competition.

Ninety-four of the 218 contracts executed, or formally approved, in fiscal year 2024 did not have documented competition (Figure 2). The total value of these contracts was approximately $43 million compared to $102 million in competitive contracts. Competitive contracts include both those with formal and informal competition, as well as contracts that piggybacked on other jurisdictions' contracts.

Figure 2: Berkeley executed 94 contracts in fiscal year (FY) 2024 without documented competition for a total value of $43 million.



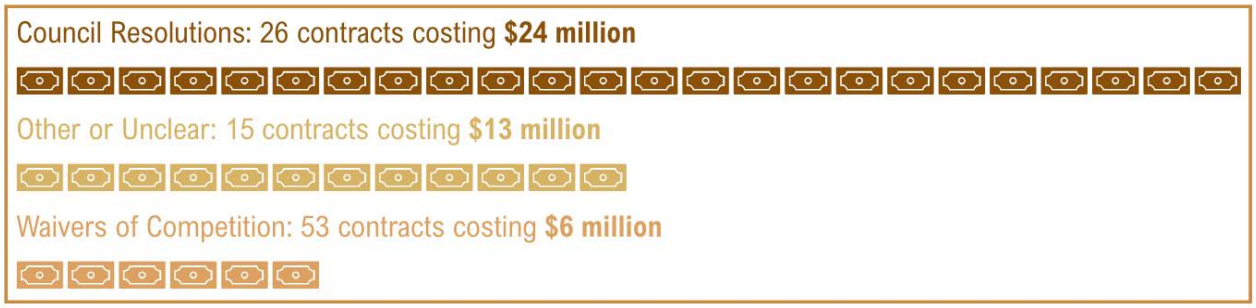
Source: Auditor analysis of expenditure contracts executed in fiscal year 2024 from Records Online and Berkeley's financial system

Berkeley awarded 30 percent of contract dollars without competition in fiscal year 2024. According to a recent benchmarking survey of public procurement entities from NIGP: The Institute of Public Procurement (NIGP), Berkeley was similar to the median responding jurisdiction, which awarded 30 percent of contract dollars without competition.

City Council authorized 26 non-competitive contracts through Council Resolutions, which made up the majority of the cost associated with non-competitive contracts (Figure 3). The group of non-competitive contracts with the second highest total cost were 15 "other or unclear" contracts. These included contacts that were missing in Records Online, the City's electronic document repository, or where competition was marked as "not required" on the contract review

form, such as leases or the City Attorney's contracts for legal services.[2] Most of the non-competitive contracts executed in fiscal year 2024 had a waiver of competition, but that group had the lowest total cost.

Figure 3: Breakdown of non-competitive contracts



Source: Auditor analysis of expenditure contracts executed in fiscal year 2024 from Records Online and Berkeley's financial system

Note: "Other or unclear" include contracts missing from Records Online, leases, license agreements, contracts with no evidence of competition, or where marked as not required. The dollar amounts for the contracts missing from Records Online are based on data in the City's financial system.

[2] The City Charter (Section 113) and Berkeley Municipal Code (2.56.040) give the City Attorney independent contracting authority for legal services contracts. The Berkeley Municipal Code does not address competition for service contracts, including legal services. Other jurisdictions, such as the City of Santa Monica, as well as California state agencies, explicitly exempt legal services from competitive process requirements.

Berkeley spent millions of dollars on non-competitive contracts when competition was likely possible.

We found that most of the City's largest active expenditure contracts had evidence of competition or of meeting the Purchasing Manual criteria for exceptions, but two non-competitive recycling contracts totaling nearly $85 million did not. Additionally, inconsistent rules may have made it difficult for staff to know when it was appropriate to waive competition. As a result, 38 percent of waivers in fiscal year 2024 did not clearly meet the criteria set in the Purchasing Manual. City Council authorized additional non-competitive contracts with community-based organizations. Furthermore, service contracts that started at or below the $50,000 formal competition threshold and were later amended increased by an average of $218,026 per contract. We did not audit individual contracts or contractors.

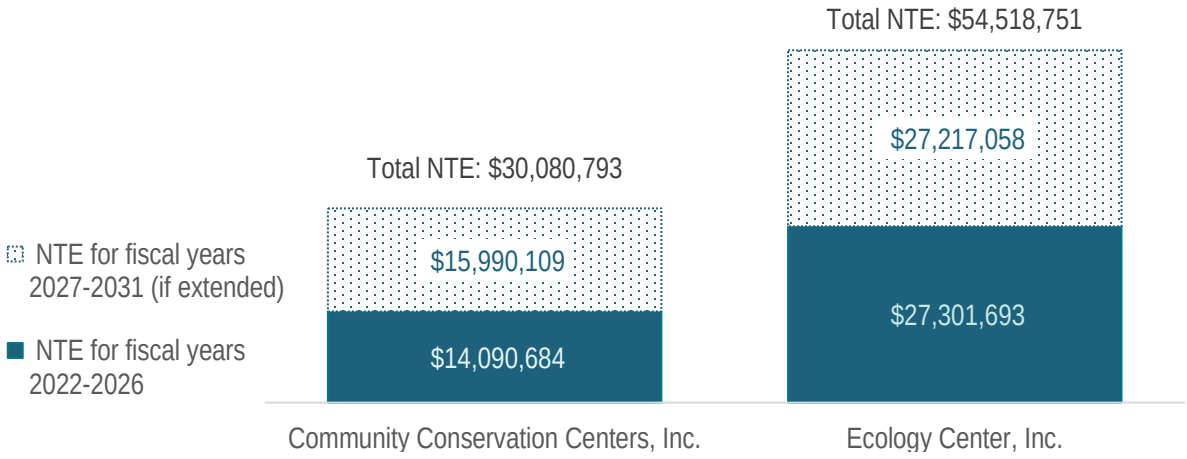
The City authorized nearly $85 million in recycling contracts over 10 years without competition.

In fiscal year 2022, Berkeley executed recycling contracts with the Ecology Center, Inc. and Community Conservation Centers, Inc. for nearly $85 million over ten years without seeking bids from other contractors. Together, the contracts have a not-to-exceed amount of $41,392,377 for fiscal years 2022 through 2026, with optional five-year extensions which would bring to total not-to-exceed amount to $84,599,544 (Figure 4). We found that most of the City's 100 largest contracts had documented evidence of competition or of meeting the Purchasing Manual criteria for exceptions, but these two recycling contracts did not.[3]

Berkeley has contracted with the Ecology Center and Community Conservation Centers for recycling services since the 1980s (Appendix 1). A review of public City records since the 1980s found no documented evidence of competition. We reviewed the authorizing Council Resolutions to understand the City's process for awarding and amending these contracts, but did not audit these individual contracts or contractors. While these contracts may offer the best value or best fit for Berkeley, it is difficult for the City to determine that without open competition among all potential contractors.

[3] We reviewed the 100 largest expenditure contracts in the City's financial system. We found that 22 were likely expired because they had an expiration date before June 30, 2025 in the City's financial system. The remaining 78 contracts also included one legal services contract, one lease, and one settlement agreement that fell outside the City's standard expenditure contract process.

Figure 4: The recycling contracts will have a total not-to-exceed (NTE) of nearly $85 million dollars if the City takes the optional five-year extensions.



Source: Auditor analysis of current recycling contracts

Note: NTE stands for "not-to-exceed." City Council authorizes the City to spend up to that amount on the contract. We did not assess how much the City has spent on each contract.

Prior to authorizing these non-competitive contracts, there were proposals to pursue competition for the City's recycling services. In 2011, an outside consultant recommended that the City issue an RFP for the recycling materials processing operations performed by Community Conservation Centers, and end the contract with the Ecology Center to have the City take over recycling pick-up. The Zero Waste Commission disagreed with the report's recommendations citing incomplete and missing information and cost-benefit analyses, and a lack of an adequate and inclusive process. In 2020, Public Works staff requested that City Council authorize an RFP for the recycling processing operations done by Community Conservation Centers, but City Council voted to remove it from the list of proposed RFPs. According to Public Works staff reports to Council in 2021, third-party reviews found both contractors' costs reasonable when compared to surrounding communities. The report also stated that both contractors received mostly "satisfied" or "very satisfied" responses to a third-party customer satisfaction survey. Ultimately in 2021, City Council voted to authorize new sole source contracts with both contractors without issuing RFPs.

Although pursuing competition is an established best practice, neither the City Charter nor the Berkeley Municipal Code explicitly required service contracts like these recycling contracts to be competitive (Table 2). The City Charter required purchases of supplies, equipment, and materials above a dollar amount set by the Municipal Code to be awarded to the lowest responsive bidder. It also required City Council to authorize these purchases. The language in the corresponding Municipal Code section only discusses the thresholds for Council approval.

The Purchasing Manual states service contracts above $50,000 must go through formal competition. However, this policy was not included in the City Charter and Berkeley Municipal Code. In other jurisdictions like Oakland and San Francisco, city codes explicitly require competition for service contracts with some exceptions. During the audit, Berkeley's Purchasing Manual also said only City Council can waive competition for contracts over the Council approval threshold. However, there was no guidance on how City Council should decide and document these decisions.

Table 2: Neither the City Charter nor the Berkeley Municipal Code explicitly requires service contracts to be competitive.

City Charter	Berkeley Municipal Code
Discusses purchases of **supplies, equipment or materials** above BMC threshold but does not specifically require competition for service contracts.	Sets thresholds for Council Approval, but does not discuss competition: • Public Projects and Facility Improvements - $200,000 • Supplies, Equipment and Materials - $100,000 • Other Expenditures, which includes services - $50,000

Source: Berkeley City Charter, Article XI and Berkeley Municipal Code 7.18

It may be reasonable for City Council to waive competition in unique circumstances, but the lack of clear standards allows large contracts to be awarded without competition when they could have been opened to competition. Overusing non-competitive contracts may make it difficult to assess if the City is getting the best value or best fit for goods and services. Berkeley may also be perceived as operating on favoritism.

City management approved some waivers that did not meet the Purchasing Manual criteria.

Thirty-eight percent of waivers City management approved in fiscal year 2024 did not clearly meet the criteria set in the Purchasing Manual at the time, meaning the City could likely have pursued competition under the current policy. For example, Human Resources used six waivers in a month and half, including three for classification and compensation studies. There may have been an urgent need for these services, but the form did not document that this was an emergency. By requesting three waivers for the same service from three different contractors, this indicated that it would have been feasible to request quotes from at least three contractors (Table 3).

In another example, a waiver for drug and alcohol testing cited immediate need because the previous contract had already been expired over two years. However, the long timeframe

indicates that it was not an emergency. The waiver form even states that the lack of advanced planning does not constitute an immediate need.

Finally, a department requested a waiver for legislative services because the contractor previously worked effectively with the City and had knowledge of the region and the City's lobbying. However, the rationale did not explain why another firm would be unable to provide the same or better services. The General Services Manager at the time noted on the waiver that the department should consider competing soon.

There were also many cases when the rationale for waivers did meet the Purchasing Manual's criteria, according to our assessment. For example, the City's labor contracts require the City to provide staff memberships to the YMCA, therefore the City must contract with the YMCA specifically.

We also found cases when departments unnecessarily completed and attached the waiver of competitive solicitation. In several cases, contract packets included both waivers of competition and City Council approval of the sole-source negotiations of contracts. In another example, a department had already done informal competition. In this case, General Services staff explained that the department already had the necessary documentation and did not need to complete a waiver, creating additional work and confusion.

Table 3: Many waivers met the Purchasing Manual criteria, but 38 percent did not.

Examples that Likely Met the Purchasing Manual Criteria

Purchase	Department Rationale	Why Likely Eligible
Hazardous Vegetation Treatments & Removal	The previous RFP only resulted in one response. The City needed three vendors, so awarded two additional single source contracts while preparing a new RFP.	**Competition inadequate:** The RFP did not attract sufficient interest. The City needed to continue the work while taking steps to attract more responses.
Transfer Station Rain/Stream Gauge	The City needs equipment in place at the transfer station within three months to comply with a legal mandate.	**Emergency:** The City had a limited time to make the purchase before facing legal consequences.
Employee Fitness Memberships	Labor contracts require the City to provide staff memberships to the YMCA.	**One viable source**: There was only one source the City could provide the fitness memberships that complied with the labor contracts.

Examples that Likely Did NOT Meet the Purchasing Manual Criteria

Purchase	Department Rationale	Why Likely Ineligible
Classification & Compensation Studies	Human Resources had six waivers in a month and half, including three for classification and compensation studies. All cited a “dire situation” and the fact that “an informal or formal RFP process would be further detrimental” to addressing the situation.	There may have been an urgent need for these services, but there was no documented evidence that it was an emergency. By requesting three waivers for the same service from three vendors, they indicate that it would have been feasible to request quotes from at least three vendors.
Drug & Alcohol Testing Services	The previous contract expired over two years earlier. Publicly competing these services would create a gap in services and negatively impact multiple operational processes.	Since the contract had already been expired for two years, the long timeframe indicates it was not an emergency.
Tailored Legislative Funding & Advocacy Strategy	The vendor has previously worked effectively with the City and has knowledge of the region and the City’s lobbying.	This does not explain why another firm would not be able to provide these services. Familiarity is not a sufficient reason for a sole source contract and can be seen as favoritism. Additionally, the General Services Manager noted on the waiver, "Consider competing in near future.”

Source: Auditor analysis of contracts with waivers of competitive solicitation in fiscal year 2024 from Records Online

A potential cause of the inconsistent use of waivers is the fact that, during the audit period, the City's Purchasing Manual and waiver of competition form had different criteria for when waivers are justified (Table 4). For example, the waiver form had categories for "specialized service" and "immediate need," which were different than the categories specified in the Purchasing Manual. As a result, inconsistent criteria may have made it difficult for staff to understand when it is appropriate to use a waiver of competitive solicitation. According to the Procurement Excellence Network, document consistency can reduce review time.

Table 4: The categories on the form staff use to request approval for a waiver did not match the criteria in the Purchasing Manual.

Purchasing Manual	Waiver of Competition Form
Sole or single source procurement, or non-competitive solicitation, may only be used following informal or formal solicitation when: • Only one viable source is found for the needed product or service; • Competition is found to be inadequate; or • There is an emergency and it is impractical for the City to seek competitive bids.	Explanation must clearly state why this exception meets the required criteria. • Service is very specialized; • This product or service can only be provided by this contractor (sole source); • This service and/or product must be provided immediately; or • Other category. *Note: The lack of advanced planning does not constitute an immediate need.*

Source: Berkeley's Purchasing Manual and Waiver of Competitive Solicitation form as of the end of fiscal year 2024

City Council authorized additional non-competitive contracts for community-based organizations.

Beyond waivers of competition approved by the City Manager, City Council also authorized non-competitive contracts for community-based organizations through a separate process. In fiscal year 2024, we found three instances where City Council awarded new contracts totaling $417,400 to community-based organizations through budget referrals without any competition. According to an April 2025 Council item for Resolution 71,719, community-based organizations seeking one-time financial assistance have historically appealed directly to councilmembers to sponsor a budget referral outside of the City's established procurement process. While it is appropriate for the City to contract with community-based organizations, it is important that the process is open and transparent for all community-based organizations and does not privilege certain organizations above others who may be equally or more deserving of financial support. To help address this issue, City Council passed a resolution to establish a more open

and transparent application process for community-based organizations to apply for emergency funding.

To promote fair and transparent procurement, it is important that decisions about contracts meet ethical standards to prevent conflicts of interest, but Berkeley's process to do that was limited. Berkeley requires certain employees and officials to complete the Form 700 financial interest disclosure form to comply with California state law, which includes disclosure of involvement in non-profit organizations. However, the Form 700 does not collect information about other relationships that may exist, such as friendships, that may bias a decision. In Berkeley, the only contractors required to complete a Form 700 were consultants that make government decisions or act in a staff capacity that would require a Form 700 if that role was held by a City employee. Berkeley's RFP and RFQ boilerplates also required interested contractors to disclose potential conflicts of interest, but these do not apply to non-competitive contracts.

In comparison, a best practice analysis from Atlanta's Ethics Office found that requiring potential contractors, in addition to City officials and employees, to continuously disclose relationships, serves as a checks and balance system between the two groups. It also helps maintain compliance and transparency in the government procurement process. In addition to the Form 700, San Francisco requires City officers and employees to publicly disclose any personal, professional, or business relationships with anyone involved in a government decision they make.

Contracts starting below the formal competition threshold were amended by an average of $218,026 per contract without additional competition.

As of March 2025, the City had 95 active service contracts that began at or below the formal competition threshold of $50,000 but were later amended above the threshold. On average, these amendments added $218,026 in total to each contract. Since these service contracts started below $50,000, they did not require City Council approval or formal competition. The contracts then increased without meeting the requirements for competition that apply to larger dollar values. We found some contracts which originally had waivers of competitive solicitation and were later amended by large amounts. For example, one contract that started at $50,000 was amended to $737,092 over 6 years, nearly 15 times the original cost. All of the service

contract amendments over $50,000 in our sample received City Council or Board approval,[4] as required by the Finance Department. According to Finance staff, there are circumstances when contract amendments are reasonable. To comply with this, staff need clear guidance to understand when amendments are appropriate or when the contract should be re-competed.

While Berkeley's policy sets dollar thresholds for when a new contract must go through a formal competitive process, there was no documented citywide guidance for when existing contracts should be re-competed rather than amended. According to the U.S. Government Accountability Office, competitive contracts can help save taxpayers money. When Berkeley relies on existing contractors without competition, the City may lose out on the potential financial benefits of competition. In a sample of 23 amended contracts, 16 contracts (or 70 percent) lasted for over five years. According to the Director of Finance, the general rule is for most contracts to go back out to bid every five to seven years. However, this guidance was not written in the City's purchasing policy. In fact, Berkeley did not have any published guidance for staff on contract amendments. Standard guidance on when amendments are appropriate and when contracts need to be re-competed could help address confusion about the amendment process that staff shared. Clear expectations may help reduce use of amendments instead of competition.

We also identified three City Attorney contracts for legal services which grew by over 20 times their original amount, including one which started at $50,000 in 2018 and grew to $4,167,000 as of August 2025. Because the City Charter and Berkeley Municipal Code give the City Attorney the authority to enter into legal services contracts,[5] the amendments do not require City Council approval unlike other City contracts above the Council approval threshold. This different process for the City Attorney's Office does not provide the same level of public oversight and transparency compared to new contracts and contract amendments that are reviewed by City Council at public meetings.

[4] In our sample, contracts from the Library and the Rent Board received authorization from their boards rather than City Council.

[5] The City Charter (Section 113) and Berkeley Municipal Code (2.56.040) give the City Attorney independent contracting authority for legal services contracts. The Berkeley Municipal Code does not address competition for service contracts, including legal services. Other jurisdictions, such as the City of Santa Monica, as well as California state agencies, explicitly exempt legal services from competitive process requirements. We did not evaluate best practices for competition of legal services contracts.

Recommendations

1.1. To ensure Berkeley is getting the best value for recycling services, we recommend that Public Works pursue open competition on the City's recycling contracts.

1.2. To ensure large contracts have adequate competition, we recommend City Council work with City management and the City Attorney to propose updates to the Berkeley Municipal Code Chapter 7.18 to require competition for service contracts that City Council approves.

1.3. To ensure clear standards for waiving competition, we recommend that the Finance Department update the waiver of competitive solicitation form to be consistent with the Purchasing Manual.

1.4. To ensure transparency, we recommend that City management work with the Finance Department, Human Resources, and the City Attorney's office to strengthen the City's existing ethical standards, including guidance for City officials, staff, and contractors regarding disclosing personal, professional, and business relationships.

1.5. To ensure City staff have guidance on how to appropriately use amendments, we recommend that the Finance Department develop and distribute written policies and procedures on contract amendments, including when contracts are required to go back out for competition.

1.6. To increase transparency of spending on legal services contracts, we recommend that the City Attorney's Office regularly report legal services contracts and amendments to City Council.

Paper contracts, unclear guidance, and short staffing led to delays and overuse of non-competitive contracts.

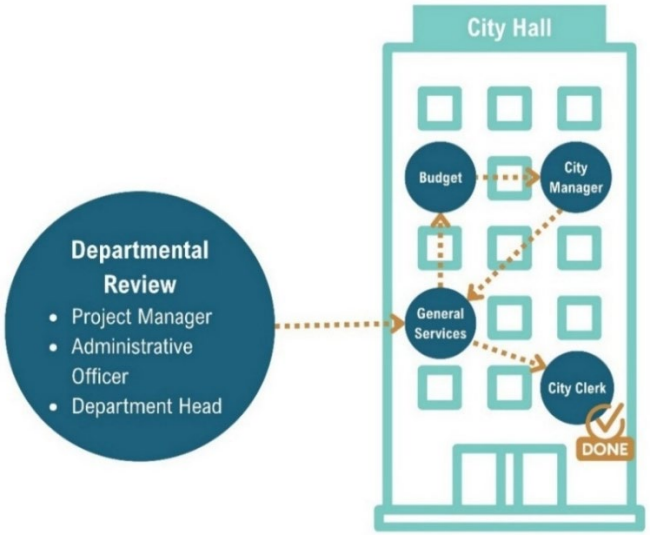
During our audit period, Berkeley used paper contracts that needed to be hand-delivered between departments, creating some delays and misplaced contracts. Lack of electronic tracking of waivers or the type of competition used for contracts made it difficult for management to analyze or monitor the use of waivers or analyze competition citywide. Additionally, the Purchasing Manual was missing key guidance, and training for staff was limited. Short staffing and turnover also made it difficult for the City to address these concerns and improve the contract process. Together, these conditions caused delays, errors, and greater reliance on non-competitive contracting to keep City services running.

Berkeley used paper contracts that need to be hand-delivered between departments.

In fiscal year 2024, most of Berkeley's contracts were still reviewed and signed on paper, meaning staff hand-delivered them to different departments for approvals (Figure 5). During the scope of our audit, Berkeley did not have a comprehensive digital contract management system. In fiscal year 2024, it took an average of 37 days between when the contract was dropped off to General Services and when it was given to the City Clerk's office, according to an internal tracking spreadsheet. Departments conducted additional levels of review prior to it arriving at General Services, meaning the entire process took even longer.[6]

[6] This does not include the City Attorney review, which is only required when not using a pre-approved contract boilerplate, according to the Purchasing Manual and review form. However, the City Attorney has said they should review all contracts.

Figure 5: Moving paper contracts throughout City Hall created opportunities for delays.



Source: Auditor analysis of contract review sheet for new expenditure contracts

Some department staff said this outdated process created delays, so they had to use the shorter non-competitive contract process to maintain City services. Some staff stated that they needed to amend a contract or use a waiver of competition for a contract that could have been competed because they needed additional time to complete the full RFP and contract review processes, especially if they were short staffed. One General Services staff member also said that many of the waivers of competition they reviewed came from a lack of planning for future contracts. However, the waiver form specifically notes that the lack of advanced planning does not constitute an immediate need. If the City continuously amends contracts instead of going out to competition, it could potentially miss out on new contractors and savings. According to the Procurement Excellence Network, streamlining the procurement process is essential to freeing up staff time to focus on improving the performance of programs and services and, in turn, results for residents.

Staff also explained that it was hard to track where a contract was in the review process. Figure 6 shows some locations where staff dropped off paper contracts throughout the routing process. Contracts awaiting signatures could sit unsigned at staff members' desks for days while they were out of the office, or could even be misplaced or lost. During our audit, General Services staff found four unsigned contract amendments for $500,000 each sitting in a box under a desk. The contracts were approved, and the department could spend the money. However, the contracts were not formally amended, so the liability terms of the contract were not finalized.

Figure 6: Staff had to deliver paper contracts between departments.



Source: Auditor photos of Finance Department and the City Clerk contract locations

Since the City's financial system did not track the contract review process, General Services staff created a separate spreadsheet to give departments some insight into where the contract was in the approval process. However, at the start of the audit period, any Berkeley staff member could edit the sheet, leading to the potential for intentional or accidental changes to the information. This has since been addressed.

While waivers of competition were available in the individual contract file, the City did not centrally track waivers overall in an electronic format nor the type of competition used for contracts, making it difficult for management to understand the use of waivers across all city departments or identify trends over time. Berkeley's current system makes it very time-consuming to conduct this analysis, especially determining how much money is spent competitively versus non-competitively. For this report, we manually reviewed hundreds of contract PDFs to assess if they were competitive or not. Regular analysis of the City's spending on purchases is important for supporting management decisions and better oversight of contractor relationships.

The City has begun to explore options for digitizing the contracts process. During our audit, Berkeley adopted DocuSign, a more efficient and trackable digital signature software for some parts of the City's contracting process, such as approving waivers of competition and extension letters. However, various General Services staff members explained that the software is not set up to effectively manage the full contract review process. Additionally, a cross-departmental team led by the City Manager's Office is looking into purchasing a digital contract management system to improve the contracting process. However, given the City's current budget limitations, they want to make sure it provides significant value to the City.

The Purchasing Manual was missing key guidance and training for staff was limited.

Berkeley's Purchasing Manual was missing sixteen of the minimum necessary parts of a procurement policy manual defined as industry best practices during the audit (Table 5). For example, Berkeley's Purchasing Manual did not have a definitions section to help ensure that all staff understand the terms referenced in the manual and how they are used in the City of Berkeley. It also did not include a process for suspending or debarring contractors who violate City law or fail to meet contract obligations.

The Purchasing Manual also had limited or conflicting guidance on key purchasing topics. Information on sole or single-source contracts was separated across three different sections and did not align with the information on the required waiver form itself, making it difficult for staff to know how to use them correctly. There was also no written guidance on amendments or extensions, in the Purchasing Manual or elsewhere, including when they should go back out to competition. There was also very limited guidance on piggybacking or cooperative agreements, which allow staff to use a competitively bid contract from another jurisdiction. Piggybacking could be a way to save staff time while ensuring the best price, but only if staff have appropriate guidance. In our analysis of fiscal year 2024 contracts, departments used different procedures for piggybacked contracts from waivers of competition to authorizing Council Resolutions to no contract at all.

Table 5: Berkeley's Purchasing Manual was missing key elements, as defined by industry best practices.

Element	Element Aspects that are Missing or Incomplete	Element Aspects that are Included
Definitions - Defines key terms	**1**	**0**
Organizational Structure - Establishes roles and responsibilities	**2**	**1**
Vendor Selection – Provides guidance for evaluating vendor proposals and developing a contract	**1**	**5**
Specifications – Provides guidance for drafting specifications to ensure maximum competition	**1**	**0**
Ethics – Includes guidelines to ensure the procurement process is fair and resolve violations to stated policy	**5**	**2**
Personnel – Outlines required qualifications and training for procurement staff	**3**	**0**
Other Initiatives – Provides guidance for procurement-related initiatives, such as prioritizing minority and women-owned businesses or local businesses	**3**	**3**
TOTAL	**16**	**11**

Source: Auditor analysis of NIGP: The Institute for Public Procurement's Principles and Practices of Public Procurement and the City of Berkeley's Purchasing Manual as of the end of fiscal year 2024.

Staff in each City department have responsibilities related to purchasing goods and services for their department, but the City did not have clear policies and procedures so that staff could easily navigate the purchasing process. In a listening session hosted by the City Manager in February 2025, some staff members representing most City departments shared that they did not understand the rules of purchasing. This confusion can end up requiring more General Services staff time to either individually walk staff through the process or correct errors once submitted. According to best practices, the Purchasing Manual should simplify, clarify, and reflect the laws governing purchasing in way that is useable for staff across the City. To fill in the gaps from the citywide Purchasing Manual, some departments have created their own manuals to support their staff.

