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OFFICE OF THE DIRECTOR OF POLICE ACCOUNTABILITY

FY 2026 HIRING FREEZE TIMELINE AND DOCUMENTS

Document Date	Description	Page
May 20, 2025	Council directs the City Manager to work with Charter Officers to develop a hiring freeze plan and address vacant positions.	1
May 21, 2025	ODPA submits a legal and operational memo to Council, recommending either a full exemption or authority to apply the City Manager's exemption criteria to critical roles.	24
June 12, 2025	ODPA presents budget realities to the Council's Budget & Finance Committee.	33
June 23, 2025	The authoring Councilmember sends a courtesy notice of intent to propose a hiring freeze, but no language is shared.	41
June 24, 2025	Supplemental budget item posted publicly for Council vote and subsequently adopted.	43

MAY 20, 2025

COUNCIL DIRECTS THE CITY MANAGER TO WORK WITH CHARTER OFFICERS TO DEVELOP A HIRING FREEZE PLAN AND ADDRESS VACANT POSITIONS.

(Refer to the motion highlighted on Page 15.)

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, May 20, 2025
6:00 PM

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

TELECONFERENCE LOCATION - 1027D BANCROFT WAY, BERKELEY CA 94710

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
 DISTRICT 2 – TERRY TAPLIN
 DISTRICT 3 – BEN BARTLETT
 DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SHOSHANA O'KEEFE
 DISTRICT 6 – BRENT BLACKABY
 DISTRICT 7 – CECILIA LUNAPARRA
 DISTRICT 8 – MARK HUMBERT

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

*To access the meeting remotely use this URL: <https://cityofberkeley-info.zoomgov.com/j/1615868875>. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 586 8875**. 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.*

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: 6:08 p.m.

Present: Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Bartlett

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:

1. Recognition of Jewish American Heritage Month
2. Recognition of Affordable Housing Month
3. Recognition of Asian-American Pacific Islander Heritage Month
4. Adjourned in memory of Christina Murphy, City of Berkeley Employee and former Rent Board Commissioner

City Manager Comments:

The City Manager extended condolences to the family of Christina Murphy and noted her positive impact on the community as a City employee.

Public Comment on Non-Agenda Matters: 8 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 20 speakers.

Action: M/S/C (Ishii/Tregub) to add an item to the agenda titled “Excused Absence for Councilmember Ben Bartlett” pursuant to Government Code Section (54954.2(b)(2).

Vote: Ayes – Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.

Action: M/S/C (Tregub/Humbert) to adopt the Consent Calendar in one motion except as indicated.

Vote: Ayes – Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.

Consent Calendar

Urgent Item: Excused Absence for Councilmember Ben Bartlett

From: Mayor Ishii (Author)

Recommendation: Excuse Councilmember Ben Bartlett from the May 20, 2025 council meeting as a result of a medical procedure connected to a medical illness/condition.

Financial Implications: None

Contact: Adena Ishii, Mayor, (510) 981-7100

Action: Approved recommendation.

1. **Adding an additional qualifying skillset for appointment to Measure FF Safe Streets Citizen Oversight Committee (SSCOC); Amending Berkeley Municipal Code Section 7.11.040**

From: Councilmember Blackaby (Author), Councilmember Tregub (Co-Sponsor), Mayor Ishii (Co-Sponsor)

Recommendation: Adopt second reading of Ordinance No. 7,960-N.S. approving an amendment to the Measure FF SAFE STREETS Citizen Oversight Committee (SSCOC) Resolution and Ordinance approved for establishment at the March 18, 2025 Council Meeting, to add an additional qualifying skillset for appointment: a background in ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.

First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – O’Keefe.

Financial Implications: See report

Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

Action: Adopted second reading of Ordinance No. 7,960–N.S.

2. **Amendment: FY 2025 Annual Appropriations Ordinance**

From: City Manager

Recommendation: Adopt the first reading of an Ordinance amending the FY 2025 Annual Appropriations Ordinance No. 7,940–N.S. for fiscal year 2025 based upon recommended re-appropriation of committed FY 2025 funding and other adjustments in the amount of \$78,091,135 (gross) and \$58,150,646 (net).

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Action: Adopt first reading of Ordinance No. 7,961–N.S. with revisions in Supplemental Communications Packet #2 from City Manager’s Office to add \$129,000 in the FEMA Fund (Fund 340) to pay for FEMA construction grant reimbursement requests; and to add \$7,500,000 in the Fire Admin Training Fund (Fund 514) to pay for Headquarters Lease Bond Escrow account; with revised dollar amounts of \$85,720,135 (gross) and \$58,279,646 (net). Second reading scheduled for June 3, 2025.

Consent Calendar

- 3. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of April 14, 2025 (closed), April 15, 2025 (special and regular), April 22, 2025 (special), April 25, 2025 (special), April 28, 2025 (special) and April 29, 2025 (regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.
- 4. Contract Townsend Public Affairs, Inc. for Legislative and Funding Advocacy Strategy**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Townsend Public Affairs, Inc. for an ongoing tailored legislative and funding advocacy strategy from July 1, 2025, to June 30, 2027 for a total contract amount not to exceed \$108,000.
Financial Implications: See report
Contact: David White, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 71,760–N.S.
- 5. Appointment of Director of Human Resources**
From: City Manager
Recommendation: Adopt a Resolution confirming the appointment of Janelle Rodrigues as the Director of Human Resources to be effective June 9, 2025, at an annual salary of \$240,000.
Financial Implications: See report
Contact: David White, City Manager's Office, (510) 981-7000
Action: Adopted Resolution No. 71,761–N.S.
- 6. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 20, 2025**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
Action: Approved recommendation.

Consent Calendar

7. **Contract No: 32300104 Amendment: The Village of Love for Telegraph Neighborhood Sacred Rest Drop-In Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee, to execute an amendment to Contract No. 32300104 with The Village of Love to add \$250,000, for a total contract amount not to exceed \$1,000,000, for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center and extend the contract term through May 31, 2026.
Financial Implications: See report
 Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,762–N.S.
8. **Funding Application: California Affordable Housing and Sustainable Communities Infrastructure in connection with the proposed North Berkeley BART Affordable Housing Project**
From: City Manager
Recommendation: Adopt a Resolution: 1) Authorizing the City Manager to negotiate, enter into, and cause the City to perform its obligation under an agreement (including amendments) with East Bay Asian Local Development Consortium (EBALDC) and/or their affiliate relating to a funding application to the California Affordable Housing and Sustainable Communities (AHSC) program for project-related transportation and infrastructure improvements for the North Berkeley BART (NBB) EBALDC Affordable Housing Project at the North Berkeley BART Station Area, for a total AHSC award amount of up to \$50 million. 2) Authorizing the City Manager to accept up to \$5.4 million in state Affordable Housing and Sustainable Communities (AHSC) funds and complete selected transportation improvements if awarded.
Financial Implications: See report
 Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,763–N.S.
9. **Revenue Grant Agreements: Funding Support from the State of California and Alameda County to Conduct Public Health Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager or designee to submit grant agreements to the California Department of Public Health (CDPH) and Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following two revenue agreements: (1) Tuberculosis (TB) Prevention and Control in the projected amount of \$33,688 for Fiscal Year (FY) 2026 from CDPH. (2) Public Health Infrastructure Program in the projected amount of \$32,080 for FY 2026 from Alameda County.
Financial Implications: See report
 Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
Action: Adopted Resolution No. 71,764–N.S. (Tuberculosis Prevention), and Resolution No. 71,765–N.S. (Public Health Infrastructure).

Consent Calendar

- 10. Adopt a Resolution Establishing the Unrepresented Job Class Specification and Pay Scale of Fire Mechanic Lead**
From: City Manager
Recommendation: Adopt a Resolution establishing the unrepresented job class specification and pay scale of Fire Mechanic Lead as outlined, with an hourly pay range of \$51.0771 - \$54.1740.
Financial Implications: See report
 Contact: Monica Walker, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,766–N.S.
- 11. Revise the Personnel Rules and Regulations to Add Section 9.02.1 Promotion – Salary Step Placement**
From: City Manager
Recommendation: Adopt a Resolution revising the Personnel Rules and Regulations to add Section 9.02.1 Promotion – Salary Step Placement, which affords promotional placement on the step closest to the employee’s current earning rate that is at least 10% higher.
Financial Implications: See report
 Contact: Monica Walker, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,767–N.S.
- 12. Revise SEIU-MC MOU Section 17.13 Special Class Commercial Driver’s License Premium to Add 5% for Out-of-Class Lists**
From: City Manager
Recommendation: Adopt a Resolution revising the Service Employees International Union (SEIU) Local 1021, Maintenance and Clerical (“Union”) Memorandum of Understanding Section 17.13 Special Class Commercial Driver’s License Premium to apply 5% differential to employees who maintain a Class A driver’s license and are approved to serve on out-of-class lists for Tractor Trailer Driver and Construction Equipment Operator.
Financial Implications: See report
 Contact: Monica Walker, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,768–N.S.
- 13. Revise Unrepresented Manual Section 13.19 to Add 5% Differential to Program Manager I Assigned to City Manager’s Office**
From: City Manager
Recommendation: Adopt a Resolution amending the Unrepresented Employee Manual to add a 5% salary differential to Program Manager I positions assigned to the City Manager’s Office.
Financial Implications: See report
 Contact: Monica Walker, Human Resources, (510) 981-6800
Action: Adopted Resolution No. 71,769–N.S.

