



Office of the Mayor

21CONSENT CALENDAR

December 1, 2020

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín (Author), Councilmember Susan Wengraf (Co-Sponsor), Councilmember Sophie Hahn (Co-Sponsor)

Subject: State Alignment on the Treaty on the Prohibition of Nuclear Weapons

RECOMMENDATION

Adopt a Resolution calling on the California State Legislature to introduce a bill to align the State with the UN Treaty on the Prohibition of Nuclear Weapons by creating a non-partisan, advisory Prohibition of Nuclear Weapons Citizens Commission. Copies of this resolution will be sent to Governor Gavin Newsom, Senator Nancy Skinner and Assemblymember Buffy Wicks.

BACKGROUND

The Treaty on the Prohibition of Nuclear Weapons, commonly referred to as the Nuclear Weapons Ban Treaty, was adopted at the United Nations on July 7, 2017. Passed by 122 nations (69 nations, including nuclear nations and all of NATO except for the Netherlands – which was the sole country opposed to it – did not participate in the vote), the Treaty prohibits the development, testing, and stockpiling of nuclear weapons with the goal of eliminating nuclear weapons.

The City of Berkeley has a long history of opposition to nuclear weapons. In 1986, Berkeley voters approved Measure K, the Nuclear Free Berkeley Act, by a supermajority. Under the Nuclear Free Berkeley Act, any work on nuclear weapons, contracts with companies working on nuclear weapons, and investments with those companies are prohibited from taking place within the City of Berkeley. In May 2018, the Berkeley City Council passed a Resolution for the City of Berkeley to Declare Itself Strongly Supportive of the UN Treaty on the Prohibition of Nuclear Weapons. Most recently, in July 2020, the City Council adopted a Resolution in opposition to nuclear warfare to mark the 75th anniversary of the nuclear bombing of Hiroshima and Nagasaki.

In September 2018, the California State Legislature passed Assembly Joint Resolution 33, calling on the federal government and the nation to embrace the UN Treaty on the Prohibition of Nuclear Weapons. The Nuclear Weapons Abolition and Economic and Energy Conversion Act was introduced in April 2019 by Eleanor Holmes Norton, who represents the District of Columbia in the House of Representatives, which has been cosponsored by Congressmember Barbara Lee. No action has been taken on that bill so far.

This Resolution calls on the California State Legislature to introduce a bill establishing a non-partisan, advisory Prohibition of Nuclear Weapons Citizens Commission to make recommendations on transitioning the state away from nuclear weapons-related state investments and public contracts.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Resolution

2: May 17, 2018 Resolution for the City of Berkeley to Declare itself Strongly Supportive of the UN Treaty on the Prohibition of Nuclear Weapons

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

CALLING THE CALIFORNIA LEGISLATURE TO INTRODUCE A BILL TO ALIGN THE STATE WITH THE UN TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS

WHEREAS, on July 7, 2017, the United Nations Treaty on the Prohibition of Nuclear Weapons (Nuclear Weapons Ban Treaty) was adopted by 122 countries, calling for the abolition of all nuclear weapons from all countries, and establishing a legal framework for their eliminationⁱ; and

WHEREAS, on September 20, 2017, the Nuclear Weapons Ban Treaty opened for signatures, and as of August 9, 2020, 44 state parties have ratified that treatyⁱⁱ out of a total of 50 ratifications needed for the treaty to enter into force; and

WHEREAS, on May 15, 2018, the Berkeley City Council passed a Resolution for the City of Berkeley to Declare Itself Strongly Supportive of the UN Treaty on the Prohibition of Nuclear Weaponsⁱⁱⁱ; and

WHEREAS, on April 30, 2019, Eleanor Holmes Norton introduced the Nuclear Weapons Abolition and Economic and Energy Conversion Act in the United States Congress^{iv}, and as of July 29, 2020, that bill has 8 co-sponsors including Congresswoman Barbara Lee;^v and

WHEREAS, on September 5, 2018, the California State Legislature passed Assembly Joint Resolution 33, calling on the federal government and the nation to embrace the UN Treaty on the Prohibition of Nuclear Weapons^{vi}; and

WHEREAS, the State of California is as much a part of the nation as any other state.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley calls on the California State Legislature to introduce a bill to create a non-partisan and advisory Prohibition of Nuclear Weapons Citizens Commission for the purpose of making recommendations on transitioning the state away from nuclear weapons-related state investments and public contracts (Exhibit A); and

BE IT FURTHER AND FINALLY RESOLVED that the Council requests that the City Clerk send this resolution and the proposed bill to Governor Newsom, Senator Skinner and Assemblymember Wicks.