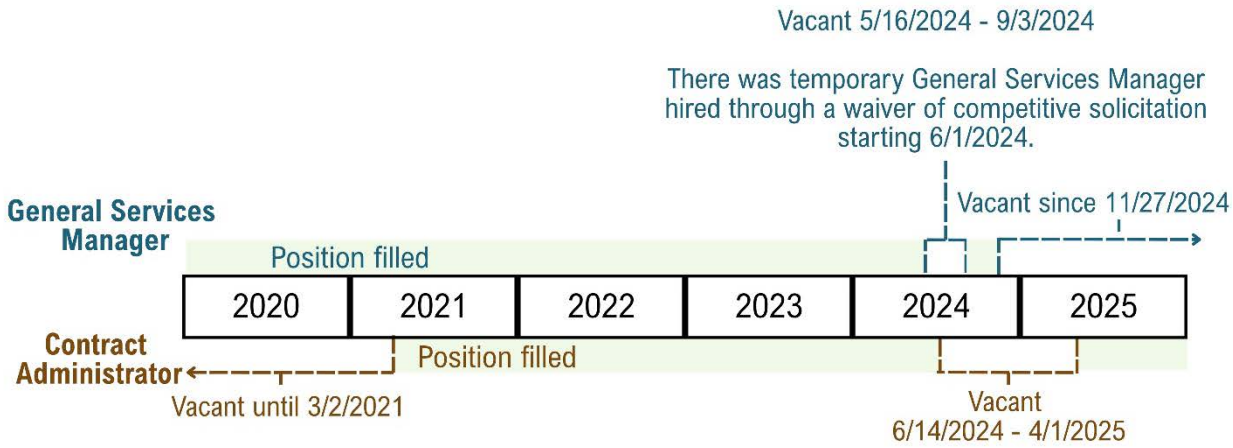
Staff also shared that there were few training opportunities or resources for department staff to learn about the contract process. In addition to a clear Purchasing Manual, it is important that all staff with a role in procurement have a clear and consistent understanding of the rules. Prior to May 2025, contract training was inconsistent. However, between May and July 2025, the Finance Department conducted five contract trainings. The Procurement Excellence Network recommends continuous training and coaching of staff on procurement best practices. Having

clear, documented policies and procedures also increases consistent application of purchasing rules during times of transition or understaffing.

Short staffing and turnover made it more difficult to improve the contract process.

The General Services Division has had repeated vacancies in key positions in the past five years making it difficult to improve the contract process. The General Services Manager position leading the division has been vacant since November 2024 (Figure 7). The Director of Finance is primarily acting in that role after the previous General Services Manager left the City after less than three months. Previously, the Finance Department used a waiver of competition to contract a consultant to cover the position while they hired a full-time staff member. Another key position, the Contract Administrator, was vacant for almost a year until April 2025, and for substantial time prior to 2021. Government finance departments across the country have also struggled to fill purchasing positions. According to a 2022 report from the Government Finance Officers Association, procurement clerks, buyers and purchasing agents are in high demand and have a high ratio of job postings per filled positions. Positions with a relatively higher ratio will take longer to fill since competition for candidates is higher.

Figure 7: Key General Services positions have been repeatedly vacant, especially in the last two years.



Source: Finance Department and auditor review of employee data

These Finance Department vacancies strained General Services staff capacity, and they reported taking on the work of these vacant positions in addition to their own responsibilities. The turnover and understaffing made it difficult for General Services staff to review and provide substantive feedback on contract documents, and delayed contracts during our audit period,

according to staff. Overworked staff may also not be able to appropriately prioritize procurements and focus resources on the highest risk purchases, including non-competitive contracts. Short staffing and turnover made it difficult for the division to make changes to improve the contracting process that could limit non-competitive contracts, such as implementing additional training and updating manuals.

Limited General Services staff capacity also means that while the City has started to collect contractor demographic information, they have not had the capacity to complete a formal analysis of this data. City leadership has not determined responsibility for managing demographic data from potential contractors to facilitate data analytics. The analysis could inform changes to the City's policy to promote fairness and increased competition.

Recommendations

2.1. To increase efficiency and accountability in the contract process, we recommend that City management work with the Finance Department to adopt a comprehensive and integrated electronic contract management system, as funds are available.

2.2. To more easily assess the use of non-competitive contracts, we recommend that the Finance Department track what type of competition is used for each contract and maintain documentation in an accessible format as part of the new contract management system.

2.3. To ensure consistent application of standards, we recommend the Finance Department update the Purchasing Manual and any additional guidance documents for staff to include complete sections on key topics such as amendments, piggybacking, ethics, and suspension or debarment of contractors who engage in misconduct.

2.4. To ensure clarity in the primary guidance on purchasing for all City staff and consistent application of standards, we recommend the Finance Department work with the City Attorney and City management to update the Purchasing Manual with a table of contents, clear definitions, and consistent language and standards across the Purchasing Manual and related forms, boilerplates, templates, and other additional guidance documents.

2.5. To ensure that City staff know how to use the contracting process correctly and efficiently, we recommend that the Finance Department offer and publicize a regular procurement training program for staff from other departments.

2.6. To ensure adequate resource support for City contracts, we recommend that City management assess Finance Department staff positions needed to provide oversight and prioritize filling these positions when possible.

2.7. To ensure the City makes progress towards promoting fairness in contracts, we recommend that City management formally assign responsibility for managing the demographic data from potential contractors to facilitate data analytics and implementing prior recommendations related to contractor outreach and the contracting process.

Management Response

We provided a draft of this report to the City Manager, the Finance Department, and the City Attorney for review and comment. City management agreed or partially agreed with our findings, conclusions, and recommendations. We generally expect the City to implement audit recommendations within two years of report issuance. City management provided the implementation dates and corrective action plan below. We will be conducting our standard recommendation follow-up process after the audit is issued. We have not yet confirmed to what extent any recommendations may have been implemented prior to the audit release date.

Recommendation 1.1: To ensure Berkeley is getting the best value for recycling services, we recommend that Public Works pursue open competition on the City's recycling contracts.

Management Response: Agree

Implementation Date: To be determined

Corrective Action Plan: Will assess and develop timeframe for 2026

Recommendation 1.2: To ensure large contracts have adequate competition, we recommend City Council work with City management and the City Attorney to propose updates to the Berkeley Municipal Code Chapter 7.18 to require competition for service contracts that City Council approves.

Management Response: To be determined

Implementation Date: To be determined

Corrective Action Plan: To be determined

Recommendation 1.3: To ensure clear standards for waiving competition, we recommend that the Finance Department update the waiver of competitive solicitation form to be consistent with the Purchasing Manual.

Management Response: Agree, this was completed in November 2025

Implementation Date: November 2025

Corrective Action Plan: The language in both the Competitive Solicitation Waiver form and the Purchasing Manual has been updated to be consistent.

Recommendation 1.4: To ensure transparency, we recommend that City management work with the Finance Department, Human Resources, and the City Attorney's office to strengthen the City's existing ethical standards, including guidance for City officials, staff, and contractors regarding disclosing personal, professional, and business relationships.

Management Response: Partially agree

Implementation Date: To be determined

Corrective Action Plan: Will incorporate into guidance for staff. Will work on solutions for contractor disclosures but need to determine how best to incorporate given potential enforcement challenges.

Recommendation 1.5: To ensure City staff have guidance on how to appropriately use amendments, we recommend that the Finance Department develop and distribute written policies and procedures on contract amendments, including when contracts are required to go back out for competition.

Management Response: Agree

Implementation Date: November 2025

Corrective Action Plan: This information is in the updated purchasing manual and the contract training class.

Recommendation 1.6: To increase transparency of spending on legal services contracts, we recommend that the City Attorney's Office regularly report legal services contracts and amendments to City Council.

Management Response: Agree

Implementation Date: April 30, 2026

Corrective Action Plan: The City Attorney's Office will report new legal services contracts and amendments to the City Council on an annual basis beginning with contracts entered into Q1 2026. The reports will not include any confidential or attorney-client privileged information.

Recommendation 2.1: To increase efficiency and accountability in the contract process, we recommend that City management work with the Finance Department to adopt a comprehensive and integrated electronic contract management system, as funds are available.

Management Response: Agree

Implementation Date: Partially implemented July 2025

Corrective Action Plan: Several departments have implemented Docusign for the full contract routing process (about 65% of city contracts). Citywide, Docusign has been adopted for all extension letters and waivers. There are budget and resource constraints to purchasing software that would integrate with the City's current financial system. However, a multi departmental work group has been working for several months on bringing electronic contracts management system recommendations to the City Manager for a new system.

Recommendation 2.2: To more easily assess the use of non-competitive contracts, we recommend that the Finance Department track what type of competition is used for each contract and maintain documentation in an accessible format as part of the new contract management system.

Management Response: Partially Agree

Implementation Date: July 2025

Corrective Action Plan: By implementing Docusign for all waivers, the process itself has all the necessary information to track quantity, date, and all approvals. This solution will not add additional steps, time or expense which is helpful given limited resources and financial constraints. We continue to assess for use in potential new systems.

Recommendation 2.3: To ensure consistent application of standards, we recommend the Finance Department update the Purchasing Manual and any additional guidance documents for staff to include complete sections on key topics such as amendments, piggybacking, ethics, and suspension or debarment of contractors who engage in misconduct.

Management Response: Agree

Implementation Date: November 2025

Corrective Action Plan: The updates have been made.

Recommendation 2.4: To ensure clarity in the primary guidance on purchasing for all City staff and consistent application of standards, we recommend the Finance Department work with the City Attorney and City management to update the Purchasing Manual with a table of contents, clear definitions, and consistent language and standards across the Purchasing Manual and related forms, boilerplates, templates, and other additional guidance documents.

Management Response: Agree

Implementation Date: Partially implemented

Corrective Action Plan: Ongoing process to improve guidelines and process flows.

Recommendation 2.5: To ensure that City staff know how to use the contracting process correctly and efficiently, we recommend that the Finance Department offer and publicize a regular procurement training program for staff from other departments.

Management Response: Agree

Implementation Date: May 2025

Corrective Action Plan: We have already had several sessions of Contract Training classes and will continue them in 2026.

Recommendation 2.6: To ensure adequate resource support for City contracts, we recommend that City management assess Finance Department staff positions needed to provide oversight and prioritize filling these positions when possible.

Management Response: Agree

Implementation Date: In process

Corrective Action Plan: All vacancies in the Finance Department are in the process of being filled including the General Services Manager and Buyer.

Recommendation 2.7: To ensure the City makes progress towards promoting fairness in contracts, we recommend that City management formally assign responsibility for managing the demographic data from potential contractors to facilitate data analytics and implementing prior recommendations related to contractor outreach and the contracting process.

Management Response: Agree

Implementation Date: September 24, 2025

Corrective Action Plan: This was assigned to the DEI Officer.

Methodology and Compliance

To gain an understanding of General Services operations and internal controls, and to achieve our audit objectives, we used the following methodology:

- We reviewed the City Charter, Berkeley Municipal Code, Purchasing Manual, other internal policies and procedures, review forms, and past reports and audits. We also attended one of the contract training sessions offered by the Finance Department.
- We compared Berkeley's practices against published best practices and guidance from organizations such as NIGP: The Institute for Public Procurement, the Procurement Excellence Network, and the U.S. Government Accountability Office. We also reviewed related audits from other jurisdictions and spoke with the auditors.
- We interviewed a range of stakeholders to understand how the contract process works both within General Services and from the perspective of other departments. This included General Services staff and staff from six other city departments regularly involved in the contracts process

Our scope focused on two datasets from the City's financial system: (1) all expenditure contracts marked as posted in the City's financial system as of March 6, 2025 and (2) expenditure contracts executed in fiscal year 2024. Since the City's largest contracts often last years, they likely would not have been captured in our dataset of contracts executed in fiscal year 2024, even though these contracts were active in this year. Therefore, we also reviewed 100 of the City's largest expenditure contracts in the City's financial system. We found that 22 were likely expired because they had an expiration date in the City's financial system before June 30, 2025. We did not verify if there were cases when the contracts were extended, but the expiration date in the City's financial system had not been updated. We included only the remaining 78 active contracts in our analysis. Additionally, we identified the largest contracts based on the revised total in the City's financial system. It is possible the not-to-exceed written in some contracts was greater than what was listed in the financial system depending on variations in how the amount is entered, such as entering only one year's worth of funds at a time for a multi-year contract. We did not include purchase orders in our definition of contracts.

We performed a risk assessment of the City's contract practices and procedures to identify potential internal control weaknesses, including fraud risks, within the context of our audit objectives. This included a review of selected policies and procedures, as well as interviews with internal staff.

The City's financial system does not indicate the type of competition the City used for each contract. Therefore, we used the publicly available contract information in Records Online to determine the competition for all expenditure contracts executed in fiscal year 2024 and the 100 largest active contracts. We reviewed the contract packet for each contract to assess if it was competitive or not, as well as to ensure consistency in contract information between the City's financial system and the contract itself. We validated the determination of the non-competitive contracts with the responsible department. We did not assess the effectiveness of the competition – i.e., if they received multiple bids – only if the department reported using competition.

We did additional testing of a subset of the contracts identified above. For example, among the contracts from fiscal year 2024 that used waivers of competitive solicitation, we also assessed if they met the Purchasing Manual criteria for waivers. We also analyzed the active service contracts that began at or below $50,000 and were later amended above that threshold. We tested a sample of 25 contracts amended under the City Manager, as well as five additional amended City Attorney contracts, for competition and compliance with policy requirements for review and approval. We also reviewed the Contracts Log spreadsheet managed by the General Services team. For specific contracts, we also reviewed additional documentation from Council Resolutions, Council Items and other documentation.

Data Reliability

We assessed the reliability of the City's financial system and Records Online data by reviewing it for reasonableness and completeness. We also interviewed staff responsible for managing the systems and inputting the data. We were also able to validate the information across the two systems to ensure the data matched. We identified a few instances of incomplete data, however, we determined that the data is sufficiently reliable to address the audit objectives.

Independence

According to Article XI of the Berkeley Charter, the City Auditor is responsible for countersigning, numbering and registering all contracts for the City of Berkeley. Given updates in technology, in recent years, this responsibility involved no actual oversight as contracts were already executed by the time they reached the City Auditor's office. The City Auditor's Office assigned the executed contract a number and recorded it. The City Auditor's Office did not have a role in reviewing or approving contracts, or ensuring that contracts followed City policy.

In November 2018, the City began using the ERMA financial system, which automatically numbered all contracts. To reduce redundant steps, the City Auditor officially designated responsibility to countersign contracts as registrant to the Finance Department. In 2024, the City updated the Berkeley Municipal Code (2.24.050.C) to reflect this change.

To reduce the threat to our independence, we limited our work by excluding areas overseen by our office.

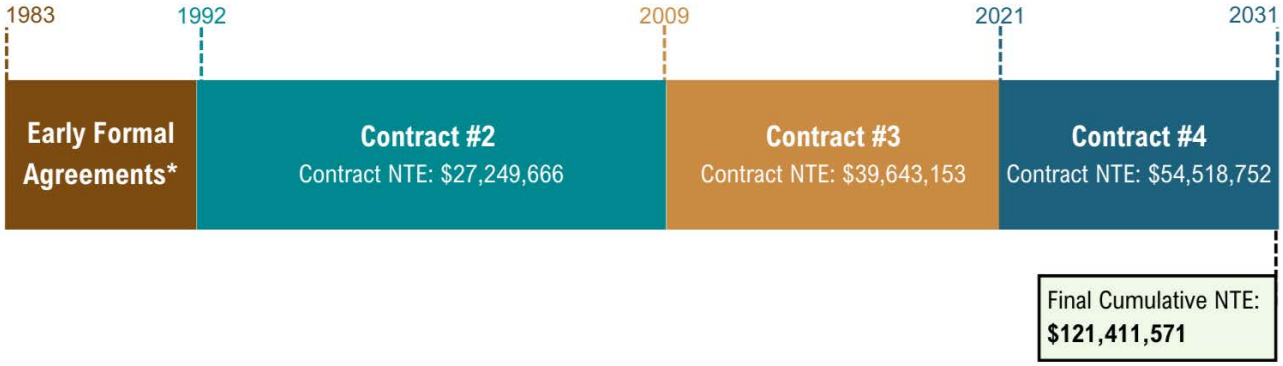
Statement of Compliance

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix 1: Timelines of the City's Recycling Contracts

Figure 8 and Figure 9 show the history of the City's contracts with the Ecology Center and Community Conservation based on review of authorizing Council Resolutions and other related documents. We reviewed the authorizing Council Resolutions to understand the City's process for awarding and amending these contracts, but we did not audit these individual contracts or contractors.

Figure 8: Berkeley has contracted with the Ecology Center since the 1980s.



Source: Auditor analysis of Council Resolutions and contract documents on Records Online

*The resolutions authorizing the early contracts and amendments did not include dollar amounts, so we were unable to assess the not-to-exceed amount for these contracts.

Note: NTE stands for "not-to-exceed." City Council authorizes the City to spend up to that amount on the contract. We did not assess whether the City spent the full amount on each contract.

Figure 9: Berkeley has contracted with Community Conservation Centers (CCC) since the 1980s.



Source: Auditor analysis of Council Resolutions and contract documents on Records Online

*The resolutions authorizing the early contracts and amendments did not include dollar amounts, so we were unable to assess the not-to-exceed (NTE) amount for these contracts.

**We were unable to calculate the contract NTE prior to 2005 due to inconsistent reporting and documentation.

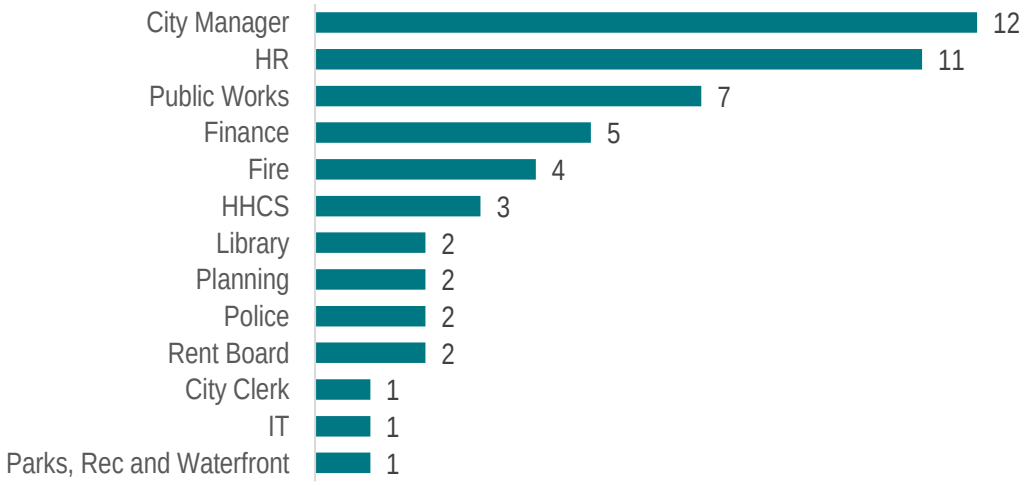
***This is an underestimate of the total cost of this contract, as the original not-to-exceed was the total gross receipts resulting from the sale of the City's recyclable materials minus 7.5 percent of those gross receipts which was to be paid to the City annually. Later amendments added additional one-time payments which account for the reported NTE. We did not analyze or calculate the total gross receipts for this report.

Note: City Council authorizes the City to spend up to that amount on the contract. We did not assess whether the City spent the full amount on each contract.

Appendix 2: Contracts with Waivers Executed in Fiscal Year 2024

Figure 10 shows the total number of contracts executed in fiscal year 2024 that used a waiver of competition, broken down by department.

Figure 10: Number of non-competitive contracts executed via waiver in fiscal year 2024 by department.



Source: The City's financial system and auditor assessment of contracts in Records Online

Appendix 3: Largest Active Non-Competitive Contracts

In Table 6, the term "active" refers to the contract's status in the City's financial system. The contractor and description also come from the City's financial system. The contract length in years is based on the expiration date in the City's financial system as of September 29, 2025. The total contract amount is based on the contract itself and any subsequent amendments as of September 29, 2025.

Table 6: List of non-competitive contracts among the City's 100 largest active contracts, largest to smallest

Contractor	Description	Total Contract Length (in years)	Total Contract Amount	Met PM Criteria?
ECOLOGY CENTER, INC	RESIDENTIAL RECYCLING COLLECTION SERVICES	5	$54,518,752	NO
COMMUNITY CONSERVATION CENTER, INC	RESIDENTIAL & COMMERCIAL REYCYCLING OPERATIONS	5	$30,080,783	NO
BAY AREA COMMUNITY SERVICES	PATHWAY STAIR CENTER	8	$15,168,616	YES
EVICTION DEFENSE CENTER	HOUSING RETENTION PROGRAM	5	$8,294,683	YES
BERKELEY CONVENTION & VISITOR	TOURISM BSNSS IMPROV DIST MKTG SVCS	8	$7,966,000	YES
TELEGRAPH PROPERTY & BUSINESS	TELEGRAPH BUS. IMPROVE DIST.	10	$7,410,024	YES
INSIGHT HOUSING	INTERM HOUSING AT SUPER 8 MOTEL	5	$7,295,634	YES
DOWNTOWN BERKELEY ASSOCIATION	PROPERTY BASE BID ASSESSMENT (DPBID)	5	$7,285,257	YES
EBMUD	EBMUD PW SEWER BILLING SERVICES / COLLECTIONS	10	$6,100,000	YES
MOTOROLA SOLUTIONS INC	MUNICIPAL LEASE - RADIO & EQUIPMENT LEASE	7	$5,818,116	YES

Contractor	Description	Total Contract Length (in years)	Total Contract Amount	Met PM Criteria?
RENNE PUBLIC LAW GROUP	MISCELLANEOUS SERVICES, NO. 1 - Legal Services	7	$4,167,000	N/A*
SENTRY CONTROL SYSTEMS, INC	PARKING ACCESS & REVENUE COLL	9	$2,915,355	YES

Source: The City's financial system and auditor assessment of contracts in Records Online

* N/A indicates that we did not assess whether this contract met the Purchasing Manual criteria for competition because the City Charter (Section 113) and Berkeley Municipal Code (2.56.040) give the City Attorney independent contracting authority for legal services contracts. The Berkeley Municipal Code does not address competition for service contracts, including legal services.

Appendix 4: Active Service Contracts Amended Over the Threshold for Competition

The contracts listed in Table 7 are the top 10 active service contracts by total dollar value that began at or below the formal competition threshold of $50,000 and were later amended to increase the cost of the contracts. The term "active" refers to the contract's status in the City's financial system.

The contractor, department, description, and revised total come from the City's financial system. The original total is based on the contract posted in Records Online. The revised total includes any amendments recorded in the financial system as of March 2025.

We did not review the contract file for every contract nor determine which ones were initially competitive. This list is intended to highlight that the amendment process can lead to increases for contracts with no guidance for when competition may be needed.

Table 7: List of ten largest service contracts which began at or below $50,000 and were amended above $50,000 as of March 2025, largest to smallest

Contractor	Department	Description	Original Total	Revised Total
RENNE PUBLIC LAW GROUP	City Attorney	MISCELLANEOUS SERVICES, NO. 1 - Legal Services	$50,000	$4,167,000
BURKE, WILLIAMS & SORENSEN, LLP	City Attorney	EXTERNAL LEGAL COUNSEL	$10,000	$1,208,266
L.J. KRUSE CO	Library	BPL HVAC Building Maintenance	$16,000	$843,020
YOUTH SPIRIT ARTWORKS	Health, Housing, and Community Services	TAY CASE MANAGEMENT & LINKAGE SVCS.	$50,000	$737,092
BRISCOE IVESTER & BAZEL LLP	City Attorney	Outside Legal Counsel re: Ruegg & Ellsworth v. COB	$30,000	$725,000
CIVICMAKERS, LLC	IT	Coaching & Training Svcs	$35,000	$529,025
SLOAN SAKAI YEUNG & WONG LLP	HR	LEGAL SVCS-LABOR NEGO SUPPORT	$45,000	$484,587
MSR MECHANICAL, LLC	Public Works	ON-CALL HVAC SVCS	$50,000	$448,515
ATTHOWE FINE ART SERVICES	City Manager	As-Needed Fine Art Services	$49,950	$400,000

Contractor	Department	Description	Original Total	Revised Total
ACCUTITE ENVIROMENTAL ENGINEER	Public Works	STORAGE TANK MAINT & TESTING	$50,000	$382,496

Source: Records Online and the City's financial system

Mission Statement

Promoting transparency and accountability in Berkeley government.

Contributors

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Copies of our audit reports are available on our website.

Cover photograph by the City Auditor's Office.

BERKELEY CITY AUDITOR

CONSENT CALENDAR
March 10, 2026

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: City Contracts: Outdated Process Led to Non-Competitive Contracts

RECOMMENDATION

We recommend City Council request that the City Manager report back by Fall 2026, and annually thereafter, regarding the status of our audit recommendations until reported fully implemented by the Finance Department and other relevant departments. The audit includes 13 recommendations to clarify for staff when non-competitive contracts and amendments are appropriate, as well as to improve transparency and efficiency in the contracts process overall. The City management agreed or partially agreed to our findings and recommendations. Please see our report for their complete response.

FISCAL IMPACTS OF RECOMMENDATION

Reducing the use of non-competitive contracts could help the City ensure it is not overpaying for services. As the City faces a budget deficit, it is important that the City gets the best value for the goods and services it purchases. Updating the Purchasing Manual and related training and procedures will likely take an upfront investment of staff time but could reduce the workload for General Services and staff in the long run. Getting a comprehensive and integrated electronic contract management system, as recommended by the audit, would require financial investment, but could address the challenges we identified related to current paper contract process, including delays and lost contracts.

CURRENT SITUATION AND ITS EFFECTS

In fiscal year 2024, 94 of the 218 contracts executed did not have documented evidence of competition. The total value of these contracts was approximately $43 million compared to $102 million in competitive contracts. The non-competitive contracts included 26 authorized by Council Resolution, 53 through waivers of competition approved by the City Manager, and 15 through other or unclear means.

Most of the City's largest active contracts had documented evidence of going through competition or meeting the Purchasing Manual criteria for exceptions, but two recycling contracts did not. In fiscal year 2022, Berkeley executed contracts for recycling services for nearly $85 million over ten years without seeking bids from other contractors. Although pursuing competition is an established best practice and the City's Purchasing Manual states that service contracts above $50,000 must go through formal competition, neither the City Charter nor the Berkeley Municipal Code explicitly required service contracts like these recycling contracts to be competitive.

Of the 53 approved waivers of competition, 38 percent did not clearly meet the criteria in the Purchasing Manual, meaning the City could likely have pursued competition. For example, while waivers for classification and compensation studies were used, there was no documentation that this was an emergency. By requesting waivers for the same service from different contractors in a similar time period, this indicated that it would have been feasible to request quotes instead.

Once a contract is in place, the City can use amendments to increase the dollar amount. Our audit found the City had 95 active service contracts that began at or below the formal competition threshold of $50,000 but were later amended above the threshold. On average, these amendments added $218,026 in total to each contract. According to Finance, there are circumstances when contract amendments are reasonable. To comply with this, staff need clear guidance to understand when amendments are appropriate or when the contract should be re-competed.

Paper contracts, unclear guidance, and short staffing led to delays and the overuse of non-competitive contracts. For example, in a sample of 23 amended service contracts, 16 contracts (or 70 percent) lasted for over five years. According to the Director of Finance, the general rule is for most contracts to go back out to bid every five to seven years. However, this guidance was not written in the City's purchasing policy. In fact, Berkeley did not have any published guidance for staff on contract amendments. Additionally, in fiscal year 2024, most of Berkeley's contracts were still reviewed and signed on paper, meaning staff hand-delivered them to different departments for approvals. During our audit, the City adopted DocuSign for some parts of the contracting process and an interdepartmental team was looking into purchasing a digital contracting system. However, short staffing and turnover in General Services and across the City made it more difficult to improve the contract process.

BACKGROUND

The City uses contracts for most services that are not done by city staff, like public artwork and towing, and for specialized goods like fire trucks. The City typically uses simpler purchase orders rather than contracts to buy goods, like office furniture and equipment for parks maintenance. The General Services Division in the Finance Department reviews and processes all purchases of goods and services for the entire City, but staff in each department have a responsibility in purchasing goods and services for their department.

Competition among contractors helps ensure that the City is accountable for public funds spent on contracts and can get the best value for Berkeley residents. However, competition is not always possible or appropriate, so City policies allow for non-competitive contracts in specific circumstances, such as when emergency maintenance is needed. This primarily occurs through either Council authorization or a waiver of competition approved by the City Manager.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with this report.

