



**BERKELEY CITY COUNCIL BUDGET & FINANCE COMMITTEE
SPECIAL MEETING**

**Thursday, June 25, 2020
10:00 AM**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Cheryl Davila and Lori Droste
Alternate: Councilmember Kate Harrison

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH
VIDEOCONFERENCE AND TELECONFERENCE**

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting of the City Council Budget & Finance Committee will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, there will not be a physical meeting location available.

To access the meeting remotely using the internet: Join from a PC, Mac, iPad, iPhone, or Android device: Use URL - <https://us02web.zoom.us/j/83281248814> If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon on the screen.

To join by phone: Dial **1-669-900-9128** and Enter Meeting ID: **832 8124 8814**. If you wish to comment during the public comment portion of the agenda, press *9 and wait to be recognized by the Chair.

Written communications submitted by mail or e-mail to the Budget & Finance Committee by 5:00 p.m. the Friday before the Committee meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record. City offices are currently closed and cannot accept written communications in person.

AGENDA

Roll Call

Public Comment on Non-Agenda Matters

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - June 18, 2020

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. Fiscal Year 2021 Budget Update

From: City Manager

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

3. Councilmember Budget Recommendations *(Item contains supplemental materials)*

From: City Manager

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

4. **Open West Campus Pool and Martin Luther King Jr. Pool (King pool) to implement the City of Berkeley Shower Program at these locations, and provide the ability for our community to shower during the COVID 19 Pandemic**
(Item contains revised materials)
From: Councilmember Davila (Author)
Referred: March 30, 2020
Due: September 27, 2020
Recommendation: Direct the City Manager to open the West Campus Pool and Martin Luther King Jr. Middle School (King pool) Pool to implement the City of Berkeley Shower Program at these locations. Opening the West Campus Pool and Martin Luther King Jr. Middle School (King pool) pool will provide the ability for our community to shower during the COVID 19 Pandemic, a humane action required during this crisis.
Financial Implications: \$270,100
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
5. **Housing Trust Fund Resources**
From: City Manager
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
6. **Review of Council's Fiscal Policies**
From: City Manager
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

Items for Future Agendas

- **Discussion of items to be added to future agendas**

Adjournment

Written communications addressed to the Budget & Finance Committee and submitted to the City Clerk Department will be distributed to the Committee prior to the meeting.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.



COMMUNICATION ACCESS INFORMATION:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

I hereby certify that the agenda for this meeting of the Standing Committee of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on June 22, 2020.

A handwritten signature in black ink, appearing to read "Mark Numainville".

Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA.

**BERKELEY CITY COUNCIL BUDGET & FINANCE COMMITTEE
SPECIAL MEETING MINUTES**

**Thursday, June 18, 2020
10:00 AM**

Committee Members:

Mayor Jesse Arreguin, Councilmembers Cheryl Davila and Lori Droste
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AGENDA

Roll Call: 10:00 a.m. All present.

Public Comment on Non-Agenda Matters: 1 speaker

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - June 9, 2020

Action: M/S/C (Arreguin/Davila) to approve the minutes of June 9, 2020.

Vote: All Ayes.

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. Fiscal Year 2021 Budget Update

From: City Manager

Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

Action: 19 speakers. Presentation made and discussion held.

Item continued to next meeting on June 25, 2020.

3. Councilmember Budget Recommendations

From: City Manager

Contact: Dee Williams-Ridley, City Manager, (510) 981-7000

Action: 6 speakers. Presentation made and discussion held. M/S/C (Droste/Arreguin) to forward to Council a recommendation approving a one-time increase to the property tax baseline of \$4,000,000, increasing the baseline from \$12,500,000 to \$16,500,000, and request Council make a one-time revision to their budget policies for FY 2021.

Vote: All Ayes.

Item continued to next meeting on June 25, 2020.

4. Homeless Services Report

From: City Manager

Contact: Dave White, City Manager's Office, (510) 981-7000; Lisa Warhuus, Housing and Community Services, (510) 981-5400

Committee Action Items

Action: 0 speakers. Presentation made and discussion held.

- A. Balancing the Budget in Uncertain Times: A Proposal to Increase Reserves and Balance the FY2021 Budget**
From: Councilmember Sophie Hahn (Author); Councilmember Ben Bartlett (Co-Sponsor)
Referred: June 15, 2020
Due: November 30, 2020
Recommendation: 1) Allocate an additional approximately \$22M to the General Fund Stability Reserves, with 55% going to the Stabilization Reserve Fund and 45% to the Catastrophic Reserve Fund, using funds drawn from the unassigned General Fund Balance currently held in the City of Berkeley's Pooled Investment Portfolio, to fund Reserves at 30% of adopted FY2020 General Fund revenues; 30% being the minimum long term goal for the General Fund Reserves level provided under "Target Reserves Levels" in the General Fund Reserves Policy. 2) Amend the General Fund Reserves Policy, as shown in Attachment 1 to this item, to: a. Limit the use of Catastrophic Reserves to up to $\frac{1}{3}$ of funds available per incident, per year. b. Limit the use of Stability Reserves to up to $\frac{1}{3}$ of funds available per incident, per year. c. Allow up to $\frac{1}{3}$ of both Catastrophic and Stability Reserves to be used in the same year to respond to the same incident if the catastrophic event triggers both immediate unanticipated expenses and a Fiscal Emergency, as defined in the General Fund Reserves Policy, and the City Council declares such Fiscal Emergency. 3) Declare a Fiscal Emergency due to the COVID-19 pandemic and allocate $\frac{1}{3}$ of fully funded Catastrophic Reserves and $\frac{1}{3}$ of fully funded Stability Reserves (approximately \$20M total out of \$60M, leaving a remainder of 40M in Reserves) to help fill the approximately \$32-35M projected shortfall in FY2021 revenues, to sustain General Fund operations and support essential services and necessary staffing levels. 4) Adopt a replenishment schedule, as required in the General Fund Reserves Policy, to replenish General Fund Reserves to 30% of prior year General Fund Revenues within ten years, as follows: Starting in FY2022, annually assign \$3M from unassigned General Fund Balance to the General Fund Reserves, with 55% to the Stabilization Reserve Fund and 45% to the Catastrophic Reserve Fund, until such time as the General Fund Reserves equal 30% of the previous year's General Fund Revenues (minus any additional Reserves that may be withdrawn to address another catastrophic event and/or downturn, or the same incident - COVID-19 - in a future year). It is expected that replenishment will be completed within 8 years of withdrawal, well within the General Fund Reserves Policy's requirement that funds be replenished within 10 years of withdrawal. The final replenishment installment may be less than \$3M. This proposed replenishment schedule applies only to the approximately \$20M withdrawal of General Fund Reserves to support the FY2021 Budget. Any additional amounts that may be withdrawn in this or a future year to address another catastrophic event, or for COVID-19, will be replenished according to a schedule adopted at the time of such withdrawal. 5) Direct the City Manager to return to Council for adoption a revised FY2021 budget that includes the approximately \$20M in additional General Funds

Committee Action Items

made available through allocation of 1/3 of fully funded Catastrophic and Stability Reserves. The Budget should include all Measure P allocations made by the City Council in December of 2019 and incorporate approximately \$12-15M in spending reductions (representing approximately 6%-8% of previously adopted FY 2021 General Fund expenditures).

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

Item withdrawn from the agenda at the request of the author, Councilmember Sophie Hahn.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- 5. Open West Campus Pool and Martin Luther King Jr. Pool (King pool) to implement the City of Berkeley Shower Program at these locations, and provide the ability for our community to shower during the COVID 19 Pandemic**
(Item contains revised materials)
From: Councilmember Davila (Author)
Referred: March 30, 2020
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Recommendation: Direct the City Manager to open the West Campus Pool and Martin Luther King Jr. Middle School (King pool) Pool to implement the City of Berkeley Shower Program at these locations. Opening the West Campus Pool and Martin Luther King Jr. Middle School (King pool) pool will provide the ability for our community to shower during the COVID 19 Pandemic, a humane action required during this crisis.
Financial Implications: \$270,100
Contact: Cheryl Davila, Councilmember, District 2, (510) 981-7120
- 6. Housing Trust Fund Resources**
From: City Manager
Contact: Lisa Warhuus, Housing and Community Services, (510) 981-5400
- 7. Review of Council's Fiscal Policies**
From: City Manager
Contact: Teresa Berkeley-Simmons, Budget Manager, (510) 981-7000

Items for Future Agendas

- **Discussion of items to be added to future agendas**

Adjournment


Adjourned at 1:11 p.m.

I hereby certify that this is a true and correct record of the Budget & Finance Committee meeting held on June 18, 2020.

April Richardson, Assistant City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA.



No Material
Available for
this Item

There is no material for this item.