Consent Calendar

- 14. Contract Amendment No. 10789: AMS.NET for Network Hardware, Installation and Professional Support services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 10789 with AMS.NET, Inc. for network support of hardware, installation and professional services, for an additional \$300,000 for a total not to exceed of \$1,270,778.14 from July 1, 2017 to June 30, 2026.
Financial Implications: See report
 Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,770–N.S.
- 15. Contract No. 084534-1 Amendment: NextGen Health Care Information Systems Inc. for Electronic Health Records**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 084534-1 with NextGen Healthcare Information Systems, Inc. (“NextGen”), increasing the amount by \$191,136 for a total contract value not to exceed \$1,010,472.20 and extending the term from September 30, 2010 through June 30, 2026.
Financial Implications: See report
 Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,771–N.S.
- 16. Protiviti Government Services Inc (“Protiviti”): Using General Services Administration (“GSA”) Vehicle for Professional Services Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti for the procurement of professional services using the GSA purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$900,000 through June 30, 2026.
Financial Implications: See report
 Contact: Kevin Fong, Information Technology, (510) 981-6500
Action: Adopted Resolution No. 71,772–N.S.
- 17. Purchase Order: Operation Pride for tennis programs and tournaments**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order and any amendments with Operation Pride to provide youth and adult tennis services and tournaments for a total amount not to exceed \$150,000 through June 30, 2026.
Financial Implications: See report
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,773–N.S.

Consent Calendar

- 18. Purchase Order: Samuel Kidane dba Life Long Tennis Academy**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a purchase order and any amendments with Samuel Kidane dba Life Long Tennis Academy to provide youth and adult tennis services for the City of Berkeley for a total amount not to exceed \$270,000 through June 20, 2026.
Financial Implications: See report
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,774–N.S.
- 19. Contract No. 32400029 Amendment: Baldoni Construction Services, Inc. for Echo Lake Camp Accessibility Upgrades**
From: City Manager
Recommendation: Adopt a Resolution increasing the not to exceed amount for Contract No. 32400029 with Baldoni Construction Service, Inc. for the Echo Lake Camp Accessibility Upgrades Project by \$60,000 for an amended total not to exceed \$616,953.
Financial Implications: See report
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
Action: Adopted Resolution No. 71,775–N.S.
- 20. Contract No. 32400003 Amendment: Cooke & Associates Background Investigations**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract amendment with Cooke & Associates, a background investigation services provider for public safety personnel, to increase the contract amount by \$280,000 to a total contract of \$580,000 and extend the contract term for two additional years expiring on July 31, 2028. This amendment will allow the Berkeley Police Department (BPD) and Berkeley Fire Department (BFD) to continue utilizing Cooke & Associates for timely, thorough, and high-quality background investigations of candidates, and will provide the City Manager with the authority to spend funds as needed under the amended contract to support ongoing public safety hiring needs.
Financial Implications: See report
 Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,776–N.S.
- 21. 2024 Police Equipment and Community Safety Ordinance Annual Report**
From: City Manager
Recommendation: Adopt a Resolution approving the 2024 Police Equipment and Community Safety Ordinance Annual Report.
Financial Implications: See report
 Contact: Jennifer Louis, Police, (510) 981-5900
Action: Adopted Resolution No. 71,777–N.S.
Vote: Ayes – Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Humbert, Ishii; Noes – None; Abstain – Lunaparra; Absent – Bartlett.

Consent Calendar

- 22. Contract: Shaw Integrated and Turf Solutions Inc., for Civic Center Building, Second Floor Carpet Replacement Project**
From: City Manager
Recommendation: Adopt a Resolution: (1) Accepting the California Multiple Award Schedule (CMAS) bid procedures, pursuant to City Charter Article XI Section 67.2 requirements; (2) Approving the CMAS Contract with Shaw Integrated and Turf Solutions, Inc. for Carpet Replacements at the Civic Center Building located at 2180 Milvia; (3) Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the terms and conditions of the agreements with Shaw Integrated and Turf Solutions, Inc. in an amount not to exceed \$147,096, including a \$13,372 contingency.
Financial Implications: See report
 Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,778–N.S.
- 23. Contract No. 081671-1 (8318C) Amendment: RouteSmart Technologies, Inc. Software Maintenance**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 81671-1 (8318C) with RouteSmart Technologies Inc. to increase the contract by \$25,000, for a total not to exceed amount of \$235,743, to fund software license maintenance and support services, from June 30, 2025 through June 30, 2026.
Financial Implications: See report
 Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,779–N.S.
- 24. Declaration of Intent – Fiscal Year 2026 Street Lighting Assessments**
From: City Manager
Recommendation: Adopt two Resolutions granting the City Manager the authority to: (1) Approve the Engineer's Reports; (2) Set a public hearing to be held before the Council of the City of Berkeley at its June 17, 2025, meeting; and (3) Authorize the City Clerk to publish a Notice of the Public Hearing for Fiscal Year 2026 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.
Financial Implications: See report
 Contact: Terrance Davis, Public Works, (510) 981-6300
Action: Adopted Resolution No. 71,780–N.S. (District No. 1982-1) and Resolution No. 71,781–N.S. (District 2018).

Consent Calendar

25. **Authorization for City Manager to evaluate policies to accelerate building decarbonization**
From: Environment and Climate Commission
Recommendation: Authorize the City Manager to evaluate and develop amendments to the 2025 Energy and CALGreen Codes and/or other ordinances to accelerate building decarbonization for Council consideration.
Financial Implications: None
 Contact: Sarah Moore, Commission Secretary, (510) 981-7400
Action: Approved recommendation.

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26. **Letter in Support of California State Senate Bill 692 (Arreguín) Relating to Vehicles and Homelessness**
From: Councilmember Taplin (Author), Councilmember Kesarwani, Councilmember Humbert (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Recommendation: Adopt a letter in support of California State Senate Bill 692 (Arreguín), relating to vehicles and homelessness, and distribute copies to Governor Gavin Newsom, State Senator Jesse Arreguín, State Assemblymember Buffy Wicks, State Senate President Pro Tempore Mike McGuire, and State Assembly Speaker Robert Rivas.
Financial Implications: See report
 Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: Approved recommendation.
Vote: Ayes – Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Humbert, Ishii; Noes – None; Abstain – Lunaparra; Absent – Bartlett.
27. **A resolution recognizing the Middle Eastern and North African (MENA) community and urging support for Assembly Bill 91 — the “MENA Inclusion Act” (Harabedian)**
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt a Resolution in support of California Assembly Bill 91, the Middle Eastern and North African (MENA) Inclusion Act (Harabedian), to ensure accurate and equitable demographic data collection for MENA communities. This bill mandates the creation of distinct categories for MENA groups in official demographic data, starting on January 1, 2027.
Financial Implications: See report
 Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Councilmember Blackaby added as a co-sponsor. Adopted Resolution No. 71,782–N.S.

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- 28. Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to the annual Asian Cultural Festival**
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a Resolution authorizing the expenditure of up to \$500 per Mayor/Councilmember from their D13 Discretionary Accounts, including \$500 from the Mayor and Councilmember Tregub, and contributions of \$250 each from Councilmembers Kesarwani, and Lunaparra. Other Councilmembers are invited to contribute to support annual Asian Cultural Festival in an amount of up to \$500. Funds will be transferred to the City's general fund and provided to the designated fiscal sponsor of the festival to ensure its successful production and community engagement.
 The relinquishment of funds from the respective discretionary Council Office Budgets of such members of the Berkeley City Council who wish to contribute will support this impactful event, promoting cultural exchange, unity, and celebration of Berkeley's rich Asian American communities
Financial Implications: See report
 Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: Adopted Resolution No. 71,783–N.S. revised to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - \$250; Councilmember Humbert - \$250.
- 29. Alternative Housing Options for People Experiencing Homelessness** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*
From: Councilmember O'Keefe (Author), Mayor Ishii (Co-Sponsors), Councilmember Blackaby (Co-Sponsors), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Refer to the City Manager a request for staff to identify a list of potential locations of City-owned and private properties (to be leased or acquired) – for the purpose of establishing 24/7 staffed shelter sites, including but not limited to indoor/outdoor camping areas, safe RV and car park zones, and/or congregate or non-congregate shelters for people experiencing homelessness based on the model used at Grayson Street and other models deemed successful by the City Manager. Further, refer to the City Manager to provide a report to the City Council that includes:
 (1) Ongoing efforts to address homelessness and the mental health crisis within Berkeley's jurisdiction, including the work of non-governmental organizations the City is relying upon and, where possible, the cost thereof. (2) A gap analysis between resources required by the City to fully address homelessness and its current financial position. (3) A feasibility and cost analysis of Berkeley's ability to support additional shelter or services sites, including staffing and operational constraints. (4) A geographic equity assessment of where homeless services, shelters, and encampments have historically been and currently are located in Berkeley. (5) Opportunities to partner with Alameda County and other public agencies to utilize County, other governing jurisdictions, or state-owned land for temporary shelter and

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services outside of Berkeley's most heavily impacted neighborhoods
 Moreover, refer to the City Manager to identify additional funding opportunities available through 2024 Measure W and affirm the City Council's position that local jurisdictions such as Berkeley, that are heavily impacted by the housing and mental health crisis, should be considered for an equitable share and speedy receipt of 2024 Proposition 1 funding from Alameda County.

Refer to the City Manager to affirm that the City Council's position is that, to the greatest extent possible, Measure W and other locally sourced funds should be used to support Berkeley-specific homelessness service needs.

Support the City Manager in collaborating with Alameda County and other neighboring jurisdictions to identify potential sites outside of Berkeley city limits that may be suitable and more cost-effective than sites within Berkeley.