RATIONALE FOR RECOMMENDATION
Implementing our recommendations will decrease reliance on non-competitive contracts. Additionally, they will improve the contracting process overall through clearer, more consistent guidance and improved systems.

CONTACT PERSON
Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:
1: Audit Report: City Contracts: Outdated Process Led to Non-Competitive Contracts

City of Berkeley Purchasing Manual

Section I – General Policy, Responsibilities, and Requirements

1. General Purchasing Policy

All City of Berkeley (the "City") purchases, unless they qualify for petty cash exceptions (Section II.1) or sole/single-source contracts (Section III.7.E) must be made through a competitive process. Regardless of the value of the purchase, more than one (1) quotation, bid, or proposal is encouraged. The City Council establishes the limits for City Manager authority to approve contracts, the level of expenditure requiring Council approval, and parameters for the documented competitive processes. See Section II for current competitive thresholds, and Council approval requirements.

For **goods**, the City seeks to obtain either:

1. Lowest price or lowest total cost – through quotes or an Invitation for Bid (IFB)
2. Best value – through quotes or IFB with multiple factors

For **services** (non-trades), the City seeks to obtain:

1. Best value – through a Request for Proposals (RFP) process

For **trades**, the City seeks to obtain:

1. Lowest quote for the scope – through multiple quotes or IFB
   From a firm:
   - with a valid CSLB
   - registered with CA DIR
   - bonded/insured *as required*

2. Responsibility for City Purchases

The City maintains a centralized General Services Division in the Department of Finance through which all purchases of goods and services are reviewed and processed. Each department originates Purchase Requisitions (PR) or specification requests to pursue formal bidding procedures. The PRs and specification requests are sent to General Services, where they are reviewed to ensure adequate information is provided, and best practices are followed and PRs are developed, as appropriate, into Purchase Orders (PO). See City Purchasing Procedures (Section III.4) for instructions and information for developing PRs and detailed instructions for developing RFP and IFBs (Section VIII.9).

Departments are responsible for requesting the type and quality of product or service required. In situations where a department or division is submitting a PR for another Department or division (e.g., fleet orders for vehicles and heavy equipment) the department/division submitting the order must have a specification signed off by appropriate personnel from the end user department/division. The requisitioned products or services should be described as completely as possible, without regard to manufacturer (except when applicable), to ensure that as many vendors as possible may respond to the City's needs. A manufacturer's part number may be cited by the

requisitioner, to assist the Buyer in sourcing the correct product. Sole/single source contracts should be avoided. The City's financial system maintains lists of vendors, cross-referenced to commodities and services (Section VIII.4). General Services staff is available for advice in the choice and applicability of vendors.

General Services is ultimately responsible for determining the means of purchase and the appropriate vendor. All purchases specifically for supplies, equipment or materials are to be awarded to the lowest responsible bidder, but must be of a quality consistent with the ultimate use intended. The Council may reject any and all bids. If all bids are so rejected or if no bids are received, the Council may re-advertise for new bids, or authorize the City Manager to negotiate in the open market. (See Charter Section 67.) General Services may require up to one (1) week to process a routine PR that is under the formal threshold amount ($50k-service, $100k-goods, $200k-trades), and issue the PO. The time required to process the PR is directly related to the complexity of the item, and to the extent that the end user documents the quotes. Exceptions to the one-week (1) lead time will be at the discretion of the General Services Manager, Finance Director, or the City Manager.

Only the City Manager has authority to enter into a contract/agreement with a vendor. The authority to enter into a PO has been delegated to the General Services Manager. All contracts, agreements and purchase orders are subject to the limits outlined in Section II.

3. Non-Competitive Solicitation

Whenever possible, multiple quotes for goods and services must be obtained and documented using either a *Formal or Informal Solicitation*. Non-competitive solicitations may only be used in the following circumstances:

1. Sole Source
    - Only one (1) viable source is found for the needed product (i.e. through copyright/trademark or single distributor)
    - It is a specialized service that is provided by a single, responsible source. The Project Manager must search for providers beyond the City in order to claim this.
2. Emergency
    - There is an emergency and it is impractical for the City to seek competitive bids (Section I.4, following).
3. Other
    - The City is required by an outside agency to use a product or service (i.e. a specific software being required for reporting taxes to the County)
    - The product or service is deeply embedded in the City’s infrastructure and it is impractical to change every 5-7 years (i.e. The City’s Enterprise Resource Planning- ERP).

In these circumstances, either a *Waiver of Competitive Solicitation* must be signed by the General Services Manager and the City Manager or prior approval must be received

from the City Council. If there is only a single response after a Formal or Informal Solicitation, no waiver is required since the solicitation process was completed.

Another way to procure goods/services without a solicitation is by piggybacking off an existing, competitively bid contract from another public agency. This saves time and resources by leveraging the original contract's scope of work, pricing and schedule as long as the original contract allows for it. The existing contract/agreement must be vetted to ensure it complies with City of Berkeley purchasing policies and procedures and the new contract must have an identical scope of work. Otherwise, the contract process proceeds like any other contract and requires all the same boilerplates, attestations, insurance and signatures.

Regardless of whether or not a contract qualifies for a waiver of solicitation, most contracts should be re-bid every 5-7 years.

4. Emergency Procedures

Special procedures must be followed to obtain goods or services in the event of any emergency. City Charter Section 67(a) governs emergency purchases:

The provisions of Section 67 of this Charter shall not apply to work done or purchases made for that which is deemed by the City Manager to be an actual emergency and of urgent necessity for the preservation of life, health or property; provided, that any such expenditure in excess of an amount set by ordinance, as provided for in Section 67.4(b), must be authorized by resolution of the Council.

The City Manager will determine whether a situation constitutes an emergency. The end user department will be responsible for preparing the Information or Consent Report to submit to the City Council at the next available opportunity. In all cases, General Services shall be given a copy of the Council Report on the reasons for the emergency procurement, which will be filed with the PO.

5. Public Assistance from Federal, State or County Funding Sources Including Grant Contracting and Emergency Contracting

When the City of Berkeley receives outside funding it must use its own procurement procedures which reflect applicable State and local laws and regulations. It must also, however, meet the minimum procurement standards for the funding agency where those standards are more onerous (Federal, State, and County). Failure to follow outside agency's procurement standards could result in a contract being deemed in violation of the funding source's procurement rules, and requests for reimbursement could be denied. All contractual provisions from outside funding sources must be incorporated by reference in contracts using outside public funds.

It is the responsibility of the department requesting outside funding to work with the outside agency and familiarize itself with the requirements before going out to bid, contracting and receiving outside funding.

6. Departmental Communication with Vendors

Whenever a department desires information regarding the use, description, or availability of a specific product or type of product, a written request should be addressed to the General Services Division. Such information should include price quotations, catalogs, samples and/or demonstrations. Whenever vendor catalogs are requested or received by General Services, the interested departments will be sent the information or given notice of their availability for inspection.

General Services should be informed before departments contact any suppliers or their representatives with regard to pricing, product availability or technical information. In addition, General Services must be informed before the contact is made. ***No commitment to purchase a product or service offered may be made by anyone other than General Services staff – except when following emergency procedures*** (Section I.4). No particular supplier will receive preference for the order under discussion. It should be made clear to all vendors contacted by departments that competition will be required. The end user must retain copies of all correspondence with outside vendors or contractors in case of audit.

City employees must keep themselves free of any obligation to vendors by refusing to accept entertainment or gifts offered by, or on behalf of, suppliers currently or potentially serving Berkeley. See Employee Ethical Standards (Section I.6, following) for details about City employee-vendor contact.

7. Employee Ethical Standards

City Charter Section 72 prohibits certain behavior detrimental to the fair, impartial, and cost-effective procurement of goods and services.

Any officer of the City, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material, or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

Inappropriate behavior can be grounds for immediate termination of an employee. It is every employee's responsibility to act in an ethical manner.

7. Restrictions on use of Public Funds

The City does not allow the use of public funds for any items for personal consumption or use, including but not limited to the following:

A. Employee coffee, tea, hot chocolate or related items, such as cups, creamer, sugar,

etc. Only the CMO, as the official City host center, is permitted to purchase these items on a regular basis and charge a City account.

B. Any type of food/candy for department/division staff. See AR 3.27 for allowable food/beverage purchases.

C. Catered or other food (such as donuts, sandwiches, pizza, etc.) for employee events, including and not limited to birthdays, going-away parties, etc. See AR 3.27 for allowable food/beverage purchases

D. Bottled water at any of these sites: Civic Center, 1947 Center Street, Public Safety Building, Permit Service Center, or Main Library. Bottled water may be purchased at outlying locations with the approval of the Director of Public Works, provided there is a finding that the tap water does not meet the same standards as the above-named facilities.

E. Pens, paper, or other office supplies NOT associated with work performed specifically for the City of Berkeley.

F. Any items that are ***not needed*** to perform duties specifically for the City of Berkeley.

In accordance with AR 3.17 if the item is not needed to perform work for the City of Berkeley, it should not be purchased with public funds.

8. Requirements on Contracting with Certain Entities
Prior to contracting for services or commodities, the following restrictions must be observed. See specific Berkeley Municipal Code and Ordinance sources and citations in Section VI.

A. Oppressive States Business Policy: Resolutions 60,382-N.S., and 59,853-N.S. – 59,857-N.S. (1999) prohibit City contracts or purchases with companies that do business, or produce commodities, in the listed areas. As of June 1, 2002, the affected areas are the Tibet autonomous region and Provinces of Amdo, Kham, and U-Tsang. All contracts entered into by the City of Berkeley must stipulate that the contractor is subject to this policy.

B. Nuclear Free Policy: Ordinance 5,784-N.S. (1986) prohibits contracting with any person or business that engages in "work for nuclear weapons" – defined as "work the purpose of which is the development, testing, production, maintenance, or storage of nuclear weapons or the components of nuclear weapons; or any secret or classified research or evaluation of nuclear weapons; or any operation, management, or administration of such work."

C. Living Wage Policy: Ordinance 6,548 N.S. (2000) requires specified employers to pay a "living wage" and benefits to qualifying employees, as follows: for-profit contractors that receive more than $25,000 in City funding in a year, or non-profits receiving more than $100,000; employers in the Marina Zone that have (6) six or more employees and generate $350,000 or more in annual gross receipts; and financial aid recipients receiving more than $100,000 in a 12-month period.

Compliance is required by employers with employees who spend 25% or more of their compensated time on the City for-profit contract or in the Marina Zone. For non-profit contractors, compliance is required by employees who spend 50% or more of their compensated time on the contract.

Living wage rates are adjusted annually and posted on the City of Berkeley website at: https://berkeleyca.gov/doing-business/operating-berkeley/workforce-standards-and-enforcement. Additional requirements are 22 days per year of sick leave, vacation, personal necessity (12 of the 22 days must be compensated time).

D. Prevailing Wage: Certain labor categories under this contract may be subject to prevailing wages as identified in the State of California Labor Code commencing with Sections 1720 et. seq. and 1770 et. seq., including decisional authority interpreting these code sections. These labor categories, when employed for any "work performed during the design and preconstruction phases of construction including, but not limited to, inspection and land surveying work," constitute a "Public Work" within the definition of Section 1720(a)(1) of the California Labor Code requiring payment of prevailing wages. In performing its obligations under this contract, for all contracted work (including design, construction, certain maintenance activities, or any other contracted services), Contractor is solely responsible to determine which, if any, of the work is governed by a labor category pursuant to California Labor Code sections 1720 et. seq. and 1770 et. seq. and pay the applicable prevailing wage. Contractor shall defend, indemnify and hold harmless City concerning any liability arising out of Labor Code section 1720 et. seq. and 1770 et. seq.

E. Equal Benefits: Ordinance 6,623-N.S. (2001) requires that public funds be expended in a manner to prohibit discrimination in the provision of employee benefits by City contractors between employees with spouses and employees with domestic partners, and/or between domestic partners and spouses of such employees. This policy applies to for-profit entities where the contract exceeds $25,000; non-profit entities where the contract exceeds $100,000; and entities that generate $350,000 or more in annual gross receipts and, by written agreement, have exclusive use or occupancy of City property for a term exceeding 29 days in any calendar year.

F. Non-Discrimination: Ordinance 5,876-N.S. (1988) prohibits City contractors from discriminating against any employee or applicant for employment on any grounds specified in any State, Federal, or municipal law; and to require that any existing discrimination be remedied by appropriate methods including establishment of an approved affirmative action program that is consistent with State and Federal law.

G. Disclosure of Historical Commerce in Slavery: Ordinance 6,855-N.S. (2005) mandates that any contractor providing insurance or financial services (including any bank in which the City deposits public funds) to the City must disclose in writing whether they, directly or through its parent entities, subsidiaries or predecessors in interest, engaged in commerce in slavery, including: bought or sold slaves, used

slaves as collateral, provided loans to purchase slaves, insured such transactions or the slaves, or provided any other services to aid in such transactions.

H. Sweatshop-Free Procurement: Ordinance 7,099-N.S. (2009), and 7,378-N.S. (2014) mandates that vendor that provides apparel to the City of Berkeley must provide an affidavit which discloses the physical address and phone number of the production facility. The production facilities must also adhere to or exceed the practices and policies regarding workers as outlined in the Ordinance. It applies to any procurement of apparel of any dollar value.

I. **Community Workforce Agreement:** Resolution No. 65,157-N.S. (2011) requires that City construction projects whose value, as estimated by the city, exceeds $1 million is subject to the Community Workforce Agreement (CWA). All contractors, including subcontractors at any tier, shall sign an Agreement to be Bound. Contractors working on covered projects must utilize and be bound by the registration facilities and referrals systems established or authorized by the Unions who are signatory to the CWA. The agreement contains provisions regarding local hire goals, apprenticeships, prevailing wages, hiring of core workers, monitoring of good faith efforts, implementation fees and certified payrolls.

9. Restrictions on Procurements

The City restricts purchases of the following commodities under the Environmentally Preferable Preference Policy (**see specific Ordinance and Resolution sources and citations in Section VII**):

A. CFC-Processed Food Packaging: Ordinance 5,867-N.S. (1988) prohibits both the purchase of all CFC-processed food packaging, and the use of such packaging at any City-sponsored event.

B. Non-Polystyrene Foam Food Packaging: Ordinance 5,888-N.S. (1990) prohibits the purchase of all polystyrene foam food packaging.

C. Tropical Hardwood: Resolution 58,291-N.S. (1995) prohibits the purchase or use of tropical hardwoods and products. RFP/IFB responses containing such products are deemed non-responsive.

D. Redwood Products: Resolution 58,704-N.S. (1996) prohibits the purchase of virgin redwood products, and allows the purchase of certified sustainable harvested redwood.

E. Arsenic, Pentachlorophenol, and Creosote Treated Wood: Resolution 61,724-N.S. (2002) prohibits the purchase of all wood treated with arsenic, pentachlorophenol, or creosote.

10. Preferences on Procurements

City procurement has preferences for the following (**see specific Ordinance and Resolution sources and citations in Section VII**):

A. **Local Business Preference Program:** Resolution 69,890-N.S. (2021) sets forth the City's local business preference program, in which departments must include local Berkeley businesses when seeking vendors for purchases of up to $100,000 for goods, and up to $250,000 for non-professional services. The purpose of this program is to provide local businesses with the opportunity to sell goods and non-professional services to the City, and to stimulate the local economy in general. It establishes a 5% differential for local purchases that do not exceed $100,000 for goods, or $250,000 for non-professional services. For professional services, local firms may earn additional points in RFP evaluation depending upon the length of time they have been a local business. This program is not applicable to public facility improvement (construction), or purchases over $100,000 for goods, or for $250,000 for services.

B. **Recycled Products:** Resolution 55,286-N.S. (1990) established a preference to use recycled products. The City will cooperate to the greatest extent feasible with neighboring City and County governments in an effort to develop a comprehensive, consistent and effective procurement effort intended to stimulate the market for recycled products, reusable products, and products designed to be recycled.

C. **Recycled Paper:** Resolution 55,327-N.S. (1990) established a preference to use 100% recycled paper, and to utilize white paper whenever possible.

D. **Certified Sustainable Wood and Wood Products:** Resolution 59,595-N.S. (1998) established a preference for the City to purchase certified sustainable wood and wood products; to stimulate a market for certified sustainable wood and wood products; and to encourage members of the logging industry to have their practices certified.

E. **Eliminate Anthropogenic Sources of Dioxin Pollution:** Resolution 60,196-N.S. (1999) established a purchasing practice that promotes the use of less toxic, non-chlorinated, sustainable alternative products and processes, such as chlorine free paper and PVC free plastics.

F. **Environmental Preferable Purchasing Policy:** Resolution 62,693-N.S. (2004) established an environmental purchasing policy charging the City with protecting the public health and welfare of its residents and workers, as well as the health of the environment, including: minimizing health risks to City staff and residents; minimizing the City's contribution to global climate change; improving air quality; protecting the quality of ground and surface water; and minimizing the City's consumption of resources.

G. **Fair Trade: Resolution** 64,974 (2010) supports Fair Trade initiatives consistent with all of the City's progressive purchasing policies and that when purchasing goods, the City it will commit to procuring Fair Trade products when those products are readily available, meet applicable City standards, are competitively priced, are of comparable quality, and procured in accordance with all of the City's existing procurement policies and Berkeley City Charter requirements.

11. Administrative Regulations

All Administrative Regulations (AR) must be followed for procurement of goods and services. The following ARs specifically apply to all procurements: AR 3.17 Fraud, Abuse, and Misuse of City Resources; AR 3.3 Petty Cash and Change Accounts; AR 3.14 FN-024 Voucher Processing. AR 1.5 Printing Services applies to any requests for outside purchase of reprographic services, which should be brought to the General Services Manager before any action is taken with outside vendors. AR 3.26 for Credit Card Use. AR 3.27 for Food and Beverage Purchases. All ARs are online on the City's intranet.

12. Evidence of Insurance

When determined to be required by the City Attorney, ***and prior to commencing any work***, a vendor contracting with the City must furnish evidence of general liability, workers compensation, and, if applicable, professional liability insurance, with liability limits approved by the City Attorney. Insurance is required in most cases where the vendor is performing work on City of Berkeley property or for the City of Berkeley. When insurance is required, the policy must name "City of Berkeley, its Officers, Agents, Employees, and Volunteers" as additional insured.

13. Service Providers not City Employees

In order for the City of Berkeley to comply with Federal, State, and local rules and regulations concerning employment, contracts for services must not create an employer–employee relationship between the City and the service provider: all service providers must be independent contractors. An independent contractor is a service provider who controls where, when, and how he/she works. If the City controls where, when, and how services are provided, the service provider may be considered an employee of the City, and the City would be responsible for compliance with all Federal, State, and local rules and regulations concerning an employment relationship.

Therefore, in order to avoid the possible application of employment rules and regulations to service contracts in contracting for services, the City should generally determine only what the product of the services will be, and when the specific product components must be ready. The independent contractor controls where, when, and how he/she works. All service contracts must contain mandatory language establishing that the contractor is an independent contractor and not an employee of the City of Berkeley. If there is any question about determination in this section, Human Resources should be consulted.

14. Business License

All Contractors doing business with the City must obtain a City of Berkeley business license per B.M.C. sections 9.04.010 and 9.04.035.

If a Contactor is exempt from the provisions of B.M.C. sections 9.04.010 and 9.04.035, the specific B.M.C. section under which it is exempt must be stated.

II – Purchasing Requirements by Price[1]

1. Purchases Not Exceeding $100

Out of pocket, reimbursement, petty cash, departmental p-card, if available.

Items with a total value (per order) of $50.00 or less may be procured using petty cash procedures. Generally, minor office supply needs and transportation reimbursements may be initiated and paid within the Department structure using this provision. This is not to be used for reoccurring type purchases. See Administrative Regulation 3.3 Petty Cash and Change Funds (Section I.11).

2. Purchases from $100 to $5,000

Single vendor, local. PO. Possible blue-back requirement.

The purchase of goods or services costing more than $1,000 but not exceeding $5,000 must be initiated and processed by General Services using the Requisition tool on the City's financial system. The Department using the Requisition tool on the City's financial system must enter a PR for items required. If a service could cause the City of Berkeley liability, a blue-backed contract may be required. A written quote for goods or services is to be attached to the PR.

Local Berkeley-based vendors are to be contacted for informal quotes and their quotes must be discounted by five percent when comparing the bid with a bid from a non-local vendor per the requirements of the Local Business Preference policy (Section VII.6). Quotes are to be documented on the on-line PR in the City's financial system (Section VIII.1).

3. Purchases from $5,000 to $50,000 (Services)

Multiple written proposals, local. PO to $25k, blue back above $25k.

The purchase of a service costing more than $5,000 but not exceeding $50,000 requires informal competition. Low-risk services (typically those under $25,000) will use a PO as contract. High-risk contracts (typically those over $25,000) require a blue back contract. General Services will advise. A PR will be entered by the Department on the City's financial system. Three (3) written proposals are to be documented on the on-line PR in the City's financial system (Section VIII.1). Proposal should be specifically referenced on the PR by the department and show vendor, contact person, date, and cost.

1 The value of a purchase is determined by adding the base amount of the purchase and any addition amount that will be paid on the purchase agreement. If together these totals exceed any threshold, then the policies and procedures for the determined amount shall be followed. Sales tax and shipping charges ARE included in this total.

Local Berkeley-based vendors are to be contacted for informal quotes and their quotes must be discounted by five percent when comparing the bid with a bid from a non-local vendor for non-professional services per the requirements of the Local Business Preference policy (Section VII.6). Quotes must be documented on the on-line PR in the City's financial system (Section VIII.1).

Obtain informal proposal procedures, list of potential bidders, and a proposal template from General Services intranet.

4. Purchases from $5,000 to $100,000 (Goods)

Multiple written quotes, local.

The purchase of a good or goods costing more than $5,000 but not exceeding $100,000 must be initiated and processed by General Services using the PR tool on the City's financial system. The department using the Requisition tool on the City's financial system must enter a PR for items required. Three (3) written quotes are required and are to be documented on the on-line the City's financial system PR (Section VIII.1). The quotes should be in writing and must be specifically referenced on the PR showing vendor, contact person, date, and cost.

Local Berkeley-based vendors are to be contacted for informal quotes and their quotes must be discounted by five percent when comparing the bid with a bid from a non-local vendor per the requirements of the Local Business Preference policy (see Section VII.6). Quotes must be documented on the on-line PR in the City's financial system (Section VIII.1).

Obtain informal proposal procedures, list of potential bidders, and a quote template from General Services intranet.

5. Purchases from $5,000 to $200,000 (Trades, aka, licensed contractors)

Multiple written quotes, local. PO up to $25k, blue back above $25k.

The purchase of trade services costing more than $5,000 but not exceeding $200,000 must be initiated and processed by General Services using the PR tool on the City's financial system. The department using the Requisition tool on the City's financial system must enter a PR for items required. Three (3) written quotes are required and are to be documented on the on-line the City's financial system PR (Section VIII.1). The quotes should be in writing and must be specifically referenced on the PR showing vendor, contact person, date, and cost.

Local Berkeley-based vendors are to be contacted for informal quotes and their quotes must be discounted by five percent when comparing the bid with a bid from a non-local vendor per the requirements of the Local Business Preference policy (see Section VII.6). Quotes must be documented on the on-line PR in the City's financial system (Section VIII.1).

Obtain informal proposal procedures, list of potential bidders, and a quote template from General Services intranet.

6. The following purchases require a Formal Request for Proposal ("RFP"), or Invitation for Bid ("IFB") process:

- **Services over $50,000**
- **Goods over $100,000**
- **Public Construction / Playground (design/build & equip) over $200,000**

Allow at least 60 days for this process to be completed.

Breaching those thresholds requires approval by Council before the RFP/IFB can be released to vendors for bid, and requires Council to award the resultant contract.

Berkeley law (Ordinance 6,875-N.S.) requires City Council approval of all purchases exceeding the above limits. No waivers are available except by the Council or during an emergency as defined by Section I.4. Section 67(a) of the City Charter requires that:

"Each specific improvement and each purchase of supplies, equipment or materials the expenditure for which exceeds an amount set by ordinance, as provided for in Section 67(b) hereof, shall be done by contract authorized by resolution of the Council and said contract shall be let to the lowest responsible bidder after advertising for sealed proposals for five (5) consecutive days as required by this Charter. "

The Departmental Representative (Project Manager) requiring goods or services over the formal competitive threshold must first complete the designated form (see Section X). The project manager identifies funding within the Department's budget and sends to the Budget Division. The Budget Division approves specification requests which prompts General Services to assign a Specification umber to the project. Once the number is assigned, the Project Manager develops the RFP or IFB from the boilerplate (See Section VIII) and forwards it to General Services for review. For specific instructions on boilerplates, conditions, and required attachments (See Section VIII.9).

Once completed and ready for release General Services will post the RFP/IFB on the City of Berkeley web site and coordinate its distribution to identified vendors. If advertisement in another medium is required the Project Manager will place the advertisement and give that information to the General Services Division to be documented in the file. General Services is designated as the only office authorized to receive all vendor responses to RFP/IFB released by the City.

Opening of bids and proposals occurs on Tuesdays and Thursdays at 2:00 p.m. Bids are opened at 2180 Milvia St., 3rd floor, Finance Department (or other designated room or location at 2180 Milvia), unless exigent circumstances arise. RFPs are opened online by the team. General Services will notify the Project Manager when bids are available after they are documented on a bid abstract and stored in a shared project folder.

It is up to the Department to determine the successful vendor proposal (see Section III.8) and enter a Requisition on the City's financial system (See Section VIII.1) and/or develop a blue-backed contract (using the procedures available on the City's intranet – Contracts Online).

7. Federal Funds Requirement

It is a requirement that when any federal money has been awarded to the City of Berkeley, the City's policy is not to procure goods or services or make contract purchases from an entity or individual included on the federal debarment list. Any purchase or contract greater than $50,000-services, $100,000-goods, $200,000-trades, shall not be made from or with an entity or individual included on the debarment list.

The project manager must verify vendor status by checking the debarment list before a purchase is made or entering into contract.

To check for debarment, go to the federal government's current web page(s) for listing of debarred firms:

1. https://sam.gov/content/exclusions

Include the documentation of this review with your contract when required.

III – City Purchasing Procedures

1. Introduction

This section of the manual describes common City of Berkeley Purchasing procedures. All employees who initiate or approve the procurement of goods and services for the City must be familiar with these procedures.

2. Responsibilities of the General Services Division

It is the responsibility of General Services to process PRs into POs. GS staff process PRs into POs using the City's financial system. The PO is then sent to the vendor to obtain the needed goods or service. If the order is under $50k-services, $100k-goods, $200k-trades, PRs will be processed from one (1) to five (5) days after approval, depending on the complexity of the order. Purchases exceeding those thresholds must go through the formal bid process. See Section II for Bid and Council requirements. General Services is responsible to ensure all Council directed requirements and Administrative Regulations are followed during the procurement process. Buyers are responsible for following all requirements and are ultimately responsible for the procurements they process.

For blue-backed contracts General Services will require five (5) days for review of contracts.

3. Responsibilities of the Operating Departments

It is the responsibility of the operating departments to determine which goods and services are required for the proper operation of their respective departments. The department inputs a PR into the City's financial system after verifying funds are available in the appropriate budget code. Staff should provide a clear, concise, and complete description or specification to General Services on the PR. The operating departments must approve PRs, and ensure funds are being used correctly. The individual approving a PR should not be a relative or near relative as outlined in AR 2.12 of the person who entered the PR to ensure an appropriate segregation of duties.

All department staff have a fiduciary duty to spend the public’s money in a way that is consistent with the City Charter, Resolutions, Ordinances, and Administrative Regulations. Documentation of all purchases made with City funds are subject to the California Public Records Act.

4. Purchasing Requisitions

The procurement of all goods should be initiated through the City's financial system on-line PR preparation and submittal process. The department or division making the request must submit and approve the PR. (See Section VIII for instructions on entering and approving PRs on-line).