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

The City of Berkeley Budget & Finance Policy Committee Webpage:
https://www.cityofberkeley.info/Clerk/Home/Policy_Committee_Budget_Finance.aspx

Summary of Council Referrals to the Budget Process

03

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
1. Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021 ¹	June 25, 2019	Refer to the FY20 (2020/2021) RRV Budget Process for consideration of at least \$150,000 and up to remediate the Lawn Bowlers, North Green and Santa Fe Right-of-Way in advance of Request for Proposal (RFP) for these areas that potentially could provide much needed affordable alternative housing.	\$150,000		Davila
2. Adopt an Ordinance adding a new Chapter 12.80 to the Berkeley Municipal Code Prohibiting Natural Gas Infrastructure in New Building ²	July 9, 2019	Refer to the November 2019 budget process for consideration of up to \$273,341 per year to fund a new career position in the Building & Safety Division of the Department of Planning and Development. The staff person will assist with implementing the gas prohibition ordinance and reach codes, and perform other duties as specified in the Financial Implications section of this item	\$273,341	Funded	Harrison, Davila, Bartlett and Hahn
3. Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan ³	September 10, 2019	Recommend that City of Berkeley immediately begin the process to purchase, install, and maintain an outdoor public warning system (sirens) as a supplement to other alert and warning technologies within our boundaries and coordinated with abutting jurisdictions and Alameda County.	\$1,500,000 - \$2,000,000		Gradiva Couzin, Chair, Disaster and Fire Safety Commission

¹ https://www.cityofberkeley.info/Clerk/City_Council/2019/07_Jul/Documents/2019-07-09_Item_21_Adopt_an_Ordinance_adding_a_new.aspx

² https://www.cityofberkeley.info/Clerk/City_Council/2019/06_June/Documents/2019-06-25_Item_38_Budget_Referral_Remediation_of_Lawn.aspx

³ https://www.cityofberkeley.info/Clerk/City_Council/2019/09_Sep/Documents/2019-09-10_Item_33_Commission_Referral_Recommendation.aspx

Summary of Council Referrals to the Budget Process

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
4. Funding the Pavement of Derby Street Between Telegraph Avenue and Shattuck Avenue ⁴	September 10, 2019	Refer to the budget process for the paving of Derby St. between Shattuck Ave. and Telegraph Ave. in order to repair deteriorating street that serves as a part of major commuter corridor.	\$1.6 million for pavement reconstruction Per 2017 Bicycle Plan: \$60,000 for traffic diverter at Fulton \$360,000 for Ped. Hybrid Signal at Shattuck		Bartlett
5. Funding the Construction of a Pedestrian Signal at Ashby Street and Fulton Street ⁵	September 10, 2019	Refer to the November budget AAO process for the construction of a pedestrian crossing signal at the intersection of Ashby and Fulton St. in order to reduce traffic accidents, and further safeguard the community.	\$400,000 - \$800,000		Bartlett
6. Funding for Pedestrian Crossing Signal at Intersection of Shattuck and Prince ⁶	September 10, 2019	Refer to the November Budget Annual Appropriations Ordinance to fund pedestrian crossing signals on all directions of the Shattuck Avenue and Prince Street intersection in order to address inadequate traffic control and ensure the safety of travelers along these streets.	\$400,000 - \$800,000		Bartlett
7. Funding Streetlight Near South East Corner of Otis Street ⁷	September 10, 2019	Council refers to the City Manager to fund construction of a streetlight on the corner of Otis near Ashby.	\$10,000 to \$20,000		Bartlett

⁴ https://www.cityofberkeley.info/Clerk/City_Council/2019/09_Sep/Documents/2019-09-10_Item_44_Pavement_of_Derby_Street_and_Ward.aspx

⁵ https://www.cityofberkeley.info/Clerk/City_Council/2019/09_Sep/Documents/2019-09-10_Item_45_Funding_the_Construction_of_a_Pedestrian.aspx

⁶ https://www.cityofberkeley.info/Clerk/City_Council/2019/09_Sep/Documents/2019-09-10_Item_46_Funding_for_Pedestrian_Crossing_Signal.aspx

⁷ https://www.cityofberkeley.info/Clerk/City_Council/2019/09_Sep/Documents/2019-09-10_Item_47_Funding_Streetlight_Near_South_East.aspx

Summary of Council Referrals to the Budget Process

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
8. RFP for a Freestanding Public restroom Facility ⁸	September 24, 2019	Refer to the budget process to set aside up to \$100,000 to issue an RFP for a freestanding, 24/7 public restroom facility in the Telegraph Business Improvement District.	\$100,000	Funded	Robinson
9. Grant referral for Capoeira Arts Foundation ⁹	October 15, 2019	Refer a Grant of \$150,000 for the benefit of the Capoeira Arts Foundation (CAF) to the mid-year budget process to support their purchase of the Casa De Cultura-1901 San Pablo Ave-in partnership with BrasArte to create a permanent home for their organizations, their school, the United Capoeira Association (UCA) Berkeley, and for other Brazilian art forms.	\$150,000	Funded	Arreguin, Kesarwani and Davila
10. Health Impact Assessment Outreach Coordinator ¹⁰	October 15, 2019	Refer to the Mid-Year Budget Process an amount of \$25,000 for Berkeley's contribution towards a budget of \$50,000 to support an Outreach Coordinator for the purpose of community education about the health impacts associated with the proposed closure of Alta Bates Hospital as indicated in the Health Impact Analysis completed by the Institute of Urban and Regional Development, UC Berkeley in December 2018.	\$25,000	Funded	Arreguin, Harrison, and Droste

⁸ https://www.cityofberkeley.info/Clerk/City_Council/2019/09_Sep/Documents/2019-09-24_Item_28_Budget_Referral_RFP_for_a_Freestanding_Public.aspx

⁹ https://www.cityofberkeley.info/Clerk/City_Council/2019/10_Oct/Documents/2019-10-15_Item_18_Grant_Referral_for_Capoeira_Arts.aspx

¹⁰ https://www.cityofberkeley.info/Clerk/City_Council/2019/10_Oct/Documents/2019-10-15_Item_19_Health_Impact_Assessment_Outreach.aspx

Summary of Council Referrals to the Budget Process

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
11. RFP for a Freestanding Public restroom Facility ¹¹	October 15, 2019	Continued from September 24, 2019 Council Meeting			Robinson
12. Referral to City Manager to Authorize Additional Inclement Weather Shelter at Old City Hall from October 15, 2019 - April 30, 2020 ¹²	October 15, 2019	Approving the allocation of \$140,000 in funding for this inclement weather shelter with funds from the budget appropriations for an expanded Emergency Shelter program or by State Homeless Emergency Aid Program (HEAP) funding.	\$140,000	\$60,000 - Funded	Davila, Harrison, Bartlett and Kesarwani
13. Berkeley Age-Friendly Continuum ¹³	October 29, 2019	Refer to the mid-year budget process \$20,000 for the Berkeley Age-Friendly Continuum.	\$20,000	Funded	Mayor Arreguin and Bartlett
14. Funding Illegal Dumping Component of "Clean & Livable Commons Initiative" ¹⁴	October 29, 2019	Refer to the November budget process consideration for providing \$200,000 to fund a key component of the "Clean & Livable Commons Initiative" unanimously passed by the City Council on February 28, 2019.	\$200,000	Funded	Kesarwani, Harrison, and Mayor Arreguin

¹¹ https://www.cityofberkeley.info/Clerk/City_Council/2019/10_Oct/Documents/2019-10-15_Item_28_Budget_Referral_RFP_for_a_Freestanding.aspx

¹² https://www.cityofberkeley.info/Clerk/City_Council/2019/10_Oct/Documents/2019-10-15_Item_21_Referral_to_City_Manager_to_Authorize.aspx

¹³ https://www.cityofberkeley.info/Clerk/City_Council/2019/10_Oct/Documents/2019-10-29_Item_14_Budget_Referral_Berkeley_Age-Friendly.aspx

¹⁴ https://www.cityofberkeley.info/Clerk/City_Council/2019/10_Oct/Documents/2019-10-29_Item_16_Budget_Referral_Funding_Illegal_Dumping.aspx

Summary of Council Referrals to the Budget Process

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
15. Allocate \$27,000 from the General Fund to Secure Potential Matching State Certified Local Government Landmarks Preservation Grants ¹⁵	October 29, 2019	Refer to the FY 2021 November Budget Process to allocate \$27,000 from the General Fund to secure potential matching state Certified Local Government landmarks preservation grant.	\$27,000	Funded	Harrison and Hahn
16. Budget Referral and Approving Installation of Cameras at Ohlone Park Mural ¹⁶	October 29, 2019	Refer \$6,000 to the FY20 November 2019 AAO Process for the purpose of purchasing and installing a surveillance camera.	\$6,000		Harrison and Kesarwani
17. Wildfire Mitigation Mid-Year Budget Referral ¹⁷	November 12, 2019	Refer to the Mid-Year Budget Process an amount of \$550,000 for wildfire mitigation measures, including the removal of fire fuel on City properties and the extension by six additional months of the Fire Captain position to provide wildfire safety planning, Safe Passages implementation, and oversight of mitigation programs and public education.	\$550,000	Funded	Wengraf

¹⁵ https://www.cityofberkeley.info/Clerk/City_Council/2019/10_Oct/Documents/2019-10-29_Item_21_Budget_Referral_Allocate_27,000.aspx

¹⁶ https://www.cityofberkeley.info/Clerk/City_Council/2019/10_Oct/Documents/2019-10-29_Item_24_Budget_Referral_and_Approving_Installation.aspx

¹⁷ https://www.cityofberkeley.info/Clerk/City_Council/2019/11_Nov/Documents/2019-11-12_Item_20_Wildfire_Mitigation_Mid-Year_Budget.aspx

Summary of Council Referrals to the Budget Process

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
18. BART Station Environmental Planning ¹⁸	November 12, 2019	Refer to the budget process \$250,000 for BART station planning. This budget allocation will allow the initiation of environmental review required as part of developing and adopting zoning for the Ashby and North Berkeley BART Stations that is in conformance with Assembly Bill 2923.	\$250,000	Funded	Mayor Arreguin
19. Additional funding to Enhance Services at the Berkeley Drop-In Center ¹⁹	November 12, 2019	Refer to the November Budget Annual Appropriations Ordinance to fund \$210,000 to enhance services at the Berkeley Drop-In Center, specifically for the installation of a public shower, installation of washer and dryer, renovation of the existing publicly accessible restroom, and additional payee service capacity.	\$210,000		Bartlett
20. Expansion of Homeless Navigation Facilities and Programs ²⁰	November 12, 2019	Refer to the budget process to allocate funds to establish a third sleeping unit and additional facilities as needed to increase capacity at the STAIR Center, and to fund operational and programmatic needs.	\$850,000		Hahn and Mayor Arreguin

¹⁸ https://www.cityofberkeley.info/Clerk/City_Council/2019/11_Nov/Documents/2019-11-12_Item_12_Budget_Referral_BART_Station.aspx

¹⁹ https://www.cityofberkeley.info/Clerk/City_Council/2019/11_Nov/Documents/2019-11-12_Item_15_Additional_Funding_to_Enhance_Services.aspx

²⁰ https://www.cityofberkeley.info/Clerk/City_Council/2019/11_Nov/Documents/2019-11-12_Item_19_Budget_Referral_Expansion_of_Homeless.aspx