Furthermore, affirm support for the following principles: 1. County resource investment in homelessness across the region should align proportionally with where homelessness is most prevalent and ensure support achieves racially equitable outcomes; 2. The use of Measure W and other funding for homelessness guided by Home Together 2030 Plan should be a local decision, with cities deciding how to divvy up investment between prevention, interim, and permanent housing; 3. Local priority for referrals into interim and permanent solutions – including everything from safe parking to shelter to permanent supportive housing and Homekey projects – should be commensurate with the level of funding provided; 4. Sustaining nonprofit capacity: (a) The homelessness response system relies heavily on nonprofit partners, many of whom face challenges in retaining staff due to funding constraints, salary limitations, and administrative burdens. (b) Measure W funding presents an opportunity to support not just direct services but also nonprofit infrastructure, helping organizations improve long-term sustainability. (c) Considerations include ensuring competitive wages, investing in staff retention strategies, and providing operational support. (d) Bonus funding consideration could be given to organizations that prioritize workforce sustainability through: (i) Competitive salaries and benefits for frontline staff; (ii) Efforts to retain high-performing, low-turnover teams; (iii) Investments in administrative capacity that enhance service quality and long-term viability

Policy Committee Recommendation:

Send item to Council with a qualified positive recommendation which include the following proposed amendments:

Refer to the City Manager a request for staff to identify a list of potential locations of City properties and private properties (to be leased or acquired) – for the purpose of establishing 24/7 staffed shelter sites, including but not limited to indoor/outdoor camping areas, safe RV and car park zones, and/or congregate or non-congregate shelters for people experiencing homelessness based on the model used at Grayson Street and other models deemed by the City Manager to be successful.

Further, direct the City Manager to provide a report to the City Council of ongoing efforts to address the homelessness and mental health crisis within Berkeley's jurisdiction, including efforts by non-governmental organizations the city is relying upon, where possible, including the costs thereof, and a gap analysis between the resources required by the City to fully address homelessness and its current financial

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position.

As part of this report, direct the City Manager:

- 1) Conduct a feasibility and cost analysis of Berkeley's ability to support additional shelter or service sites, including staffing and operational constraints
 - 2) Include a geographic equity assessment of where homeless services, shelters, and encampments have historically and currently been located in Berkeley;
 - 3) Identify opportunities to partner with Alameda County and other public agencies to utilize County, other governing jurisdictions – or state-owned land for temporary shelter and services outside of Berkeley's most heavily impacted neighborhoods
- Direct the City Manager to identify any additional funding opportunities available through 2024 Measure W and affirm the City Council's position that local jurisdictions such as Berkeley that are heavily impacted by the housing and mental health crisis should be considered for an equitable share and speedy receipt of 2024 Proposition 1 funding from Alameda County. Further, direct the City Manager to affirm that the City Council's position is that, to the extent possible, Measure W and any other locally sourced funds should be used to support Berkeley-specific homelessness services needs.

Support the City Manager in collaborating with Alameda County and other neighboring jurisdictions to identify potential sites outside of Berkeley city limits that may be suitable and more cost-effective than additional sites within Berkeley.

Further, affirm support for the following principles:

1. County resource investment in homelessness across the region should be commensurate with where homelessness occurs and targeted for racially equitable outcomes
2. Measure W and other funding for homelessness guided by Home Together 2030: Should be a Local City decision on the split between prevention, interim, and permanent housing
3. Local (City level) priority for referrals into interim and permanent solutions (including everything from safe parking to shelter to permanent supportive housing/HomeKey projects), commensurate with local funding.
4. Sustaining Nonprofit Capacity
 - The homelessness response system relies heavily on nonprofit partners, many of whom face challenges in retaining staff due to funding constraints, salary limitations, and administrative burdens.
 - Measure W funding presents an opportunity to support not just direct services but also nonprofit infrastructure, helping organizations improve long-term sustainability.
 - Considerations include ensuring competitive wages, investing in staff retention strategies, and providing operational support.
 - Bonus funding consideration could be given to organizations that prioritize workforce sustainability through:
 - Competitive salaries and benefits for frontline staff.
 - Efforts to retain high-performing, low-turnover teams.
 - Investments in administrative capacity that enhance service quality and long-term viability.

Financial Implications: See report

Council Consent Items

Contact: Shoshana O’Keefe, Councilmember, District 5, (510) 981-7100

Action: Approved recommendation as recommended by the Health, Life Enrichment, Equity & Community Committee with the addition to request that the City Manager send a letter to the Alameda County Board of Supervisors communicating the Council’s principles outlined above.

Action Calendar – Public Hearings

30. FY 2026 Proposed Mid-Biennial Budget Update and Public Hearing #1

From: City Manager

Recommendation: Receive the FY 2026 Proposed Mid-Biennial Budget Update and conduct Public Hearing #1 on the FY 2026 Proposed Mid-Biennial Budget Update.

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

Public Testimony: The Mayor opened the public hearing. 25 speakers.

M/S/C (Tregub/Blackaby) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.

Action: M/S/C (Taplin/Tregub) to suspend the rules and extend the meeting to 12:00 a.m.

Vote: Ayes – Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.

Action: M/S/C (Ishii/Kesarwani) to 1) receive the Budget Update from the City Manager, and 2) request that the City Manager work with Charter Officers to develop a plan for a hiring freeze and vacant positions.

Vote: Ayes – Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.

Action Calendar – Public Hearings

31. **LPC Appeal: 2500-2512 San Pablo Avenue, Landmark Application #LMIN2024-0004**

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution affirming the Landmarks Preservation Commission (LPC) decision to designate 2500-2512 San Pablo Avenue (APN: 054-1780-004-12) a City of Berkeley Landmark, and dismiss the appeal.

Financial Implications: See report

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

Public Testimony: The Mayor opened the public hearing. 2 speakers.

M/S/C (Humbert/Lunaparra) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.

Action: M/S/C (Tregub/Humbert) to adopt Resolution No. 71,784–N.S. affirming the Landmarks Preservation Commission (LPC) decision to designate 2500-2512 San Pablo Avenue (APN: 054-1780-004-12) a City of Berkeley Landmark, and dismiss the appeal with the amendment to remove from the list of features to be preserved bullet #2 regarding one-story massing, and modify bullet #5 to remove all instances of the words “storefront” and “storefronts.”

Vote: Ayes – Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.

32. **Appointment of Four Berkeley Residents to the SAFE STREETS Citizen Oversight Committee**

From: City Manager

Recommendation: Adopt a Resolution confirming the appointments of up to four Berkeley residents to the SAFE STREETS Citizen Oversight Committee (SSCOC), to be appointed by the City Council as a whole.

Financial Implications: See report

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

Action: M/S/Failed (Tregub/O’Keefe) to appoint Rena Fischer, Zachary Fraser, Douglas Legg, Susi Marzuola, and Stephanie Allan (Alternate) to the SAFE STREETS Citizen Oversight Committee.

Vote: Ayes – Tregub, O’Keefe; Noes – None; Abstain – Kesarwani, Taplin, Blackaby, Lunaparra, Humbert, Ishii; Absent – Bartlett.

Action: 2 speakers. M/S/Carried (Ishii/Lunaparra) to adopt Resolution No. 71,785–N.S. to appoint Rena Fischer, Ben Gerhardstein, Sybil Hatch, Douglas Legg, and Zachary Fraser (Alternate) to the SAFE STREETS Citizen Oversight Committee.

Vote: Ayes – Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Bartlett.

Public Comment – Items Not Listed on the Agenda - 0 speakers.

Adjournment

Action: M/S/C (Taplin/Lunaparra) to adjourn the meeting.

Vote: Ayes – Kesarwani, Taplin, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii;
Noes – None; Abstain – None; Absent – Bartlett.

Adjourned at 11:35 p.m.

Communications

Item #21: 2024 Police Equipment and Community Safety Ordinance Annual Report

1. Hansel Aguilar on behalf of the Police Accountability Board
2. Jennifer Louis
3. Margaret A. Baker
4. John Lindsay-Poland

Item #29: Alternative Housing Options for People Experiencing Homelessness *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

5. Kate Pocrass
6. Aimee Baldwin (2)
7. Cris Benton
8. Grant Damron
9. Pamela Michaud
10. Stacey Hara
11. Jack Anderson
12. Namita Gupta
13. Fran Haselsteiner
14. Patricia Brooks
15. Catherine Jenkins
16. Amber Richardson
17. Tamar J.
18. Kelley Kahn

Ashby BART

19. Peter Minor
20. Charlotte Daniels
21. 2076 Ashby Residences
22. Sotirios Vlavianos
23. Peter Magganas

Encampments

24. Halima Franklin (2)

Ohlone Park

- 25. Cynthia Harbaugh
- 26. Adam Leive
- 27. Daniel Jurnove
- 28. Roberta Focht
- 29. Lynn Jehle
- 30. Sasha Futran
- 31. Carlton and Alma
- 32. Tracy Thompson
- 33. Fred Schlachter
- 34. Patricia Itamoto
- 35. Julia Boekelheide
- 36. Dominique Ayako Baillet
- 37. Tamara Birdsall
- 38. Laura Garcia-Moreno
- 39. David Lerman (3)
- 40. Will Masterson
- 41. Karthik Gopalan
- 42. Erika Shore (2)
- 43. Diane Ross-Leech and Family
- 44. Isaac Nicholson
- 45. Elisabeth Goldstein
- 46. Nancy S. Rothschild
- 47. Stefany Reich-Silber
- 48. Diana Jensen
- 49. Wei-Bing Chen

Rides for Seniors

- 50. Kathi Pugh
- 51. Gerald Lenoir
- 52. Bonnie Lewkowicz
- 53. Darlene Bronson on behalf of the Commission on Aging

Missing Middle

- 54. Zelda Bronstein (3)
- 55. Councilmember Rashi Kesarwani

2nd Street Encampments

- 56. David White
- 57. Councilmember Rashi Kesarwani
- 58. Councilmember Mark Humbert
- 59. Councilmember Igor Tregub
- 60. Councilmember Terry Taplin