- **Services less than $25,000**
  For the procurement of low risk **services**, e.g., a performer at a festival, the risk of the service is to be determined by the General Services Manager or Contract Administrator. If the low-risk service is under $25,000, it can be initiated through the on-line PR preparation and submittal process, and an authorized City PO will govern the transaction. The department or division making the request must submit and approve the PR.

- **Services in excess of $25,000**
  The procurement of **services** over $25,000 is to be completed through the blue-backed contract (See the intranet for "Contracts Online") process. A PR for services on a blue-backed contract is a payment mechanism.

Certain engagements under $25,000 may require a blue back based on risk level as determined by the City Attorney and/or General Services.

The path of procurement for a combination of goods and services is determined by whether the preponderance of what is being provided by the vendor is a good or a service.

When initiating an on-line requisition, staff must provide a specific description of what is needed. A manufacturer and a manufacturer part number when available should be provided on the PR. This allows General Services to ensure the end user gets the product they need. However, General Services may make suggestions for alternate products with the same specifications to an end user if appropriate. General Services staff is available to help in this process or provide additional ideas for finding a needed commodity, service, or potential vendors. As the price of the good or service rises (see Section II requirements), the requirements for the procurement become more restrictive and time consuming.

Applicable freight, shipping, and handling charges should be included on the PR. In general, freight and shipping costs are not taxable (although handling charges are taxable). Consult the General Services division for questions on taxes and shipping. In general, most purchases of goods are subject to current sales tax. However, some purchases (such as prescription drugs bought by the HHS Department) are not taxable.

All items requisitioned should be required to meet the current operating needs of the department.

The following information should be known before beginning a requisition:

1. A description of the good or service needed, or a thorough scope of work;
2. The quantity needed;
3. The business reason for the purchase;
4. Where, when, risk of loss and title transfer for goods;
5. A reasonable delivery period and/or project schedule;
6. The correct budget code; (Look up available in the City's financial system. Funding must be currently available for each item on the requisition. If these requirements are not meet, the Purchase Requisition cannot be processed);
7. The commodity and sub commodity code for the item; (Look up available in the City's financial system);
8. Quotes or Proposals from vendors who can provide the required goods or services;
    a. Quote(s)/Proposal(s) from local Berkeley-based vendors;
    b. Use of the central bidders list from General Services;
    c. Application of the 5% local preference to compare quotes; and
9. The preferred vendor; (may be changed by General Services if the Buyer deems the price is not fair and reasonable.)

Approval of Purchase Requisitions

All Requisitions must be approved within the department (authorized personnel are designated by the department Director) before processing by the General Services Division. The approving personnel cannot be the same person as the requisition's originator, nor can the approver be a near relative as outlined in AR 2.12. For step-by-step instructions see the PR Entry and Requisition Approval Procedures in Section VIII. In some cases, other departments must approve certain commodity groups before General Services will issue a PO, e.g., computers, software, and peripherals need to be approved by IT prior to being requisitioned.

Pre-encumbrance/Encumbrance

Immediately following the approval of a requisition, funds are pre-encumbered against the budget code for the amount of the PR. The amount of the pre-encumbrance does not include tax. Pre-encumbered funds render the budgeted funds unavailable for additional purchases. The pre-encumbered funds remain pre-encumbered until the PR is canceled, or the Buyer prepares the purchase order. If the PR is canceled the funds are released back into the budget code from which they were pre-encumbered. When the Buyer prepares the PO, the pre-encumbrance is liquidated, and the funds are then encumbered. The amount of the encumbrance includes tax. See the Outstanding Pre-Encumbrance Report Procedure in Section IX to track encumbered amounts.

Budget Codes

The correct budget code must be used on PRs. If you are purchasing office supplies, object code -641110 should be used. There is a look up feature in the City's financial

system to identify the correct budget code. Fixed Assets must use budget codes with object code -66xxxx. Fixed assets are items which have an individual total cost of $5,000 or more (including tax and shipping) *and* have a useful life greater than one year. There is an exception for fixed assets individual costs if items must be used together and each component is less than $5,000 but the total cost for the units will be over $5,000. For example, Herman Miller Office Furniture where each panel is less than $5,000, but to create a cubical, five (5) panels are required and the cost of five (5) panels is above $5,000. If you have any questions about what object code to use, please contact General Services.

5. Receipt and Invoice Processing

All invoices are to be emailed to:

Accounts Payable Dept. at accountspayable@cityofberkeley.info.

For those that cannot be emailed, use **P.O. Box 700, Berkeley, CA 94701**.

Departments are responsible for the timely review and approval of invoices. Invoices that are accurate, complete, and thorough are to be approved and processed so that the City can and will pay within the agreed upon terms. Net 30 is standard, though other terms may be mutually agreed upon.

If an invoice is for a blue-backed contract the invoice should be sent to the address above referencing the name of the project manager. Following delivery of the requisitioned good or service, the originating department/division must formally “receive” it using the City's financial system. See the Receiving Procedures (See Section VIII.6). When the department/division receives a final invoice from the vendor mark the invoice “FINAL INVOICE” in red pen and Accounts Payable will electronically close the PO.

6. Liquidation of Remaining Funds on a PO

To liquidate any remaining funds on a PO a “Change Order Request” form must be submitted to General Services. (See Section X). To avoid the need to submit a “Change Order Request,” final invoices should be marked in red ink “Final Invoice” and AP will liquidate any encumbered amount after payment of that invoice.

7. Purchases Requiring Special Handling

Certain types of requests for goods and services either are not made through the PR procedure at all or are made through a modified PR procedure.

- **Petty Cash Procedures.** Items with a total value (per order) of $100.00 or less may be procured using petty cash procedures. Generally, minor office supply needs and transportation reimbursements may be initiated and paid within the Department structure using this provision. An item that is purchased on a regular basis should not be procured using this procedure. See AR 3.3 (See Section I.11), “Petty Cash Revolving Accounts”.

- **Blanket Orders (BPO).** BPOs for goods are used to establish an overall spending limit for goods that will be needed in small amounts though the fiscal year. BPOs are established for one year. A standard PR process is required, and Section II Purchasing limits apply to the entire blanket order (i.e., BPO’s in excess of City Manager’s expenditure authority ($100,000) must go to City Council). It is the responsibility of the division to ensure authorized releasers on BPOs are kept current throughout the fiscal year. Additional PRs are required to add monies to BPOs and the BPO number should be noted on the new PR. If the BPO is going to exceed the City Manager’s authority, City Council must approve increase. The quote process is not required for BPOs as prices are as billed by the vendor. Discounts are documented by General Services. BPOs where specific prices have been negotiated will remain stable through the term of the BPO. No individual order should exceed $5,000 and Fixed Assets should not be ordered on a BPO, as the object code is not correct on a BPO and instead needs to be expensed from object code -66xxxx series.

- **Emergencies.** In extreme circumstances, a “Field PO” may be issued by the Purchasing Division with approval of the City Manager. This situation requires the establishment of an “actual emergency and of urgent necessity for the preservation of life, health or property” (City Charter Section 67.4). Emergency purchases may not exceed the City Manager’s authority limits as set by Council (Ordinance 6875-N.S., 2005). Whenever possible, the Purchasing Division will continue to seek as many quotes or bids as would otherwise be required if the emergency did not exist. If a purchase order will be generated using the City's financial system, purchasing staff will notify the selected vendor of the PO number and provide a department contact or delivery address for the emergency item(s).

- **Warehouse Items.** Certain public works and electrical items are regularly maintained and warehoused by the City. The standard requisition format on the City's financial system is used.

- **Sole/Single-Source Procurements.** Any procurement established by a project manager and approved by the City Manager that is considered Sole/Single-source will be processed without a competitive bid process. When feasible the department should conduct market research to ensure the prices proposed are fair and reasonable, or request assistance from General Services.

- **Formal RFP or IFB.** Purchases expected to exceed $50,000 for services, $100,000 for goods, and $200,000 for construction must follow a strict path to ensure a valid, fair and impartial selection process. Allow at least 60 days for this process to be completed and a vendor selected. Before initiating the standard PR process, an originating Department (through a Project Manager) will send a request for a specification number (on a "Formal Bid Solicitation and RFP/IFB to be issued within 30 Days" form (See Section X) via an email to the Budget Division, with a copy to General Services (purchasing@cityofberkeley.info). The funds must be available in the budget code identified or no number will be issued. If General Services staff has no questions, a Specification Number will be provided to the Project Manager via email. General Services will then submit their report to City Council based on the City Clerk's Council Meeting Timeline. It takes approximately 35 days from the time the report is submitted until City Council reviews it. The bid *should not* be released to vendors until after City Council has reviewed the General Services report. The Project Manager will develop the elements of an RFP or an IFB. The following information is required before beginning this process:

    - Thorough description of the goods, services, or scope of work required;
    - Approximate bid or proposal opening date (this must be at least 7 days after the item has been on the 30-day report to Council);
    - Intended use of the goods or services;
    - Estimated cost;
    - Confirmation of AB 339 compliance from HR;
    - Budget code (ensure that funds are available); and
    - Project Manager's contact information (for questions or consultation).

When the purchase is sufficiently described and contract elements are defined (See the "Contracts Online" Manual), the full RFP/IFB may then be developed using the City of Berkeley boilerplate based on individual departmental processes.

When completed, the completed RFP/IFB is forwarded to General Services for review (if necessary, the City Attorney may be consulted at this time) and when the item has been reviewed by City Council on the "Formal Bid Solicitations and RFP/IFB Scheduled for Possible Issuance within 30 Days" report, it will be released to begin the bid process. In cases where there are very tight time constraints and, through no fault of the end user, a bid needs to be released before approval by Council, the opening date of the bid will be at least one (1) week after review by Council.

General Services staff releases the RFP/IFB to designated vendors, posts the RFP/IFB on the City website and in designated area(s), arranges a location to physically open

the sealed bids or proposals, and invites designated city employees (as needed). This process is to ensure that all vendors who wish to bid have the opportunity to bid in a fair and open environment. As with all detailed procurements, General Services staff is available for consultation in identifying potential vendors.

Any and all questions posed to the Project Manager need to be submitted in writing. The Project Manager then gathers all the questions and answers and submits the information to General Services. General Services then posts the Q&A to the city's website as an addendum to the IFB/RFP. This ensures all vendors receive the exact same information at the same time and no vendor is given an advantage over another.

After receiving vendors' proposals, General Services will open the sealed bids or proposals submitted by vendors. Bids are only opened on Tuesdays and Thursday at 2:00 p.m. Sealed bids are opened at 2180 Milvia Street. RFP responses are opened by General Services staff (in person or online). All IFBs and RFPs must be received prior to 2:00 p.m. or they will be rejected. There is no exception to this time. General Services will fill out a bid abstract at the bid opening. This form documents the vendors who responded in a timely manner to the RFP/IFB. IFB openings are open to the public. RFP openings are not open to the public.

Sealed bid proposals are scanned and stored in the shared project file. RFP responses are stored in the shared project folder. If a contract is required for this type of procurement information to complete this process is provided on "Contracts Online" (on the City's intranet).

8. Competitive Formal Bid Evaluation

The criteria for selection of a vendor are dependent on the type of solicitation issued. An IFB is awarded to the lowest responsive/responsible bidder. RFP criteria selection needs to be outlined in the RFP. Proposals are evaluated on selection criteria established in the RFP. A selection committee makes the evaluation based on the criteria set forth in the RFP. (For detailed information regarding IFB/RFP, see Section VIII.9). Evaluations can include product demonstrations, a vendor conference, and reference verification. All evaluation committee member should score vendor proposals independently. Committee members then rank vendors according to all evaluation criteria as outlined in the RFP. It is very important that all vendors receive the same information. No vendor can be given an unfair advantage in submitting bids to the City. All vendors must be treated fairly.

Local, Berkeley-based firms, are either provided pricing consideration or the ability to earn extra evaluation points as stated above.

9. Contracts – Blue-Backed

Blue backed contracts are required for services where the expenditure exceeds $25,000. Unless a pre-approved boilerplate is used, all contracts must be provided to the City Attorney for review and approval. All contracts must go through the City Manager and City Clerk. Exceptions are outlined in Section III.4 (Low-dollar, low-risk types of services.) Instructions for initiating contracts are on the City's intranet under "Contracts Online." The Contracts Online Manual outlines the different types of City contracts and summarizes compliance procedures. Contracts are formal written legal agreements between two or more parties, which must be written in accordance with established City procedures. These procedures should be followed for all contracts, whether the contractor is selected through the formal bid process, the RFP process or informal solicitation. Purchases of goods or supplies are made through purchase orders.

The most frequently used standard City contract is the Personal Services expenditure contract. "Personal services" primarily refers to "direct services". "Direct services" means services, other than "professional services", which cannot be provided through the Civil Service system, such as maintenance, gardening, linen and security services. "Professional services" means services which are of an advisory or artistic nature, require advanced knowledge and personal expertise in a field of science or learning or originality and creativity in a recognized field or art, and require consistent exercise of personal discretion and independent judgment, including, but not limited to, accounting, legal, architectural, or engineering services, economic, market and systems analysis, program evaluation, operations research, development of unique computer programs, training, medical service, and legal advice or representation. Those engagements utilize a "Professional Services Contract".

Certain engagements under $25,000 may require a blue back contract based on risk level as determined by the City Attorney and/or General Services.

Contracts General Services will require five (5) days for review.

10. Piggyback and Cooperative contracts

One way to procure goods/services without a solicitation is by piggybacking off an existing, competitively bid contract from another public agency. This saves time and resources by leveraging the original contract's scope of work, pricing and schedule as long as the original contract allows for it. The existing contract/agreement must be vetted to ensure it complies with City of Berkeley purchasing policies and procedures and the new contract must have an identical scope of work. Otherwise, the contract process proceeds like any other contract and requires all the same boilerplates, attestations, insurance and signatures.

11. Sole Source and Single Source

Should a procurement be needed through use of a sole source (only one true provider), or single source (multiple providers, but not amenable for competition), departments should conduct market research to justify the business case for such an action. A waiver is required and should be based upon the market research and reasonable conclusion to only use one source.

12. Protest of Award

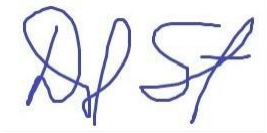
Anyone may protest a decision to award a bid. The protesting party must first submit a letter to the Project Manager describing the basis of the protest. The Project Manager then reviews the basis of the protest, sends a copy to the apparent low bidder for comments/rebuttal and then reviews the protest with Legal and General Services before making a determination on the validity of the protest. If necessary and at the City's sole discretion, the Project Manager and/or Department Director may hold an informal hearing with all interested bidders prior to making a decision. If the contract is a City Council approved contract, the matter is then brought before Council as part of the award process along with a recommendation for disposition of the protest.

General Services Division - Purchasing

Procurement Ethics Policy

The Purchasing Staff in the General Services Division subscribe to the following procurement ethics policy as administered by California Association of Public Procurement Officials (CAPPO):

To regard public service as a sacred trust, giving primary consideration to the interests of the public agency that employs us,
To purchase without prejudice, seeking to obtain the maximum value for each dollar expended,
To avoid unfair practices, giving all qualified vendors equal opportunity,
To honor our obligations and require that obligations to our public agency be honored,
To accord vendor representatives courteous treatment, remembering that these representatives are important sources of information and assistance in solving our procurement needs,
To refuse to accept any form of commercial bribery, and prevent any appearance of so doing,
To be receptive to counsel from our colleagues, and to cooperate with them to promote a spirit of teamwork and unity,
To conduct ourselves with fairness and dignity, and to demand honesty and truth in the procurement process,
To strive for greater knowledge of procurement methods and of the materials we purchase,
To cooperate with all organizations and individuals involved in activities designed to enhance the development of the procurement profession, remembering that our actions reflect on the entire procurement profession.



Darryl Sweet, MSCM, CPSM
General Services Manager
City of Berkeley

Revised November 2025
Posted on intranet January 2026

Revisions in this version:

- Section 1.3 – Rewritten for clarity and consistency with waiver form. Added recommended re-bid schedule for contracts
- Section 3.10 – Rewritten for clarity

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

26

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Berkeley Flea Market End-of-the-Season Fall Festival/Halloween Celebration Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:
Adopt a Resolution approving the expenditure of funds, including $600 from Councilmember Ben Bartlett, for the End-of-the-Season Fall Festival / Halloween Celebration of the South Berkeley Flea Market at Ashby BART, organized by Community Services United, a 501(c)3, with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.

CURRENT SITUATION:
The South Berkeley Flea Market (BFM), organized by Community Services United, is celebrating the Harvest Day on October 24, 2026, as a Fall Festival and on October 31, 2026, as a Halloween Celebration. Celebrating the season while shopping with local vendors and discovering unique finds. The two events also mark the End-of-Season celebration for the Flea Market, as the Flea Market will hold the event of the Season outdoors due to expected cold weather (The Flea Market expects to remain open every weekend year-round except days that have heavy rain and/or wind.)

October 24th, the Fall Event is BFM's first annual food festival! The purpose of this event will be to highlight local growers and farmers' produce with live music and entertainment. Madam President will be serving $5 healthy meals of succotash and brown rice bowls, fresh-cut fruit bowls, and bottled water. Participants will include Ecology Center's Farmer's Market, The Garden Project, and Soul Flower Farm as local growers. Entertainment will include Carah H, soft line dance instructor, Kazemde's Jazz Band, and International DJ Al.

On October 31st, BFM will host its first annual Halloween Celebration! The purpose of this event will be to distribute candy and wellness snacks for South and West Berkeley community children and families. Participants will include consumer traffic. Entertainment will include International DJ Al. Vendors will have costumes, fashion clothing, and trinkets for your shopping convenience and fun for all!

BACKGROUND:

The Berkeley Flea Market emerged in the early 1970s in Berkeley, California, during a period marked by social activism, cultural expression, and economic experimentation. As the Bay Area Rapid Transit (BART) system expanded, and the land surrounding the Ashby BART Station became an informal gathering place for artists, craftspeople, musicians, and small entrepreneurs. What began as a grassroots vending activity evolved into a recognized community market.

By the 1980s and 1990s, the Berkeley Flea Market had become a major weekend destination in the East Bay. It was known for its diversity of vendors offering handmade goods, vintage items, global foods, and art rooted in African, African American, Caribbean, and diasporic traditions. Live music, spoken words, and cultural exchange were integral to the market, establishing it as both a commercial and cultural institution. In this context, the Berkeley Flea Market became a community-based economic response, offering self-employment and cultural space near transit-adjacent land.

The purpose of the Harvest Day event is to introduce underserved communities to agricultural production. The Halloween Celebration will reward South Berkeley resident households with sweet treats and outdoor entertainment.

ENVIRONMENTAL SUSTAINABILITY

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; $600 is available from Councilmember Ben Bartlett's discretionary office budget of Councilmember Ben Bartlett.

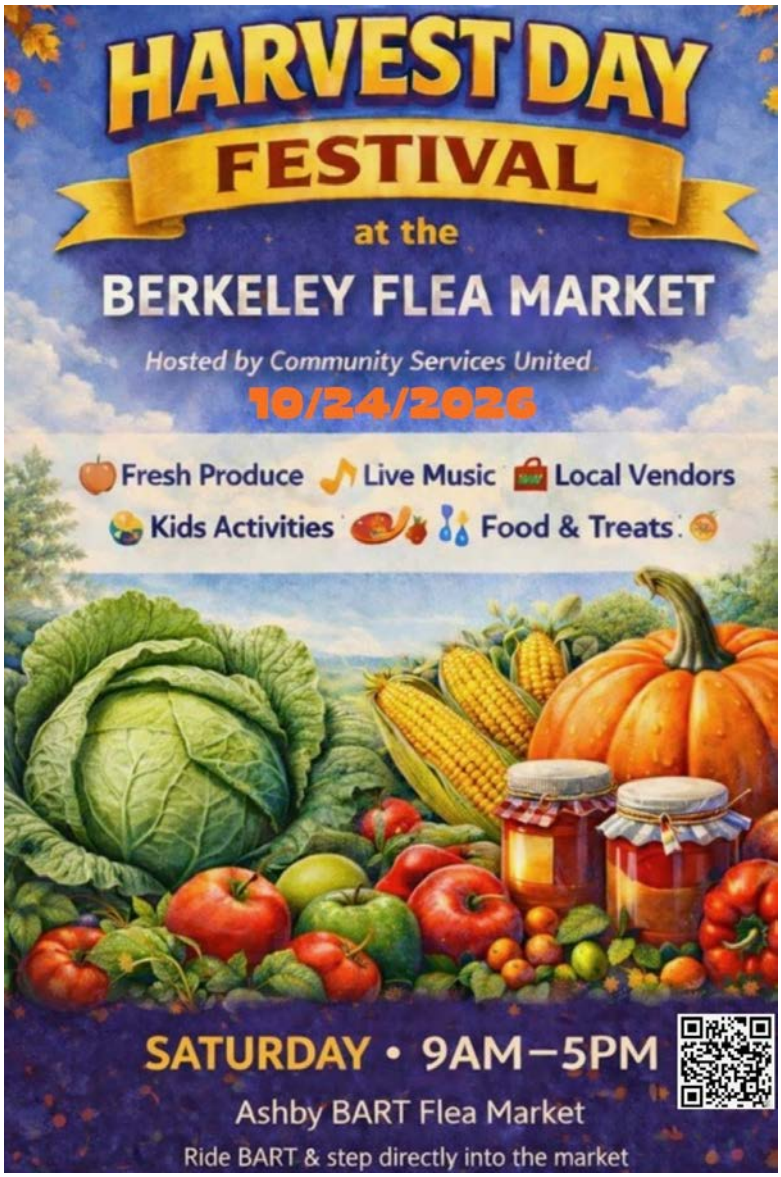
CONTACT PERSON:

Councilmember Ben Bartlett bbartlett@berkeleyca.gov
James Chang jchang@berkeleyca.gov

ATTACHMENT:

1. Event Flyer
2. Resolution to authorize the expenditure of surplus funds added.

Attachment 1:



Attachment 2:

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

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

WHEREAS, Councilmember Bartlett has surplus funds in his office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation, Community Services United, will receive the funds; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: Community Services United promotes greater societal cohesiveness and well-being by educating and involving the community-at-large in historical, family, and cultural activities; and

WHEREAS, Community Services United hosts various activities, including monthly celebrations and seasonal cultural events such as Art Walk, Music at the Market, Job Fair at the Market, and End-of-the-Season Fall Festival / Halloween Celebration; and

WHEREAS, cultural celebrations are critical to the social and spiritual unity of our community, and are integrated into Community Services United events; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their council office budget, of an amount to be determined by each Councilmember, shall be granted to Community Services United.

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BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author)

Subject: Harriet Tubman Terrace residents' low-income housing Bay Cruise Lunch event on Thursday, November, 5, 2026 - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:
Adopt a Resolution approving the expenditure of funds, including $500 from the discretionary Council Office Budget of Councilmember Ben Bartlett for the Harriet Tubman Terrace residents' low-income housing Bay Cruise Lunch event on Thursday, November, 5, 2026, to Nonprofit and 501(c)3: Lifesteps, to fund operational resources. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.

BACKGROUND:
On November 5, 2026, Life Steps and Asset Living Management will host a Bay Cruise Lunch event for Harriet Tubman Terrace Residents, home to low-income senior and disabled residents, many of whom have never had the opportunity to ride a ferry, board a cruise ship, or travel beyond Berkeley. This recreational event provides an opportunity for social engagement, joy, and exposure to new experiences that enhance quality of life.

The event will run from 10:00 AM to 2:00 PM at The Berkley Port. The event will strengthen community engagement and boost morale among seniors who travel infrequently. Harriet Tubman Terrace was built in 1970; it started off as a Safe Haven for musicians. It later became a beacon of low-income affordable housing for Seniors and people with disabilities. Harriet Tubman Terrace is named after a human rights activist who helped free salves. Harriet Tubman Terrace legacy lives on through the residents of Harriet Tubman Terrace and beyond. The program features monthly guest speakers, Jazzy Therapy, and interactive activities.

ENVIRONMENTAL SUSTAINABILITY:
No negative impact.

FISCAL IMPACTS OF RECOMMENDATION
There is no General Fund impact; $500 is available from the discretionary council office budget of Councilmember Ben Bartlett.

CONTACT PERSON:

2180 Milvia Street, Floor 5, Berkeley, CA 94704 ● Tel: (510) 981-7130 ● Email: bbartlett@cityofberkeley.info
1

Councilmember Ben Bartlett bbartlett@cityofberkeley.info
James Chang jchang@cityofberkeley.info

ATTACHMENTS:

1. Draft Resolution
2. Harriet Tubman Terrace Residents' Bay Cruise Lunch Flyer

Attachment 1:

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCIL MEMBERS FOR A DONATION TO LIFESTEPS NONPROFIT FOR HARRIET TUBMAN TERRACE RESIDENTS' LOW-INCOME HOUSING BAY CRUISE LUNCH EVENT

WHEREAS, Councilmember Ben Bartlett has funds in his office expenditure account; and

WHEREAS, Lights of Tomorrow, a non-profit organization, will receive funds in the amount of $500 from Councilmember Ben Bartlett’s office expenditure account; and

WHEREAS, the Lifesteps nonprofit and Harriet Tubman supports seniors through educational, community, and volunteer programs that connect them with positive experiences from the community; and

WHEREAS, the provisions of such services would fulfill the municipal public purpose of providing seniors with educational programs and activities to empower them to build a more fulfilling and prosperous future; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their office budgets, of an amount to be determined by each Councilmember, shall be granted to Lifesteps nonprofit for Asset Living Management for a Bay Cruise Lunch event for Harriet Tubman Terrace on November 5, 2026

Attachment 2:



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CONSENT CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Shoshana O'Keefe

Submitted by: Rebecca Alcalá-Veraflor, Director of Library Services

SUBJECT: Appointment of Charles "Court" Jackson to the Board of Library Trustees

RECOMMENDATION
Adopt a Resolution appointing Charles "Court" Jackson to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.

FISCAL IMPACTS OF RECOMMENDATION
No fiscal impacts.

CURRENT SITUATION AND ITS EFFECTS
At the October 7,2026, regular meeting of the Board of Library Trustees, Trustees voted to recommend that the City Council appoint Charles "Court" Jackson for a 4-year term on the Board.

BACKGROUND
Pursuant to Section 30 of the Charter of the City of Berkeley, "[f]ive Library Trustees shall be appointed and may be removed by a vote of five members of the Council." BMC Section 3.04.010 further provides that "[t]he term of office of the members of the board shall be four (4) years." In addition, it is traditional that BOLT formally recommends to the City Council a preferred candidate for appointment.

The process BOLT undertakes to identify and recommend a candidate is to broadly promote the Board vacancy to the general public, review questionnaire responses, interview all candidates at a public meeting or meetings, and vote to recommend an applicant to the City Council for appointment. The Board of Trustees Vacancies Policy most recently updated in December 2023 outlines the process for selecting a nominee for appointment.

Trustee Roth's final term formally ended on January 3, 2026. President Beverly Greene appointed the ad hoc nominating subcommittee at the February 4, 2026, regular BOLT meeting. Recruitment opened from February 25 to March 31, and a total of twenty-one people applied.

After review of the applicant pool, committee members President Greene & Trustee Roth selected seven candidates to meet virtually and prescreen before making a recommendation to the Board of five candidates to interview, per the Board of Library Trustees Vacancies Policy.

CURRENT SITUATION AND ITS EFFECTS
Candidate interviews were held at the September 2, regular BOLT meeting. Five people were invited to participate in the public interview, but only 4 were interviewed.

On October 7, BOLT engaged in an informal discussion of the candidates, followed by a vote.

BOLT's recommendation will be referred to City Council. A majority vote of all the members of the City Council is required to appoint a member to the board.

The new Trustee's term is anticipated to begin November 4, 2026.

After thoughtful consideration, BOLT voted to approve Resolution No.: 26-55 (Attachment 2), recommending that the City Council appoint the preferred candidate, Charles "Court" Jackson, to the Board of Library Trustees.