Summary of Council Referrals to the Budget Process

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
21. Transportation to Support Mobility-Impaired Individuals Experiencing Homelessness who are Engaged in Rehousing and other Services ²¹	November 12, 2019	Refer to the budget process to allocate funds to provide transportation for mobility-impaired individuals experiencing homelessness who are engaged with rehousing and other services through the STAIR Center, The Hub, or other City of Berkeley-funded homeless services	unknown		Hahn and Mayor Arreguin
22. Evaluation and Implementation of Pedestrian and Bicycle Safety Along Oxford Street ²²	November 12, 2019	Refer \$75,000 to the FY20 2019 AAO Process for the purpose of assessing, identifying, and implementing improvements to pedestrian and bicycle safety across Oxford Street, particularly between University Avenue and Bancroft Street.	\$75,000	Funded	Harrison
23. Additional funding for Berkeley Community Gardening Collaborative/ Moving South Berkeley Forward ²³	November 12, 2019	Refer to the November Budget AAO to fund \$10,582.06 to Berkeley Community Gardening Collaborative for a coordinator for the year-long Moving South Berkeley Forward project	\$10,582.06	Funded	Bartlett and Mayor Arreguin
24. BigBelly Trash Receptacles in Ohlone Park ²⁴	November 19, 2019	Refer \$15,000 to the November 2019 Annual Appropriations Ordinance Budget Process to purchase two BigBelly trash receptacles for Ohlone Park.	\$15,000	Funded	Harrison

²¹ https://www.cityofberkeley.info/Clerk/City_Council/2019/11_Nov/Documents/2019-11-12_Item_19_Budget_Referral_Expansion_of_Homeless.aspx

²² https://www.cityofberkeley.info/Clerk/City_Council/2019/11_Nov/Documents/2019-11-12_Item_17_Budget_Referral_Evaluation_and_Implementation.aspx

²³ https://www.cityofberkeley.info/Clerk/City_Council/2019/11_Nov/Documents/2019-11-12_Item_16_Additional_funding_for_Berkeley.aspx

²⁴ https://www.cityofberkeley.info/Clerk/City_Council/2019/11_Nov/Documents/2019-11-19_Item_13_Budget_Referral_BigBelly_Trash.aspx

Summary of Council Referrals to the Budget Process

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
25. Funding for Strawberry Creek Lodge Food Program for FY20 ²⁵	November 19, 2019	Adopt a resolution amending the FY20 budget to include at least \$100,000 to fund the Strawberry Creek Lodge food Program	\$100,000	Funded	Davila
26. Budget referral to Conduct an Equal Pay Audit ²⁶	January 21, 2020	Refer to the June 2020 Budget Process \$20,000 to pay for an Equal Pay Audit for City of Berkeley employees. The audit would include pay band analyses and analyses of job segregation and glass ceilings	\$20,000		Harrison
27. Establishing an Outdoor Emergency Shelter ²⁷	January 21, 2020	Refer to the City Manager to establish an outdoor emergency shelter in Berkeley. Refer to the budget process \$615,000 to be considered alongside other Measure P recommendations.	\$615,000		Harrison, Davila, Robinson and Mayor Arreguin
28. 2-Lane Option on Adeline St. between MLK Way and Ward St. ²⁸	February 11, 2020	Refer to the City Manager to analyze the potential for a major redesign of the section of Adeline St. between MLK Way and Ward St. Refer \$250,000 to the budget process to fund this important project.	\$250,000		Bartlett

²⁵ https://www.cityofberkeley.info/Clerk/City_Council/2019/11_Nov/Documents/2019-11-19_URGENCY_Strawberry_Creek_Lodge_pdf.aspx

²⁶ https://www.cityofberkeley.info/Clerk/City_Council/2020/01_Jan/Documents/2020-01-21_Item_33_Budget_Referral_to_Conduct_an_Equal.aspx

²⁷ https://www.cityofberkeley.info/Clerk/City_Council/2020/01_Jan/Documents/2020-01-21_Item_44_Establishing_an_Outdoor_Emergency.aspx

²⁸ https://www.cityofberkeley.info/Clerk/City_Council/2020/02_Feb/Documents/2020-02-11_Item_21_2-Lane_Option_on_Adeline_St.aspx

Summary of Council Referrals to the Budget Process

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
29. Ronald V. Dellums Fair Chance Access to Housing Ordinance; Adding BMC Chapter 13.106. ²⁹	March 10, 2020	Direct the City Manager to take all necessary steps to implement this chapter including but not limited to developing administrative regulations in consultation with all relevant City Departments including the Rent Stabilization Board, preparing an annual implementation budget, designating hearing officers and other necessary staffing for administrative complaint, exploring the development of a compliance testing program similar to that used by the Seattle Office of Civil Rights, developing timelines and procedures for complaints, conducting outreach and education in partnership with the Alameda County Fair Chance Housing Coalition, and referring program costs to the June budget process.	unknown		Mayor Arreguin, Davila, Harrison and Bartlett
30. \$279,000 to Fund Berkeley Youthworks Participants Commensurate with the Berkeley Minimum Wage ³⁰	April 14, 2020	Refer to the FY 2020-21 budget process the allocation of \$184,000 for the purpose of funding Youthworks participants at the local minimum wage, which is scheduled to increase in July 2020 to \$15.75 per hour plus the Consumer Price Index.	\$279,000		Davila

²⁹ https://www.cityofberkeley.info/Clerk/City_Council/2020/03_Mar/Documents/2020-03-10_Item_24_Ronald_V_Dellums_Fair_Chance.aspx

³⁰ https://www.cityofberkeley.info/Clerk/City_Council/2020/04_Apr/Documents/2020-04-14_Item_32_Budget_Referral_279,000_to_Fund_Berkeley_Youthworks.aspx

Summary of Council Referrals to the Budget Process

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
31. Adopt a Resolution to Upgrade Residential and Commercial Customers to 100% Greenhouse Gas Emissions-Free Electricity Plan and Municipal Accounts to 100% Renewable Plan ³¹	April 21, 2020	Opt up Berkeley's municipal accounts to Renewable 100 (100% renewable and 100% greenhouse gas-free) electricity service, and refer the estimated increased cost of \$100,040 to the June 2020 budget process.	\$100,040		Harrison, Mayor Arreguin, Robinson, and Hahn
32. Budget Referral: Telegraph Shared Streets ³²	May 12, 2020	Refer \$500,000 to the FY2021-FY2022 Budget Process and subsequent budget processes for 30% designs of the Telegraph Shared Streets Project.	\$500,000		Robinson and Harrison
33. Establishing a COVID-19 Business Damage Mitigation Fund ³³	June 2, 2020	<i>(continued from May 26 Council Meeting)</i> Refer to the City Manager to establish a COVID-19 Business Damage Mitigation Fund in an amount up to \$100,000 to provide one-time grants to small businesses who experience property damage due to vandalism and other problematic behavior during this COVID-19 local State of Emergency	\$100,000		Mayor Arreguin, Robinson, and Harrison

³¹ https://www.cityofberkeley.info/Clerk/City_Council/2020/04_Apr/Documents/2020-04-21_Item_07_Adopt_a_Resolution_to_Upgrade_pdf.aspx

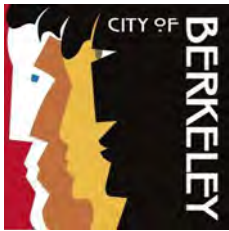
³² https://www.cityofberkeley.info/Clerk/City_Council/2020/05_May/Documents/2020-05-12_Item_22_Budget_Referral_Telegraph_Shared.aspx

³³ https://www.cityofberkeley.info/Clerk/City_Council/2020/06_June/Documents/2020-06-02_Item_A_Establishing_a_COVID-19_Business_pdf.aspx

Summary of Council Referrals to the Budget Process

Title and Item #	Council Date	Description (Purpose)	Amount	Funding Allocation	Referred by: Council Member Name
34. Referral to the FY 21 Budget Process: Housing Retention Program and Basic Needs Funds ³⁴	June 16, 2020	Refer to the FY 2021 Budget Process, up to \$1,000,000 of General Fund revenues derived from Measure U1 tax receipts to replenish funding for the Housing Retention Program that will be exhausted due to significant demand resulting from housing security faced by residents during the COVID-19 pandemic; Direct the City Manager to identify resources to develop a Basic Needs Fund to support undocumented Berkeley residents who are ineligible for other forms of assistance, including assistance under the Coronavirus Aid, Relief, and Economic Security (CARES) Act and pandemic unemployment benefits, because of their immigration status, and refer an amount up to \$250,000 to the FY 21 Budget Process	\$1,000,000 \$ 250,000		Mayor Arreguin
TOTAL			\$11,905,963.06		

³⁴ https://www.cityofberkeley.info/Clerk/City_Council/2020/05_May/Documents/2020-05-12_Item_22_Budget_Referral_Telegraph_Shared.aspx



Councilmember Ben Bartlett
City of Berkeley, District 3

EMERGENCY ITEM AGENDA MATERIAL

Meeting date: June 16, 2020
Item Description: Safety for All: The George Floyd Community Safety Act - Re-Allocate Funding for Non-Criminal Police Duties Towards a Specialized Care Unit (SCU) Pilot
Submitted by: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin, and Councilmember Rigel Robinson (Co-sponsor)

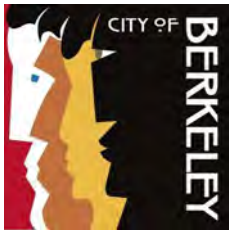
Rationale: Pursuant to California Government Code Section 54954.2(b) (2), Councilmember Ben Bartlett submits the attached item to the City Council for placement on the June 16, 2020 meeting agenda. Gov. Code Section 54954.2(b) (2) states that *“Upon a determination by a two-thirds vote of the members of a legislative body presents at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).”*

This item meets the criteria for “immediate action” as follows:

- 1) The budget is being considered and there is public outcry for Council to take action.
- 2) Racism Is a Public Health Emergency.
- 3) Council is considering numerous police items right now.