Exhibits:

A: Draft State Bill Language

ⁱ https://www.icanw.org/the_treaty

ⁱⁱ https://www.icanw.org/signature_and_ratification_status

ⁱⁱⁱ https://www.cityofberkeley.info/Clerk/City_Council/City_Council_Agenda_Archive_Information.aspx, 05-15 Annotated Agenda(3)pdf #25

^{iv} <https://norton.house.gov/media-center/press-releases/norton-introduces-nuclear-weapons-abolition-and-economic-and-energy>

^v <https://www.congress.gov/bill/116th-congress/house-bill/2419/cosponsors?searchResultViewType=expanded>

^{vi} https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AJR33

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.
as introduced, _____.
General Subject: Prohibition of Nuclear Weapons Citizens Commission.

Existing law authorizes contracting between state agencies and private contractors and sets forth requirements for the procurement of goods and services by state agencies. Existing law prohibits a person engaged in investment activities in Iran, as defined, from engaging in specified contracting activities with the state. Existing law establishes various commissions within state government for specified purposes.

This bill would create in state government a nonpartisan and advisory Prohibition of Nuclear Weapons Citizens Commission for the purpose of aligning California with the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons. The bill would require the commission to consist of 11 appointed members. The bill would require the Governor to appoint 7 members and the Secretary of State, the Attorney General, the Speaker of the Assembly, and the Senate Rules Committee to each appoint one member. The bill would require the commission to, among other duties, file a final report with the Governor, the Senate and the Assembly, the Lieutenant Governor, and the Attorney General no later than July 31, 2021. The bill would require the report to include specified elements relating to transitioning the state away from nuclear weapons-related state investments and public contracts.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



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An act to add Title 7.7 (commencing with Section 67410) to the Government Code, relating to state government.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Title 7.7 (commencing with Section 67410) is added to the Government Code, to read:

TITLE 7.7. PROHIBITION OF NUCLEAR WEAPONS CITIZENS COMMISSION

67410. (a) For purposes of this title, the following terms have the following meanings:

(1) "The treaty" means the 2017 United Nations Treaty on the Prohibition of Nuclear Weapons.

(2) "Person" means a natural person.

(b) (1) There shall be in state government a nonpartisan and advisory Prohibition of Nuclear Weapons Citizens Commission to advance the purpose of aligning California with the treaty.

(2) The commission shall be comprised of one person who shall be appointed by the Governor, one person who shall be appointed by the Secretary of State, one person who shall be appointed by the Attorney General, one person who shall be appointed by the Speaker of the Assembly, one person who shall be appointed by the Senate Rules Committee, and six persons who shall additionally be appointed by the Governor from a group of persons nominated by nonprofit organizations dedicated to the international prohibition of the use and possession of nuclear weapons. Appointees shall serve with no compensation.

(3) The Governor shall post an application for a position on the commission on the Governor's internet website.

(4) The Governor shall solicit applications for the commission on the Governor's internet website within 30 days of January 1, 2020.

(5) The Governor shall fill all initial commission appointments within 120 days following January 1, 2020, but shall not make those appointments sooner than within 90 days of that date.

(6) All officials charged with making appointments to the commission shall consider both of the following:

(A) The nonpartisan and advisory nature of the commission.

(B) The intent of the Legislature that the commission be diverse, inclusive, and representative of the people of California.

(c) A person shall not be appointed to the commission if any of the following is true:

(1) The person has not publicly applied for an appointment to the commission.

(2) The person is a current or former employee of a company or military installation involved in the production or maintenance of nuclear weapons.

(3) The person's application does not satisfy the requirements of subdivision

(d).

(4) The application was not submitted within 60 days of the posting of the appointment opportunity on the Governor's internet website.

(d) A person's application shall include all of the following:



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- (1) A statement of the person's intent to comply with and advance the policy established by the treaty and this title.
- (2) The person's qualifications to serve on the commission.
- (3) The city where the applicant resides.
- (4) The person's employment, if applicable.
- (e) Members of the commission shall elect a chairperson by a majority vote.
- (f) The commission shall have all of the following duties:
 - (1) To regularly meet to research, gather evidence, and obtain advice in the manner members determine most conducive to accomplishing the goals of this title.
 - (2) To inform the Legislature and the public about the implications of aligning the state with the treaty.
 - (3) To file a report with the Governor, the Senate and the Assembly, the Lieutenant Governor, and the Attorney General no later than July 31, 2021, pursuant to subdivision (g).
- (g) The final report of the commission shall include all of the following:
 - (1) An inventory of all companies, facilities, and institutions in the state involved in the nuclear weapons industry.
 - (2) An inventory of all state investments, including investments of state public pension funds, in companies involved in the nuclear weapons industry.
 - (3) An inventory of all public contracts, including the total value of those contracts, with companies involved in the nuclear weapons industry.
 - (4) Information on the economic impact of the nuclear weapons industry on the state, including, but not limited to:
 - (A) The total workforce employed by the nuclear weapons industry in the state.
 - (B) The total revenue generated in the state from the nuclear weapons industry.
 - (C) All facilities and infrastructure utilized or managed by the nuclear weapons industry within the state.
 - (D) The total number of jobs and public contracts directly related to activities prohibited by the treaty.
 - (E) An inventory of the transferable skills, technology, and infrastructure employed by the nuclear weapons industry and recommendations for how they may be repurposed to address climate change or other pressing social needs.
 - (F) An analysis of the impact that state conversion from the nuclear weapons industry to industries that address climate change and other relevant social needs will have on the state economy and the United States nuclear weapons industry, as well as a recommended timeline for that conversion.
 - (G) Recommendations for establishing procedures that screen all potential public contracts for involvement in the nuclear weapons industry.
 - (H) Recommendations for any and all additional steps the state can take to influence the federal government to sign and ratify the treaty.



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Peace and Justice
Commission

CONSENT CALENDAR
May 15, 2018

To: Honorable Mayor and Members of the City Council
 From: Peace and Justice Commission
 Submitted by: Ezekiel Gorrocino, Chairperson, Peace and Justice Commission
 Subject: Resolution for the City of Berkeley to Declare itself Strongly Supportive of the UN Treaty on the Prohibition of Nuclear Weapons

RECOMMENDATION

Adopt a Resolution for the City of Berkeley to declare itself strongly supportive of the UN Treaty on the Prohibition of Nuclear Weapons.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

At its regular meeting on April 2, 2018, the Peace and Justice Commission unanimously adopted the following recommendation: that the City Council declare itself strongly supportive of the UN Treaty on the Prohibition of Nuclear Weapons.

M/S/C: Bohn/Meola
 Ayes: Bohn, Gorrocino, Hariri, Lippman, Meola, Rodríguez, Watson
 Noes: None
 Abstain: Maran
 Absent: Pancoast, Agrawal

BACKGROUND

See below.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

Resolution for the City of Berkeley to declare itself strongly supportive of the UN Treaty on the Prohibition of Nuclear Weapons.

The Peace and Justice Commission advises the City Council "...on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to the issues of ending the arms race, abolishing nuclear weapons, support for human rights and self-determination throughout the world, and the reallocation of our national resources so that money now spent on war and preparation of war is spent on fulfilling human needs and the promotion of peace."

The City of Berkeley declared itself in 1986 to be a Nuclear Free Zone and prohibited, under the Nuclear Free Berkeley Act, any work on nuclear weapons, contracts with companies working on nuclear weapons, and investments with those companies from taking place within the City of Berkeley. As of 7 July, 2017, all such activities relating to nuclear weapons are now considered illegal by the majority of the world's nations that adopted the Treaty on the Prohibition of Nuclear Weapons and opened it for signing and ratification on 20 September, 2017 to the treaty.

As the national Administration has refused to pursue nuclear disarmament or positive international relations in general, cities and states across the country have the opportunity to give moral leadership by committing to compliance with the Treaty on the Prohibition of Nuclear Weapons to the extent possible at their respective levels of authority.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON

Ezekiel Gorrocino, Chairperson, Peace and Justice Commission (415) 298-7120
Shallon Allen, Peace and Justice Commission Secretary (510) 981-7071

Attachments:

1: Resolution

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

RESOLUTION FOR THE CITY OF BERKELEY TO DECLARE ITSELF STRONGLY SUPPORTIVE OF THE UN TREATY ON THE PROHIBITION OF NUCLEAR WEAPONS

WHEREAS, the Peace and Justice Commission advises the City Council "...on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to the issues of ending the arms race, abolishing nuclear weapons, support for human rights and self-determination throughout the world, and the reallocation of our national resources so that money now spent on war and preparation of war is spent on fulfilling human needs and the promotion of peace;"ⁱ and

WHEREAS, the City of Berkeley declared itself in 1986 to be a Nuclear Free Zone and prohibited, under the Nuclear Free Berkeley Act, any work on nuclear weapons, contracts with companies working on nuclear weapons, and investments with those companies from taking place within the City of Berkeley; and

WHEREAS, as of 7 July, 2017, all such activities relating to nuclear weapons are now considered illegal by the majority of the world's nations who adopted Treaty on the Prohibition of Nuclear Weapons and opened it for signing and ratification on 20 September, 2017;ⁱⁱ and

WHEREAS, the International Campaign to Abolish Nuclear Weapons (ICAN) won the 2017 Nobel Peace Prize "for its ground-breaking efforts to achieve a treaty-based prohibition" of nuclear weapons;ⁱⁱⁱ and

WHEREAS, it has been noted by people of all nations that all of the world's nine nuclear-armed countries including the United States are so far refusing to sign the treaty;^{iv} and

WHEREAS, when President Trump declared early in 2017 his intention to pull the US out of the Paris Climate Accord of December 2016, states and cities across the U.S. that lack legal standing to adopt an international treaty announced they would commit to complying with the terms of the Paris Climate Accord to the extent possible at their respective levels of authority;^v and

WHEREAS, with reference to the action described in the previous paragraph as an example, cities, states, businesses, universities, faith communities and other organizations across the U.S. have the opportunity to similarly announce that they are committed to complying with the Treaty on the Prohibition of Nuclear Weapons to the extent possible at their respective levels of authority.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council congratulates the International Campaign to Abolish Nuclear Weapons (ICAN) for winning the Nobel Peace Prize for 2017, for its efforts leading to the creation of the Treaty on the Prohibition of Nuclear Weapons.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley proclaims itself in compliance with the Treaty on the Prohibition of Nuclear Weapons by virtue of its being a “Nuclear Free Zone”.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley calls on the U.S. government, together with the other eight nuclear-armed nations, to sign and ratify the Treaty on the Prohibition of Nuclear Weapons, and to create and implement a legally binding, time-bound plan for the verifiable and irreversible elimination of all nuclear weapons, as required by the Treaty.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley request the City Clerk to send this resolution to Senator Dianne Feinstein, Senator Kamala Harris, to Congresswoman Barbara Lee, and to the Secretary-General of the United Nations as depository of the Treaty, together with a request to have its declaration of compliance with the treaty accepted alongside the declarations of states parties to the treaty.

ⁱ <http://www.codepublishing.com/CA/Berkeley/?Berkeley03/Berkeley0368/Berkeley0368.html#3.68.070> Function A (of Functions A through M)

ⁱⁱ <https://news.un.org/en/.../565582-treaty-banning-nuclear-weapons-opens-signature-un>, <http://www.icanw.org/the-treaty/>

ⁱⁱⁱ [UN votes to outlaw nuclear weapons in 2017 | ICAN](http://www.icanw.org/campaign-news/un-votes-to-outlaw-nuclear-weapons-in-2017/)

www.icanw.org/campaign-news/un-votes-to-outlaw-nuclear-weapons-in-2017/

Oct 27, 2016 - The United Nations adopted a landmark resolution on 27 October to launch negotiations in 2017 on a treaty outlawing nuclear weapons. ...

^{iv} <https://www.un.org/disarmament/list-of-countries-which-signed-tpnw-on-opening-day-20-september-2017/>,

https://www.nobelprize.org/nobel_prizes/peace/laureates/2017/press.html

^v <https://www.nytimes.com/2017/06/01/climate/american-cities-climate-standards.html>

Bucking Trump, These Cities, States and Companies Commit to Paris Accord, By [HIROKO TABUCHI](#) and [HENRY FOUNTAIN](#), JUNE 1, 2017. ” The unnamed group — which, so far, includes 30 mayors, three governors, more than 80 university presidents and more than 100 businesses — is negotiating with the United Nations to have its submission accepted alongside contributions to the Paris climate deal by other nations.”