Vote: Ayes: Trustees O'Keefe, Roth, Greene and Ami. Noes: None. Abstentions: None.

ENVIRONMENTAL SUSTAINABILITY
Not applicable.

RATIONALE FOR RECOMMENDATION
The City Council needs to appoint a new Trustee for a 4-year term to fill the current vacancy, fulfilling the Charter requirement that the Board consists of five members. Charles "Court" Jackson has been recommended by the BOLT and exceeds the stated qualifications and experience desired in a Trustee, including (1) a demonstrated commitment to equity, diversity and inclusion, (2) executive leadership, business, financial and administrative skills, (3) leadership experience in community-based, non-profit, or government agencies, and (4) strong public library advocacy and a passion for lifelong learning and community engagement.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Rebecca Alcalá-Veraflor, Director of Library Services and Secretary to the Board of Library Trustees
510-981-6195

Attachments:
1. Resolution

2. Trustee Appointment Process Report of October 7 meeting
3. Board of Library Trustees Resolution No.: 26-055
4. Charles “Court” Jackson BOLT application
5. Board of Library Trustees Vacancies Policy
6. BOLT Selection Criteria Summary

RESOLUTION NO. ##,###-N.S.
APPOINTMENT OF CHARLES “COURT” JACKSONTO THE BOARD OF LIBRARY TRUSTEES

WHEREAS, the Board of Library Trustees consists of five members appointed by the City Council to serve four-year terms; and

WHEREAS, the Board of Library Trustees currently has two open positions to be filled by the City Council; and

WHEREAS, the Board of Library Trustees undertook a robust recruitment effort to identify candidates to recommend for appointment by the City Council to fill two current openings on the Board; and

WHEREAS, Trustee Roth’s second four-year term ended on January 3, 2026; and

WHEREAS, during the February 4, 2026, meeting of the Board of Library Trustees (BOLT), the Board instructed staff to begin solicitation for applications to fill two vacancies; and

WHEREAS, the Board of Library Trustees directed staff to widely publicize the vacancies; and

WHEREAS, the City Clerk’s Office of the City of Berkeley received 21 applications from interested parties; and

WHEREAS, the Board of Library Trustees interviewed 4 of the applicants during a regular BOLT meeting on September 2, 2026; and

WHEREAS, the Board of Library Trustees held discussions, shared nominations, and voted on the nominees during a regular BOLT meeting on October 7, 2026; and

WHEREAS, the Board recommends Council set the conditions for this appointment as a 4-year term with the effective date of November 4, 2026; and

NOW, THEREFORE, BE IT RESOLVED that the preferred candidate **Charles “Court” Jackson** be appointed to the Board of Library Trustees beginning November 4, 2026.

ADOPTED by the City Council of the City of Berkeley during a regular meeting held on October 27, 2026.

ACTION CALENDAR
October 7, 2026

To: Board of Library Trustees

From: Rebecca Alcalá-Veraflor, Director of Library Services

Subject: Recommendation to the City Council regarding the appointment of two trustees to serve a four-year term each, to fill the vacancy resulting from Trustee Villanueva's resignation and the vacancy created by Trustee Roth's expired term.

INTRODUCTION
Trustee Priscilla Villanueva announced her resignation in December 2025 and participated in her last Board of Library Trustees meeting on December 3, 2026. Additionally, Trustee Amy Roth's second term was scheduled to expire on January 3, 2026. The Board initiated the process to fill both vacancies in February 2026. Trustee Roth kindly consented to extend her term and serve as a member of the ad hoc nominating committee, which was established by President Greene per the revised Board of Library Trustees Vacancies Policy to assist in the search for her and Trustee Villanueva's successor during the library's transitional period. This process has continued, and candidate interviews were conducted on September 2, 2026.

FISCAL IMPACT
None.

BACKGROUND
The City Council reserves the right to appoint and remove library trustees by a vote of five council members. The Board of Library Trustees (BOLT) contributes to the process by recommending a candidate(s) to the City Council for approval. The Board of Trustees Vacancies Policy, most recently modified in December 2023, outlines the process for selecting candidate(s) for appointments.

CURRENT SITUATION AND ITS EFFECTS
President Beverly Greene appointed the ad hoc nominating subcommittee at the February 4, 2026, regular BOLT meeting. Recruitment opened from February 25 to March 31, and a total of twenty-one people applied.

After review of the applicant pool, committee members President Greene & Trustee Roth selected seven candidates to meet virtually and prescreen before making a recommendation to the Board of five candidates to interview, per the Board of Library Trustees Vacancies Policy.

Candidate interviews were held at the September 2, regular BOLT meeting. Five people were invited to participate in the public interview, but only 4 were interviewed. At the October 7, regular BOLT meeting, the trustees will vote on two candidates they recommend for nomination to the City Council, following discussion.

The voting will proceed as follows, as enumerated in the Board of Library Trustees Vacancies Policy:

1) The President calls for nominations for the Trustee vacancy. Every Board member has the opportunity to share their nomination for the vacancy at this time, in the beginning of the process. No one is required to make a nomination.

2) A random voting order for each name is established.

3) Each Trustee receives one vote per round.

4) When each name is called, Trustees may vote yes, no, or abstain.

5) Any candidate that receives three votes will be the nominee for the BOLT vacancy that will be submitted to City Council.

6) The candidates that follow the candidate having received three votes will not be the nominee.

7) If no one receives a majority of the votes, the President will call for nominations for a second round.

8) A random voting order for each name will be established again.

9) The process will continue until a candidate receives a majority (three) of the votes.

The term for the new Trustees is anticipated to begin November 4, 2026.

FURTHER ACTION

BOLT's recommendation will be referred to City Council. A majority vote of all the members of the City Council is required to appoint a member to the board.

CONTACT PERSON

Rebecca Alcalá-Veraflor, Director of Library Services, 510-981-6195

Attachments:

1. Resolution – Trustee Vacancy 1
2. Resolution – Trustee Vacancy 2
3. Candidate list
4. BOLT Selection Criteria Summary
5. Board of Library Trustees Vacancies Policy updated 12/06/23

BOARD OF LIBRARY TRUSTEES

RESOLUTION NO: 26-055

RECOMMENDATION OF THE PREFERRED CANDIDATE TO THE CITY COUNCIL OF THE CITY OF BERKELEY TO FILL THE TRUSTEE VACANCY RESULTING FROM TRUSTEE ROTH'S TERM EXPIRATION ON THE BOARD OF LIBRARY TRUSTEES EFFECTIVE NOVEMBER 4, 2026

WHEREAS, Trustee Roth's second, four-year term ended on January 3, 2026; and

WHEREAS Trustee Roth consented to extend her term and serve as a member of the ad hoc nominating committee, to assist in the search for her and Trustee Villanueva's successor; and

WHEREAS, during the February 4, 2026, meeting of the Board of Library Trustees, President Greene appointed the ad hoc nominating subcommittee, and the Board instructed staff to begin solicitation for applications to fill two vacancies; and

WHEREAS, the Board of Library Trustees directed staff to widely publicize the vacancies; and

WHEREAS, the City Clerk's Office of the City of Berkeley received 21 applications from interested parties; and

WHEREAS, the Board of Library Trustees interviewed 4 of the applicants during a regular BOLT meeting on September 2, 2026; and

WHEREAS, the Board of Library Trustees held discussion, shared nominations, and voted on the nominees during a regular BOLT meeting on June 5, 2024; and

WHEREAS, the Board recommends Council set the conditions for this appointment as a 4-year term with the effective date of November 4, 2026; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Library Trustees of the City of Berkeley recommends to the City Council of the City of Berkeley that the preferred candidate CHARLES "COURT" JACKSON be appointed to the Board of Library Trustees beginning November 4, 2026.

ADOPTED by the Board of Library Trustees of the City of Berkeley during a regular meeting held on October 7, 2026.

AYES: Trustee Ami, Greene, O'Keefe and Roth.
NOES: None.
ABSENT: None.
ABSTENTIONS: None.

Beverly Greene, President
Board of Library Trustees

Rebecca Alcalà-Veraflor, Director of Library Service
Serving as Secretary to the Board of Library Trustees

APPLICATION FOR APPOINTMENT TO BERKELEY BOARDS AND COMMISSIONS

Redistricting Commissioners may not be eligible to serve. Contact the City Clerk to verify.

NAME: Charles Courtney Jackson

PREFERRED PRONOUN(S): He/Him

RESIDENCE ADDRESS: [redacted] Berkeley 94702
Street City Zip

BUSINESS NAME/ADDRESS:

Street City Zip

EMAIL ADDRESS: [redacted]

OCCUPATION/PROFESSION: IT Project Manager

HOME PHONE: [redacted] **BUSINESS PHONE:**

I have been a resident of Berkeley since: 2018

I am interested in being considered for appointment to the following Berkeley board(s)/commission(s):

Name of board/commission: Board of Library Trustees

Name of board/commission:

List any qualifications (work experience, education, attributes and training) which you feel would provide positive input to the work of the commission and the reason why you are interested in being appointed:

Passionate about civic engagement and public service

Strong supporter of Library services (lending, print and digital media, workshops ane events)

Master's of Business Administration

IT Project Manager, 10+ years experience in local government and public education

Please use another sheet of paper, if necessary.

The following individuals are qualified to comment on my capabilities:

NAME	ADDRESS	PHONE NO
Rachel Zisook	[redacted]	[redacted]
Brit Harvey	[redacted]	[redacted]
Gil Levy	[redacted]	[redacted]

*****PLEASE COMPLETE DEMOGRAPHIC SURVEY *****

Please indicate gender: ☑ **Male** ☐ **Female** ☐ **Nonbinary** ☐ **Prefer not to say**
Please indicate whether you are currently a student: ☐ **Yes** ☑ **No**
Please indicate the racial / ethnic category which you most closely identify with below (*response optional - please check only one category*):

- ☑ ***WHITE (not of Hispanic or Latino origin):*** All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East
- ☐ ***BLACK or AFRICAN AMERICAN (not of Hispanic or Latino origin):*** All persons having origins in any of the Black racial groups of Africa
- ☐ ***HISPANIC or LATINO:*** All persons of Central / South America or other Spanish culture or origin, regardless of race
- ☐ ***ASIAN (not of Hispanic or Latino origin):*** All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent. This includes, Cambodia, China, Japan, India, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam
- ☐ ***AMERICAN INDIAN / ALASKAN NATIVE (not of Hispanic or Latino origin):*** All persons having origins in any of the original peoples of North, Central, and South America, and who maintain cultural identification through tribal affiliation or community recognition.
- ☐ ***NATIVE HAWAIIAN / PACIFIC ISLANDER (not of Hispanic or Latino origin):*** All persons having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- ☐ ***TWO or MORE RACES (not of Hispanic or Latino origin):*** All persons who identify with more than one of the above six races

*The City of Berkeley's Conflict of Interest Code requires members of all City of Berkeley Commissions except the Youth Commission and Commission on Status of Women to file Statements of Economic Interests – FPPC Form 700. The Form 700 is a public document. For more information, please contact the City Clerk's Department at 981-6900, or visit our website at https://berkeleyca.gov/your-government/public-records/conflict-interest-reports.

AFFIDAVIT OF RESIDENCY*

I, Charles Courtney Jackson, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: Court Jackson Date: 3/27/26

*Not required for Police Accountability Board, Loan Administration Board, Elmwood BID Advisory Board, Solano BID Advisory Board, or BUSD appointees

Return this form to the City Clerk Department: 2180 Milvia Street, Berkeley, 94704

APPOINTMENT FORM - BOARDS AND COMMISSIONS
(For Mayor and Council use only)

MAYOR/COUNCILMEMBER _____

NAME OF APPOINTEE _____

RESIDENCE ADDRESS _____
Street City Zip

BUSINESS NAME/ADDRESS _____
Name

_____
Street City Zip

EMAIL ADDRESS _____

OCCUPATION/PROFESSION _____

HOME PHONE: _____ **BUSINESS PHONE:** _____

Check appropriate box: ☐ **New Appointment** ☐ **Reappointment** ☐ **Temporary Appt.**

Temporary Appt.: From (date) _____ **To (date)** _____
(only if appointing for more than one meeting)

Please send mail to: ☐ **Home** ☐ **Business**

Please indicate the name of the board/commission to which you are appointing this individual

Board/Commission Name: _____

******Please indicate the SPECIAL CATEGORY being fulfilled, if appointment is to ANY of the following boards or commissions:*** Elmwood BID Advisory Board, Human Welfare & Community Action Commission, Loan Administration Board, Solano Avenue BID Advisory Board.

Special Category _____

Signature: _____ **Date:** _____
Mayor/Councilmember

For Mayor/Councilmember and City Use Only:

Interview Date	Appoint. Date	Process Date

1. Describe your interest in serving as a Library Trustee.

I am deeply interested in serving as a Library Trustee because I am civic-minded and committed to supporting institutions that strengthen our community. I believe libraries play a vital role in ensuring equitable access to media, information, and resources for people of all backgrounds.

It is especially important to me that libraries remain welcoming spaces that are free and accessible to individuals of all ages and interests. They provide not only educational materials, but also a sense of belonging and opportunity for lifelong learning.

2. What qualities do you consider necessary for an effective Trustee, and how do you demonstrate those qualities?

I believe an effective Trustee must be thoughtful, collaborative, data-informed, and grounded in both vision and practicality. One of the most important qualities is the ability to consider all perspectives when making recommendations or decisions. I demonstrate this in my professional work by regularly engaging with diverse stakeholders, carefully weighing different viewpoints, and assessing risks before moving forward.

Another key quality is the ability to use data effectively while also seeking out community input. I am experienced in analyzing and summarizing data, and I take pride in communicating key

3. Provide examples of current or previous community service and leadership roles.

I am actively working to become more involved in my community through local events, Boards, and Commissions. This year, I have attended Infrastructure and Parks, Recreation, and Waterfront (PRW) meetings, where I've provided input and stayed engaged on issues affecting the community. I also make a point to share updates and key takeaways with friends and neighbors so they can stay informed and involved as well.

In my current professional role, I serve as an IT Project Manager for the City and County of San Francisco. Supporting the systems and services that our community relies on is very important to

4. What do you see as the Library's role in the community now and in the future?

I see the Library as an essential resource for all Berkeleyans, serving people across race, gender, and socioeconomic status. It plays a vital role in ensuring equitable access to knowledge, technology, and community resources, helping to bridge gaps and create opportunities for everyone.

Today and in the future, the Library should continue to be a hub for enrichment across a wide range of interests and activities. Beyond books, it offers access to music, digital media, tools, classes, and workshops, as well as engaging programming for children and families. These

Name	Phone	Address
Nina Slote	[redacted]	[redacted]
Marcel Hawiger	[redacted]	[redacted]
Jamie Harvey	[redacted]	[redacted]
Kelsey Fredston-Hermann	[redacted]	[redacted]
Stan Ingberman	[redacted]	[redacted]
Sam Busa	[redacted]	[redacted]
Baru Lopez	[redacted]	[redacted]
Hannah Lopez	[redacted]	[redacted]

BERKELEY PUBLIC LIBRARY POLICIES

ORIGINAL DATE:	05/04/2022
BOLT Resolution #:	R22-025
REVISED DATE:	12/06/2023
BOLT Resolution #:	R23-056
PAGE:	1 of 3

SUBJECT: Board of Library Trustees Vacancies Policy

I. PURPOSE

Pursuant to Section 30 of the Charter of the City of Berkeley (the "Charter"), "five Library Trustees shall be appointed and may be removed by a vote of five members of the Council and one of such trustees must be appointed by the Council from its own members."

When a Board of Library Trustees ("BOLT") vacancy has occurred or is planned to occur, the Board of Library Trustees can assist the City Council by facilitating a nomination process. This policy enumerates that process.

II. POLICY

A. **Ad-hoc Trustee Nominating Sub-committee -** When a BOLT vacancy has occurred or is planned to occur, the President of BOLT will appoint an ad hoc trustee nominating sub-committee to identify candidates. The Library Director as Secretary to BOLT will assist the sub-committee.

B. **Candidate Search Objectives -** The sub-committee's purpose will be to ensure that nominations are inclusive and broadly represents the diverse perspectives of the community. The sub-committee will seek candidates with varied backgrounds, knowledge, abilities, expertise, and networks that can advance the Mission and Vision of the Library. The search objectives include finding candidates able to carry out the trustee role, functions, and duties, as described in the BOLT Bylaws.

C. **Search Process -** The sub-committee will convene to take account of current BOLT needs and to schedule the process for its purposes. The process will include the creation and posting of a vacancy announcement, the application period, the review of candidates, the recommendation to BOLT, and action taken by BOLT.

D. **Vacancy Announcement -** The sub-committee will write an announcement that BOLT is seeking interested parties, including the requirements thereof, the manner and form of applying, and the due date for submission of applications; the sub-committee, working with the Library Director and the City, and with the approval of BOLT, will advertise the call for interest.

E. **Application Procedure -** For consideration, any applicant must be a resident of the City of Berkeley, California. Applicants must submit a resume and a supplemental statement of interest that addresses questions or topics enumerated by the ad hoc trustee nominating sub-committee.

F. **Review of Candidates -** The sub-committee will review each application based on the applicant's submitted information. The purpose of the review is to identify nominees that meet the search objectives, will be able to carry out the duties and functions of the Trustee as stated in the Bylaws, will advance the Vision and Mission of the Library, and will be a resource for collaboration and partnerships on behalf of the Library.

G. **Nominations –** The sub-committee will provide a summary of its process, evaluation, and recommendation of no more than five candidates to be interviewed by BOLT for action and furtherance to the Council. The vote on candidates for nomination will take place at the meeting following the meeting during which the candidates are interviewed. A recommendation from the ad hoc trustee nominating sub-committee or the full Board is not binding.

In the event that BOLT votes on multiple candidates, the voting will proceed as follows:

1. The President calls for nominations for the Trustee vacancy. Every Board member has the opportunity to share their nomination for the vacancy at this time, in the beginning of the process. No one is required to make a nomination.
2. A random voting order for each name is established.
3. Each Trustee receives one vote per round.
4. When each name is called, Trustees may vote yes, no, or abstain.
5. Any candidate that receives three votes will be the nominee for the BOLT vacancy that will be submitted to City Council.
6. The candidates that follow the candidate having received three votes will not be the nominee.
7. If no one receives a majority of the votes, the President will call for nominations for a second round.
8. A random voting order for each name will be established again.
9. The process will continue until a candidate receives a majority (three) of the votes.

If BOLT is voting on a motion to nominate a single candidate, the standard procedures to vote on a motion will be followed.

H. **Inability to Serve** - Should the recommended nominee be unable to serve, BOLT will follow the following procedure:

1. The President appoints a new nomination subcommittee
2. Staff sends a letter to all current applicants (or a specific subset) and asks if they would like to be considered again, due to the change in the original recommendation
3. The new Subcommittee reviews the applicants still in the pool, and either:
    a. Recommends up to five for consideration by the full board - OR -
    b. Recommends that a new process be initiated, that would allow both past applicants, and new applicants, to participate

4. On the basis of the recommendation by the subcommittee, the staff either coordinates interviews for the next possible BOLT meeting, schedules a special meeting to conduct interviews, or reinitiates the recruitment process from the beginning.

Reviewed by:	Director of Library Services	12/12/23 Date
Approved by:	Chair, Board of Library Trustees	12/12/23 Date

Board of Library Trustees,
Selection Criteria Summary

Desired Qualifications:

- Candidates should be public library champions, passionate about lifelong learning and community engagement.
- A demonstrated commitment to equity, diversity and inclusion is essential.
- Candidates with executive leadership, technology, business, financial management and/or administrative skills are encouraged to apply.
- Candidates with leadership experiences in community-based, non-profit, or government agencies

General Qualifications

- Demonstrated interest in and enthusiasm for the library
- Readiness to devote time and effort
- An open mind coupled with respect for the opinion of others and, a steadfast belief in intellectual freedom and privacy.
- Ability to plan creatively.
- Courage to withstand pressures and resist influences based on prejudice
- Ability to analyze the business and administrative procedures, and to be part of the accountability process to the public and provide oversight.
- Possession of common sense
- Reflects the diversity of the Berkeley community, including a diversity of experiences working in different sectors of the community as well as age, ethnicity, religion, gender identities, abilities, and sexual orientation
- Willing and able to work with management, staff and the union.

Practical background and/or direct experience in one or more of these areas is desirable:

- Involvement in community organizations
- An understanding of local government operations, of public boards, and commissions; previous experience highly valued
- An interest in long-range planning
- Personal experience in one or more of these areas:
    - Education
    - Architecture/Construction Accounting/Finance Business
    - Personnel management Technology Law/Government
    - Humanities
    - The Arts
- Availability and openness to the public

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CONSENT CALENDAR
October 27,2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Shoshana O'Keefe

Submitted by: Rebecca Alcalá-Veraflor, Director of Library Services

SUBJECT: Appointment of Hong-Sze Yu to the Board of Library Trustees

RECOMMENDATION
Adopt a Resolution appointing Hong-Sze Yu to the Board of Library Trustees ("BOLT") for a term of four years beginning November 4, 2026.

FISCAL IMPACTS OF RECOMMENDATION
No fiscal impacts.

CURRENT SITUATION AND ITS EFFECTS
At the October 7, 2026, regular meeting of the Board of Library Trustees, Trustees voted to recommend that the City Council appoint Hong-Sze Yu for a 4-year term on the Board.

BACKGROUND
Pursuant to Section 30 of the Charter of the City of Berkeley, "[f]ive Library Trustees shall be appointed and may be removed by a vote of five members of the Council." BMC Section 3.04.010 further provides that "[t]he term of office of the members of the board shall be four (4) years." In addition, it is traditional that BOLT formally recommends to the City Council a preferred candidate for appointment.

The process BOLT undertakes to identify and recommend a candidate is to broadly promote the Board vacancy to the general public, review questionnaire responses, interview all candidates at a public meeting or meetings, and vote to recommend an applicant to the City Council for appointment. The Board of Trustees Vacancies Policy most recently updated in December 2023 outlines the process for selecting a nominee for appointment.

Trustee Priscilla Villanueva announced her resignation in December 2025 and participated in her last Board of Library Trustees meeting on December 3, 2026. President Beverly Greene appointed the ad hoc nominating subcommittee at the February 4, 2026, regular BOLT meeting. Recruitment opened from February 25 to March 31, and a total of twenty-one people applied.

After review of the applicant pool, committee members President Greene & Trustee Roth selected seven candidates to meet virtually and prescreen before making a recommendation to the Board of five candidates to interview, per the Board of Library Trustees Vacancies Policy.

CURRENT SITUATION AND ITS EFFECTS
Candidate interviews were held at the September 2, regular BOLT meeting. Five people were invited to participate in the public interview, but only 4 were interviewed.

On October 7, BOLT engaged in an informal discussion of the candidates, followed by a vote.

BOLT's recommendation will be referred to City Council. A majority vote of all the members of the City Council is required to appoint a member to the board.

The new Trustee's term is anticipated to begin November 4, 2026.

After thoughtful consideration, BOLT voted to approve Resolution No.: 26-054. (Attachment 2), recommending that the City Council appoint the preferred candidate, Hong-Sze Yu, to the Board of Library Trustees.

Vote: Ayes: Trustees O'Keefe, Roth, Greene and Ami. Noes: None. Abstentions: None.

ENVIRONMENTAL SUSTAINABILITY
Not applicable.

RATIONALE FOR RECOMMENDATION
The City Council needs to appoint a new Trustee for a 4-year term to fill the current vacancy, fulfilling the Charter requirement that the Board consist of five members. Hong-Sze Yu has been recommended by the BOLT and exceeds the stated qualifications and experience desired in a Trustee, including (1) a demonstrated commitment to equity, diversity and inclusion, (2) executive leadership, business, financial and administrative skills, (3) leadership experience in community-based, non-profit, or government agencies, and (4) strong public library advocacy and a passion for lifelong learning and community engagement.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Rebecca Alcalá-Veraflor, Director of Library Services and Secretary to the Board of Library Trustees, 510-981-6195

Attachments:
1. Resolution
2. Trustee Appointment Process Report of October 7 meeting

3. Board of Library Trustees Resolution No.: 26-054
4. Hong-Sze Yu BOLT application
5. Board of Library Trustees Vacancies Policy
6. BOLT Selection Criteria Summary

RESOLUTION NO. ##,###-N.S.
APPOINTMENT OF HONG-SZE YU TO THE BOARD OF LIBRARY TRUSTEES

WHEREAS, the Board of Library Trustees consists of five members appointed by the City Council to serve four-year terms; and

WHEREAS, the Board of Library Trustees currently has two open positions to be filled by the City Council; and

WHEREAS, the Board of Library Trustees undertook a robust recruitment effort to identify candidates to recommend for appointment by the City Council to fill two current openings on the Board; and

WHEREAS, Trustee Villanueva resigned her service to the Board of Library Trustees (BOLT) on December 3, 2026; and

WHEREAS, during the February 4, 2026, meeting of the Board of Library Trustees (BOLT), the Board instructed staff to begin solicitation for applications to fill two vacancies; and

WHEREAS, the Board of Library Trustees directed staff to widely publicize the vacancies; and

WHEREAS, the City Clerk's Office of the City of Berkeley received 21 applications from interested parties; and

WHEREAS, the Board of Library Trustees interviewed 4 of the applicants during a regular BOLT meeting on September 2, 2026; and

WHEREAS, the Board of Library Trustees held discussions, shared nominations, and voted on the nominees during a regular BOLT meeting on October 7, 2026; and

WHEREAS, the Board recommends Council set the conditions for this appointment as a 4-year term with the effective date of November 4, 2026; and

NOW, THEREFORE, BE IT RESOLVED that the preferred candidate **Hong-Sze Yu** be appointed to the Board of Library Trustees beginning November 4, 2026.

ADOPTED by the City Council of the City of Berkeley during a regular meeting held on October 17, 2026.

ACTION CALENDAR
October 7, 2026

To: Board of Library Trustees

From: Rebecca Alcalá-Veraflor, Director of Library Services

Subject: Recommendation to the City Council regarding the appointment of two trustees to serve a four-year term each, to fill the vacancy resulting from Trustee Villanueva's resignation and the vacancy created by Trustee Roth's expired term.

INTRODUCTION
Trustee Priscilla Villanueva announced her resignation in December 2025 and participated in her last Board of Library Trustees meeting on December 3, 2026. Additionally, Trustee Amy Roth's second term was scheduled to expire on January 3, 2026. The Board initiated the process to fill both vacancies in February 2026. Trustee Roth kindly consented to extend her term and serve as a member of the ad hoc nominating committee, which was established by President Greene per the revised Board of Library Trustees Vacancies Policy to assist in the search for her and Trustee Villanueva's successor during the library's transitional period. This process has continued, and candidate interviews were conducted on September 2, 2026.

FISCAL IMPACT
None.

BACKGROUND
The City Council reserves the right to appoint and remove library trustees by a vote of five council members. The Board of Library Trustees (BOLT) contributes to the process by recommending a candidate(s) to the City Council for approval. The Board of Trustees Vacancies Policy, most recently modified in December 2023, outlines the process for selecting candidate(s) for appointments.

CURRENT SITUATION AND ITS EFFECTS
President Beverly Greene appointed the ad hoc nominating subcommittee at the February 4, 2026, regular BOLT meeting. Recruitment opened from February 25 to March 31, and a total of twenty-one people applied.

After review of the applicant pool, committee members President Greene & Trustee Roth selected seven candidates to meet virtually and prescreen before making a recommendation to the Board of five candidates to interview, per the Board of Library Trustees Vacancies Policy.

Candidate interviews were held at the September 2, regular BOLT meeting. Five people were invited to participate in the public interview, but only 4 were interviewed. At the October 7, regular BOLT meeting, the trustees will vote on two candidates they recommend for nomination to the City Council, following discussion.

The voting will proceed as follows, as enumerated in the Board of Library Trustees Vacancies Policy:

1) The President calls for nominations for the Trustee vacancy. Every Board member has the opportunity to share their nomination for the vacancy at this time, in the beginning of the process. No one is required to make a nomination.

2) A random voting order for each name is established.