In all 50 states and more than 145 cities, Americans are calling for an end to police brutality, legitimate police accountability, and the transformation of the police system itself. The killing of George Floyd, a 46-year-old Black man, at the hands of police officers in Minneapolis, Minnesota followed a long series of constitutional abuses of Black men and women. Mr. Floyd’s death has proved to be the tipping point, giving rise to these waves of demonstrations, including many in the City of Berkeley.

The City of Berkeley takes pride in being home to the nation’s first citizen oversight board of police. Therefore, it is fitting for the City of Berkeley to immediately lead the way in reimagining public safety for all. This item directs the City to defund non-criminal responsibilities of the Berkeley Police Department, and re-invest in a Community Crisis Worker Pilot. Specifically, this item will create a network of crisis responders who will address and respond to non-criminal calls. The Community Crisis Worker Pilot will defund the police and re-invest those funds in services where residents experience better outcomes in public safety and community health. In addition, this pilot is predicted to save spending for the Berkeley City budget.



Councilmember Ben Bartlett
City of Berkeley, District 3

CONSENT CALENDAR

June 16, 2020

To: Honorable Mayor and Members of the City Council
From: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin, and Councilmember Rigel Robinson (Co-sponsor)
Subject: Safety for All: The George Floyd Community Safety Act - Re-Allocate Funding for Non-Criminal Police Duties Towards a Specialized Care Unit (SCU) Pilot

RECOMMENDATION

Refer to the Thursday, 6/18/2020 Budget & Finance Policy Committee and the FY 2020-21 Budget Process the reallocation of funds spent on non-criminal activities from the Berkeley Police Department and reinvest in a Specialized Care Unit (SCU) Pilot.

CURRENT SITUATION

In all 50 states and more than 145 cities, Americans are calling for an end to police brutality, legitimate police accountability, and the transformation of the police system itself.

The police killing of George Floyd, a 46-year-old Black man, and the murders of other Black people have lit a flame that has been brewing for a long time. These events of police brutality gave rise to a wave of demonstrations, including many in the City of Berkeley.

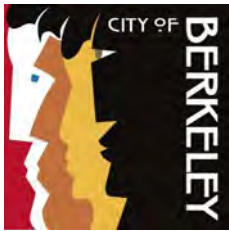
In addition, the Covid-19 pandemic has put a large economic strain on the city of Berkeley. With a 30 million budget shortfall for the 2021 financial year, Berkeley needs to maximize return value, and reallocating funding from the police department's 43% share of the total city budget is an effective way to do so.

In order to better respond to the needs of the Berkeley community, it is critical that the Council takes local-level action on police reform. The City of Berkeley should develop, implement, and enforce a clear and effective roadmap towards making real change, ending anti-Black racism, reducing the use of force, and holding police accountable for their actions.

As a component of the **REDUCE, IMPROVE, RE-INVEST** framework, this item works towards the RE-INVEST goal: *the City should divest from non-criminal police funding and re-invest in a Community Crisis Worker Pilot*. Specifically, this item will create a network of crisis responders who will address and respond to non-criminal calls.

BACKGROUND

In the current state of policing in the United States, police have an incredibly broad range of responsibilities from responding to non-violent mental health crises to violent



Councilmember Ben Bartlett
City of Berkeley, District 3

and criminal calls. A 24-week training academy cannot begin to cover the tools necessary to effectively handle the full gamut of non-violent and non-criminal incidences that arise. Adding to this problem, the Covid-19 pandemic has sharply stalled economic growth. The effects of which have not been seen since the Great Depression. The city of Berkeley is facing nearly a \$30 million dollar budget shortfall. At the same time, the city is projected to experience a dramatic increase in homelessness, persons experiencing trauma, and mental health crises. Each dollar must be spent to maximize the return value. Right now approximately 43% of the city budget is spent on the Berkeley Police Department, yet anecdotal data shows only 20% of police time is spent solving crime. The majority of Berkeley Police Officers' time is spent attending to those experiencing homelessness and mental health crises. **The city should re-allocate resources to a Specialized Care Unit (SCU) consisting of community crises-workers tasked with responding to non-criminal calls such as mental health, people in crisis, addiction, traffic, etc.**

The Specialized Care Unit would allow the police to focus on investigating and solving crimes while reducing the problem of over-policing black communities. More residents will experience better outcomes in public safety and community health.

Crisis assistance programs have been implemented in other areas of the country with great success. In Eugene, Oregon a program known as Cahoots has been in place for 30 years. In 2019 alone the program responded to 133,000 911 calls, called for police backup only 150 times, and saved the police department an estimated 14-15 million dollars in medical and transportation costs. **Additionally, the Cahoot pilot program only costs approximately \$2.1 million dollars a year, less than 3% of the current Berkeley Police Department Budget.** Likewise, after weeks of recent nationwide protests calling for police reform, Albuquerque Mayor Tim Keller announced the city is creating an alternative department to respond to non-violent calls, like those dealing with mental health and homelessness, addiction, and other issues¹. A Specialized Care Unit (SCU) pilot program could be implemented and included in the 2021 Berkeley City Budget, with test periods ranging from two to five years. Re-allocating just a small portion of the Berkeley Police Department budget, and responsibilities, to a private organization, can reduce waste in funding, and greatly improve crisis outcomes and achieving civil rights. The selected vendor would work with the Police Department, with

¹<https://www.koat.com/article/mayor-keller-announces-civilian-response-department-to-help-with-abq-public-safety/32869947>



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City Oversight, and complete transparency to the public. The program's success will be specified measured including instances of de-escalation, the number of people in crisis connected to supportive services, etc.

This Specialized Care Unit (SCU) consisting of community crises-workers would deal with 911 calls that the operator deemed non-criminal, that posed no imminent threat to first respondents. The program would employ a combination of trained mental health professionals with several years of experience, as well as EMTs and nurses, none of whom would be armed with weapons. While this program would aim to deal with crises with de-escalation techniques, demonstrations of active aggression may warrant police intervention. In these situations, the pilot program could request police backup, with a peaceful resolution still being the objective.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

In San Francisco, CA, the board of supervisors is considering a resolution that would urge the City's civil service commission to prohibit hiring officers with a history of serious misconduct, including, but not limited to complaints on excessive force and racial profiling.² San Francisco Mayor London Breed has also committed to police reforms that will reduce police confrontations with the community. Mayor Breed proposes to divert nonviolent calls of service from the San Francisco Police Department to non-law enforcement, community-based entities who have the professional training and experience to handle these situations.

In Minneapolis, MN, the City Council announced plans to disband its police department and invest in community-based public safety programs. It will begin a year-long process of engaging with every willing community member in the city to develop a new public safety model that is rooted in the needs and interests of their community.³

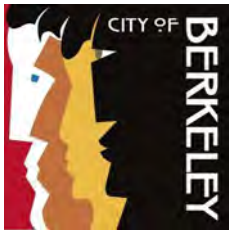
In Eugene, Oregon a program known as CAHOOTS has been providing mobile crisis intervention running for 30 years. It is responsible for handling many situations typically allocated to police nationwide such as crisis intervention, suicide prevention, and non-emergency medical care.³

OUTREACH OVERVIEW AND RESULTS

²<https://www.pbs.org/newshour/show/san-francisco-may-stop-hiring-cops-with-records-of-misconduct?fbclid=IwAR1gBLPHacgDKwz2PF6cdqsfNA0G49Dn1s8SoGBMiexqk8FNVMdGzYWWWc>

³<https://www.forbes.com/sites/tommybeer/2020/06/12/minneapolis-city-council-unanimously-votes-to-replace-police-with-community-led-model/#a5068f71a524>

³<https://whitebirdclinic.org/services/cahoots/>



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The District 3 Office has consulted with David Muhammad, who is the Executive Director of the National Institute for Criminal Justice Reform; the former Chief Probation Officer in Alameda County; and the former Deputy Commissioner of Probation in New York City. David Muhammad is a leading expert on criminal justice who has helped inform our response to the current situation.

The District 3 Office has also consulted with Marcus McKinney, the Senior Director of Government Affairs & Public Policy at the Center for Policing Equity.

The District 3 Office has also consulted with Professor Tracey L. Meares, Walton Hale Hamilton Professor and Faculty Director of the Justice Collaboratory at Yale Law School.

RATIONALE FOR RECOMMENDATION

Transformation of police departments, their role, and relationship to our communities requires a change in culture, accountability, training, policies, and practices. Police departments across the country have policies and practices that breed a culture resulting in killings--like those of George Floyd and of many, many others. These violent behaviors are often rooted in anti-Black racism, and such behavior must stop being acceptable.

To better protect the community from police violence, the City must reallocate funds from Berkeley Police Department's budget towards resources that achieve better outcomes in public safety and community health. It is critical that the Council makes informed legislative decisions that will reduce police footprint, improve current practices of law enforcement, and reinvest in the community. This is a vision for long-term change.

FISCAL IMPACTS OF RECOMMENDATION

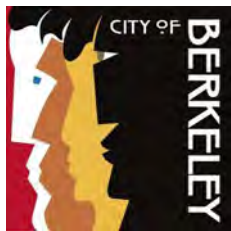
If implemented, a crisis worker pilot program could save the city up to \$14-15 million dollars per year in police expenditures based on the Eugene, Oregon experience with the CAHOOTS program. This would allow for larger cuts to the Berkeley PD budget, while experiencing more prosocial outcomes in the Berkeley Community.

ENVIRONMENTAL SUSTAINABILITY

We do not expect this recommendation to have significant negative impacts on environmental sustainability.

OUTCOMES AND EVALUATION

If implemented, a Community Crisis Worker Pilot will take over policing responsibilities for non-criminal activities and the Berkeley Police Department will receive a budget cut to compensate for the program. The program is predicted to increase overall safety for



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Berkeley residents and communities, reduce use of excessive force among police officers, and increase protection of civil rights for the people of Berkeley. Overall, this option has proven to be a more cost effective spending option in existing programs, and is predicted to save spending for the Berkeley city budget.