E-Scooters

61. Robert Borghese (4)

Public Restroom Proposal

62. James Chang

63. Mike Kim

Bateman Mall Park

64. Yula Paluy

Bikeway Intersection Control

65. Meryl Siegal

Food Fest Invitation

66. Dr. Ramesh Konda on behalf of the Association of Indo Americans

Infill Housing

67. Constance Rivemale

Security Incidents

68. Dixon Brooke

UA Theater

69. Melanie Lawrence & John Smail

70. Pamela Zelnik

71. Anne Herrick

Housing Concerns

72. Patricia Kipnis

73. Lynn Winsten

74. Jonnyruel Holder

Treatment of Herbivorous Animals

75. Rsw (2)

Elevator Outrage

76. Tony Schmiesing

77. Aryne Bailey

Workshop

78. Joel A. Biatch

Crime Concerns

79. Fran Haselsteiner

ABSC Concern

80. Abby Thorne-Lyman

Drop-off Mailboxes

81. Hali Hammer

Deliberative Democracy

82. Phil Allen

Free Speech

83. Sheila Jordan

Specialized Care Unit

84. Barbara Gilbert

Work Concerns

85. Pgcountymd63 (2)

Hopkins/McGee

86. Shirley Kirsten

87. Sandra Sanchez

Edward Way

88. Helen Hogg

Home Alterations

89. Marian and Desmond Simpson

BUSD Investment Policies

90. Cielo Rios

Budget Concerns

91. Rachel Bradley

92. Ben Buettner

Arbor Day

93. Mary-Louise Hansen

Effects of Cement

94. Cecelia Mautner

Street Access

95. Nenelle Bunnin

Homeless Housing

96. Aimee Baldwin

97. John Vinopal

More Types of Homes

98. Lee Bishop

Habitability for Berkeley Residents

99. Veena Nambiar

Public Facilities Concern

100. 2,084 Similarly worded form letters

Middle East Conflict

- 101. Chris Gilbert
- 102. Alicia Dattner
- 103. Barbara Erickson
- 104. Nicoletta Karam (4)
- 105. Barbara Romanowicz
- 106. Rachel Gita Schiff
- 107. Sophie Sawyer
- 108. Iris Gold
- 109. Gael Alcock
- 110. Russbumper
- 111. Camille watts-Zagha
- 112. Marc Sapir (2)
- 113. Allen Mayer
- 114. Dr. Roman Kazinnik and Dr. Sophia Kazinnik
- 115. Deborah Goldeen
- 116. Russbumper

Letter

117. Eid's TV and Electronics

Screenshots

118. Josh Atwood (2)

Forwards

- 119. Josh Atwood
- 120. Daveed Mandell (3)
- 121. David Lerman
- 122. Eid's TV

URL's

- 123. Inetjalopy
- 124. Josh Atwood (4)
- 125. Russbumper (7)
- 126. Madeleine Shearer
- 127. Lavell Young

128. Barryett Enge

Supplemental Communications and Reports 1

Item #21: 2024 Police Equipment and Community Safety Ordinance Annual Report

129. Hansel Alejandro Aguilar on behalf of the Police Accountability Board (2)

Item #22: Contract: Shaw Integrated and Turf Solutions Inc., for Civic Center Building, Second Floor Carpet Replacement Project

130. David Freeling

Item #26: Letter in Support of California State Senate Bill 692 (Arreguín) Relating to Vehicles and Homelessness

131. Meryl & Aimee on behalf of Beautiful San Pablo

132. Phil Allen

Supplemental Communications and Reports 2

Item #2: Amendment: FY 2025 Annual Appropriations Ordinance

133. Revised material submitted by City Manager's Office

Item #7: Contract No: 32300104 Amendment: The Village of Love for Telegraph Neighborhood Sacred Rest Drop-In Center

134. Alex Knox

Item #21: 2024 Police Equipment and Community Safety Ordinance Annual Report

135. Gregory Kalkanis

136. Elana Auerbach

Item #29: Alternative Housing Options for People Experiencing Homelessness (Reviewed by the Health, Life Enrichment, Equity & Community Committee)

137. John Craner on behalf of Berkeley Alliance of Business Organizations, Berkeley Chamber, Downtown Berkeley Association, Gilman District Coordinating Committee, North Shattuck Association, Rebuilding Together East Bay Network, Telegraph Business Improvement District, University Avenue Association, Upper Solano Organizing Committee, and West Berkeley Design Loop

138. Diana Bohn

139. Aimee Baldwin and Meryl Siegal, on behalf of Beautiful San Pablo

Item #30: FY 2026 Proposed Mid-Biennial Budget Update and Public Hearing #1

140. Supplemental material submitted by City Manager's Office

141. Jasmine Sozi

Item #32: Appointment of Four Berkeley Residents to the SAFE STREETS Citizen Oversight Committee

142. Supplemental material submitted by City Clerk Department

143. Kristi Holmes

144. Henry Siegel and Kyra Subbotin

145. Andrea Traber

146. Michael Boland

Supplemental Communications and Reports 3

Item #1: Adding an additional qualifying skillset for appointment to Measure FF Safe Streets Citizen Oversight Committee (SSCOC); Amending Berkeley Municipal Code Section 7.11.040

147. Helen Walsh

Item #29: Alternative Housing Options for People Experiencing Homelessness

148. Helen Walsh

149. Larry Strain

150. Maryann OSullivan

Item #30: FY 2026 Proposed Mid-Biennial Budget Update and Public Hearing #1

151. Presentation, submitted by the Budget Office

152. Erik Ferry

153. Regina Mouton

154. Jocelyn Zorn

155. Fran Haselsteiner

156. Geoff Lomax (2)

157. Henry Oyekanmi

Item #31: LPC Appeal: 2500-2512 San Pablo Avenue, Landmark Application #LMIN2024-0004

158. Presentation, submitted by the Planning & Development Department

Urgent Item: Excused Absence for Councilmember Ben Bartlett

159. Submitted by Mayor Ishii

MAY 21, 2025

ODPA SUBMITS A LEGAL AND OPERATIONAL MEMO TO COUNCIL,
RECOMMENDING EITHER A FULL EXEMPTION OR AUTHORITY TO
APPLY THE CITY MANAGER'S EXEMPTION CRITERIA TO CRITICAL ROLES.

(Refer to the recommendation and conclusion highlighted on Pages 31
and 32.)



MEMORANDUM

Date: May 21, 2025

To: Honorable Mayor Ishii and Members of the Council
Farmiah Brown, City Attorney
Paul Buddenhagen, City Manager
David White, Deputy City Manager
Joshua Cayetano, Police Accountability Board Chair

From: Hansel Aguilar, Director of Police Accountability (DPA) 

Subject: Legal, Structural, and Operational Implications of Extending a Hiring Freeze to the Office of the Director of Police Accountability (ODPA) and the Police Accountability Board (PAB)

I. Executive Summary

This memorandum outlines the legal, structural, and operational consequences of extending the City's hiring freeze to the Office of the Director of Police Accountability (ODPA), including its role supporting the Police Accountability Board (PAB). Given the Charter-mandated duties of the Director and the limitations imposed by both labor law and operational realities, applying a hiring freeze would impair the City's ability to meet its legal obligations under Measure II and the Berkeley City Charter.

II. Charter Duties and Compressed Timelines

The ODPA is legally bound by compressed and binding investigative timelines that are stricter than those established under state law. While Government Code § 3304(d) (POBR)¹ provides a one-year statute of limitations for the imposition of discipline, the Berkeley City Charter and the Memorandum of Understanding (MOU) with the Berkeley Police Association (BPA)² require that administrative investigations be completed on a much tighter schedule.

¹ Source: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=3304.

² Source:

<https://berkeleyca.gov/sites/default/files/documents/Memorandum%20of%20Understanding%20between%20City%20of%20Berkeley%20and%20Berkeley%20Police%20Association.pdf>

Under Charter Section 125(18)(e)³:

Investigation of all complaints filed with the Director of Police Accountability shall begin immediately and proceed as expeditiously as possible. The time limit for completion of an investigation shall be one hundred and twenty (120) days of the City's discovery by a person authorized to initiate an investigation of an alleged act, omission, or other misconduct, unless a Government Code section 3304(d) exception applies.

In addition, Charter Section 125(18)(d)⁴ provides that:

The time limit for investigations and notification of discipline shall be two hundred and forty (240) days from the date of the City's discovery by a person authorized to initiate an investigation of an alleged act, omission, or other misconduct, unless a Government Code section 3304(d) exception applies.

Together, these provisions create a tiered deadline structure:

- A 120-day limit for completing investigations, and
- A 240-day maximum limit for completing the full disciplinary process—including the investigation, presentation to the PAB, Chief's findings, and any City Manager appeal.

The MOU between the City and the Berkeley Police Association reflects the 240-day outer limit but does not replicate the 120-day investigative deadline. That narrower timeline originates solely from the Charter and carries binding legal weight.

Because both of the ODP's two permanent Investigator positions are currently vacant, the office is operating with no full-time investigative staff, making it categorically impossible to meet the required investigative timeline. This incapacity creates urgent and compounding risks:

- The City may be barred from imposing discipline even in cases of confirmed misconduct if the 120-day investigative deadline is missed.
- Investigations may be dismissed or procedurally invalidated, exposing the City to grievances, legal liability, and public criticism.
- The failure to complete investigations within the Charter and MOU deadlines violates the procedural safeguards afforded to both complainants and subject officers.
- The office can no longer function as a parallel, independent mechanism alongside BPD's Internal Affairs Bureau, reversing the parity that City Council explicitly supported last fiscal year by funding these two Investigator positions.

This is not a matter of staffing preference—it is a matter of legal structure. A freeze that prohibits hiring into both vacant Investigator positions would result in structural noncompliance with Measure II, the Charter, and the collectively bargained MOU.

³ Source: [https://berkeley.municipal.codes/Charter/125\(18\)\(e\)](https://berkeley.municipal.codes/Charter/125(18)(e))

⁴ Source: [https://berkeley.municipal.codes/Charter/125\(18\)\(d\)](https://berkeley.municipal.codes/Charter/125(18)(d))

III. Human Resources Delays Beyond ODPa Control

In February 2025, the ODPa notified the Human Resources Department of the need to fill one of its vacant Investigator positions. HR subsequently determined that the eligibility list for the classification had expired. Per City policy⁵, no permanent selection could proceed until a new eligibility list was created—a process still underway at the time of this memo.

In April 2025, the ODPa submitted a second request to initiate the process for filling the other vacant Investigator position. Thus, within a two-month period, the office was actively seeking to fill both of its permanent investigative roles, and in both cases, was dependent on the HR process to move forward.

Given the urgency and Charter significance of the roles, the ODPa pursued multiple temporary pathways to ensure investigative work could continue. Specifically:

- In April 2025, the office engaged with AppleOne to temporarily fill the Investigator functions.
- One temporary contractor has been successfully onboarded and is actively working on case assignments.
- A second temporary contractor is currently undergoing screening, and selection is expected imminently.
- In parallel, ODPa worked with the Human Resources Department to post and finalize a temporary recruitment for an Investigator (NTE six months), payrolled directly through the City of Berkeley, while the permanent eligibility list is being redeveloped by HR.

While these efforts have enabled limited continuity of operations, they are stopgap measures. Temporary staffing cannot fully meet the volume, complexity, and consistency required under the Charter. The delays in permanent hiring, while not caused by ODPa, have already strained compliance with investigative mandates. A hiring freeze applied at this stage would compound these constraints and effectively penalize the office for systemic delays beyond its control.

IV. Labor Constraints and Classification Boundaries

⁵ CITY OF BERKELEY PERSONNEL RULES and REGULATIONS has the following provisions regarding eligibility lists:

7.01 ELIGIBLE LISTS

As soon as possible after the completion of an examination, the Director of Human Resources shall prepare and maintain an eligible list consisting of the names of candidates who qualified in the examination for a class in the career service.

7.02 EFFECTIVE DATES OF LISTS

Eligible lists shall become effective upon the announcement thereof by the Director of Human Resources.

7.03 DURATION OF ELIGIBLE LISTS

Eligible lists shall remain in effect for one year unless exhausted or abolished earlier or extended later than the one year period by the City Manager within his or her discretion.

Source: <https://berkeleyca.gov/sites/default/files/2022-02/PersonnelRulesAndRegulationsManual.pdf>

The ODPAs's remaining two permanent staff are non-exempt, union-represented employees covered under the SEIU Local 1021 Community Services & PTRLA MOU⁶. The redistribution of investigative duties to analysts is both infeasible—due to lack of cross-training—and potentially in violation of classification protections and MOU provisions.

Under Section 10.7 of the MOU, “*The Department Heads will work all employees within their career classification.*” While temporary assignments to higher classifications are permitted under specific criteria, such assignments must be made in writing, approved in advance by the City Manager if exceeding one week, and require the employee to meet all minimum qualifications of the higher classification and perform those duties in full. Moreover, these assignments must include a salary adjustment of at least 5% above the employee's base rate.

Further, if employees are deemed to be working out of classification without proper authorization, they may be entitled to back pay upon review through the desk audit process (MOU §10.11). Given these requirements and the specialized nature of investigative duties, there is no feasible path to legally or operationally reassign investigations to non-investigative classifications.

In addition, mandatory overtime may only be assigned at the discretion of the Department Head and must be compensated at one-and-a-half times the employee's regular rate under MOU §13.2.1. Even with this authority, extended overtime obligations may erode morale, retention, and productivity, and would not represent a sustainable or lawful staffing solution.

Without authority to redistribute work, reduce workload, or exceed classification boundaries, a hiring freeze would functionally mandate a workload freeze—something the City Charter does not permit.

In short:

- The ODPAs **cannot** redistribute investigative duties without violating classification protections;
- It **cannot** pause or suspend investigative work without violating Charter Section 125(18)(e) and (18)(d);
- It **cannot** impose extended overtime without risking legal exposure and operational breakdown.

This makes the hiring freeze not only impractical but incompatible with both the City Charter and the labor agreement governing ODPAs's current workforce.

V. Charter Structure and PAB Staffing Misalignment

Charter Section 125(4)(a) states:

⁶ Source:

Memorandum of Understanding: SEIU Local 1021 CSU/PTRLA
<https://berkeleyca.gov/sites/default/files/documents/2024-12-03%20Special%20Item%2001%20Memorandum%20of%20Understanding.pdf>

Notwithstanding Article VII of the Charter, and except as provided in section 14(b), 14(i) or 14(k), the Police Accountability Board, its staff and the Director of Police Accountability shall be independent of the City Manager.

This language references the PAB, its staff, and the Director as three distinct entities. The phrasing strongly suggests that the Charter contemplated the Board having its own staff, separate from the ODPa.

In practice, however, the ODPa has functioned as the de facto staff to the Board—preparing agendas, staffing public meetings, managing subcommittees, and ensuring compliance with public records, minutes, and noticing requirements. These duties are significant and recurring.

Per Charter Section 125(13)(a):

At the beginning of each calendar year, the Board shall establish a regular meeting schedule consisting of at least eighteen (18) meetings.

According to the 2025 Commissioners' & Board Members' Manual⁷, the number of meetings for other commissions is set by the City Council on a body-by-body basis. Most commissions operate under Council-imposed meeting limits⁸, while the PAB is legally required under the Charter to meet at least 18 times annually, making it one of the most active public bodies in the City.

This mandatory meeting frequency, along with standing and ad hoc subcommittee activity, requires sustained staff capacity and continuous logistical support. As a result, the ODPa's investigative and administrative resources are routinely divided between independent complaint investigations and administrative support for Board operations.

This dual-role structure—in which ODPa must serve both as the investigative agency and the administrative arm of the PAB—was not explicitly contemplated in the Charter and may be inconsistent with its structural intent, particularly given the legal mandates and compressed timelines imposed by Charter Section 125(18).

VI. Hiring Freeze Assessment and Alignment with City Manager Exemption Criteria

⁷ COMMISSIONERS' & BOARD MEMBERS' MANUAL 2025 Edition
BACKGROUND INFORMATION RULES AND PROCEDURES
AMENDED AND OFFICIALLY ADOPTED BY Resolution No. 71,677-N.S.

Source:

https://berkeleyca.gov/sites/default/files/documents/Commissioners%27%20%26%20Board%20Members%27%20Manual%202025%20Edition_WCAG.pdf

⁸ *Most commissions are limited to 10 meetings per year.* set by Resolution No. 68,258-N.S

Sources: *Ibid* pg. 52;

<https://records.cityofberkeley.info/PublicAccess/api/Document/AT6ySQUIRtznSXCf701j4WW5956w74PoUUdb3fxT5fq8wgVszZK3ziS77OFFVsTuyHahnROIW7QyKeC6htBUGw8%3D/>

The Citywide hiring freeze was first communicated directly to me by City Manager Paul Buddenhagen on April 17, 2025. Following this initial notification, the ODPA immediately began assessing the implications of a freeze on its Charter-mandated operations and staffing structure.

On April 18, 2025, upon review of the formal Hiring Freeze Guidelines issued by the City Manager's Office, the ODPA evaluated whether its vacant positions would qualify for exemption—should Council direct the office to adopt the framework or apply it more broadly across Charter offices.

The City Manager's guidelines state that to qualify for exemption, the request must demonstrate that the position fills essential functions. Factors may include:

1. The position is necessary to protect public health and safety
2. The position performs a mandated function or essential municipal service
3. The position is the only classification that performs a particular function and there is no other way to perform the function
4. The position generates revenue and has no negative financial impact
5. The position can be supported by an alternative funding source (i.e., grant)
6. Requirements within a Memorandum of Understanding

Based on this framework, the ODPA has concluded that each of the three current vacancies meet multiple exemption factors:

- Permanent Investigator Positions (2 Vacancies)

- These positions are the only classification in the office trained and qualified to conduct independent investigations into complaints against sworn personnel.
- They perform a mandated function under the Berkeley City Charter (Sections 125(18)(d) and (e)), which imposes strict investigative and disciplinary deadlines.
- Investigative responsibilities also fall under the City's Memorandum of Understanding with the Berkeley Police Association, which reinforces procedural timelines and disciplinary rights.
- No other staff in the office is classified, trained, or authorized to absorb these responsibilities.

- Administrative Analyst Position (1 Vacancy)

- This position supports essential municipal functions, including policy analysis, records coordination, budget tracking, and legislative support for the Police Accountability Board.
- The Board is required by Charter Section 125(13)(a) to meet at least 18 times per year, significantly more than most commissions whose meeting frequency is set and capped by Council.
- This classification is the only one within ODPA currently structured to perform these administrative functions. Its absence affects both core operations and Charter-mandated obligations.

- While the position has been temporarily supported by a contractor, and the office has initiated a not-to-exceed six-month recruitment for internal backfill, a permanent solution is essential to operational continuity.

Each of these positions is already authorized and budgeted, and no alternative staff can legally or operationally perform the associated functions. The risk of non-compliance with the Charter, collective bargaining obligations, or investigative timelines is both imminent and material.

Additionally, these positions clearly satisfy the exemption criterion related to public health and safety. The Charter's stated purpose for both the PAB and the ODPa confirms this link:

The purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department.

— Charter §125(1)

The purpose of the Director of Police Accountability is to investigate complaints filed against sworn employees of the Berkeley Police Department, to reach an independent finding as to the facts and recommend corrective action where warranted.

— Charter §125(1)

These oversight functions are not purely administrative; they are a fundamental part of the City's public safety system. Independent investigations, community-based policy review, and transparent accountability mechanisms contribute directly to lawful, effective, and trusted policing. As such, the ODPa and PAB form an integral part of the City's public safety infrastructure, as defined by its own governing document.

Accordingly, the ODPa respectfully submits that, under the City Manager's framework, all three positions meet the exemption criteria—including those tied to essential municipal functions, labor agreements, singular classification responsibilities, and public safety imperatives.

VII. Recommendation

Based on the foregoing assessment, the Office of the Director of Police Accountability recommends that the office be fully exempted from the hiring freeze. The functions performed by the office are mandated by the City Charter, subject to strict investigative and disciplinary timelines, and integral to the City's public safety infrastructure. Applying a freeze to the ODPa would not only be operationally disruptive but may also constitute an impermissible constraint on a legally required municipal function.

