

ORDINANCE NO. 7,902-N.S.

REPEALING AND REENACTING CHAPTER 3.78 OF THE BERKELEY MUNICIPAL CODE ESTABLISHING THE HUMAN WELFARE AND COMMUNITY ACTION COMMISSION

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

Section 1. That Chapter 3.78 of the Berkeley Municipal Code is repealed and reenacted to read as follows:

Chapter 3.78

HUMAN WELFARE AND COMMUNITY ACTION COMMISSION

Sections:

3.78.010 Creation of the Human Welfare and Community Action Commission

3.78.020 Membership

3.78.030 Term of office

3.78.040 Vacancy and removal

3.78.050 Temporary vacancies

3.78.060 Officers, meetings and procedures

3.78.070 Social welfare defined

3.78.080 Functions of the commission

3.78.090 Elections for low-income representatives

3.78.100 Bylaws of the Human Welfare and Community Action Commission

Section 3.78.010 Creation of the Human Welfare and Community Action Commission.

The Human Welfare and Community Action Commission is hereby created.

Section 3.78.020 Membership

A. The commission shall consist of nine members. This commission is not subject to BMC Sections 2.04.030–2.04.130, the Fair Representation Ordinance, due to the Community Action Agency membership regulations in state and federal law.

B. Three of the members shall be appointed by the Berkeley City Council by majority vote.

C. Three of the members shall be low-income representatives, subject to the eligibility requirements of this paragraph, and elected to the commission using one of the methods in Section 3.78.090:

i. An individual who is at or below the federal poverty line, and who resides within the City of Berkeley; or

ii. An individual from a group(s) or organization(s) composed primarily of low-income persons and representing the interest of the low-income population in the City of Berkeley, whose membership duly select a representative chosen in accordance with a democratic selection procedure.

D. Three of the members shall be members or officials of business, industry, labor, religious, welfare, education, or major groups and interests in the community, as required by California Government Code Sections 12736(e), 12750(a)(2), and 12751 (and its successors), the language of which is incorporated herein by reference. These members should be identified and nominated for Council approval by the existing commissioners.

E. For the purpose of members appointed pursuant to paragraph C and D, the community service block grant (CSBG) target area is within the boundary of the City of Berkeley.

Section 3.78.030 Term of office.

The term of office of each elected member, other than specifically provided herein, shall be four years from the date of the elections; no person shall serve for more than two full elected terms, or eight years.

The term of office of each appointed member shall be as provided in B.M.C. Section 3.02.040.

Section 3.78.040 Vacancy and removal of elected members

Elected members of the commission are subject to the same membership and attendance requirements as appointed members except as otherwise provided in this chapter.

A. A vacancy shall exist when an elected board member moves and establishes residence outside of their election district or otherwise no longer meets the eligibility requirements of Section 3.78.020.C.

B. Vacancies in any elected commission position shall be filled by a new election pursuant to Section 3.78.090.

Section 3.78.050 Temporary vacancies

An elected member of the commission may take a temporary leave of absence of up to three months in duration by notifying the City Clerk and the commission secretary in writing in advance of the absence, during which time a temporary vacancy shall exist. During the period of such temporary vacancy in an elected position, a temporary appointment shall be made by the remaining low-income representatives subject to the eligibility requirements of Section 3.78.020.C.

Section 3.78.060 Officers, meetings and procedures

A. The commission shall elect one of its members chairperson and one of its members vice-chairperson.

B. The commission shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of meetings shall be as determined by City Council resolution. The scheduling of special meetings in addition to those established by City Council resolution, except special meetings that take the place of cancelled regular meetings, shall be subject to approval by the City Council. A request for a special meeting shall include the reason for the proposed meeting and should be expedited on the City Council's agenda, or in the alternative, placed before the Agenda Committee for approval.

C. A majority of the members appointed to the commission shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

D. All subcommittees of this commission should fairly reflect the composition of the commission.

Section 3.78.070 Social welfare defined

"Social Welfare" as used in this chapter, means that endeavor which is concerned with community-wide and group interests rather than with needs of individual residents and embraces such areas, among others, special needs of the family, children, youth and the aged, and the way in which people live and work together.

Section 3.78.080 Functions of the commission

The functions of the commission shall be as follows:

A. The commission shall function as the Board of the Community Action Agency as set forth in California Government Code Sections 12750 - 12763 and its successors, the terms of which are incorporated herein by reference;

B. Review and accept the Community Action Plan and the accompanying Community Needs Assessment as outlined in the Community Service Block Grant Organizational Standards and create a citizen awareness of these needs;

C. Fulfill all duties and meet all requirements as detailed in the annual Community Service Block Grant Organizational Standards report;

D. Identify social welfare needs of the Berkeley community and create awareness of these needs among residents;

E. Identify social welfare standards made available by other social welfare agencies and provide the public information with reference to such services;

F. Encourage the development of programs designed to improve the social welfare of the Berkeley community;

G. Render advice and assistance to other City boards and commissions, to City departments and to private agencies on matters of social welfare;

H. Advise the City Council on all matters affecting the social welfare of the community and its citizens;

I. Perform such other functions and duties as may be directed by the City Council or prescribed or authorized by any ordinance of the City;

J. In prescribing the above duties and functions of the commission, it is not the intent of the Council to duplicate or overlap the functions, duties or responsibilities heretofore or hereafter assigned to any other City board or commission or to a City department. As to such functions or responsibilities above set forth which are partially or wholly the responsibilities of another board or commission or of a department of the City, the commission will render assistance and advice to such board, commission or department as may be requested.

Section 3.78.090 Elections for low-income representatives

Low-income representatives shall be chosen in accordance with democratic selection procedures adequate to assure that they represent the low-income persons in the

geographic service area of the City of Berkeley. Among the selection procedures which may be employed, as determined by the commission secretary, either separately or in combination, are the following: (a) nominations and elections, whether within the neighborhoods, community, or service area as a whole; (b) selection at a meeting or conference of low-income persons such that the date, time, and place of such a meeting or conference have been adequately publicized; (c) selection of a small area basis (such as a neighborhood) of representatives who in turn select members for the commission; (d) the commission may recognize a group(s) or organization(s) composed primarily of low-income persons and representing the interest of the low-income population, whose membership may select one or more representatives to the commission. Persons at or below the federal poverty line shall be permitted to vote in the selection processes. The commission may request a waiver for the federal poverty line eligibility in order to establish residency or other relevant criteria as a basis for eligibility, which will be provided to and reviewed by the commission secretary for CSBG compliance

Section 3.78.100 Bylaws of the Human Welfare and Community Action Commission is hereby created.

The commission shall prepare and maintain bylaws for the community action agency. These bylaws and amendments thereto shall be consistent with City, state and federal policies governing community action agencies.

Section 2. Posting

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

At a regular meeting of the Council of the City of Berkeley held on March 26, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Humbert, Taplin, Wengraf, and Arreguin.

Noes: Kesarwani.

Absent: None.

At a regular meeting of the Council of the City of Berkeley held on May 7, 2024, this Ordinance was adopted by the following vote:

Ayes: Bartlett, Hahn, Humbert, Lunaparra, Taplin, Wengraf, and Arreguin.

Noes: Kesarwani.

Absent: None.

Jesse Arreguin
Jesse Arreguin, Mayor

ATTEST: Mark Numainville
Mark Numainville, City Clerk

Date signed: May 22, 2024