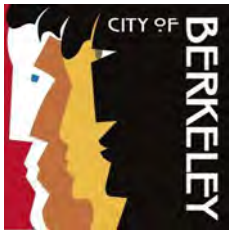
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ATTACHMENTS

1. Cover Letter - Safety for All: George Floyd Community Safety Act
 - <https://drive.google.com/file/d/16pqqd9J6NPRzh6298Bgazo7jw1qxTK6Y/view?usp=sharing>



Councilmember Ben Bartlett
City of Berkeley, District 3

EMERGENCY ITEM AGENDA MATERIAL

Meeting date: June 16, 2020
Item Description: Safety for All: The George Floyd Community Safety Act - Budget Request to Hire a Consultant to Perform Police Call and Response Data Analysis
Submitted by: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin, and Councilmembers Kate Harrison (Co-Sponsor)

Rationale:

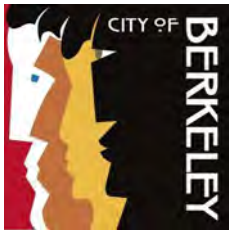
Pursuant to California Government Code Section 54954.2(b) (2), Councilmember Ben Bartlett submits the attached item to the City Council for placement on the June 16, 2020 meeting agenda. Gov. Code Section 54954.2(b) (2) states that “Upon a determination by a two-thirds vote of the members of a legislative body presents at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).”

This item meets the criteria for “immediate action” as follows:

- 1) The budget is being considered and there is public outcry for Council to take action.
- 2) Racism Is a Public Health Emergency.
- 3) Council is considering numerous police items right now.

Hundreds of thousands of people in every state have marched in solidarity to call for an end to police brutality, to demand police accountability, and to reform law enforcement, bringing justice to the Black lives and people of color who have been wrongfully harmed at the hands of the criminal justice system. Police brutality has taken the lives of 46-year-old Black man George Floyd, 26-year-old Black woman Breonna Taylor, and countless other people of color. Often resorting to violent means of punishment, police officers are not trained to handle noncriminal and nonviolent situations. Unfortunately, the lack of sufficient data and reporting has allowed police misconduct to be swept under the rug, which has increased police militarization, failed to prioritize community safety, and prevented providing the civilian with the necessary treatment to resolve the situation.

To respond to urgent calls for police transparency and accountability, this item requests the City Manager to hire third-party consultants to conduct a data-driven analysis of the Berkeley Police Department’s calls, responses, budget, and expenditures to determine which calls can be serviced to non-law enforcement agencies, ensuring noncriminal and nonviolent situations are properly handled by trained community professionals.



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City of Berkeley, District 3

CONSENT CALENDAR

June 16, 2020

To: Honorable Mayor and Members of the City Council
 From: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin, and
 Councilmembers Kate Harrison (Co-Sponsor)
 Subject: Safety for All: The George Floyd Community Safety Act - Budget Request to
 Hire a Consultant to Perform Police Call and Response Data Analysis

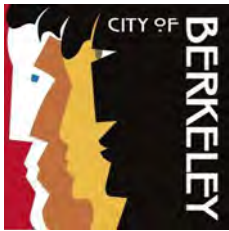
RECOMMENDATION:

1. Refer to the Thursday, 6/18/2020 Budget & Finance Policy Committee and the FY 2020-21 Budget Process the \$150,000 to
 - a. Hire a consultant to conduct a data-driven analysis of police calls and responses to determine the quantity and proportion of these calls that can be responded to by non-police services. The third-party consultant must be hired and engaged in work within three months of the item's passage.
 - b. Hire a consultant to conduct an analysis of the Berkeley Police Department's budget and its expenditures by call type. The third-party consultant must be hired and engaged in work within three months of the item's passage.
2. Direct the City Manager to:
 - a. Implement initiatives and reforms that reduce the footprint of the police department and limit the police's response to violent and criminal service calls.

CURRENT SITUATION

In all 50 states and more than 145 cities, Americans are calling to end police violence and brutality, to legitimize police accountability, and to transform the police system to protect the safety of communities and people of color. Police violence and brutality led to the death of a 46-year-old Black man George Floyd and the murders of other Black people, igniting a flame that has been brewing for a long time. These events of police violence gave rise to a wave of demonstrations and demands for change, including many in the City of Berkeley.

Due to the Coronavirus pandemic, the City of Berkeley is facing a nearly 30+ million dollar budget deficit, sharply stalling economic growth with effects that parallel the Great Depression. At the same time, the City is projected to undergo an increase in people experiencing homelessness, trauma, and mental health crises. Therefore, the City must ensure that each dollar is spent for the residents' best interest and will produce the maximum return.



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City of Berkeley, District 3

In order to better respond to the needs of the Berkeley community, it is critical that the Council takes local-level action on police reform. In particular, the City must examine the types of calls and responses from the police department and analyze the agency's budgets and expenditures according to call type.

As a component of the **REDUCE, IMPROVE, RE-INVEST** framework, this item works towards the REDUCE goal: *the City should implement initiatives and reforms that reduce the footprint of the police department and limit the police's response to violent and criminal service calls.* Specifically, this item proposes to hire an outside consultant to conduct an analysis of police calls and responses as well as the department budget.

With military-style techniques and structure, police officers are trained to combat crime in a manner that exerts violence through punishments, establishing a monopoly on force in communities. While law enforcement is supposed to protect our communities and keep us safe, crime waves from the 1970s and 1980s have transformed the police community into a body for crime control, maintaining such focus until modern-day despite declines in criminal activity¹. With this focus on crime control, police officers lack the necessary training to adequately respond to noncriminal and nonviolent crimes. Non Criminal crimes refer to issues involving mental health, the unhoused community, school discipline, and neighborhood civil disputes². Nonviolent crimes are categorized as property, drug, and public order offenses where injury or force is absent³. When police respond to these types of matters, they resort to violent means of arrest or problem escalation because they are ill-equipped and not trained to resolve the underlying issues.

According to the Vera Institute of Justice's report between 1980 and 2016, more than 10.5 million arrests are made every year; only 4.83 percent of those arrests were for violent offenses⁴. Eighty percent of these arrests were for low-level offenses, such as "disorderly conduct," non-traffic offenses, civil violations, and other offenses. This criminalization may be attributed to the arrest quotas for police productivity, which promotes punishment by rewarding the number of arrests for police funding instead of finding solutions to these issues⁵. This high percentage of low-level offenses resulted in

¹ <https://www.theatlantic.com/ideas/archive/2020/06/first-step-figuring-out-what-police-are/612793/>

² <https://www.latimes.com/california/story/2020-06-12/san-francisco-police-reforms-stop-response-noncriminal-calls>

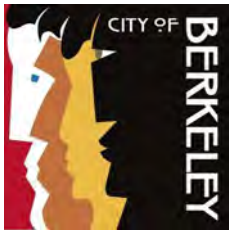
³

<https://www.bjs.gov/content/pub/ascii/pnoesp.txt#:~:text=Nonviolent%20crimes%20are%20defined%20as%20possession%2C%20burglary%2C%20and%20larceny.>

⁴

<https://arresttrends.vera.org/arrests?compare%5Boffense%5D%5Bpart1%5D=part1&compare%5Boffense%5D%5Bpart2%5D=part2#infographic>

⁵ <https://theintercept.com/2019/01/31/arrests-policing-vera-institute-of-justice/>



Councilmember Ben Bartlett
City of Berkeley, District 3

arrest when other nonviolent, rehabilitative methods could have occurred from the solutions of community workers with the experience to handle these situations.

It is imperative that the City of Berkeley develops, implements, and enforces a clear and effective roadmap towards making real change, ending anti-Black racism, stopping police violence, and holding police accountable for their actions. Thus, the Council should direct the City Manager to hire third party consultants to conduct a data-driven analysis of police calls and responses as well as their budget and expenditures in order to determine ways in which experienced community workers can reduce the police footprint by addressing noncriminal situations. We recommend that community workers also resolve nonviolent situations.

BACKGROUND

In order to achieve the aforementioned goals, the City must implement a series of important law enforcement reforms and take action by initiating the following:

REDUCE:

I. Hire a consultant to conduct a data driven analysis of police calls and responses.

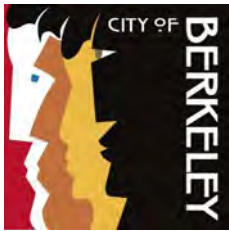
University of Denver Political Science Professor Laurel Eckhouse stated, “One method of reducing police presence... is to separate and reassign to other authorities various problems currently delegated to the police... such as the problems of people who don’t have housing... mental health issues... and even things like traffic⁶.” Community organizations, civilian workers trained in mental health situations, or neighborhood problem-solvers would better address these specific issues due to their experience, ensuring that the police are not the only force addressing these issues and promoting community vitality⁷.

Conducting a data driven analysis of police calls and responses would signify a report of the calls and responses that police receive and would inform the city where to better allocate resources to resolve specific issues. Noncriminal and nonviolent activities can thus be properly addressed by those who are equipped to handle these situations and would relieve law enforcement from these calls to then pursue more serious criminal situations. For example, the San Francisco Police Department receives approximately 40,000 calls per year about homeless people on the streets⁸. Social workers who can help unhoused citizens and those with mental health disorders are better equipped to help these citizens receive

⁶ <https://www.stanforddaily.com/2020/06/04/police-abolition-looks-like-palo-alto/>

⁷ <https://www.theatlantic.com/ideas/archive/2020/06/first-step-figuring-out-what-police-are/612793/>

⁸ <https://www.latimes.com/california/story/2020-06-12/san-francisco-police-reforms-stop-response-noncriminal-calls>



Councilmember Ben Bartlett
City of Berkeley, District 3

proper treatment while also protecting the safety of our communities, which would give law enforcement time to handle other crimes.