As of the date of this memorandum, the office is actively managing at least 17 open personnel cases and conducting 13 policy reviews—each of which is tied to Charter-imposed duties and

public expectations of transparency, accountability, and timely resolution. Without sufficient investigative and analytical staffing, the office cannot sustain the current caseload or respond to future incidents and inquiries in a timely or legally compliant manner.

However, should the Council determine that the hiring freeze framework should be formally adopted or extended to all Charter offices, the ODPa respectfully requests that the three current vacancies—two permanent Investigator positions and one permanent Administrative Analyst position—be approved as exempt under the City Manager’s April 18, 2025 hiring freeze exemption criteria. This would allow the office to continue its live recruitment efforts and finalize time-sensitive hiring actions necessary to fulfill its Charter mandates and ongoing operational responsibilities.

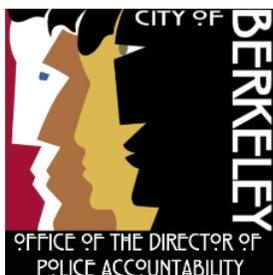
VIII. Conclusion

The ODPa and Police Accountability Board were created by Berkeley voters through Measure II to ensure transparent, independent, and timely oversight of law enforcement. As this memo has demonstrated, the inability to staff essential positions due to a hiring freeze would render the office unable to meet the legal obligations established by the Charter and reinforced through collective bargaining agreements.

A hiring freeze, without exemptions for the ODPa’s critical roles, would jeopardize compliance, delay investigations, compromise procedural protections for both community members and officers, and erode the public trust that this oversight system was designed to promote. The ODPa appreciates the Council’s attention to these issues and stands ready to support any further discussion or clarification regarding the essential nature of its work.

JUNE 12, 2025

ODPA PRESENTS BUDGET REALITIES TO THE COUNCIL'S BUDGET
& FINANCE COMMITTEE.



MEMORANDUM

Date: June 11, 2025

To: Honorable Members of the Budget and Finance Policy Committee

From: Hansel A. Aguilar, Director of Police Accountability (DPA) *HA*
 Jose D. Murillo, ODPA Policy Analyst *JM*

Subject: FY 2025 ODPA Budget and Staffing Information

The purpose of this memorandum is to transmit the requested budgetary and staffing information to the Budget and Finance Committee in advance of its meeting on June 12, 2025. In response to specific questions posed by the Committee Chair— (1) whether there are any additional vacancies not listed above, (2) what the primary deliverables and outcomes are for each vacant position, and (3) whether there are any budgetary considerations or requests warranting Council review—this memo provides a detailed response below, followed by a comprehensive overview of the department’s Fiscal Year (FY) 2025 budget, staffing, and operational priorities.

Direct Response to Committee Chair Inquiries

1. Are there any additional vacancies not listed above?

As of the date of this memorandum, there are no additional vacancies beyond the three identified: one (1) Associate Management Analyst and two (2) Police Accountability Investigator positions.

2. What are the primary deliverables and outcomes associated with each vacant position?

- **Associate Management Analyst (Administrative)**

Primary deliverables include: managing departmental budgeting and procurement functions; maintaining operational records and compliance

documentation; supporting public meeting logistics and administrative coordination. Expected outcomes include improved workflow efficiency, compliance accuracy, and timely internal and external communications.

- **Police Accountability Investigator (2 positions)**

Primary deliverables include: conducting independent investigations into complaints involving sworn Berkeley Police Department (BPD) personnel, as required by Article XVIII of the City Charter; drafting investigative reports; and presenting findings to the Police Accountability Board. Outcomes include timely, thorough investigations, consistent application of procedural justice principles, and strengthened public trust in oversight processes.

3. Are there any budgetary considerations or requests you believe warrant Council review?

Yes. The Office respectfully requests Council review of the following:

- **Staffing Augmentation:**

The Office seeks Council consideration for the classification and funding of three proposed new roles:

- Deputy Director (Proposed Classification under review by Personnel Board):¹ To support operational oversight, personnel management, and internal coordination between the investigative, policy, and administrative units.
- Chief Investigator (Proposed Classification under review by Personnel Board):² To lead and supervise investigative staff, ensure investigative quality and timeliness, and serve as liaison with the Police Department and community regarding investigative standards.

¹

As noted in the DPA's June 2, 2025 memo to the Personnel Board, the DPA is currently coordinating with the newly appointed HR Director to review and discuss the proposed positions prior to bringing them back to the Personnel Board. Source:

<https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/~PBPacket-2025.06.02.pdf#Page=18>

² Ibid.

- Communications Specialist:³ To expand the Office’s outreach and engagement capacity, improve public-facing communications, and support transparency initiatives.
 - Senior Management Analyst:⁴ To support Board work to include (but not limited to) policy and data analysis and clerical support
- **Programmatic Funding for Outreach & Engagement:**

The Office currently supports public forums, Know Your Rights events, and other engagement activities using salary savings from unfilled positions. Dedicated funding would enable strategic and sustained outreach programming, particularly in underrepresented communities, without relying on vacancy savings.

Department Budget Overview

For Fiscal Year 2025, the Office of the Director of Police Accountability (ODPA) has a total budget of \$1,655,869, of which approximately 75% (\$1,245,033) is allocated to salaries and benefits.

The department is budgeted for 6.0 Full-Time Equivalent (FTE) positions:

- Director of Police Accountability (1 FTE)
- Associate Management Analyst (3 FTEs)

³ On June 3, 2024, the Personnel Board approved the revision of the Communications Specialist position to expand the reporting structure to allow for charter departments to utilize the classification for their communications and public information related needs. Source: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/Personnel%20Board%20Packet-06.03.2024_0.pdf#Page=4

⁴ On May 22, 2024, the PAB unanimously voted to request that the Director of Police Accountability forward a recommendation to the City Council for a budget allocation to fund an additional Full-Time Employee (FTE)—a PAB Analyst—to support the Board’s expanding responsibilities. This request is intended to accompany the ODPA’s FY2025–2026 budget proposal: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2024-05-22%20PAB%20Regular%20Meeting%20Supp.Pkt_.pdf#Page=3

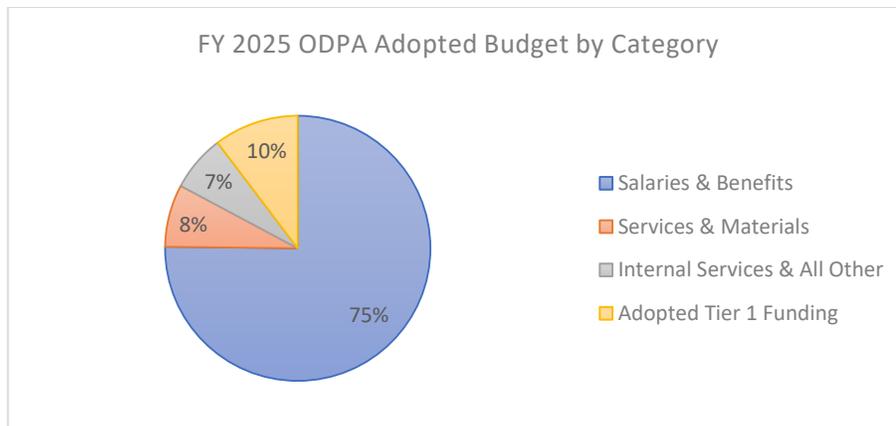
- Police Accountability Investigator (2 FTEs)

In addition to personnel costs, approximately 10% (\$171,022) of the approved FY 2025 budget was allocated to cover expenses associated with relocating the ODPa to 1900 Addison Street⁵. The estimated annual lease cost for the new office space at 1900 Addison Street includes rent, utilities, and maintenance. The lease has an initial term of ten (10) years with an estimated cost of approximately \$1,779,588.34. The transition to the ODPa's new office space also included a one-time cost of approximately \$150,000 for initial setup, including necessary IT infrastructure, security upgrades, and furnishing. These one-time expenditures were covered by existing ODPa salary savings for FY 2023-2024. The July 23, 2024 ODPa staff report articulated the critical need for expanded and modernized office space to meet the department's operational demands, including increased staffing, the need for confidential and secure workspaces, and alignment with professional and Charter-mandated standards for independent oversight. In response, the City Council demonstrated its strong commitment to transparent and effective civilian oversight by approving the lease at 1900 Addison Street. This investment reflects the City's recognition that adequate physical infrastructure is essential to fulfilling the ODPa's mission and advancing Berkeley's Strategic Plan goals related to operational excellence, public trust, and equity.

ODPA-PAB FY 2025 ADOPTED BUDGET BY CATEGORY		
Category	Amount (\$)	% of Budget
Salaries & Benefits	1,245,033.00	75%
Services & Materials	126,136.00	8%
Internal Services & All Other	113,678.00	7%
Adopted Tier 1 Funding	171,022.00	10%
Total	1,655,869.00	100%

Source: City of Berkeley Adopted Budget FY 2025 - 2026 (Pg. 329)

⁵ July 23, 2024 ODPa Staff Report Titled "Lease of Office Space for the Office of the Director of Police Accountability (ODPA) at 1900 Addison Street": <https://berkeleyca.gov/sites/default/files/documents/2024-07-23%20Item%2016%20Lease%20for%20Office%20Space%20for%20the%20Office.pdf>



Source: City of Berkeley Adopted Budget FY 2025 - 2026 (Pg. 329)

Vacant Positions

As of the date of this memorandum, the ODPDA has **three (3) vacant positions**, outlined below:

1. Associate Management Analyst (Administrative)

- **Budgeted Amount:** \$172,848 (salary and benefits)
- **Vacant Since:** 6–8 months: The permanent position became vacant in November 8, 2024. From December 17, 2025 to April 25, 2025 the position was temporarily filled through AppleOne contract while the permanent selection was underway. Permanent selection is being finalized.
- **Operational Impact:** This position provides administrative support across all areas of the department, including budgeting, procurement, and recordkeeping. The vacancy has slowed these internal processes and increased the workload for remaining staff.