3) Each Trustee receives one vote per round.

4) When each name is called, Trustees may vote yes, no, or abstain.

5) Any candidate that receives three votes will be the nominee for the BOLT vacancy that will be submitted to City Council.

6) The candidates that follow the candidate having received three votes will not be the nominee.

7) If no one receives a majority of the votes, the President will call for nominations for a second round.

8) A random voting order for each name will be established again.

9) The process will continue until a candidate receives a majority (three) of the votes.

The term for the new Trustees is anticipated to begin November 4, 2026.

FURTHER ACTION

BOLT's recommendation will be referred to City Council. A majority vote of all the members of the City Council is required to appoint a member to the board.

CONTACT PERSON

Rebecca Alcalá-Veraflor, Director of Library Services, 510-981-6195

Attachments:

1. Resolution – Trustee Vacancy 1
2. Resolution – Trustee Vacancy 2
3. Candidate list
4. BOLT Selection Criteria Summary
5. Board of Library Trustees Vacancies Policy updated 12/06/23

BOARD OF LIBRARY TRUSTEES

RESOLUTION NO: 26-054

RECOMMENDATION OF THE PREFERRED CANDIDATE TO THE CITY COUNCIL OF THE CITY OF BERKELEY TO FILL THE TRUSTEE VACANCY RESULTING FROM TRUSTEE VILLANUEVA'S RESIGNATION ON THE BOARD OF LIBRARY TRUSTEES EFFECTIVE NOVEMBER 4, 2026

WHEREAS, Trustee Villanueva resigned her service to the Board of Library Trustees (BOLT) on December 3, 2026; and

WHEREAS, during the February 4, 2026, meeting of the Board of Library Trustees, President Greene appointed the ad hoc nominating subcommittee, and the Board instructed staff to begin solicitation for applications to fill two vacancies; and

WHEREAS, the Board of Library Trustees directed staff to widely publicize the vacancies; and

WHEREAS, the City Clerk's Office of the City of Berkeley received 21 applications from interested parties; and

WHEREAS, the Board of Library Trustees interviewed 4 of the applicants during a regular BOLT meeting on September 2, 2026; and

WHEREAS, the Board of Library Trustees held discussion, shared nominations, and voted on the nominees during a regular BOLT meeting on October 7, 2026; and

WHEREAS, the Board recommends Council set the conditions for this appointment as a 4-year term with the effective date of November 4, 2026; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Library Trustees of the City of Berkeley recommends to the City Council of the City of Berkeley that the preferred candidate HONG-SZE YU be appointed to the Board of Library Trustees beginning November 4, 2026.

ADOPTED by the Board of Library Trustees of the City of Berkeley during a regular meeting held on October 7, 2026.

AYES: Trustee Ami, Greene, O'Keefe and Roth.
NOES: None.
ABSENT: None.
ABSTENTIONS: None.

Beverly Greene, President
Board of Library Trustees

Rebecca Alcalà-Veraflor, Director of Library Service
Serving as Secretary to the Board of Library Trustees

APPLICATION FOR APPOINTMENT TO BERKELEY BOARDS AND COMMISSIONS

Redistricting Commissioners may not be eligible to serve. Contact the City Clerk to verify.

CITY OF BERKELEY - CITY CLERK
2022 MAR 25 AM 09:45

NAME: Hong-Sze Yu

PREFERRED PRONOUN(S): He/Him

RESIDENCE ADDRESS: [redacted] Berkeley 94707
Street City Zip

BUSINESS NAME/ADDRESS: _____
Street City Zip

EMAIL ADDRESS: [redacted]

OCCUPATION/PROFESSION: Retired

HOME PHONE: [redacted] **BUSINESS PHONE:** _____

I have been a resident of Berkeley since: 1999

I am interested in being considered for appointment to the following Berkeley board(s)/commission(s):

Name of board/commission: Board of Library Trustees

Name of board/commission: _____

List any qualifications (work experience, education, attributes and training) which you feel would provide positive input to the work of the commission and the reason why you are interested in being appointed:

Please see attached resume.

Please use another sheet of paper, if necessary.

The following individuals are qualified to comment on my capabilities:

NAME	ADDRESS	PHONE NO
Amanda Camacho	[redacted]	
Danny Wan		

*****PLEASE COMPLETE DEMOGRAPHIC SURVEY *****

Please indicate gender: ☑ **Male** ☐ **Female** ☐ **Nonbinary** ☐ **Prefer not to say**
Please indicate whether you are currently a student: ☐ **Yes** ■ **No**
Please indicate the racial / ethnic category which you most closely identify with below (*response optional - please check only one category*):

- ☐ ***WHITE (not of Hispanic or Latino origin):*** All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East
- ☐ ***BLACK or AFRICAN AMERICAN (not of Hispanic or Latino origin):*** All persons having origins in any of the Black racial groups of Africa
- ☐ ***HISPANIC or LATINO:*** All persons of Central / South America or other Spanish culture or origin, regardless of race
- ☑ ***ASIAN (not of Hispanic or Latino origin):*** All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent. This includes, Cambodia, China, Japan, India, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam
- ☐ ***AMERICAN INDIAN / ALASKAN NATIVE (not of Hispanic or Latino origin):*** All persons having origins in any of the original peoples of North, Central, and South America, and who maintain cultural identification through tribal affiliation or community recognition.
- ☐ ***NATIVE HAWAIIAN / PACIFIC ISLANDER (not of Hispanic or Latino origin):*** All persons having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- ☐ ***TWO or MORE RACES (not of Hispanic or Latino origin):*** All persons who identify with more than one of the above six races

*The City of Berkeley's Conflict of Interest Code requires members of all City of Berkeley Commissions except the Youth Commission and Commission on Status of Women to file Statements of Economic Interests – FPPC Form 700. The Form 700 is a public document. For more information, please contact the City Clerk's Department at 981-6900, or visit our website at https://berkeleyca.gov/your-government/public-records/conflict-interest-reports.

AFFIDAVIT OF RESIDENCY*

I, Hong-Sze Yu, hereby declare, under penalty of perjury, that I am a resident of the City of Berkeley. I understand that, with the exception of a temporary relocation outside of Berkeley not to exceed six months, I may no longer serve on a Berkeley Commission should this cease to be true.

Signature of Applicant: _____ Date: 03/25/2026

*Not required for Police Accountability Board, Loan Administration Board, Elmwood BID Advisory Board, Solano BID Advisory Board, or BUSD appointees

Return this form to the City Clerk Department: 2180 Milvia Street, Berkeley, 94704

APPOINTMENT FORM - BOARDS AND COMMISSIONS
(For Mayor and Council use only)

MAYOR/COUNCILMEMBER _____

NAME OF APPOINTEE _____

RESIDENCE ADDRESS _____
Street City Zip

BUSINESS NAME/ADDRESS _____
Name

_____
Street City Zip

EMAIL ADDRESS _____

OCCUPATION/PROFESSION _____

HOME PHONE: _____ **BUSINESS PHONE:** _____

Check appropriate box: ☐ **New Appointment** ☐ **Reappointment** ☐ **Temporary Appt.**

Temporary Appt.: From (date) _____ **To (date)** _____
(only if appointing for more than one meeting)

Please send mail to: ☐ **Home** ☐ **Business**

Please indicate the name of the board/commission to which you are appointing this individual

Board/Commission Name: _____

***Please indicate the SPECIAL CATEGORY being fulfilled, if appointment is to ANY of the following boards or commissions:** Elmwood BID Advisory Board, Human Welfare & Community Action Commission, Loan Administration Board, Solano Avenue BID Advisory Board.

Special Category _____

Signature: _____ **Date:** _____
Mayor/Councilmember

For Mayor/Councilmember and City Use Only:

Interview Date	Appoint. Date	Process Date

Hong-Sze Yu

AFFILIATIONS: Member of the California Bar (inactive)

EDUCATION

Georgetown University Law Center, Washington, D.C.; J.D. awarded in May 1993.
Honors: Member of the Law Review – The Georgetown Law Journal

University of California at Berkeley; B.A. awarded in Economics and History in May 1990.

WORK EXPERIENCE

Kaiser Foundation Health Plan, Inc., Oakland, CA
(January 2016 – February 2024) Counsel to board of directors and executive management on board, corporate and corporate governance matters. Responsible for logistics of all board meetings.
(July 2000 – December 2015) Negotiated and drafted documents related to hospital bond financings, equipment leasing, renewable energy projects, credit agreements, letters of credit, swap agreements and other financing documents. Negotiated and drafted documents for general business matters. Supported treasury functions including banking, investments, credit card and check matters. Provided advice regarding Sarbanes-Oxley matters and counsel to Finance Committee of the Board of Directors of Kaiser Foundation Health Plan, Inc./Kaiser Foundation Hospitals ("Kaiser"). Provided support to Kaiser Permanente Retirement Plans Investment Committee and Kaiser Marketable Securities Investment Committee.

Thelen Reid & Priest LLP, San Francisco, CA (November 1997 to July 2000)
Negotiated and drafted documents related to equipment leasing, energy finance, commercial lending and cross-border leasing. Represented owners and lenders in leveraged leases involving aircraft, railroad rolling stock and other equipment.

Graham & James LLP, San Francisco, CA (September 1997 – October 1997)
Negotiated and drafted documents relating to equipment leasing. Departed firm to continue to work with partner who left for Thelen, Reid & Priest LLP.

Mayer Brown & Platt, Los Angeles, CA (July 1996 – July 1997)
Negotiated and drafted documents related to credit facilities including credit agreements, letters of credit, security agreements, pledge agreements, guaranty agreements, swap agreements and intercreditor agreements. Drafted security documents, opinion and credit agreement exhibits in an international aircraft financing. Prepared reimbursement agreements, guaranty agreements, opinions and letters of credit in multifamily housing revenue bond issues.

Keck, Mahin & Cate, San Francisco, CA (September 1995 – June 1996)
Drafted and prepared documents in municipal bond issues concerning real estate developments, convention centers, water systems and other municipal infrastructure. Researched securities fraud issues involving failed real estate developments, hospitals sales and Orange County securities.

Carroll, Burdick & McDonough, San Francisco, CA (September 1993 – September 1995)
Drafted and prepared documents in municipal bond issues. Drafted general corporate documents and partnership agreement.

Describe your interest in serving as a Library Trustee.

Libraries have been an important part of my life. As a resident of Berkeley for over 26 years, my family and I have been regular library users and have great respect and fondness of the Library. Having grown up in Southern California and New York City, I've pleasant memories of using those libraries. They were always a safe place to be after school, a place to be with friends, and of course to have access to books and other materials I never would have had otherwise as a child of immigrant parents. While an undergraduate at Cal, I took a course in library sciences and received a pass to the Main Stacks of Doe Library where I could explore on my own the books of the library. I now would like to serve the Library as I am recently retired and have more time and effort to devote for community service. The duties of a Library Trustee are a great match for my skills and experience in working with boards, management and staff on many different areas including strategic planning, finance, business, community benefit, board policies, labor and compliance. The Library has been a valuable resource for my family and I hope, as a Library Trustee, to continue its mission, share its importance to the community, and make it even stronger for the future.

What qualities do you consider necessary for an effective Trustee, and how do you demonstrate those qualities?

An effective Trustee must be an individual aware of their fiduciary responsibilities to the organization and perform those responsibilities at a high level. I did this in my previous job where I was responsible for corporate governance for Kaiser Permanente and where I also served as a director of a few subsidiary boards. An effective Trustee must keep themselves informed by reading all the meeting materials, attend the meetings and actively participate in meetings. As a retiree, I have the time and desire to devote to those actions. An effective Trustee should ensure that an organization complies with its own bylaws, mission, strategic plan and applicable laws. As an attorney who worked on such matters, I have the experience in those areas. Working well with others is important so there is consensus for a board and that the board works together to fulfill its duties. Finally, an effective Trustee should have the interest, desire and skills that help the board and the organization. I spent a career in various areas to get parties to agreement whether in transactions, policy making and at board meetings. I also bring skills such as legal knowledge, administrative experience on how to run an effective board, and the general knowledge of finance, audit, strategy and community benefit that a board is supposed to cover. As a Trustee, I would work effectively with others, be civil, fulfill my fiduciary responsibilities, help implement the Strategic Plan, and be an advocate to spread the mission of the Library.

Provide examples of current or previous community service and leadership roles.

I am currently volunteering once a week at the East Bay Asian Local Development Corporation as an intake person for their Volunteer Income Tax Assistance program that helps provide free tax preparation for low-income individuals and families. I primarily volunteer at the Asian Resource Center in Oakland Chinatown but have also volunteered at the Lions Creek Crossings site in Fruitvale. As an intake person, I greet clients, help them make appointments, answer their questions, and help them complete a multi-page form and get copies of necessary documents so that their taxes can be completed. Many clients are mono-lingual where English is not their primary language. In those cases where clients speak Cantonese, I am able to assist them with my rudimentary Cantonese in combination with another volunteer who is fluent.

In my previous occupation, I was the Vice President, Board and Corporate Governance and Assistant Secretary at Kaiser Permanente. I led a team of six individuals that formed the Board and Corporate Governance team. The team was responsible for not only all logistical matters involving board meetings, but coordinated, among other duties, review of documents, compliance of governance matters, minute taking, working with senior management on agenda and other board issues, etc. I regularly made presentations to the boards and other groups on a variety of board related matters. In addition, I was responsible for ensuring that the various board committees operated in a highly efficient manner and worked with and provided advice to those groups.

What do you see as the Library's role in the community now and in the future?

I see the Library's role in the community now as a safe space for all serving all patrons, a thriving community hub for a diverse set of experiences and education and gatherings, and a place to access books and information that is uncensored and also private. I have read and support the current Strategic Plan 2024-2028.

I see the Library's role in the community in the future as similar but needing to address perhaps the upcoming possible challenges of (1) outside political pressure on equity, diversity, and inclusion, including but not limited to hiring, (2) keeping up with access to new and/or improved technologies including artificial intelligence, (3) moderating any financial stress on the Library's budget that keeps programs going, funding of employees, maintenance of building and assets, etc., and (4) supporting increasing literacy of the community to read and use technology.

BERKELEY PUBLIC LIBRARY POLICIES

ORIGINAL DATE:	05/04/2022
BOLT Resolution #:	R22-025
REVISED DATE:	12/06/2023
BOLT Resolution #:	R23-056
PAGE:	1 of 3

SUBJECT: Board of Library Trustees Vacancies Policy

I. PURPOSE

Pursuant to Section 30 of the Charter of the City of Berkeley (the "Charter"), "five Library Trustees shall be appointed and may be removed by a vote of five members of the Council and one of such trustees must be appointed by the Council from its own members."

When a Board of Library Trustees ("BOLT") vacancy has occurred or is planned to occur, the Board of Library Trustees can assist the City Council by facilitating a nomination process. This policy enumerates that process.

II. POLICY

A. **Ad-hoc Trustee Nominating Sub-committee -** When a BOLT vacancy has occurred or is planned to occur, the President of BOLT will appoint an ad hoc trustee nominating sub-committee to identify candidates. The Library Director as Secretary to BOLT will assist the sub-committee.

B. **Candidate Search Objectives -** The sub-committee's purpose will be to ensure that nominations are inclusive and broadly represents the diverse perspectives of the community. The sub-committee will seek candidates with varied backgrounds, knowledge, abilities, expertise, and networks that can advance the Mission and Vision of the Library. The search objectives include finding candidates able to carry out the trustee role, functions, and duties, as described in the BOLT Bylaws.

C. **Search Process -** The sub-committee will convene to take account of current BOLT needs and to schedule the process for its purposes. The process will include the creation and posting of a vacancy announcement, the application period, the review of candidates, the recommendation to BOLT, and action taken by BOLT.

D. **Vacancy Announcement -** The sub-committee will write an announcement that BOLT is seeking interested parties, including the requirements thereof, the manner and form of applying, and the due date for submission of applications; the sub-committee, working with the Library Director and the City, and with the approval of BOLT, will advertise the call for interest.

E. **Application Procedure -** For consideration, any applicant must be a resident of the City of Berkeley, California. Applicants must submit a resume and a supplemental statement of interest that addresses questions or topics enumerated by the ad hoc trustee nominating sub-committee.

F. **Review of Candidates -** The sub-committee will review each application based on the applicant's submitted information. The purpose of the review is to identify nominees that meet the search objectives, will be able to carry out the duties and functions of the Trustee as stated in the Bylaws, will advance the Vision and Mission of the Library, and will be a resource for collaboration and partnerships on behalf of the Library.

G. **Nominations –** The sub-committee will provide a summary of its process, evaluation, and recommendation of no more than five candidates to be interviewed by BOLT for action and furtherance to the Council. The vote on candidates for nomination will take place at the meeting following the meeting during which the candidates are interviewed. A recommendation from the ad hoc trustee nominating sub-committee or the full Board is not binding.

In the event that BOLT votes on multiple candidates, the voting will proceed as follows:

1. The President calls for nominations for the Trustee vacancy. Every Board member has the opportunity to share their nomination for the vacancy at this time, in the beginning of the process. No one is required to make a nomination.
2. A random voting order for each name is established.
3. Each Trustee receives one vote per round.
4. When each name is called, Trustees may vote yes, no, or abstain.
5. Any candidate that receives three votes will be the nominee for the BOLT vacancy that will be submitted to City Council.
6. The candidates that follow the candidate having received three votes will not be the nominee.
7. If no one receives a majority of the votes, the President will call for nominations for a second round.
8. A random voting order for each name will be established again.
9. The process will continue until a candidate receives a majority (three) of the votes.

If BOLT is voting on a motion to nominate a single candidate, the standard procedures to vote on a motion will be followed.

H. **Inability to Serve** - Should the recommended nominee be unable to serve, BOLT will follow the following procedure:

1. The President appoints a new nomination subcommittee
2. Staff sends a letter to all current applicants (or a specific subset) and asks if they would like to be considered again, due to the change in the original recommendation
3. The new Subcommittee reviews the applicants still in the pool, and either:
    a. Recommends up to five for consideration by the full board - OR -
    b. Recommends that a new process be initiated, that would allow both past applicants, and new applicants, to participate

4. On the basis of the recommendation by the subcommittee, the staff either coordinates interviews for the next possible BOLT meeting, schedules a special meeting to conduct interviews, or reinitiates the recruitment process from the beginning.

Reviewed by:		12/12/23
	Director of Library Services	Date
Approved by:	Amy Roth	12/12/23
	Chair, Board of Library Trustees	Date

Board of Library Trustees,
Selection Criteria Summary

Desired Qualifications:

- Candidates should be public library champions, passionate about lifelong learning and community engagement.
- A demonstrated commitment to equity, diversity and inclusion is essential.
- Candidates with executive leadership, technology, business, financial management and/or administrative skills are encouraged to apply.
- Candidates with leadership experiences in community-based, non-profit, or government agencies

General Qualifications

- Demonstrated interest in and enthusiasm for the library
- Readiness to devote time and effort
- An open mind coupled with respect for the opinion of others and, a steadfast belief in intellectual freedom and privacy.
- Ability to plan creatively.
- Courage to withstand pressures and resist influences based on prejudice
- Ability to analyze the business and administrative procedures, and to be part of the accountability process to the public and provide oversight.
- Possession of common sense
- Reflects the diversity of the Berkeley community, including a diversity of experiences working in different sectors of the community as well as age, ethnicity, religion, gender identities, abilities, and sexual orientation
- Willing and able to work with management, staff and the union.

Practical background and/or direct experience in one or more of these areas is desirable:

- Involvement in community organizations
- An understanding of local government operations, of public boards, and commissions; previous experience highly valued
- An interest in long-range planning
- Personal experience in one or more of these areas:
    - Education
    - Architecture/Construction Accounting/Finance Business
    - Personnel management Technology Law/Government
    - Humanities
    - The Arts
- Availability and openness to the public

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Office of the City Manager

ACTION CALENDAR
October 27, 2026

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: Ashby BART East Lot Developer Selection for Exclusive Negotiation and Reservation of Predevelopment Funding

RECOMMENDATION

Adopt two Resolutions that enable the City to move forward into negotiation and predevelopment with a selected development team for the Ashby East Lot Transit Oriented Development (TOD) project, located at the intersection of Woolsey St. and Tremont St., directly east of the Ed Roberts Campus, by:

1. Authorizing the City Manager or designee to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) and any required amendments with Satellite Affordable Housing Associates (SAHA), Habitat for Humanity East Bay/Silicon Valley, and Deborah D. Matthews Consulting (collectively, “the SAHA Team”).

2. Authorizing the City Manager or designee to negotiate and enter into an ENRA and any required amendments with the alternative developer, Related California and the Kelsey (collectively, “the Related Team”), in the event that the ENRA with the SAHA Team is terminated or if the City does not enter into a ENRA with the SAHA Team.

3. Approving the reservation of $1 million of Affordable Housing Mitigation Fees (Fund 120) to the SAHA Team or their affiliate(s) to support master planning and predevelopment activities related to the development of affordable housing at the Ashby East Lot BART site.

4. Affirming that the City's Housing Trust Fund Guidelines will apply to the use of funds to support master planning and predevelopment activities related to the development of affordable housing at the Ashby East Lot BART site.

5. Authorizing the City Manager or designee to execute all original or amended documents or agreements in accordance with the intent of this Resolution.

SUMMARY
Council approved the release of a Request for Proposals (RFP) and Notice of Funding Availability (NOFA) by Resolution No. 72,152-N.S. on March 10, 2026. The goal of the RFP was to identify the best qualified team to enter into an ENRA with the City to proceed with predevelopment work on a project at the Ashby East Lot, which is currently owned by the San Francisco Bay Area Rapid Transit District (BART). Priorities for the site are outlined in the Joint Vision and Priorities document, along with the Exchange Agreement that were adopted by the City Council (Ordinance 7,939-N.S.) The City received six responses to the RFP, and a panel composed of seven reviewers unanimously identified the SAHA Team as the best qualified to proceed. Approving the attached resolution would allow the City Manager to negotiate and execute an ENRA but does not obligate the City to any further development activities.

FISCAL IMPACTS OF RECOMMENDATION
Negotiating and administering the ENRA will require staff time. The SAHA Team will be required to pay an exclusivity fee of $100,000 and additional fees estimated at $445,000 to reimburse City staff time and work carried out under consultant contracts. The SAHA Team submitted an initial deposit of $25,000 with their East Lot proposal, and the ENRA includes a payment schedule for the remaining funds.

As part of the RFP, the Department of Health, Housing, and Community Services (HHCS) offered a NOFA to consider a request for a related predevelopment loan of up to $1,000,000, consistent with the Housing Trust Fund Guidelines. The approved Team may also be eligible for an additional $7,000,000 to be used as development funds at a later date, consistent with Resolution No. 69,833-N.S. that reserved City housing funds for the Ashby East Lot.

CURRENT SITUATION AND ITS EFFECTS
On April 9, 2026, HHCS released an RFP[1] for the Ashby East Lot. The RFP required applicants to respond with a proposal to develop housing that included, at a minimum, the following:

- 35% of units affordable to households earning an average of 60% of the Area Median Income or below;
- 300 bedrooms;
- A minimum threshold of developer experience; and
- A team member with demonstrated Universal Design experience.

Each team had to provide a detailed proposal that outlined the design, concept, narrative, and financial assumptions for their envisioned project. The narrative had to

[1] https://cityofberkeley.app.box.com/s/yuimxtkhca5d3xt3qrjwsz6riqqk9oof/file/2193170915488

include the proposal's alignment with community and City priorities, such as providing a vision for a reparative framework, meeting City design guidelines for the site, and a creative approach to Universal Design. The seven areas and their maximum possible scores in the panel review were Preliminary Development Concept and Proposed Project (25 points), Development Team Experience (15 points), Development Team Fit (10 points), Roles and Responsibilities (10 points), Financial Offer (20 points), Team Interview (12 points), and Public Presentation (8 points).

By the RFP deadline of Tuesday, July 7, 2026, the City received six responses from development teams. All six proposals demonstrated a clear grasp of the objectives of the RFP. The teams were:

- Satellite Affordable Housing Associates, Habitat for Humanity, and Deborah D. Matthews Consulting
- Related California, and the Kelsey
- Eden Housing and Sunflower Hill
- EAH Housing and Habitat for Humanity
- Michael's Development Company and Adeline Alliance East
- Coalition for Responsible Community Development, Creative Development Partners, and Landspire Group

Between August 13th, 2026, and October 7th, 2026, the evaluation panel met six times to review and deliberated over the applications. The panel consisted of seven members, including two City staff from HHCS, one staff member from the Planning and Development Department, one from the City Manager's Office, one BART staff, and two South Berkeley community members appointed by the City Manager.

On August 20th, 2026, based on detailed scoring rubric the panel unanimously recommended to shortlist the following applicant teams:

- Satellite Affordable Housing Associates, Habitat for Humanity, and Deborah Matthews
- Related California and the Kelsey

On September 22nd, 2026, the panel conducted interviews of the shortlisted teams, and on October 1, 2026, the shortlisted teams presented their team qualifications to the public at the South Berkeley Senior Center. The event was attended by over 100 attendees, and a survey was given to the attendees, and received 61 responses. In the survey, SAHA received stronger and more consistent positive feedback, particularly around being a locally based non-profit, community connection, mission alignment, and black equity displacement repair.

On October 5, 2026, the evaluation panel unanimously recommended that the City enter into an ENRA with the SAHA Team. Strengths of the SAHA team include a high-

quality development team, a strong community engagement proposal and development team fit, non-profit community-based leadership, acceptance of the City's ENRA terms, a feasible project that exceeds affordability requirements, commitment to 25% of units for people with disabilities, affordable homeownership opportunity, and a robust reparative framework.

Further, the panel unanimously recommended the Related Team as the alternate development team. In a scenario in which the ENRA with the SAHA team is terminated, the City Manager would be authorized to enter into an ENRA with the team led by Related. The panel scored the team highly. Strengths of the Related Team include a high-quality development team, a high-density development proposal, a feasible project that exceeds affordability requirements, commits 25% of units for people with disabilities, and a well-developed reparative framework.

The table below summarizes the Evaluation Panel's review of the top two scoring development team proposals, organized by the scoring categories. The italicized text includes some details about the *preliminary* development concept and proposed project. Please note that the selected developer will further refine the proposed project through a community process and more detailed planning and financial modeling.

	SAHA Team	**Related Team**
Preliminary Development Concept and Proposed Project Maximize housing Goal of 35% affordability Prioritize low income, homeownership, 25% for households with disabilities, and reparative framework.	High scoring Meets the minimum density requirements. Exceeds affordability requirements. Offers homeownership. Provides 25% of units for households with disabilities. Strong reparative framework.	High scoring Proposes a higher density, Exceeds affordability requirements. Provides 25% of units for households with disabilities. Includes a reparative framework.
Density	*174 Units, 341 Bedrooms*	*250 Units, 353 Bedrooms*
Phases, Types of construction	*2 Phases, Multifamily affordable building, homeownership with 12 for-sale townhomes*	*1 phase – two buildings, one senior rental and one multifamily rental*
Affordability	*100% affordable, with 48 units at 30% Area Median Income (AMI), 51 at 50% AMI, 62 at 60% AMI and 12 for- sale homes at 70% AMI*	*100% affordable, with 63 units at 30% Area Median Income (AMI), 83 at 50% AMI, and 102 at 60% AMI*
Accessibility	*25% Set aside for Residents with Disabilities, Universal*	*25% Set aside for Residents with*

	SAHA Team	Related Team
	design incorporated throughout the design	*Disabilities, Universal design incorporated throughout the design*
Reparative Framework	*Homeownership, economic and programmatic components*	*Economic components*
Quality of Development Team Experience Master Planning, Public Private Partnerships, Design and community engagement.	High-quality team	High-quality team
Development Team Fit Financial Capability of Team, Nonprofit Community Based Organization, Acceptance of City's ENRA terms	Best Fit for the City. Nonprofit led and Accepted City's ENRA terms.	Good fit for the City.
Roles and Responsibilities. Overall qualifications, Project Management, and relationship between parties.	Strong team structure.	Strong team structure.
Financial Offer and Project Feasibility.	Very feasible project.	feasible project.