One suggestion to reduce the costs of policing is to boost productivity by allocating a portion of the calls for service to community organizations who have the resources and training to handle such situations⁹. For example, in Mesa, Arizona from 2006 to 2008, a third of calls for service are handled by civilians; these calls are for incidents of “vehicle burglaries, unsecured buildings, accidents, loose dogs, stolen vehicles, traffic hazards, and residential burglaries¹⁰.” Approximately half of calls for service in Mesa are handled by police officers, but among those, there are ways to reduce police authority. For example, 11 percent of those calls that police officers handled were in response to burglary alarms, where 99 percent were false. Six percent of those calls included “juveniles disturbing the peace.” This situation in Mesa demonstrates the possibility of reduced police force in exchange for community based response teams who can better resolve these issues with their experience.

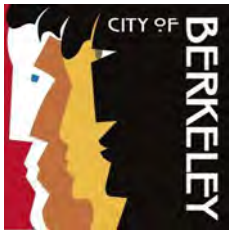
The City Manager should hire a third party consultant within three months of this item’s passage to conduct the data analysis, ensuring that the report is completed in an impartial and timely manner.

The third party consultant should create a report with the following information by analyzing and gathering the data from the police department, reporting their findings to the City every two years. We recommend the following data to be considered for analysis:

- a. Number of calls the police department receives per day, week, month, and year, which will be categorized into noncriminal, misdemeanor, nonviolent felony, and serious and violent felony calls.
- b. Demographics for these calls
- c. Characteristics of traffic stops
 - i. Quantity
 - ii. Type/reason
 - iii. Number of those resulting in searchings paired with the frequency at which illegal items were found
 - iv. Police response (i.e. citation, arrest, use of force)
 - v. Demographics of the civilian in the traffic stop that is broken into type of stop and whether a search occurred
- d. Number of complaints against an officer
 - i. Enumerate the officers with a high number of complaints

⁹ <https://www.ncjrs.gov/pdffiles1/nij/231096.pdf>

¹⁰ <https://www.ncjrs.gov/pdffiles1/nij/231096.pdf>



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ii. Reason behind the complaints.

With the results of the data analysis, the City can determine the portion of calls that the community crisis worker pilot can properly address with the resources and experience they have.

II. Hire a consultant to conduct an analysis of the police department budget.

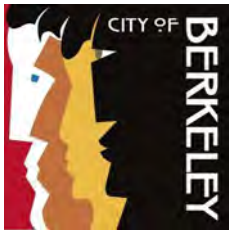
Using the analysis generated by a review of police call and response data, a third party consultant should be hired to analyze the police department's expenditures and budgets for various calls of service and report their findings to the City every two years.

According to the 2019 budget, the Berkeley Police Department's expenditures were approximately \$69 million, which consists of 5.6 percent of the city's net expenditures. However, for the 2020 budget, the BPD is expected to have \$74 million in expenditures, reflecting a \$5 million increase from the previous year and approximately \$8 million higher than 2017's expenditures¹¹. Unfortunately, anecdotal evidence suggests that only 20 percent of police time is spent on solving crime and the majority is spent towards addressing those experiencing homelessness and mental health crises. The City should reallocate resources to a crisis worker entity who would be tasked with responding to noncriminal calls. We recommend that nonviolent calls also be addressed by this entity. This would give police officers more time to focus on crime, leading to better outcomes for public safety, community health, and a higher quality of life.

In Canada, Police Information and Statistics Committee police services Waterloo Police Regional Service and Ontario Provincial Police collaborated with Justice Canada and Public Safety to collect data on their calls for service and determine the costs of policing¹². Their research reported that in 2013, bylaw complaints were listed as the most frequent call for service in Waterloo at 8,769 calls and non-crime policing activities were listed as the most frequent. In contrast, the only criminal activity listed in the top 10 generated calls were domestic dispute, theft under \$5000, and major violent crime in property damage. Considering the most frequent of costly calls are noncriminal activities such as selective traffic enforcement programs (\$22,212.45 in sum of total unit service time in hours) and vehicle stops (\$206,668.13), the greatest cost in calls were for noncriminal activities. As noncriminal activities result in the greatest costs, it would be more efficient for community workers to handle these situations in order to reduce

¹¹ <https://www.cityofberkeley.info/uploadedFiles/Manager/Budget/FY-2020-2021-Adopted-Budget-Book.pdf>

¹² <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2015-r018/index-en.aspx#c-1-i>



Councilmember Ben Bartlett
City of Berkeley, District 3

police department costs, allowing trained professionals to resolve the issue and giving police officers time to spend on more serious criminal offenses.

By analyzing the budget expenditures for the police for each call type, the community can divest from the police and reallocate those funds for trained community organizations who can handle noncriminal and nonviolent offenses. Considering the significantly delayed response to former requests for the police department's budget, the data analysis should be conducted by a third party consultant that is hired and engaged in active service within three months of this item's passage, ensuring that the police department's budget information is transparent to the public and reported in an impartial, timely manner.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

The City Manager provides regular reports on crime in Berkeley and on the policies of the Berkeley Police Department¹³. The data on serious crime is collected annually by the Federal Bureau of Investigation (FBI), which consists of over 17,000 law enforcement agencies that represent over 90 percent of the United States population. The FBI's Uniform Crime Report (UCR) reports crime statistics on violent crimes (including murder, rape, robbery, and aggravated assault) and property crimes (including burglary, larceny, auto theft, and arson). This data allows the BPD to analyze national and local crime trends, determine effectiveness of response to crime, and plan for future policies and resource allocation. Additionally, the City of Berkeley implements the Daily Calls for Service Log that the community can access to see the volume and nature of police activity.

Currently, Utah requires agencies to report tactical deployment and forcible entries where such reports are summarized by the Utah Commission on Criminal and Juvenile Justice. Utah Law Enforcement Transparency reporting interface was added to Utah Criminal Justice Information System in 2014 through the use of federal grant funding. Law enforcement agencies are required to report incidents of forcible entry and the deployment of tactical groups, representing data collection of police use of force¹⁴.

However, these reports do not analyze the demographics or types of calls and responses from the BPD, which makes it difficult to hold police officers accountable for the mistreatment of individuals. Without this information, it becomes difficult to determine how to decrease the police footprint or implement safer policing practices if the analysis only pertains to the quantity and types of arrests and does not include the

¹³ https://www.cityofberkeley.info/Police/Home/Annual_Crime_Reports.aspx

¹⁴ <https://justice.utah.gov/Documents/CCJJ/LETR/2018%20LET%20Annual%20Report.html>



Councilmember Ben Bartlett
City of Berkeley, District 3

background, call of service, reason, demographics, complaints against the police officer, and other important factors to the BPD's response.

Despite voluntary data sharing and crime reports, data collection still remains vague and insufficient, leaving many unanswered questions regarding the number of instances of and reasons for use of force, complaint process against police officers, and other information about police actions. This lack of clarity allows police misconduct to perpetuate due to the lack of research that would hold police departments accountable.

ACTIONS/ALTERNATIVES CONSIDERED

One possible alternative to the community response teams would be to implement better training procedures so that police officers are more equipped to handle nonviolent and noncriminal activities. For example, the state of Washington requires both violence de-escalation and mental health training for police officers¹⁵. Such reform may render the data analysis on the types of calls unnecessary because the police department would be trained to handle all services regardless of the type of call.

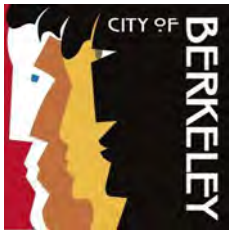
However, training police officers to handle situations such as mental health or homelessness would signify an increase in funding for the police department to provide such training services. Not only would this type of training be difficult to maneuver when police forces are currently trained in a militarized manner, but it would be more efficient for community professionals to peacefully and properly resolve such issues since they have already engaged in this training and experience for years.

Reforming police training may be beneficial, but in this case, it would also indicate the lack of basis for reporting the police department's types of calls and responses, which is necessary to hold the police accountable and ensure safer practices. While reporting the data analysis could still occur without the community crisis workers, only having the police department manage all situations would increase their authority over the communities, which would lead to increased militarization of the police forces if other community organizations do not intervene or hold them accountable.

OUTREACH OVERVIEW AND RESULTS

The District 3 Office has consulted with David Muhammad, who is the Executive Director of the National Institute for Criminal Justice Reform; the former Chief Probation Officer in Alameda County; and the former Deputy Commissioner of Probation in New York City. David Muhammad is a leading expert on criminal justice who has helped inform our response to the current situation.

¹⁵ <https://www.theatlantic.com/ideas/archive/2020/06/how-actually-fix-americas-police/612520/>



Councilmember Ben Bartlett
City of Berkeley, District 3

The District 3 Office has also consulted with Marcus McKinney, the Senior Director of Government Affairs & Public Policy at the Center for Policing Equity.

The District 3 Office has also consulted with Professor Tracey L. Meares, Walton Hale Hamilton Professor and Faculty Director of the Justice Collaboratory at Yale Law School.

RATIONALE FOR RECOMMENDATION

Police departments across the country enforce policies and practices that breed a culture of violence resulting in killings--like those of Floyd and Moore, and of countless other people of color. These authoritative, militarized behaviors are often rooted in anti-Black racism, and such behavior must stop being acceptable. Transformation of police departments, their role, and relationship to our communities requires a change in culture, accountability, training, policies, and practices.

To prioritize community safety and reduce police violence, the City must hire a third party consultant to analyze police data in order to decide how to divest from the police to fund experienced community workers who can adequately resolve noncriminal and nonviolent situations. These community workers would protect the community from violence and emphasize revitalization and rehabilitation over the punishment that police officers often enforce. Implementing a data-driven analysis on police data would increase the transparency of the police department and hold them accountable, detecting the issues within the police force that community response teams can help heal. The Council must make informed legislative decisions that will reduce police footprint, improve current practices of law enforcement, and reinvest in the community for the safety of our civilians.