2. Police Accountability Investigator (1 of 2)

- **Budgeted Amount:** \$203,444 (salary and benefits)
- **Vacant Since:** 3–5 months. In February 2025, the ODPDA requested to fill a vacant Investigator position, but the Human Resources Department determined that the eligibility list for the role had expired, delaying the permanent hiring process until a new list could be established.

To maintain continuity in its investigative work, the ODPDA pursued temporary staffing options. In April 2025, the office engaged AppleOne to

temporarily cover Investigator functions. One temporary contractor has been onboarded and is actively working on case assignments, while a second contractor is currently undergoing screening. In parallel, the ODPa coordinated with the Human Resources Department to post and finalize a temporary City-hired Investigator position, not to exceed six months, while the permanent eligibility list is being redeveloped.

- **Operational Impact:** This role is essential to conducting investigations into complaints involving BPD personnel as required by Section 125(18) of the Berkeley City Charter. Complaints are currently being investigated by the Director of Police Accountability.

3. Police Accountability Investigator (2 of 2)

- **Budgeted Amount:** \$203,444 (salary and benefits)
- **Vacant Since:** 1 – 2 months. In April 2025, the ODPa submitted a second request to fill its other vacant Investigator position. As a result, the office was actively seeking to fill both permanent roles but was dependent on HR to proceed.
- **Operational Impact:** Similar to the above, this vacancy further reduces the department’s capacity to process complaints in a timely manner.

Expanded Analysis on Budgetary Considerations for Council Review

As noted earlier, the ODPa is requesting Council consideration for the classification and funding of four proposed new positions to support the responsibilities envisioned in the Charter: Deputy Director, Chief Investigator, Communications Specialist, and Senior Management Analyst. In practice, the ODPa has served as the de facto staff to the Police Accountability Board (PAB), taking on duties such as preparing agendas, staffing public meetings, managing subcommittees, and ensuring compliance with public records, minutes, and noticing requirements. These responsibilities are substantial and recurring—particularly because Charter Section 125(13)(a) mandates that the PAB establish a regular meeting schedule of at least 18 meetings per year.

According to the 2025 Commissioners’ & Board Members’ Manual,⁶ the meeting frequency for other commissions is determined individually by the City Council, with most

⁶ Commissioner’s & Board Members’ Manual 2025 Edition Background Information Rules and Procedures Amended and Officially Adopted by Resolution No. 71,677-N.S. Source:

commissions operating under Council-imposed limits.⁷ In contrast, the PAB’s meeting requirement is set by Charter, making it one of the most active public bodies in the City.

This high volume of meetings, along with ongoing standing and ad hoc subcommittee work, requires sustained staffing and continuous logistical support. As a result, ODPa’s limited resources are consistently divided between conducting independent investigations and providing administrative support for the Board.

This dual-role arrangement—where ODPa functions as both the investigative agency and administrative support for the PAB—was not explicitly envisioned by the Charter and may conflict with its intended structure, particularly in light of the strict mandates and deadlines established under Charter Section 125(18).

As noted in the DPA’s May 5th, 2025 staff report to the Personnel Board,⁸ the requested FTEs are intended to bolster these functions by providing the necessary infrastructure to fully carry out and streamline the responsibilities envisioned in the Charter. The proposed office structure is also designed to improve workload delegation across the office, enabling more efficient management of the increasing volume and complexity of responsibilities. Currently, the ODPa operates without a designated supervisory classification between the Director and the investigative, policy, and administrative staff. This absence hinders effective oversight, succession planning, and workload distribution—particularly in the Director’s absence. As complaints and policy work grow in scope and complexity, establishing internal leadership roles becomes critical. The proposed classifications for a Chief Investigator and a Deputy Director of Police Accountability are essential to supporting the operational demands and legal obligations of the office. These roles align with ODPa’s independent oversight mandate under Berkeley Charter Section 125 and are consistent with the personnel authority granted by Berkeley Municipal Code Section 4.04.110(f).

https://berkeleyca.gov/sites/default/files/documents/Commissioners%27%20%26%20Board%20Members%27%20Manual%202025%20Edition_WCAG.pdf

⁷ Most commissions are limited to 10 meetings per year set by Resolution No. 68,258-N.S. Sources: Ibid pg.52; <https://records.cityofberkeley.info/PublicAccess/api/Document/AT6ySOUIRtznSXCf7O1j4WW5956w74PoUUdb3fxT5fq8wgVszZK3zIS77OffVsTuyHahnROIW7QyKeC6htBUgw8%3D/>

⁸ May 5, 2025 ODPa Staff Report to the Personnel Board Titled “Establish Classifications and Salary Range – Chief Investigator and Deputy Director of Police Accountability”: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/Personnel%20Board-05-05-2025_1.pdf#Page=15

JUNE 23, 2025

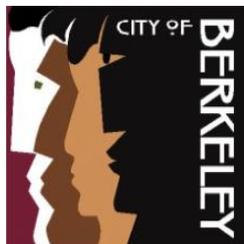
THE AUTHORIZING COUNCILMEMBER SENDS A COURTESY NOTICE OF INTENT TO PROPOSE A HIRING FREEZE, BUT NO LANGUAGE IS SHARED.

June 23, 2025 – Director received a “courtesy notice” via email from the authors of the June 23 recommendation memo regarding the proposal to freeze ODPAs positions. The email did not include the final text of the proposed supplement.

JUNE 24, 2025

SUPPLEMENTAL BUDGET ITEM POSTED PUBLICLY FOR COUNCIL
VOTE AND SUBSEQUENTLY ADOPTED.

(Refer to the recommendations and rationale highlighted on Pages
46 and 47.)



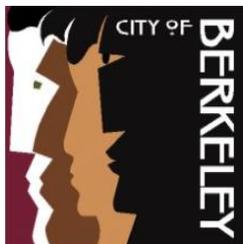
Councilmember Rashi Kesarwani

REVISED AGENDA MATERIAL

for Supplemental Packet 2

<u>Meeting Date:</u>	June 24, 2025
<u>Item Number:</u>	24
<u>Item Description:</u>	Budget Refinements
<u>Submitted by:</u>	Councilmember Rashi Kesarwani and Councilmember Mark Humbert

The item offers budget refinements to Mayor Adena Ishii's budget proposal for Council consideration.



Councilmember Rashi Kesarwani

June 24, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Rashi Kesarwani (Author) and Councilmember Mark Humbert (Co-Sponsor)

Subject: Budget Refinements to Balance FY 2025-26 Budget for Council Consideration

RECOMMENDATION

Adopt friendly amendments (as listed in Exhibit 2), inclusive of freezing 4.00 full-time equivalent (FTE) vacant Charter Officer positions and providing \$60,000 total from the Offices of Councilmember Rashi Kesarwani and Mark Humbert to be used in part to fund immediate replacement of F & G docks and a 1.0 FTE Social Services Specialist for the Homeless Response Team, along with all other changes listed in Exhibit 2. Further, clarify that the Small Sites allocation totals \$2.5 million from the Housing Trust Fund.

CURRENT SITUATION AND ITS EFFECTS

One-Time Budget Balancing Measures To Close \$21.4 Million Budget Deficit in FY 2025-26—Including Hiring Freeze, Drawing from Section 115 Pension Trust, Workers' Compensation Holiday, and Reducing IT Costs—Underscore Need for Fiscal Restraint.

The City Manager has recommended one-time cost-cutting measures to close the City's \$21.4 million budget deficit in FY 2025-26, including drawing down an extra \$3 million (for a total of \$6 million) from the City's Section 115 Pension Trust to pay for a portion of pension liabilities, taking a one-time \$5.2 million holiday from contributing to the workers' compensation fund, delaying \$6.2 million of IT improvements, and reallocating \$2.5 million from Measure U1. In addition to these budget solutions, the City Manager proposes freezing vacant positions for an additional \$2.7 million in savings.¹ While these one-time actions close the budget gap, the Council will face hard decisions in the future about how to balance the City's overall expenditures so that they are in line with revenues on an ongoing basis. Further, our City faces significant fiscal uncertainty due to the federal administration. We note that the City has already

¹ The hiring freeze recommended by the City Manager excludes Charter Officer Departments that fall under the direct purview of the Mayor and Council.

lost \$1 million from a federal grant to plant trees in South and West Berkeley. The actions taken to balance the FY 2025-26 budget underscore the need for fiscal restraint and sacrifice among all City Departments.

Building on the Mayor’s Budget Proposal, Include Freezing of Vacant 4.00 Full-Time Equivalent Positions Among Charter Officer Departments And Other Savings to Ensure Fairness in Budget Balancing Across All City Departments. In line with the City Manager’s directive to freeze vacant positions (with certain exceptions) and building on the Mayor’s commitment to contribute funds from her office budget, we recommend the following additional actions to ensure all departments are treated fairly:

- **Mayor and Council.** Reallocate \$30,000 each (total of \$60,000) in unspent FY 2024-25 funds from the District 1 and District 8 office budgets;
- **City Auditor.** The City Auditor reported a vacant 1.00 FTE Auditor 1 position; however, an offer has already been extended for the position. Accept the City Auditor’s estimated \$200,000 in salary savings as presented at the June 12, 2025 Budget and Finance Policy Committee meeting.²
- **City Attorney’s Office.** The City Attorney’s Office reported 3.00 FTE vacant positions: 1.00 FTE Assistant City Attorney, 1.00 FTE Risk Manager, and 1.00 FTE Legal Secretary/Senior Paralegal. We recommend freezing the vacant 1.0 FTE Risk Manager for total General Fund savings of \$258,968, and the 1.0 FTE Legal Secretary/Senior Paralegal for total General Fund savings of \$179,876. A grand total of \$438,844 is therefore available in General Fund savings in FY 2025-26;³
- **Office of the Director of Police Accountability.** The Office of the Director of Police Accountability reported 3.00 FTE vacant positions: 1.00 FTE Associate Management Analyst and 2.00 FTE Investigators. We recommend freezing a vacant 1.00 FTE Investigator for total General Fund savings of \$203,444, and the 1.00 FTE Associate Management Analyst for total General Fund savings of \$172,848. A grand total of \$376,292 is therefore available in General Fund savings in FY 2025-26.⁴

Exhibit 1: Charter Officer Departments Recommended Savings

	Savings
Mayor and Council	

² City Auditor, *City Auditor Budget Memo 2025*, memorandum to the Budget and Finance Committee, June 12, 2025, City of Berkeley, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-06-12%20Item%2002%20BFC%20Item%20City%20Auditor%20Budget%20Memo%202025.pdf>.

³ City Attorney’s Office, *CAO Staffing and Budget Memo*, presentation to the Budget and Finance Committee, June 12, 2025, City of Berkeley, https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/BF%20Committee%206-12-25%20CAO%20Staffing%20and%20Budget_FB%20Final%20Edits%20%28002%29.pdf.

⁴ Office of the Director of Police Accountability, memorandum to the Budget and Finance Committee, June 12, 2025, City of Berkeley, <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025-06-12%20Item%2002%20Supplemental%20Material%20-%202025-06-10%20ODPA%20Memo%20to%20CouncilBudgetFinance.FinalSigned.pdf>

Office Budget Savings Districts 1 and 8	\$60,000
City Auditor	
Salary Savings	\$200,000
City Attorney's Office	
Risk Manager	\$258,968
Legal Secretary/Senior Paralegal	\$179,876
Office of the Director of Police Accountability	
Investigator	\$203,444
Associate Management Analyst	\$172,848
Total Savings	\$1,075,136

Rationale for Charter Officer Department Recommendation. While the City Council will not have precise information on actual salary savings from the City Auditor's office until year-end close, we have built in a \$200,000 cushion to account for potential shortfalls. Although we do not anticipate needing it, this contingency assures a responsible approach. The Risk Manager position in the City Attorney's Office was authorized in 2024, but has never been filled. Both the City Manager and the Mayor's proposed budgets already reflect the Legal Secretary/Senior Paralegal vacancy. Finally, we recommend freezing one of the two vacant investigator positions in the Office of the Director of Police Accountability.⁵ We believe this aligns with the intent of the City Charter, which specifies in Section 125(14)(i) that the director "may hire a Chief investigator" (singular). Applying consistent standards across charter offices, similar to the City Manager's hiring freeze, would generate approximately \$1 million in additional savings, which can be redirected to fund critical capital improvements and community services.

Additionally, \$100,000 of the \$150,000 previously approved by City Council for Round Park in District 8 (FY 2025-26) remains available.

Mayor's Budget Proposal Appropriately and Responsibly Uses Special Funds to Fund the Vast Majority of Council Priorities . . . We fully support the Mayor's proposed use of special funds—in the vast majority of cases—to pay for Council priorities, including for curb marking and daylighting, improvements to the Ohlone Greenway, expansion of after-school program expansion, Small Sites capacity building, continuation of the Poet Laureate Program, and Berkeley Fire Safe allocations. We also agree with her referrals to fund a pedestrian

⁵ Charter 125(4)(b) . . . "City Council may allocate to the Police Accountability Board and Director of Police Accountability, as the City Council determines resources allow, a budget sufficient to provide for a process that protects the rights of complainants and sworn employees of the Police Department, for the Board and its staff to carry out the investigative and policy responsibilities stated herein, and to ensure the independence of the Board."

crossing at Shattuck and Delaware and replacing the F & G docks. In addition, we support the Mayor's General Fund allocations to support deportation defense and the *Street Spirit* program.

. . . But Should Restore \$2.5 Million for Small Sites from Housing Trust Fund (Rather than \$3.9 Million) To Ensure Fiscal Restraint. We appreciate the City Manager and Mayor exercising fiscal leadership in allocating \$2.5 million from Measure U1—a general purpose tax—to close the budget deficit. We support the Mayor's recommendation to allocate \$1.4 million in unspent Housing Trust fund dollars from FY 2024-25 towards Small Sites Acquisition in FY 2025-26. However, we are concerned about allocating an *additional* \$2.5 million from the Housing Trust Fund in FY 2025-26 (from revenues that may or may not materialize) and prioritizing Measure U1 and/or Measure M Empty Homes Tax revenue for additional Small Sites funding before the full budget picture for FY 2026-27 is known. Instead, we recommend allocating up to an additional \$1.1 million from the Housing Trust Fund for FY 2025-26, so that Small Sites Acquisition receives a total of \$2.5 million (\$1.4 million from unspent FY 2024-25 Housing Trust Fund revenue and up to \$1.1 million from FY 2025-26 Housing Trust Fund revenue, assuming these funds materialize). We note that the \$1.1 million in funding that we are allocating from FY 2025-26 Housing Trust Fund fee revenue is contingent upon receiving inclusionary fee revenue paid for by developers of market-rate projects; it is currently uncertain exactly how much will be available in the budget year. Our City's structural deficit as well as significant fiscal uncertainty from the federal government mean that we must exercise caution and avoid to the extent possible the pre-commitment of specific revenue sources without full revenue and expenditure information.

Fund Long-Term Investments with the Additional Savings Identified. With the additional savings outlined above, we recommend funding the following priorities:

- **Immediate Funding of F & G Docks.** Allocate \$250,000 so that the F & G docks can be repaired more quickly, generating additional revenue for the Marina Fund. This allocation will avoid the need to use Measure T1 bond proceeds, which have already undergone commission review.
- **1.00 FTE for Homeless Response Team.** Fund a Social Services Specialist for a total General Fund cost of \$175,000 to augment staffing for the Homeless Response Team. The position would be responsible for community outreach, connecting unhoused individuals with housing assistance, and providing case management. The Homeless Response Team is consistently understaffed relative to their workload.
- Allocate \$7,000 to support the Elmwood Music Festival from Councilmember Mark Humbert's office budget.
- Direct any surplus to the Marina Fund to support long-term waterfront stability.

EXHIBIT 2: FRIENDLY AMENDMENTS FOR COUNCIL CONSIDERATION

<u>Friendly Amendments for Council Consideration</u>	Amount	Notes
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Internal

Budget Deficit Prior to Hiring Freeze in City Departments Excluding Charter Office Departments	-\$21,416,210	
Hiring Freeze in Non-Charter Officer Departments (approx.)	\$2,558,052	The hiring freeze outlined in the staff proposal shows \$2.7 for the vacancy freeze, which included the City Attorney's vacant legal secretary position (see below)
Remaining Budget Deficit	-\$18,858,158	Staff presentation
Options for Budget Balancing		
Workers Comp Holiday	\$5,187,019	Staff recommendation/ Mayor's proposal
Section 115 Pension Trust (existing)	\$3,000,000	Staff recommendation/ Mayor's proposal
Section 115 Pension Trust (additional)	\$3,000,000	Staff recommendation/ Mayor's proposal
Transfer from IT Cost Allocation Plan Fund Balance	\$6,164,889	Staff recommendation/ Mayor's proposal
Reallocation from Small Sites U1	\$2,500,000	Staff recommendation/ Mayor's proposal
Charter Officer Budget Solutions		
Mayor's Office Contributions	\$110,000	Mayor's proposal
D1 unencumbered office funds	\$30,000	
D6 & D7 unencumbered office funds	\$35,000	Mayor's proposal
D8 unencumbered office funds	\$30,000	
City Auditor salary savings	\$200,000	At the Budget and Finance meeting on 6/12, Auditor offered to contribute
City Attorney Risk Manager	\$258,968	
Senior Legal Secretary	\$179,876	This vacancy already included in the City Manager and Mayor's proposal
ODPA Associate Management Analyst	\$172,848	
ODPA 1 investigator	\$203,444	
Subtotal of Proposed Additional Charter Officer Budget Solutions	\$1,075,136	
Subtotal of Total Charter Officer Freeze	\$1,220,136	
Subtotal of Balancing Options Post Charter Officer Freeze	\$21,072,044	

Internal

Round Park Reallocation	\$100,000	\$150,000 allocated in FY2025. \$50,000 of the Parks Tax was reabsorbed and allocated to MLK/YAP construction project. \$100,000 in General Fund dollars has not been reallocated.
Budget Balance	\$2,313,886	
Transfer to the Marina Fund	-\$1,300,000	
Remaining Balance after Marina Fund Transfer	\$1,013,886	
Agree with Mayor's Additional General Fund Expenditures of \$125,000 to undocumented and \$20,000 to Street Spirit.	-\$145,000	We agree with all of the Mayor's additional General Fund allocations
Remaining Balance After Mayor's Allocations and CM Kesarwani and Humbert's additional budget solutions	\$868,886	
Additional Budget Allocations		
Immediate Dock Replacement, instead of deferral	\$250,000	
Elmwood Music Festival	\$7,000	taken from CM Humbert's office contribution of \$30K
Social Services Specialist	\$175,000	Social Services Specialist would conduct community outreach, connecting unhoused individuals with housing assistance, and providing case management. The Homeless Response Team is consistently understaffed for the need.
Additional Marina Fund allocation	\$236,886	
Excess/(Shortfall) Balance	\$200,000	<i>\$200,000 is to accommodate projected salary savings from Auditor</i>

FISCAL IMPACTS

This approach reflects responsible budgeting by relying on available funds while applying consistent cost-saving measures across departments. It closes the deficit without overextending reserves, prioritizes long-term fiscal stability, and preserves core services and community investments. It balances short-term needs with structural discipline.

CONTACT

Rashi Kesarwani

Internal

(510) 981-7110