Anticipated deliverables of the ENRA include:

1. Schematic architectural design documents;
2. Full financial projections;
3. A preliminary services plan and budget;
4. An analysis of parking demand and a corresponding public parking plan; and
5. A community engagement/outreach plan.

Staff will work to negotiate the ENRA and then proceed to work with the selected team as they fulfill the deliverables. The term of the ENRA is anticipated to be one year with certain extensions possible at the City's discretion.

BACKGROUND

Beginning in 2018, the City and BART collaborated to plan transit-oriented development at the Ashby and North Berkeley BART sites. In 2024, the City and BART agreed that the City would relinquish its air rights over the Ashby West Lot in exchange for sole

ownership of the East Lot. This agreement outlines specific requirements for the East Lot's future use and establishes how the City will select its development partners.

HHCS staff developed a draft framework for soliciting development proposals for the East Lot which served as the basis for the RFP and NOFA. The Ashby East Lot Framework served as an outline that informed the contents of the RFP, the selection process, proposal requirements (or thresholds), as well as City goals for the site. Proposals were evaluated relative to the criteria detailed in the East Lot Framework. The project requirements were established through past Council actions, such as approval of the Exchange Agreement with BART. Key proposal thresholds include:

- At least 35% affordable, of which 20% shall be affordable to Extremely Low Income (ELI) households
- At least 300 bedrooms
- Project must fund the South Berkeley Community Benefits Fund, as described in the Exchange Agreement, to be used at the City's discretion, to benefit the South Berkeley Community
- Project teams must include a team member with demonstrated Universal Design experience and expertise

Project goals were identified in past Council actions, recent community planning efforts, and through a stakeholder meeting HHCS held in the summer of 2025. Key goals include:

- 50% of housing is permanently affordable
- Maximize housing density on the site
- Housing for seniors, families, people with physical or mental disabilities, and/or formerly homeless people.
- Creating homeownership opportunities for households in South Berkeley
- 25% of units for persons with disabilities, who are likely to benefit from proximity to Ed Roberts Campus

Council previously reserved $26.5 million in Measure O bond funds and Affordable Housing Mitigation Fees to achieve its affordable housing goals at the Ashby BART sites, of which $8 Million will be available for affordable housing on the East Lot.

The Planning and Development Department developed the Design Standards for the East Lot which were also incorporated into the RFP. The design standards function as the site-specific Objective Design Standards, addressing project design, including requirements for open space, access drives, ADA loading zones, upper-story setbacks, and high-quality building materials. Panelists and consultants evaluated proposals, providing maximum flexibility on the many requirements and goals as possible to encourage creative, financially feasible proposals.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
The proposals put forward by prospective teams anticipate building energy-efficient, sustainable developments. It also advances the City's strategic plan goal of creating affordable housing.

Additionally, creating new infill affordable housing in Berkeley that allows lower income individuals and families to live close to transit will advance the goal of making the City more economically and racially equitable, and reduces greenhouse gas emissions by reducing vehicle-miles-traveled and decreasing reliance on personal vehicles.

RATIONALE FOR RECOMMENDATION
The SAHA Team was unanimously recommended by the evaluation panel that carefully reviewed and discussed the sets of qualifications provided by the shortlisted applicants. Entering into the ENRA with this team will engage their expertise in identifying a feasible project that meets the City's goals while working with stakeholders. An ENRA does not obligate the City to pursue any project, or to proceed with development at all.

ALTERNATIVE ACTIONS CONSIDERED
Council could choose not to pursue an ENRA with the recommended team and instead choose the runner-up team, which was the Related Team. Council could also choose to issue a new, differently structured RFP, or an RFQ.

CONTACT PERSON
Kelly deWolfe, Community Development Project Coordinator, HHCS, (510) 981-5424

Attachments:
1: Resolution – Approving a Development Team and Authorizing the City Manager to Enter into an Exclusive Negotiating Rights Agreement with the Satellite Affordable Housing Associates (SAHA) Team

2: Resolution – Reserving Affordable Housing Mitigation Fees(Fund 120) for the Satellite Affordable Housing Associates (SAHA) Team for Predevelopment at the Ashby East BART Site

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

APPROVING A DEVELOPMENT TEAM AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH THE SATELLITE AFFORDABLE HOUSING ASSOCIATES (SAHA) TEAM

WHEREAS, on December 3, 2024, by Ordinance No. 7,939 - N.S, City Council authorized the exchange and future acquisition of the Ashby East Lot located at the intersection of Tremont Street and Woolsey Street, east of the Ed Roberts Campus at the Ashby BART station; and

WHEREAS, Ordinance 7,939-N.S. states in its purpose that the City acquire property at the site of the Ashby BART station, and to further the development of the property in a manner that will, among other objectives that serve the interests of the people of Berkeley, increase the number of affordable housing units in the City of Berkeley in accordance with applicable City-adopted housing plans; and

WHEREAS, on October 28, 2025, Council referred to the City Manager and the Department of Health, Housing, and Community Services (HHCS) the development of a Request for Proposals (RFP) framework for the Ashby East Lot to inform the Request for Proposals, and to select a developer proposing a housing development that met the negotiated requirements according to Ordinance 7,939-N.S., including:

- A minimum of 300 bedrooms
- A minimum of 35% of new housing units, inclusive of density bonus units, must be affordable to households earning an average of 60% of Area Median Income. And at least 20% of those 35% be affordable to Extremely Low-Income Households.
- Contribution to the South Berkeley Fund
- Minimum Developer Team Expertise

WHEREAS, on March 10, 2026, with Resolution No. 72,152-N.S., Council authorized issuance of an RFP for a developer, anticipating working with the selected developer under an Exclusive Negotiating Rights Agreement (ENRA) to identify and evaluate feasible options for development of the site, while obtaining input about community priorities from the Planning and Development Department and other stakeholders; and

WHEREAS, on April 9, 2026, the City issued a Request for Proposals (RFP) and received responses on July 7, 2026; and

WHEREAS, the RFP evaluation panel identified the team led by Satellite Affordable Housing Associates (SAHA) consisting additionally of Habitat for Humanity East Bay/Silicon Valley as co-developer, and Deborah D. Matthews Consulting, as the selected team to proceed to an ENRA for the Ashby East Lot; and

WHEREAS, the RFP evaluation panel identified the team led by Related California consisting additionally of the Kelsey as co-developer, as a strongly qualified fit to develop

on the East Lot and recommended this team as an alternative developer for the Ashby East Lot.

NOW THEREFORE, BE IT RESOLVED that the City Manager or designee is authorized to negotiate and enter into an ENRA and any required amendments with the SAHA Team, consisting of Satellite Affordable Housing Associates, Habitat for Humanity East Bay/Silicon Valley, and Deborah D. Matthews Consulting.

BE IT FURTHER RESOLVED that the City Manager or designee is authorized to negotiate and enter into an ENRA and any required amendments with the alternative developer, Related California and the Kelsey, in the event that the ENRA with the SAHA Team is terminated or if the City is unable to enter into an ENRA with the SAHA Team.

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

RESERVING AFFORDABLE HOUSING MITIGATION FEES (FUND 120) FOR THE SATELLITE AFFORDABLE HOUSING ASSOCIATES (SAHA) TEAM FOR PREDEVELOPMENT AT THE ASHBY EAST BART SITE

WHEREAS, the City Council established a Housing Trust Fund Program (HTF) to guide the City's work to assist in the development and expansion of housing affordable to low- and moderate-income persons who either work or reside within the City of Berkeley (City), and authorized the City Manager to implement the Program; and

WHEREAS, there is a great need for affordable and special needs housing in the City of Berkeley as stated in the General Plan Housing Element and the City of Berkeley's Consolidated plan; and

WHEREAS, the City and BART are collaborating on the development of the Ashby BART East Lot Site, and articulated shared goals in a Memorandum of Understanding, Memorandum of Agreement, Joint Vision and Priorities for Transit-Oriented Development, and Exchange Agreement for Ashby and North Berkeley Stations; and

WHEREAS, the City and BART are committed to achieving a minimum of 35% affordable housing at each BART site; and

WHEREAS, on April 27, 2021, by Resolution No. 69,833-N.S., the City Council reserved $53 million, to be divided between the two BART sites, as the subsidy needed to achieve 35% affordability, and allowed for a portion of that funding to be considered for predevelopment costs associated with affordable housing; and

WHEREAS, the $53 million includes $40 million in Measure O funds, and $13 million in Affordable Housing Mitigation Fees; and

WHEREAS, in April 2026, the City issued a Request for Proposals (RFP) to select a team to develop new housing at the Ashby East Lot BART site and created an RFP selection panel with representation from the City, community and BART; and

WHEREAS, the RFP included a Notice of Funding Availability for $1 million available to a nonprofit developer from the selected developer team, to support the development of affordable housing at the Ashby East Lot site; and

WHEREAS, six teams responded to the RFP, including SAHA Team, a team made up of Satellite Affordable Housing Associates (SAHA) Habitat for Humanity East Bay/Silicon Valley and Deborah D. Matthews Consulting]; and

WHEREAS, after a competitive process during which the RFP selection panel scored teams on their qualifications, an interview, and a public presentation, the RFP selection panel recommended the SAHA Team; and

WHEREAS, the City Council approved the SAHA Team on October 27, 2026; and

WHEREAS, the SAHA Team requested $1 million in predevelopment funding from the City's set-aside of Affordable Housing Mitigation Fee funds.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it approves the reservation of $1 million of Affordable Housing Mitigation Fees (Fund 120) to the SAHA Team or their affiliate(s) to support master planning and predevelopment activities related to the development of affordable housing at the Ashby East Lot BART site.

BE IT FURTHER RESOLVED that the City's Housing Trust Fund Guidelines will apply to the use of these funds.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute all original or amended documents or agreements in accordance with the intent of this Resolution; a signed copy of said documents, agreements, and any amendments will be kept on file in the Office of the City Clerk.

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Office of the City Manager

INFORMATION CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jamie Parks, Director, Public Works

Subject: Audit Status Report: 2009 Leases Audit Follow-Up

INTRODUCTION

On January 24, 2025, the City Auditor released, *2009 Lease Audit Follow-Up – Berkeley Faces the Same Risks 16 Years Later*[1] to City Council with recommendations to improve the City's lease oversight and management. The first status report was submitted to Council on October 28, 2025. This information item provides Council with an update on the implementation status of the report's recommendations. This is the second status report regarding this audit.

CURRENT SITUATION AND ITS EFFECTS

The audit included eight recommendations. As of October 2026, staff have started implementation for six recommendations, one is partially implemented, and one has not started because it requires completion of the other seven before it can commence. While work on seven recommendations is ongoing, the only change of status since the last status report on October 28, 2025 is associated with recommendation 8.2.[2]

Please see Attachment 1 for a detailed table of audit report recommendations, corrective action plans, and implementation progress. The next status report to Council is expected in Fall 2027.

The partially implemented recommendation, 8.2, states, "Public Works and Finance should determine if the existing systems can be used to finalize a comprehensive list of City leases." The Auditor's finding provided further direction to assess existing, planned, and other software systems to, "enable more effective oversight of leases." Public Works and Finance concluded the current system is insufficient for the City's needs. A new software system capable of including information for all City owned properties and the ability to manage leases, license agreements, insurance documents, and creating

[1] Audit: 2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years Later
[2] Recommendation 1.2 is started, not partly implemented as incorrectly described in the 2025 status report.

reports for internal use and regulatory reporting would best serve the City and its real property needs.

Staff conducted a thorough review of available options and determined that a cloud-based software system integrated with ERMA (i.e., the City's Tyler Munis financial management system) is needed. A software needs checklist was developed in coordination with the Parks, Recreation & Waterfront; Health, Housing and Community Services; Finance; and IT Departments ("Lease Management Ad Hoc Team"). Attachment 2 identifies the Real Property Software Needs Checklist used to solicit informal bids from four vendors. Staff identified a preferred vendor, and purchase order processing is in progress.

All recommendations require the formation of an interdepartmental team of staff involved in lease and license agreement tracking and management. A Lease Management Ad Hoc Team was formed and completed the following since the last update:

1. Built an interdepartmental shared lease list and presented it to the City Budget and Finance Committee on April 9, 2026. Please see Attachment 3 for copies of the list and presentation.
2. Documented inconsistencies in data collected by different departments and used the information to create the software needs checklist.
3. Recommended an affordable and proven lease and property management software provider for City Management consideration. Software has been selected and implementation will begin no later than December 2026.

BACKGROUND

On February 11, 2025, the City Auditor presented *2009 Leases Audit Follow-Up - Berkeley Faces the Same Risks 16 Years Later,* to City Council. The new report assessed the implementation of recommendations from the 2009 audit and concluded that the City still faces the same issues and lacks a clear approach to lease management, a relevant policy to guide leasing and licensing decisions, and a complete central inventory of leases and license agreements. The report asserts that these factors continue to compromise the City's ability to strategically manage City-owned property and reopened eight prior recommendations that require collaboration across departments to better ensure sound management of City-owned and occupied properties.

Public Works and the City Manager's Office accepted the Auditor's findings and guidance for implementation. The recommendations were re-opened and all parties agreed to provide annual updates on implementation until fully completed.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or opportunities associated with this report.

POSSIBLE FUTURE ACTION
Public Works will continue to work with all City Departments to create a shared list of revenue leases, expenditure leases and license agreements using the newly procured software system. Additionally, Public Works will lead interdepartmental work to submit a draft property management plan with data and recommendations for the City Manager's Office's consideration in early 2027.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
None at this time.

CONTACT PERSON
Dionne Early, Real Property Administrator, Public Works, (510) 981-6453

Attachments:
1: Audit Findings, Recommendations, and Status Updates
2: Real Property Software Needs Checklist
3: Budget & Finance Committee April 9, 2026 Presentation/Handouts

Report Title: 2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years Later					
Issue Date: January 24, 2025					
Finding	**Recommendation**		**Department**	**Status Last Period**	**Current Status Update**
The City's 2002 plan to centralize property and facility lease management has not been implemented.	1.1	The City Manager should formalize and approve the division of responsibilities between the Public Works department and other departments regarding lease management.	Public Works	Started	**Started.** No change since the last update. The Real Property Administrator is still in the process of soliciting input from relevant departments about the benefits of centralized, decentralized or hybrid lease management. Public Works anticipates delivering a draft proposal for City Manager comment and input in early 2027.
The City's 2002 plan to centralize property and facility lease management has not been implemented.	1.2	The Public Works department should determine and formally define the role of the real property administration staff given available resources.	Public Works	Started	**Started.** Public Works is still assessing the Real Property Administrator's job duties. According to Public Works, the department identified a new lease management software which is expected to be implemented within 3 months. The department reported they will assess whether additional staff resources are needed once the new software is live.
The City's 2002 plan to centralize property and facility lease management has not been implemented.	1.5	The City Manager should formally communicate a property management plan with all affected City departments.	Public Works	Started	**Started.** The Real Property Administrator last met with the interdepartmental team responsible for lease management in April 2026. According to Public Works, a final draft of the property management plan will be submitted to the City Manager in early 2027.
City staff did not comply with City rules and regulations because the City lacks clear guidelines and simple tools for effective lease negotiations, reviews, approval, and oversight.	2.1	Public Works and Finance should update Administrative Regulation 6.6 and Contracts Online to give clear direction to City staff regarding administration and execution of lease agreements.	Public Works	Not Started	**Not started.** No change since the last update. Updates to AR 6.6 will be initiated after the City has formally defined its lease management structure. This work will require the Real Property Administrator to edit the current AR before submitting to the appropriate leadership teams for review.
A complete inventory of City facility leases with key information is not available; it is not known whether all current leases are properly authorized by executed contracts.	4.1	Public Works should determine what information is needed in a centralized repository of lease information. Staff in the operating departments responsible for leases should be consulted to identify information that they need for monitoring leases. This information should be included in the centralized repository of lease information.	Public Works	Started	**Started.** The Real Property Administrator collaborated with the interdepartmental team responsible for managing leases and licenses to update the list of City leases and licenses for an April 2026 presentation to the Budget and Finance Committee. Public Works has not yet provided an overview of the information needed in a centralized repository of lease information.

A complete inventory of City facility leases with key information is not available; it is not known whether all current leases are properly authorized by executed contracts.	4.3	Public Works should ensure that relevant detailed information such as contract numbers, annual cost of living adjustments, and other lease terms, fees, covenants, and locations are included in the complete lease inventory detail.	Public Works	Started	**Started.** No change since the last update. The Real Property Administrator is still in the process of updating lease and license forms.
A complete inventory of City facility leases with key information is not available; it is not known whether all current leases are properly authorized by executed contracts.	4.4	Public Works should make the lease inventory detail available to City staff so they can utilize the information to make informed decisions. If possible, this information should be available online in a format that allows controlled updates of information.	Public Works	Started	**Started.** According to Public Works, the department continues to update a shared drive with lease data, however we were not able to verify the contents of the shared drive. The department stated that it plans to begin managing lease and license agreements in the new lease management software once it is implemented. According to Public Works, the software will allow the Real Property Administrator to assign special permissions to staff for editing and updating information.
Opportunities to use existing and planned software and other systems to enable more effective oversight of leases and other contracts are being overlooked.	8.2	Public Works and Finance should determine if the existing systems can be used to finalize a comprehensive list of City leases.	Public Works	Started	**Partly Implemented.** According to Public Works, the department has determined the existing systems are not sufficient to finalize a comprehensive list of City leases and licenses. The department has identified a new property management software which will be used to track all City owned properties and associated lease and license agreements.

CITY OF BERKELEY

REAL PROPERTY SOFTWARE NEEDS

The City of Berkeley needs software that simplifies managing a small but complex lease portfolio by centralizing data, automating financial compliance, and providing proactive management tools. The software should act as a "single source of truth," allowing teams in Finance, PW real estate, PRW, HHCs and CAO to collaborate using the same up-to-date information.

Training and Expansion

While the software will initially be used by Public Works to meet its requirement to maintain citywide property and lease lists, assurance is needed that, if desired, expanding use and access to other departments is possible without increasing the cost to the City.

- **Include unlimited users** and the ability to control each user's access to different aspects of the system.
- **Include comprehensive training** for current and future users; trainers should be experienced with the software but also have lease expertise and accounting expertise.
- **Include the ability to track and manage all City owned properties,** not just those occupied by third-party tenants.

Key Capabilities Needed

- **Centralized Data Repository:** To consolidate all lease documents, contracts, and utility bills into one platform, breaking down data silos between departments.
- **Automated Accounting & Compliance:** To automate calculations **GASB 87** and other required reporting to stated standards, generate journal entries, and produce disclosure reports to ensure audit readiness.
- **Proactive Alerts & Date Management:** Ability to set custom notifications for critical dates such as renewals, expirations, rent increases, and insurance deadlines to avoid penalties or missed opportunities.
- **AI-Powered Data Extraction (not a must but a nice to have):** AI automated extraction of key data points from complex lease agreements, reducing manual entry errors.
- **Seamless Integrations:** It connects with major ERP and financial systems (like ERMA) to sync lease information with broader business processes. Flat files are preferred to start to ensure seamless future integration without compromising ERMA.

- **Sustainability & ESG Reporting:** A platform that can track environmental data—such as energy, waste, and water usage—to help the City have metrics for environmental, social, and governance reporting.

The following checklist aligns with typical municipal real property duties, such as managing lease agreements, tracking critical dates, and ensuring financial transparency.

Essential Management Tasks

- **Centralize Lease Inventory:** Locate and consolidate all city leases from various departments into a single "source of truth".
- **Monitor Critical Dates:** Set automated alerts for lease renewals, expirations, rent increases, and insurance deadlines to prevent penalties.
- **Manage Clause & Obligation Tracking:** Track specific city requirements, such as **ADA compliance**, maintenance responsibilities, and use restrictions directly within lease records.
- **Automate Appropriation-Based Options:** Use system workflows to manage annual rollovers for leases tied to specific funding cycles.

Standard & Custom Reporting

- **GASB 87 & GASB 96 Compliance Reports:** Generate audit-ready disclosure reports, including roll-forward reports and amortization schedules for both real estate and software subscriptions (GASB 96 *Subscription-Based Information Technology Arrangements* (SBITAs), requires government entities to recognize a right-to-use intangible asset and a corresponding subscription liability for cloud computing and software contracts, similar to lease accounting under GASB 87. It applies to contracts over 12 months, effective for fiscal years starting after June 15, 2022.).
- **Sustainability & ESG Reports:** Track energy and emissions data to align with municipal climate action plans and meet potential **net-zero** reporting goals.
- **Portfolio Health Dashboards:** Visualize lease locations and costs through interactive maps and high-level summaries for presentation to the City Council.
- **Budget & Forecasting Models:** Model lease cost impacts within constrained appropriation cycles to assist in annual city budget planning.

System Integrations

- **Financial & ERP Systems:** Integrate with city financial software (like ERMA) to sync journal entries and lease payments with the broader general ledger.
- **Accounts Receivable:** Streamline the collection of rent from third-party tenants leasing city-owned property.
- **EPA Portfolio Manager:** Export facility data directly to the EPA's benchmarking tool to simplify public-sector transparency requirements.
- **GIS Integration:** Connect lease records with the city's **GIS (Geographic Information System)** for spatial analysis of city-owned and leased land parcels.

Communication Needs

It is more important that real property software act as an **internal collaboration and data centralization** resource rather than acting as a direct two-way messaging app for tenants. City of Berkeley needs a system of record for finance, legal, and real estate teams across multiple departments. It is more important that the software can be set up to send standard and programmable alerts and reminders to the tenants AND to the assigned manager of the lease in each department to ensure they communicate with the tenant by phone or email.

Software must support communication in the following ways:

- **Internal Collaboration:** Multiple departments (Finance, Real Estate, Legal) can access the same lease data and leave notes or track approvals within a controlled environment to ensure everyone is aligned.
- **Contact Management:** Store and track all contact details for every lease, including tenants, property managers, and attorneys, to quickly find who you need to reach via traditional channels.
- **External Integration for Alerts:** The platform can integrate with communication tools like Outlook. This allows the system to push critical alerts (like renewal deadlines or rent changes) to the appropriate team members who can then reach out to tenants.
- **Operational Transparency:** By tracking performance and building occupancy, the software provides data that helps the City in its role as property owners "improve

communication" by giving them the facts needed to convey building updates or renegotiate terms effectively.

- **Visual and GIS-Friendly:** Highly visual and user-friendly, with interactive maps and a focus on administration.
- **Lease Life Focus:** must be designed to handle the entire life of the lease *after* compliance is met, such as tracking CAM (Common Area Maintenance) reconciliations and legal disputes.
- **Fiscal Communication:** Allows allocation of leases across different municipal funds and prepares modified accrual journal entries easily.

Desire Operational Impact of the Software

- **Cost Savings:** Will identify overpayments and non-conforming charges through automated audits, the software helps control expenses and optimize space utilization. Specifically need to address late payment, nonpayment, and underpayment of rent.
- **Enhanced Visibility:** City leadership can use real-time dashboards and interactive maps to visualize the entire portfolio of properties and make data-driven decisions regarding acquisitions and/or sale of property and space planning.
- **Risk Mitigation:** Robust internal controls and a complete audit trail for all lease modifications help maintain data integrity and reduce the risk of non-compliance particularly with regard to third-party insurance requirements.

Dionne Early, Real Property Administrator
City of Berkeley
Department of Public Works – Real Property
dearly@berkeleyca.gov
510-981-6453

ATTACHMENT 3

CITY REAL PROPERTY: LEASES AND LICENSE AGREEMENTS

PRESENTED FOR

Budget & Finance Committee
April 9, 2026

PRESENTED BY

Public Works: Dionne Early, Real Property Administrator

Parks, Recreation and the Waterfront: Director Scott Ferris



General Property Categories

- City Administration
- City Programs
- City Operations
- City Property Leased/Licensed to Non-City Tenants
- Leases Related to Low-Income Housing
- Successor Agency Properties



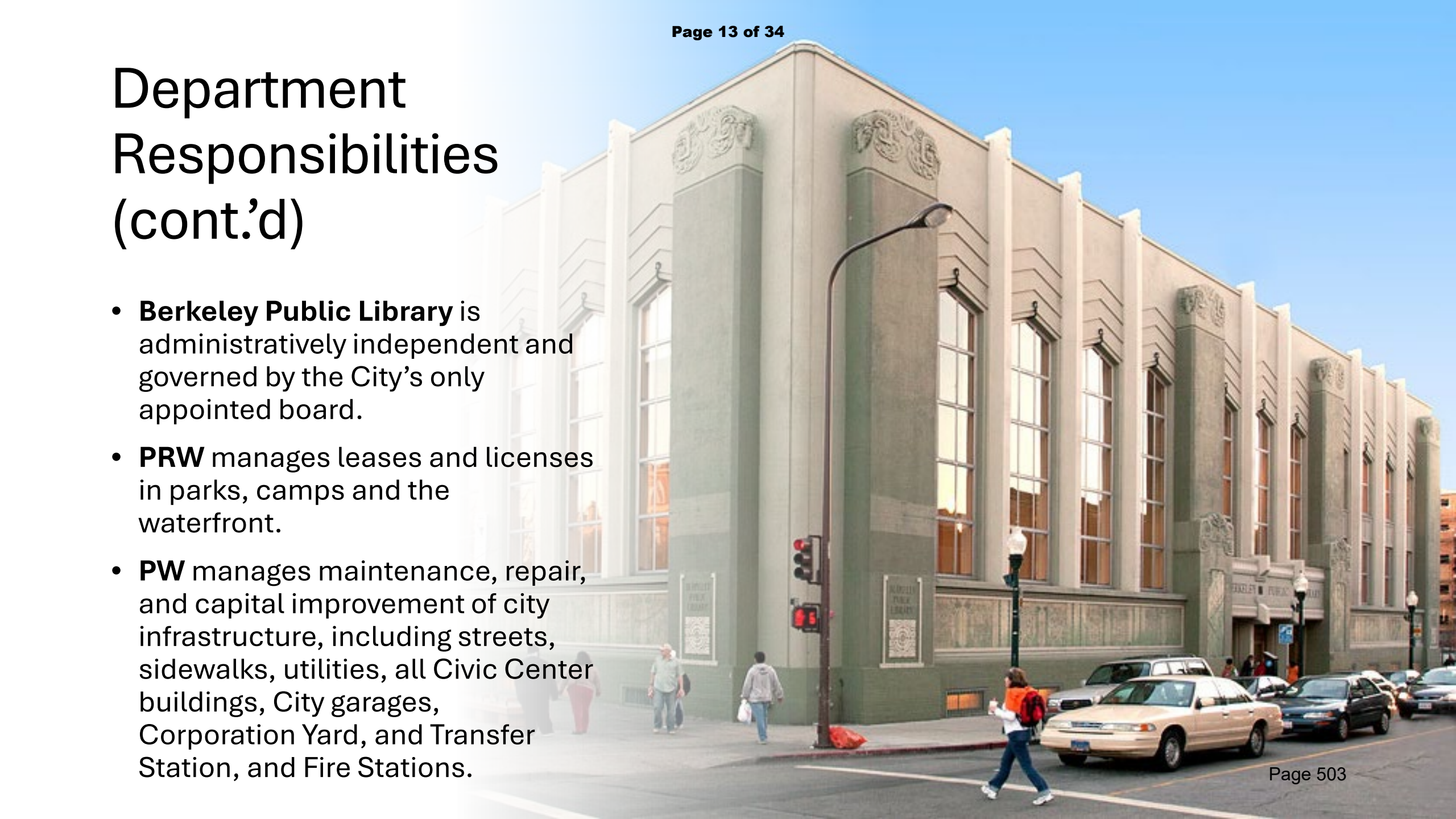


Department Responsibilities

- Use and Occupancy
- Fiscal Management and Oversight
- Operation and Maintenance

Department Responsibilities (cont.'d)

- **Berkeley Public Library** is administratively independent and governed by the City's only appointed board.
- **PRW** manages leases and licenses in parks, camps and the waterfront.
- **PW** manages maintenance, repair, and capital improvement of city infrastructure, including streets, sidewalks, utilities, all Civic Center buildings, City garages, Corporation Yard, and Transfer Station, and Fire Stations.