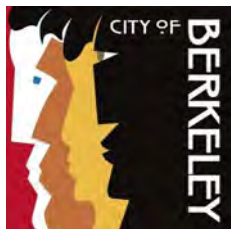
FISCAL IMPACTS OF RECOMMENDATION

The third party consultant/s would cost approximately \$150,000 to \$200,000. It is up to the City Manager to hire the third party consultants who will analyze the data of the police department's calls, responses, budget, and expenditures. Consultants must be hired and engaged in service within three months if this item passes. These consultants would ensure that noncriminal situations are handled by those with the necessary training, which may lead to a decrease in repeat offenses when community workers properly resolve the situation and guide civilians to helpful resources.

ENVIRONMENTAL SUSTAINABILITY

We do not expect this recommendation to have significant negative impacts on environmental sustainability.

OUTCOMES AND EVALUATION



Councilmember Ben Bartlett
City of Berkeley, District 3

If this item is passed, third party consultants would be hired by the City and engaged in data analysis within three months of passage. These consultants would produce biennial reports regarding the Berkeley Police Department's types of calls and responses as well as the budgets and expenditures in order to inform the City how to reallocate funds from the police into a community response team with better experience to handle noncriminal situations. We recommend that nonviolent situations also be addressed by community crisis workers.

CONTACT PERSON

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James Chang
Kyle Tang
Kimberly Woo

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ktang@cityofberkeley.info
kimwoo1240@berkeley.edu

ATTACHMENTS

1. Cover Letter - Safety for All: George Floyd Community Safety Act
 - <https://drive.google.com/file/d/16pqqd9J6NPRzh6298Bgazo7jw1qxTK6Y/view?usp=sharing>



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR

April 14, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Open Pathways (including laundry services), West Campus Pool and Martin Luther King Jr. Pool (King pool) to implement the City of Berkeley Shower Program at these locations and provide the ability for our community to shower during the COVID 19 pandemic.

~~Subject: Open West Campus Pool and Martin Luther King Jr. Pool (King pool) to implement the City of Berkeley Shower Program at these locations, and provide the ability for our community to shower during the COVID 19 Pandemic.~~

RECOMMENDATION

Direct the City Manager to open the Pathways (including laundry services), West Campus Pool and Martin Luther King Jr. Middle School (King pool) Pool to implement the City of Berkeley Shower Program at these locations. Opening these locations will provide the ability for our community to shower during the COVID 19 Pandemic, a humane action required during this crisis.

~~Direct the City Manager to open the West Campus Pool and Martin Luther King Jr. Middle School (King pool) Pool to implement the City of Berkeley Shower Program at these locations. Opening the West Campus Pool and Martin Luther King Jr. Middle School (King pool) pool will provide the ability for our community to shower during the COVID 19 Pandemic, a humane action required during this crisis.~~

FINANCIAL IMPLICATIONS

To operate a year-round shower program that duplicates the program at the Willard Pool would cost to establish a shower program would be approximately \$270,100 plus for the two locations.

~~To operate a year-round shower program that duplicates the program at the Willard Pool would cost to establish a shower program would be approximately \$270,100 for both locations..~~

BACKGROUND

Berkeley, now impacted by the COVID19 pandemic crisis, a housing affordability crisis, and a homelessness crisis. COVID 19 requires one to have good personal hygiene and washing one's

hands multiple times during the day for 20+ seconds, wiping surfaces, and enhanced cleanliness. Currently, there are no shower programs in West or South Berkeley where there are high concentrations of our curbside communities who do not have access to showers. The contract with Project WeHope / Dignity on Wheels that provides homeless individual access to clean showers, laundry service and bathroom facilities is pending. Therefore, Project WeHope / Dignity on Wheels is not available at this time. We are in a pandemic which requires ways for our community to be cleaner to prevent further community spread transmissions.

~~The Coronavirus or COVID 19 pandemic requires cleanliness, washing our hands, often for twenty seconds or longer, washing our face, etc. Currently, there is no shower program in West or South Berkeley where there are high concentrations of our curbside communities who do not have access to showers. The contract with Project WeHope / Dignity on Wheels that provides homeless individual access to clean showers, laundry service and bathroom facilities is pending. Therefore, Project WeHope / Dignity on Wheels is not available at this time. We are in a pandemic which requires ways for our community to be cleaner to prevent further community transmissions.~~

The Willard Shower program is operated by the Parks, Recreation and Waterfront Department (PRW) at the Willard Recreation Administration office, 2701 Telegraph Avenue. The Telegraph location is not convenient for the curbside community in West and South Berkeley. Pathways, West Campus Pool and the Martin Luther King Jr. Middle School pool will enable the curbside community in West and South Berkeley access to showers closer to their location.

~~The Willard Shower program is operated by the Parks, Recreation and Waterfront Department (PRW) at the Willard Recreation Administration office, 2701 Telegraph Avenue. The Telegraph location is not convenient for the curbside community in West and South Berkeley. West Campus Pool and the Martin Luther King Jr. Middle School pool will enable the curbside community in West and South Berkeley access to showers closer to their location.~~

Pathways should open their showers and laundry facilities to be utilized, as well during the COVID 19 pandemic.

In January 2018, the City Council considered Council Item¹⁴. "Open the West Campus Pool All Year Round and Start the Shower Program at the West Campus Pool". Months later, the City Manager provided a response ² to the City Council in June 2018, where it identified the cost to establish a shower program similar to the Willard Shower Program at West Campus pool. The COVID 19 Pandemic is upon us we must do all that we can to mitigate the dire consequences. We need to ensure that the shower program is also accessible and equitable to all residents.

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ENVIRONMENTAL SUSTAINABILITY

Access to the West Campus pool and Martin Luther King Jr. Middle School Pool is an important part of a healthy living lifestyle for the residents in West, South and all of Berkeley.

REFERENCES

1. Open the West Campus Pool All Year Round and Start the Shower Program at the West Campus Pool
2. https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Shower%20Referral%20Response%20061218.pdf

CONTACT PERSON

Cheryl Davila
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

ATTACHMENTS:

1. Resolution

CONTACT PERSON

Cheryl Davila
Councilmember District 2
510.981.7120, cdavila@cityofberkeley.info

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

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BERKELEY DIRECTING THE CITY MANAGER TO OPEN PATHWAYS (INCLUDING LAUNDRY SERVICES), WEST CAMPUS POOL AND MARTIN LUTHER KING JR. POOL (KING POOL) TO IMPLEMENT THE CITY OF BERKELEY SHOWER PROGRAM AT THESE LOCATIONS, AND PROVIDE THE ABILITY FOR OUR COMMUNITY TO SHOWER DURING THE COVID 19 PANDEMIC, A HUMANE ACTION REQUIRED DURING THIS CRISIS.

~~A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BERKELEY DIRECTING THE CITY MANAGER TO OPEN THE WEST CAMPUS POOL AND MARTIN LUTHER KING JR. MIDDLE SCHOOL POOL TO IMPLEMENT THE CITY OF BERKELEY SHOWER PROGRAM AT THESE LOCATIONS, AND PROVIDING THE ABILITY FOR OUR COMMUNITY TO SHOWER DURING THE COVID 19 PANDEMIC, A HUMANE ACTION REQUIRED DURING THIS CRISIS.~~

WHEREAS, Berkeley, now impacted by the COVID19 pandemic crisis, a housing affordability crisis, and a homelessness crisis; and

WHEREAS, the Coronavirus or COVID 19 pandemic requires cleanliness, washing our hands, often for twenty seconds or longer, washing our face, etc.; and

~~WHEREAS, The Coronavirus or COVID 19 pandemic requires cleanliness, washing our hands, often for twenty seconds or longer, washing our face, etc., and~~

WHEREAS, there is no shower program in West or South Berkeley where there are high concentrations of our curbside communities who do not have access to showers; and

~~WHEREAS, There is no shower program in West or South Berkeley where there are high concentrations of our curbside communities who do not have access to showers and,~~

WHEREAS, The Telegraph location is not convenient for the curbside community in West and South Berkeley. West Campus Pool and the Martin Luther King Jr. Middle School pool will enable the curbside community in West and South Berkeley access to showers closer to their location; and

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WHEREAS, In January 2018, the City Council considered Council Item: “Open the West Campus Pool All Year Round and Start the Shower Program at the West Campus Pool”.

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NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley, hereby directs the City Manager to open the Pathways, West Campus Pool and Martin Luther King Jr. Middle School (King pool) Pool to implement the City of Berkeley Shower Program at these locations. Opening these locations will provide the ability for our community to shower during the COVID 19 Pandemic, a humane action required during this crisis.

~~NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley, hereby directs the City Manager to open the West Campus Pool and Martin Luther King Jr Middle School (King pool) Pool to implement the City of Berkeley Shower Program at these locations. Opening the West Campus Pool and Martin Luther King Jr. Middle School (King Pool) pool will the ability for our community to shower during the COVID 19 Pandemic, a humane action required during this crisis.~~



Cheryl Davila
Councilmember
District 2

CONSENT CALENDAR

April 14, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Open West Campus Pool and Martin Luther King Jr. Pool (King pool) to implement the City of Berkeley Shower Program at these locations, and provide the ability for our community to shower during the COVID 19 Pandemic.

RECOMMENDATION

Direct the City Manager to open the West Campus Pool and Martin Luther King Jr. Middle School (King pool) Pool to implement the City of Berkeley Shower Program at these locations. Opening the West Campus Pool and Martin Luther King Jr. Middle School (King pool) pool will provide the ability for our community to shower during the COVID 19 Pandemic, a humane action required during this crisis.

FINANCIAL IMPLICATIONS

To operate a year-round shower program that duplicates the program at the Willard Pool would cost to establish a shower program would be approximately \$270,100 for both locations.-

BACKGROUND

The Coronavirus or COVID 19 pandemic requires cleanliness, washing our hands, often for twenty seconds or longer, washing our face, etc. Currently, there is no shower program in West or South Berkeley where there are high concentrations of our curbside communities who do not have access to showers. The contract with Project WeHope / Dignity on Wheels that provides homeless individual access to clean showers, laundry service and bathroom facilities is pending. Therefore, Project WeHope / Dignity on Wheels is not available at this time. We are in a pandemic which requires ways for our community to be cleaner to prevent further community transmissions.

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ENVIRONMENTAL SUSTAINABILITY

Access to the West Campus pool and Martin Luther King Jr. Middle School Pool is an important part of a healthy living lifestyle for the residents in West, South and all of Berkeley.

REFERENCES

1. Open the West Campus Pool All Year Round and Start the Shower Program at the West Campus Pool
2. [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3 -
_General/Shower%20Referral%20Response%20061218.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_General/Shower%20Referral%20Response%20061218.pdf)

CONTACT PERSON

Cheryl Davila
Councilmember District 2
510.981.7120
cdavila@cityofberkeley.info

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

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BERKELEY DIRECTING THE CITY MANAGER TO OPEN THE WEST CAMPUS POOL AND MARTIN LUTHER KING JR. MIDDLE SCHOOL POOL TO IMPLEMENT THE CITY OF BERKELEY SHOWER PROGRAM AT THESE LOCATIONS, AND PROVIDING THE ABILITY FOR OUR COMMUNITY TO

Page 8 of 8
SHOWER DURING THE COVID 19 PANDEMIC, A HUMANE ACTION REQUIRED DURING THIS CRISIS.

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Health Housing and
Community Services Department
Office of the Director

MEMORANDUM

To: David White, Deputy City Manager

From: Kelly Wallace, Interim Director

Date: March 3, 2020

Subject: **City of Berkeley Housing Trust Fund Resources**

The purpose of this memo is to provide an overview of the City's Housing Trust Fund (HTF), the current balance of HTF program funds, and an overview of how HTF funds can be used.

The City of Berkeley created its HTF program in 1990¹. Berkeley's HTF pools funds for affordable housing development and predevelopment costs from a variety of sources with different requirements, and makes them available through one single application process to local developers. The purpose of the HTF is to develop and preserve long-term below market rate housing for low, very low, and extremely-low income households in order to maintain and enhance the ethnic and economic diversity of the City.

Revenues for the HTF come from the following sources:

- Federal HOME Partnership for Investment Program (HOME Program) annual allocations;
- Allocated Community Development Block Grant (CDBG) funds;
- Housing fees provided by development projects, demolitions and condominium conversions;
- Proceeds obtained from the sale of City-owned residential properties;
- Payments of interest and principal due to the City from borrowers of previous HTF loans;
- Funds from other sources authorized by the City Council and the voters.

Under the HTF Guidelines, the Housing Advisory Commission advises Council on HTF allocations. HTF proceeds are awarded to eligible projects as loans that must be repaid on favorable terms.

¹ <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=6532>

Total Housing Trust Fund Resources

While the "Housing Trust Fund" name may imply that all funds are pooled together in a single fund code for accounting purposes, the City maintains each source separately. The balance of funds available for the HTF program as of this writing on March 3, 2020 is \$6,704,128.

Table 1. Housing Trust Fund Available Balance 3/3/2020	
Source of Funds	Amount
HOME (310)	\$0
Housing Mitigation Fee (Commercial) (331)	\$1,084,680
Inclusionary In Lieu Fee (122)	\$329,778
Condo Conversion Fee (123)	\$1,109,459
Housing Mitigation Fee (Residential) (120)	\$4,180,210
HTF Total	\$6,704,128

Housing Trust Fund Mitigation Fee Revenue

The majority of the funding now available for allocation in the HTF came from fees, and has accrued over time. Fee income is variable with the market and the timing difficult to predict precisely because it depends on individual development project timelines.

Table 2 provides an overview of the total HTF fees collected over time. The vast majority of the AHMF have been collected in the past year. The first AHMF was collected in 2015 with a payment of \$280,000 for the Aquatic at 800 University then \$1.58M for the Varsity on Durant. Over the next three years, \$2.9 million in AHMF were collected. Since January 2019, over \$7.8 million in AHMF have been collected.

Table 2. Housing Trust Fund Fees Collected Over Time		
Fee Program and Fund Code	First Year	Total Received
Inclusionary Housing Fund (254)	FY 2006	\$1,533,441
Condo Conversion Fund (258)	FY 2009	\$2,960,826
Affordable Housing Mitigation Fee (249)	FY 2015	\$12,604,968
Housing Mitigation Fee on Commercial Development (250)	FY 1992	\$4,486,275
Total		\$21,585,510

Housing Mitigation Fee (Commercial)

In 1993, the City established a housing linkage fee on commercial development, designed to mitigate the need for affordable housing it creates. On June 3, 2014 Council adopted Resolution 66,617 N.S. which updated this fee which applies to all new commercial construction in which the net additional, newly constructed gross floor area is over 7,500 square feet. Most commercial new construction projects in the City are below this threshold. Applicants may either 1) create one unit of housing either on site or off site within the City of Berkeley (with an average size of two bedrooms) affordable to households whose income is at or below 30% of the area median income, or 2) pay an equivalent In-Lieu Impact Fee according to a schedule. None of these funds can be used for administration.

Inclusionary In Lieu Fee [BMC 23C.12](#)

In 1986 the City adopted an Inclusionary Housing Ordinance (IHO), which required, among other things, that a percentage of all new residential rental units in projects of 5 or more units be provided at below market rates for the life of the project. The IHO only includes an in-lieu fee option for ownership units, not for rental, although it does allow for fractional unit fees for rental. A 2009 decision of the California Court of Appeal (Palmer/Sixth Street Properties v. City of Los Angeles (2009) 175 Cal. App. 4th 1396) held that the City may not require rents to be limited in rental projects unless it provides assistance to the rental project, thus invalidating the City's IHO requirements for rental projects. The City still enforces the IHO for ownership projects, but this year's Bloom project is the first new condo development since 2007. 100% of the fee must be deposited in the City's HTF; none of these funds can be used for administration.

Condominium Conversion Fee [BMC 21.28.070](#)

The Condominium Conversion Ordinance allows property owners to convert rental units to ownership units subject to certain requirements and payment of an Affordable Housing Mitigation Fee (AHMF). This fee shares a name with—but is different from—the AHMF for new construction market-rate housing in BMC 22.20.065. The ordinance went through a period of frequent revisions so previously converted properties were subject to a variety of requirements. Currently, the fee is based on the appraised value or sales price of the unit and is 4% for properties with two units and 8% for properties with three or more units. Not more than 10% of revenues can be used for HTF program delivery. Not more than 10% of revenues can be used for HTF program and project monitoring and enforcement. Not less than 80% of revenues must be placed into the City of Berkeley HTF to finance activities described as eligible in the City of Berkeley HTF Program Guidelines.

Affordable Housing Mitigation Fee (Residential)

<http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=74682>

In 2010, as a result of the Palmer court decision, the City replaced its IHO requirements for rental housing with the Affordable Housing Mitigation Fee (AHMF). Developments are subject to whichever requirement was in place at the time they obtained a Use Permit. Together these requirements are referred to as the City's Below Market Rate (BMR) program.

The AHMF requires new market rate developments to provide affordable housing units equal in number to 20% of the market rate units, or to pay a fee per market rate unit, or provide a combination of units and fee. Effective July 1, 2018, the AHMF is \$37,962 per new unit of rental housing, payable at the issuance of Certificate of Occupancy. If the AHMF is paid in its entirety no later than issuance of the building permit, the fee is \$34,884 per new unit of rental housing. Resolution 68,074-N.S. established the fee and the method to adjust the fee every other year. In most cases, developers choosing to provide units on site in lieu of paying the fee also receive credit under the state Density Bonus law, allowing them to increase the number of market rate units produced. Ten percent of the funds can be used for program delivery.

HOME Investment Partnership Program

Historically, the most consistent source of funds in the HTF has been HOME funds. From FY 2000 through FY 2012, the City received an average of nearly \$1.3M in HOME funds annually. The HOME allocation peaked in FY 2005 when the City received \$1.5M. In FY 2013, however, the allocation was cut by over one-half and has remained near this level ever since. The City's FY2020 allocation of HOME funds is \$737,273. Ninety percent of this allocation is placed in the HTF and ten percent is used for program delivery costs. HOME funds come with many federal requirements, including onerous commitment deadlines and required scopes of work, that make administering decreasing funds increasingly challenging. For at least five years each federal budget process has involved proposals to greatly reduce or eliminate HOME, though City of Berkeley HOME funding has not changed appreciably.

Council's Fiscal Policies

The fiscal policies adopted by the Council include:

- ❖ Focusing on the long-term fiscal health of the City by adopting a two-year budget and conducting multi-year planning;
- ❖ Building a prudent reserve;
- ❖ Developing long-term strategies to reduce unfunded liabilities;
- ❖ Controlling labor costs while minimizing layoffs;
- ❖ Allocating one-time revenue for one-time expenses;
- ❖ Requiring enterprise and grant funds to balance and new programs to pay for themselves; and
- ❖ Any new expenditure requires new revenue or expenditure reductions.
- ❖ Transfer Tax in excess of \$12.5 million will be treated as one-time revenue to be used for the City's capital infrastructure needs (Fund 501).
- ❖ As the General Fund subsidy to the Safety Members Pension Fund declines over the next several years, the amount of the annual decrease will be used to help fund the new Police Employee Retiree Health Plan (Fund 731).
- ❖ Starting in FY 2019, staff costs as approved by the City Council that exceed the enforcement fees and penalties shall be appropriated from the short term rental taxes collected pursuant to BMC Section 23C.22.050, Section H, with the primary allocation of the rental tax to the purposes listed below:
 - Two thirds (66.7%) allocated to the Affordable Housing Trust Fund.
 - One third (33.3%) allocated to the Civic Arts Grant Fund.

Proposed new policy:

- ❖ Funding the 115 Pension Trust

Additional Information

At the meeting on January 23, 2020, the Committee stated it will continue to review and revise specific policies and added the following items to future agendas:

1. Transfer tax revenue policy amendment for Measure P
2. Provide more flexible language in policy that new programs need to pay for themselves
3. Change CIP to longer-term (possibly 5 years)
4. Short-term rental distribution – no longer use percentages for distribution; set priorities and prioritize programs
5. Community agency funding process overview – what role can the Budget & Finance committee play in this process?
6. 115 Pension Trust funding