PRW Leases and Licenses

April 9, 2026

Overview

- PRW has 33 lease and license agreements / 41 facilities
  - 23 active agreements
  - 12 holdover – Currently working on renewing 9 agreements
  - 1 pre-lease – 199 Seawall Drive (former Hs. Lordships)
- Waterfront: 15 agreements
- Parks: 11 agreements / 15 facilities
- Non-Park: 3 agreements
- Leased Facilities (City is tenant): 4 agreements / 8 facilities

Waterfront – 15 Agreements

- 9 Building Leases:
  - Berkeley Yacht Club, Cal Adventures, Cal Sailing Club, Berkeley Sportsman Center (Bait Shop), Hana Japan, International Child Resource Institute (ICRI), Patpatia & Associates, Third Plateau, CoB/BPD Traffic Bureau
- 3 Ground Leases:
  - Doubletree Hotel, Berkeley Marine Center, Skates on the Bay
- 2 Licenses:
  - Highline Kites, Roaming Bean Coffee
- 1 Option Agreement for potential Ground Lease:
  - TSA Holdings at 199 Seawall Drive (Former Hs. Lordships)



Berkeley Yacht Club



125-127 University Ave. (Office suites & BPD Traffic Bureau)

Waterfront Agreements

Tenant	Address	Lease Status	Initial Term Duration	Current Annual Base Rent
Ground Leases				
Berkeley Marine Center	1 Spinnaker Way	Active	51 years, 1978-2029	$24,480.00 + % rent
Doubletree Hotel	200 Marina Blvd	Active	61 years, 2020-2080	$985,379.64 + % rent
Skates on the Bay	100 Seawall Dr	Active	10 years, 2022-2032	$288,000.00 + % rent
TSA Holding Group	199 Seawall Dr	Option Agreement	2 years, 2026-2028	$0
Building Leases				
Berkeley Yacht Club	1 Seawall Dr	Active	30 years, 2016-2045	$19,696.44 + CIP
Cal Adventures (UC Berkeley)	124 University Ave	Holdover, In Negotiations	5 years, 2004-2008	$19,350.00
Cal Sailing Club	124 University Ave	Holdover, In Negotiations	5 years, 2015-2019	$12,762.72
Int'l Child Resource Institute	125-127 University	Holdover, In Negotiations	3 years, 2014-2017	$36,708.00
Third Plateau	125-127 University	Holdover, In Negotiations	3 years, 2017-2017	$40,866.00
Patpatia and Associates	125-127 University	Active, In Negotiations	5 years, 2021-2026	$42,172.32
CoB/BPD Traffic Bureau	125-127 University	Active	5 years, 2022-2026	$196,056.00
Berkeley Sportsman Center (Bait Shop)	225 University Ave	Holdover, In Negotiations	3 years, 2020-2023	$44,516.16
Hana Japan	235 University Ave	Active	6 years, 2020-2026	$94,416.00 + CIP
Licenses				
Highline Kites	Cesar Chavez Park	Holdover	5 years, 2004-2008	$2,205.00
Roaming Bean Coffee	South Cove	Active, In Negotiations	1 year, 2024-2025	$3,831.60

Parks – 11 Agreements / 14 Facilities

- 9 Leases
  - 5 at Aquatic Park: Bay Area Outreach Recreation Program (BORP), Waterside Workshops, Korsa Musical Theater, Berkeley Rowing Club, Berkeley Water Ski Club
  - 2 at Live Oak Park: Berkeley Art Center, Korsa Musical Theater
  - 1 at Cedar Rose Park: Ala Costa Center
  - 1 at James Kenney Park: Bay Area Hispano Institute for Advancement (BAHIA)
  - Of these, 6 non-profit tenants pay rent + make CIP improvements
- 2 Licenses
  - Aquatic Park: Bay Area Air Quality Management District (BAAQMD)
  - Virginia-McGee Totland: Jon's School of Music



Berkeley Rowing Club at Aquatic Park



BAHIA at James Kenney Park

Park Agreements

Tenant	Address	Park	Lease Status	Initial Term Duration	Current Annual Base Rent
LEASES					
Bay Area Outreach Recreation Program (BORP)	80 Bolivar Dr	Aquatic Park	Holdover, In Negotiations	4 years, 2009-2013	$1,680.00 + CIP
Waterside Workshops	80, 82, 84, 90 Bolivar Dr	Aquatic Park	Active	10 years, 2022-2032	$2,400.00 + CIP
Korsa Musical Theater (Aquatic Park)	2925, 2945 Bolivar Dr	Aquatic Park	Active	10 years, 2024-2034	$1,200.00 + CIP
Berkeley Rowing Club	2851 W Bolivar Dr	Aquatic Park	Active	15 years, 2016-2030	$1,300.00 + CIP
Berkeley Water Ski Club	2821 W Bolivar Drive	Aquatic Park	Holdover	2 years, 2008-2010	$4,900.00
Berkeley Art Center	1275 Walnut Street	Live Oak Park	Active	10 years, 2018-2028	$1.00 + CIP
Korsa Musical Theater (Live Oak Theater)	1301 Shattuck Ave	Live Oak Park	Active	3 years, 2024-2027	$6,000.00
Ala Costa Center	1300 Rose Street	Cedar Rose Park	Holdover	1 year, 1998-1999	$1.00
Bay Area Hispano Institute for Advancement (BAHIA)	1718 Eighth Street	James Kenney Park	Active	15 years, 2023-2038	$6,556.36 + CIP
LICENSES					
Bay Area Air Quality Mgmt District (BAAQMD)	80 Bolivar Dr	Aquatic Park	Active	15 years, 2013-2028	$9,803.40
Jon's School of Music	1644 Virginia St	Virginia-McGee Totland Park	Holdover, In Negotiations	1 year, 2018	$9,744.00

Non-Park – 3 Lease Agreements

Tenant	Address	Lease Status	Initial Term Duration	Current Annual Base Rent
Berkeley Lawn Bowling Club	2270 Acton Street, 94702	Holdover	15 years, 1994-2009	$1,200.00
Big Oaks Learning Center (Ephesians)	1907 Harmon Street, 94703	Holdover	5 years, 1992-1997	$1.00
Cazadero Performing Arts Camp	5385 Cazadero Highway, Cazadero, CA 95421	Active	25 years, 2021-2045	$52,167.33 + CIP



Big Oaks Learning Center (adjacent to Greg Brown Park)



Cazadero Performing Arts Camp

City is Tenant: 4 Agreements / 8 Facilities

- 2 with US Forest Service (Special Use Permit):
  - Echo Lake, Tuolumne
- 1 with BUSD (Joint Use Agreement):
  - Martin Luther King, Jr. Youth Services Center/Young Adult Project (YAP)
  - Pools: King, West Campus
  - Parks: King, Thousand Oaks
- 1 with East Bay Regional Park District (Ground Lease):
  - Tom Bates Regional Sports Complex



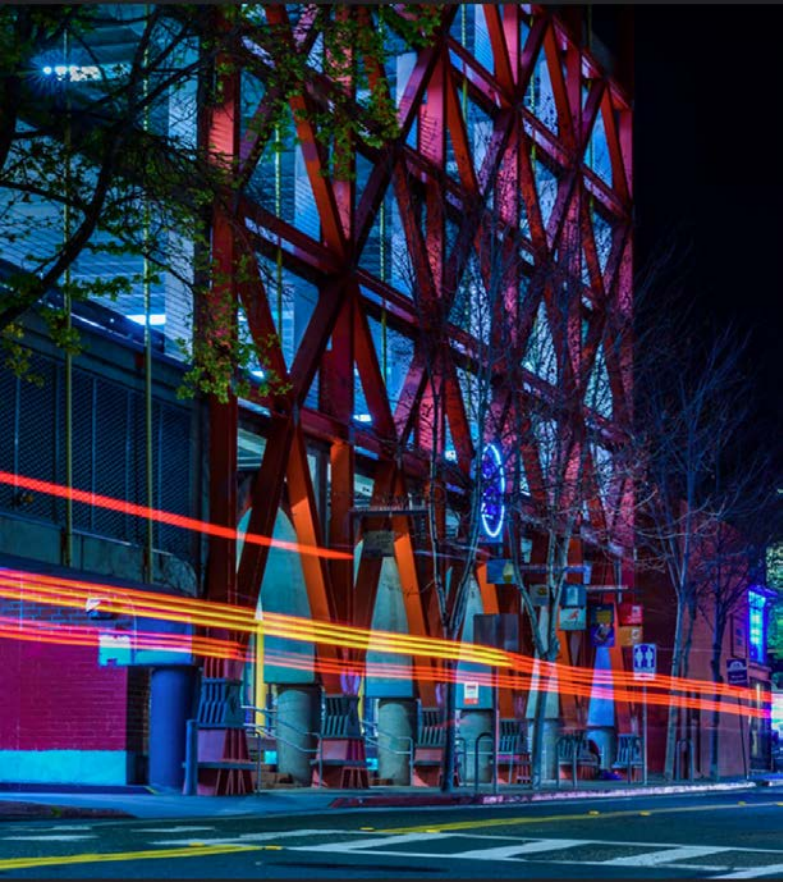
Echo Lake Camp

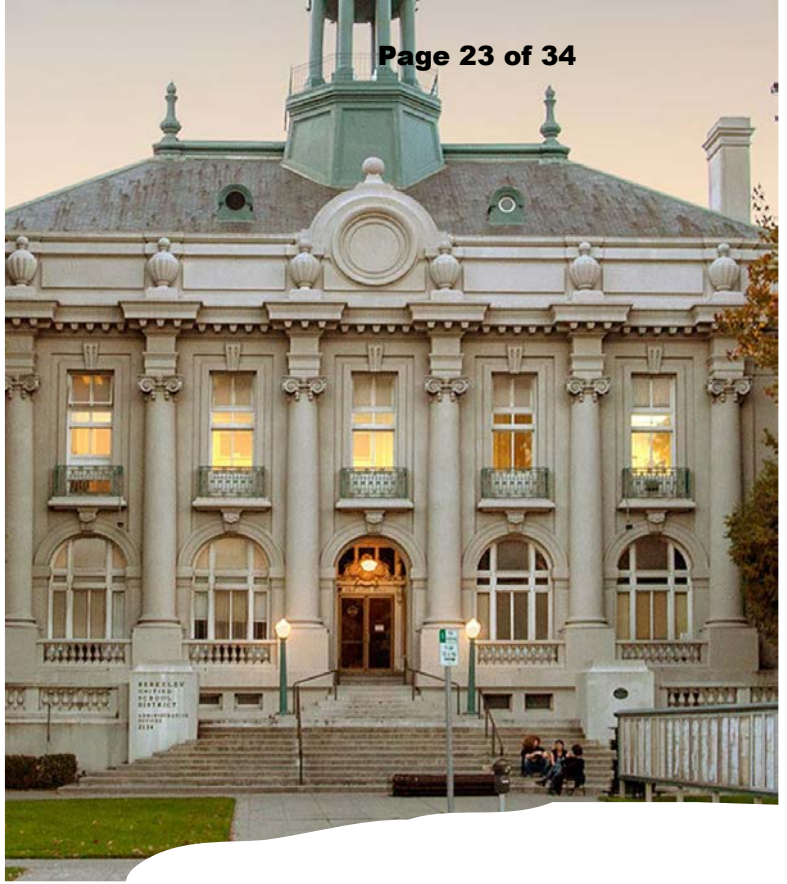


MLK Jr. Youth Services Center (under construction)

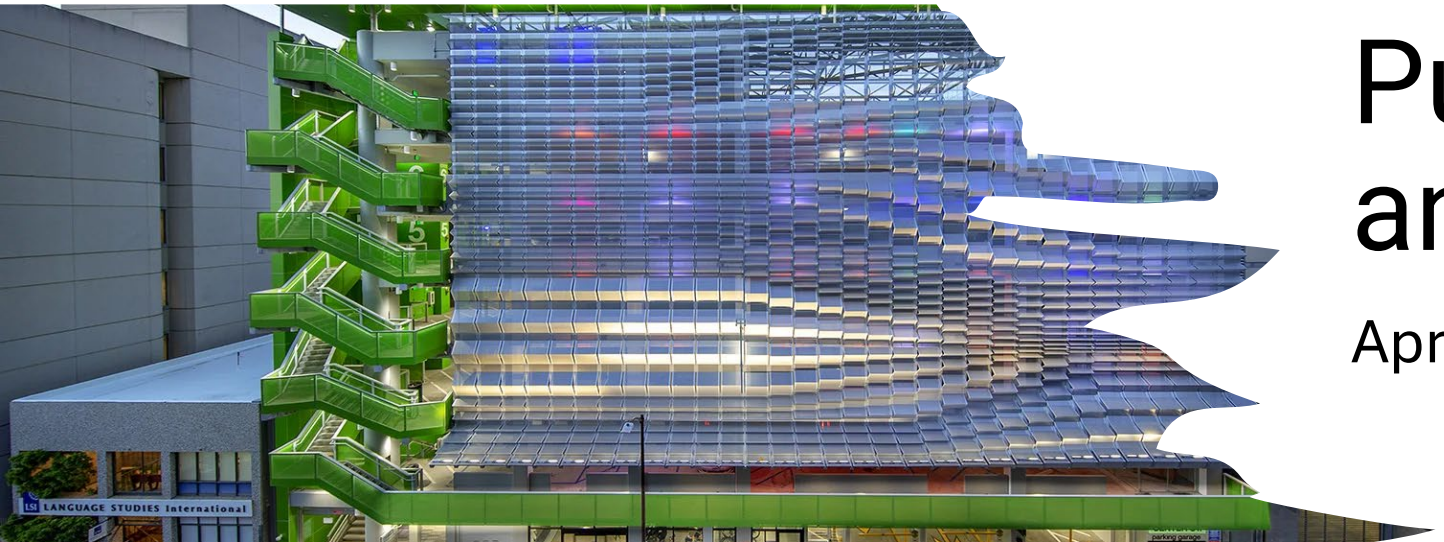
Leased Facilities (City is tenant)

Facility	Address	Lease Status	Initial Term Duration	Current Annual Base Rent/Fee
US Forest Service Special Use Permits				
Echo Lake Camp	7 Echo Lakes Road, Echo Lakes, CA 95721	Active	20 years, 2011-2030	$500-$2,500
Tuolumne Camp	31585 Hardin Flat Road, Groveland, CA 95321	Active	30 years, 2020-2049	$25,000-$75,000
BUSD Joint Use Agreement				
MLK Youth Services Center/YAP	1730 Oregon St	Active	30 years, 2021-2051	$0
King Pool	1700 Hopkins St	Active	30 years, 2021-2051	$0
West Campus Pool	2100 Browning St	Active	10 years, 2021-2031	$0
King Park	1700 Hopkins St	Active	25 years, 2021-2046	$0
Thousand Oaks Park	1700-1780 Tacoma Ave	Active	25 years, 2021-2046	$0
East Bay Regional Parks District (Ground Lease)				
Tom Bates Regional Sports Complex	400 Gilman St	Active	46 years, 2007-2053	$1,000









Public Works Leases and Licenses

April 9, 2026

Overview

- PW has 16 active leases, 2 cooperative agreements, and 2 vacancies at 4 locations
  - 11 holdover – Telegraph-Channing Mall and Garage
  - 6 active – BHA's Lease in 1947 will terminate before the end of fiscal year
  - 1 cooperative agreement has a lease associated with it – BART at CSG
  - 1 cooperative agreement is tied to Zero Waste – CCC/Berkeley Recycling
  - 1 land lease
- PW Lease Support Only Facilities (City is Tenant): 2 agreements/ 7 facilities
- PW Co-Managed: 7 leases and 8 license agreements at 11 buildings

Garages – PW Leases

- Telegraph-Channing Mall: 14 Retail Space Leases, 1 Vacancy, all Market Rate
  - Nonprofits – Dorothy's Closet, We Wield The Hammer, Friends of the Library
  - Food – Plentea (2), Cheese n Stuff, SoDoI
  - Others – Framers, Revolution Books, Postal Annex, Moe's Flowers, M&M Threading
  - 11 leases in holdover; 3 active; 1 vacancy
- Center Street Garage: 2 Lease, 1 Cooperative Agreement
  - Lexi's Frozen Custard, BART



Center Street Garage



Telegraph-Channing Mall and Garage

PW LEASES & LICENSE AGREEMENTS

City Property Name	Property Address	Tenant	Agreement Status	Annual Base Rent	Initial Approved Amount	Initial Term Duration (years)
Civic Center Annex Office	1947 Center St (5TH FLR)	Berkeley Housing Authority	Active (Terminates FY 2026)	$ 140,426.35	$ 1,404,263.52	10
Civic Center Annex Office	1947 Center St (6TH FLR)	VACANT				
Berkeley Recycling	669 Gilman St	Community Conservation Center, Inc.	Active		$ -	
Center St Garage (Retail Space)	2023 Center St	Bay Area Rapid Transit (BART)	Active	$ 51,371.89	$ 770,578.33	15
Center St Garage (Retail Space)	2010 Addison	Lexi's Frozen Custard	Active	$ 20,590.94	$ 205,909.36	10
Telegraph-Channing Mall	2439 Channing Way	Framer's Workshop	Active	$ 77,223.00	$ 772,230.00	10
Telegraph-Channing Mall	2425-a Channing Way	DDH dba Dorothy's Closet	Active	$ 22,932.00	$ 114,660.00	5
Telegraph-Channing Mall	2425-b Channing Way	Postal Annex	Active-Holdover	$ 24,999.66	$ 124,998.30	5
Telegraph-Channing Mall	2425-c Channing Way	VACANT				
Telegraph-Channing Mall	2433 Channing Way	Friends of the Berkeley Public Library	Active-Holdover	$ 14,199.24	$ 70,996.20	5
Telegraph-Channing Mall	2434 Durant Ave	Plentea Berkeley (dinning/storage)	Active-Holdover	$ 19,112.89	$ 95,564.44	5
Telegraph-Channing Mall	2430 Durant Ave	Plentea Berkeley (shop)	Active-Holdover	$ 19,349.57	$ 77,398.28	4
Telegraph-Channing Mall	2438 Durant Ave	SoDol Coffee Tasting House	Active-Holdover	$ 27,376.70	$ 273,767.00	10
Telegraph-Channing Mall	2440 Durant Ave	We Wield The Hammer	Active	$ 11,655.00	$ 58,275.00	5
Telegraph-Channing Mall	2442 Durant Ave	Cheese'n Stuff Deli	Active-Holdover	$ 16,972.25	$ 84,861.23	5
Telegraph-Channing Mall	2444 Durant Ave	Revolution Books	Active-Holdover	$ 20,241.00	$ 101,205.00	5
Telegraph-Channing Mall	2446 Durant Ave	Moe's Flowers (flower stand & Storage)	Active-Holdover	$ 3,460.75	$ 17,303.73	5
Telegraph-Channing Mall	2446 Durant Ave	Moe's Flowers (Flower shop)	Active-Holdover	$ 17,253.59	$ 86,267.94	5
Telegraph-Channing Mall	2432 Durant Ave	M & M Threading	Active-Holdover	$ 15,179.80	$ 75,899.00	5
Telegraph-Channing Mall	Around Elevator	Egress Hallway for Telegraph Ave Shop	Active-Holdover			

PW Lease Support Only

- **Police Accountability Board**
  - Return to their previous offices
  - Built to PW design at no cost to City
  - 10-year lease with option for additional 10 years
- **New Fire Headquarters**
  - 6 Buildings
  - Remodel to include new EOC, training facility, admin
  - Lease with Option to Purchase



1900 Addison – Police Accountability



1250 Ninth Street – New Fire HQ

PW LEASES (CITY IS TENANT)

City Property Name	Property Address	Tenant	Agreement Status	Annual Base Rent	Initial Approved Amount	Initial Term Duration (years)
Fire Headquarters	933 Gilman (6 Buildings)	Fire Headquarter and EOC - City	Active	$ 1,376,004.00	$ 44,200,819.00	20
Police Accountability Board	1900 Addison, 3rd Floor	Police Accountability - City	Active	$ 150,122.50	$ 1,779,588.34	10

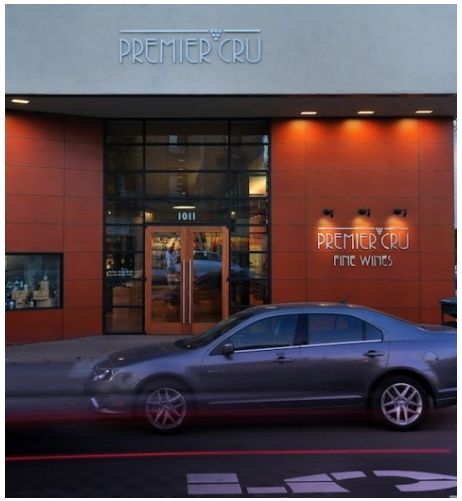
Co-Managed Sites

- **Co-Manages Agreements with CMO and/or HHCS:**
  - Old City Hall and Annex Office Building
  - Veterans Building
  - 1947 Center Street
  - Ann Chandler Clinic
  - University Avenue Center (aka Premier Cru)
  - Land Lease – County Courthouse
  - Cultural Arts Center and Theater (BRG)
  - Animal Shelter Cell Antenna



Old City Hall

- **6 Leases between $1 and $100 per year**
- **2 Leases for $24,000 per year maintenance fee**
- **8 License Agreements between $1 and $100 per year**
- **1 Lease for $25,885 per year for cell tower**



University Avenue Center

PW CO-MANAGED AGREEMENTS

City Property Name	Property Address	Tenant	Agreement Status	Annual Base Rent	Initial Approved Amount	Initial Term Duration (years)
Old City Hall Annex Building	1835 Allston Way	Options Recovery	Holdover	$ 100.00	$ 500.00	5
Ann Chandler Public Health Center	830 University Ave.	Berkeley Free Clinic	Active	$ 24,000.00	$ 120,000.00	5
Ann Chandler Public Health Center	830 University Ave.	Lifelong Medical	Active	$ 24,000.00	$ 120,000.00	5
Maudelle Shirek Building	2134 Martin Luther King Jr. Way	Berkeley Community Media	Active	$ 1.00	$ 1.00	
Maudelle Shirek Building	2134 Martin Luther King Jr. Way	Dorothy Day House	Active - Month-to-Month	$ 100.00	$ 100.00	
Veteran's Memorial Hall	1931 Center - West 1st flr and 2nd flr	Berkeley Historical Society	Active - Month-to-Month	$ 1.00	$ 1.00	
Veteran's Memorial Hall	1931 Center - Rm on 1st flr	Berkeley Place Hearing Impaired (1997)	Active - Month-to-Month	$ 100.00	$ 100.00	
Veteran's Memorial Hall	1931 Center - Basement	Dorothy Day House	Active - Month-to-Month	$ 100.00	$ 100.00	
Veteran's Memorial Hall	1931 Center - Basement	Dorothy Day House	Active - Month-to-Month	$ 100.00	$ 100.00	
Veteran's Memorial Hall	1931 Center - Auditorium and Stage	Options Recovery	Active - Month-to-Month	$ 100.00	$ 100.00	
Veteran's Memorial Hall	1931 Center - Restrooms	The Ecology Center	Active - Month-to-Month	$ 100.00	$ 100.00	
University Avenue Cntr - Warehouse	1001 University Ave	Berkeley Food Network	Holdover	$ 12.00	$ 36.00	3
University Avenue Cntr - Community Center	1007 University Ave	(Temporary-Fire/HHCS)	City Use	N/A	$ -	N/A
University Avenue Cntr - Retail/Office	1011 University Ave	Meals On Wheels/Vacant	City Use/Vacant	N/A	$ -	N/A
University Avenue Cntr - Parking	1925 Ninth Street	Parking Lot	City Use	N/A	$ -	N/A
Cultural Arts Center and Theater	3201 Adeline St	Black Repertory Group (Operator)	Holdover	$ 1.00	$ 24.00	50
Alameda County Berkeley Courthouse	2120 MLK	Alameda County	Active	$ 1.00	$ 18,500.00	50
Animal Shelter (roof)	1 Bolivar	AT&T Lease at Animal Shelter (2000)	Unknown	$ 25,885.32	$ 388,279.80	15

Please note: 100% of funds collected for Ann Chandler Public Health Center are for PW's structural maintenance of the building. No rent is collected.

Lease Analysis Summary: Identify Needed Investments

- Comprehensive Analysis of Building Envelopes and Energy Use Data
- Updating Retail Spaces and Exploring Option
- Identify New Locations for Current Old City Hall & Vets Building Tenants



Real Property Work Plan

- Select and Implement Property Management Software
- Build an Interactive Map of City Owned Property
- Prepare RFP for Broker and Appraisal Services
- Renegotiate Agreements in Holdover or Over 15 Years Old
- Collect Unpaid Rent
- Update and Expand Administrative Regulations for Real Property

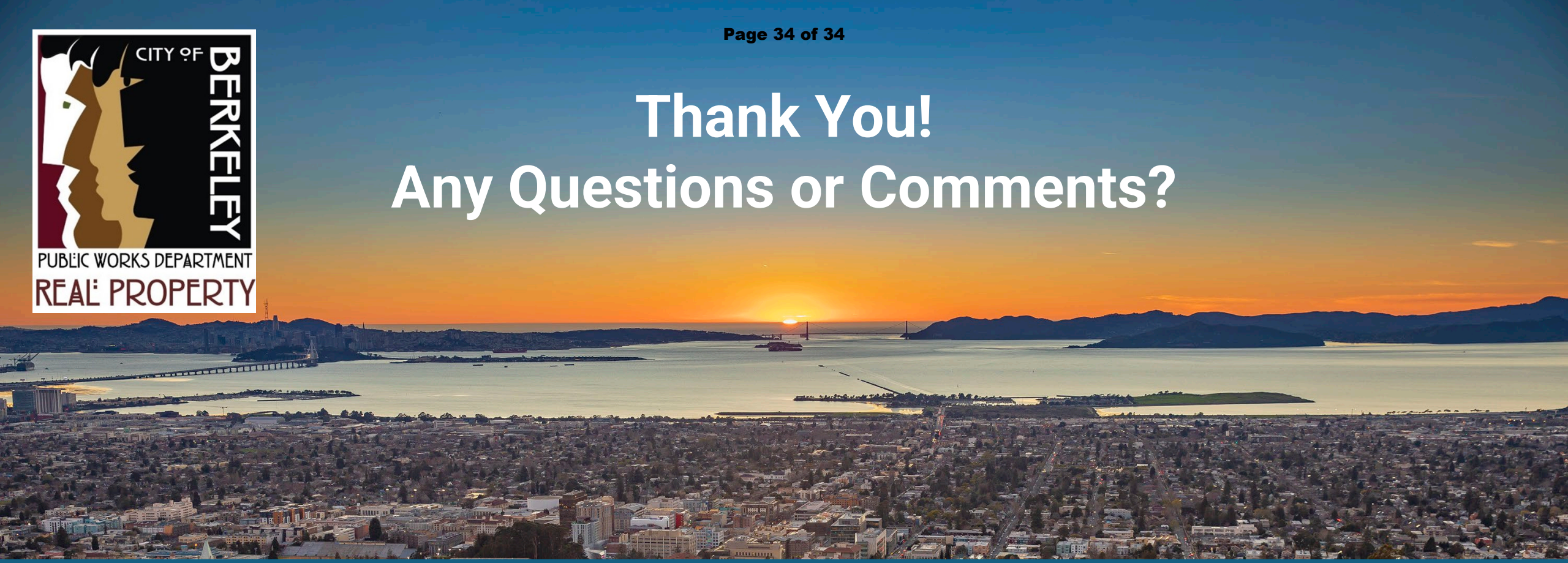


Interactive Map of City Owned Property + More

https://experience.arcgis.com/experience/6e91337674b646a7b5a4c937a1853539

CITY OF BERKELEY
PUBLIC WORKS DEPARTMENT
REAL PROPERTY

Thank You!
Any Questions or Comments?



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Scott Ferris
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Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

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

Records Online
https://records.cityofberkeley.info/

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF