



**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING**

MONDAY, MARCH 8, 2021

2:30 P.M.

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Lori Droste

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 Agenda & Rules 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/87847857478>. 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 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **878 4785 7478**. 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 Agenda & Rules 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

Review of Agendas

- 1. Approval of Minutes: February 22, 2021**
- 2. Review and Approve Draft Agenda:**
 - a. 3/23/21 – 6:00 p.m. Regular City Council Meeting
- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- 4. Adjournments In Memory**

Scheduling

- 5. Council Worksessions Schedule**
- 6. Council Referrals to Agenda Committee for Scheduling**
- 7. Land Use Calendar**

Referred Items for Review

- 8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**

Referred Items for Review

9. **Commission Reorganization for Post-COVID19 Budget Recovery**
From: Councilmember Droste (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)

Referred: June 15, 2020

Due: April 1, 2021

Recommendation: 1. Reorganize existing commissions with the goal of achieving 20 total commissions; 2. Reorganize existing commissions within various departments to ensure that no single department is responsible for more than five commissions; 3. Reorganize commissions within the Public Works Department to ensure Public Works oversees no more than three commissions; 4. Refer to the City Manager and every policy committee to agendaize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.

Financial Implications: See report

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Unscheduled Items

10. **Systems Realignment Proposal**

From: City Manager

Recommendation: Review and discuss the City Manager's proposal to create improvements to enhance the effectiveness of the City Council legislative and budget processes. Provide feedback for staff to develop a recommendation for full Council consideration.

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

11. **Amendments to the Berkeley Election Reform Act (BERA) to Regulate Officeholder Accounts and Proposed Changes to City Council Office Budget Expenditure and Reimbursement Policies (Resolution 67,992-N.S.)**

From: Fair Campaign Practices Commission

Referred: January 11, 2021

Due: June 1, 2021

Recommendation: Form a joint subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to (1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Items for Future Agendas

- Discussion of items to be added to future agendas

Adjournment – Next Meeting Monday, March 15, 2021

Additional items may be added to the draft agenda per Council Rules of Procedure.

Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items

Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.

The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.

Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, 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 and applicable Executive Orders as issued by the Governor that are currently in effect. 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 special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on March 4, 2021.



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, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@cityofberkeley.info.

**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING MINUTES**

MONDAY, FEBRUARY 22, 2021

2:30 P.M.

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Lori Droste

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

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To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and Enter Meeting ID: **865 3489 0913**. 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 Agenda & Rules 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.

Roll Call: 2:32 p.m. All present.

Public Comment – 2 speakers

Review of Agendas

1. Approval of Minutes: February 8, 2021

Action: M/S/C (Wengraf/Hahn) to approve the minutes of 2/8/21.

Vote: All Ayes.

2. Review and Approve Draft Agenda:

a. 3/9/21 – 6:00 p.m. Regular City Council Meeting

Action: M/S/C (Arreguin/Hahn) to refer Item 20 to the Land Use, Housing & Economic Development Committee.

Vote: All Ayes.

Action: M/S/C (Arreguin/Wengraf) to refer Item 23 to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

Vote: All Ayes.

Action: M/S/C (Wengraf/Arreguin) to approve the 3/9/21 agenda with the changes noted below.

- *Item Added: Berkeley Rep Fees (City Manager)*
- *Item Added: Condemning Anti-Asian Hate and Violence (Wengraf) – Mayor Arreguin added as a co-sponsor*
- *Item 9 Help Berkeley (Arreguin) – Councilmembers Wengraf and Hahn added as co-sponsors*
- *Item 11 Traffic Calming (Taplin) – Revised item submitted; Mayor Arreguin added as a co-sponsor*
- *Item 12 HR 25 (Taplin) – Mayor Arreguin and Councilmembers Wengraf and Hahn added as co-sponsors*
- *Item 13 SB 260 (Taplin) – Revised item submitted*
- *Item 14 Zero-Emissions Vehicles (Harrison) – Councilmember Hahn added as a co-sponsor*
- *Item 15 Relinquishment (Hahn) – Councilmember Wengraf added as a co-sponsor*
- *Item 16 At-Large Appointments (City Manager) – Moved to Consent Calendar*
- *Item 17a/b – Source of Income (Commission) – Moved to Consent Calendar to adopt policy committee recommendation*
- *Item 18 Vision 2025 (Davila) – Moved to Consent Calendar to adopt policy committee recommendation*
- *Item 19 Commemorative Period (Arreguin) – Moved to Consent Calendar; Councilmember Hahn added as a co-sponsor*
- *Item 20 Overlay (Taplin) – Revised item submitted; referred to the Land Use, Housing & Economic Development Committee*
- *Item 21 Budget Referral (Harrison) – Moved to Consent Calendar*
- *Item 22 Landmark Designation (Harrison) – Revised item submitted; scheduled to March 9 Action Calendar*
- *Item 23 Impact/Mitigation Fees (Harrison) – Referred to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee*

- *Item 24 People of Tibet (Robinson) – Moved to Consent Calendar*
- *Item 25 Economic Dashboards (City Manager) – Moved to Action Calendar*
- Order of Action Items
- *Item 22 Landmark Designation*
- *Item 25 Economic Dashboards*

Vote: All Ayes.

- 3. Selection of Item for the Berkeley Considers Online Engagement Portal**
- None selected

- 4. Adjournments In Memory – None**

Scheduling

- 5. Council Worksessions Schedule – received and filed**
- 6. Council Referrals to Agenda Committee for Scheduling – received and filed**
- 7. Land Use Calendar – received and filed**

Referred Items for Review

- 8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings of Legislative Bodies**

Action: No action taken.

- 9. Scheduling of Closed Session Meetings**

Action: The Committee requested that staff poll the Council for two regular closed session meetings per month on Wednesdays or Thursdays during the day or starting no later than 3:00 p.m.

- 10. Systems Realignment Proposal
From: City Manager**

Recommendation: Review and discuss the City Manager’s proposal to create improvements to enhance the effectiveness of the City Council legislative and budget processes. Provide feedback for staff to develop a recommendation for full Council consideration.

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

Action: 1 speaker. The Committee scheduled a special meeting for this item on March 22, 2021 from 3:00 p.m. – 5:30 p.m.

Referred Items for Review

11. Amendments to the Berkeley Election Reform Act (BERA) to Regulate Officeholder Accounts and Proposed Changes to City Council Office Budget Expenditure and Reimbursement Policies (Resolution 67,992-N.S.)

From: Fair Campaign Practices Commission

Referred: January 11, 2021

Due: June 1, 2021

Recommendation: Form a joint subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to (1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

Financial Implications: None

Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Action: Discussion held. The Committee requested that staff poll for a special meeting to hear Item 11.

12. Commission Reorganization for Post-COVID19 Budget Recovery
From: Councilmember Droste (Author), Councilmember Robinson (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)

Referred: June 15, 2020

Due: March 1, 2021

Recommendation: 1. Reorganize existing commissions with the goal of achieving 20 total commissions; 2. Reorganize existing commissions within various departments to ensure that no single department is responsible for more than five commissions; 3. Reorganize commissions within the Public Works Department to ensure Public Works oversees no more than three commissions; 4. Refer to the City Manager and every policy committee to agendaize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.

Financial Implications: See report

Contact: Lori Droste, Councilmember, District 8, (510) 981-7180

Action: 3 speakers. M/S/C (Arreguin/Wengraf) to extend review of Item 12 in committee until April 1, 2021 at the request of the author. Supplemental materials from Councilmember Hahn added for consideration.

Vote: All Ayes.

Items for Future Agendas

- None

Adjournment –

Adjourned at 4:17 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on February 22, 2021.

Mark Numainville
City Clerk

Communications

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DRAFT AGENDA



BERKELEY CITY COUNCIL MEETING

Tuesday, March 23, 2021
6:00 PM

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – RIGEL ROBINSON
DISTRICT 8 – LORI DROSTE

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Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <<INSERT URL HERE>>. 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 by rolling over the bottom of the screen.

*To join by phone: Dial 1-669-900-9128 or 1-877-853-5257 (Toll Free) and enter Meeting ID: <<INSERT MEETING ID HERE>>. If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair.*

To submit an e-mail comment during the meeting to be read aloud during public comment, email clerk@cityofberkeley.info with the Subject Line in this format: "PUBLIC COMMENT ITEM ##." Please observe a 150 word limit. Time limits on public comments will apply. Written comments will be entered into the public record.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

Preliminary Matters

Roll Call:

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

- 1. Contract No. 32000282 Amendment: AG Witt, LLC for COVID-19 Emergency Operations Cost Recovery Consultant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000282 with AG Witt, LLC for COVID-19 Emergency Operations Cost Recovery Consulting, increasing the amount by \$100,000 for a not to exceed amount of \$250,000.
Financial Implications: See report
Contact: Dave White, City Manager's Office, (510) 981-7000
- 2. Partnership with East Bay Community Energy to Pursue Solar and Battery Energy Storage Systems on Municipal Facilities**
From: City Manager
Recommendation: Adopt a resolution authorizing the City Manager to continue pursuing widespread deployment of solar and battery energy storage systems (battery systems) at critical municipal facilities in partnership with the City's public power provider, East Bay Community Energy (EBCE), and commit to installing these systems through a standard Power Purchase Agreement (PPA) with EBCE should the City determine that the project results in benefits to the City budget and the community.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 3. Contract No. 100692-2 Amendment: Serological Research Institute for DNA Testing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 100692-2 and any necessary future amendments with Serological Research Institute (SERI) for the Berkeley Police Department (BPD), increasing the contract amount by \$250,000 for a total not to exceed amount of \$1,000,000 and a contract term extension for three additional years, until June 30, 2025.
Financial Implications: State Proposition 172 Fund - \$250,000
Contact: Andrew Greenwood, Police, (510) 981-5900
- 4. Fiscal Year 2022 Street Lighting Assessments – Initiating Proceedings**
From: City Manager
Recommendation: Adopt two Resolutions describing proposed improvements to be used to determine the annual assessments levied for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District No. 2018, and ordering the preparation of Engineer's Reports.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300

Consent Calendar

- 5. Contract No. 100251-1 Amendment: Restoration Management Company**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 100251-1 (Contract No. 9635B in FUNDS) with Restoration Management Company, an on-call remediation services company, to provide emergency services in the event of flooding, sewer backups or other property damage that requires restoration, extending the term to June 30, 2022 and increasing the contract amount by \$150,000 for a total not-to-exceed of \$250,000.
Financial Implications: See report
Contact: Liam Garland, Public Works, (510) 981-6300
- 6. Objective Standards Recommendations for Density, Design and Shadows**
From: Joint Subcommittee for the Implementation of State Housing Laws
Recommendation: Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.
Financial Implications: See report
Contact: Alene Pearson, Commission Secretary, (510) 981-7400
- 7. Appointment of boona cheema and Javonna Blanton to Mental Health Commission**
From: Mental Health Commission
Recommendation: Adopt a Resolution appointing: boona cheema as a representative of the Special Public Interest Category (consumer), to complete her second 3- year term beginning March 24, 2021 and ending March 23, 2024; and Javonna Blanton as a representative of the Special Public Interest Category (family), to complete her first 3-year term beginning March 24, 2021 and ending March 23, 2024.
Financial Implications: None
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400
- 8. Authorization for Additional Public Works Commission Meeting in 2021**
From: Public Works Commission
Recommendation: Adopt a Resolution authorizing one additional meeting of the Public Works Commission in 2021.
Financial Implications: None
Contact: Joe Enke, Commission Secretary, (510) 981-6300

Council Consent Items

- 9. Proclamation in Honor of Holocaust Remembrance Day**
From: Councilmember Wengraf (Author)
Recommendation: Adopt the Holocaust Remembrance Day Proclamation for the 18th Annual Holocaust Remembrance Day program to be held virtually Thursday, April 8th from 2:00 – 3:00 PM.
Financial Implications: None
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160
- 10. Support for AB 286: Food Delivery Platform Fees and Commissions**
From: Councilmember Robinson (Author), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Send a letter to Assemblymember Lorena Gonzalez, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 286, which would establish equitable standards in the food delivery industry by capping service fees, requiring food delivery platforms to provide accurate transaction breakdowns, and prohibiting the collection of delivery driver tips by the delivery company.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 11. Support for AB 314: Legislature Employer-Employee Relations Act**
From: Councilmember Robinson (Author)
Recommendation: Send a letter to Assemblymember Lorena Gonzalez, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Assembly Bill 314, which would grant all employees of the California State Legislature the right to unionize and otherwise collectively bargain for improved wages and working conditions.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170
- 12. Support for AB 328: Reentry Housing Program**
From: Councilmember Robinson (Author)
Recommendation: Send a letter to Assemblymember David Chiu, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 328, which would allow those with recent histories of incarceration to remain stably housed and exit homelessness through grants for evidence-based housing and housing-based services interventions.
Financial Implications: None
Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Council Consent Items

**13. Support for AB 1400: Guaranteed Health Care for All
From: Councilmember Robinson (Author)**

Recommendation: Send a letter to Assemblymember Ash Kalra, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1400, which would establish the California Guaranteed Health Care for All Act and create CalCare, a single-payer health insurance program for all California residents that is comprehensive, uniform, equitable, and governed by the CalCare board.

Financial Implications: None.

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

Action Calendar

The public may comment on each item listed on the agenda for action as the item is taken up. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

The Presiding Officer will request that persons wishing to speak use the "raise hand" function to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

Each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

**14. Updated Fees for the Building Emissions Savings Ordinance
From: City Manager**

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending the Planning Department fee schedule by updating the administrative fees charged to building owners filing for a Time of Listing Deferral under the Building Emissions Saving Ordinance (BESO), and creating an administrative late fee.

Financial Implications: See report

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

Action Calendar – Public Hearings

15. **ZAB Appeal: 1200 San Pablo Avenue, Use Permit #ZP2019-0192**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0192 to demolish three existing commercial buildings and construct a six-story, mixed-use building with 104 dwelling units (including nine Very Low Income units), a 3,119-square-foot restaurant, 4,343 square feet of usable open space, and 55 ground-level parking spaces, and dismiss the appeal.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – Old Business

16. **Partnership for the Bay’s Future and Current Anti-Displacement Initiatives**
(Continued from February 23, 2021)
From: City Manager
Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

Action Calendar – Policy Committee Track Items

17. **2021 Alameda County Redistricting Process**
From: Mayor Arreguin (Author)
Recommendation: Adopt a Resolution calling on the Alameda County Board of Supervisors to allocate adequate resources and direct the creation of policies to ensure an equitable, inclusive and transparent process for the 2021 Alameda County redistricting process.
Financial Implications: None.
Contact: Jesse Arreguin, Mayor, (510) 981-7100
18. **Predevelopment Allocation, Ashby Recreation and Community Housing (ARCH) Consortium**
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor)
Recommendation: Refer to staff to work with the Ashby Recreation and Community Housing (ARCH) Consortium to develop a planning grant for the Ashby BART East Parking Lot
Financial Implications: See report.
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Action Calendar – Policy Committee Track Items

19. **Establish a Parking Benefits District (PBD) in the Adeline Corridor and Fiscal Year 2022 Budget Referral**
From: Councilmember Bartlett (Author), Mayor Arreguin (Co-Sponsor)
Recommendation: Refer to the City Manager to establish a Parking Benefits District (PBD) in the Adeline Corridor to finance and support neighborhood improvements-- such as landscaping, lighting, cleaning, pedestrian and transit infrastructure, and more--in South Berkeley and refer to the Fiscal Year 2022 budget process \$50,000 for city staff to hire and manage a consultant to assist in the formation and establishment of the PBD.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Information Reports

20. **Children, Youth and Recreation Commission FY2021 Work Plan**
From: Children, Youth, and Recreation Commission
Contact: Stephanie Chu, Commission Secretary, (510) 981-6700

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be posted on the City's website at <http://www.cityofberkeley.info>.

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Captioning services are provided at the meeting, on B-TV, and on the Internet.

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02a.06

Joint Subcommittee for the Implementation of State Housing Laws

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Joint Subcommittee for the Implementation of State Housing Laws  
(JSISHL)  
Submitted by: Igor Tregub, Chairperson  
Subject: Objective Standards Recommendations for Density, Design and Shadows

RECOMMENDATION

Refer to the Planning Commission and Design Review Committee to review the recommendations from the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) for objective standards for density, design and shadows and draft Zoning Ordinance amendments for City Council consideration.

FISCAL IMPACTS OF RECOMMENDATION

This project will involve staff and consultant time that will total approximately \$200,000. Budget for the consultant time was previously allocated from the General Fund in the 2021-2022 fiscal year budget (\$115,000). Additional staff time amounting to \$100,000 would have to be covered by re-arranging staff priorities within existing resources to support the effort.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley's Zoning Ordinance and permitting process for residential and mixed use projects relies heavily on discretion and subjective development standards. State laws, such as Senate Bill (SB) 35, limit interpretation of zoning regulations and require a streamlined permit approval process for many housing projects. JSISHL was tasked with reviewing approaches to objective standards for density, design, shadows and views. Between April 2018 and July 2020 JSISHL, including representatives of the Planning Commission, Zoning Adjustments Board, and Housing Advisory Commission, met eleven times to discuss these topics and ultimately prepared the recommendations summarized below.

Objective Standards for Density (Building Intensity)

The referral specifically requested that JSISHL consider dwelling units per acre as an objective measurement of density. JSISHL also considered a form-based code method and floor area ratio (FAR) as approaches to objectively regulate lot buildout and development proportions. No unanimous agreement could be reached as to the best path forward. In the end, a recommendation was made using FAR as the primary

density standard in residential and commercial districts and form-based code<sup>1</sup>, which emphasizes standards with predictable physical outcome such as build-to lines and frontage and setback requirements, as a secondary approach. There was also an interest in a units/acre approach that assumed average unit sizes and bedroom counts; however, this approach was not adopted. See Attachment 1 (July 22, 2020 Final Minutes) for the text of these options. **JSISHL recommended developing an objective standard for density using FAR and potentially form-based code.**

#### Objective Standards for Design

Berkeley's design review process relies heavily on four sets of design guidelines:

1. Design Review Guidelines (applied citywide);
2. Downtown Design Guidelines;
3. Southside Strategic Plan Design Guidelines; and
4. University Strategic Plan Design Guidelines.

This process heavily relies on the discretion of staff and the Design Review Committee; however, recent State laws require that cities develop objective standards for streamlined and ministerial approval processes for qualified projects. To aid JSISHL in making a recommendation, staff created a matrix of design guidelines to identify design goals, introduced objective language to reflect desired design outcomes, and test-fit approved projects to double-check objective language. **JSISHL recommended the proposed objective design standards be reviewed by the Design Review Committee and further refined by Planning Commission.**

#### Objective Standards for Shadows

The Berkeley Municipal Code (BMC) addresses shadows as follows:

- Section 23E.36.070(C)(1)(a): Projects on the north side of University Avenue within the University Avenue Strategic Plan Overlay area must meet a Solar Rear Yard Setback (subject to override by Density Bonus waivers). Required daylight plane analysis is incorporated directly into the development standards: “...*shall not cast a shadow at noon more than 20 feet onto any lot in a residential zone as calculated when the sun is at a 29 degree angle above the horizon (winter solstice).*”
- Section 23B.34.070(C): Green Pathway Projects<sup>2</sup> within the Downtown Mixed-Use District (C-DMU) that are between 60 and 75 feet tall. Shadow analysis for these projects must show that:

<sup>1</sup> <https://formbasedcodes.org/standards-of-practice/>

<sup>2</sup> As defined in in Chapter 23B.34 of the municipal code, the “Green Pathway” is a streamlined permit process for buildings that exceed the Green Building requirements applicable to the C-DMU district and confer extraordinary public benefits.

1. *The extent of shading on public sidewalks and open spaces within a radius of 75 feet of the closest building wall that would be cast at two (2) hours after sunrise, 12 p.m., and two (2) hours before sunset, on March 21, June 21, December 21, and September 21, by a building 60 feet in height that complies with all applicable setback requirements; and*
2. *Features incorporated into the building design, including, but not limited to, additional upper floor setbacks that will reduce the extent of shadowing of the proposed building to no more than 75 percent of the shadowing projected in paragraph 1 above.*

Otherwise, shading impacts are evaluated on a discretionary basis during Use Permit review and are permissible provided they are not “unreasonable” or provided they will not result in a “significant reduction in sunlight.” Although the review of shadow studies is somewhat objective – administrative guidelines establish methods for analyzing impacts by time of day and time of year on living area windows and yards - the ultimate finding is subjective. Therefore, while shadow studies provide accurate information on shading due to proposed projects, the amount of shading from new development that is deemed “reasonable” depends on the context.

JSISHL discussed many aspects of shadow impacts, including shading of solar panels and roofs, windows, yards and gardens. The recommendation is fairly detailed, including five applicability considerations and four methods of measuring shadow impacts that depend on project elements. **JSISHL recommended that the proposal for objective shadow standards be reviewed and further refined by staff and the Planning Commission.**

#### BACKGROUND

On July 17, 2017, the City Council adopted a referral to address the State Housing Accountability Act (Government Code Section 65589.5) and to preserve local land use discretion (see Attachment 2). The referral requested research into a set of objective zoning standards for new development projects in the following four topic areas:

- Density and/or building intensity;
- Public health and safety standards;
- Design review standards; and
- Views, shadows, and other impacts that often underlie detriment findings.

In the time since the referral was adopted by City Council in 2017, the State adopted several bills to streamline the approval process for housing developments. Legislation facilitates housing production for projects that comply with a jurisdiction’s objective standards and prohibits localities from adopting standards what would reduce the number of residential units allowed (i.e. downzones a property or area). As a result of

these legislative actions, jurisdictions benefit from adopting objective planning standards that can guide the development process and reflect goals of the local community.

JSISHL's first few meetings in 2018 were focused on understanding and analyzing 2017 State housing laws and associated City Council referrals. At its fourth meeting, in January 2019, JSISHL adopted a work plan (see Attachment 3) to direct efforts towards researching approaches to objectives standards for density, design, shadows and views. In March and May of 2019, JSISHL examined existing conditions at the City of Berkeley and implementation of the Zoning Ordinance and of State law (i.e. Density Bonus, SB-35, the Housing Accountability Act). Since September 2019, JSISHL has evaluated objective standards for density, design and shadows in order to develop a recommendation to City Council. At its final meeting on July 22, 2020, JSISHL recommended approaches to objective standards for design, density and shadows to City Council for consideration. JSISHL was not able to address objective standards for views.

#### ENVIRONMENTAL SUSTAINABILITY

Adoption of objective standards will streamline the permitting process for housing projects, encouraging infill development and density, creating opportunities to live and work within close proximity and reduce reliance on private vehicle use and/or vehicles miles traveled.

#### RATIONALE FOR RECOMMENDATION

State law requires that jurisdictions adopt objective standards in order to ministerially approved projects.

#### ALTERNATIVE ACTIONS CONSIDERED

The city can choose to not adopt objective standards, in which case projects will be ministerially approved without meeting certain standards.

#### CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

#### CONTACT PERSON

Alene Pearson, Subcommittee Secretary, Planning and Development Department, 510-981-7489

#### Attachments:

- 1: Meeting Minutes (July 22, 2020)
- 2: City Council Referral (July 17, 2017)
- 3: Work Plan (January 17, 2019)





Planning Commission

**DRAFT MINUTES OF THE REGULAR MEETING OF THE JSISHL  
(JOINT SUBCOMMITTEE FOR IMPLEMENTATION OF STATE HOUSING LAWS)**

**July 22, 2020**

The meeting was called to order at 7:02 p.m.

**Location: N/A** (This meeting was conducted exclusively through videoconference and teleconference)

**Commissioners Present:** Teresa Clarke, Dohee Kim, Thomas Lord, Shoshana O’Keefe, Igor Tregub, Alfred Twu, Jeff Vincent, Marian Wolfe (left at 9:29), Rob Wrenn

**Commissioners Absent:** None

**Staff Present:** Alene Pearson, Nilu Karimzadegan, Anne Burns and Desiree Dougherty

**ORDER OF AGENDA:** No Change

**CONSENT CALENDAR:** N/A

**PUBLIC COMMENT:** 1 speaker

**PLANNING STAFF REPORT:** Staff announced that three supplemental communications were sent out via email prior to the meeting and are posted on the online agenda. Communications received “At the Meeting” will be posted by the end of Friday.

**COMMUNICATIONS IN PACKET:**

- Email from Cantor Lois on 10/24/19 re: BART apartments
- Email from Vicki Sommer on 10/24/19 re: Objective Standards for Sunlight Detriment
- Email from Alene Pearson on 11/15/19 to JSISHL re: JSISHL October follow up and December supplemental material request
- Letter from Toni Mester on 12/2/19 re: density and solar recommendation
- Letter from David Ushijima on 12/2/19 re: Objective Standards for Shadow and Sunlight
- Email from Commissioner Wolfe on 12/2/19 re: JSISHL October follow up and December supplemental material request

**COMMISSIONER ATTACHMENTS IN PACKET:**

- Email from Alene Pearson to JSISHL on June 26, 2020 re: JSISHL Meeting scheduled for July 22
- Email from Alene Pearson to JSISHL on May 15, 2020 re: JSISHL Meeting via Zoom

- Email from Timothy Burroughs, Planning Director on April 23, 2020 re: Update on status of board and commission meetings
- Email from Commissioner Lord on April 13, 2020 re: “The Constitution.....”
- Email from Commissioner Lord on March 30, 2020 re: Objectifying and Modernizing Study Standards
- Email from Commissioner Kim on March 30, 2020 re: Follow Up to February 26 JSISHL Meeting
- Email from Commissioner Wolfe on March 28, 2020 re: Follow Up to February 26 JSISHL Meeting
- Email from Commissioner Wright on March 12, 2020 re: Follow Up to February 26 JSISHL Meeting
- Email from Alene Pearson to JSISHL on March 6, 2020 re: Follow Up to February 26 JSISHL Meeting

**LATE COMMUNICATIONS** (Received after the Packet deadline):

- Supplemental Communication 1
- Supplemental Communication 2
- Supplemental Communication 3

**LATE COMMUNICATIONS** (Received and distributed at the meeting):

- Supplemental Communication 4

**CHAIR REPORT:** None

**COMMITTEE REPORT:** None

**7. APPROVAL OF MINUTES:**

Motion/Second/Carried (Wolfe/Clarke) to approve the JSISHL Meeting Minutes from February 26, 2020. Ayes: Clarke, Kim, Lord, Tregub, Vincent, Wolfe, Wrenn. Noes: None. Abstain: O’Keefe, Twu. Absent: None (7-0-2-0)

**8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** None

**AGENDA ITEMS**

**9. Action: Objective Standards for Density**

**PUBLIC COMMENT:** 4 speakers

Primary Motion/Second/No Action Taken (O’Keefe/Wrenn) to recommend that the City Council refer to staff and Planning Commission development of a dwelling units per acre standard in all commercial districts and in the MULI and MUR districts with consideration of a cap on average number of bedrooms. Take into consideration size of parcel and develop an average bedroom/unit (to be determined) for multi-unit buildings. Develop Floor Area Ratios (FARs) for residentially zoned (“R” prefix) districts such as R-2, R-2A, and R-3, to help clarify and make more objective what is permitted in these districts.

Substitute Motion/Second/Carried (Kim/Clarke) to recommend using FAR as a density standard with a secondary form-based approach in Residential and Commercial districts. Ayes: Clarke, Kim, Wolfe, Twu, Vincent. Noes: Lord, O’Keefe, Tregub, Wrenn. Abstain: None  
Absent: None  
(5-4-0-0)

**10. Action: Objective Standards for Design**

**PUBLIC COMMENT:** 1 speakers

Primary Motion/Second/Carried (Wolfe/Clarke) to recommend to City Council the proposed design standards be reviewed and further developed by the Design Review Committee and Planning Commission. These standards were included in JSISHL’s July 22, 2020 packet. Ayes: Clarke, Kim, O’Keefe, Tregub, Vincent, Wolfe, Wrenn. Noes: None. Abstain: Lord, Twu. Absent: None  
(7-0-2-0)

Substitute Motion/Second/Not Carried (Twu/O’Keefe) to recommend to City Council the proposed design standards -- minus the first four design standards (massing, material, rooflines, facades) -- be reviewed and further developed by the Design Review Committee and Planning Commission. These standards were included in JSISHL’s July 22, 2020 packet. Ayes: O’Keefe, Twu. Noes: Clarke, Kim, Lord, Tregub, Vincent, Wolfe, Wrenn. Abstain: None. Absent: None  
(2-7-0-0)

**11. Action: Objective Standards for Shadows**

**PUBLIC COMMENT:** 2 speakers

Motion/Second/Not Carried (Wrenn/Tregub) to recommend to City Council the following:

In developing draft objective standards, staff should start with existing daylight plane standards, including the standards for San Pablo Avenue in El Cerrito, and with the City’s own standard in effect for University Avenue.

Shadowing standards would only apply if the proposed project was asking for a Use Permit, AUP, waiver or density bonus to exceed the “base” residential and commercial zoning district development standards that are in effect as of 7/1/20.

Where there is a lot coverage limit, adjustments to the location and orientation of the massing can be required in order to minimize shadowing impacts.

In the development of shadowing standards, impacts on light and air and existing windows and door openings of the applicable adjacent buildings will be taken into consideration.

JSISHL should recommend that the City Council direct staff to go forward with drafting of an objective standard to protect existing rooftop solar panels from shadowing by new development on adjacent and nearby parcels.

JSISHL should recommend that the City Council direct staff to go forward with drafting objective shadowing standards to limit shadowing of residential buildings by new development on adjacent or nearby parcels.

Standards should apply in residentially zoned (“R” prefix) districts and to properties in commercially zoned (“C” prefix) districts that are adjacent to residential properties, where new development could cause shadowing impacts on residential properties. Staff could present to Council a range of options with draft language for each.

JSISHL should recommend that the City Council direct staff to work on standards to protect open, currently unshadowed areas of public parks, and open currently unshadowed areas of school grounds that are used for student recreation.

Ayes: O’Keefe, Tregub, Vincent, Wrenn. Noes: Lord, Abstain: Clarke, Kim, Twu. Absent: Wolfe (4-1-3-1)

Motion/Second/Carried (Clarke/Vincent) to recommend to City Council the following proposed shadow standards be reviewed and further developed by the staff and Planning Commission.

1. Applicability of Shadow Impacts:
  - a. Shadow impacts would not be considered when a proposed new building or new construction meets all base development standards.
  - b. Shadow impacts on an adjacent property would only be considered when a side or rear yard setback reduction or an increase in height is requested by use permit or by state density bonus over the allowable standard. Shadow impacts for Front or Street yard setback reductions would not be included or considered.
  - c. The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.
  - d. Adjustments would seek to limit reductions in overall building envelope and could compensate with increases in height in another portion of the building, or reduced setback in another portion of the site, or some other mutually agreed adjustment to a development standard or mitigation. Adjustments may require, if no other solution can be proposed to mitigate the impact, a reduction in the overall total building envelope proposed. However, for state density bonus projects, adjustments to a proposed new residential construction shall not require a reduction in the overall total building envelope, habitable area, or cause the number of bedrooms or units to be reduced.
  - e. If the adjacent building being affected has a reduced building setback on the adjacent side or rear yard, a light and air impact would not be applicable, except in those cases where the building has a historic designation or was built prior to the implementation of the zoning code.

2. Elements of consideration for Shadow Impact:

- a. Light & Air for Building Openings of Applicable adjacent buildings: The light and air shadow impact shall consider impact to light and air access only of the existing windows and door openings of the applicable adjacent buildings. The new construction would be required to adjust its setback such that a minimum 3 foot perpendicular distance was achieved and a 6 foot width, with minimum 1 foot on either side of the window or door for 2 stories (min. 6 foot for courts with openings on both sides) and 1 foot additional setback for each additional story up to 14 stories, or a total maximum setback of 15 feet from the adjacent building. For instance if the building is 3 feet away from the property line, a 12 foot maximum from the property line for the new building.
- b. Minimum Required Open Space of Adjacent properties: An increase in shadow impact caused by the additional height or reduced setback on the minimum required open space of the adjacent impacted property shall not be more than a 50% increase in direct shade averaged over the entire year. If the affected property has more than the required open space, the calculation would be made on the open space that is least impacted by the shadow. The setback or height shall be adjusted to result in a net shadow increase of no more than 50% (or suggest alternate per staff research) as limited in Section 1 above. The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.
- c. Solar Access: An increase for the additional impact only of more than 50% of direct shading on existing solar panels averaged over the entire year and over the entire area of solar array would require that an adjustment to the requested height or setback be made, or other mutually agreed adjustment to a development standard or mitigation be made. If a mitigation such as moving the solar panels or re-orienting the solar panels has been mutually agreed upon in lieu of a development standard adjustment, this mitigation should be completed prior to building permit issuance, if possible.

The shadow impact would only be calculated on the increase in shadow caused by the additional height or reduced setback portion of the project, not the cumulative.

Ayes: Clarke, Kim, O’Keefe, Twu, Vincent. Noes: Lord, Wrenn. Abstain: Tregub. Absent: Wolfe. (5-2-1-1)

**The meeting was adjourned at 11: 01 p.m.**

**Commissioners in attendance: 9 of 9**

**Members in the public in attendance: 7**

**Public Speakers: 7**

**Length of the meeting: 2 hours and 59 minutes**

**APPROVED:**

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Alene Pearson

Page 6 of 6

Secretary to the JSISHL

DRAFT

RESOLUTION NO. 69,159-N.S.

EXTENSION OF THE JOINT SUBCOMMITTEE FOR THE IMPLEMENTATION OF  
STATE HOUSING LAWS

WHEREAS, the Joint Subcommittee for the Implementation of State Housing Laws (JSISHL) was established under Resolution No. 68,308-N.S. in January 2018; and

WHEREAS, the mission of JSISHL is to advise Council regarding issues around density bonuses, the Housing Accountability Act, inclusionary zoning, and permit streamlining to attain compliance with state law and take advantage of new opportunities for the development of affordable housing; and

WHEREAS, under its enabling legislation, JSISHL is tasked with completing its work by January 2020, reporting to Council by March 2020; and

WHEREAS, in order to fulfill its mission an extension is needed to provide adequate time to review recently passed State housing laws, and to provide adequate feedback on recommendations on units per acre density standards, Floor to Area Ratios (FARs) and daylight plane shadowing standards, along with anything else such as an objective definition of detriment.


NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby extends the timeline for the Joint Subcommittee for the Implementation of State Housing Laws to complete its work by July 2020, with the recommendations being brought to the City Council for consideration by the end of September 2020.

The foregoing Resolution was adopted by the Berkeley City Council on October 29, 2019 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk

RESOLUTION NO. 68,308–N.S.

ESTABLISHING A JOINT SUBCOMMITTEE FOR THE IMPLEMENTATION OF STATE HOUSING LAWS.

WHEREAS, Berkeley and California is facing an unprecedented housing affordability crisis; and

WHEREAS, rents for a two bedroom apartment in Berkeley have risen by 62.5% over the past five years; and

WHEREAS, Berkeley has so far achieved 48% of its housing allocation goals for 2014-2022 set out by the Association of Bay Area Governments, including 0% for extremely low income and moderate income; and

WHEREAS, many residential developments that have received zoning approval have yet to receive a building permit; and

WHEREAS, to address the rising crisis of housing in the State of California, 15 state bills were signed into law, with many dealing with how local municipalities respond to the development of new units; and

WHEREAS, issues around density bonuses, the Housing Accountability Act, inclusionary zoning, and permit streamlining need to be addressed by the City to be compliant with state law and to take advantage of new opportunities for the development of affordable housing; and

WHEREAS, because the Zoning Adjustments Board, Housing Advisory Commission, and Planning Commission have policy and quasi-judicial powers around housing, it would be beneficial for representatives of these commissions to meet jointly to develop policies for consideration by the Planning Commission and City Council; and

WHEREAS, community input is of vital importance in the review and implementation of these housing policies, and such input can be encouraged by regular publicly-noticed meetings of the Task Force; and

WHEREAS, the Joint Subcommittee should be comprised of nine voting members, with representatives from each commission.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley does hereby establish a Joint Subcommittee composed of members from the Zoning Adjustments Board, Housing Advisory Commission, and Planning Commission.

BE IT FURTHER RESOLVED that the Joint Subcommittee members shall be appointed from the membership of the Zoning Adjustments Board, Planning Commission or Housing Advisory Commission. Any Commissioner on any of those commissions is eligible for appointment to the Joint Subcommittee, as long as there is representation from each commission on the Joint Subcommittee.




BE IT FUTHER RESOLVED that the Joint Subcommittee shall complete its work by January 2020. Staff shall forward the Joint Subcommittee's recommendations to each parent Commission for comment, and bring the Joint Subcommittee's recommendations to the City Council for consideration by the end of March 2020, along with comments by any parent commissions.

The foregoing Resolution was adopted by the Berkeley City Council on January 23, 2018 by the following vote:

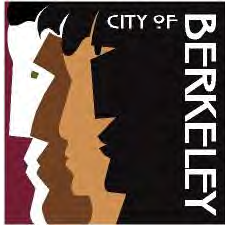
Ayes: Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: Bartlett.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numalville, City Clerk



Mayor Jesse Arreguin  
Councilmember Sophie Hahn, District 5

## **SUPPLEMENTAL AGENDA MATERIAL**

**Meeting Date: June 13, 2017**

**Item Number: # 59**

**Item Description: Housing Accountability Act**

**Submitted by: Mayor Jesse Arreguin and Councilmember Sophie Hahn**

The revision removes the idea that staff and the Planning Commission consider as one of several options downzoning and then upzoning by increasing development standards on a discretionary basis.

These ideas largely reflect those originally proposed by the City Attorney and Planning staff.

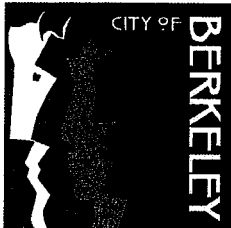


Mayor Jesse Arreguin  
Councilmember Sophie Hahn, District 5

### **Motion, Item # 59: Housing Accountability Act**

Refer to the City Manager and Planning Commission to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion:

- Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable “objective general plan and zoning standards” that would establish known maximum densities. This could be done across the board or for specified districts.
- Devise and adopt “objective, identified written public health or safety standards” applicable to new housing development projects.
- Adopt “design review standards that are part of ‘applicable, objective general plan and zoning standards and criteria’”.
- ~~Downzone & increase the number and amount of additional height, setback, and other elements available on a discretionary basis.~~
- Quantify and set standards for views, shadows, and other impacts that often underlie detriment findings.



Office of the Mayor

RECEIVED AT  
COUNCIL MEETING OF:

MAY 30 2017

OFFICE OF THE CITY CLERK  
CITY OF BERKELEY

**Motion, Item # 46: Housing Accountability Act**

Refer to the City Manager and Planning Commission to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion:

- Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable “objective general plan and zoning standards” that would establish known maximum densities. This could be done across the board or for specified districts.
- Devise and adopt “objective, identified written public health or safety standards” applicable to new housing development projects.
- Adopt “design review standards that are part of ‘applicable, objective general plan and zoning standards and criteria’”.
- Downzone & increase the number and amount of additional height, setback, and other elements available on a discretionary basis.
- Quantify and set standards for views, shadows, and other impacts that often underlie detriment findings.

Meeting Date: January 17, 2019

To: Joint Subcommittee for the Implementation of State Housing Law (JSISHL)

From: Chris Schildt, Chairperson

Subject: JSISHL background, mission, objectives, and developing 2019 Workplan

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## Background

JSISHL held three meetings last year in April, May, and July, and had two meetings cancelled in September and November. Due to the long gap since our last meeting, I thought it'd be helpful to revisit the mission and objectives of this subcommittee, as background to a discussion of our workplan for the coming year.

At our April 17, 2018 meeting, we reviewed the mission and objectives of this subcommittee (from April 17, 2018 staff presentation to JSISHL):

**Mission:** Assist the City of Berkeley to effectively implement new State housing laws and advance City Council priorities that are designed to increase affordable housing.

### Objectives:

- Learn about the new State housing law package and its implications for our community
- Assist the City to incorporate new practices designed to enable implementation of new State housing laws
- Based on City Council priorities and referrals, assist with development of new policies for consideration by parent commissions and City Council.

At our subsequent meetings, we heard information about and discussed new state housing laws and a range of related issues, including developing objective standards, streamlining affordable housing, density bonus, and inclusionary zoning.

## Developing a 2019 Workplan

While we heard information and had a lot of discussion last year, my aim for this coming year is for this body to move forward on a finite number of items that will best position the City to implement State housing laws. To that aim, I recommend we develop a workplan with agreed upon priorities that we will work on in the coming year. This would not preclude commissioners from submitting agenda items on other topics for JSISHL to consider, but would help to align our efforts and focus.

The workplan should build off of our existing work and discussion. In last year's meetings, we discussed the following areas that relate to implementation of new State housing laws:

- Developing objective standards
- Streamlining affordable housing
- Density bonus
- Inclusionary housing

**Proposal:**

Numerous state laws, including the Housing Accountability Act, SB 35, and other potential future state legislation (e.g. SB 50) have made it difficult to implement our local laws, which were developed to be flexible with local discretion. The City has recently undertaken a review of the applicable standards that can be enforced under these laws in the light of three recent projects that have applied for approval under SB 35. For an example of how the City applied objective standards for one of the projects, 1601 Oxford Street, see:

[https://www.cityofberkeley.info/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_ZAB/2018-12-21\\_Attachment%20C\\_SB35\\_Objective%20Standards\\_1601%20Oxford.pdf](https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2018-12-21_Attachment%20C_SB35_Objective%20Standards_1601%20Oxford.pdf)

One outcome of the recent reviews has been the clear identification of those areas where the City does not have objective standards, including design review and use permit findings, which are by necessity discretionary and flexible to address unique circumstances. Developing objective standards in areas such as view, sunlight, density, and detriment could help to ensure local needs and goals are included in the development review process for all projects. These objective standards would also help address some of the other topics that have come up on this commission, such as facilitating streamlined review of affordable housing projects and improving the density bonus process.

As a proposed workplan, we could decide as a commission to use each of the next several meetings to do research and discussion on a separate topic within objective standards, and develop a set of recommendations for the City Council and/or our parent commissions. For each topic, commissioners and members of the public would be encouraged to submit information and research to this commission related to the topic to inform discussion. Attached is an example of research provided by a member of public, David Ushijima, on providing objective standards for sunlight detriment.

For example, we could dedicate one of each of these topics for each upcoming meeting:

- Daylight.
- Views.
- Density standards (Note: The city has hired a consultant, Opticos Design, to develop density standards this year. They will be presenting to this commission in 2019, date TBD).
- Detriments to health, comfort, and general welfare.

We could also agendaize for a future meeting to review the City's existing objective standards table.

At the end of the year, we can compile our research and discussion and develop a set of recommendations to send to the City Council and/or our parent bodies.

**Questions for discussion:**

- Do the members of the commission agree to develop a workplan for 2019?
- If yes, what should our priorities be for 2019?



Planning Commission

1                   **DRAFT MINUTES OF THE REGULAR MEETING OF THE JSISHL**  
2                   **(JOINT SUBCOMMITTEE FOR IMPLEMENTATION OF STATE HOUSING LAWS)**

3  
4                   **January 17, 2019**

5                   The meeting was called to order at 7:05 p.m.

6                   **Location:** 2180 Milvia Street 1st Floor, Cypress Conference Room

7                   **Commissioners Present:** Thomas Lord, Shoshana O’Keefe (arrived at 7:16), Christine Schildt  
8                   Igor Tregub, Marian Wolfe, Rob Wrenn.

9                   **Commissioners Absent:** None

10                  **Staff Present:** Alene Pearson, Nilu Karimzadegan and Beth Greene

11                  **ORDER OF AGENDA:** Order of Agenda was changed to:

12                  Discussion Item 9 (Adopt 2019 JSISHL Work Plan ), Discussion Item 10 (Renewing  
13                  Democratized Planning in Berkeley), Action Item 11 (Approve 2019 JSISHL Meetings Calendar)  
14                  and Action Item 12 (Elections: Elect 2019 JSISHL Chair and Vice Chair).

15                  Motion/Second/Carried (Lord/ Tregub) to move Agenda Item 12 to Agenda Item 10 and vote  
16                  on the 2019 JSISHL Work Plan after Agenda Item 10. Ayes: Lord, O’Keefe, Schildt, Tregub,  
17                  Wolfe, Wrenn. Noes: None. Abstain: None. Absent: None (6-0-0-0)

18  
19                  **CONSENT CALENDAR:** N/A.

20                  **PUBLIC COMMENT:** 1 speaker

21                  **PLANNING STAFF REPORT:**

22                  Staff announced that 2019 meeting dates will be decided tonight with Agenda Item 11 and future  
23                  meeting location will depend upon room availability.

24                  **COMMUNICATIONS IN PACKET:**

- 25                  • White Paper on Sunlight Impacts by David Ushijima (October 15, 2018).  
26                  • 2019-01-08\_Communication\_BNC\_Support of White Paper by Dean Metzger (January 8,  
27                  2019)

28  
29                  **LATE COMMUNICATIONS** (Received after the Packet deadline): None

30

31 **LATE COMMUNICATIONS** (Received and distributed at the meeting): None

32 **CHAIR REPORT:** None

33 **COMMITTEE REPORT:** None

34 **7. APPROVAL OF MINUTES:**

35 Motion/Second/Carried (Tregub/Wrenn) to approve the JSISHL Meeting Minutes from July 17,  
36 2018. Ayes: Lord, O’Keefe, Schildt, Tregub, Wrenn. Noes: None. Abstain: Wolfe. Absent:  
37 None (5-0-1-0)

38  
39 **8. FUTURE AGENDA ITEMS AND OTHER PLANNING-RELATED EVENTS:** None.

40 **AGENDA ITEMS**

41 **9. Discussion:** Adopt 2019 JSISHL Work Plan:

42 The Commission discussed a work plan for 2019 and developed a proposed schedule with  
43 meeting dates and topics that focus on objective standards for the implementation of State  
44 Housing Law. Below is a summary of that discussion:

45 January 17: Work Plan Development

46 March 27: Existing Objective Standard Framework

47 May 22: Density Standards and Density Bonus

48 September 25: Daylight, shadowing, and solar access

49 October 23: Views and other objective standards

50 December 12: Report out.

51 The Commissioners and the members of the public were encouraged to submit information and  
52 research related to future meeting topics. This work plan will result in a set of recommendations  
53 to parent commissions and/or City Council.

54 **PUBLIC COMMENT:** 1 speaker

55 **10. Discussion:** Renewing Democratized Planning in Berkeley

56 Commissioner Lord explained his memo and suggested modifications to the work plan  
57 developed during discussion of Agenda Item 9. The Commission added the topic of local  
58 overlay zones to the September and October meetings.

59 **PUBLIC COMMENT:** 1 speaker

60 Motion/Second/Carried (O’Keefe/Wolfe) to adopt the proposed 2019 workplan. Ayes: O’Keefe,  
61 Schildt, Tregub, Wolfe, Wrenn. Noes: Lord. Abstain: None. Absent: None (5-1-0-0)



62  
63 **11. Action:** Approve 2019 JSISHL Meetings Calendar:

64 The Commission discussed their availability and agreed on the following 2019 calendar:

65 January 17, 2019 (Wednesday)

66 March 27, 2019 (Wednesday)

67 May 22, 2019 (Wednesday)

68 September 25, 2019 (Wednesday)

69 October 23, 2019 (Wednesday)

70 December 12, 2019 (Thursday)

71 Motion/Second/Carried (O’Keefe/Tregub) to adopt the proposed 2019 calendar. Ayes: Lord,  
72 O’Keefe, Schildt, Tregub, Wolfe, Wrenn. Noes: None. Abstain: None. Absent: None  
73 (6-0-0-0)

74  
75 **12. Elections:** Elect 2019 JSISHL Chair and Vice Chair:

76 Motion/Second/Carried (Wolfe/O’Keefe) to Elect Chris Schildt as Chair and Igor Tregub as  
77 Vice Chair for 2019 JSISHL. Ayes: Lord, O’Keefe, Schildt, Tregub, Wolfe, Wrenn. Noes: None.  
78 Abstain: None. Absent: None (6-0-0-0)

79  
80 **The meeting was adjourned at 9: 03 p.m.**

81 **Commissioners in attendance: 6 of 6**

82 **Members in the public in attendance: 2**

83 **Public Speakers: 2**

84 **Length of the meeting: 1 hour and 58 minutes**





Mental Health Commission

02a.07

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Mental Health Commission  
Submitted by: Andrea Prichett, Chairperson, Mental Health Commission  
Subject: Appointment of boona cheema and Javonna Blanton to Mental Health Commission

RECOMMENDATION

Adopt a Resolution appointing: boona cheema as a representative of the Special Public Interest Category (consumer), to complete her second 3- year term beginning March 24, 2021 and ending March 23, 2024; and Javonna Blanton as a representative of the Special Public Interest Category (family), to complete her first 3-year term beginning March 24, 2021 and ending March 23, 2024.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Mental Health Commission is authorized to be composed of thirteen members. However, there are presently seven vacancies on the Commission. These vacancies impair the Commission's ability to adequately review and evaluate the community's mental health needs, resources, and programs.

Approval of the recommended action will keep the two positions filled, and allow the Commission to move one step closer to having a full and diverse complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

BACKGROUND

California State law requires that appointments to the Mental Health Commission meet specific categories, who may serve up to nine years consecutively. The general public interest category may include anyone who has an interest in and some knowledge of mental health services. The special public interest category includes direct consumers of public mental health services and family members of consumers, which together must constitute at least fifty percent or nine of the

commission seats. Direct consumers and family members shall each constitute at least 20% of the commission membership.

Boona cheema has been an active member serving as Chair for 2 years. During the Covid-19 pandemic and suspension of the Mental Health Commission she was unable to be re-appointed and her 1<sup>st</sup> term ended on April 25, 2020. She was appointed briefly but due to a missed deadline for filing paperwork she was terminated. Boona was approved by the Mental Health commission to re-join the commission to complete her second term.

Javonna Blanton is a resident of Berkeley and has a background in education. She has personal lived experience and is a family member of a consumer of mental health services. She would like to join the Mental Health Commission to be part of the solution to the crisis of homelessness and mental health challenges. This would be her first term participating on the Mental Health Commission.

The Mental Health Commission passed the following motions at the January 28, 2021 meeting:

Interview and vote on the nomination of boona cheema on the Mental Health Commission

M/S/C (Fine, Kealoha-Blake) Move to approve the nomination of boona cheema to the Mental Health Commission

PASSED

Ayes: Fine, Kealoha-Blake, Moore, Opton, Prichett Noes: None; Abstentions: None; Absent: Hawkins

Interview and vote on the nomination of Javonna Blanton on the Mental Health Commission

M/S/C (Opton, Fine) Move that we approve her.

PASSED

Ayes: Fine, Kealoha-Blake, Moore, Opton, Prichett Noes: None; Abstentions: None; Absent: Hawkins

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE FOR RECOMMENDATION

Approval of the recommended action will allow the Mental Health Commission to move one step closer to having a full and diverse complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager takes no position on appointments

CONTACT PERSON

Jamie Works-Wright, Commission Secretary, HHCS, 510-981-7721

Attachments:

1: Resolution

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

APPOINTMENT OF BOONA CHEEMA AND JAVONNA BLANTON TO THE  
MENTAL HEALTH COMMISSION

WHEREAS, membership of the Mental Health Commission is composed of thirteen appointments by the City Council as a whole, including one appointment by the Mayor (*or designee*), six special public interest appointments, and four general public interest appointments; and

WHEREAS, with the ongoing implementation of the Mental Health Services Act, the City of Berkeley will need to have a full complement of diverse appointees to the Commission to review and evaluate the community's mental health needs, resources, and programs and to fulfill its mandate; and

WHEREAS, Ms. cheema has served as Chair of the Commission and

WHEREAS, Ms. Blanton has an investment in the in the community and personal lived experience

WHEREAS, the Mental Health Commission at its January 28, 2021 meeting recommended appointments of boona cheema and Javonna Blanton.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council appoints boona cheema as a representative of the Special Public Interest consumer category, to complete her second term ending March 23, 2024; Javonna Blanton as a representative of the General Public Interest category, to complete her first term ending March 23, 2024.



Office of the City Manager

02a.08

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Public Works Commission  
Submitted by: Margo Schueler, Chairperson, Public Works Commission  
Subject: Authorization for Additional Public Works Commission Meeting in 2021

RECOMMENDATION

Adopt a Resolution authorizing one additional meeting of the Public Works Commission in 2021.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Public Works Commission requests approval to hold a Special Meeting on December 11, 2021, in addition to regularly scheduled Commission meetings, for the purpose of discussing its 2022 Work Plan. Submission of this report for authorization of the additional meeting was approved by the Public Works Commission at its February 4, 2021 meeting. It was moved to approve by Erbe, and seconded by Constantine. The other Commissioners present, Freiberg, Hitchen, Krpata, Nesbitt, Humbert, Schueler, and Napoli, also voted to approve the additional meeting.

BACKGROUND

Resolution No. 68,258-N.S. governs the number of meetings for boards and commissions and places the Public Works Commission in Category B with a maximum of 10 meetings per year. In 2021, the Commission is scheduled to hold 10 regular monthly meetings from January through November, except for August.

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

The additional meeting requested for December is an opportunity for the Commission to review and plan its activities, initiatives, and subcommittee assignments for the 2022. The work planning of the Commission advances the City Strategic Plan Priority Goal of providing state-of-the art, well maintained infrastructure, amenities, and facilities.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Joe Enke, Secretary, Public Works Commission and Acting Manager of Engineering,  
Public Works, (510) 981-6411

Attachments:

1: Resolution



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

AUTHORIZING ADDITIONAL MEETING FOR THE PUBLIC WORKS COMMISSION

WHEREAS, Resolution No. 68,258-N.S. stipulates how many annual meetings are allowed for Berkeley's commissions and places the Public Works Commission in Category B, with a maximum of 10 meetings per year; and

WHEREAS, the Public Works Commission plans to hold another additional meeting in December to develop its Work Plan for 2022.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council authorizes one additional meeting in 2021 for the Public Works Commission.





02a.09

Susan Wengraf  
Councilmember District 6

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Susan Wengraf (Author)  
Subject: Proclamation in Honor of Holocaust Remembrance Day

RECOMMENDATION

Adopt the Holocaust Remembrance Day Proclamation for the 18<sup>th</sup> Annual Holocaust Remembrance Day program to be held virtually Thursday, April 8<sup>th</sup> from 2:00 – 3:00 PM.

FINANCIAL IMPLICATIONS

Councilmembers already generously donated funds from their discretionary budgets. No fiscal impacts.

BACKGROUND

The City of Berkeley has sponsored the Annual Holocaust Remembrance Day program since 2002 to honor Holocaust survivors and their families. It reminds all of us of the terrible consequences when hate goes unchecked. The program nourishes, strengthens and renews our belief in the strength of the human spirit. All community members are welcome to attend.

This year’s program honors Survivor Edith Heine who will speak about her experiences during her early childhood in Europe. Sasha Clancy McQueen, grandchild of a Holocaust Survivor will also speak. The program will include a candle lighting and music performed by Michael Perlmutter, Cantor Sharon Bernstein, Josh Horowitz and Cookie Segelstein.

ENVIRONMENTAL SUSTAINABILITY

N/A

CONTACT PERSON

Councilmember Wengraf                      Council District 6                      510-981-7160

Attachments:  
1: Proclamation

*HOLOCAUST REMEMBRANCE DAY*

*Whereas*, the Holocaust was the state-sponsored, systematic persecution and annihilation of more than six million European Jews by Nazi Germany and its collaborators between 1933 and 1945, and

*Whereas*, Roma Gypsies, people with mental illness and physical disabilities, and Poles were also targeted for destruction for racial, ethnic, or national reasons; and millions more, including homosexuals, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents also suffered grievous oppression and death under Nazi tyranny; and

*Whereas*, The City of Berkeley is committed to never forgetting the terrible events of the Holocaust and are committed to remaining vigilant against hatred, persecution, prejudice and tyranny; and to dedicating ourselves to the principles of individual freedom in a just society; and

*Whereas*, We remember this is the 78<sup>th</sup> anniversary of the Warsaw Ghetto uprising when the human spirit resisted and fought back, against great odds, and by memorializing the past we help to steel ourselves for the challenges of tomorrow; and

*Whereas*, the Holocaust Remembrance Day has been set aside for the people of the City of Berkeley to join together as a community to remember the victims of the Holocaust, as well as to reflect on the need for respect of all peoples.

*Now Therefore*, I, Jesse Arreguín, Mayor of the City of Berkeley, do hereby proclaim Thursday, April 8, 2021 as Holocaust Remembrance Day in the City of Berkeley, in memory of the victims of the Holocaust and in honor of the survivors as well as the rescuers and liberators.

*Now Therefore I Further Proclaim* that we, as citizens of the City of Berkeley, will work to promote human dignity and confront hate whenever and wherever it occurs.



CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
DISTRICT 7

02a.10

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rigel Robinson (Author) and Councilmember Rashi Kesarwani (Co-Sponsor)  
Subject: Support for AB 286: Food Delivery Platform Fees and Commissions

RECOMMENDATION

Send a letter to Assemblymember Lorena Gonzalez, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 286, which would establish equitable standards in the food delivery industry by capping service fees, requiring food delivery platforms to provide accurate transaction breakdowns, and prohibiting the collection of delivery driver tips by the delivery company.

BACKGROUND

AB 286, introduced by Assemblymember Lorena Gonzalez, would do the following:

- (1) Cap the service fee charged by food delivery platforms to restaurants at 15% of the menu item price, not including any tips, gratuities, or taxes that factor into the total amount paid by the customer.
- (2) Require food delivery platforms to provide an accurate and transparent itemization of each transaction for both customers and partnered restaurants.
- (3) Prohibit the delivery platform companies from pocketing any amount of the money customers intended as a tip/gratuity for the delivery driver.

While the pandemic has been financially devastating for many businesses, third-party food delivery companies, such as DoorDash and Postmates, have been profiting. However, their profits have come at the expense of charging restaurants, already struggling economically, with excessive fees and commissions for their services. The 15% cap on commission fees called for by AB 286 is almost half of what some food delivery platforms are currently charging restaurants, with some delivery apps charging up to 33%.<sup>1</sup> These third-party food delivery companies are multi-billion dollar corporations whose practices are hurting food facilities and restaurants of a smaller scale.<sup>2</sup>

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<sup>1</sup> <https://www.sandiegouniontribune.com/business/story/2021-01-22/san-diego-council-members-call-for-cap-on-fees-restaurants-are-charged-by-food-delivery>

<sup>2</sup> <https://a80.asmdc.org/press-releases/new-assemblywoman-gonzalez-bill-sets-statewide-cap-fees-charge>

This legislation is a step towards creating a more equitable industry for restaurants and food delivery platforms. Specifically, it is a continuation of the effort initiated by Assemblymember Gonzalez last year to establish fair standards in the food delivery industry with the Fair Food Delivery Act (AB 2149), which required third-party delivery platforms to first establish agreements with any restaurant they would like to deliver food for.

In December 2020, Council imposed a cap of 10% for delivery and 5% for other fees in order to help alleviate the financial strain that the COVID-19 pandemic has placed upon restaurants.<sup>3</sup> Cities such as Los Angeles and San Francisco have also passed similar legislation.

AB 286 would act as a serviceable relief for businesses struggling to choose between high commission fees from delivery platforms and shutting down without a way to safely serve customers.

Therefore, the Berkeley City Council should support AB 328 and send the attached letter of support to Assemblymember Lorenza Gonzalez, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

No impact.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Crystal Choi, Intern

#### Attachments:

1: Letter of support

2: Bill text

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB286](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB286)

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<sup>3</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/12\\_Dec/Documents/2020-12-01\\_Item\\_22\\_Amending\\_Berkeley\\_Municipal\\_Code\\_13\\_111\\_020\(a\).aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/12_Dec/Documents/2020-12-01_Item_22_Amending_Berkeley_Municipal_Code_13_111_020(a).aspx)

March 23, 2021

The Honorable Lorena Gonzalez  
Assemblymember, 80th District  
State Capitol, Room 2114  
Sacramento, CA 94249

**RE: City of Berkeley's Support for Assembly Bill 286**

Dear Assemblymember Gonzalez,

The Berkeley City Council would like to convey our full support for Assembly Bill 286, which would help protect family restaurants and other small businesses from billion-dollar app-based delivery companies that are taking advantage of the COVID-19 pandemic to engage in predatory business practices.

The City of Berkeley has already imposed a local cap on service fees, but state action is required to ensure that all restaurants and gig economy workers across California have equal and adequate protections. The impacts of the COVID-19 pandemic make this legislation all the more needed, as public health closures of in-person dining have made struggling restaurants heavily reliant on takeout and delivery options.

Prohibiting corporate pocketing of driver tips, capping service fees, and enforcing transactional transparency are crucial measures that would help keep California's treasured small businesses afloat during these challenging times. The Berkeley City Council supports AB 286 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks







CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
 DISTRICT 7

02a.11

CONSENT CALENDAR  
 March 23, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Rigel Robinson (Author)  
 Subject: Support for AB 314: Legislature Employer-Employee Relations Act

### RECOMMENDATION

Send a letter to Assemblymember Lorena Gonzalez, Assemblymember Buffy Wicks, and Senator Nancy Skinner in support of Assembly Bill 314, which would grant all employees of the California State Legislature the right to unionize and otherwise collectively bargain for improved wages and working conditions.

### BACKGROUND

AB 314, introduced by Assemblymember Lorena Gonzalez, would expand collective bargaining rights currently enjoyed by California state employees to also cover employees of the Legislature, who are presently excluded from the benefits granted by the 1977 State Employer-Employee Relations Act. This bill would 1) grant legislative aides and other employees of the California State Legislature the right to form unions and otherwise collectively bargain for better pay and working conditions, and 2) make interfering or obstructing the collective bargaining of Legislature employees a finable misdemeanor.

Entry-level legislative staff are currently paid annual salaries that can go as low as \$36,000, not far above minimum wage.<sup>1</sup> Employees facing financial challenges or obstacles to long-term career viability see correlative increases in absenteeism,<sup>2</sup> as well as decreased productivity while on the job.<sup>3</sup> Granting legislative aides and other employees of the Legislature the ability to collectively bargain would pay meaningful dividends in terms of the well-being, and accordingly, the ability of those staffers. This is particularly true for Black and Hispanic staffers, among whom union membership yields especially stark increases in pay (13.7% and 20.1% increases compared to nonunionized Black and Hispanic workers, respectively).<sup>4</sup>

<sup>1</sup> [https://www.assembly.ca.gov/sites/assembly.ca.gov/files/Salaries/nov30\\_2020\\_lora\\_roster.pdf](https://www.assembly.ca.gov/sites/assembly.ca.gov/files/Salaries/nov30_2020_lora_roster.pdf)

<sup>2</sup>

[https://www.lockton.com/whitepapers/Finding\\_the\\_Links\\_Between\\_Retirement\\_Stress\\_and\\_Health.pdf](https://www.lockton.com/whitepapers/Finding_the_Links_Between_Retirement_Stress_and_Health.pdf)

<sup>3</sup> <https://www.pwc.com/us/en/private-company-services/publications/assets/pwc-2017-employee-wellness-survey.pdf>

<sup>4</sup> <https://www.epi.org/publication/why-unions-are-good-for-workers-especially-in-a-crisis-like-covid-19-12-policies-that-would-boost-worker-rights-safety-and-wages/>

The collective bargaining rights that AB 314 grants to employees of the California State Legislature would put them on equal footing with all other state employees, and pave the way for a legislative staffing body inoculated against financial stress and demoralization. The Berkeley City Council should support AB 314, and send the attached letter of support to Assemblymember Lorena Gonzalez, Assemblymember Buffy Wicks, and Senator Nancy Skinner.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

No impact.

CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Cameron Stimac, Intern

Attachments:

- 1: Letter of support
- 2: Bill text

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB314](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB314)

March 23, 2021

The Honorable Lorena Gonzalez  
Assemblymember, 80th District  
State Capitol, Room 2114  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 314**

Dear Assemblymember Gonzalez,

The Berkeley City Council would like to convey our full support for Assembly Bill 314, which extends the right to unionize and otherwise collectively bargain for improved wages and working conditions to all employees of the California State Legislature.

AB 314 represents a much-needed step in rebuilding the collective bargaining power of American workers, a necessity demonstrated all too clearly as COVID-19 continues unabated across the country. During the pandemic, legislative staffers have assisted thousands of residents with filing unemployment claims and navigating other state relief programs. These workers directly serve their community by handling constituent casework and playing a critical role in passing legislation that benefits all Californians. Too often, they are underpaid for their work.

We believe that this bill's capacity to improve the well-being, productivity, and diversity of legislative staff make this a change long overdue. The Berkeley City Council supports AB 314 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks





CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
DISTRICT 7

02a.12

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rigel Robinson (Author)  
Subject: Support for AB 328: Reentry Housing Program

RECOMMENDATION

Send a letter to Assemblymember David Chiu, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 328, which would allow those with recent histories of incarceration to remain stably housed and exit homelessness through grants for evidence-based housing and housing-based services interventions.

BACKGROUND

AB 328, introduced by Assemblymember David Chiu, would redirect annual savings resulting from the closure of California's state prisons to the Reentry Housing Program, providing those with recent histories of incarceration experiencing homelessness with grants for (1) long-term rental assistance in permanent housing, (2) operating subsidies in new or existing affordable or supportive housing units, (3) incentives to landlords, (4) services to assist in accessing permanent supportive housing, and/or (5) operating support for interim interventions. The Legislative Analyst's Office estimates \$1.5 billion in cost reductions by 2025 as a result of inmate population decline that could be repurposed for this program.<sup>1</sup>

Existing literature suggests a cyclic relationship between incarceration and homelessness. Formerly incarcerated people, especially women and people of color, are significantly more likely to be unstably housed or homeless; likewise, people experiencing homelessness are more vulnerable to incarceration. This synergy is most pronounced in urban centers and is of particular relevance to the City of Berkeley, which faces a housing crisis and has experienced a recent surge in our homeless population.<sup>2</sup>

Access to stable housing is critical to successful reentry from carceral institutions, as homelessness is a barrier to healthcare, job security, and educational programs, and is itself effectively a crime in some municipalities due to the criminalization of poverty. It has been demonstrated in multiple studies that homelessness is associated with

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<sup>1</sup> [The 2021-22 Budget: State Correctional Population Outlook](#)

<sup>2</sup> <https://www.jstor.org/stable/pdf/resrep27306.pdf?acceptTC=true&coverpage=false&addFooter=false>  
<https://www.huduser.gov/portal/publications/pdf/p9.pdf>

increased rates of recidivism among formerly incarcerated people and those on parole.<sup>3</sup>

Evidence shows that supportive housing programs are effective in reducing the likelihood of both re-arrest and housing instability. In 2000, California passed AB 2034 with the intent to house those with serious mental illness, a well-known risk factor for incarceration. Longitudinal evaluation of these programs demonstrated decreased hospitalization and incarceration rates in participants, even in those who had greater barriers to housing stability such as co-occurring substance use disorders.<sup>4</sup>

Despite the success of AB 2034, the nexus of mass incarceration, homelessness, and racial injustice calls for further efforts to support formerly incarcerated individuals in gaining access to stable housing. The Reentry Housing Program is a sustainable criminal justice solution backed by the existing body of evidence in housing-based interventions and the reciprocal relationship between homelessness and incarceration. Therefore, the Berkeley City Council should support AB 328 and send the attached letter of support to Assemblymember David Chiu, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

No impact.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Amy Guo, Intern

#### Attachments:

- 1: Letter of support
- 2: Bill text

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB328](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB328)

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<sup>3</sup> <https://journals.sagepub.com/doi/10.1177/0011128714555760>

<sup>4</sup> [https://www.csh.org/wp-content/uploads/2011/12/Report\\_AB20341.pdf](https://www.csh.org/wp-content/uploads/2011/12/Report_AB20341.pdf)

March 23, 2021

The Honorable David Chiu  
Assemblymember, 17th District  
State Capitol, Room 4112  
Sacramento, CA 95814

**RE: City of Berkeley's Support for Assembly Bill 328**

Dear Assemblymember Chiu,

The Berkeley City Council would like to convey our full support for Assembly Bill 328, which would provide much needed housing security services for those with recent histories of incarceration, a population particularly vulnerable to experiencing homelessness.

The cyclic nature of homelessness and incarceration perpetuates many of the racial inequities, mental health concerns, and housing crises we face across the country. While decarcerative initiatives are an important pillar of criminal justice, reducing recidivism rates is critical to the sustainability of such solutions. The Reentry Housing Program is an evidence-based proposal that addresses the need for stable housing as a prerequisite for successful reintegration of formerly incarcerated individuals into society. We believe it is an appropriate repurposing of the savings from the projected closure of our state correctional facilities, and is of particular relevance to the City of Berkeley, which has a growing homeless population.

The Berkeley City Council supports AB 328 and thanks you and the bill's sponsors for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks







CITY COUNCILMEMBER  
**RIGEL ROBINSON**  
DISTRICT 7

02a.13

CONSENT CALENDAR  
March 23, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Rigel Robinson (Author)  
Subject: Support for AB 1400: Guaranteed Health Care for All

RECOMMENDATION

Send a letter to Assemblymember Ash Kalra, Senator Nancy Skinner, and Assemblymember Buffy Wicks in support of Assembly Bill 1400, which would establish the California Guaranteed Health Care for All Act and create CalCare, a single-payer health insurance program for all California residents that is comprehensive, uniform, equitable, and governed by the CalCare board.

BACKGROUND

AB 1400, introduced by Assemblymembers Ash Kalra, Alex Lee, and Miguel Santiago would do the following:

- (1) Establish a comprehensive universal single-payer health care coverage system for all California residents without discrimination, ensuring that affordable access to health care is a human right.
- (2) Establish a CalCare board of nine members that would have jurisdiction over enrollment policies, negotiate pricing, secure and allocate funding, and oversee all federal waivers.
- (3) Establish the CalCare Trust Fund in the State Treasury to provide a continuous and prudent source of funding for this program.

While the federal Patient Protection and Affordable Care Act has done much to ameliorate the crisis of insufficient healthcare coverage in California, many residents are still left without adequate means to access necessary medical resources. AB 1400 seeks to address this issue by implementing a universal single-payer health care coverage system. Specifically, this bill calls for government oversight that would establish a cost control system, offer a wide range of medical benefits equal to or of greater quality than existing state and private provision, establish working relationships with approved providers for accountability, and increase accessibility for disabled persons and underrepresented groups to reach the ultimate goal of eliminating health care disparities in the state of California.

In terms of eligibility and enrollment, every resident of the state of California would not only be eligible but *entitled* to CalCare membership, without any fees. Additionally, to address the continuously increasing population of out-of-state university students in the state, CalCare would allow higher education institutions to purchase coverage for non-

resident students.<sup>1</sup> CalCare also addresses high-cost prescription drugs and includes dietary and nutrition therapies, in addition to coverage for long-term services currently denied under many plans.

The state of California has a diverse population that requires a flexible health care coverage program to meet a range of needs. This legislation is a step in that direction, providing culturally-competent services through accommodations such as language interpretation, translation, and more integrated services for disabled Californians.

Lastly, the COVID-19 pandemic has only amplified the imperative for a more comprehensive, accessible, and transparent health care coverage system. CalCare would establish the CalCare Trust Fund in the State treasury, which would maintain an appropriate reserve of funding for responding to health emergencies such as epidemics, pandemics, or natural disasters.

The Berkeley City Council should support AB 1400 and send the attached letter of support to Assemblymember Ash Kalra, Senator Nancy Skinner, and Assemblymember Buffy Wicks.

#### FINANCIAL IMPLICATIONS

None.

#### ENVIRONMENTAL SUSTAINABILITY

No impact.

#### CONTACT PERSON

Councilmember Rigel Robinson, (510) 981-7170  
Crystal Choi, Intern

#### Attachments:

1: Letter of support

2: Bill text

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220AB1400](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1400)

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<sup>1</sup> <https://www.universityofcalifornia.edu/press-room/uc-s-california-student-enrollment-climbs-fourth-straight-year>

March 23, 2021

The Honorable Ash Kalra  
Assemblymember, 27th District  
State Capitol, Room 2196  
Sacramento, CA 94249

**RE: City of Berkeley's Support for Assembly Bill 1400**

Dear Assemblymember Ash Kalra,

The Berkeley City Council would like to convey our full support for Assembly Bill 1400, which would establish universal single-payer health care coverage for all residents of the state of California.

While they have always existed, the immense institutional holes in our current health care system have been further exposed by the COVID-19 pandemic. There is no better time than now to address the inequities and harms caused by for-profit health care.

Three million California residents are currently not covered through the PPACA, and many more are struggling to pay the bills for unaffordable health insurance plans. Pandemic-induced unemployment, coupled with employment-based health insurance, means that countless Californians have lost their coverage at a time when it is needed most.

This bill would establish access to health care as a true human right and ensure that the profits of insurance companies are not placed above the health of our residents. The Berkeley City Council supports AB 1400 and thanks you for taking the lead on this important issue.

Sincerely,

The Berkeley City Council

CC: Senator Nancy Skinner  
Assemblymember Buffy Wicks





Office of the Mayor

02a.17

CONSENT CALENDAR  
March 23, 2021

To: Honorable Members of the City Council  
 From: Mayor Jesse Arreguín (Author)  
 Subject: 2021 Alameda County Redistricting Process

RECOMMENDATION

Adopt a Resolution calling on the Alameda County Board of Supervisors to allocate adequate resources and direct the creation of policies to ensure an equitable, inclusive and transparent process for the 2021 Alameda County redistricting process.

BACKGROUND

Every decade, redistricting processes take place across jurisdictions with district elections. The Alameda County Board of Supervisors has five districts that need to be redrawn in 2021 to determine how communities are represented on the Board and which communities are divided or consolidated. In order to create a fair and transparent process in which marginalized communities are engaged, the process needs to follow best practices as defined in AB 849 and AB 1276. AB 849, the Fair Maps Act, signed into law in 2019, creates standardized redistricting criteria, including keeping neighborhoods and diverse communities intact, and prohibiting partisan gerrymandering. It also requires cities and counties to hold public meetings and outreach to non-English speaking communities. AB 1276, approved in 2020, builds upon AB 849 by establishing timelines for public input. Both bills were authored by Assemblymember Rob Bonta.

In 2016, Berkeley voters overwhelmingly approved Measure W1, which created an Independent Redistricting Commission. The Commission, comprised of representatives from Berkeley's eight Council districts, five at-large, and 13 alternates, has the sole authority of deciding district boundaries. In previous redistricting cycles since Council districts were established in 1986, redistricting was under the authority of the City Council, which in previous cycles was highly contentious and ended in delays and litigation. The Commission, which recently began this decade's process, was designed to be inclusive and representative of all aspects of the Berkeley community. This model was based on the California Redistricting Commission, established in 2008, which has been regarded as a success story. The City of Oakland has a similar Redistricting Commission.

FINANCIAL IMPLICATIONS

None

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON

Mayor Jesse Arreguín      510-981-7100

Attachments:

1: Resolution

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

SUPPORTING FAIR AND TRANSPARENT REDISTRICTING FOR THE ALAMEDA COUNTY BOARD OF SUPERVISORS DISTRICTS

WHEREAS, the boundaries of the five Alameda County Supervisorial Districts must be redrawn in 2021 determining how communities are represented on the Board, how communities affiliate to address issues of common interest, and which communities are divided or consolidated; and

WHEREAS, the final maps approved in 2021 will be in place for the next 10 years, and in the past, there have been few requirements that redistricting be fair, transparent, and engage marginalized communities; and

WHEREAS, the Alameda County Board of Supervisors has sought to include local communities through civic engagement such as the successful Alameda County Counts census effort; and

WHEREAS, robust, safe, and inclusive community engagement to develop proposed district maps requires time and resources to ensure digital access, diverse schedules, translation services, meeting schedule notice, and other requirements identified by best practices and AB 849 (Bonta) and AB 1276 (Bonta); and

WHEREAS, two cities in Alameda County—Berkeley and Oakland—and several counties in California have established Independent Redistricting Commissions to ensure a fair and transparent redistricting process, including those in Los Angeles County, Santa Barbara County, San Diego County, and San Francisco County; and

WHEREAS, the timeframe to draw these maps will be compressed due to national issues and the impact of the pandemic on local communities.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby urges the Alameda County Board of Supervisors to allocate adequate resources and direct the creation of policies to ensure an equitable, inclusive and transparent redistricting process consistent with AB 849 and AB 1276 and the best practice guide of the Asian Americans Advancing Justice—Asian Law Caucus<sup>1</sup>. Specifically, we expect that the 2021 Alameda County redistricting process shall be directed towards the following goals:

1. Protects and maintains communities of interest;

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<sup>1</sup> Asian Americans Advancing Justice – Asian Law Caucus. “Guide to Best Practices in Districting.” Available at: <https://www.advancingjustice-alc.org/wp-content/uploads/2018/06/Guide-to-Districting-Best-Practices-AAAJ-ALC.pdf>.

2. Includes at least one public hearing regarding the proposed consultant who will develop the proposed map(s);
3. Includes at least one public hearing regarding the proposed outreach plan for the redistricting process;
4. Ensures that the consulting firm and the redistricting process as a whole offers accessible online and in person opportunities to provide input regarding communities of interest, impact of proposed lines, and other comments, questions, concerns, and ideas related to the proposed maps;
5. Includes accessibility approaches that remove physical, technological, language, and other barriers to public participation including work schedules and family commitments;
6. Leverages the trusted messengers and communities of interest infrastructure put in place to ensure a complete census count, including engaging community volunteers<sup>2</sup>;
7. Includes meetings before and after the maps are created as well as at least two other methods/opportunities for engagement accessible for each of the five districts;
8. Leverages the Municipal Advisory Councils, Interfaith Networks, and other existing network and neighborhood infrastructure to communicate the importance of and opportunity to participate in the redistricting process;
9. Provides adequate funding and personnel to accomplish these goals in partnership with community volunteers; and
10. Provides meeting notices at least two weeks in advance, including notices of Board of Supervisors meetings whenever possible.

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<sup>2</sup> The Alameda County Coalition for Fair Redistricting is eager to work with organizations to help provide community volunteers.





# BEN BARTLETT

CITY COUNCILMEMBER, DISTRICT 3

02a.18

## CONSENT CALENDAR

March 23, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett (Author) and Mayor Jesse Arreguin (Co-Sponsor)  
 Subject: Predevelopment Allocation, Ashby Recreation and Community Housing (ARCH) Consortium

### RECOMMENDATION

Refer to staff to work with the Ashby Recreation and Community Housing (ARCH) Consortium to develop a planning grant for the Ashby BART East Parking Lot.

### BACKGROUND

A joint non-profit housing and recreation proposal is being proposed for the BART lot east of the Ed Robert's Campus (ERC). The proposal, ARCH (Ashby Recreation and Community Housing) envisions a state-of-the-art recreation facility coupled with deeply affordable housing. The partners are BORP (Bay Area Outreach & Recreation), EBSHC (East Bay Supportive Housing Collaborative) and the ERC. ARCH has a managing developer for the entire site and is contacting non-profit housing developers.

ARCH will be a destination for the Bay Area's disabled community providing a fully adaptive recreation center, including a warm pool, all also available to the public. This will be combined with a deeply affordable housing complex for those living with mental illness, those with physical disabilities, and persons who are homeless or at risk of homelessness." On-site services will be included as needed. The housing complex will provide, as feasible, a right of return for displaced South Berkeley residents.

**RECREATIONAL COMPONENT:** Bay Area Outreach & Recreation Program (BORP) has 45 years of providing adaptive sports and recreation for people with physical disabilities in the East Bay. We are committed to leading a partnership of individuals and organizations to develop a facility that will provide the disability community with reliable and permanent opportunities for fitness and recreational activities. Situated next to BART and the Ed Roberts Campus, and built using universal design and green building principles, the facility will leverage public transit and existing services to provide broad access to the disability community.

The envisioned complex will be more than an athletic facility or recreation center; it will be a community hub, providing an inspirational environment for individuals with disabilities, offering regular opportunities for fitness, wellness, recreation, enjoyment and competition. The opportunity to merge with affordable housing only strengthens our vision. Recognizing the tremendous need for increased recreational programming for people with disabilities, the Wayne & Gladys Valley Foundation has generously made a \$5 million-dollar matching grant commitment to the BORP project.

**HOUSING COMPONENT:** The recreational structure will be surrounded by deeply affordable housing, the need for which has never been greater. Aside from our general housing crisis there is a critical shortage of homes for those with disabilities and mental illness. Board and Care homes have historically provided housing for the mentally ill and

are closing at an alarming rate. A “slice” of the ARCH housing will serve this population and provide staff and services for the special needs residents.

The number of housing units, their configuration, height and bulk, is to be determined and will evolve as the zoning and agreements between the City and BART are finalized. The EBSHC envisions between 50 to 100 units of completely universal design. It is too early in the BART/City process to predict further. Funds from a variety of sources will be needed: Conventional financing, Section 8, and every government and private source will be pursued--as is often the case with non-profit endeavors.

### ACTIVITIES

ARCH members have been actively engaged in efforts to prevent homelessness and influencing critical policy decisions. In 2020 EBSHC worked successfully with Assemblyman David Chiu and State Senator Nancy Skinner to pass AB 2377, which requires Board and Care facilities to give the counties and cities in which they are located 6-month notice before closure, and local government the first opportunity to offer to purchase. Having stable and affordable living places, with supportive services when needed, is key to solving the problems of homelessness in our community.” A City of Berkeley predevelopment allocation will enable ARCH to create feasibility and architectural scenarios, assemble research and background materials, all necessary to apply for various funding from County, State and Federal sources and to respond to calls for proposals.

### CURRENT SITUATION

The push for affordable housing has been growing in the past few years. In September 2018, California authorized BART to construct housing on its property in order to address the housing crisis. Since then, there have been ongoing discussions between community members and city officials to clarify the planning process and provide a unified vision for how to best use the land. In December 2020, the City passed the Adeline Corridor plan, which aims to transform South Berkeley’s housing landscape through the creation of affordable housing. To build off of this momentum, the City should explore the feasibility of ARCH.

### RATIONALE FOR RECOMMENDATION

ARCH provides an opportunity to infuse recreational activities with housing. Ultimately, its goals align with the City’s plans to expand access to affordable housing and, therefore, should be explored.

### FISCAL IMPACTS OF RECOMMENDATION

To be determined by staff.

### CONTACT PERSON

Councilmember Ben Bartlett  
James Chang

510-981-7130  
[jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)



# BEN BARTLETT

CITY COUNCILMEMBER, DISTRICT 3

02a.19

CONSENT CALENDAR

March 23, 2021

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett (Author) & Mayor Jesse Arreguin (Co-Sponsor)  
 Subject: Establish a Parking Benefits District (PBD) in the Adeline Corridor and Fiscal Year 2022 Budget Referral

## RECOMMENDATION

Refer to the City Manager to establish a Parking Benefits District (PBD) in the Adeline Corridor to finance and support neighborhood improvements--such as landscaping, lighting, cleaning, pedestrian and transit infrastructure, and more--in South Berkeley and refer to the Fiscal Year 2022 budget process \$50,000 for city staff to hire and manage a consultant to assist in the formation and establishment of the PBD.

## CURRENT SITUATION

Outlined in the Lorin Business Association's vision for South Berkeley and the Adeline Corridor draft plan is a business improvement district (BID).<sup>1</sup> A BID uses fees from businesses and/or property owners to support physical improvements, special events, public safety, street cleanliness/maintenance, and programming. The Lorin Business Association has already spent five years advocating for a BID in South Berkeley but such a district has yet to be established in this community. Thus, the City can take a critical step in supporting innovative revitalization activities in South Berkeley by establishing a Parking Benefits District (PBD) to help the City improve the Adeline Corridor. In addition, the parking revenue generated within the PBD should fund designated neighborhood improvements.

## BACKGROUND

Parking benefits districts (PBDs) are defined geographic areas, typically along commercial corridors, in which revenue generated from on-street and off-street parking facilities within the district is returned to the district to finance neighborhood improvements. A PBD ties the economic benefits of parking directly to improving the quality of life in the immediate area.

PBDs specifically require local parking revenue to stay local, while financing neighborhood improvements. PBDs allow local merchants, organizations, property owners, residents and visitors to clearly see that the monies collected are being spent for the benefit of their district, on projects that they have chosen. In turn, they become willing to support, and often advocate on behalf of the needs of the residents and patrons who utilize the parking.

To improve our commercial districts and expand investments in our neighborhoods, the Council should adopt this item creating a South Berkeley PBD with the specific requirement that parking revenue generated in the district is used for neighborhood improvements. Funds from a PBD could be used in critically important ways, such as

<sup>1</sup> <https://www.cityofberkeley.info/council3/adeline/>

hiring full-time staff to manage the following activities: landscaping and streetscape screening, street cleaning, transit and pedestrian infrastructure, street furniture, marketing of local businesses, management activities, and visitor and security ambassadors.

The request for a PBD is an innovative approach to a real problem in South Berkeley. Constituents have faced many generations of neglect in this neighborhood. A PBD brings equity, a leg up for our commercial district to develop in a cohesive, community oriented way. It also gives our neighborhood an opportunity to work together on issues of mutual interest to South Berkeley, while receiving the resources necessary to improve the quality of life of its constituents.

A successful PBD in South Berkeley would also incorporate a number of other key elements that the Council should also consider:

- Creation of a governing and oversight body to develop an approved program of revenue expenditures, subject to final approval by City Council. This body could take one of several potential forms, such as: An appointed or volunteer advisory board, which could include residents, property owners, businesses and other organizations operating within South Berkeley, residents and city staff;
- Implementation of parking meters and pricing structures that facilitate demand-based pricing;
- Adoption of a defined list of PBD revenue expenditures;
- Development of a coordinated public relations plan, which would use wayfinding, signage, and public outreach to explain the role of demand-based pricing and articulate how parking revenue is being utilized to benefit South Berkeley;
- Ongoing evaluation and management of PBD policies and expenditures; and
- City reporting on the funds generated.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

A PBD is a well established concept used in municipalities around the United States. In California, Pasadena and Newport Beach have used the PBD to support revitalization needs. Parking management is an issue often overlooked in a neighborhood's development plan. While it may seem like a secondary concern in the quest for economic development, parking management directly impacts accessibility to businesses, customer willingness to travel to certain areas, and the quality of life experienced by residents. Studies have shown that a smart, proactive parking policy can revitalize a neighborhood. South Berkeley is a prime neighborhood for this type of engagement.

#### CONSULTATION OVERVIEW

The District 3 Office consulted with leaders of the Lorin Business Association. Their advocacy has informed this recommendation.

#### RATIONALE FOR RECOMMENDATION

The Council should promote equity by establishing a Parking Benefits District (PBD) in the Adeline Corridor to finance and support neighborhood improvements in South Berkeley. In comparison to the ways the City has invested in other districts, South

Berkeley has often been neglected. The Lorin Business Association has long advocated for the establishment of a traditional business improvement district, but such a district has yet to be established in this community. The Council now has the opportunity to support the South Berkeley commercial district and improve the quality of life for its constituents by establishing a PBD and dedicating parking revenue funding in the PBD to neighborhood improvements, such as landscaping, lighting, cleaning, pedestrian and transit infrastructure, and other things that City residents benefit from.

FISCAL IMPACTS

Rather than accruing to the City, if the PBD is established, all or a portion of revenue generated from on-street and off-parking facilities will be utilized to finance neighborhood improvements, thereby improving the quality of life in the business district and surrounding area. In order to form the PBD, a one-time allocation of resources, estimated at \$50,000 is required and being referred to the FY 2022 budget process. Additional fiscal impacts, if any, to the City will be analyzed in depth should City Council approve the referral along with the requested budget allocation when the FY 2022 budget is adopted.

CONTACT PERSON

Councilmember Ben Bartlett:  
James Chang

510-981-7130  
jchang@cityofberkeley.info





Children, Youth and Recreation Commission

02a.20

INFORMATION CALENDAR

March 23, 2021

**To:** Honorable Mayor and Members of the City Council  
**From:** Children, Youth, and Recreation Commission  
**Submitted by:** Elisa Batista, Chairperson  
**Subject:** Children, Youth and Recreation Commission FY2021 Work Plan

**INTRODUCTION**

The Children, Youth, and Recreation Commission has updated its work plan, which outlines Commission objectives for the upcoming fiscal year. This work plan includes making recommendations to the City Council to further the goals of 2020 Vision during a pandemic that has disrupted learning; identify the needs and gaps in services for Berkeley Youth; and examine out of school time/afterschool resources for Berkeley youth.

**CURRENT SITUATION AND ITS EFFECTS**

At a Special Meeting on February 1, 2021, the Children, Youth, and Recreation Commission approved the Commission's FY2021 Work Plan, which will be used to guide the Commission's work throughout the year.

**M/S/C** (Kelkile/Capitelli/U) to approve the work plan and submit an Information Report to the City Council.

**Ayes:** Batista, Capitelli, Kelkile, Marchesini, Pelley, Richards

**Noes:** None.

**Absent:** None.

**Leave of Absence:** None

**BACKGROUND**

See attached Work Plan.

**ENVIRONMENTAL SUSTAINABILITY**

No environmental impacts or opportunities were identified as a result of this recommendation.

**POSSIBLE FUTURE ACTION**

Based on Commission research and public input, new initiatives and recommendations to City Council may be submitted to City Council at such time deemed necessary.

**FISCAL IMPACTS OF POSSIBLE FUTURE ACTION**

No fiscal impacts identified at this time.

**CONTACT PERSON**

Steph Chu, Secretary, Children, Youth, and Recreation Commission, (510) 981-5146  
Elisa Batista, Chairperson

Attachment 1: Children, Youth, and Recreation Commission FY21 Work Plan



## **CHILDREN, YOUTH, AND RECREATION COMMISSION ANNUAL WORK PLAN FY21 (Approved on February 1, 2021)**

### **MISSION STATEMENT**

The Children, Youth, and Recreation Commission shall be an advisory board and shall seek to achieve equity in policies, programs, planning efforts, activities, and funding associated with youth, families, early childhood education, recreation, and other related City-sponsored activities.

### **BACKGROUND**

Upon City Council's receipt of this plan for fiscal year 2021, Berkeley's youth will have lived a year through an unprecedented, deadly pandemic. A generation of our kids have had their lives turned upside down, and at great costs to their learning and education. They not only have lost months of schooling due to school closures and delays setting up virtual classrooms, but also the 2020 summer break, in which many camps were cancelled due to the COVID-19 pandemic.

In addition, our youth have suffered through unprecedented social, mental, and emotional distress due to the isolation of being homebound all of this time with inadequate academic stimulation or socialization with peers. Our most vulnerable students--the homeless, those living in crowded housing conditions, undocumented or those living in low-income immigrant households, Black, Indigenous, and students of color, and those students who self-identify as LGBTQ+--are even more isolated and disconnected from reaching their potential, and academic and personal goals. It is crucial that we as a community come together to support our youth during a devastatingly difficult time, and bridge the academic achievement gap that already existed before the pandemic, and is now further exacerbated as BUSD adjusts with the realities that not all of our students had adequate access to housing, technology, food, and healthcare prior to the pandemic. (Superintendent Brent Stephens sent a letter to all BUSD families at the start of shelter-in-place orders in March 2020, outlining all of these challenges.)

**Considering these challenges and exacerbated learning gap, the Children, Youth, and Recreation Commission respectfully submits the following FY 2021 recommendations and work plan to Berkeley City Council:**

**1. Acknowledge that the existing inequities that our youth face have been further exacerbated by the COVID-19 pandemic**, including shelter-in-place orders, school, day care, and camp closures, and delayed virtual schooling. In the event of future pandemics and/or other emergencies that require students to shelter in place, we urge Council, BUSD, and other relevant entities to make permanent access to Internet and technology for all students.

## **CHILDREN, YOUTH, AND RECREATION COMMISSION ANNUAL WORK PLAN FY21 (Approved on February 1, 2021)**

### **2. Help schools, camps, afterschool programs, day care centers, and recreational programs open safely.**

- a. Ensure that every child has access to a mask and that schools have hand sanitizer and other protective equipment needed to operate safely.
- b. Ensure that there are adequate counselors and mental health programs: **Attachment 1** support students.

### **3. Create and implement Community Agency Grant evaluation process.**

- a. Develop a process to work closely with 2020 Vision staff to evaluate the progress of grantees as to their projected outcomes.
- b. Receive regular updates on grantees from 2020 Vision staff noting particular impacts of COVID-19 pandemic.
- c. Make recommendations to City Council on grantees who are not able to adjust to the pandemic and provide services to families.

### **4. Collaborate with other commissions to mitigate mental health impacts**

- a. Reach out to the Youth Commission to see how we can better support our youth during an isolating time.
- b. Reach out to the Mental Health Commission to see how we can better support our youth during an isolating time.

**5. Encourage housing development projects that set aside units for low and middle-income families with children.** According to data by Lucille Packard Foundation for Children's Health, about a quarter of children in Alameda County live in crowded housing conditions, which is not conducive to learning and could spread the virus when essential workers return to crowded homes. In addition to studio apartments and one-bedroom apartments for individual renters, we should incentivize through the zoning ordinance the creation of three-to-four-bedroom homes for families with children.

**6. Help BUSD families that lack Internet and a computer at home, permanently obtain the laptops and any related technology that they received on loan during the pandemic.** Making this investment now could help curb further delays in virtual schooling due to the physical closures of school facilities.

- a. Support low-cost access to broadband and ensure that all children and families have continued access to up-to-date equipment post-pandemic. One way is to negotiate community benefits in the city's contract with Comcast and other broadband providers.

| Upcoming Worksessions – <i>start time is 6:00 p.m. unless otherwise noted</i> |                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Scheduled Dates                                                               |                                                                                                                                                                                                                                                                   |
| March 16                                                                      | <ol style="list-style-type: none"> <li>1. Capital Improvement Plan (Parks &amp; Public Works)</li> <li>2. Digital Strategic Plan/FUND\$ Replacement/Website Update</li> <li>3. FY 2021 Mid-Year Report and the Unfunded Liabilities Report (tentative)</li> </ol> |
| May 18                                                                        | <ol style="list-style-type: none"> <li>1. Bayer Development Agreement (tentative)</li> <li>2. Affordable Housing Policy Reform (tentative)</li> </ol>                                                                                                             |
| July 20                                                                       | <ol style="list-style-type: none"> <li>1.</li> <li>2.</li> </ol>                                                                                                                                                                                                  |

| Unscheduled Workshops                                                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Cannabis Health Considerations</li> <li>2. Berkeley Police Department Hiring Practices (referred by the Public Safety Committee)</li> </ol> |

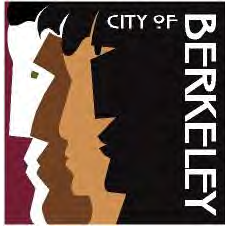
| Unscheduled Presentations (City Manager)                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Update: Zero Waste Priorities</li> <li>2. Civic Arts Grantmaking Process &amp; Capital Grant Program</li> <li>3. Systems Realignment</li> </ol> |

|    | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <p><b>47. Amending Chapter 19.32 of the Berkeley Municipal Code to Require Kitchen Exhaust Hood Ventilation in Residential and Condominium Units Prior to Execution of a Contract for Sale or Close of Escrow</b> <i>(Reviewed by Facilities, Infrastructure, Transportation, Environment, and Sustainability Committee) (Referred from the January 21, 2020 agenda)</i></p> <p><b>From: Councilmember Harrison</b></p> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. Adopt an ordinance amending Berkeley Municipal Code (BMC) 19.32 to require kitchen exhaust ventilation in residential and condominium units prior to execution of a contract for sale or close of escrow.</li> <li>2. Refer to the City Manager to develop a process for informing owners and tenants of the proper use of exhaust hoods.</li> </ol> <p><b>Financial Implications:</b> See report<br/> Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140<br/> <i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p> |
| 2. | <p><b>25. Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers</b> <i>(Continued from February 25, 2020. Item contains revised and supplemental materials) (Referred from the May 12, 2020 agenda.)</i></p> <p><b>From: City Manager</b></p> <p><b>Recommendation:</b> Adopt a Resolution accepting the Surveillance Technology Report, Surveillance Acquisition Report, and Surveillance Use Policy for Automatic License Plate Readers submitted pursuant to Chapter 2.99 of the Berkeley Municipal Code.</p> <p><b>Financial Implications:</b> None<br/> Contact: Andrew Greenwood, Police, (510) 981-5900; Dave White, City Manager's Office, (510) 981-7000<br/> <i>Note: Referred to Agenda &amp; Rules for future scheduling.</i></p>                                                                                                                                                                                                                             |

| CITY CLERK DEPARTMENT                                                       |                      |                       |                                         |                   |
|-----------------------------------------------------------------------------|----------------------|-----------------------|-----------------------------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL |                      |                       |                                         |                   |
| Address                                                                     | Board/<br>Commission | Appeal Period<br>Ends | Determination<br>on Appeal<br>Submitted | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                            |                      |                       |                                         |                   |
| 31 Florida Ave (residential addition)                                       | ZAB                  | 3/2/2021              |                                         |                   |
|                                                                             |                      |                       |                                         |                   |
|                                                                             |                      |                       |                                         |                   |
|                                                                             |                      |                       |                                         |                   |
| <b>Public Hearings Scheduled</b>                                            |                      |                       |                                         |                   |
| 1200-1214 San Pablo Ave (construct mixed-use building)                      | ZAB                  |                       |                                         | 3/23/2021         |
| 2421 Fifth St (construct two residential buildings)                         | ZAB                  |                       |                                         | TBD               |
|                                                                             |                      |                       |                                         |                   |
|                                                                             |                      |                       |                                         |                   |
| <b>Remanded to ZAB or LPC</b>                                               |                      |                       |                                         |                   |
|                                                                             |                      |                       |                                         |                   |
|                                                                             |                      |                       |                                         |                   |
|                                                                             |                      |                       |                                         |                   |
| <b>Notes</b>                                                                |                      |                       |                                         |                   |
|                                                                             |                      |                       |                                         |                   |
|                                                                             |                      |                       |                                         |                   |
|                                                                             |                      |                       |                                         |                   |

3/2/2021





Office of the City Manager

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** November 10, 2020

**Item Number:** 20

**Item Description:** Annual Commission Attendance and Meeting Frequency Report

**Submitted by:** Mark Numainville, City Clerk

The attached memo responds to issues and questions raised at the October 26 Agenda & Rules Committee Meeting and the October 27 City Council Meeting regarding the ability of city boards and commissions to resume regular meeting schedules.



Office of the City Manager

November 9, 2020, 2020

To: Mayor and Council  
From: Dee Williams-Ridley, City Manager  
Subject: Commission Meetings Under COVID-19 Emergency (Item 20)

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This memo provides supplemental information for the discussion on Item 20 on the November 10, 2020 Council agenda. Below is a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration and the data collected by the City Manager on the ability of commissions to resume meetings in 2021.

On March 10, 2020 the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020 the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020 Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to



complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

In response to questions from the Agenda & Rules Committee and the Council, the City Manager polled all departments that support commissions to obtain information on their capacity to support the resumption of regular commission meetings. The information in Attachment 1 shows the information received from the departments and notes each commission's ability to resume a regular, or semi-regular, meeting schedule in 2021.

In summary, there are 24 commissions that have staff resources available to support a regular meeting schedule in 2021. Seven of these 24 commissions have been meeting regularly during the pandemic. There are five commissions that have staff resources available to support a limited meeting schedule in 2021. There are seven commissions that currently do not have staff resources available to start meeting regularly at the beginning of 2021. Some of these seven commissions will have staff resources available later in 2021 to support regular meetings. Please see Attachment 1 for the full list of commissions and their status.

With regards to commission subcommittees, there has been significant discussion regarding the ability of staff to support these meetings in a virtual environment. Under normal circumstances, the secretary's responsibilities regarding subcommittees is limited to posting the agenda and reserving the meeting space (if in a city building). With the necessity to hold the meetings in a virtual environment and be open to the public, it is likely that subcommittee meetings will require significantly more staff resources to schedule, train, manage, and support the work of subcommittees on Zoom or a similar platform. This additional demand on staff resources to support commission subcommittees is not feasible for any commission at this time.

One possible option for subcommittees is to temporarily suspend the requirement for ad hoc subcommittees of city commissions to notice their meetings and require public participation. Ad hoc subcommittees are not legislative bodies under the Brown Act and are not required to post agendas or allow for public participation. These requirements are specific to Berkeley and are adopted by resolution in the Commissioners' Manual. If it is the will of the Council, staff could introduce an item to temporarily suspend these

requirements which will allow subcommittees of all commissions to meet as needed to develop recommendations that will be presented to the full commission.

The limitations on the meetings of certain commissions are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Some of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new duties specifically related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager and the Health Officer in consultation with Department Heads and the City Council.

Attachments:

1. List of Commissions with Meeting Status
2. Resolution 69,331-N.S.

**November 10, 2020 - Item 20  
Supplemental Information**

| <b><u>Boards and Commissions</u></b>              | <b><u>Meetings Held Under COVID March - Oct</u></b> | <b><u>Regular Mtg. Date</u></b> | <b><u>Secretary</u></b> | <b><u>Dept.</u></b> | <b><u>Resume Regular Schedule in January 2021?</u></b> | <b><u>Note</u></b>                                |
|---------------------------------------------------|-----------------------------------------------------|---------------------------------|-------------------------|---------------------|--------------------------------------------------------|---------------------------------------------------|
| Fair Campaign Practices Commission                | 9                                                   | 3rd Thur.                       | Sam Harvey              | CA                  | YES                                                    | Have been meeting regularly under COVID Emergency |
| Open Government Commission                        | 6                                                   | 3rd Thur.                       | Sam Harvey              | CA                  | YES                                                    | Have been meeting regularly under COVID Emergency |
| Animal Care Commission                            | 0                                                   | 3rd Wed.                        | Amelia Funghi           | CM                  | YES                                                    |                                                   |
| Police Review Commission                          | 10                                                  | 2nd & 4th Wed.                  | Katherine Lee           | CM                  | YES                                                    | Have been meeting regularly under COVID Emergency |
| Disaster and Fire Safety Commission               | 4                                                   | 4th Wed.                        | Keith May               | FES                 | YES                                                    |                                                   |
| Community Health Commission                       | 0                                                   | 4th Thur.                       | Roberto Terrones        | HHCS                | YES                                                    |                                                   |
| Homeless Commission                               | 0                                                   | 2nd Wed.                        | Josh Jacobs             | HHCS                | YES                                                    |                                                   |
| Homeless Services Panel of Experts                | 5                                                   | 1st Wed                         | Josh Jacobs             | HHCS                | YES                                                    |                                                   |
| Human Welfare & Community Action Commission       | 0                                                   | 3rd Wed.                        | Mary-Claire Katz        | HHCS                | YES                                                    |                                                   |
| Mental Health Commission                          | 1                                                   | 4th Thur.                       | Jamie Works-Wright      | HHCS                | YES                                                    |                                                   |
| Sugar-Sweetened Beverage Product Panel of Experts | 0                                                   | 3rd Thur.                       | Dechen Tsering          | HHCS                | YES                                                    |                                                   |
| Civic Arts Commission                             | 2                                                   | 4th Wed.                        | Jennifer Lovvorn        | OED                 | YES                                                    |                                                   |
| Elmwood BID Advisory Board                        | 1                                                   | Contact Secretary               | Kieron Slaughter        | OED                 | YES                                                    |                                                   |
| Loan Administration Board                         | 0                                                   | Contact Secretary               | Kieron Slaughter        | OED                 | YES                                                    |                                                   |
| Solano Avenue BID Advisory Board                  | 2                                                   | Contact Secretary               | Eleanor Hollander       | OED                 | YES                                                    |                                                   |
| Design Review Committee                           | 6                                                   | 3rd Thur.                       | Anne Burns              | PLD                 | YES                                                    | Have been meeting regularly under COVID Emergency |
| Energy Commission                                 | 0                                                   | 4th Wed.                        | Billi Romain            | PLD                 | YES                                                    |                                                   |
| Landmarks Preservation Commission                 | 6                                                   | 1st Thur.                       | Fatema Crane            | PLD                 | YES                                                    | Have been meeting regularly under COVID Emergency |
| Planning Commission                               | 3                                                   | 1st Wed.                        | Alene Pearson           | PLD                 | YES                                                    | Have been meeting regularly under COVID Emergency |
| Zoning Adjustments Board                          | 11                                                  | 2nd & 4th Thur.                 | Shannon Allen           | PLD                 | YES                                                    | Have been meeting regularly under COVID Emergency |
| Parks and Waterfront Commission                   | 4                                                   | 2nd Wed.                        | Roger Miller            | PRW                 | YES                                                    |                                                   |
| Commission on Disability                          | 0                                                   | 1st Wed.                        | Dominika Bednarska      | PW                  | YES                                                    |                                                   |
| Public Works Commission                           | 4                                                   | 1st Thur.                       | Joe Enke                | PW                  | YES                                                    |                                                   |
| Zero Waste Commission                             | 0                                                   | 4th Mon.                        | Heidi Obermeit          | PW                  | YES                                                    |                                                   |
| Commission on the Status of Women                 | 0                                                   | 4th Wed.                        | Shallon Allen           | CM                  | YES - LIMITED                                          | Secretary has intermittent COVID assignments      |

**November 10, 2020 - Item 20  
Supplemental Information**

| <b><u>Boards and Commissions</u></b>        | <b><u>Meetings Held Under COVID March - Oct</u></b> | <b><u>Regular Mtg. Date</u></b> | <b><u>Secretary</u></b> | <b><u>Dept.</u></b> | <b><u>Resume Regular Schedule in January 2021?</u></b> | <b><u>Note</u></b>                                     |
|---------------------------------------------|-----------------------------------------------------|---------------------------------|-------------------------|---------------------|--------------------------------------------------------|--------------------------------------------------------|
| Commission on Aging                         | 0                                                   | 3rd Wed.                        | Richard Castrillon      | HHCS                | REDUCED FREQUENCY                                      | Significant Dept. resources assigned to COVID response |
| Housing Advisory Commission                 | 0                                                   | 1st Thur.                       | Mike Uberti             | HHCS                | REDUCED FREQUENCY                                      | Significant Dept. resources assigned to COVID response |
| Measure O Bond Oversight Committee          | 0                                                   | 3rd Monday                      | Amy Davidson            | HHCS                | REDUCED FREQUENCY                                      | Significant Dept. resources assigned to COVID response |
| Transportation Commission                   | 2                                                   | 3rd Thur.                       | Farid Javandel          | PW                  | REDUCED FREQUENCY                                      | Staff assigned to COVID response                       |
| Children, Youth, and Recreation Commission  | 0                                                   | 4th Monday                      | Stephanie Chu           | PRW                 | NO - SEPT 2021                                         | Staff assigned to COVID response                       |
| Youth Commission                            | 0                                                   | 2nd Mon.                        | Ginsi Bryant            | PRW                 | NO - SEPT 2021                                         | Staff assigned to COVID response                       |
| Community Environmental Advisory Commission | 0                                                   | 2nd Thur.                       | Viviana Garcia          | PLD                 | NO - JUNE 2021                                         | Staff assigned to COVID response                       |
| Cannabis Commission                         | 0                                                   | 1st Thur.                       | VACANT                  | PLD                 | NO - JAN. 2022                                         | Staff vacancy                                          |
| Peace and Justice Commission                | 0                                                   | 1st Mon.                        | VACANT                  | CM                  | NO                                                     | Staff vacancy                                          |
| Commission on Labor                         | 0                                                   | 3rd Wed., alternate mon         | Kristen Lee             | HHCS                | NO                                                     | Staff assigned to COVID response                       |
| Personnel Board                             | 1                                                   | 1st Mon.                        | La Tanya Bellow         | HR                  | NO                                                     | Staff assigned to COVID response                       |

## RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

## Section 1. Boards and Commissions

Commissions listed below may continue to meet only if they have time-sensitive, legally mandated business to complete, as determined by the Director of Emergency Services. The City may consider teleconferencing for these commissions, if feasible.

Design Review Committee  
Fair Campaign Practices Commission  
Housing Advisory Commission (limited to quasi-judicial activities)  
Joint Subcommittee on the Implementation of State Housing Laws  
Landmarks Preservation Commission  
Open Government Commission  
Personnel Board  
Planning Commission  
Police Review Commission  
Zoning Adjustments Board

Commissions in Category B shall not meet for a period of 60 days. This will be re-evaluated at the Agenda & Rules Committee meeting on April 13, 2020. A Commission in Category B may convene a meeting if it has time-sensitive, legally-mandated business to complete, as determined by the Director of Emergency Services.

### Category B

Animal Care Commission  
Cannabis Commission  
Civic Arts Commission  
Children, Youth, and Recreation Commission  
Commission on Aging  
Commission on Disability  
Commission on Labor  
Commission on the Status of Women  
Community Environmental Advisory Commission  
Community Health Commission  
Disaster and Fire Safety Commission  
Elmwood Business Improvement District Advisory Board  
Energy Commission  
Homeless Commission  
Homeless Services Panel of Experts  
Housing Advisory Commission  
Human Welfare and Community Action Commission  
Measure O Bond Oversight Committee  
Mental Health Commission  
Parks and Waterfront Commission  
Peace and Justice Commission  
Public Works Commission  
Solano Avenue Business Improvement District Advisory Board  
Sugar-Sweetened Beverage Product Panel of Experts

Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

The Agenda & Rules Committee and the Budget & Finance Committee may continue to meet to fulfill their legislative and advisory responsibilities. All other Policy Committees (Facilities, Infrastructure, Transportation, Environment & Sustainability, Public Safety, Land Use, Housing & Economic Development, and Health, Life Enrichment Equity & Community) are suspended indefinitely. The 120-day deadline to consider an item will be tolled during the suspension of business.

Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numalville, City Clerk







Office of the City Manager

October 22, 2020

To: Berkeley Boards and Commissions

From: *DWR* Dee Williams-Ridley, City Manager

Subject: Commission Meetings During COVID-19 Emergency

This memo serves to provide a summary and update of the status of meetings of Berkeley Boards and Commissions during the COVID-19 emergency declaration.

On March 10, 2020, the City Council ratified the proclamation of the Director of Emergency Services for a state of local emergency related to the COVID-19 pandemic. The emergency proclamation has been renewed twice by the Council and remains in effect.

On March 17, 2020, the City Council adopted Resolution No. 69,331-N.S. which placed limitations of the meetings of City legislative bodies, including all boards and commissions. The resolution allows for commissions to meet to conduct time-sensitive, legally mandated business with the authorization of the City Manager. Since that time, several commissions have obtained this approval and held meetings; many other commissions have not met at all since March.

The City Manager has periodically reviewed the status of commission meetings with the City Council Agenda & Rules Committee. Recently, at the October 12, 2020, Agenda & Rules Committee meeting, the City Manager presented a proposal to allow all commissions to meet under limited circumstances. The Committee voted to endorse the City Manager's recommendation.

Effective October 12, 2020, all City boards and commissions may meet once to develop and finalize their work plan for 2021 and to complete any Council referrals directly related to the COVID-19 pandemic response. A second meeting may be held to complete this work with specific authorization by the City Manager. It is recommended that the meeting(s) occur by the end of February 2021.

Commissions that have been granted permission to meet under Resolution No. 69,331-N.S. may continue to meet pursuant to their existing authorization, and may also meet to develop their 2021 work plan.

Commissions that have not requested meetings pursuant to the Resolution No. 69,331-N.S. may meet pursuant to the limitations listed above.

To assist commissions with the development of their work plan and to provide the City Council with a consistent framework to review the work plans, the City Manager has developed the following items to consider in developing the work plan that is submitted to the City Council agenda.

Prompts for Commissions to use in work plan:

- What commission items for 2021 have a direct nexus with the COVID-19 response or are the result of a City Council referral pertaining to COVID-19?
- What commission items for 2021 are required for statutory reasons?
- What commission items for 2021 are required for budgetary or fund allocation reasons?
- What commission items for 2021 support council-adopted or voter-adopted mission critical projects or programs?
- What are the anticipated staff demands (above and beyond baseline) for analysis, data, etc., to support commission work in 2021 (baseline duties = posting agendas, creating packets, attend meetings, minutes, etc.)?

The limitations on commission meetings are due to the need to direct staff resources and the resources of city legislative bodies to the pandemic response. Many of the staff assigned as commission secretaries are engaged in work with the City Emergency Operations Center or have been assigned new specific duties related to the impacts of the pandemic.

Meeting frequency for boards and commissions will continue to be evaluated on a regular basis by the City Manager in consultation with Department Heads and the City Council. More frequent meetings by commissions will be permitted as the conditions under COVID-19 dictate.

Thank you for your service on our boards and commissions. The City values the work of our commissions and we appreciate your partnership and understanding as we address this pandemic as a resilient and vibrant community.

Attachments:

1. Resolution 69,331-N.S.
2. List of Commissions with Meeting Data

cc: Mayor and City Councilmembers  
Senior Leadership Team

RESOLUTION NO. 69,331-N.S.

RATIFYING THE RECOMMENDATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND THE PUBLIC HEALTH OFFICER REGARDING MEETINGS OF BERKELEY LEGISLATIVE BODIES IN RESPONSE TO THE COVID-19 (NOVEL CORONAVIRUS) PANDEMIC

WHEREAS, on March 3, 2020, pursuant to Berkeley Municipal Code section 2.88.040, the City Manager, serving as the Director of Emergency Services, proclaimed the existence of a local emergency; and

WHEREAS, the proclamation was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by pandemic in the form of the global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), including confirmed cases in California and the San Francisco Bay Area, and presumed cases in Alameda County prompting the County to declare a local health emergency; and

WHEREAS, the proclamation of the Director of Emergency Services was ratified by the City Council on March 10, 2020; and

WHEREAS, the continued spread of COVID-19 and increase in community transmission cases in surrounding counties warrant further measures be taken by the City to protect the community; and

WHEREAS, the Public Health Officer has issued guidelines for limiting mass gatherings; and

WHEREAS, certain limitations on the meetings of legislative bodies in the City of Berkeley is warranted; and

WHEREAS, the continued essential functions of the City and certain legislative bodies must continue for time-sensitive, legally mandated actions; and

WHEREAS, the Director of Emergency Services presented recommendations to the Agenda & Rules Committee on March 12, 2020 regarding the meetings of legislative bodies; and

WHEREAS, the Agenda & Rules Committee recommended that said recommendations be forwarded to the City Council for acknowledgement and ratification.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the following recommendations issued by the Director of Emergency Services and the Public Health Officer regarding limitations and practices for legislative bodies of the City of Berkeley are hereby acknowledged and ratified:

## Section 1. Boards and Commissions

Commissions listed below may continue to meet only if they have time-sensitive, legally mandated business to complete, as determined by the Director of Emergency Services. The City may consider teleconferencing for these commissions, if feasible.

Design Review Committee  
Fair Campaign Practices Commission  
Housing Advisory Commission (limited to quasi-judicial activities)  
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Open Government Commission  
Personnel Board  
Planning Commission  
Police Review Commission  
Zoning Adjustments Board

Commissions in Category B shall not meet for a period of 60 days. This will be re-evaluated at the Agenda & Rules Committee meeting on April 13, 2020. A Commission in Category B may convene a meeting if it has time-sensitive, legally-mandated business to complete, as determined by the Director of Emergency Services.

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Commission on Labor  
Commission on the Status of Women  
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Community Health Commission  
Disaster and Fire Safety Commission  
Elmwood Business Improvement District Advisory Board  
Energy Commission  
Homeless Commission  
Homeless Services Panel of Experts  
Housing Advisory Commission  
Human Welfare and Community Action Commission  
Measure O Bond Oversight Committee  
Mental Health Commission  
Parks and Waterfront Commission  
Peace and Justice Commission  
Public Works Commission  
Solano Avenue Business Improvement District Advisory Board  
Sugar-Sweetened Beverage Product Panel of Experts

Transportation Commission  
Youth Commission  
Zero Waste Commission  
Loan Administration Board

Section 2. City Council Policy Committees

The Agenda & Rules Committee and the Budget & Finance Committee may continue to meet to fulfill their legislative and advisory responsibilities. All other Policy Committees (Facilities, Infrastructure, Transportation, Environment & Sustainability, Public Safety, Land Use, Housing & Economic Development, and Health, Life Enrichment Equity & Community) are suspended indefinitely. The 120-day deadline to consider an item will be tolled during the suspension of business.

Section 3. City Council


For City Council meetings, the City will continue to advise and implement social distancing by limiting the capacity of the Council Chambers, providing an overflow room, attempting to limit the duration of the meeting, only conducting essential business, and limiting or suspending ceremonial items. The City will adhere to and implement the provisions of the Governor's Executive Order #N-25-20 related to the Brown Act and the utilization of technology to facilitate participation.

The foregoing Resolution was adopted by the Berkeley City Council on March 17, 2020 by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Kesarwani, Robinson, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numalville, City Clerk



**SOPHIE HAHN**

Berkeley City Council, District 5

2180 Milvia Street, 5th Floor

Berkeley, CA 94704

(510) 981-7150

shahn@cityofberkeley.info

## **SUPPLEMENTAL AGENDA MATERIAL**

### **Agenda & Rules Committee**

**Meeting Date:** February 22, 2021

**Item Number:** 12

**Item Description:** Draft Supplemental Materials for Item on Commission Reorganization

**Submitted by:** Councilmember Sophie Hahn

These draft materials are proposed for discussion purposes only.

This sketch is provided for discussion purposes. There is a lot of overlap between Droste and Hahn proposals from the last meeting where the Agenda Committee considered review of Commissions. This draft sketches a possible path forward that attempts to integrate suggestions from both proposals, as well as comments from other committee members and the public. It could result in 13 fewer Commissions, and would help address concerns of some of the most impacted City departments.

The following is provided for discussion purposes:

### **Commissions to Combine/Merge - Suggested Considerations**

- Federal, state or other external mandates that might be impacted, and determine how to handle
- Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted
- What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission's charter.
- Whether the merged Commission might include 9, or possibly 18 members.
- The possibility of requiring specific qualifications for appointment to the merged Commission.
- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission's charter

### **Suggested Commissions to Combine/Merge if Feasible**

- Homeless Commission & Measure P Panel of Experts (-1)
- HAC & Measure O Oversight Committee (-1)
- Fair Campaign Practices & Open Government (-1)
- Public Works & Transportation (-1)
- Energy, Zero Waste & CEAC (-2)
  - Create global *Commission on Climate and the Environment*
  - Cover all topics from COB Climate Action Plan + Elements of Resilience Plan
  - Include animals/insects/habitat/food
  - Include water/drought, sea level rise, etc.
  - Any and all other Climate and Environmental topics
  - Create standing committees for Zero Waste, Toxics (CEAC) and other topics being folded in, as well as for other key topics
- Consolidated/Expanded "Community Health Commission" (-1)
  - CHC



- SSBPE (Sugary Sweetened)
- Health-related elements of CEAC (lead, etc.)
- Broaden/revise to include a universal health-related focus
  
- Consolidated/Expanded “Civil Rights” or “Equity & Human Welfare” Commission (-1)
  - Aging
  - Equity
  - Anti-Poverty, including elements from Homeless Commission
  - Intersectionality
  - Will conduct HWCAC’s state and federal mandate - consolidate as much grant-making review and recommendations as possible in this Commission
  - Broaden/revise to include a universal equity and poverty/income-inequality focus

**Suggest to Retire**

- Cannabis (-1)
  - Reassign remaining functions (permit review, planning) to ZAB & PC; health considerations to CHC
- JSISSL (-1)
- Traffic Circle Task Force (-1)
- Animal Care (-1)
  - Fold climate-related animal issues into Climate & Environmental Action
- Youth (?) (-1)
  - Engage with BHS, Middle Schools, BCC, Y-Teen Center, etc. to create more meaningful programs and opportunities for young adults to participate in COB/Government

**Suggest to Create new Commission**

- Commission on a Just, Sustainable and Locally Based Economy (+1, -1 = No change)
  - Bring Loan Admin Board into/under this Commission

**Suggest to Keep as Stand-Alone, but revise/update Charters as needed**

- Status of Women
- Civic Arts
- Disability
- Peace & Justice
- Disaster & Fire
  - (Rework/Expand as “Disaster, Fire & Resilience” Commission, to include relevant topics from [COB Resilience Plan](#))
- Labor
- Mental Health
- Police Accountability
- Landmarks Preservation Commission

- Planning
- ZAB + Design Review
  - Look at procedural ways to shorten time projects spend at DR & ZAB combined
- Personnel
  
- Children, Youth and Rec
  - Consider expanding to include a youth participation element - hold quarterly youth “listening sessions”?
- Parks & Waterfront
- Reimagining Public Safety Task Force (Sunsets in 2022 but could be extended)
- All BIDs
- BOLT (Board of Library Trustees - not overseen by City Staff)

**Additional Thoughts/Considerations**

- Suggest requiring review of Commissions every 10/15 years, possibly done by a joint Council & Community panel - need to think about a process and timeline
- Need to decide process for making initial feasibility review and “sketch” of combined/revised charters for proposed mergers
- Need to decide criteria and process for review and potential revision of charters of continuing Commissions



Lori Droste  
Vice Mayor, District 8

February 1, 2021

**To:** Agenda and Rules Committee  
**From:** Vice Mayor Lori Droste  
**Subject:** Supplemental Item for Commission Reorganization in Light of COVID-19

This item is in response to Councilmember Hahn’s request that the Agenda and Rules committee provide specific recommendations on how to proceed with commission reorganization in light of COVID-19. The original legislation recommended to *“refer to the City Manager and every policy committee to agendize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.”*

After consultation with many staff members and commissioners, an initial draft of recommendations are listed below to advise and align with Council’s policy committees.

To be clear, there is no proposal to eliminate the participation of commissions in Berkeley. Many commissions cover the same content area and this proposal is to ensure that commissions are heard in an effective manner and their charges aren’t redundant.

## **Public Safety**

1. Disaster and Fire Safety Commission
2. Police Accountability Board
3. Reimagining Public Safety Task Force (NICJR contract ends on June 30, 2022)

## **Facilities, Infrastructure, Transportation and the Environment**

1. Environmental Commission--combines CEAC, Zero Waste and Energy
2. Parks, Recreation and Waterfront--combines Children, Youth and Recreation with Parks and Waterfront--Marina subcommittee
3. Public Works and Transportation (combine the two? Ensure this commission can address concerns around traffic circles)

X sunset the Traffic Circle Task Force

## **Land Use and Economic Development**

1. Labor and Economic Development (combines Labor, Loan Administration Board and BID boards. Alternatively, BIDs can transition to boards so they don't have to be staffed. Legal question around BIDS...)
2. Housing Advisory and Measure O oversight (combines two commissions dealing with housing. Can we combine HAC and Measure O because the latter was a ballot initiative?)
3. figure out how to combine Design Review and Landmarks with qualified individuals
4. figure out with Planning staff how to best deal with Planning and ZAB given workloads

Civic Arts Commission (charter)--would civic arts better advise land use committee?

X sunset the Cannabis Commission

X sunset Joint Subcommittee on the Implementation of State Laws

## **Health, Life, and Equity**

1. Civil Rights Commission with a focused on intersectionality with non-staffed subcommittees (two appointees per councilmember, with youth mandate)
  - a. (will conduct HWCAC's state and federal mandate)
2. Community Health Commission and SSB Oversight--(Can we combine Health and SSB because the latter was a ballot initiative)?
3. Homeless Panel of Experts (folds in Homeless Commission--can we combine Homeless Panel of Experts and Homeless Commission because the former was a ballot initiative?)
4. Mental Health Commission (state/federal mandate)

X sunset Animal Care Commission

### **Agenda and Rules**

1. Fair Campaign Practices/Open Government Commission (ballot initiative)
2. Personnel Board (charter)
3. BOLT--(doesn't generally advise policy committees)

### **Budget and Finance**

Referrals must have budgetary impact and be referred to budget and finance.

# Conversation on Commissions

The following are preliminary thoughts to contribute to a discussion.  
This is not a “proposal.”

Conversation Points reflect a quick review of Commission charters/purposes/enabling legislation and not a deep dive into the work of each Commission.

# Framework

- Commissions play important role for community to have a voice
- Democracy is facing a crisis of confidence. Meaningful community participation promotes confidence, along with transparency and respect
- Commissions should be organized and supported to contribute meaningfully to Berkeley's wellbeing and to Council policy formation and review
- Commissions that are well organized/do meaningful work will always be a good use of time for Commissioners and Secretaries/Staff
- Good to periodically review the organization of our Commissions and their "charters" (charges, purposes, enabling legislation, etc.) to optimize for the Community, City and Commissioners, as well as for staff who support Commissions.

# Suggestion:

Consider baking-in a process for Council to review Commissions every 10 years to ensure Commissions and their charters remain vital and responsive to the community.



# Possible ways to Strengthen Commissions

(reflects input at last meeting)

- Strengthen/update charters
- Combine similar Commissions and expand/update a consolidated charter
- Increase # of people on a merged Commission (9/18)
- Create Standing Subcommittees so that important areas of emphasis are retained, and/or add Standing Subcommittees for other areas of emphasis.
- Consider requiring certain lived experience or qualifications for service on some commissions
- Consider adding non-voting members and/or official delegates from one Commission to another.
- Consider training for chairs and vice chairs

# Conversation points organized as follows:

- **SUGGESTED ADDS**
- **SUGGEST KEEPING AS STAND-ALONE + REVIEW & UPDATE CHARTERS**
- **CONSIDER TO MERGE/REWORK**

*Did not start with any numerical goals in mind. At end, counted up and it's 24.5+*

# SUGGESTED ADD (1)

**Commission on a Sustainable  
Locally-Based Economy**

# SUGGEST KEEPING AS IS + REVIEW & UPDATE CHARTER (16+ total)

- BIDS
- Status of Women
- Peace & Justice
- Disability
- Disaster & Fire (Resilience)
- Labor
- Mental Health
- Personnel
- ZAB
- Civic Arts
- Loan Admin Board
- PRC/Police Accountability Board
- CYRC – Children Youth and Recreation
- Parks & Waterfront
- Landmarks (LPC)
- Planning

# CONSIDER TO MERGE/REWORK (2)

- Create a “universal” HEALTH-focused commission (possibly still named Community Health Commission) and fold in
  - Sugar Sweetened Bev Panel of Experts
  - Health Considerations of CEAC
  - Broaden scope/lens on health
- Create a universal EQUITY & HUMAN WELFARE-focused commission (possibly named Commission on Equity & Human Welfare) and fold in
  - Aging
  - Homeless
  - Broaden scope/lens on EQUITY and ANTI- POVERTY
  - Consolidate more/all Community Grants Review into one Commission

# CONSIDER TO MERGE/REWORK (1)

Create global **Climate and Environmental Action** Commission focused on all elements of COB Climate Action Plan and other environmental and climate issues, and fold in:

- Energy
- Zero Waste
- Some elements of CEAC
- Animal Care (expanded - urban habitat, bees, birds, meat, etc.)
- Consider sending official non-voting delegates to Disaster & Emergency (Resilience) and Public Works/Transportation
- Consider doubling size of Commission and creating Standing Subcommittees

# CONSIDER TO MERGE/REWORK (1)

- Public Works + Transportation
  - Includes hardscape and funding elements of Transportation; environmental considerations at Climate & Environmental Action Commission + Delegate to bridge the two
  - Double size of PW/Transportation and manage with Standing Subcommittees?

# CONSIDER TO MERGE/REWORK (3)

- Measure P Panel of Experts + Homeless Commission
- Measure O Oversight + Housing Advisory Commission (HAC)
- FCPC – Fair Campaign Practices + Open Government (OGC)



# CONSIDER TO MERGE/REWORK (.5)

## Rework:

- Design Review – Maintain a separate Board of design experts, as currently configured, but have DRC and ZAB meeting simultaneously on major projects subject to Design Review
- Cannabis – Fold permitting elements into ZAB or Planning, and planning elements into Planning, and close out elements that are no longer relevant – major work of legalization is done. Require Mayor to establish a task force if major State, Local or Federal changes in view

# CONSIDER TO MERGE/REWORK

## Rework:

- Youth Commission
  - Consider adding a youth representative to every commission, appointed by Council, non-voting
  - Consider creating more direct and meaningful opportunities for participation in Government for High School aged youth (and possibly for BCC and CAL Students as well).
  - Consider creating a formal internship program for students to shadow CMs/Mayor/City Manager/City Attorney/City Auditor and Department heads, as well as other City Staff, and to do projects/internships with them.



Lori Droste  
Councilmember, District 8

## **ACTION CALENDAR**

June 30, 2020

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Lori Droste (Author) and Councilmembers Rigel Robinson (Co-Sponsor) and Rashi Kesarwani (Co-Sponsor)

**Subject:** Commission Reorganization for Post-COVID19 Budget Recovery

### **RECOMMENDATION**

- 1) Reorganize existing commissions with the goal of achieving 20 total commissions.
- 2) Reorganize existing commissions within various departments to ensure that no single department is responsible for more than five commissions.
- 3) Reorganize commissions within the Public Works Department to ensure Public Works oversees no more than three commissions.
- 4) Refer to the City Manager and every policy committee to agendaize at the next meeting available to discuss commissions that are in their purview and make recommendations to the full Council on how to reorganize and address the various policy areas. Commission members should be notified and chairs should be invited to participate. Policy committee members are encouraged to consider the renaming of some commissions in order to ensure that all policy areas are addressed.

## **PROBLEM/SUMMARY STATEMENT**

Demand for city workers staffing commissions is larger than the City's ability to supply it at an acceptable financial and public health cost. Thirty-seven commissions require valuable city staff time and funding that could be better spent providing essential services. The COVID-19 pandemic has impacted the City of Berkeley in a myriad of ways, resulting in enormous once-in-a-lifetime socioeconomic and public health impacts. While the City Manager and department heads are addressing how to best prepare and protect our residents, particularly our most vulnerable, they are also required to oversee an inordinate amount of commissions for a medium-sized city at a significant cost.

The City of Berkeley faces many challenges, including the COVID-19 pandemic and its resultant budget and staffing impacts. Prior to the onset of COVID-19, the City Council and staff spent significant Council time on items originating with the City's advisory commissions. As the Shelter in Place is gradually lifted, critical city staff will resume staffing these 37 commissions. As a result, too much valuable staff time will continue to be spent on supporting an excessive amount of commissions in Berkeley rather than addressing the basic needs of the City.

## **BACKGROUND**

### **Review of Existing Plans, Programs, Policies, and Laws**

The City of Berkeley has approximately thirty-seven commissions overseen by city administration, most of which have at least nine members and who are appointed by individual councilmembers. These commissions were intended to be a forum for public participation beyond what is feasible at the City Council, so that issues that come before the City Council can be adequately vetted.

Some commissions are required by charter or mandated by voter approval or state/federal mandate. Those commissions are the following:

1. Board of Library Trustees (charter)
2. Business Improvement Districts (state mandate)
3. Civic Arts Commission (charter)
4. Community Environmental Advisory Commission (state/federal mandate--CUPA)
5. Fair Campaign Practices Commission/Open Government (ballot measure)
6. Homeless Services Panel of Experts (ballot measure)
7. Housing Advisory Commission (state/federal mandate)
8. Human Welfare and Community Action (state/federal mandate)
9. Measure O Bond Oversight Committee (ballot measure)
10. Mental Health Commission (state/federal mandate)
11. Personnel (charter)

- 12. Police Review Commission (ballot measure)
- 13. Sugar-Sweetened Beverages (ballot measure)

Berkeley must have its own mental health commission because of its independent Mental Health Division. In order to receive services, the City needs to have to have an advisory board. Additionally, Berkeley’s Community Environmental Advisory Commission is a required commission in order to oversee Certified Unified Program Agency (CUPA) under California’s Environmental Protection Agency. Additionally, some commissions serve other purposes beyond policy advisories. The Children, Youth and Recreation Commission, Housing Advisory Commission, and the Human Welfare and Community Action Commission advise Council on community agency funding. However, some of the aforementioned quasi-judicial and state/federal mandated commissions do not need to stand independently and can be combined to meet mandated goals.

In comparison to neighboring jurisdictions of similar size, Berkeley has significantly more commissions. The median number of commissions for these cities is 12 and the average is 15.

| Comparable Bay Area City | Population (est.) | Number of Commissions | Links                                                                                                                                                                                                         |
|--------------------------|-------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Berkeley                 | 121,000           | 37                    | <a href="https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_Commissions/External%20Roster.pdf">https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3 - Commissions/External%20Roster.pdf</a> |
| Antioch                  | 112,000           | 6                     | <a href="https://www.antiochca.gov/government/boards-commissions/">https://www.antiochca.gov/government/boards-commissions/</a>                                                                               |
| Concord                  | 130,000           | 14                    | <a href="https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Comm">https://www.cityofconcord.org/264/Applications-for-Boards-Committees-Comm</a>                                             |
| Daly City                | 107,000           | 7                     | <a href="http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm">http://www.dalycity.org/City_Hall/Departments/city_clerk/Commissions_Information/boards.htm</a>         |
| Fairfield                | 117,000           | 7                     | <a href="https://www.fairfield.ca.gov/gov/comms/default.asp">https://www.fairfield.ca.gov/gov/comms/default.asp</a>                                                                                           |
| Fremont                  | 238,000           | 15                    | <a href="https://www.fremont.gov/76/Boards-Commissions-Committees">https://www.fremont.gov/76/Boards-Commissions-Committees</a>                                                                               |
| Hayward                  | 160,000           | 12                    | <a href="https://www.hayward-ca.gov/your-government/boards-commissions">https://www.hayward-ca.gov/your-government/boards-commissions</a>                                                                     |
| Richmond                 | 110,000           | 29                    | <a href="https://www.ci.richmond.ca.us/256/Boards-and-Commissions">https://www.ci.richmond.ca.us/256/Boards-and-Commissions</a>                                                                               |
| San Mateo                | 105,000           | 7                     | <a href="https://www.cityofsanmateo.org/60/Commissions-Boards">https://www.cityofsanmateo.org/60/Commissions-Boards</a>                                                                                       |

|           |         |    |                                                                                                                                                           |
|-----------|---------|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sunnyvale | 153,000 | 10 | <a href="https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804">https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?blobid=22804</a> |
| Vallejo   | 122,000 | 17 | <a href="http://www.ci.vallejo.ca.us/cms/one.aspx?pageId=22192">http://www.ci.vallejo.ca.us/cms/one.aspx?pageId=22192</a>                                 |

### Consultation and Outreach

To understand the impact on various departments and staffing capacity, the following table shows which departments are responsible for overseeing various commissions.

| Commission Name                                                | Overseeing Department<br>(Total Commissions in<br>Department) |
|----------------------------------------------------------------|---------------------------------------------------------------|
| Animal Care Commission                                         | City Manager (7)                                              |
| Civic Arts Commission                                          | City Manager (7)                                              |
| Commission on the Status of Women                              | City Manager (7)                                              |
| Elmwood BID Advisory Board                                     | City Manager (7)                                              |
| Loan Administration Board                                      | City Manager (7)                                              |
| Peace and Justice Commission                                   | City Manager (7)                                              |
| Solano Ave BID Advisory Board                                  | City Manager (7)                                              |
|                                                                |                                                               |
| Cannabis Commission                                            | Planning (8)                                                  |
| Community Environmental Advisory Commission                    | Planning (8)                                                  |
| Design Review Committee                                        | Planning (8)                                                  |
| Energy Commission                                              | Planning (8)                                                  |
| Joint Subcommittee on the Implementation of State Housing Laws | Planning (8)                                                  |
| Landmarks Preservation Commission                              | Planning (8)                                                  |
| Planning Commission                                            | Planning (8)                                                  |
| Zoning Adjustments Board                                       | Planning (8)                                                  |
|                                                                |                                                               |
| Children, Youth, and Recreation Commission                     | Parks (3)                                                     |
| Parks and Waterfront Commission                                | Parks (3)                                                     |
| Youth Commission                                               | Parks (3)                                                     |
|                                                                |                                                               |
| Commission on Aging                                            | Health, Housing, and<br>Community Services<br>(HHCS) (10)     |
| Commission on Labor                                            | HHCS (10)                                                     |
| Community Health Commission                                    | HHCS (10)                                                     |

|                                                               |                     |
|---------------------------------------------------------------|---------------------|
| Homeless Commission                                           | HHCS (10)           |
| Homeless Services Panel of Experts                            | HHCS(10)            |
| Housing Advisory Commission                                   | HHCS (10)           |
| Human Welfare & Community Action Commission                   | HHCS (10)           |
| Measure O Bond Oversight Committee                            | HHCS (10)           |
| Mental Health Commission                                      | HHCS (10)           |
| Sugar-Sweetened Beverage Product Panel of Experts             | HHCS (10)           |
|                                                               |                     |
| Disaster and Fire Safety Commission                           | Fire (1)            |
|                                                               |                     |
| Commission on Disability                                      | Public Works (5)    |
| Public Works Commission                                       | Public Works (5)    |
| Traffic Circle Task Force                                     | Public Works (5)    |
| Transportation Commission                                     | Public Works (5)    |
| Zero Waste Commission                                         | Public Works (5)    |
|                                                               |                     |
| Fair Campaign Practices Commission/Open Government Commission | City Attorney (1)   |
|                                                               |                     |
| Personnel Board                                               | Human Resources (1) |
|                                                               |                     |
| Police Review Commission                                      | Police (1)          |
|                                                               |                     |
| Board of Library Trustees                                     | Library (1)         |

Gray=charter  
 Red=state/federal mandate  
 Yellow=quasi-judicial  
 Blue=ballot initiative  
 Orange=state/federal mandate and quasi-judicial  
 Green=quasi-judicial and ballot initiative

The departments that staff more than five commissions are Health, Housing, and Community Services (10 commissions), Planning (8 commissions), and the City Manager’s department (7 commissions). At the same time, some smaller departments (e.g. the City Attorney’s office) may be impacted just as meaningfully if they have fewer staff and larger individual commission workloads.

With the recent addition of policy committees, proposed legislation is now vetted by councilmembers in these forums. Each policy committee is focused on a particular

content area aligned with the City of Berkeley’s strategic plan and is staffed and an advisory policy body to certain city departments. Members of the public are able to provide input at these committees as well. The policy committees currently have the following department alignment:

**Department and Policy Committee alignment**

1. **Agenda and Rules**—all departments
2. **Budget and Finance**—City Manager, Clerk, Budget, and Finance
3. **Land Use and Economic Development**—Clerk, Planning, HHCS, City Attorney, and City Manager (OED)
4. **Public Safety**—Clerk, City Manager, Police, and Fire
5. **Facilities, Infrastructure, Transportation, Environment and Sustainability** (Clerk, City Manager, Planning, Public Works, and Parks)
6. **Health, Equity, Life Enrichment, and Community** (Clerk, City Manager, HHCS)

**CRITERIA CONSIDERED**

**Effectiveness**

*How does this proposal maximize public interest?* For this analysis, the effectiveness criterion includes analysis of the *benefits* to the entire community equitably with specific emphasis on public health, racial justice and safety.

**Fiscal Impacts/Staffing Costs**

*What are the costs?* The fiscal impact of the proposed recommendation and various alternatives considered includes direct costs of commissions.

**Administrative Burden/Productivity Loss**

*What are the operational requirements or productivity gains or losses from this proposal?*

The administrative burden criterion guides the analysis in considering operational considerations and productivity gains and losses. While operational considerations and tradeoffs are difficult to quantify in dollar amounts, productivity losses were considered in its absence.

**Environmental Sustainability**

The environmental sustainability criterion guides legislation in order to avoid depletion or degradation of the natural resources and allow for long-term environmental quality.



## **ALTERNATIVES**

### **Alternative #1–The Current Situation**

The current situation is the status quo. The City of Berkeley would retain all commissions and no changes would be made.

### **Alternative #2–Collaborative Approach with Quantity Parameters**

This approach would specify a specific number (20) of commissions the City of Berkeley should manage and set parameters around individual department responsibilities. Furthermore, it requires a collaborative approach and outreach to address specific policy areas by referring it to the Council policy committees for further analysis and specific recommendations.

### **Alternative #3–Committee Alignment, Mandated and Quasi-Judicial Commissions**

This alternative would consist of five commissions aligned directly with the policy committees in addition to quasi-judicial bodies and ones required by charter, ballot measure or law.

- *Budget and Finance Commission*
- *Facilities, Infrastructure, Transportation, Environment and Sustainability Commission (state/federal mandate--CUPA)*
- *Health, Equity, and Life Enrichment*
- *Land Use and Economic Development*
- *Public Safety*
- Board of Library Trustees (charter)
- Civic Arts Commission (charter)
- Community Environmental Advisory Commission (state/federal mandate--CUPA)
- Fair Campaign Practices Commission/Open Government (ballot measure)
- Homeless Services Panel of Experts (ballot measure)
- Housing Advisory Commission (state/federal mandate)
- Human Welfare and Community Action (state/federal mandate)
- Landmarks Commission (quasi-judicial)
- Measure O Bond Oversight Committee (ballot measure)
- Mental Health Commission (state/federal mandate)
- Planning (quasi-judicial)
- Personnel (charter)
- Police Review Commission (ballot measure)
- Sugar-Sweetened Beverages (ballot measure)
- Zoning Adjustments Board (quasi-judicial)

**Alternative #4: Extreme Consolidation**

This alternative represents a prescriptive approach with maximum consolidation in content area and mandated commissions, absent charter amendments.

- Board of Library Trustees (charter)
- Business Improvement District (state/federal mandate)
- Civic Arts Commission (charter)
- Community Environmental Advisory Commission/Energy/Zero Waste (state/federal--CUPA)
- Fair Campaign Practices Commission/Open Government (ballot measure)
- Homeless Services Panel of Experts (ballot measure)
- Human Welfare and Community Action (state/federal mandate)
- Measure O Bond Oversight Committee (ballot measure)/Housing Advisory Commission (state/federal mandate)
- Mental Health Commission (state/federal mandate)
- Personnel (charter)
- Planning Commission (quasi-judicial and appeals)
- Board of Appeals (land use appeals)
- Police Review Commission (ballot measure)
- Health and Sugar-Sweetened Beverages (ballot measure)

**PROJECTED OUTCOMES (CRITERIA X ALTERNATIVES)**

|                                       | <b>Current Situation</b> | <b>Collaborative Approach</b> | <b>Policy Committee Alignment</b> | <b>Extreme Consolidation</b> |
|---------------------------------------|--------------------------|-------------------------------|-----------------------------------|------------------------------|
| <b>Benefit/ Effectiveness</b>         | medium                   | high                          | medium                            | low                          |
| <b>Cost</b>                           | high                     | medium                        | low                               | low                          |
| <b>Administrative Burden</b>          | high                     | low                           | low                               | medium                       |
| <b>Relative Environmental Benefit</b> | low                      | medium                        | medium                            | high                         |

**Current Situation and Its Effects (Alternative #1)**

*Effectiveness of the Current Situation*

Commissions serve a vital role in the City of Berkeley’s rich process of resident engagement. An analysis of agendas over the past several years shows that the

commissions have created policy that have benefited the community in meaningful and important ways. In 2019, approximately two-thirds of commission items submitted to Council passed. From 2016-2019, an average of 39 items were submitted by commissions to Council for consideration. Every year roughly 15-18 (~40-45%) commissions do not submit any items for Council policy consideration in any given year. The reason for this varies. Some commissions don't submit policy recommendations (BIDs) and some commissions recommendations may not rise to Council level at all or come to Council as a staff recommendation (e.g. ZAB and DRC). Additionally, a few commissions struggle to reach monthly quorum as there are currently 64 vacancies on the various commissions, excluding alternative commissioners.

It is also important to consider equitable outcomes and the beneficiaries as well. For example, the City's Health, Housing and Community Development department serves an important role in addressing COVID-19, racial disparities, inequitable health outcomes, affordable housing, and other important community programs. Additionally, Health, Housing, and Community Development also staffs ten commissions, more than many cities of Berkeley's size. Council needs to wrestle with these tradeoffs to ensure that we seek the maximum benefit for *all* of the Berkeley community, particularly our most vulnerable.

**Staffing Costs**

Based upon preliminary calculations of staff titles and salary classifications, the average staff secretary makes roughly \$60-\$65/hour. Based upon recent interviews with secretaries and department heads, individual commission secretaries work anywhere from 8-80 hours a month staffing and preparing for commission meetings. To illustrate this example, a few examples are listed below.

| Commission                        | Step 5 Rate of Pay | Reported Hours a Month | Total <b>Direct</b> Cost of Commission <b>per Month</b> |
|-----------------------------------|--------------------|------------------------|---------------------------------------------------------|
| Animal Care                       | \$70.90            | 8                      | \$567.20                                                |
| Landmarks Preservation Commission | \$57.96            | 80                     | \$4,636.80                                              |
| Design Review Commission          | \$52.76            | 60                     | \$3,165.60                                              |
| Peace and Justice                 | \$60.82            | 32                     | \$1946.24                                               |

It is extremely challenging to estimate a specific cost of commissions in the aggregate because of the varying workload but a safe estimate of salary costs dedicated to commissions would be in the six-figure range.

Many commissions--particularly quasi-judicial and land use commissions-- require more than one staff member to be present and prepare reports for commissions. For example, Zoning Adjustment Board meetings often last five hours or more and multiple staff members spend hours preparing for hearings. The Planning Department indicates that *in addition* to direct hours, additional commission-related staff time adds an extra 33% staff time. Using the previous examples, this means that the Landmarks Preservation Commission would cost the city over \$6,000 in productivity while the Design Review Commission would cost the City over \$4,000 a month.

#### *Productivity Losses and Administrative Burden*

Current productivity losses are stark because of the sheer amount of hours of staffing time dedicated to commissions. As an example, in 2019 one of the City of Berkeley's main homeless outreach workers staffed a commission within the City Manager's department. She spent approximately 32 hours a month working directly on commission work. While this is not a commentary on a particular commission, this work directly impacted her ability to conduct homeless outreach. The Joint Subcommittee on the Interpretation of State Housing Laws is another example. Planners dedicate 50 hours a month to that commission. Meanwhile, this commission has limited ability in affecting state law and the City Attorney's office is responsible for interpreting state law. While this commission does important work on other issues, there is little nexus in interpreting state housing laws and could be disbanded and consolidated with an existing commission. If this commission were disbanded, the current planner could dedicate significant hours to Council's top priorities in Planning. This year's top Council priority is the displacement of Berkeley's residents of color and African Americans (Davila).

#### *Environmental Sustainability*

The current commission structure doesn't have a large impact on the environment but, in relative terms, is the most burdensome because of the potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs associated with a large number of commissions.

## **ALTERNATIVES CONSIDERED**

### **Effectiveness**

#### *Alternative #2--Collaborative approach*

While the outcome is unknown, a collaborative approach with a specified target quantity of commissions and departmental responsibility would likely yield significant benefit to the community. Due to the projected budget cuts, city staff will need to have more bandwidth to deliver baseline services and priority projects. Civic engagement will still be retained due to a myriad of ways to provide public input but more importantly, current commissioners and civic partners are invited to provide feedback to the policy committees for consideration. Additionally, this approach is a less prescriptive approach which allows Council to acknowledge that the current number of commissions is unsustainable and impacts baseline services. Instead of recommending specific commission cuts at this moment, this approach simply allows Council to state an appropriate number of commissions (20) and acknowledge the severe staffing impacts of the current configuration. Furthermore, twenty commissions is a reasonable starting point, especially when considering that most area cities that are approximately Berkeley's size have seven commissions.

#### *Alternative 3--Policy Committee Alignment*

This approach would yield some benefit in that commissions would reflect current policy committees and would directly advise those bodies. This is beneficial because commissions directly aligned with policy committees would be an independent civic replica of the appointed policy committee bodies. It further retains mandated commissions. However, this prescriptive approach doesn't allow for flexibility in retaining historically important commissions and it does not address the benefit of potentially consolidating two commissions that address the same policy content area. For instance, it may be possible to combine the sugar-sweetened beverage oversight panel with the Health, Life, and Equity commission or the CEAC with the Facilities, Infrastructure, Transportation, Environment and Sustainability.

#### *Alternative 4--Extreme Consolidation--*

This approach is the most drastic alternative and the overall effectiveness is likely low, mainly due to potential community backlash due to Berkeley's long history of civic engagement. Furthermore, the Planning Commission would likely become overburdened and less effective because land use appeals would have to be routed through the Planning Commission.

## **Costs/Fiscal Impact**

### *Alternative 2--Collaborative Approach*

The fiscal impact of the Collaborative Approach is unknown at this time because this recommendation does not prescribe specific commission consolidations or cuts. However, if commissions are reorganized such that Berkeley will have 20 instead of 38, there will be significant direct cost savings. One can reasonably assume that the direct financial cost could reduce to almost half the current amount.

### *Alternative 3--Policy Committee Alignment*

The fiscal impact of Policy Committee Alignment would yield significant savings due to commission consolidation. One can reasonably assume that the direct financial cost could reduce to more than half the current amount.

### *Alternative 4--Extreme Consolidation*

Extreme Consolidation would yield the most savings due to commission consolidation. One can reasonably assume that the direct financial cost would reduce to 25%-30% of the current amount spent on commission work.

## **Productivity**

### *Alternative 2--Collaborative Approach*

The most glaring impact on the current commission structure is administrative impacts and productivity. Whether City Council consolidates commissions or not, attributable salary costs will still exist. The primary benefit of pursuing the Collaborative Approach would center on productivity. The City of Berkeley is likely to garner significant productivity gains by specifying a target number of commissions overall and within departments. Using the Peace and Justice and Joint Subcommittee on the Interpretation of State Housing Laws examples above, more staff will be able to focus on core services and priority programs. Thousands of hours may be regained by dedicated staff to tackle the tough issues our community faces, especially in light of COVID-19 and concerns around racial equity.

### *Alternative 3--Policy Committee Alignment*

This alternative likely will yield the same productivity benefits as the collaborative approach, if not more. The City of Berkeley would likely garner significant productivity gains by specifying less than twenty commissions. Thousands of hours may be regained by dedicated staff to tackle the tough issues our community faces, especially in light of COVID-19 and concerns around racial equity.

*Alternative 4–Extreme Consolidation*

This alternative would likely provide the most productivity gains and lessen administrative burdens overall. However, there could be unintended consequences of productivity within the planning department absent additional policy changes. For example, the quasi-judicial Zoning Adjustments Board and Planning Commission agendas are packed year round. It is unclear whether eliminating one of these commissions would lessen the administrative burden and increase productivity in the Planning Department or whether those responsibilities would merely shift commissions. At the same time, the Planning Department could benefit from reducing commissions to increase productivity within the planning department.

**Environmental Sustainability**

*Alternative 2–Collaborative approach*

This alternative doesn't have a large impact on the environment other than potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs. However, these environmental impacts could be cut in half with commission reorganization.

*Alternative 3--Policy Committee Alignment*

This alternative doesn't have a large impact on the environment other than potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs. However, these environmental impacts could be cut in half with commission reorganization.

*Alternative 4–Extreme Consolidation*

This alternative would have negligible impacts on the environment other than potential vehicle miles travelled by hundreds of commissioners (VMT) and printing costs.

**RATIONALE FOR RECOMMENDATION**

The Collaborative Approach is the best path forward in order to pursue Berkeley's commitment to

- Create affordable housing and housing support services for our most vulnerable community members
- Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment
- Champion and demonstrate social and racial equity
- Provide an efficient and financially-healthy City government
- Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities
- Foster a dynamic, sustainable, and locally-based economy
- Create a resilient, safe, connected, and prepared City

- Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community
- Attract and retain a talented and diverse City government workforce

The status quo—37 commissions— is too costly and unproductive. At the same time, civic engagement and commission work absolutely deserve an important role in Berkeley. Consequently, this legislation retains commissions but centers on overall community benefit, staff productivity, and associated costs. This is imperative to address, especially in light of COVID-19 and community demands for reinvestment in important social services.





Office of the City Manager

February 8, 2021

To: Agenda and Rules Committee  
 From: Dee Williams-Ridley, City Manager  
 Re: **Systems Alignment Proposal**

The purpose of this memorandum is to propose a process to integrate various systems (e.g, budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

### **EXECUTIVE SUMMARY**

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

## **PROPOSED PROCESS**

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of “type” or origin will be subject to this process.

### **Step 1: Major Item Determination**

The systems alignment proposal outlines a process for Major Items, defined as meeting one or more of the below conditions:

- Item cannot be operationalized over time with existing resources.
- Item displaces an existing prioritized item.
- Item is not implementable with existing resources.
- Item is unable to sustain enforcement activities.
- Item is subject to legal challenge and/or pre-emption.
- Item requires additional or new full time equivalent (FTE) staff on either a temporary or permanent basis.
- Item requires additional or new infrastructure or technology costs.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item. At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process.

Special exemptions from this process, due to exigent circumstances, will allow a Major Item to be considered on its own schedule and not subject to the required steps and deadlines in this proposed process. Consideration of exempted Major Items must include trade off considerations to address impacts and/or delays to work already approved and/or underway. Exemptions may be granted for the following:

- grant deadline requirements
- public safety issues
- declared local emergencies

A Major Item must be submitted in time to appear on an agenda of the Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year’s legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis. Major Items can move through the process on their own schedule provided that they meet the “no later than” deadlines.

### **Step 2: Policy Committee Review**

A Major Item, once introduced, will be referred to one of City Council’s Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.) by the Agenda and Rules Committee, for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [Council Rules of Procedure and Order](#), Section III, Subsection 4, the Policy Committee will review for completeness and alignment with

Strategic Plan goals to ensure the Major Item report adequately includes budget implications, administrative feasibility, basic legal concerns, and staff resource demands. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than July 31 of each year.

### **Step 3: Implementation Conference (Vetting and Costing)**

At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and where appropriate, the City Attorney or designee. The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager and staff to better define the Major Item and identify more detailed fiscal and operational impacts, such as:

- Are there staff in-house with the appropriate skill set?
- Can this be absorbed by existing staff, staff time, and workload? If not, what is the estimated additional staffing need (e.g., percent FTE, average fully loaded cost for requisite classification, etc.)?
- Are the costs (staff and any other) one-time or ongoing?
- What is the tradeoff? Would the project/item(s) being "traded off" be delayed? If so, how long?
- Operationally, what services would be impacted? How?
- What are the short term impacts on services and/or staff?
- What are the longer term or domino effect impacts on services and/or staff?
- What are the benefits to the organization (e.g., products, services, and/or staff efficiencies)?
- What legal issues or risks are raised by the Major Item and Options to Mitigate?
- What risk management issues are raised by the Major Item and Options to Mitigate?

The information discussed during the Implementation Conference will be summarized in the Council Report as part of a new fiscal impacts section, revised to be more robust as a fiscal and operational impacts section.

After the Major Item's author revises the original Council Report, including fiscal and operational impacts, based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process.

Implementation Conferences must be completed no later than August 31 of each year.

#### **Step 4: Initial Prioritization**

By July 31 of each year, the City Council Policy Committees will make a recommendation to Council on prioritization of the Major Items they have reviewed. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and strategic plan process.

#### **Step 5: City Council Approval and Final Prioritization**

Under this proposal, all Major Items that the City Council considers for approved prioritization must have (1) received a City Council Policy Committee review and recommendation, (2) received a City Council Policy Committee prioritization, (3) completed the Implementation Conference, and (4) been placed on the Agenda at a Council meeting in October for approval and prioritization. The full City Council will make four determinations: (1) whether to approve each Major Item, (2) overall prioritization of the item, (3) assignment of fiscal year for each Major Item, and (4) identification of projects or items to remove from existing workload to accommodate new Major Items.

If a Major Item does not receive the endorsement of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its review, approval, and prioritization process no later than November 30 of each year.

#### ***Step 6: Budget & Strategic Plan Process***

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Item priorities, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain bi-annual. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 below.

**Figure 1**

|                                                 |                                                          |     |                                   |
|-------------------------------------------------|----------------------------------------------------------|-----|-----------------------------------|
| <b>Agenda &amp; Rules Committee</b>             | Is this a Major Item?                                    | Yes | No. Place on full Council Agenda. |
| <b>Policy Committee</b>                         | Positive recommendation?                                 | Yes |                                   |
| <b>Implementation Conf. Vetting and Costing</b> | Completed Fiscal & Operational impacts?                  | Yes | No. Continue vetting or withdraw. |
| <b>Policy Committee Initial Prioritization</b>  | Received initial prioritization recommendation?          | Yes | No. Becomes inactive for year.    |
| <b>Full Council</b>                             | Majority approve and prioritize?                         | Yes |                                   |
| <b>Budget &amp; Strategic Plan Process</b>      | Major Items incorporated into Budget and Strategic Plan. |     |                                   |

**Next Steps**

Staff is in the process of reviewing existing referrals and projects for incorporation as Strategic Plan projects in the proposed budget based on staffing and resources (see Attachment 1). City Council may wish to review this backlog of work and consider whether any items should be deferred or cancelled, given the events of 2020, budgetary constraints, and the need to fit the work of the organization to its capacity and current Council priorities. The immediate next steps depend on the timing of systems alignment adoption. The key decision points will be

- What happens with adopted, open referrals?
- What do we do with those items Council has under consideration?

This could result in submitting open items and items under consideration to implementation conference or perhaps directly to prioritization, depending on timing and the existing budget and legislative cycles.

**Benefits**

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council’s priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department’s work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their

projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. The time when staff and City Council are asked to attend City Council Policy Committees and Implementation Conferences is limited to the first half of the calendar year, allowing both staff and City Council to efficiently calendar and plan accordingly. Finally, since implementation only occurs after operational considerations are reported, and funds are allocated, the resulting Major Item should move more quickly from idea to successful completion.

Attachment 1: Disposition of Referrals, Projects and Audits



Office of the City Manager

January 28, 2021

To: Budget and Finance Policy Committee  
From: Dee Williams-Ridley, City Manager  
Submitted by: Melissa McDonough, Senior Management Analyst  
Subject: Disposition of Referrals, Projects, and Audits – No Action Required

Staff is in the process of reviewing existing referrals and projects for incorporation as Strategic Plan projects in the proposed FY 22 budget based on staffing and resources (see Attachment). During this time of pandemic and economic constraint, the existing backlog of approximately 509 items: 249 referrals, 75 open audit recommendations, and 185 Strategic Plan projects will need to be carefully considered, alongside other important current work such as:

- Administering the COVID-19 vaccine,
- Implementing recently approved ballot measures,
- Reimagining public safety,
- Measure T1 implementation,
- Vision 2050,
- Addressing homelessness,
- Upcoming labor negotiations, and
- Continuing to address COVID-19 impacts on public health, people's housing stability and livelihood, as well as the local economy.

The attached list summarizes the disposition of open referrals, projects, and audit recommendations, including wherever possible, indication of available budget and staffing resources. The Policy Committee may wish to review this backlog of work and consider whether any items should be deferred, or cancelled, given the events of 2020, budgetary constraints, the need to fit the work of the organization to its capacity and current Council priorities, and the age of some items (e.g., the oldest referral dates to a 2011 City Council meeting).

Please see the attached document and contact me with any questions, including requests for more information regarding any particular referral(s), project(s), or audit recommendation(s).

Attachment:

Disposition of Referrals, Projects, and Audits

Disposition of Referrals, Projects and Audits





**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                                                                                                                                                                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely?                                     | Required by legislative mandate? | Achievable in ~2 years?       | Have adequate staff resources for? |
|-----|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------|-----------------------|-------------|-----------|---------|-----------------------------------------------------------|----------------------------------|-------------------------------|------------------------------------|
| 1   | Council and Budget Referrals - Demand | Adopt a resolution in support of the Good Food Purchasing Program's core values and join San Francisco, Oakland, Los Angeles and Chicago as one of the first five cities nationwide to become a Good Food Purchasing partner, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices. | Adopt a resolution in support of the Good Food Purchasing Program's core values and join 28 public institutions across 14 U.S. cities, including San Francisco, Oakland, Los Angeles, Chicago, and Washington, D.C. to endorse Good Food Purchasing values, and refer to the City Manager to incorporate over time the vision and standards of the Good Food Purchasing Program (GFPP) into City of Berkeley food purchasing practices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | N/A              | Draft | City Manager's Office | N           | N         | N       | N                                                         | N                                | N                             | N                                  |
| 2   | Council and Budget Referrals - Demand | Budget Referral: Youth Listening Campaign & Citywide Master Plan                                                                                                                                                                                                                                                                                                                                          | Amended to include Youth Commission. In support of the 2020 Vision process and as part of the larger commitment of the City of Berkeley to its young people, we are proposing a planning process that centers the voices and needs of young people, their families and the people who support them day-in and day-out. The process would include: 1) A Listening Campaign that would include focus groups, surveys and one-on-one interviews to identify the experiences of, perspectives of, needs of and barriers for young people, ages 13-24, in securing and maintaining safety and well-being, achieving their goals and dreams, and having positive and supportive relationships with adults in their lives, including the schools and programs they participate in; 2) Use the results of the Listening Campaign to organize assemblies of young people, their families and the programs and providers they are connected to in order to collectively reflect on the results and identify potential services, programs, resources and policies that could respond to their needs, reduce barriers and harms and broaden what is available to support young people; and 3) Use the outcomes from the assembly process and Listening Campaign to partner with city staff in creating a Youth Master Plan. | N/A              | Draft | City Manager's Office | Y           | N         | N       | Pursuing grant funding for a similar initiative (Prop 64) | N                                | Y (if grant funding acquired) | Y (if grant funding acquired)      |

Note: All referrals are entered into the database as a "Demand" draft. If it is a short term referral, it is immediately converted into a "Project". For long term referrals, typically, once work has begun, they are converted from Demands to Projects.

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Percent Complete | State | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years?     | Have adequate staff resources for? |
|-----|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------|-----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-----------------------------|------------------------------------|
| 3   | Council and Budget Referrals - Demand | Changes to the Berkeley Municipal Code and City of Berkeley Policies with Respect to Local Emergency Declarations and First Amendment Curfews - Item A | 1. Direct the City Manager to return to the City Council for adoption amendments to the Berkeley Municipal Code and/or policies to approve that clarify and codify the following concepts with respect to the declaration of a Local Emergency:<br>a. A Local Emergency can only be declared by the Director of Emergency Services if a regular or special meeting and session of the City Council cannot be called due to physical impossibility of holding a meeting, because a quorum cannot be established, or because the urgency of the Local Emergency is such that waiting 24 hours for the City Council to convene a session and/or Special Meeting would endanger the community;<br>b. Should the Director declare a Local Emergency without action of the City Council (due to one of the reasons stated at (a), above), the City Manager should inform councilmembers immediately and Council ratification of such action should occur at the first possible opportunity, even if it requires calling a Special Meeting and/or session of the Council; and<br>c. The applicable statutory and legal standards (Federal, State and Local) for calling a Local Emergency shall be presented to the City Council when seeking declaration or ratification of a Local Emergency, along with facts to support meeting those standards, so that the City Council, likely acting under rushed and exigent circumstances, is able to make a carefully considered and fact-based determination that declaration of such Local Emergency conforms with the legal standards presented to it. | N/A              | Draft | City Manager's Office | N           | N         | Y       | N                     | N                                | Y (part of post-COVID work) | N                                  |
| 4   | Council and Budget Referrals - Demand | Construct Additional Taxi Stands and Relocate One Stand Within the City                                                                                | That the Council refer to the City Manager the construction of seven taxi stands in total and the relocation of one stand in the City to improve accessibility for pedestrians, create visibility, and increase profits for taxi drivers. These taxi stands should be constructed at the following sites: Two stands at Hotel Shattuck; Two stands at the Doubletree Hotel; Two stands at Telegraph & Bancroft or Durant & Telegraph; and One stand at Bancroft Hotel. In addition, the Ashby BART taxi stand shall be relocated closer to the station entrance on MLK Jr. Way.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft | City Manager's Office | N           | N         | N       | N                     | N                                | N                           | N                                  |
| 5   | Council and Budget Referrals - Demand | Create and Implement Additional Sensitivity Training Options for Taxi Drivers                                                                          | That the Council refer to the City Manager the creation and implementation of one of the following two additional options for sensitivity trainings to allow for more accessibility for new and continuous taxi drivers. Firstly, an online sensitivity training course should be created and implemented in the City's current taxi checklist. Secondly, there should be a designated sensitivity training site readily accessible within the City.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A              | Draft | City Manager's Office | N           | N         | N       | N                     | N                                | N                           | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Percent Complete | State | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------|-----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 6   | Council and Budget Referrals - Demand | Freedom from Domestic Violence as a Human Right Resolution                                                                                                                          | Adopt the Freedom from Domestic Violence as a Human Right Resolution. City Manager shall prepare a report within the next six (6) months on the policy and practice of City departments on domestic violence, including but not limited to, the Berkeley Police, the Berkeley Fire Department, and Health, Housing & Community Services, with respect to the status of domestic violence and the City's work to overcome domestic violence and support survivors. BE IT FURTHER RESOLVED that City departments shall work to incorporate this Resolution into their work.                                                                                                                                                                                                                                                                                                               | N/A              | Draft | City Manager's Office | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 7   | Council and Budget Referrals - Demand | Personal Delivery Service Franchise Agreements                                                                                                                                      | Referral to the City Manager's Office to develop a program that would enable the City to consider franchise applications for personal delivery service companies involving personal delivery devices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A              | Draft | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 8   | Council and Budget Referrals - Demand | Referral to City Manager to address the conversion of Not Available To Rent rental units to unregistered short term rentals and unregistered medium term rentals from 15 to 30 days | Referral to City Manager to address the apparent conversion of Not Available To Rent rental units to unregistered Short Term Rentals and unregistered medium term rentals from 15 to 30 days. Refer to Planning Permit Service Center, Code Enforcement, Finance Department, Rent Stabilization Board, and Host Compliance, to comprehensively review whether units that are not available for rent (NAR) are compliant with Rent Board Regulations, and short-term rental (STR) regulations.                                                                                                                                                                                                                                                                                                                                                                                           | N/A              | Draft | City Manager's Office | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 9   | Council and Budget Referrals - Demand | Referral to the Community Environmental Advisory Commission: Cigarette Butt Pollution Prevention Program in South Berkeley                                                          | Refer to the Community Environmental Commission (CEAC) AND THE CITY MANAGER to consider developing a Cigarette Butt Pollution Prevention Program for South Berkeley. Explore the following items: a) Location. Work with the local business associations, business owners, as well as other neighborhood and community organizations to identify key locations for cigarette butt receptacles. b) Operation. Work with local businesses to develop a system for cleanup and disposal of the contents of the receptacles. c) Cost. Identify any one-time costs associated with the program, including purchasing and installation of the receptacles. Identify any costs that should be set aside for maintenance. There should not be regular ongoing costs. CEAC should work with the businesses and neighborhoods to develop a community-based system to facilitate daily operations. | N/A              | Draft | City Manager's Office | Y           | N         | N       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Percent Complete | State | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely?  | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------|-----------------------|-------------|-----------|---------|------------------------|----------------------------------|-------------------------|------------------------------------|
| 10  | Council and Budget Referrals - Demand | Siting the African American Holistic Resource Center and Affordable Housing at 1890 Alcatraz                                           | That the City Council refers to the City Manager to study the feasibility of using the city-owned property located at 1890 Alcatraz Avenue (currently temporary Mental Health Division offices) for the African American Holistic Resource Center (AAHRC) and also developing affordable housing on the site. The City Manager should report back on the costs and implementation steps to repurpose the property for the AAHRC using the AAHRC Feasibility study as a guide, including what physical improvements would need to be made, and cost for ongoing operations by a non-profit. The City Manager and Planning should also conduct an analysis of potential site capacity looking at site context and yield and report on how much housing could be developed on the site under current zoning, including the AAHRC on the ground floor. Additionally, the City Manager and Planning Commission should incorporate the Community Preference policy in selecting applicants for the affordable housing units created by this project. AAHRC Steering Committee to be consulted during implementation.                                                                                                                                                                                                                                                                         | N/A              | Draft | City Manager's Office | N           | Y         | Partial | Pursuing grant funding | N                                | N                       | N                                  |
| 11  | Council and Budget Referrals - Demand | Urgent Item: Create an Interjurisdictional Group Violence Intervention Program "GVI," or "Operation Ceasefire," to Reduce Gun Violence | Refer to the Community Engagement Process for Reimagining Public Safety creation of a Group Violence Intervention Program (GVI), or "Operation Ceasefire," that will assemble a Berkeley-centered interjurisdictional working group of community members, law enforcement personnel, and supportive services providers to address gun violence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A              | Draft | City Manager's Office | N           | Y         | Y       | N                      | N                                | Y                       | Y                                  |
| 12  | Council and Budget Referrals - Demand | City Manager Referral to Update City's Municipal Code To Increase Competitiveness of Taxi Industry                                     | That the Council refer to the City Manager to update the City's municipal code sections 9.52.020, 9.52.070, 9.04.020, and 9.04.035 to reflect the following items, in order to increase the competitiveness of our local taxi industry: 3. Allow the annual vehicle inspection to be conducted by either a city employee or an ASI-certified mechanic.; 4. Construct a general policy that would allow taxi stands to operate near newly constructed and existing hotels in the city of Berkeley.; 5. Move the Ashby BART Taxi Stand outside of the BART station to neighboring M.L.K. Jr. Way, in order to increase visibility for taxis.; 6. Extend the exemption of the Low Emission Requirements for vans to taxis due to the unavailability of similarly sized hybrid vehicles.; 7. Extend the validity period of taxi driver ID permits to three years, replacing the current policy of yearly renewals. In addition, all existing permits to January 1, 2018 should perform a net renewal on January 1, 2021.; 8. Waive insurance payments for taxi drivers who must take a leave of absence in case of emergency.; 9. Evaluate the Taxi Driver Association's proposal that the city of Berkeley should change the entire renewal process, including renewal of both physical and mechanical inspections, business licenses, and taxi driver IDs, from one year to three years. | N/A              | Draft | City Manager's Office | N           | N         | N       | N                      | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Percent Complete | State    | Lead City Department                                                                | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 13  | Council and Budget Referrals - Demand | Use of Gender Neutral Language in City Documents                                                        | Refer to the City Manager to: 1. Develop and return to Council with a procedural and financial plan to modify all appropriate City forms to include an optional field for personal gender pronouns (she/her, he/him, they/them, and space to specify other). 2. Develop and return to Council with a procedural and financial plan to revise the Berkeley Municipal Code to replace all instances of gendered pronouns with the singular "they," and amend Sections 1.04.020, 4.36.110, 4.38.110, 4.39.110, and 11.08.050 regarding grammatical interpretation to indicate that whenever a gender neutral personal pronoun is used, it shall be deemed to include the feminine and masculine also.                                                                                                                            | N/A              | Draft    | City Manager's Office                                                               | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 14  | Council and Budget Referrals - Demand | Companion Report: Ban on Receipts Made with Bisphenol A (BPA) and Other Phenols                         | Take no action on the Community Health Commission recommendation to adopt an ordinance to ban the use of thermal paper by 2020 and instead implement a community education effort about methods for reducing exposure to BPA-treated thermal paper. Approved the recommendation with the amendment requesting that staff conduct a survey to determine how many businesses are using receipts with BPA.                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A              | Draft    | City Manager's Office/Health, Housing & Community Services                          | N           | N            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 15  | Council and Budget Referrals - Demand | Revitalization of the Civic Center Park Fountain                                                        | Refer to the City Manager to work with the Turtle Island Fountain Project in developing a plan to revitalize the fountain at Martin Luther King Jr. Civic Center Park and consider this referral as part of the Civic Center Park visioning RFP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Draft    | City Manager's Office/Office of Economic Development/Parks, Recreation & Waterfront | N           | Y            | Partial      | N                     | N                                | Y                       | Y                                  |
| 16  | Council and Budget Referrals - Demand | Ronald V. Dellums Fair Chance Access to Housing Ordinance; Adding BMC Chapter 13.106                    | 1. Adopt a first reading of the Ronald V. Dellums Fair Chance Access to Housing Ordinance and;<br>2. 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. | N/A              | Draft    | City Manager's Office/Rent Board/Health, Housing & Community Services               | N           | Y            | N            | N                     | N                                | Y                       | N                                  |
| 17  | Council and Budget Referrals - Demand | 6. City Manager Referral: Standardize Finance Categories of Software and Exclusively Internet Companies | Refer to the City Manager creating one simple clear standard for categorizing software companies and exclusively internet companies that do business in Berkeley                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Approved | Finance                                                                             | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 18  | Council and Budget Referrals - Demand | Ban-the-Box for Employers Doing Business with the City of Berkeley                                      | Request that the City Manager draft language requiring businesses doing business with the City of Berkeley to eliminate disclosure of conviction history prior to receiving a conditional offer of employment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | Approved | Finance                                                                             | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

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Referrals, Projects, and Audits**

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| 19  | Council and Budget Referrals - Demand | City Manager Referral: Improvements to Berkeley's Very Low Income Tax Relief Refund Program | Refer to the City Manager to make improvements to Berkeley's Very Low Income Refund Program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A              | Approved  | Finance                   | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 20  | Council and Budget Referrals - Demand | Comprehensive Investment Policy based on ESG Principles                                     | Refer to the City Manager to consider the integration of ESG (environmental, social and governance) principles into the current City of Berkeley Investment Policy framework and return to Council with a recommendation.                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Approved  | Finance                   | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 21  | Council and Budget Referrals - Demand | Referral Response: Gender Pay Equity                                                        | 1. Direct staff to draft an ordinance related to an equal pay vendor preference for city contractors who demonstrate equal pay for male and female employees (gender based on self-identification)<br>3. Develop an equal pay certification program for city contractors.                                                                                                                                                                                                                                                                                                                              | N/A              | Draft     | Finance                   | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 22  | Council and Budget Referrals - Demand | Socially Responsible Banking Services for the City of Berkeley                              | Request that the City Manager initiate a process for proposals from providers of banking services that uses criteria articulated in the 2013 process, but adds and emphasizes criteria related to ethical business practices. Ask for an extension of the existing contract with Wells Fargo should additional time be needed. Also, include consideration of provisions of a socially responsible banking policy such as elements of social and environmental justice, requirement for a code of fair treatment, low pay inequity between executives and rank and file, and support for human rights. | N/A              | Approved  | Finance                   | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 23  | Council and Budget Referrals - Demand | City Manager Referral to Improve Fire Safety Standards for Rebuilt Fire-Damaged Structures  | Refer to the City Manager to require repair and replacement of fire damaged buildings to be brought up to current fire safety standards.                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Submitted | Fire & Emergency Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 24  | Council and Budget Referrals - Demand | Companion Report: Smoke-Free Multi-Unit Housing Ordinance Policy and Enforcement Modifications                                      | On September 29, 2020, the Health, Life Enrichment, Equity & Community Committee made a qualified positive recommendation to send the item to Council including the following referrals: 1. Refer to staff to explore expanding the Ordinance to buildings with one unit; 2. Refer to staff to explore and consider improvements in the interface between the residential and commercial non-smoking Ordinances in mixed-use buildings; 3. Refer to staff to create a web-based complaint filing mechanism/service; 4. Refer to staff to create special protocols for chronic situations and to consider including requirements for better air filtration and purification as well as other measures to effectively manage chronic cases; 5. Refer to staff to study the infraction and enforcement mechanisms and determine if they have any benefits and to consider other potential enforcement end points; 6. Refer to staff to look for opportunities for bias in enforcement and mechanisms to better guard against bias while still allowing for maximum action to resolve legitimate complaints; 7. Refer to staff to propose funding sources for enforcement; 8. Refer to staff to collect demographic data around complaints and targets of complaints (as much as possible); and 9. To return to Council with Ordinance amendments to accomplish the following: (a) amend or remove the 10-day language element (b) modify or remove the 2-complainant rule if warranted (c) adjust for the medical cannabis state law changes, (d) propose any and all other improvements beneficial to the Ordinance. | N/A              | Draft | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 25  | Council and Budget Referrals - Demand | Companion Report: The SSBPPE Commission's Proposed Policy to Refrain from Procuring, Selling, and Serving Sugar-Sweetened Beverages | Refer both Item 26a and 26b to the City Manager and request that the City Manager draft an ordinance for consideration by the City Council. Original Comm Recommendation: "...adopt an Ordinance amending the Administrative Code to direct the City of Berkeley departments and City food services contractors to refrain from: 1. Procuring sugar-sweetened beverages with City funds; 2. Selling sugar-sweetened beverages on City property, including in vending machines; and 3. Serving sugar-sweetened beverages at City meetings and events on City property."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A              | Draft | Health, Housing & Community Services | N           | Y            | N            | N                     | N                                | Y                       | N                                  |
| 26  | Council and Budget Referrals - Demand | Developing a Mechanism to Facilitate an Improved Homeless Point-In-Time Count                                                       | The Homeless Commission recommends to Council that Council refer to staff to assign an intern or seek a volunteer affiliation, through an educational institution, to conduct outreach to, and engage with, community stakeholders including homeless advocates and persons who are experiencing or have experienced homelessness, to identify how homeless persons can be more thoroughly counted during the upcoming 2021 Berkeley Homeless Point-In-Time count.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                                                                              | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Percent Complete | State | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 27  | Council and Budget Referrals - Demand | Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services [Part c]                                                                                                                                                                            | <p>State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.</p> <p>The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:</p> <p>c. Based on recommendations from the Health, Housing and Community Services Department, the Housing Advisory Commission, Measure O Bond Oversight Committee, Commission on Aging, and taking into consideration requirements and restrictions associated with potential funding sources, create recommendations to Council regarding levels of affordability, unit sizes, on-site services and other features to be included in a senior housing and social services development, including senior living housing types. These recommendations will be presented to the City Council to inform the issuance of an RFP.</p> | N/A              | Draft | Health, Housing & Community Services | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 28  | Council and Budget Referrals - Demand | Home Share Pilot Program Recommendation                                                                                                                                                                                                                                                           | Item 26a moved to the Consent Calendar to refer to the City Manager the possibility of working within existing similar programs such as Safe Home and Ashby Village.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Draft | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 29  | Council and Budget Referrals - Demand | Referral to the City Manager and the Housing Commission to Consider Creating a Dedicated Revenue Stream from Campus Area Projects to Fund Housing for Homeless and Extremely Low Income Students, and Drafting a Letter Encouraging Exploration of University Funding streams for student housing | Refer to the City Manager and Housing Commission to consider in partnership with the proposed density bonus in the campus area and other policies directed at increasing student housing, creating a dedicated revenue stream to fund housing for homeless and extremely low income students using methods of identifying eligible students based on one or more of the following criteria: EOP, FAFSA, Pell Grant, Work Study qualified, family income or other verifiable status as well as similar categories applicable to graduate students.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft | Health, Housing & Community Services | Y           | N            | N            | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                               | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 30  | Council and Budget Referrals - Demand | Budget Referral: Transportation to Support Mobility-Impaired Individuals Experiencing Homelessness who are Engaged in Rehousing and other Services | "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. Refer to staff to determine needs and establish the best method for providing transit services to mobility-impaired individuals, and to also consider potential transit needs of other individuals engaged with rehousing and homeless services. For the mobility-impaired, options include, but are not limited to, helping one or more service providers to purchase or lease wheelchair-accessible vehicle(s), or to repair or retrofit currently owned vehicle(s), providing additional vouchers for existing Paratransit services, providing additional taxi scripts (as recommended by the Homeless Commission), or contracting with a suitable transportation service. Also consider making mobility services and transportation available during enforcement activities, both for people and belongings. Consistent with the Americans with Disabilities Act (ADA), vehicles purchased, leased, or otherwise procured for the mobility-impaired should include the option of/access to a boarding device (e.g. lift or ramp) so that a passenger who uses a wheelchair or mobility device can reach a securement location onboard." | N/A              | Draft | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 31  | Council and Budget Referrals - Demand | Paid Family Leave Policy in Berkeley to Supplement California Paid Family Leave Program                                                            | That the City Council adopt this policy and refer to the City Manager and City Attorney to amend the proposed ordinance based on the recommendations of the Paid Family Leave (PFL) Subcommittee and to conform to legal and code consistency requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft | Human Resources                      | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Percent Complete | State    | Lead City Department           | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 32  | Council and Budget Referrals - Demand | Whistleblower Ordinance - Revised materials (Supp 2)                                                                                                                   | The purpose of this proposal is to protect the whistleblowers from many forms of retaliation, including but not limited to discrimination, harassment, intimidation, alienation, and in some cases even termination. The following recommended actions can be considered to comply with the aforementioned purpose:<br>1. Adopt the attached ordinance that provides legal safeguards which protect whistleblowers from retaliation.<br>2.a. Assign the responsibilities to a current city department to accept and investigate such reports/complaints from whistleblowers within the existing resources.<br>Or<br>b. Create a separate unit within the department or establish a contract with an independent contractor to be managed by the city department to accept and investigate such reports/complaints from current employees and the public.<br>Or<br>c. Establish a contract with an independent contractor to provide a "hotline" that would then turn the complaint over to the city unit for further investigation. | N/A              | Approved | Human Resources                | N           | Y         | N       | N                     | Y                                | Y                       | N                                  |
| 33  | Council and Budget Referrals - Demand | Referral to the City Manager to consider the videotaping of Planning Commission meetings                                                                               | That the City Council refer to the City Manager to consider ways of videotaping the Planning Commission meetings in the same manner as Zoning Adjustment Board meetings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A              | Draft    | Information Technology         | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 34  | Council and Budget Referrals - Demand | City Manager Referral: Consider Mitigations for Minimum Wage Increases to Support Small Businesses and Non-Profits by Addressing Parking, Permit and High Rents Issues | Refer to the City Manager to consider mitigations for minimum wage increases to support small businesses and non-profits by attempting to address parking and permits. Request that the Office of Economic Development report on other methods to mitigate the impacts of minimum wage increases on small businesses.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Approved | Office of Economic Development | N           | N         | N       | N                     | N                                | Data Pending            | Data Pending                       |
| 35  | Council and Budget Referrals - Demand | Solano Avenue Economic Development Study                                                                                                                               | Refer to the City Manager to undertake a comprehensive study of the Solano Avenue Commercial District, to provide baseline information for future strategic planning and business development and initiatives that will result in increased tax revenues for the City of Berkeley, and to report to the Council on a priority basis, at an upcoming worksession.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft    | Office of Economic Development | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 36  | Council and Budget Referrals - Demand | Vitality of University Avenue                                                                                                                                          | Refer to the City Manager and Economic Development to analyze storefront vacancies on University Avenue and make recommendations on how to create a more vibrant streetscape on our main boulevard.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft    | Office of Economic Development | N           | N         | N       | N                     | N                                | N                       | N                                  |

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Referrals, Projects, and Audits**

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| 37  | Council and Budget Referrals - Demand | Budget Referral: Increasing Safety at San Pablo Park                                                                        | 3. Re-initiate classes for daycare providers who use San Pablo Park out of the Frances Albrier Community Center: Historically, the City provided a variety of classes on safety and recreation for daycare providers who use San Pablo Park. This referral includes re-establishing a series of courses that daycare providers find useful based on gathering their input. One such course requested was sheltering in place in the situation of an active shooter.                                                                                                                                                                                                                                                     | N/A              | Draft    | Parks, Recreation & N Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 38  | Council and Budget Referrals - Demand | Consider Fire Safety Options for Fire Pit at Codornices Park                                                                | Referral to the Parks & Waterfront Commission to consider safety options regarding the future of the fire pit at Codornices Park. Please consider 1) Complete removal of fire pit or 2) Manufacture of a cover that can be secured and locked.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A              | Approved | Parks, Recreation & Y Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 39  | Council and Budget Referrals - Demand | Evaluation of Possible Ban on New Planting of Certain Tree Species                                                          | Take action to either: a) Direct the City Manager to proceed with Option 1, and continue the City's current practice regarding tree plantings on City property, which currently do not include Eucalyptus, and Monterey Pine (except at the Marina).-OR- b) Adopt a Resolution as described in Option 2 that would ban the new planting of certain tree species on City property. -OR-c) Direct the City Manager to develop an ordinance for Council adoption that bans the new planting of certain tree species on both public and private property, and includes enforcement mechanisms.                                                                                                                              | N/A              | Approved | Parks, Recreation & N Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 40  | Council and Budget Referrals - Demand | Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley             | 1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information.<br>2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments. | N/A              | Draft    | Parks, Recreation & Y Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 41  | Council and Budget Referrals - Demand | Refer the City Manager to Improve the Current Tree Ordinance and Seek Funding Opportunities to Plant More Trees in the City | That the Council refer the City Manager to improve the current tree ordinance to protect more trees, develop policy on street tree/hardscape conflicts, encourage more community initiative and participation in the maintenance and care of our street trees and seek potential funding opportunities to plant more trees in Berkeley and funds to maintain new and existing trees on public property.                                                                                                                                                                                                                                                                                                                 | N/A              | Draft    | Parks, Recreation & N Waterfront |             | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

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| 42  | Council and Budget Referrals - Demand | 2-Lane Option on Adeline St. between MLK Way and Ward St.                           | 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., to improve the public space to increase safety for pedestrians, cyclists, and people living with disabilities, while also meeting the needs of public transit and emergency vehicles and to also consider potential use of portions of the redesign area for use as a shared community plaza. The analysis should prioritize a 2-lane option that reduces the width of the street and creates many benefits for our community and include exploration of demonstration projects for study. Specific project designs should be reviewed by the Transportation Commission. Refer \$250,000 to the budget process to fund this important project. | N/A              | Draft | Planning             | N                            | N         | Y       | Y                     | N                                | Y                       | Y                                  |
| 43  | Council and Budget Referrals - Demand | Amendments to Berkeley Municipal Code 23C.22: Short Term Rentals                    | 1. Refer to the City Manager to come up with a program to clarify existing short term rental regulations in areas that have proven confusing to hosts, guests and tenants.<br>2. Refer ordinance considering Short Term Rental regulations including host platform responsibilities and possible remedies for violating the ordinance simultaneously to the Land Use, Housing and Economic Development Committee and the Planning Commission.                                                                                                                                                                                                                                                                                                                                      | N/A              | Draft | Planning             | Y                            | N         | N       | N                     | N                                | Y                       | N                                  |
| 44  | Council and Budget Referrals - Demand | Berkeley Electric Mobility Roadmap - Electric Mobility Implementation Working Group | Adopt a Resolution approving the Berkeley Electric Mobility Roadmap and refer to the City Manager to form an Electric Mobility Implementation Working Group, including community stakeholders, relevant commissions, to prioritize, support, and track implementation of the other actions of this plan, including identification of funding sources for implementation.                                                                                                                                                                                                                                                                                                                                                                                                           | 10.00            | Draft | Planning             | N                            | Y         | N       | N                     | N                                | Y                       | N                                  |
| 45  | Council and Budget Referrals - Demand | Berkeley Opportunity Zone Displacement Mitigation Zoning Overlay                    | Direct the City Manager and refer to the Planning Commission to create one or several zoning overlays, and/or recommend any mechanism, which protects Berkeley residents living in one or all of Berkeley's Federal Opportunity Zones from gentrification and displacement. Overlays and/or recommendations may also confer community benefits, including but not limited to: affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities.                                                                                                                                                                                                                                | N/A              | Draft | Planning             | Involves Planning Commission | N         | N       | N                     | N                                | N                       | N                                  |
| 46  | Council and Budget Referrals - Demand | Bird Safe Berkeley Requirements                                                     | Refer to the Planning Commission and the City Manager to consider the attached ordinance amending Berkeley Municipal Code Title 23C, adding a new Chapter 23C.27 establishing bird safety requirements for new construction and significant renovations and a new Chapter 23C.28 establishing a dark skies ordinance, for review and approval.                                                                                                                                                                                                                                                                                                                                                                                                                                     | N/A              | Draft | Planning             | Involves Planning Commission | N         | N       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State    | Lead City Department | Commission?                  | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 47  | Council and Budget Referrals - Demand | City Manager and Planning Commission Referral: Facilitate Primarily Student Housing by a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S and R-3 Areas Only From Dwight to Bancroft and From College to Fulton | Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.                                                                                                                                                                                                 | 50.00            | Approved | Planning             | Y                            | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 48  | Council and Budget Referrals - Demand | City Manager and Planning Commission's Referral: Enable Implementation of Council Approved Floor Area Ratio in the Telegraph Commercial District between Dwight and Bancroft by Amending the Zoning Ordinance                            | Refer to the City Manager and Planning Commission an immediate implementation strategy to bring the City Zoning Ordinance in compliance with the policy adopted by City Council to increase Floor Area Ratio (FAR) in the Telegraph Commercial District between Dwight and Bancroft - COUNCIL DIRECTION ON COMMUNITY BENEFITS NEEDS FOLLOW UP WORK AND REPORT TO COUNCIL                                                                                                             | 50.00            | Approved | Planning             | Y                            | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 49  | Council and Budget Referrals - Demand | Companion Report: Conducting an Analysis of Increasing Inclusionary Housing over Affordable Housing Mitigation Fee                                                                                                                       | Refer to the City Manager to conduct a feasibility analysis for the recommendations by the Homeless Commission as part of the existing referral to examine potential reforms to the Affordable Housing Mitigation Fee.                                                                                                                                                                                                                                                               | N/A              | Draft    | Planning             | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | N                                  |
| 50  | Council and Budget Referrals - Demand | Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code Enforcement                                                                                                             | Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.                                                   | N/A              | Draft    | Planning             | N                            | N            | N            | N                     | N                                | Y                       | N                                  |
| 51  | Council and Budget Referrals - Demand | Creating Additional Administrative Powers of Zoning Officer to Grant or Recommend New Permits as Related to Code Enforcement DMND0002545                                                                                                 | Refer to the City Manager and Berkeley Planning Commission to explore the creation of a mechanism that would explicitly allow staff new discretionary powers to prevent applicants from being granted new residential permits until they have abated outstanding noncompliance issues or code violations in other buildings they own in Berkeley within a reasonable time frame or taken good faith measures to commence doing so.                                                   | N/A              | Draft    | Planning             | Y                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 52  | Council and Budget Referrals - Demand | Customer Service Improvements to Land Use Permit Process                                                                                                                                                                                 | Direct staff to make structural improvements to the Zoning Ordinance, communication improvements to better explain complex technical and procedural elements to the public, and organizational improvements to the Land Use Planning Division; and authorize the issuance of a request for proposals (RFP) for the selection of consultants to make structural improvements to the Zoning Ordinance and develop graphic communication elements in an amount not to exceed \$300,000. | N/A              | Approved | Planning             | N                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State    | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 53  | Council and Budget Referrals - Demand | Development of the West Berkeley Service Center, 1900 6th Street, for Senior Housing with Supportive Services. [Parts a and b]                                                                                                                                  | <p>State the intent of the City Council that the West Berkeley Service Center property, 1900 6th Street, will be used for senior housing with on-site services consistent with Age Friendly Berkeley Plan recommendations, maximizing the number of affordable units.</p> <p>The Berkeley Way Project, 2012 Berkeley Way, is the City's top affordable housing priority. The West Berkeley Service Center, as a City-owned property, to be developed for affordable housing falls under the "High Priority" on the list of housing initiatives passed by Council on November 28, 2017. In light of the above, refer to the City Manager to take the following actions to initiate the process of developing senior housing at the West Berkeley Service Center:</p> <p>a. Refer to the City Manager to conduct a basic analysis of the development potential for the West Berkeley Service Center site including build-out scenarios for a three-, four-, five-, six- and seven-story building at the site, using Mixed-Use Residential (MUR), West Berkeley Commercial (C-W), and Multiple-Family Residential (R-3) Development Standards. Each buildout scenario should reflect base project conditions, and conditions if a Density Bonus is granted including waivers and concessions, or if Use Permits are used to modify standards. The scenarios should also incorporate space on the ground floor for resident amenities, supportive social services, and community space. The results of the development scenarios will be presented to the City Council and Planning Commission.</p> | N/A              | Draft    | Planning             | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 54  | Council and Budget Referrals - Demand | Direct the City Manager to Draft an Ordinance to Waive Certain Fees for Berkeley Housing Trust Fund Projects and Send a Letter to BUSD Board of Education Requesting Consideration of a Waiver of School Facility Fees for Berkeley Housing Trust Fund Projects | <p>1. Direct the City Manager to draft an ordinance establishing automatic waiver of certain administrative, permit, impact and other fees for projects receiving City of Berkeley Housing Trust Fund (HTF) monies and submit a draft within 90 days for Council approval. Fee waivers shall apply to all HTF projects that have not yet been issued a building permit, and should include, but not be limited to:</p> <p>a. Waiver of internal, staff-time-related permit, inspection, and other fees; and c. Notwithstanding the above, fees to cover City "out of pocket" costs, fees passed-through to other agencies, and fees necessitated by CEQA should not be waived.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Approved | Planning             | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 55  | Council and Budget Referrals - Demand | Enable Internal Renovation of a Residence That Does Not Increase the Footprint As an AUP if the Building is an Historic Non-Conforming Use in the Percent of Lot Coverage                                                                                       | Refer to the Planning Commission to enable an AUP for the renovation of an existing residence, rather than a Use Permit, in the following circumstances: 1. The renovation does not increase the percentage of lot coverage; 2. The residence is an pre-existing non-conforming use in the percentage of lot coverage; 3. The renovation does not appear to create an intensification of use; 4. No change to the building envelope.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A              | Draft    | Planning             | Y           | N         | N       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State    | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 56  | Council and Budget Referrals - Demand | Encouraging Long-Term Tenant Stability                                                                                                                                                                                                | Facilitate the ability of long-term tenants to purchase their residence by referring to the City Manager to amend BMC 21.28.080 as it pertains to the Affordable Housing Mitigation fee as follows: If the property contains 4 units or fewer, the affordable housing mitigation fee for a unit that is and has been occupied by an owner as his or her principal place of residence for at least 5 consecutive years immediately prior to the date of conversion or sale, including as a tenant in that unit immediately prior to ownership, shall be reduced by 50 percent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A              | Draft    | Planning             | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 57  | Council and Budget Referrals - Demand | Fossil Fuel Free Berkeley                                                                                                                                                                                                             | Refer to the Energy Commission and Transportation Commission consideration of the proposed resolution or similar action to further implement the Climate Action Plan and establish the goal of becoming a Fossil Fuel Free Berkeley, and further consider: <ul style="list-style-type: none"> <li>Establishing a date by which we are committed to being a Fossil Fuel Free City.</li> <li>Opposing further transportation of oil, gas, and coal.</li> <li>Fully implementing Berkeley Deep Green Building, raising the citywide LEED certification requirement above the current LEED Silver, and applying the same requirements to newly constructed city facilities, and major renovations.</li> <li>Requiring all future City government procurements of vehicles to minimize emissions, and establishing a goal and plan for transitioning the city's vehicle fleet to all electric vehicles</li> <li>Establishing a goal and plan for transitioning to 100% renewable energy for municipal operations and a community wide goal of 100% reductions by 2030.</li> <li>Formally opposing the recent expansion of offshore drilling by the Trump Administration.</li> <li>Calling for region-wide solutions to carbon emissions, including rapid adoption of renewable energy sources, affordable densification of cities and low-emissions public transportation infrastructure.</li> </ul> | N/A              | Approved | Planning             | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 58  | Council and Budget Referrals - Demand | Item E - Short-Term Referral to the Planning Commission and Design Review Committee to Research and Draft an Urban Forestry Ordinance Requiring Tree Planting Upon Completion of New Residential Construction and Certain Alterations | Six-month referral to the Planning Commission to research and draft an Urban Forestry Ordinance requiring tree planting upon completion of new construction, excluding single-family homes and ADUs, as well as construction in High Hazard Fire Zones. The Planning Commission should consider the following: <ul style="list-style-type: none"> <li>Appropriate tree planting requirements for new construction, with the goal of increasing the tree canopy in Berkeley.</li> <li>Appropriate species requirements.</li> <li>Establishing a Tree Planting Fund to support increased tree planting throughout Berkeley.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A              | Draft    | Planning             | N           | N            | N            | N                     | N                                | N                       | N                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Percent Complete | State | Lead City Department | Commission?                  | Underway? | Funded?  | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 59  | Council and Budget Referrals - Demand | Missing Middle Housing Report                                                                                                                                                                                   | Refer to the City Manager to prepare a report to the Council of examining methods, including potential revisions to the zoning code, that may foster a broader range housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services. Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement. Council requests that staff initiate this work as soon as possible. | N/A              | Draft | Planning             | N                            | N         | Deferred | N                     | N                                | Y                       | N                                  |
| 60  | Council and Budget Referrals - Demand | Mitigating Impacts of Outdoor Air Quality on Indoor Air Quality in Berkeley                                                                                                                                     | Refer the item to the Planning Commission to consider the analyses presented here, and the draft provided in Appendix II, to create new Standard Conditions of Approval (SCA) for new building construction near major sources of air pollution, to achieve an acceptable level of indoor air quality (IAQ) for sensitive receptors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A              | Draft | Planning             | N                            | N         | N        | N                     | N                                | N                       | N                                  |
| 61  | Council and Budget Referrals - Demand | Rectify Discrepancy Regarding Inclusionary Units in Live/Work Housing                                                                                                                                           | Refer amendments to the Berkeley Municipal code (Sections 23C.12 and 23E.20.080) to rectify discrepancies over how Live/Work Unit inclusionary requirements are governed, both for rental and owner occupied units, to the Planning Commission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 50.00            | Draft | Planning             | Involves Planning Commission | Y         | Y        | N                     | N                                | Y                       | N                                  |
| 62  | Council and Budget Referrals - Demand | Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses.                                                              | Refer the Civic Arts Commission's recommended language to the Planning Commission on protecting Live Work spaces from conversion to cannabis uses. This action was adopted as part of the Cannabis Ordinance amendments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft | Planning             | Y                            | N         | N        | N                     | N                                | Y                       | N                                  |
| 63  | Council and Budget Referrals - Demand | Refer to the City Manager the design of a companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements to low-income residents                                      | Refer to the City Manager the design of a Companion Resilient Homes Equity Pilot Program that would provide funding for home retrofit improvements for low income residents                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 10.00            | Draft | Planning             | N                            | Y         | N        | Y                     | N                                | N                       | Y                                  |
| 64  | Council and Budget Referrals - Demand | Refer to the City Manager to add a condition to Zoning Board Approved permits to bring attention to the Pay Transparency policy to project applicants, and consider these Pay Transparency Ordinance amendments | That the Council refer to the City Manager to add a condition to Zoning Board Approved permits in order to bring attention to the Pay Transparency policy to project applicants, and consideration of amendments to the Pay Transparency Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft | Planning             | N                            | N         | N        | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State    | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 65  | Council and Budget Referrals - Demand | Refer to the Planning Commission an amendment to BMC Chapter 23C.12.020 (Inclusionary Housing Requirements - Applicability of Regulations) and the Affordable Housing Mitigation Fee Resolution to Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation | 1) Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019. 2) Refer to the Planning Commission to consider modifying the structure of in-lieu fees for owner-occupied developments to a flat per-unit fee, as with rental developments, or a per square foot fee; the Commission should return to Council with a report. 3) Refer to the Housing Advisory Commission to assess the appropriateness of the fee level as suggested in the proposed amendments to BMC 23C.12. 4) The Planning Commission is to consider the following language from the item submitted at the meeting: It is possible that the new fee structure will be adopted prior to the Housing Advisory Commission approving the level of the fee. In this instance, those projects that opt to pay the in-lieu fee and are permitted after the new fee structure is adopted but before the new fee level is adopted shall be given the choice of paying the current fee level, or the one that is adopted. | 50.00            | Approved | Planning             | Y           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 66  | Council and Budget Referrals - Demand | Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans                                                                                    | Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeley's People of Color including the African American communities who have been displaced by these economic and social developments, especially those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley citizens of color and African Americans. Hold public workshops on the subject.                                                                                                                                                                                                                                                                                                                                       | 10.00            | Draft    | Planning             | Y           | Y         | N       | N                     | N                                | N                       | N                                  |
| 67  | Council and Budget Referrals - Demand | Referral Response: Expanding community engagement within work to address Climate Impacts                                                                                                                                                                                               | Refer to the City Manager to continually advance engagement around community-driven, equitable climate solutions, and to seek external resources to enable increased community engagement of impacted communities around equitable climate solutions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 20.00            | Draft    | Planning             | N           | Y         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State    | Lead City Department | Commission?                  | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 68  | Council and Budget Referrals - Demand | Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses                            | Refer to the Planning Commission modifications to the Zoning Ordinance that are designed to streamline the zoning review process for new or expanding small businesses in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | Draft    | Planning             | Y                            | N         | N       | N                     | N                                | Y                       | Y                                  |
| 69  | Council and Budget Referrals - Demand | Referral Response: Modifications to the Zoning Ordinance to Support Small Businesses (Beer/Wine in M Dist)      | Refer to staff and the Planning Commission to consider amendments related to beer and wine sales in the M District.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | Draft    | Planning             | Involves Planning Commission | N         | N       | N                     | N                                | Y                       | N                                  |
| 70  | Council and Budget Referrals - Demand | Referral to City Manager to Return to Council with an Amnesty Program for Undocumented Secondary Units          | Referral to City Manager to Return to Council with an Amnesty Program for Undocumented Secondary Units using the guiding framework presented in the Background.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft    | Planning             | N                            | N         | N       | N                     | Y                                | N                       | N                                  |
| 71  | Council and Budget Referrals - Demand | Referral to Planning Commission: City-Wide Green Development Requirements                                       | Refer to the Planning Commission, Energy Commission, and the Community Environmental Advisory Commission to consider requiring the same Green Building and Transportation Demand Management (TDM) measures required in the Commercial Downtown Mixed Use District (C-DMU) for projects of 75 units or more throughout the City of Berkeley's commercial zoning districts. The commissions are to consider the standards as outlined in the report which would apply to larger projects city-wide and pertain to: bicycle parking spaces, vehicle sharing spaces, Residential Parking Permits, required parking spaces, LEED rating, Stopwaste Small Commercial Checklist standards, and transportation benefits. In addition, the commissions are to also consider the following 1. that transit passes would only be required for projects within a quarter of a mile of a bus stop; 2. a square-footage threshold, in addition to the unit threshold, for projects to which the requirements would apply, 3. the validity of the LEED certification; and 4. the impact on the financial feasibility of proposed requirements on the development of housing and affordable housing in particular. | N/A              | Approved | Planning             | Y                            | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 72  | Council and Budget Referrals - Demand | Referral to Planning Commission: Guiding Development on San Pablo Avenue                                        | Refer to the Planning Commission the development of a Plan to guide development on San Pablo Avenue.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft    | Planning             | Y                            | N         | N       | Y                     | Y                                | N                       | N                                  |
| 73  | Council and Budget Referrals - Demand | Referral to the City Manager and Planning Commission: Update BMC Chapter 22.16 Development Agreement Procedures | Refer to the City Manager and Planning Commission to review and update the Berkeley Municipal Code Chapter 22.16 Development Agreement Procedures to create a streamlined process that maximizes community benefits and conforms to State law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | N/A              | Draft    | Planning             | N                            | Y         | N       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State     | Lead City Department | Commission?                  | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 74  | Council and Budget Referrals - Demand | Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance                      | Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance. | N/A              | Approved  | Planning             | Y                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 75  | Council and Budget Referrals - Demand | Referral to the Energy Commission to Hold a Series of Public Outreach and Educational Meetings Regarding Electrification     | Refer to Berkeley's Energy Commission to hold two separate special public outreach and educational meetings regarding electrification in new buildings by July 31, 2019: 1. A meeting regarding multi-family, mid/high-rise buildings, including those with ground floor commercial; 2. A meeting regarding commercial buildings (without housing), including manufacturing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Approved  | Planning             | Y                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 76  | Council and Budget Referrals - Demand | Referral to the Planning Commission to Allow 4 Temporary Zoning Amendments to Increase Student Housing in the Southside Area | Refer to the City Manager and the Planning Commission to consider conversion of existing commercial space for residential use between College Avenue and Fulton Street and Bancroft Way to Dwight Way.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | N/A              | Approved  | Planning             | Y                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 77  | Council and Budget Referrals - Demand | Referral to the Planning Commission to Allow Non-commercial Use on Ground Floor                                              | Refer to the Planning Commission an amendment to the Zoning Ordinance to create a use permit process to allow non-commercial use on the ground floor in appropriate locations, where commercial might otherwise be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Approved  | Planning             | Y                            | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 78  | Council and Budget Referrals - Demand | Referral to the Planning Commission to Consider Amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance                 | Referral to the Planning Commission to: 1. Amend the mini-dorm ordinance to enable the conversion of an accessory structure into an office (which is also considered a bedroom) without the required public hearing process under the mini-dorm regulations, as long as there are no other alterations to the subject property, and 2. Consider amendments to the Zoning Ordinance and "Mini-Dorm" Ordinance to provide more flexibility for accessory buildings on properties that are developed with single-family residences. ADD: Issues raised in supplemental memo.                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft     | Planning             | Involves Planning Commission | N            | N            | N                     | N                                | Y                       | N                                  |
| 79  | Council and Budget Referrals - Demand | Wildland Urban Interface Fire Safety and Fire Safety Education                                                               | Commission Referral #5 revised to read: 5. Refer to the Planning Commission to consider Accessory Dwelling Units (ADUs) in the Very High Hazard Fire Zone to review public safety issues especially relevant to the risk of WUI fires. Amend Section 23D.10 to incorporate greater public safety considerations to be met before issuing an Administrative Use Permit (AUP);                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Submitted | Planning             | N                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State    | Lead City Department    | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 80  | Council and Budget Referrals - Demand | Zoning Ordinance Modification for Elmwood Commercial District                                               | Refer to the Planning Commission to amend Chapter 23E.44, C-E Elmwood Commercial District Provisions to allow for amusement device arcades with a Tier 2 Administrative Use Permit (for spaces >3,000 Sq. Ft.) and a Zoning Certificate (for spaces < 3,000 Sq. Ft.). Proposed ordinance language for changes to Table 23E.44.030 are attached to the report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 75.00            | Draft    | Planning                | Y           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 81  | Council and Budget Referrals - Demand | 100% Sustainable Trips by 2040                                                                              | Adopt the attached Resolution, setting a goal of achieving 50% increase in trips taken by sustainable modes by 2030 and 100% by 2040, and refer to the Community Environmental Advisory Commission, the Energy Commission, and the Transportation Commission to develop relevant proposals and recommendations for accomplishing that goal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft    | Planning & Public Works | Y           | Y         | N       | Y                     | N                                | N                       | N                                  |
| 82  | Council and Budget Referrals - Demand | Campus-City National Night Out. Revised to be a Referral with no specific date - Revised materials (Supp 1) | Adopting a Resolution to refer the campus-city National Night Out event to the City Manager to help reduce crime in the campus area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A              | Draft    | Police                  | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 83  | Council and Budget Referrals - Demand | Extend the Berkeley Police Drone Moratorium for One Additional Year                                         | Extend the moratorium on the use of unmanned aircraft systems, or "drones," by the Berkeley Police for one additional year. REFERRAL: Approved recommendation amended to request that the City Manager return to Council with a policy on the use of drones by Berkeley Police.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A              | Approved | Police                  | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 84  | Council and Budget Referrals - Demand | Improving Hate Crimes Reporting and Response                                                                | Refer to the City Manager to review the following proposals and implement new systems for reporting and response to hate incidents and crimes: -Develop a Hate Crimes Reporting Hotline (modeled after the San Francisco District Attorney's hotline) to be staffed by the Berkeley Mental Health Division or a non-profit community partner. The Hotline will provide support for victims and those reporting hate crimes/incidents, and direct victims to resources and how to report hate crimes or incidents. Consider existing internal and external resources including the City's 311 Customer Service line and the County's Hate Crimes Reporting Hotline. -Explore adding hate crimes to the BPD Online Crime Reporting System to allow individuals to report specific hate related criminal acts or incidents. - Launch a public information campaign including the production of informational videos, posters, and ads in different languages about what is a hate crime and how to report it to Berkeley Police. -Conduct proactive outreach and develop partnerships with religious leaders, community service providers and organizations that work with groups which have historically been the target of hate crimes/incidents. -Refer to the Police Review Commission to review existing BPD policy on hate crimes (BPD Policy 319), request a report from BPD on hate crimes statistics and its implementation of BPD Policy 319, and review: privacy policies/procedures for reporting; culturally appropriate personnel structures to respond to incidents that will encourage reporting, reduce fear and provide support. The creation of accessible and multilingual | N/A              | Draft    | Police                  | N           | N         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                                           | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State     | Lead City Department | Commission? | Underway?    | Funded?                                                                                                                                                           | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 85  | Council and Budget Referrals - Demand | Referral: Measures to Address Traffic Enforcement and Bicycle Safety                                                                                                           | 2. Refer to the City Manager to establish the opportunity for bicyclists to participate in a ticket diversion program that would provide safety education as an alternative to monetary fines related to other infractions, and to ensure integration of Vision Zero principles in implementation of state Office of Traffic Safety grants. Staff should consider either the creation of a City of Berkeley-operated ticket diversion program or cooperation with ticket diversion programs operated by neighboring jurisdictions. | N/A              | Draft     | Police               | N           | Y            | Y                                                                                                                                                                 | Y                     | N                                | Y                       | Y                                  |
| 86  | Council and Budget Referrals - Demand | 31. City Manager Referral: Refer CPTED Streetscape for Action and Exploration of Grant or Other Funding Opportunities to Find the Funds to Construct the Proposed Improvements | Refer the Crime Prevention Through Environmental Design (CPTED) streetscape to the City Manager for action and exploration of grant or other funding opportunities to find the funds to construct the proposed improvements.                                                                                                                                                                                                                                                                                                       | N/A              | Approved  | Public Works         | N           | N            | N (However, some components of the Telegraph CPTED proposal might be incorporated into the federally funded Southside Complete Streets project as funding allows) | N                     | N                                | N                       | N                                  |
| 87  | Council and Budget Referrals - Demand | 48. City Manager Referral: Preparations to Apply for Telegraph Pedestrian Safety Funds (Continued from December 3, 2013)                                                       | Refer to the City Manager to apply for Telegraph Ave pedestrian safety funds and to produce a preliminary plan for Telegraph pedestrian safety improvements as requested by the Telegraph Merchants Association.                                                                                                                                                                                                                                                                                                                   | N/A              | Approved  | Public Works         | N           | N            | N (However, pedestrian safety improvements between Bancroft and Dwight are included in the federally funded Southside Complete streets project)                   | Y                     | N                                | N                       | N                                  |
| 88  | Council and Budget Referrals - Demand | 9. Portable Sign Pilot Program                                                                                                                                                 | Refer to the City Manager, the Commission on Disability, and the Transportation Commission for consideration the expansion of the existing portable sign program that enables businesses to place portable signs on sidewalks and medians.                                                                                                                                                                                                                                                                                         | N/A              | Approved  | Public Works         | Y           | Data Pending | Data Pending                                                                                                                                                      | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 89  | Council and Budget Referrals - Demand | City Manager Referral: Updating Graffiti Ordinance and Policies Based on a Review of San Francisco's New Ordinance                                                             | Refer to the City Manager and the Public Works and Parks and Recreation Commissions to create an ordinance that revises Berkeley's policies regarding graffiti, focusing on prevention and enforcement of regulations.                                                                                                                                                                                                                                                                                                             | N/A              | Submitted | Public Works         | Y           | Data Pending | Data Pending                                                                                                                                                      | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State    | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 90  | Council and Budget Referrals - Demand | City Manager Short-Term Referral: To Change Telegraph Avenue Parking Signs to Allow Parking All Times                                                           | That the Council refer to the City Manager to eliminate the no parking signs on Telegraph Avenue between Bancroft and Dwight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A              | Draft    | Public Works         | N           | Y            | N            | N                     | N                                | Y                       |                                    |
| 91  | Council and Budget Referrals - Demand | Conceptual Study for Undergrounding Utility Wires in Berkeley From: Public Works Commission, Disaster and Fire Safety Commission, and Transportation Commission | That Council approve the following items: 1. Conceptual Study for undergrounding utility wires in Berkeley (the "Undergrounding Plan"). 2. Proceed with Phase 3 of the Undergrounding Plan. We want to emphasize the importance for Berkeley to actively participate in the current California Public Utilities Commission review of the Rule 20 program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft    | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 92  | Council and Budget Referrals - Demand | Consideration of Universal Design Standards in City Projects                                                                                                    | Refer to the City Manager to make the consideration of Universal Design features an explicit and listed criteria for all projects undertaken by the city, including the many upcoming projects to be funded through Measure T1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | N/A              | Approved | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 93  | Council and Budget Referrals - Demand | Considering Multi-year Bidding Processes for Street Paving                                                                                                      | 1. Restate the recommendation approved at the December 11, 2018 Council meeting to create a two-year bidding process for street paving to realize savings by (a) reducing by 50% City staff time devoted to bidding and contracting processes over each two year period and (b) benefitting from reduced pricing which may be available for larger contracts that offer greater economies of scale and reduce contractors' bidding and contracting costs.<br>2. Short-term referral to the City Manager to explore the possibility, feasibility, costs, and benefits of bidding in increments of up to 5 years to encompass entire 5-year paving plans, or other ideas to more rationally and cost-effectively align the paving plan with budget cycles and reduce costs associated with frequent bid cycles for relatively small contracts. | N/A              | Approved | Public Works         | N           | N            | N            | N                     | N                                | Y                       | Y                                  |
| 94  | Council and Budget Referrals - Demand | Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District                                            | Refer to the City Manager the Creation and Adoption of a Transit Streets Cooperative Agreement with the Alameda-Contra Costa (AC) Transit District.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A              | Draft    | Public Works         | N           | N            | N            | N                     | N                                | Y                       | Y                                  |
| 95  | Council and Budget Referrals - Demand | Electric Vehicles for the City Fleet                                                                                                                            | Request that the City Manager return to the Council with a Fleet Climate Action Plan for transition to all-electric vehicles (EVs) or plug-hybrids for the City fleet. The plan could:<br>1. set annual targets for greenhouse gas (GHG) reductions from City fleet operations in support of the City's Climate Action Plan;<br>2. require replacing all non-emergency vehicles and all possible emergency vehicles with EVs or plug-in hybrids by April 1, 2025, with an interim goal of a certain percent by April 1, 2018;<br>3. require conversion wherever possible to hybrid vehicles in cases where EVs or plug-in hybrids are not yet feasible; and<br>4. consider the Additional Measures as described in the report.                                                                                                               | N/A              | Approved | Public Works         | N           | Y            | N            | Y                     | Y                                | N                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

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| 96  | Council and Budget Referrals - Demand | Farmers' Markets Investments                                                                                    | Refer to the City Manager to initiate improvements and changes to support the Berkeley Farmers' Markets that would address growing public safety and access concerns while enhancing the shopping experience and benefit the markets.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | N/A              | Draft    | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 97  | Council and Budget Referrals - Demand | Installation of Solar Panels at the Donna Spring Animal Shelter Parking Area                                    | Request that the City Manager pursue grant funding for a solar installation at the Donna Spring Animal Shelter parking area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N/A              | Approved | Public Works         | N           | N            | N            | N                     | N                                | Y                       | N                                  |
| 98  | Council and Budget Referrals - Demand | Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley | 1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information.<br>2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments. | N/A              | Draft    | Public Works         | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 99  | Council and Budget Referrals - Demand | Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley | 1. Refer to the City Manager to incorporate relevant elements of the Navigable Cities Framework for Ensuring Access and Freedom-of-Movement for People with Disabilities in Berkeley, submitted to the City Council by the Commission on Disability, into the Berkeley Pedestrian Master Plan currently being updated, and any other planning processes for which the report would provide relevant information.<br>2. Refer to the Public Works and Parks and Waterfront Commissions to return to Council reports on ways that elements of the Navigable Cities Framework can be incorporated into the work, projects, contracts, and policies of the Public Works and the Parks, Recreation & Waterfront Departments. | N/A              | Draft    | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 100 | Council and Budget Referrals - Demand | Prioritizing Pedestrians at Intersections                                                                       | Refer to the City Manager and the Transportation Commission the development of policies to improve the pedestrian crossing experience and reduce pedestrian wait times at intersections with "beg buttons," potentially by activating pedestrian crossing signaling with every cycle (as opposed to the current situation, which only activates crossing signals when a button is pushed). Consider the development of a pedestrian-driven intersection improvement process to address signaling and timing inadequacies.                                                                                                                                                                                               | N/A              | Draft    | Public Works         | N           | Y            | N            | N                     | N                                | N                       | Y                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                  | Name                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 101 | Council and Budget Referrals - Demand | Providing Wheelchair Charging Opportunities for Homeless Individuals       | Refer to the City Manager to develop policies which will provide accessible, reliable opportunities for homeless individuals with disabilities to charge power wheelchairs. Refer to the City Manager to research existing conditions of homeless individuals with disabilities; barriers to charging power wheelchairs; related consequences; and potential City actions to provide accessible, reliable wheelchair charging. Refer to the City Manager to assemble a policy to be reviewed and implemented.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 50.00            | Work in Progress | Public Works         | Y           | Y            | N            | N                     | N                                | N                       | N                                  |
| 102 | Council and Budget Referrals - Demand | Referral: Develop a Bicycle Lane and Pedestrian Street Improvements Policy | 1) Refer to the City Manager to develop a comprehensive ordinance with input from the Public Works & Transportation Commissions governing a Bicycle Lane and Pedestrian Street Improvements Policy that would: <ul style="list-style-type: none"> <li>• Require simultaneous implementation of recommendations in the City's Bicycle and Pedestrian Plans when City streets are repaved, if one or more of the following conditions are met: <ul style="list-style-type: none"> <li>• Bicycle Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.</li> <li>• Pedestrian Plan recommendations can be implemented using quick-build strategies that accommodate transit operations.</li> <li>• The Bicycle Plan recommends studying protected bike lanes as part of a Complete Street Corridor Study in the Tier 1 Priority list.</li> <li>• Improvements are necessary to comply with the Americans with Disabilities Act.</li> <li>• Encourage the use of quick builds by expediting quick-build projects under \$1 million.</li> <li>• "Quick-build" is defined as projects that a) require non-permanent features such as bollards/paint/bus boarding islands, b) make up less than 25 percent of the total repaving cost for that street segment, and c) can be a component of a Complete Street Corridor Study that includes evaluation after installation.</li> <li>• Require staff to report progress back to Council every two years.</li> </ul> </li> </ul> | N/A              | Draft            | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 103 | Council and Budget Referrals - Demand | Referral: Electric Moped Ride-Share Franchise Agreement                    | Refer to the City Manager to rename the existing One-Way Car Share Program as the One-Way Vehicle Share Program and to amend the Program to include administrative requirements and parking permit fees for motorized bicycles that are affixed with license plates and require a driver's license for individuals to operate them (mopeds), in coordination with the City of Oakland.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | N/A              | Draft            | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 104 | Council and Budget Referrals - Demand | Referral: Measures to Address Traffic Enforcement and Bicycle Safety       | 3. Refer to the City Manager to develop a plan to calm and divert motor vehicle traffic on bicycle boulevards to provide people who bicycle and walk a safe, comfortable and convenient mobility experience by adding or reconfiguring stop signage and other traffic calming measures, per the recommendations of the 2017 Bicycle Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | N/A              | Draft            | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?                                                                                 | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 105 | Council and Budget Referrals - Demand  | Referral: Measures to Address Traffic Enforcement and Bicycle Safety DMND0003830                                                | 3. Refer to the City Manager to develop a plan to calm and divert motor vehicle traffic on bicycle boulevards to provide people who bicycle and walk a safe, comfortable and convenient mobility experience by adding or reconfiguring stop signage and other traffic calming measures, per the recommendations of the 2017 Bicycle Plan.                                                                                                                                                                                                                                                                                                        | N/A              | Draft            | Public Works         | N           | Data Pending | Data Pending                                                                            | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 106 | Council and Budget Referrals - Demand  | Referral: Report on Public Realm Pedestrianization Opportunities [Transportation Commission]                                    | Refer to the Transportation Commission to generate a report on potential public realm pedestrianization opportunities in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | N/A              | Draft            | Public Works         | Y           | Data Pending | Data Pending                                                                            | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 107 | Council and Budget Referrals - Demand  | Referral: Telegraph Shared Streets                                                                                              | Refer to the City Manager to develop and return to Council with a plan to implement the shared streets proposal outlined in the Telegraph Public Realm Plan, including identification of potential regional funding sources for the project, in consultation with appropriate transportation agencies.                                                                                                                                                                                                                                                                                                                                           | N/A              | Draft            | Public Works         | N           | N            | N (May be able to partially fund some components as part of Southside Complete Streets) | N                     | N                                | N                       | N                                  |
| 108 | Council and Budget Referrals - Demand  | Zero Emission Vehicle Requirements for City Fleet                                                                               | Refer to the City Manager the finalization of a policy which would require all new purchases of light-duty passenger vehicles to be electric vehicles or plug-in hybrids, and require the City-owned light-duty passenger vehicle fleet to be 100% electric vehicles or plug-in hybrids by the mid-2020s. This policy would be based on the City & County of San Francisco's zero-emission light-duty passenger vehicle policy, and the report to Council should identify any additional costs associated with electric vehicles or plug-in hybrids, potentially accelerated fleet turnover, and necessary charging infrastructure on City lots. | N/A              | Submitted        | Public Works         | N           | Data Pending | Data Pending                                                                            | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 109 | Council and Budget Referrals - Project | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F | 1) determine if the City can require businesses to post notices on their website                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 0.00             | Not Started      | City Attorney        | N           | N            | N                                                                                       | N                     | N                                | Y                       | N                                  |
| 110 | Council and Budget Referrals - Project | Dynamex Decision Impact and Compliance on Minimum Wage Ordinance and Paid Sick Leave Ordinance                                  | That the City Council refers to the City Manager and the Labor Commission to ensure the Berkeley Minimum Wage Ordinance (MWO) and Paid Sick Leave Ordinance are interpreted and enforced in a manner consistent with the holdings in Dynamex Operations West, Inc. v. Superior Court of Los Angeles (2018) 4 Cal.5th 903.                                                                                                                                                                                                                                                                                                                        | 67.00            | Work in Progress | City Attorney        | N           | Y            | N                                                                                       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

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| 111 | Council and Budget Referrals - Project | Personal Liability Protection for Small Businesses                   | 1. Direct the City Manager and City Attorney to draft and submit to the City Council for consideration an emergency ordinance to prohibit the enforcement of personal liability provisions in commercial leases and commercial rental agreements in the City of Berkeley for lessees/renters who have experienced financial impacts related to the Covid-19 pandemic.<br>2. Direct the City Manager to conduct outreach to all commercial tenants regarding any protections enacted by the City Council, with a particular focus on businesses that were required to stop serving food or beverages (e.g., restaurants, bars); close to the public (e.g., hair salons, barbershops, tattoo parlors); cease operations (e.g., gyms, fitness centers); or sharply limit operations (e.g., schools, retail shops, nurseries) due to the COVID-19 crisis. | 33.00            | Work in Progress | City Attorney        | N           | N            | N            | N                     | N                                | Y                       | Y                                  |
| 112 | Council and Budget Referrals - Project | Private Parking Lot Regulations                                      | Refer to the City Manager the development of an ordinance that would allow parking lot operators to manage their parking facilities so as to meet the needs of local businesses and their customers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Deferred         | City Attorney        | N           | N            | N            | N                     | N                                | Y                       | N                                  |
| 113 | Council and Budget Referrals - Project | Prohibition on the Resale of Used Combustion Vehicles in 2040        | On November 18, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to refer to the City Manager for review of the attached ordinance prohibiting the resale of used, existing combustion-powered vehicles beginning in 2040, to the extent legally possible.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | City Attorney        | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 114 | Council and Budget Referrals - Project | Supplemental Paid Family Leave                                       | 2) refer to the City Manager to draft an ordinance regarding retaliation against employees using state family leave, including a private right of action provision.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 50.00            | Work in Progress | City Attorney        | N           | Y            | N            | N                     | N                                | Y                       | Y                                  |
| 115 | Council and Budget Referrals - Project | Referral Response: Including Climate Impacts in City Council Reports | Request that the City Manager update the templates and associated training materials to add "Climate Impacts" in the "Environmental Sustainability" section of reports to the City Council, and codify the changes in Appendix B in the next update to the Berkeley City Council Rules of Procedure. This recommendation is a partial response to a January 21, 2020 referral, sponsored by Councilmembers Davila and Bartlett, to require that all City Council items and staff reports include "climate impacts" in addition to environmental sustainability.                                                                                                                                                                                                                                                                                       | 25.00            | Work in Progress | City Clerk           | N           | Y            | N            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                           | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State            | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 116 | Council and Budget Referrals - Project | Referral: Commission Low-Income Stipend Reform | Refer to the City Manager to develop and return to Council with a plan to improve equity, accessibility, and representation in City of Berkeley commissions by modernizing the low-income stipend program, and in doing so consider:<br>1. Increasing the annual household income cap for stipend eligibility from \$20,000 to align with the 50% Area Median Income (AMI) guidelines for Alameda County and reflect household size, and updating it annually with the latest HUD data.<br>2. Increasing the low-income stipend from \$40 to \$78 per meeting, and updating it annually with the City of Berkeley minimum wage to correspond to compensation for 2.5 hours of work.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started      | City Clerk            | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 117 | Council and Budget Referrals - Project | Administrative Changes Related to Taxicabs     | Request the City Manager consider the following administrative changes, in order to increase the competitiveness of the taxi industry: 1. Reduce the annual vehicle inspection fee from \$88 to \$45 and the re-inspection fee from \$45 to \$25.; 2. Increase the maximum amount of free taxi scrip that drivers are able to redeem each week from the current limit of \$400 to \$800 (if taxi scrip is redeemed twice per week, the maximum amount redeemed at once should be raised to \$400 from \$200).; 3. Consolidate all taxi-related undertakings, including customer service and taxi scrip redemption, to one office located at 1947 Center Street, Berkeley, CA 94704.; 4. Reduce the burden of the current mandatory sensitivity training course for taxi drivers, by exploring an option to complete the course online instead of in San Francisco, which costs \$50 and imposes onerous logistical costs. For example, available courses can be found at <a href="http://www.equo.co.uk/11-Taxi-Drivers">http://www.equo.co.uk/11-Taxi-Drivers</a> .; 5. Clarify in writing that taxi-drivers may purchase collective insurance instead of individual insurance. This will allow drivers to accumulate a more substantial fund to cover individual crashes, pay less per person, and reap similar benefits as rideshare drivers (who are insured by Transportation Network Companies) do. | 0.00             | Work in Progress | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State            | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 118 | Council and Budget Referrals - Project | City of Berkeley Neighborhood Services and Outreach Program (formerly "Amend April 26, 2018 Referral Regarding Sidewalks Policies ")                                                                        | In light of the 9th Circuit Court of Appeal's September 4, 2018 ruling in Martin v. City of Boise, refer to the City Manager further analysis of Council's April 26, 2018 proposed "Regulations for Sitting, Lying, Dogs and Objects on Sidewalks and in Parklets" and analysis of Berkeley's existing regulations and practices, including but not limited to ordinances, administrative regulations, training protocols and other policies and practices, related to use and limits to use of sidewalks, parklets, streets, parks and other City property. Refer to the City Manager to collaborate with the offices of the Mayor and Councilmember Hahn to amend existing and, as necessary, draft new policies and procedures compliant with the above analysis, and report back to Council with recommendations for compliant policies. | 50.00            | Work in Progress | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 119 | Council and Budget Referrals - Project | Denouncing Presidential Executive Order to Build a Border Wall and Urging the City of Berkeley to Divest from Companies Supporting or Participating in the Construction of a Border Wall; Revised materials | Adopt a Resolution denouncing the presidential executive order to build a wall along the U.S.-Mexico border and recommend that the City of Berkeley divest from any companies involved in the construction of a border wall.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 0.00             | Not Started      | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 120 | Council and Budget Referrals - Project | Enforce Bi-Weekly (Once Every Two Weeks) Residential Cleaning Measures to Address Encampments and Promote Clean Streets in Berkeley                                                                         | Refer to the City Manager to promote equitable street cleaning practices and require biweekly (once every two weeks), cleanings of populated encampment sites in Berkeley and adjacent residential neighborhoods. In order to determine where City Staff should prioritize residential cleaning services, the City Manager should establish a radius around the campsites. When encampments are on non-City owned property, such as Caltrans, the City should bill the appropriate agency for the cost of staff and materials.                                                                                                                                                                                                                                                                                                               | 50.00            | Work in Progress | City Manager's Office | Y           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 121 | Council and Budget Referrals - Project | Non-Criminal Options for Enforcement of Sidewalk Regulations                                                                                                                                                | Refer to the City Manager the development of non-criminal options for the enforcement of Berkeley laws and regulations related to use of public space that: Reduce, delay or, if possible, eliminate criminal penalties; Offer positive alternatives; and Ensure that the City has effective tools for enforcement of laws and regulations. While ensuring effective enforcement, options should delay or avoid pursuing infractions and misdemeanors and provide options to cure violations through positive actions such as mandated and verified community service, education, or participation in social service programs.                                                                                                                                                                                                               | 10.00            | Work in Progress | City Manager's Office | N           | N         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                 | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State            | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 122 | Council and Budget Referrals - Project | Public Toilet Policy                                                 | Refer to the City Manager to develop the following "Neighborhood Public Toilet Policy": Develop a process in which residents can obtain a permit for a neighborhood public toilet via an official petition; Residents should contact the City via 311 to obtain an official petition form to apply for a permit; In order to obtain the permit, the petition should be signed by at least 51% of residential addresses and business owners within the nearest two block radius of the proposed public toilet site; The City shall not fund or contribute to the financing of the public toilets or their maintenance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 85.00            | Past Due         | City Manager's Office | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 123 | Council and Budget Referrals - Project | Recommendations Related to Code Enforcement and Receivership Actions | On November 25, 2019, the Health, Life Enrichment, Equity & Community Committee took action to send an item to Council with a positive recommendation that for purposes of understanding the issues and identifying potential changes to the City's codes, policies, and procedures the committee recommends the following:<br>a. That the City Manager provide an information session to the City Council regarding the various ways in which code enforcement issues have been brought to the attention of the City over the last 5 years;<br>b. How various code enforcement issues at residential properties are currently handled;<br>c. Timeframe and mechanisms for achieving code compliance at residential properties;<br>d. Any existing assistance programs available to support property owners found to have code violations;<br>e. Specific learnings/changes in City practices resulting from the Leonard Powell receivership case;<br>f. Other information deemed relevant and appropriate to understand the City's current code enforcement practices for residential properties<br>Additionally, the Policy Committee requests that the Mayor call a special meeting of the City Council for purposes of a forum based on the recommendations provided by Councilmember Bartlett as the draft plan for a public meeting on receivership.<br>And third, the Committee requests from the City Manager a specific reply on creating a mechanism to provide legal and technical assistance to independent third parties for | 25.00            | Work in Progress | City Manager's Office | N           | Y         | N       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Percent Complete | State            | Lead City Department  | Commission? | Underway?                             | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 124 | Council and Budget Referrals - Project | Referral Responses: Managing Recreational Vehicle (RV) Parking                                                                                                             | <p>The City of Berkeley seeks to implement all laws and ordinances in a fair and humane manner.</p> <p>To that end, we refer to the City Manager for consideration the following guidelines to help ensure enforcement of revised RV parking restrictions allowed under Ordinance No. 7,643-N.S. (BMC Section 14.40.120) is conducted with outreach, including information and resource guides and written notice.</p> <p>Further, we refer to the City Manager to quickly establish a three-month permit program (with possibility for renewal), to be offered on a one-time basis to existing priority populations and we refer to the Health, Life Enrichment, Equity &amp; Community Policy Committee to establish basic criteria for a standard two-week permitting process.</p> <p>The City Council reiterates its February 28, 2019 referral to identify and develop a temporary RV site to serve highly vulnerable populations, as well as a regional non-profit RV site, and to develop a program to allow private entities to host RVs on their property.</p> | 0.00             | Work in Progress | City Manager's Office | N           | Y                                     | N       | N                     | N                                | Data Pending            | N                                  |
| 125 | Council and Budget Referrals - Project | Referral to City Manager to establish Recreational Vehicle Waste Discharge Facility on City Property and Referral to FY 2020/21 Budget Process                             | 1. Refer to the City Manager to establish a recreational vehicle waste discharge facility on City property and equitable administrative fee program, and 2. Refer costs associated with the facility to the FY 2020/21 Budget Process. Include consideration of 1) method of pump out; 2) cost; 3) locations; and 4) capacity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Pending          | City Manager's Office | N           | N                                     | Partial | N                     | N                                | Y                       | Y                                  |
| 126 | Council and Budget Referrals - Project | Supporting Worker Cooperatives and Referral to City Manager to Develop a Worker Cooperative Ordinance (Continued from January 12, 2016 – Item includes revised materials.) | <p>Adopt a Resolution to support worker cooperatives, and refer to the City Manager to develop a Worker Cooperative Ordinance, which includes:</p> <p>1. Revising the existing Buy Local contracting preference and adding a worker cooperative preference; 2. Revising the business permit application; 3. Incentivizing existing businesses to convert to cooperatives; 4. Creating business tax and land use incentives, and 5. Developing educational materials.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 75.00            | Work in Progress | City Manager's Office | N           | Y                                     | Y       | N                     | N                                | Y                       | Y                                  |
| 127 | Council and Budget Referrals - Project | Urgency Item: Safety for All: The George Floyd Community Safety Act - City Attorney and Manager Analysis of Contractual and Legal Barriers to Public Safety Reform         | Direct the City Manager and City Attorney to analyze contractual and legal barriers to public safety reform including police union contracts, vendor contracts, state and federal laws, to determine barriers to accountability and substantive reform. In addition, direct the City Manager and City Attorney to evaluate elements in the proposed police review commission charter amendment, that can be implemented by the City Council.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 10.00            | On Hold          | City Manager's Office | N           | N (On hold, pending Reimaging Police) | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Percent Complete | State                   | Lead City Department                                                | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 128 | Council and Budget Referrals - Project | Companion Report: Effective Enforcement of Safe Lead-Paint Practices - Update on Amendments                                           | Based on the intent of the recommendation from the Community Environmental Advisory Commission (CEAC) for the City to expand enforcement of unsafe lead paint practices, refer to the City Manager to: - Coordinate with the Alameda County Healthy Homes Program to clearly identify roles and responsibilities for expanding enforcement of unsafe lead practices, and to explore options for sharing resources that can support expanded local enforcement; - Identify what resources, staff capacity, and program structure would be required to expand City enforcement of unsafe lead practices; - Continue current work to educate building permit applicants and contractors about safe lead paint practices; train and certify all City of Berkeley Building and Housing Inspectors in lead paint safety; respond to, investigate, and enforce safe lead paint practices as needed; and administer the Public Health Division's Childhood Lead Poisoning Prevention Program; and - Provide an update to City Council within one-year that identifies progress and next steps for expanding enforcement of unsafe lead practices. Additions: Request that the City Manager return to Council as soon as possible with recommendations on staffing for robust enforcement and internal restructuring for inspections. Options for noticing and distributing disclosure information. Enforcement by the City or the County, if feasible. | 0.00             | Pending Not On Schedule | City Manager's Office/Health, Housing & Community Services/Planning | N           | N         | N            | N                     | N                                | N                       | N                                  |
| 129 | Council and Budget Referrals - Project | Funding Streetlight Near South East Corner of Otis Street                                                                             | Approved recommendation revised to change the item to a budget referral and refer an assessment of feasibility to fund construction of a streetlight on the corner of Otis near Ashby to the City Manager.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started             | City Manager's Office/Public Works                                  | N           | N         | Data Pending | N                     | N                                | Data Pending            | Data Pending                       |
| 130 | Council and Budget Referrals - Project | Community Microbond Initiative. Revised materials (Supp 2)                                                                            | Refer to the 2018 prioritization process to direct the City Manager to produce a report outlining steps required if the City were to implement a Pilot Project for the Community Microbond Initiative within 90 days. Consider including a community engagement component (such as a survey) to identify a project for the pilot, identify City staff who would be involved in the Pilot Project, analyze the cost structure to the City, clarify the process to identify, select and collaborate with relevant vendors, and outline any and all other necessary steps to achieve a Pilot Microbond offering. Consider including the following requirements for a proposed RFP: Vendor(s) selected should have municipal bond underwriting capabilities; Vendor(s) selected should have experience with blockchain technology                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 90.00            | Work in Progress        | Finance                                                             | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |
| 131 | Council and Budget Referrals - Project | Develop Ordinance Prohibiting Companies Participating in the Construction of a Border Wall from Contracting with the City of Berkeley | Direct the City Manager to develop an ordinance prohibiting companies involved in the construction of a border wall from contracting with the City of Berkeley. Return to Council with the proposed ordinance within 90 days.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 25.00            | Pending Not On Schedule | Finance                                                             | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Percent Complete | State            | Lead City Department      | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 132 | Council and Budget Referrals - Project | Accessory Dwelling Unit Ordinance Updates                                                                                                           | Action: M/S/Carried (Hahn/Wengraf) to adopt the item as written in Supplemental Reports Packet #1 and including the following changes.<br><ul style="list-style-type: none"> <li>• Remove the language regarding view protections.</li> <li>• Add new #9 on hillside heights measurements where no previous structure exists.</li> <li>• Add "and any other solutions" to #5 regarding parking.</li> <li>• Include the referral from Item 15 with this referral.</li> </ul> 01/14/21 (SM for DB)<br>Restricted allowances due to state law. Solution may be incorporated into Safe Passages.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 90.00            | Work in Progress | Fire & Emergency Services | N           | Y         | Y       | N                     | Y                                | Y                       | N                                  |
| 133 | Council and Budget Referrals - Project | Commission Referral: Recommendation to Install an Outdoor Public Warning System (Sirens) and Incorporate It Into a Holistic Emergency Alerting Plan | Recommend that City of Berkeley explore evaluating locations to 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, and refer the item to the November budget discussion.<br>01/14/21 (SM for DB).<br>Funding identified in Measure FF                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 10.00            | Work in Progress | Fire & Emergency Services | Y           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 134 | Council and Budget Referrals - Project | Immediate Measures to Address Fire Safety and Prevention [Non-RRV Prioritization Process]                                                           | Refer to the City Manager to study and evaluate, in consultation with relevant Commissions, the following fire safety and prevention measures on a priority basis. After study and evaluation, implement or, where additional resources may be required, recommend implementation and sources of funding. 1. Complete the Berkeley Fire Department's comprehensive Evacuation Plan and publicize evacuation routes and protocols on a priority basis. 2. Increase outreach efforts to sign up residents for the Alameda County Emergency Alert program. 3. Review and update the City's existing Fire Safety ordinances, including BMC 12.50 Fire Inspection Program. 4. Consider implementation of a siren warning system, similar to Oakland's Emergency Siren system. 5. Review and, as necessary, strengthen coordination and communication with Oakland, East Bay Regional Parks (EBRP), Alameda County, Contra Costa and other neighboring Fire Department and emergency response service providers. 6. Expand programs and practices to reduce fire hazards and fuel loads and ensure clearance for utility lines on both public and private property as outlined in the report.<br>01/14/21 - Programs to be funded by FF (SM for DB). | 10.00            | Not Started      | Fire & Emergency Services | Y           | Y         | Y       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                          | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 135 | Council and Budget Referrals - Project | Referral to Develop Comprehensive Plan for Disaster Preparedness and Post-Disaster Rebuilding with Respect to Multi-Family Housing [Non-RRV Prioritization Process]                                           | Refer to applicable City departments and commissions the development of a comprehensive plan for both disaster preparedness and post-disaster rebuilding with respect to multi-family housing. As part of the plan, applicable departments and commissions should explore how applicable ordinances (e.g., Demolition Ordinance, Relocation Ordinance, Rent Stabilization Ordinance) may interface with rebuilding efforts in the event of a major disaster and make recommendations to amend or clarify them as appropriate. The referral can be added to existing referrals concerning disaster preparedness item and prioritized as appropriate. | 0.00             | Not Started      | Fire & Emergency Services            | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 136 | Council and Budget Referrals - Project | Referral to the Disaster and Fire Safety Commission and the City Manager: Five Year Plan for Expanded Disaster Preparedness Services [Non-RRV Prioritization Process]                                         | Refer to the Disaster and Fire Safety Commission and the City Manager's office to explore developing a five year plan for expanded disaster preparedness services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Work in Progress | Fire & Emergency Services            | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 137 | Council and Budget Referrals - Project | Adding Threat of Displacement of a Berkeley Resident to the Current Income Qualification Guidelines Which Would Place an Applicant in Priority Status for BMR (Below Market Rate) Units [Housing Action Plan] | Refer to the City Manager adding to income qualification the status of pending displacement of a Berkeley resident or family, for priority eligibility for BMR units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 0.00             | Not Started      | Health, Housing & Community Services | N           | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 138 | Council and Budget Referrals - Project | Cigarette and Tobacco Litter Ordinance; Referral to Community Health Commission                                                                                                                               | Referral to the Community Health Commission to establish an ordinance that would diminish pollution from cigarettes waste similarly to San Francisco's Cigarette Abatement Fee Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 139 | Council and Budget Referrals - Project | Community Impact of Future Changes to Services at Sutter Health Alta Bates Ashby Campus                                                                                                                       | Refer to the Community Health and Disaster and Fire Safety Commissions to evaluate potential community impacts of changes to services at the Sutter Health Alta Bates Ashby campus in the coming years.                                                                                                                                                                                                                                                                                                                                                                                                                                             | 0.00             | Work in Progress | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 140 | Council and Budget Referrals - Project | Companion Report and Referral Response: Creation of a Small Sites Program                                                                                                                                     | 4) Request that the Council and Housing Advisory Commission receive copies of small sites loan applications along with staff's corresponding analysis and decision. 6) Refer further consideration of a long-term small sites program to the City Manager and the Housing Advisory Commission. 7) Refer the small sites program to the November budget update and next biannual budget planning cycle in 2019.                                                                                                                                                                                                                                      | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | N            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 141 | Council and Budget Referrals - Project | Companion Report: Support for Oregon Park Senior Apartments - [Housing Action Plan]                                                      | Refer the Housing Advisory Commission's recommendation that staff work with Oregon Park Senior Apartments (OPSA) to the Council prioritization process so that the Council can evaluate this recommendation in the context of other recommendations for the use of Housing & Community Services staffing resources. Adopted with the following conditions: 1. Oregon Street Park Apartments will conduct a financial audit. 2. Oregon Street Park Apartments will conduct a full assessment of the structure of the building and the facility needs. 3. Oregon Street Park Apartments will hire a property manager to oversee the financials and the property. 4. The City will commit to holding the fines in abeyance until such time that conditions 1-3 are completed. | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 142 | Council and Budget Referrals - Project | Disposition of City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street                                                     | Refer the item to the City Manager to explore City uses of the property for housing and homelessness services and needs, or other uses, and review the remediation needs of the property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Pending          | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 143 | Council and Budget Referrals - Project | Health Equity & Innovation District                                                                                                      | Referral to the Planning Commission, the Community Health Commission, the Commission on Aging, and the City Manager to establish a Health Equity & Innovation District (HID). The goal of the HID is to reduce chronic racial health disparities and improve the overall public health strategy of Berkeley by fostering innovations in healthcare delivery, improving resiliency, and strengthening the integration of health services and systems. The HID is intended to draw investment and grant opportunities, as well as to explore the expansion of scope of practice for medical providers.                                                                                                                                                                       | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 144 | Council and Budget Referrals - Project | Healthy Checkout Ordinance                                                                                                               | 2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 25.00            | Work in Progress | Health, Housing & Community Services | N           | Y            | N            | N                     | Y                                | Y                       |                                    |
| 145 | Council and Budget Referrals - Project | Providing our Unhoused Community in the City of Berkeley with Menstrual Products                                                         | 3. Direct the City Manager to use existing homeless services funding to develop and deploy a program to provide a broad spectrum of menstrual products, including but not limited to, feminine hygiene, pads, tampons, underwear, and other related products, both through the City's outreach direct services, as well as through the community based homeless services providers. Additionally, require some elements of this program be deployed immediately, with a full program deployment within six months.                                                                                                                                                                                                                                                         | 10.00            | Work in Progress | Health, Housing & Community Services | N           | Y            | N            | N                     | N                                |                         | Y                                  |
| 146 | Council and Budget Referrals - Project | Refer to the City Manager's Office and Budget Referral: Second Dwelling Unit/Accessory Dwelling Unit Pilot Program to House the Homeless | Refer to the City Manager's office and the HAC to develop a second dwelling unit/accessory dwelling unit Pilot Project as an additional strategy to provide housing for homeless persons and families.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Health, Housing & Community Services | Y           | N            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 147 | Council and Budget Referrals - Project | Referral to Commission on Labor: Amendments to Living Wage Ordinance (BMC 13.27)                                          | Refer to the Commission on Labor the following suggested amendments to the Living Wage Ordinance, Berkeley Municipal Code Chapter 13.27: 1. Amend Section 13.27.050.A to allow an employee the right to opt out of an employer provided medical benefit plan and still receive the higher compensation amount (currently \$15.99 per hour) as cash in lieu if they provide proof of alternative coverage under a medical benefit plan. 2. Amend the posting requirements, retaliation, complaint process, and enforcement sections to conform to the language in the recently adopted Minimum Wage Ordinance.                                                                                                                                                                                                                                                                                                                                    | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 148 | Council and Budget Referrals - Project | Referral to the City Manager: Adopt Section 8 Landlord Incentives [Housing Action Plan]                                   | Refer to the City Manager the adoption of the following measures to encourage landlords to accept Section 8 and Shelter + Care vouchers: 1. Create a list of qualified, efficient and affordable contractors vetted by the City, and a discount or waiver of permit fees, to support bringing their unit(s) to code; 2. Provide legal and/or mediation support, offered either through the City or a partner, in negotiating Landlord/Tenant disputes out-of-court; 3. Allow parcel and/or property tax reductions based on the percentage of property or units that are currently Section 8 and/or decided during annual Section 8 inspection; and 4. Identify organizations who can support financial literacy and management for Section 8 tenants, including establishing bank accounts with direct deposit to Landlords. We ask City staff to research and develop a proposal of options for implementing these within the next six months. | 0.00             | Not Started      | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 149 | Council and Budget Referrals - Project | Referral to the Labor Commission and the Commission on the Status of Women: Paid Family Leave Ordinance Revised materials | Refer the attached ordinance for consideration by to the Labor Commission and the Commission on the Status of Women to help in the development of a Paid Family Leave Ordinance for the City of Berkeley. The Labor Commission shall be responsible for conducting a public hearing to collect community input on the attached draft legislation. The Labor Commission shall conduct outreach and invite relevant stakeholders to attend, including representatives from small business associations, chambers of commerce, Berkeley employers, and Berkeley employees. The Commission on the Status of Women shall be responsible for research and overall project management. The Commissions shall jointly prepare a report for submission to Council summarizing both commissions' suggestions and the community's suggestions for changes that should be made to the attached legislation.                                                  | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 150 | Council and Budget Referrals - Project | Small Sites Acquisition Program and Tenant Opportunity to Purchase [Housing Action Plan]         | Refer to the City Manager the implementation of the following strategies to preserve existing affordable housing and prevent displacement: 1. Create a Small Sites Program to assist non-profits in acquiring existing properties that considers the following criteria: a. Targets 5-25 unit multi-family buildings, particularly properties with strong potential for conversion to resident ownership, those in which no-fault evictions have been filed, or those at high risk of speculative purchase. b. Allocates \$1-2 million from multiple funding sources. Such sources could include Measure A1 and U1 funds, Section 8 vouchers, and the MTC NOAH program. c. Includes administrative guidelines for a streamlined allocation process that will ensure an expedited commitment and funding process. Such commitments could include a letter of commitment from the City when non-profit organizations are placing an option on a property, or a small grant to make a down payment. 2. Review and develop an ordinance modeled after Washington D.C.'s Tenant Opportunity to Purchase Act that offers existing tenants the first right of refusal when property owners place rental property on the sale market, which can be transferred to a qualifying affordable housing provider. | 50.00            | Work in Progress | Health, Housing & Community Services | N           | Y            | N            | N                     | N                                | N                       | N                                  |
| 151 | Council and Budget Referrals - Project | Workforce Housing Affordability Plan [Housing Action Plan]                                       | Refer to the City Manager the addition of a new workforce housing option to the inclusionary housing law that raises the percentage of inclusionary units by allowing the production of more subsidized units at a reduced subsidy per unit. Additionally, request that the City Manager return with "affordable by design" suggestions to help address the underproduction of middle-income units in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Health, Housing & Community Services | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 152 | Council and Budget Referrals - Project | Workforce Housing for Berkeley Unified School District Personnel [Housing Action Plan]           | Request the City Manager to direct staff to investigate the feasibility of developing workforce housing, in conjunction with Berkeley Unified School District, for teachers and employees. This investigation should include research into what other California cities (such as San Francisco, Oakland, Santa Clara and San Mateo County) are considering as part of their pursuit of school district workforce housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | Not Started      | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 153 | Council and Budget Referrals - Project | Budget Referral: Remediation of Lawn Bowling, North Green and Santa Fe Right-of-Way, FY2020-2021 | Refer to the November 2019 AAO 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. Refer to the Homeless Services Panel of Experts to consider Measure P funds for remediation purposes for these properties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State            | Lead City Department                 | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 154 | Council and Budget Referrals - Project | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F                                                 | 2) analyze the impacts of artificial flavorings/additives and advise if any further regulations are necessary                                                                                                                                                                                                                                                                                                                                         | 0.00             | Pending          | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 155 | Council and Budget Referrals - Project | Cannabis Ordinance Revisions; Amending Berkeley Municipal Code Chapters 12.21, 12.22, 20.40, 23C.25, and Sub-Titles 23E and 23F                                                 | 2) direct the Berkeley Public Health Department to review the issue of flavored cannabis products for combustion or inhalation, and cannabis products whose names imply that they are flavored, and review any additional ingredients that may be hazardous, whether natural or artificial, including vitamin E acetate in inhalation products, and make recommendations for action.                                                                  | 0.00             | Pending          | Health, Housing & Community Services | Y           | Y            | Y            | N                     | Y                                | Y                       | Y                                  |
| 156 | Council and Budget Referrals - Project | Companion Report: Health Study to be Conducted by the Public Health Division to Gather Data on Health Conditions, Health Disparities and Mortality Rates of Berkeley's homeless | Send a letter to Alameda County requesting data on deaths of identified homeless individuals.<br><br>Contact Alameda County request that they explore the feasibility of recording homelessness as a data point in death records and/or making investments to begin tracking this information locally.                                                                                                                                                | 50.00            | Work in Progress | Health, Housing & Community Services | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 157 | Council and Budget Referrals - Project | Open Doors Initiative: City Worker and First Time Affordable Homebuyer Program                                                                                                  | That the City Council refer the City Manager and Housing Advisory Committee to explore mechanisms to support homeownership by City of Berkeley employees and further refer to City Manager to prepare a report detailing available first-time homeownership and low-income homeowner programs that might be available for implementation in the City of Berkeley. Analysis to include the new Self-Help Housing Program and the provisions of AB 101. | 0.00             | Not Started      | Health, Housing & Community Services | Y           | N            | N            | N                     | N                                | Y                       | Y                                  |
| 158 | Council and Budget Referrals - Project | Voluntary Time Off on Statewide Election Days for City Employees                                                                                                                | Refer to the City Manager to designate Statewide Election Days as VTO days, and refer to the 2x2 Committee to discuss coordinating City and District policy on holidays, in particular Election Day.                                                                                                                                                                                                                                                  | 80.00            | Work in Progress | Human Resources                      | N           | Y            | Y            | N                     | Y                                | Y                       | N                                  |
| 159 | Council and Budget Referrals - Project | Expanding the Downtown Arts District                                                                                                                                            | 1. Request the Planning Commission examine expanding the boundaries of the current Downtown Arts District Overlay as well as the allowable active ground-floor uses.<br>2. Request the City Manager consider the Downtown Arts District as part of the update to the Berkeley Arts and Culture Plan.                                                                                                                                                  | 95.00            | Work in Progress | Office of Economic Development       | N           | Y            | N            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                          | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Percent Complete | State            | Lead City Department           | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 160 | Council and Budget Referrals - Project | Path to Permanence for Outdoor Dining and Commerce Permits Granted Under COVID-19 Public Health Emergency Declaration                                                         | On November 2, 2020 the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee made a positive recommendation to send the item to the City Council with the recommendation language as amended by the committee. The revised recommendation language includes: Refer to the City Manager to develop a program and, if necessary, ordinance language to facilitate the transition of temporary outdoor dining and commerce permits that were obtained under the City's declaration of emergency to permanent status. - Consider criteria for transitioning spaces for Public vs. Private outdoor use. - Consider the structural, materials, safety and other criteria for temporary vs. permanent outdoor spaces. - Consider costs and benefits of private outdoor spaces adjacent to specific businesses on customer access, parking availability, parking revenues, and all other factors. - Consider Merchant opt-out vs. opt-in: To encourage and support the use of outdoor commerce, upon the conclusion of the City declaration of emergency, outdoor commerce permit holders might automatically be transitioned to permanent permit status unless the permit holder chooses to remove the installation, or the City might reach out to temporary permit holders and offer an opt-in or quick transition program. - Consider Fees and potential Fee waivers for temporary spaces transitioning to permanent status: Fees associated with the minor encroachment permits or sidewalk seating typically necessary for outdoor dining and commerce permits could | 10.00            | Work in Progress | Office of Economic Development | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 161 | Council and Budget Referrals - Project | Referral to the Civic Arts Commission to Consider the Creation and Selection of a Flag for the City of Berkeley                                                               | Refer to the Civic Arts Commission to select a flag for the City of Berkeley from submissions from the public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 0.00             | Work in Progress | Office of Economic Development | Y           | N            | Y            | N                     | N                                | Y                       | Y                                  |
| 162 | Council and Budget Referrals - Project | Referral to the Civic Arts Commission to create interactive family-friendly art attractions                                                                                   | Refer to the Civic Arts Commission to create interactive family-friendly art attractions in the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Work in Progress | Office of Economic Development | Y           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 163 | Council and Budget Referrals - Project | Referral to the Civic Arts Commission to develop a grant program available for arts and cultural organizations to support retaining and improving creative spaces for artists | Referral to the Civic Arts Commission to prioritize within their current Work Plan creating a process for awarding competitive grants to Berkeley-based arts and cultural organizations that will help support their ability to stay in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 11.00            | Work in Progress | Office of Economic Development | Y           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 164 | Council and Budget Referrals - Project | Evaluation of Possible Ban on New Planting of Certain Tree Species                                                                                                            | Take action to either: a) Direct the City Manager to proceed with Option 1, and continue the City's current practice regarding tree plantings on City property, which currently do not include Eucalyptus, and Monterey Pine (except at the Marina).-OR- b) Adopt a Resolution as described in Option 2 that would ban the new planting of certain tree species on City property. -OR-c) Direct the City Manager to develop an ordinance for Council adoption that bans the new planting of certain tree species on both public and private property, and includes enforcement mechanisms.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Work in Progress | Parks, Recreation & Waterfront | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State            | Lead City Department             | Commission?                  | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 165 | Council and Budget Referrals - Project | Referral to the City Manager: Equitable Access to Greenspace                                                                                                             | Refer to the City Manager to explore developing a plan for increasing Equitable Access to Greenspace in Berkeley. Future parks and greenspace investments should be targeted at reducing disparities in access to greenspace. Criteria to consider should include: ☐ Geographical distance and square footage of available greenspace ☐ Income levels of area residents, which may impact their ability to afford non-public facilities and/or transportation to green spaces ☐ The proportion of youth, seniors and disabled people unable to travel to more distant facilities The City may utilize recommendations from the report "Berkeley Parks Planning for an Equitable Future" produced by the Parks and Waterfront Commission's Subcommittee on Planning. The City should also consider the work of San Francisco's Green Connections (see <a href="http://sf-planning.org/green-connections">http://sf-planning.org/green-connections</a> ) which promotes the presence and attractiveness of walking and bike paths to green spaces in order to encourage their use. The City should investigate strategies for expanding park capacity including assessing prime areas for developing new parks and greenspaces, such as in the Adeline Corridor and Santa Fe ROW. The Adeline Corridor Plan must consider and account for increasing greenspace in the Southeast Quadrant of Berkeley, and explore innovative ways for integrating greenspace into our urban environment. To implement these recommendations, the City should explore public private funding partnerships as well as community partnerships with Berkeley residents, community | 0.00             | Work in Progress | Parks, Recreation & N Waterfront |                              | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 166 | Council and Budget Referrals - Project | Authorize Installation of Security Cameras at the Marina and Request an Environmental Safety Assessment                                                                  | Adopt the following recommendations in order to address the recent dramatic uptick in reported crime incidents at the Berkeley marina: -Request that the City Manager install security cameras and signage as expeditiously as possible as a long-term safety measure; -Refer to the City Manager to perform an environmental safety assessment of the Berkeley marina with particular attention to the berther parking areas. Cameras will not use facial recognition or biometric software.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 90.00            | Work in Progress | Parks, Recreation & N Waterfront |                              | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 167 | Council and Budget Referrals - Project | 27. Green Affordable Housing Package (Continued from October 6, 2015)                                                                                                    | Refer that the Planning Commission and City Manager investigate the following two policies as ways to reduce barriers for the creation of affordable housing. City Council requests that commissions and staff address and propose solutions and/or an implementation plan using the recommendations in the report by September 1, 2016. Policy 1: Designate units and funding for affordable housing by prioritizing housing over parking spaces in new developments. Policy 2: Remove the structural and procedural barriers to creating more housing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 90.00            | Work in Progress | Planning                         | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 168 | Council and Budget Referrals - Project | City Manager Referral: Facilitate the Local Implementation of Senate Bill 1413 and Expedite the Development of Teacher and School Employee Housing [Housing Action Plan] | Refer to the City Manager to work with the Planning to facilitate the local implementation of Senate Bill 1413 in an effort to expedite the development of housing for teacher and school employees in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 0.00             | Not Started      | Planning                         | N                            | N            | N            | N                     | N                                | Y                       | N                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State            | Lead City Department | Commission?                                       | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 169 | Council and Budget Referrals - Project | Classify Home Occupation Activities Receiving Five or Fewer Visits as Moderate Impact Home Operation (PDF)                                                                                 | Refer to the City Manager that the zoning code for Moderate Impact Home Operation (Moderate Impact HO) be amended to include home occupation activities receiving five or fewer visits weekly, requiring an AUP rather than a Use Permit with public hearing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 90.00            | Work in Progress | Planning             | Involves Planning Commission                      | Y            | N            | N                     | N                                | Y                       | Y                                  |
| 170 | Council and Budget Referrals - Project | Deferral of Remaining Permit Fees for 2009 Addison Street                                                                                                                                  | Refer to the City Manager to conduct a feasibility analysis and develop an MOU with the Berkeley Repertory Theater to defer \$720,000 in remaining permit and inspection fees for Berkeley Repertory Theater's housing project at 2009 Addison Street (leaving flexibility for timing, setting of interest, schedule of payments, and fund sources).                                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started      | Planning             | N                                                 | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 171 | Council and Budget Referrals - Project | Partial Response to Council Referral on Deep Green Building Initiative - Recommendation for Dedicated Revenue Stream to Incentivize Residential Energy Efficiency and Electrification      | City Council refers to staff a request to conduct an analysis to identify and develop a set of programs and policies consistent with the Climate Action Plan to incentivize residential energy efficiency and electrification investments, based on a cost benefit analysis to determine highest value energy-saving measures. This recommendation supports the Deep Green Building Initiative referral from the Council to the Energy Commission. Council further refers \$50,000 to the budget process for the staff work and analysis.                                                                                                                                                                                    | 20.00            | Work in Progress | Planning             | N                                                 | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 172 | Council and Budget Referrals - Project | Permit Service Center Improvements                                                                                                                                                         | Refer to the City Manager to include in current efforts to improve the Land Use Permitting process the following proposals to increase the efficiency and outreach of the Permit Service Center, making the permitting process easier for staff and applicants alike. Specific proposals to consider include: 1. Website improvements for tracking of permits, calculating permit fees, and applying online; 2. Case Managers for coordinated intake of permit applications and materials; 3. Informational materials including an improved user guide and infographics modeled after BizGrid; 4. Customer service improvements at the Center including a fast track line, kiosks, and an online appointment booking system. | 50.00            | Work in Progress | Planning             | N                                                 | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 173 | Council and Budget Referrals - Project | Planning Commission Referral for a Pilot Density Bonus Program for the Telegraph Avenue Commercial District to Generate Revenue to House the Homeless and Extremely Low-Income Individuals | Refer a City Density Bonus policy for the Telegraph Avenue Commercial District to the Planning Commission to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 25.00            | Work in Progress | Planning             | Involves Planning Commission                      | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 174 | Council and Budget Referrals - Project | Providing Requested Direction to the City Manager and Planning on the Number of Cannabis Retail Establishments and the Creation of an Equity Program                                       | That the Council provides requested direction to the Planning on how to proceed with the Equity Program recommended by the Cannabis Commission in the October 9, 2018 staff report; with the following specifications: Recommendation of creating 1 new dispensary license for equity applicants. It is envisioned as new licenses are created, such as, delivery, manufacturing, and micro-business, permits will be reserved for equity applicants for each new category.                                                                                                                                                                                                                                                  | 25.00            | Work in Progress | Planning             | Involves Planning Commission, Cannabis Commission | N            | N            | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                                                                                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State            | Lead City Department | Commission?                  | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 175 | Council and Budget Referrals - Project | Referral to the Planning Commission to Allow 4 Temporary Zoning Amendments to Increase Student Housing in the Southside Area                                                                                                                                                                                               | Refer to the City Manager and the Planning Commission to consider conversion of existing commercial space for residential use between College Avenue and Fulton Street and Bancroft Way to Dwight Way.                                                                                                                                                                                                                                                                               | 50.00            | Work in Progress | Planning             | Y                            | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 176 | Council and Budget Referrals - Project | Short Term Referral to Expedite Components of the More Student Housing Now Resolution, and budget referral to the annual appropriation ordinance adoption                                                                                                                                                                  | Short term referral to the City Manager and the Planning to promptly move forward with components of the More Student Housing Now Resolution that do not require additional CEQA review, amend existing City ordinances and policies that prevent the implementation of SB 1227, and provide a budget referral to the annual appropriation ordinance adoption that would allocate the necessary resources as determined by the Planning Staff.                                       | 50.00            | Work in Progress | Planning             | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 177 | Council and Budget Referrals - Project | Tiny Homes and Tiny Home Communities as Homeless Housing Options [Housing Action Plan]                                                                                                                                                                                                                                     | 2. Refer the item to the City Manager for further research and analysis. The creation of Tiny Homes on public or private property for long-term use and/or as habitable dwellings with facilities intended as a homeless program would require modifications to the existing zoning and building codes and additional program requirements to ensure such developments are moving clients out of homelessness.                                                                       | 0.00             | Not Started      | Planning             | N                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 178 | Council and Budget Referrals - Project | Zoning Ordinance Amendments to Increase the Floor Area Ration (FAR) and Building Heights in Portions of the Telegraph Avenue Commercial (C-T) District; Amending BMC Chapter 23E.56; REFERRAL: refer to the City Manager to develop community benefit requirements, with a focus on labor practices and affordable housing | Adopt first reading of an Ordinance amending the Zoning Ordinance, Berkeley Municipal Code Chapter 23E.56, Telegraph Commercial District (C-T) to increase the floor area ration and building heights in portions of the Telegraph Avenue Commercial (C-T) District.                                                                                                                                                                                                                 | 50.00            | Work in Progress | Planning             | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 179 | Council and Budget Referrals - Project | ZORP   Customer Service Improvements to Land Use Permit Process                                                                                                                                                                                                                                                            | Direct staff to make structural improvements to the Zoning Ordinance, communication improvements to better explain complex technical and procedural elements to the public, and organizational improvements to the Land Use Planning Division; and authorize the issuance of a request for proposals (RFP) for the selection of consultants to make structural improvements to the Zoning Ordinance and develop graphic communication elements in an amount not to exceed \$300,000. | 30.00            | Work in Progress | Planning             | Involves Planning Commission | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 180 | Council and Budget Referrals - Project | City Manager Referral: Expanding Gun Safety Measures in Berkeley                                                                                                                                                                                                                                                           | Refer to the City Manager to consider the following ordinances: 1. Banning Unsecured Firearms And Ammunition Located In Unattended Vehicles In The Public Right Of Way And "Public Places" As Defined In The Ordinance; and 2. Requiring That City-Issued Firearms In Unattended Vehicles Be Secured.                                                                                                                                                                                | 30.00            | Work in Progress | Police               | N                            | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 181 | Council and Budget Referrals - Project | City Manager Referral: Plan for Lighting and Signage at the Ohlone Greenway at Cedar, Rose, and Hopkins                                                                                                                                                                                                                    | Refer to the City Manager to develop a plan to improve the lighting and signage (e.g. stop signs) at the Ohlone Greenway crossing at Cedar, Rose, and Hopkins, particularly for bicycle transit.                                                                                                                                                                                                                                                                                     | 0.00             | Work in Progress | Public Works         | N                            | Y            | N            | Y                     | N                                | Y                       | Y                                  |
| 182 | Council and Budget Referrals - Project | Four Way Stop Signs on Eighth Street at Carleton Street and Pardee Street                                                                                                                                                                                                                                                  | Refer to the City Manager a proposal to install stop signs at the intersections of Eighth Street and Carleton Street and Eighth Street and Pardee Street.                                                                                                                                                                                                                                                                                                                            | 2.00             | Work in Progress | Public Works         | N                            | N            | N            | N                     | N                                |                         | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State               | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 183 | Council and Budget Referrals - Project | Refer to City Manager to look into adopting an ordinance requiring a permit process for scooter sharing companies to operate on public streets                                                              | Refer to the City manager to look into adopting an ordinance establishing a pilot Powered Scooter Share Permit Program for 24 months, requiring a permit issued by the Director of Public Works, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit or violation of permit requirements, providing a procedure for the assessment and collection of administrative penalties for permit violations or parking or leaving standing an unpermitted powered scooter subject to the pilot Powered Scooter Share Permit Program on a sidewalk, street, or other public right-of-way. | 50.00            | Work in Progress    | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 184 | Council and Budget Referrals - Project | Referral to Consider Caregiver Parking in Residential Shared Parking Pilot                                                                                                                                  | Refer to the City Manager and Transportation Commission to consider a pilot program for caregiver parking permits in RPP zones in the goBerkeley Residential Shared Parking Pilot.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 25.00            | Pending On Schedule | Public Works         | Y           | Y            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 185 | Council and Budget Referrals - Project | Referral to the City Manager: Prioritize Climate Action Plan's Policy to Redesign/Rebuild the Berkeley Transfer Station and Material Recovery Facility into a State of the Art Zero Waste Facility          | Referral to the City Manager: Prioritize the City of Berkeley's Climate Action Plan's policy to redesign/rebuild the Berkeley Transfer Station and the material recovery facility into a state of the art Zero Waste facility.                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Work in Progress    | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 186 | Council and Budget Referrals - Project | Referral to the Public Works Department and the City Manager: Finishing the installation of Sculpture Lighting into Adjacent Street Lights for the William Byron Rumford Statue on Sacramento and Julia St. | Refer to the City Manager a request to finish the installation of sculpture lighting into adjacent street lights for the William Byron Rumford statue on Sacramento and Julia Street. Refer to the Public Works Department for its installation.                                                                                                                                                                                                                                                                                                                                                                                                     | 25.00            | Work in Progress    | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 187 | Council and Budget Referrals - Project | Request for Information Regarding Current Status and Progress on Traffic Mitigations at Dwight Way and California Street                                                                                    | Refer to the City Manager a request for information regarding the current status and progress on traffic mitigations and pedestrian safety improvements at the intersection of Dwight Way and California Street.                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started         | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | N                                  |
| 188 | Council and Budget Referrals - Project | Residential Preferential Parking (RPP) Program Reform and Expansion                                                                                                                                         | 2. Refer to the City Manager to explore options to amendments to the ordinance related to the cap on permits for situations such as caregivers, child care, and others.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 25.00            | Work in Progress    | Public Works         | N           | Y            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 189 | Council and Budget Referrals - Project | Restrict Parking in the Hills Hazardous Fire Area (Continued from January 12, 2016)                                                                                                                         | Refer to staff the design of a parking restriction program in the Hills Fire Zone to ensure access for emergency vehicles and to allow for safe evacuations in an emergency and to hold public meetings to get community input in the design of such a program.                                                                                                                                                                                                                                                                                                                                                                                      | 10.00            | Work in Progress    | Public Works         | N           | Y            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 190 | Council and Budget Referrals - Project | Special RPP Designation, Grant Street between Ohlone Park and Delaware Street                                                                                                                               | Request the City Manager to designate a special "no 2-hour parking grace period" residential permit parking zone for the one cul-de-sac block of Grant Street between Ohlone Park and Delaware Street. Also, request to provide Council with an Info Report on the process and perform increased enforcement.                                                                                                                                                                                                                                                                                                                                        | 0.00             | Work in Progress    | Public Works         | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

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| 191 | Council and Budget Referrals - Project | Adopt a Spot Initiative for Volunteer Stewardship of Public Spaces                                      | Refer to the Public Works Commission and Parks and Waterfront Commission to develop an Adopt A Spot initiative; specifically outlining potential environmental benefits, program costs, staffing. Rationale: -Adopt a Spot programs enable a network of volunteer residents to assist in city maintenance and clean up efforts which have great impact using minimal City staff/funding. -Vision 2050 will include stormwater and watershed management goals, both of which this program would support.                                                                                                                                                         | 75.00            | Work in Progress | Public Works/Parks, Recreation & Waterfront | Y           | Y            | Y            | N                     | N                                | Y                       | N                                  |
| 192 | Council and Budget Referrals - Project | Wildland Urban Interface Fire Safety and Fire Safety Education                                          | To address long term fire, earthquake and disaster preparedness, response, and safety: Refer all of the Proposed Measures from the Commission's report to the City Manager for review by the Fire Department, Public Works, Parks, Recreation & Waterfront and other affected departments to be considered and prioritized along with: Councilmember Bartlett's November 28, 2017 referrals, Councilmember Hahn's January 30, 2018 referrals, and The January 2018 Conceptual Study to Underground Utility Wires. All of these measures should be reviewed, evaluated and prioritized by the City Manager. Report the City Manager's prioritization to Council. | 0.00             | Work in Progress | Fire & Emergency Services                   | Y           | Y            | Y            | N                     | N                                | Y                       | N                                  |
| 193 | Council and Budget Referrals - Project | Treatment of women in custody at Santa Rita Jail                                                        | Refer to the Commission on the Status of Women the alleged offensive treatment of women in custody at Santa Rita Jail, as reported below with the aim of ensuring that searches of women not be conducted in the presence of men (be they male officers or inmates) and any other changes in protocol that might be needed to ensure appropriate policies are followed during searches of women in custody.                                                                                                                                                                                                                                                     | 0.00             | Work in Progress | City Manager's Office                       | Y           | Data Pending | N            | N                     | N                                | Data Pending            | N                                  |
| 194 | Council and Budget Referrals - Project | Traffic Circle Vegetation Maintenance Policy                                                            | Refer to Parks and Waterfront Commission and the Transportation Commission to establish a city/community task force to: a) Evaluate the City's current traffic circle vegetation policy and b) Conduct a community led process to update that policy to ensure pedestrian/bicycle/vehicle safety and preserve community efforts to beautify traffic circles.                                                                                                                                                                                                                                                                                                    | 0.00             | Not Started      | Parks, Recreation & Waterfront              | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 195 | Council and Budget Referrals - Project | Non-Citizen Voting in Berkeley Elections Refer to Peace and Justice Commission                          | Refer to the Peace and Justice Commission to consider preparation of an amendment to the Berkeley City Charter to be presented to the voters in Berkeley that would allow a non-citizen resident the right to vote in Berkeley city elections.                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | City Manager's Office                       | Y           | N            | N            | N                     | N                                | Data Pending            | N                                  |
| 196 | Council and Budget Referrals - Project | Referral to Peace and Justice Commission to Further Protections for Immigrants and Religious Minorities | Adopt a Resolution referring to the Peace and Justice Commission to: 1. Identify entities involved in attempts to create databases and registries used to target immigrants and religious minorities, and make recommendations to the City Council on divesting from such entities; and 2. Identify all service providers to US Immigration and Customs Enforcement, and make recommendations to the City Council on prohibiting city investment in such service providers.                                                                                                                                                                                     | 0.00             | Not Started      | City Manager's Office                       | Y           | N            | N            | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

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| 197 | Council and Budget Referrals - Project | Referral to the Peace & Justice Commission: Examine Internet Communications Platforms Servicing Berkeley                                                                                                                                                                         | Referral to the Peace & Justice Commission to examine the internet communications platforms servicing Berkeley to assess whether they are propagating or promoting racism and/or discrimination.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | City Manager's Office                | Y           | N            | N            | N                     | N                                | Data Pending            | N                                  |
| 198 | Council and Budget Referrals - Project | Accessory Dwelling Unit Ordinance Updates                                                                                                                                                                                                                                        | Refer to the Planning Commission to consider additional elements for Berkeley's Accessory Dwelling Unit Ordinance (BMC 23C.24), on an expedited basis, and refer to the Disaster and Fire Safety Commission bullet point #5, relating to potential obstruction of emergency vehicles, and request that their recommendations be sent directly to the Planning Commission to inform the Planning Commission's review and recommendations. Amendments: Remove the language regarding view protections; Add new #9 on hillside heights measurements where no previous structure exists; Add "and any other solutions" to #5 regarding parking; Include the referral from Item 15 with this referral. | 0.00             | Not Started      | Fire & Emergency Services            | Y           | Y            | Y            | N                     | Y                                | Y                       | Y                                  |
| 199 | Council and Budget Referrals - Project | Amending Chapter 19.34 of the Berkeley Municipal Code to Expand Automatic Gas Shut-Off Valve Requirements in Multifamily, Condominium and Commercial Buildings Undergoing Renovations and to All Existing Buildings Prior to Execution of a Contract for Sale or Close of Escrow | Refer to the Disaster and Fire Safety Commission to consider an ordinance amending Berkeley Municipal Code (BMC) 19.34.040 to expand requirements for automatic natural gas shut-off valves or excess flow valves in multifamily, condominium and commercial buildings undergoing renovations and in all existing buildings prior to execution of a contract for sale or close of escrow. Ask the Commission to consider other triggers as appropriate. 01/14/21 (SM for DB)<br>DFSC recommendation to be reviewed by Planning prior to going to Council.                                                                                                                                         | 90.00            | Work in Progress | Fire & Emergency Services            | Y           | Y            | N            | N                     | N                                | Y                       | N                                  |
| 200 | Council and Budget Referrals - Project | Comprehensive Study of Emergency Services Call Center, Staffing and Development Systems<br><br>Revised Materials                                                                                                                                                                 | Refer to the City Manager and the Disaster and Fire Safety Commission to work with the Berkeley Fire Department and Berkeley Firefighters Association to investigate the Department's current practices and determine the feasibility of implementing a criteria-based dispatching system that allocates staffing based on need and risk, ensures that calls are prioritized based on acuity, and more efficiently delivers the appropriate allocation of resources to every 911 call. Include Alta Bates ER closure in analysis.                                                                                                                                                                 | 0.00             | Work in Progress | Fire & Emergency Services            | Y           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 201 | Council and Budget Referrals - Project | Referral to the Disaster and Fire Safety Commission and the City Manager: Five Year Plan for Expanded Disaster Preparedness Services                                                                                                                                             | Refer to the Disaster and Fire Safety Commission and the City Manager's office to explore developing a five year plan for expanded disaster preparedness services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | On Hold          | Fire & Emergency Services            | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 202 | Council and Budget Referrals - Project | Amending BMC Chapter 9.04: Tax Rate for Non-Medical Cannabis Businesses                                                                                                                                                                                                          | 2) refer to the Community Health Commission to study the health effects of cannabis and possible funding recommendations for allocating the tax revenue;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 203 | Council and Budget Referrals - Project | First They Came for the Homeless Encampment                                                                                                                                                                                                                                      | to refer Item 38a back to the Homeless Commission with the chart of questions provided by Council and request that the commission develop a more specific policy that is broadly applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

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| 204 | Council and Budget Referrals - Project | Homeless Youth Policy                                                                                                                                            | Refer to the City Manager, the Homelessness Commission, and the Labor Commission to develop a Homeless Youth Policy for the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 205 | Council and Budget Referrals - Project | Homeless Youth Policy                                                                                                                                            | Refer to the City Manager, the Homelessness Commission, and the Labor Commission to develop a Homeless Youth Policy for the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 206 | Council and Budget Referrals - Project | Mobile Shower Referral                                                                                                                                           | Refer to the Homeless Commission and City Manager the establishment of a mobile shower unit in Berkeley and assess the feasibility/cost of such a project in comparison to existing programs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 50.00            | Work in Progress | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 207 | Council and Budget Referrals - Project | Moderate-Income Housing Strategies [Housing Action Plan]                                                                                                         | Forward these strategies to the Housing Advisory Commission (HAC) and staff for follow-up as appropriate: 1. Renter Strategies: Encourage homeowners to rent out unused rooms. Encourage homeowners to build Accessory Dwelling Units (ADU's) that could be rented to tenants. 2. Owner/Renter Strategies: Continue to study the use of a small sites strategy to maintain affordability in existing housing. Commit to securing one site as a small sites case study that could be replicated. Encourage and support new development that is owned and financed in less traditional ways, including expanded use of land trusts, cooperative form of ownership, and other approaches, such as co-housing and collaborative housing. Promote construction of affordable housing on surplus public land, particularly for BUSD teachers and staff. 3. Allocation of New Funding Sources: Inform Berkeley residents of the new Measure A1 funds that will be available from the County to assist moderate-income homeowners. Allocate a portion of the Measure U1 funds for moderate-income housing development. | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 208 | Council and Budget Referrals - Project | Neighborhood Preference in Affordable Housing to Reduce the Impact of Displacement and Ellis Act Evictions (Continued from March 29, 2016) [Housing Action Plan] | Refer to the City Manager and Planning Commission an ordinance to clarify existing preferences in allocating City affordable housing units to Berkeley residents living within ½ mile of any new development and tenants evicted under the Ellis Act, expand the second category of preference for eligible tenants displaced under the Ellis Act to include certain tenants displaced through an Owner Move-In or (Measure Y) eviction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Work in Progress | Health, Housing & Community Services | Y           | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 209 | Council and Budget Referrals - Project | Referral to the Health Commission to Consider a "Deemed Approved Ordinance"                                                                                      | Refer to the Health Commission to consider a Concurrent Sales of Gasoline and Alcoholic Beverages Law regulating the concurrent sales of gasoline and alcoholic beverages. Deem such establishments approved, subject to their adherence to certain standards of behavior.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

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| 210 | Council and Budget Referrals - Project | Decriminalizing Entheogenic Plants                                                                              | Refer to the Community Health Commission to consider the possibility of de-prioritizing enforcement of laws relating to entheogenic plants and fungi by persons over 21 years of age. Consider potential health and community benefits and concerns, as well as possible policy variations with regard to possession, use, growing/production, and sales; quantities involved; use while driving; use during pregnancy and other possible "special circumstances considerations."                                                                                                                                                                                                                                                 | 0.00             | Not Started | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 211 | Council and Budget Referrals - Project | Housing for a Diverse, Equitable and Creative Berkeley: Proposing a Framework for Berkeley's Affordable Housing | Refer to the Housing Advisory Commission, the Measure O Bond Oversight Committee, and the Homeless Services Panel of Experts to consider the proposed Housing for a Diverse, Equitable and Creative Berkeley framework (the "Framework") and return comments for consideration at a Special Meeting of the City Council in the early fall, to inform a final version the City Council will adopt to guide Berkeley's affordable housing policies, programs and projects through 2030. The item is further amended to add a "Draft" notation, remove the phrase "rather than for profit-maximizing companies" from Section II, and remove reference to the 50% goal.                                                               | 0.00             | Not Started | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 212 | Council and Budget Referrals - Project | Local Construction Workforce Development Policy                                                                 | Policy Recommendation: That the City Council refer to the Commission on Labor to address the shortage of qualified local construction workers; worker retention, and elevated labor costs through the creation of a construction workforce development policy. This local workforce development policy will encourage housing and nonresidential development applicants to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. The policy will help stabilize regional construction markets; and enhance productivity of the construction workforce Berkeley needs to meet its General Plan's build-out goals. | 0.00             | Not Started | Health, Housing & Community Services | Y           | N            | N            | N                     | N                                |                         | N                                  |
| 213 | Council and Budget Referrals - Project | Local Construction Workforce Development Policy                                                                 | Policy Recommendation: That the City Council refer to the Commission on Labor to address the shortage of qualified local construction workers; worker retention, and elevated labor costs through the creation of a construction workforce development policy. This local workforce development policy will encourage housing and nonresidential development applicants to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans. The policy will help stabilize regional construction markets; and enhance productivity of the construction workforce Berkeley needs to meet its General Plan's build-out goals. | 0.00             | Not Started | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

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Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                                                                                                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Percent Complete | State       | Lead City Department                 | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 214 | Council and Budget Referrals - Project | Refer on a Short Term Basis to the Planning Commission Close a Loophole for Avoiding the Mitigation Fee through Property Line Manipulation and to Consider Modifying the In Lieu Fee Structure for Owner Occupied Units; Refer to the Housing Advisor Commission to Assess the Rate of a Fixed Per-Unit Fee for Owner-Occupied Developments | 1. Refer to the Planning Commission an amendment to BMC Section 23C.12.020 (Inclusionary Housing Requirements – Applicability of Regulations) and BMC Section 22.20.065 (Affordable Housing Mitigation Fee) to close a loophole allowing prospective project applicants to avoid inclusionary affordable housing requirements for projects by modifying property lines so that no lot is large enough to construct five or more units; the Commission should return to Council with a report by April 30, 2019.<br>2. Refer to the Planning Commission to consider modifying the structure of in-lieu fees for owner-occupied developments to a flat per-unit fee, as with rental developments, or a per square foot fee; the Commission should return to Council with a report.<br>3. Refer to the Housing Advisory Commission to assess the appropriateness of the fee level as suggested in the proposed amendments to BMC 23C.12.<br>4. The Planning Commission is to consider the following language from the item submitted at the meeting: It is possible that the new fee structure will be adopted prior to the Housing Advisory Commission approving the level of the fee. In this instance, those projects that opt to pay the in-lieu fee and are permitted after the new fee structure is adopted but before the new fee level is adopted shall be given the choice of paying the current fee level, or the one that is adopted. | 0.00             | Not Started | Health, Housing & Community Services | Y           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 215 | Council and Budget Referrals - Project | Refer to the City Manager and the Housing Advisory Commission to Consider Reforming the Affordable Housing Mitigation Fee                                                                                                                                                                                                                   | Refer to the City Manager, the Planning Commission, and the Housing Advisory Commission to consider possible reforms to the Affordable Housing Mitigation Fee, including adopting a per-square-foot fee structure, potentially on a geographic basis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started | Health, Housing & Community Services | Y           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 216 | Council and Budget Referrals - Project | Refer to the Planning Commission and Housing Advisory Commission to Research and Recommend Policies to Prevent Displacement and Gentrification of Berkeley Residents of Color and African Americans                                                                                                                                         | Refer to the Planning Commission and Housing Advisory Commission to research and recommend policies to prevent displacement and gentrification of Berkeley residents of color. Recommended policies should include real solutions. The Commission should do the following: - Develop a policy to address the erosion of People of Color (POC), including the African American sector of our Berkeley society. - Develop rules and regulations to halt the loss of People of Color including the African American communities. - Develop a "right to return" for Berkeleyans, including the African American communities who have been displaced by these economic and social developments, and those who continue to be employed in our City, even after having to relocate beyond our boundaries. - Solicit expert and lived experience testimonies regarding displacement and gentrification. - Recommend alternatives to prevent displacement and gentrification of our valued Berkeley residents of color and African Americans. Recommendation includes a request for public workshops.                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started | Health, Housing & Community Services | Y           | N         | Y       | Y                     | N                                | Y                       | Y                                  |



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| 217 | Council and Budget Referrals - Project | Small Sites Loan Program Recommendations                                                                                    | 4. Request that the Council and Housing Advisory Commission receive copies of small sites loan applications along with staff's corresponding analysis and decision.<br>6. Refer further consideration of a long-term small sites program to the City Manager and the Housing Advisory Commission.<br>7. Refer the small sites program to the November budget update and next biannual budget planning cycle in 2019.                                                       | 0.00             | Not Started      | Health, Housing & Community Services | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 218 | Council and Budget Referrals - Project | Referral: Telegraph Crosswalk Art Installations                                                                             | Refer to the Civic Arts Commission to develop and return to Council with a plan to:<br>1. Create a public contest to design new crosswalk art on Telegraph at the intersections of Bancroft, Durant, Channing, Haste, and Dwight Streets.<br>2. Build the winning design on the intersections.                                                                                                                                                                             | 0.00             | Not Started      | Office of Economic Development       | Y           | N            | Y            | N                     | N                                | Data Pending            | Y                                  |
| 219 | Council and Budget Referrals - Project | Replacement Mural for Center for Independent Living (CIL)                                                                   | Request the Arts Commission to consider, with CIL representatives, potential locations and suggestions for a new mural to replace that which was at the CIL Telegraph site.                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Office of Economic Development       | Y           | N            | Y            | N                     | N                                | Data Pending            | Y                                  |
| 220 | Council and Budget Referrals - Project | Consider Fire Safety Options for Fire Pit at Codornices Park                                                                | Referral to the Parks & Waterfront Commission to consider safety options regarding the future of the fire pit at Codornices Park. Please consider 1) Complete removal of fire pit or 2) Manufacture of a cover that can be secured and locked.                                                                                                                                                                                                                             | 0.00             | Not Started      | Parks, Recreation & Waterfront       | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 221 | Council and Budget Referrals - Project | Direction to the Children, Youth, and Recreation Commission: Tackle the Summer Learning Loss for Elementary School Children | Direct the Children, Youth, and Recreation Commission to tackle the summer learning loss for low-income elementary children through: 1. Consolidation, Education, & Outreach as outlined in the report; and 2. Assessment & Policy Recommendations as outlined in the report.                                                                                                                                                                                              | 0.00             | Not Started      | Parks, Recreation & Waterfront       | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 222 | Council and Budget Referrals - Project | Pollinators and Habitat (Commission Referral)                                                                               | Adopt three referrals that will deepen Berkeley's commitment to protecting pollinator plants and establishing habitats that will protect pollinators and our environment:<br>2. Refer to Public Works Commission and Parks and Waterfront Commission consideration of how to incorporate pollinators and habitat into the Adopt-A-Spot initiative referred on April 2, 2019. (COMMISSION REFERRAL)<br>Parts 1 and 3 referred to City Manager                               | 0.00             | Not Started      | Parks, Recreation & Waterfront       | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 223 | Council and Budget Referrals - Project | Potential Recreational Opportunities at Willard Park and Pool                                                               | Refer the issue of recreational opportunities in the vicinity of Willard Park to the City Manager, Parks and Waterfront Commission and the 2X2 Committee of the City Council and the Board of Education to determine the best course of action for increased recreational equity in South Berkeley, including but not limited to the re-opening of Willard Pool. Authorize staff to develop cost estimates for a minimal level of repairs to get Willard Pool operational. | 0.00             | Work in Progress | Parks, Recreation & Waterfront       | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                                                                                                                                                          | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Percent Complete | State            | Lead City Department           | Commission?                                                              | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 224 | Council and Budget Referrals - Project | Referral to the City Manager and Parks and Waterfront Commission to Create a Policy to Establish a Commemorative Tree Program                                                                                                                                                                                                 | Refer to the City Manager and the Parks and Waterfront Commission the creation of a policy establishing a Commemorative Tree Program, similar to the City's Park Bench Donation Policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Parks, Recreation & Waterfront | Y                                                                        | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 225 | Council and Budget Referrals - Project | Referral to the Parks and Waterfront Commission: Greg Brown Park                                                                                                                                                                                                                                                              | Recommend that the Parks and Waterfront Commission consider initiating a community process regarding the reopening of Greg Brown Park. Conduct a public hearing and invite relevant stakeholders – including neighbors, representatives from the Berkeley Police and the Parks, Recreation, and Waterfront Department. Include an assessment of any funding requirements and/or public safety concerns. Prepare a report for submission to Council summarizing feedback from the public hearing and the commission's recommendations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | Parks, Recreation & Waterfront |                                                                          | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 226 | Council and Budget Referrals - Project | Ban on Receipts Made with BPA and Other Phenols                                                                                                                                                                                                                                                                               | Refer to the Health Commission and the Community Environmental Advisory Commission to consider an Ordinance to ban the manufacture, distribution, sale, or use of receipt paper that contains BPA or other phenols, and request that the commissions conduct at least one public hearing that includes invitations to local business associations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Planning                       | Y                                                                        | N            | N            | N                     | N                                | Y                       | N                                  |
| 227 | Council and Budget Referrals - Project | COUNCIL DIRECTION ON COMMUNITY BENEFITS NEEDS FOLLOW UP WORK AND REPORT TO COUNCIL   City Manager and Planning Commission Referral: Facilitate Primarily Student Housing by a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S and R-3 Areas Only From Dwight to Bancroft and From College to Fulton | Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 50.00            | Work in Progress | Planning                       | Involves Planning Commission                                             | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 228 | Council and Budget Referrals - Project | Housing Accountability Act                                                                                                                                                                                                                                                                                                    | Refer to the City Manager, Planning Commission, Zoning Adjustments Board, and Design Review Committee to consider the following actions, and others they may find appropriate, to address the potential impacts of the Housing Accountability Act and to preserve local land use discretion: 1. Amend the General Plan and Zoning Ordinance to adopt numerical density and/or building intensity standards that can be applied on a parcel-by-parcel basis in an easy and predictable manner. These would constitute reliable and understandable "objective general plan and zoning standards" that would establish known maximum densities. This could be done across the board or for specified districts. 2. Devise and adopt "objective, identified written public health or safety standards" applicable to new housing development projects. 3. Adopt "design review standards that are part of 'applicable, objective general plan and zoning standards and criteria". 4. Quantify and set objective zoning standards and criteria under the first sentence of Government Code Section 65589.5(j) for views, shadows, and other impacts that often underlie detriment findings. | 25.00            | Work in Progress | Planning                       | Involves Joint Subcommittee for the Implementation of State Housing Laws | N            | Y            | Y                     | Y                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                              | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 229 | Council and Budget Referrals - Project | Referral to Planning Commission to Amend Zoning Ordinance (non-commercial ground floor)                           | Refer to the Planning Commission an amendment to the Zoning Ordinance to create a use permit process to allow non-commercial use on the ground floor where commercial might otherwise be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 25.00            | Work in Progress | Planning             | Y           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 230 | Council and Budget Referrals - Project | Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance           | Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance. | 0.00             | Not Started      | Planning             | Y           | N            | N            | N                     | N                                | Y                       | N                                  |
| 231 | Council and Budget Referrals - Project | Referral to the Community Environmental Advisory Commission and the City Manager: Anti-Idling Ordinance           | Refer to the Community Environmental Advisory Commission and the City Manager to explore developing an anti-idling ordinance. The ordinance should limit vehicle engine idling when a vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment; and prohibit all unattended private passenger motor vehicles from idling. The ordinance should outline enforcement and citation procedures. The Commission and the City Manager should develop appropriate exceptions for commercial vehicles. Any funds received through enforcement of the ordinance should accrue to the General Fund to provide additional funding for sustainability efforts. The Community Environmental Advisory Commission and the City Manager should review the District of Columbia's anti-idling regulations (attached to report) to aide in the development of the ordinance. | 50.00            | Work in Progress | Planning             | Y           | N            | N            | N                     | N                                | Y                       | N                                  |
| 232 | Council and Budget Referrals - Project | Referral: Update the definition of "Research and Development"                                                     | Refer to the Planning Commission to update the definition of "Research and Development."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started      | Planning             | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 233 | Council and Budget Referrals - Project | Removing Plastic Microfibers From The Water Supply: A Referral to the Community Environmental Advisory Commission | Refer to the Community Environmental Advisory Commission to assess the City's capacity to participate in an outreach program informing residents of the harmful nature of microfibers. Revised to add that the Council will send a letter to EBMUD requesting a report on EBMUD's water sourcing measures in drought years; and that the letter will be submitted to Council as an information item.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started      | Planning             | N           | N            | N            | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State       | Lead City Department     | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 234 | Council and Budget Referrals - Project | Refer the Police Review Commission to create training requirements for Police Review Commissioners                                                      | Request that the Police Review Commission establishes mandatory training requirements for Police Review Commissioners, with input from the Police Review Commission Officer and Chief of Police. Recommendation amended to request that the commission consult with the City Manager regarding the training.                                                                                                                                                                                                                                                                                | 0.00             | Not Started | Police Review Commission | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 235 | Council and Budget Referrals - Project | Refer the Police Review Commission to extend time period to impose discipline on Berkeley Police officers pursuant to Police Review Commission findings | Recommend that the Council refer to the Police Review Commission to extend the time limit for Police Review Commission investigations and notification of discipline from the current limit to one calendar year.                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | Not Started | Police Review Commission | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 236 | Council and Budget Referrals - Project | City Manager Referral: Improving the City's Elevator Ordinance                                                                                          | Referral to the City Manager and Commission on Disability to improve the City's Elevator Ordinance by addressing the concerns of the disabled community.                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                | Y                       | N                                  |
| 237 | Council and Budget Referrals - Project | Oversized Vehicle Restrictions on Bicycle Boulevards                                                                                                    | Refer to the Transportation Commission a draft ordinance amending Berkeley Municipal Code Chapter (BMC) 14.56.050 to prohibit commercial trucks exceeding five tons gross vehicle weight from utilizing streets comprising the bicycle boulevards network. Request that the commission work with business associations, the size limitations, the streets subject to the restrictions, and the clarifications added by Councilmember Wengraf related to emergency vehicles.                                                                                                                 | 0.00             | Not Started | Public Works             | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 238 | Council and Budget Referrals - Project | Pavement of Derby Street and Ward Street between Telegraph Ave and Shattuck Ave                                                                         | That the Council refers consideration of the paving of Derby St. and Ward St. between Shattuck Ave and Telegraph Ave to the Public Works Commission in order to repair these deteriorating streets that serve as a part of a major commuter corridor which both individual drivers and buses use in their daily commute.                                                                                                                                                                                                                                                                    | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                | N                       | Y                                  |
| 239 | Council and Budget Referrals - Project | Protected Pedestrian Walkways                                                                                                                           | Refer to the City Manager and request that the Transportation Commission review and craft potential policy solutions—including but not limited to open or covered protected walkways—to improve pedestrian accessibility immediately surrounding construction or sidewalk upgrades.                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                |                         |                                    |
| 240 | Council and Budget Referrals - Project | Reassessing Traffic Calming Policy                                                                                                                      | Refer to the Transportation Commission to re-evaluate the City's qualifying criteria and ranking and prioritization process for traffic calming, by considering the following possibilities, among other changes that would promote safe residential streets and maximize the public health benefit of the traffic calming program: -Lowering the speed limit criteria to read "where the 85th percentile speed profile is greater than the speed limit" instead of "greater than 5 mph over the speed limit." -Taking alignment with the City's bicycle and pedestrian plans into account. | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                |                         |                                    |
| 241 | Council and Budget Referrals - Project | Refer the Transportation Commission to consider incentives for the public to use sustainable modes of transportation similar to Bologna, Italy          | Refer to the Transportation Commission to create incentives for members of the public to cycle, walk and take public transport as opposed to driving.                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started | Public Works             | Y           | N            | N            | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                   | Name                                                                                                                                                                                   | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 242 | Council and Budget Referrals - Project | Refer to the City Manager, Disability Commission, and Planning Commission to Develop an Ordinance Requiring New Residential Buildings to Provide Auto-door Openers and Roll-in Showers | Refer to the City Manager, Disability Commission, and Planning Commission to require new residential buildings in Berkeley to include essential wheelchair-accessible modifications such as auto door openers and roll-in showers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Work in Progress | Public Works         | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 243 | Council and Budget Referrals - Project | Refer to the Commission on Disability to examine the impacts that the parking citation system may have on persons with low income and disabilities                                     | Refer to the Commission on Disability to examine the impacts that the parking citation system may have on people with low income and disabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Public Works         | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 244 | Council and Budget Referrals - Project | Refer to the Commission on Disability to examine the impacts that the parking citation system may have on persons with low income and disabilities                                     | Refer to the Commission on Disability to examine the impacts that the parking citation system may have on people with low income and disabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Public Works         | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 245 | Council and Budget Referrals - Project | Referral: Measures to Address Traffic Enforcement and Bicycle Safety                                                                                                                   | 1. Refer to the Transportation Commission to consider a Resolution deprioritizing enforcement against the Idaho Stop convention for persons operating a bicycle, in an empty intersection after the operator has yielded to any other road users with the right of way, by limiting the use of any City funds or resources in assisting in the enforcement or issuance of citations for bicyclist violations of California Vehicle Code Section 22450(a), and to develop a process for evaluating the before and after effects on safety.                                                                                                                                                                                                                                                                                                                                                         | 0.00             | Not Started      | Public Works         | Y           | N            | N            | N                     | N                                | Y                       | N                                  |
| 246 | Council and Budget Referrals - Project | Referral: Street Lighting Near Campus                                                                                                                                                  | Refer to the Public Works Commission to include the following in the Street Lighting Subcommittee Work Plan, for the purposes of seeking input from key stakeholders and bringing together work that happens through parallel processes. The Subcommittee should: 1. Invite input from representatives from the UC Berkeley administration, UC Berkeley undergraduate and graduate students, UCPD and BPD, the Department of Public Works, and other relevant groups. 2. Develop a streamlined and accessible process for requesting street lights that includes neighborhood and campus input, while recognizing the overriding public safety concern posed by substandard lighting. 3. Develop a plan for expeditiously installing new streetlights near campus that prioritizes high-crime areas, high-injury pedestrian corridors, and student-priority areas as determined by student input. | 0.00             | Work in Progress | Public Works         | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 247 | Council and Budget Referrals - Project | Report on Public Realm Pedestrianization Opportunities                                                                                                                                 | Refer to the Transportation Commission to generate a report on potential public realm pedestrianization opportunities in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Public Works         | Y           | N            | N            | N                     | N                                | N                       | N                                  |
| 248 | Council and Budget Referrals - Project | Restricting the Number of Vehicles Being Parked on Our Streets                                                                                                                         | Refer to the Transportation Commission to establish an ordinance that would prevent the parking of many multiples of vehicles on any given Berkeley street, or contiguous streets, by an individual owner.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | Not Started      | Public Works         | Y           | N            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                                                              | Name                                                                                                                                                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Percent Complete | State              | Lead City Department  | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 249 | Council and Budget Referrals - Project / Strategic Plan - Project | Street Sweeping Improvement Plan                                                                                                                             | Refer to the City Manager, Public Works commission, and Zero Waste commission to develop a new strategy to ensure that street sweeping is not obstructed by waste/recycling pick-up. In addition to being unsightly, without proper street sweeping, trash and debris are more likely to go into the stormwater drains. Specifically 1. Staff should provide a map of streets in which sweeping days and waste/recycling pickup coincide to better understand where and when this problem occurs; and 2. Staff and Commissions should return to Council with a proposed solution including, but not limited to, rescheduling street sweeping and waste/recycling pickups to ensure that both services do not occur on the same day. | 0.00             | Not Started        | Public Works          | Y           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 250 | Open Audit Recommendation                                         | City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation- Recommendation 1.1 | Clearly define the purpose, responsibilities, minimum qualifications, and training requirements for the line of business experts function.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Data Pending     | Partly Implemented | City Manager's Office | N           | Y            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 251 | Open Audit Recommendation                                         | City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation- Recommendation 1.2 | Work with Information Technology to establish written policies and procedures for the line of business experts function at the appropriate organizational level based on the guiding principles established in Recommendation 1.1.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Data Pending     | Partly Implemented | City Manager's Office | N           | Y            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 252 | Open Audit Recommendation                                         | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16) - Recommendation 6.6                                                                    | Use the information learned from surveying project managers and administrative staff (Recommendation 6.5) to identify critical business needs for the purchase of a comprehensive grants management system. Provide this information to the Department of Information Technology to use as part of Enterprise Resource Planning.                                                                                                                                                                                                                                                                                                                                                                                                    | 0.00             | Not Started        | City Manager's Office | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 253 | Open Audit Recommendation                                         | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.1                                                                     | Issue an internal policy assigning the division responsible for overall grants accounting (e.g., billing and monitoring receivables) and reporting. Make it clear to project managers that they are responsible for providing information on the grants they manage to the appointed division to assist with grants accounting.                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started        | City Manager's Office | N           | N            | N            | N                     | N                                | Data Pending            | N                                  |
| 254 | Open Audit Recommendation                                         | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.2                                                                     | Create a work team of Public Works staff who administer and manage grants. Team members should include the position responsible for overall grants accounting and reporting, and staff from the divisions that manage grants (e.g., Engineering and Transportation). The team should work collectively to evaluate their respective functions and their interrelated roles and responsibilities for grants management, billing, and accounting; and work towards developing an effective workflow that provides for accurate and timely grants accounting and reporting.                                                                                                                                                            | 0.00             | Not Started        | City Manager's Office | N           | N            | N            | N                     | N                                | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Percent Complete | State       | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 255 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.3 | <p>Require the grants team to work collectively to develop a written procedures manual that clearly explains roles, responsibilities, and workflows. The manual should:</p> <ul style="list-style-type: none"> <li>▪ provide guidance on the overall grant application, approval, and monitoring process within the department</li> <li>▪ refer to other applicable policies and procedures such as City Administrative Regulation 1.17 and Contracts Online</li> <li>▪ describe the specific tasks performed within divisions and/or by job classification</li> <li>▪ identify the forms and data sheets that staff are to use for recording, tracking, and monitoring grants (also see Recommendations 5.1 and 6.2)</li> <li>▪ describe coordinating efforts needed between divisions and with the grant coordinator in Finance</li> <li>▪ identify timelines and requirements for reporting, performing reconciliations, and providing information to the Finance grant coordinator (also see Recommendation 2.2)</li> <li>▪ provide enough detail to more easily train new hires or staff with new responsibilities</li> </ul> <p>As with all procedures, the work team should consider the manual a living document that they review and update regularly to reflect changes in practices, procedures, and assignments.</p> | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 256 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 1.4 | <p>Require the grants work team to have regular meetings to share information and discuss workflows between their divisions. These meetings may need to be more frequent at first, e.g., quarterly, and less frequent over time, e.g., annually. The team should invite the Finance grant coordinator to their meetings to ensure the coordinator is receiving the necessary information for recording grants to the central repository and issuing grants receivables reports.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 257 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 2.1 | <p>Provide the Finance grant coordinator with a list of personnel who are responsible for grants management, accounting, and reporting so that they can be notified when the grant coordinator posts the grants reports to the City's shared drive.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 258 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 2.2 | <p>Require the division responsible for grants accounting and reporting to use Finance's grant reports to:</p> <ul style="list-style-type: none"> <li>▪ reconcile Public Works' grant financial records with FUND\$ to ensure that the department is recording expenditures and payments to the correct accounts</li> <li>▪ work with Finance to make any necessary corrections to FUND\$ financial data when they identify discrepancies and errors</li> <li>▪ track grants receivables and follow up with grantors on outstanding receivables</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State       | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 259 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 3.1 | Take ownership of City Administrative Regulation 1.16 and:<br><ul style="list-style-type: none"> <li>▪ review and update the regulation so that it is consistent with City practices and procedures, and cross reference the regulation to other guidance and policies, e.g., Contracts Online and City Administrative Regulation 1.17</li> <li>▪ reissue the updated guidance to all City staff with emphasis on ensuring that project managers and those responsible for identifying and applying for grant funding are notified of the update</li> </ul> | Data Pending     | Started     | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 260 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 4.1 | Request that all department directors notify their grant management and accounting staff of City Administrative Regulation 1.17, and their expectations that staff adhere to the guidance.                                                                                                                                                                                                                                                                                                                                                                  | Data Pending     | Started     | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 261 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 5.1 | Require those responsible for grant accounting use the summary of charges sheet and work with project managers and the Finance grant coordinator to obtain the data they need to populate the sheet (also see Recommendations 1.3 and 1.4).                                                                                                                                                                                                                                                                                                                 | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 262 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.1 | Require that all department directors ensure that their staff with grants management and fiscal responsibilities receive the following training:<br><ul style="list-style-type: none"> <li>▪ City Administrative Regulation 1.17: Pre-Award Authorization and Post-Award Grant Requirements</li> <li>▪ Contracts Online, in particular, the revenue contract requirements</li> </ul>                                                                                                                                                                        | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 263 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.2 | Require all departments that receive financial assistance from a third-party to ensure that their written procedures clarify that all such awards are consider grants and must be packaged in accordance with Contracts Online, and to follow City Administrative Regulation 1.17 to ensure that the grant coordinator receives the grant accounting data sheet (also see Recommendation 1.3).                                                                                                                                                              | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | Data Pending                       |
| 264 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.3 | Notify department directors when the grant coordinator finds that project managers and administrative staff are not providing grant information in accordance with City policy. Request that the department directors refer their staff to City Administrative Regulation 1.17, Contracts Online, and departmental procedures for guidance on ensuring they adhere to required grant policies and procedures.                                                                                                                                               | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | Data Pending                       |
| 265 | Open Audit Recommendation | Citywide Grants Management (formerly PW Grants Follow-up Audit FY16)- Recommendation 6.5 | Survey project managers and administrative staff who are responsible for grants management, reporting, and accounting to identify ways to improve the current grant database and reporting so that data are current and accurate, and reports are more user-friendly.                                                                                                                                                                                                                                                                                       | 0.00             | Not Started | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                             | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Percent Complete | State              | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 266 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 1.3 | Conduct a staffing analysis to determine the appropriate staffing level needed for the Code Enforcement Unit to effectively enforce City codes. In conducting the analysis, include an assessment of the workload impact created by the codes for which the CEU is solely responsible as well as those created by the codes for which CEU shares responsibility with other enforcement units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 0.00             | Not Started        | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 267 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 1.4 | Use the staffing analysis performed in response to Recommendation 1.3 to:<br><ul style="list-style-type: none"> <li>• Quantify the full burden cost of additional staff</li> <li>• Determine if sufficient budgetary funding is available for additional staff</li> <li>• Request additional staffing from Council during the annual appropriations process</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Not Started        | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 268 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 1.7 | Implement code enforcement software that:<br><ul style="list-style-type: none"> <li>• Identifies case assignment to CEU officers and other work units</li> <li>• Prioritizes cases, in particular high-risk cases posing health and safety risks</li> <li>• Captures pertinent case dates, e.g., opened, notice of violation, citation issuance, and closed</li> <li>• Tracks enforcement actions taken within the CEU and other work units</li> <li>• Quantifies citations issued and collected</li> <li>• Allows for readily identifying repeat offenders</li> <li>• Includes performance measurement tools, e.g., turnaround times within defined specifications (see Recommendation 2.2)</li> <li>• Allows for uploading information from mobile technologies (see Recommendation 1.8)</li> <li>• Includes reporting tool to showcase workload trends and capacity restrictions (i.e., backlogs)</li> </ul> | Data Pending     | Partly Implemented | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 269 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight-Recommendation 2.2 | Implement performance metrics and goals to:<br><ul style="list-style-type: none"> <li>• Assess the effectiveness of code enforcement operations and goal achievement</li> <li>• Identify constraints preventing goal attainability.</li> <li>• Submit regular reports, e.g., biannually, to City management on performance.</li> </ul> <p>Include a metric to provide at least some proactive code enforcement activities. Develop this metric after implementing the process and system improvement recommendations made in this report.</p>                                                                                                                                                                                                                                                                                                                                                                   | Data Pending     | Partly Implemented | City Manager's Office | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State              | Lead City Department                  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 270 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight- Recommendation 5 | If budgetary constraints prevent additional staffing or if Council does not approve the budget needed to fund additional staffing, report to Council the restrictions placed on the Code Enforcement Unit's ability to effectively enforce City codes. Include information explaining the hindrance this will cause for any new ordinances the City Council may want to pass in the future. Provide this information regularly, for example, annually as part of the budget process, to keep Council informed of the CEU's capacity restrictions. See also Recommendation 1.7.                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Data Pending     | Partly Implemented | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 271 | Open Audit Recommendation | Code Enforcement Resources Significantly Constrained and Improvements Needed in Case Management and Oversight- Recommendation 8 | Implement mobile computers and printers to allow Code Enforcement Officers to complete more work in the field, thus improving their time spent in the community and reducing time in the office. Mobile computers should have the capacity to interface with the code enforcement case management software implemented in response to Recommendation 1.7.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Data Pending     | Partly Implemented | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 272 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight- Recommendation 1.1                                              | The City Manager should formalize and approve the division of responsibilities between the Public Works department and other departments regarding lease management.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started        | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 273 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight- Recommendation 1.2                                              | The Public Works department should determine and formally define the role of the real property administration staff given available resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | Not Started        | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 274 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight- Recommendation 1.5                                              | Formally communicate the plan with all affected City departments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started        | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 275 | Open Audit Recommendation | Most Contracts Executed Timely but Contract Project Managers Could Use Better Tools and Guidance- Recommendation 5              | Require departments to document their specific procedures for contract preparation, oversight, and management. Procedures should include: <ul style="list-style-type: none"> <li>• planning for department specific actions, e.g., obtaining management's approval</li> <li>• tracking contract status and funding needs</li> <li>• attending City training courses when offered, e.g., contract preparation and FUND\$ 101</li> <li>• describing shared contract management responsibilities between project managers and support staff</li> <li>• requiring projects managers to coordinate with and respond to support staff's needs for contract administration</li> <li>• requesting contract extensions</li> <li>• aligning contract needs with department work plans</li> <li>• using Finance's contract process timelines and On Demand report of expiring contracts for contract planning (also see recommendations 1.1 and 1.2)</li> <li>• minimum level of documentation needed to effectively manage contracts</li> </ul> | Data Pending     | Started            | City Manager's Office                 | N           | N         | N       | N                     | N                                | Data Pending            | N                                  |
| 276 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better - Recommendation 4                     | Develop a system for tracking, analyzing, and reporting on suspected misconduct, including written guidance and forms (or similar) to assist employees in making reports.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Data Pending     | Started            | City Manager's Office/Human Resources | N           | Y         | Y       | N                     | N                                | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                         | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Percent Complete | State              | Lead City Department                  | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 277 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.2 | Promote ethical standards to employees and the public by:<br><br>1) Including the City's ethics statement in the new employee packet and discussing the City's commitment to ethical standards in new employee orientation<br><br>2) Providing all employees with training covering the City's ethics related policies and incorporating key aspects of the Fair Political Practices Commission ethics training<br><br>3) Providing a variety of ways to access ethics information and resources for employees, including those with no regular computer access at work, such as:<br>• Posters and wallet cards<br>• Centralized, intranet based ethics resource center<br>• Periodic inclusion of ethics statement in Berkeley Matters<br><br>4) Emphasizing the City's commitment to workplace ethics during formal meetings, informal staff discussions, and regular communications with outside parties<br><br>5) Making the code of ethics available to the public, such as including the ethics code and related material in a centralized location on the City's public internet | Data Pending     | Partly Implemented | City Manager's Office/Human Resources | N           | Y            | N            | N                     | N                                | Y                       | Data Pending                       |
| 278 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.3 | Provide supervisors and midlevel management with written guidance and training on how to:<br><br>• Initiate and encourage discussions of ethical issues to help dispel misconceptions and alert management to actual problems<br><br>• Report concerns or complaints to management or an external resource, and conduct investigations of ethics related complaints according to the City's procedures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Data Pending     | Partly Implemented | City Manager's Office/Human Resources | N           | Y            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 279 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.5 | Provide employees and the City Council with summary reports about investigation and resolution of employee ethics complaints, such as the reports already provided about EEO complaints, taking care to protect confidential and identifying information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 0.00             | Not Started        | City Manager's Office/Human Resources | N           | N            | N            | N                     | N                                | Data Pending            | Data Pending                       |
| 280 | Open Audit Recommendation | Berkeley's Ethical Climate Rated Strong Overall and Management Working to Make it Better- Recommendation 1.6 | Monitor and regularly evaluate the effectiveness of the ethics program and make improvements based on results.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Data Pending     | Partly Implemented | City Manager's Office/Human Resources | N           | Y            | N            | N                     | N                                | Y                       | Data Pending                       |
| 281 | Open Audit Recommendation | Credit Card Use: Clearer Guidance Needed- Recommendation 3                                                   | Align City policies and procedures reflecting purchasing requirements and restrictions: purchasing; travel and attendance; petty cash; credit card use; food purchases; and any others that, if not updated, would create disconnect regarding the City's expectations and create confusion for City staff expected to adhere to City policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Data Pending     | Started            | Finance                               | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Percent Complete | State            | Lead City Department      | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 282 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 1.1                  | Analyze the short- and long-term impact of putting forth a change to the Berkeley Municipal Code to reduce the types or frequency of fire prevention inspections.                                                                                                                                                                                                                                                                                                                                                        | 60.00            | Work in Progress | Fire & Emergency Services | N           | Y         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 283 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 1.2                  | Perform a workload analysis to quantify the staff needed now and in the future to comply with the local fire prevention inspection requirements.                                                                                                                                                                                                                                                                                                                                                                         | 60.00            | Work in Progress | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 284 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 2.1                  | Develop a process, in consultation with the Information Technology Department, for sharing information on property changes and additions between Fire and other City database platforms.                                                                                                                                                                                                                                                                                                                                 | Data Pending     | Started          | Fire & Emergency Services | N           | Y         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 285 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 2.2                  | Work with both the database's software vendor and the Information Technology Department to strengthen controls over the database, including:<br><br>· Assessing the needs for required fields for processing an inspection, such as unit, shift, inspector name, address, violation details, and violation location.<br><br>· Formatting drop-down menus for inspection status, inspection type, and violation status. Formatting the options available for the violation code numbers and violation description fields. | 0.00             | Not Started      | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 286 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.1                  | Coordinate work plans with Suppression for all mandated fire prevention inspections. These should take into consideration the volume and nature of the other work Suppression performs.                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 287 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.2                  | Create a risk-assessment plan to identify those properties that are most at risk of a fire.                                                                                                                                                                                                                                                                                                                                                                                                                              | 60.00            | Started          | Fire & Emergency Services | N           | Y         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 288 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.5                  | Revise the fire prevention inspection training to provide hands-on training, using experienced Suppression staff, on how to conduct inspections and interact with residents and community members during inspections.                                                                                                                                                                                                                                                                                                    | 25.00            | On Hold          | Fire & Emergency Services | N           | Y         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 289 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.6                  | Develop and distribute educational information to property owners prior to the beginning of the inspection cycle to provide information on the fire prevention inspection program, common violations, and any upcoming inspections for that area of the City.                                                                                                                                                                                                                                                            | 0.00             | Not Started      | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 290 | Open Audit Recommendation | Fire Prevention Inspections: Insufficient Resources Strain Code Compliance- Recommendation 3.7                  | Create a process for issuing, tracking, and following up on administrative citations for properties with repeat or high-risk violations, including revenue collections and tracking. That process should collaborate with other City work units that perform enforcement activities to provide consistency.                                                                                                                                                                                                              | 0.00             | Not Started      | Fire & Emergency Services | N           | N         | Data Pending | N                     | Data Pending                     | Data Pending            | Data Pending                       |
| 291 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 1.1 | Define and include sexual assault, stalking, and witnesses' rights.                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 0.00             | Not Started      | Human Resources           | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |
| 292 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 1.3 | Revise the policy title to reflect the comprehensive scope of the policy.                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started      | Human Resources           | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                                       | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State              | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 293 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 1.4                                            | Clarify that requirements for employees to document their use of leave or request for accommodations are at the discretion of Human Resources and may include self-certification when appropriate. We also recommend that Human Resources clarify that employees are encouraged to come to Human Resources for assistance even if they do not initially have the documentation that may be requested.                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | Not Started        | Human Resources        | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 294 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 13.1                                           | Implement best practices, including:<br>- Training supervisors and Human Resources staff about their role in responding to employees experiencing domestic violence and providing information for employees about the domestic violence response policy;<br>- Conducting periodic outreach to employees to inform them about the policy, encourage them to come forward, and provide general information about domestic violence;<br>- Facilitating collaboration among city staff who have a role in implementing the policy, and convening a domestic violence response team to advise on policies, ongoing outreach and education, and Human Resources' implementation of recommendations from this audit; and<br>- Adopting a trauma-informed and inclusive approach. | 0.00             | Not Started        | Human Resources        | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 295 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 2                                              | State that when assessing safety accommodations, Human Resources takes into consideration danger to the employee and undue burden to the employer.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | Not Started        | Human Resources        | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 296 | Open Audit Recommendation | Domestic Violence Response: Berkeley Needs a Comprehensive Policy to Support City Employees- Recommendation 2.1                                            | Incorporate the model policy and all best practice elements described in this finding, and communicate this guidance to city staff.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Not Started        | Human Resources        | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 297 | Open Audit Recommendation | City at Crossroads as Long-Standing Need for Structured Approach to Line of Business Experts Function Intersects with ERP Implementation- Recommendation 5 | Work with Human Resources to revise the job classification used for the portfolio coordinator position. Minimum qualification factors might include, but are not limited to:<br>- IT Governance/Portfolio Management experience;<br>- Project Management Professional certification;<br>- Project coordination experience; and<br>- Excellent verbal and written communication skills.                                                                                                                                                                                                                                                                                                                                                                                    | Data Pending     | On Hold            | Information Technology | N           | Y         | N/A     | N                     | N                                | N                       | N                                  |
| 298 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal- Recommendation 8       | Create a method for community members to track the status of their cases online, which will reduce the call volume to the 311 Call Center.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 0.00             | Not Started        | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 299 | Open Audit Recommendation | 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale - Recommendation 2                                                               | Use the staffing analysis performed in response to recommendation 1.1, to determine future resource needs of the Communications Center, including staffing, equipment, and physical space. Take into account planned changes to services and factors that may influence call volume.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Data Pending     | Partly Implemented | Police                 | N           | Y         | N       | Y                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State              | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 300 | Open Audit Recommendation | 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale - Recommendation 6                                                            | Implement an automated scheduling software that has built in decision-making capabilities to automatically fill shifts based on specified qualifications and staff availability.                                                                                                                                                                                                      | 25.00            | Partly Implemented | Police               | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 301 | Open Audit Recommendation | 911 Dispatchers: Understaffing Leads to Excessive Overtime and Low Morale - Recommendation 7                                                            | Decrease the concentration of overtime among dispatchers.                                                                                                                                                                                                                                                                                                                             | 75.00            | Partly Implemented | Police               | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 302 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 1.3                                                                     | Develop and finalize a property management plan that documents the specific responsibilities of Public Works and of other departments for lease management.                                                                                                                                                                                                                           | 0.00             | Not Started        | Public Works         | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 303 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 1.4                                                                     | The property management plan should be coordinated with affected City departments, including the Contract Administrator in Finance/Purchasing, before finalizing.                                                                                                                                                                                                                     | 0.00             | Not Started        | Public Works         | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 304 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 2.1                                                                     | Administrative Regulation 6.6 and Contracts Online should be updated to give clear direction to City staff regarding administration and execution of lease agreements.                                                                                                                                                                                                                | 0.00             | Not Started        | Public Works         | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 305 | Open Audit Recommendation | Leases Audit: Conflicting Directives Hinder Contract Oversight - Recommendation 3.3                                                                     | Public Works should update the City's real property administration policies and procedures to align with management's expectations.                                                                                                                                                                                                                                                   | 0.00             | Not Started        | Public Works         | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 306 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 1                                                                   | Update the Street Rehabilitation and Repair Policy annually and define who is responsible for ensuring the Policy is updated, as stated in the Policy.                                                                                                                                                                                                                                | 50.00            | Work in Progress   | Public Works         | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 307 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 1.1                                                                 | Annually, conduct a budget analysis, based on the deferred maintenance needs at that point in time, to determine what level of funding is necessary to achieve the desired goals of the Street Rehabilitation Program. Report findings to City Council. This information will be helpful during updates to the Five-Year Street Rehabilitation Plan and during the budgeting process. | 50.00            | Work in Progress   | Public Works         | Y           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 308 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 1.2                                                                 | Identify funding sources to achieve and maintain the goals of the Street Rehabilitation Program.                                                                                                                                                                                                                                                                                      | 0.00             | Work in Progress   | Public Works         | N           | Y         | N       | N                     | N                                | N                       | N                                  |
| 309 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 2.2                                                                 | When updating the Street Rehabilitation and Repair Policy, incorporate equity to align with Vision 2050 and clearly define how it will be applied to the street maintenance and rehabilitation planning process.                                                                                                                                                                      | 50.00            | Work in Progress   | Public Works         | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 310 | Open Audit Recommendation | Rocky Road: Berkeley Streets at Risk and Significantly Underfunded - Recommendation 2.3                                                                 | Define goals and performance measures to guide the Street Rehabilitation and Repair Policy and Street Rehabilitation Program that align with other plans and policies relevant to street paving (e.g., Complete Streets Policy, Vision 2050, etc.). Regularly report to Council on performance measures.                                                                              | 25.00            | Work in Progress   | Public Works         | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 311 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.1 | Request the City Council to redefine and then reaffirm its commitment to zero waste (i.e., the percentage that the Council considers to be success), and to ensure sufficient resources to fund appropriate staffing and the necessary infrastructure to achieve stated goals by 2020.                                                                                                | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N       | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Percent Complete | State              | Lead City Department | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------|----------------------|-------------|-----------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 312 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.2 | Draft and obtain Council approval of a written strategic plan to achieve zero waste by 2020, including annual or biennial interim waste diversion goals. Topics that the strategic plan should discuss include:<br><ul style="list-style-type: none"> <li>• Objectives and long-term and interim goals</li> <li>• Actions to be taken</li> <li>• Responsible parties</li> <li>• Expected cost and impact of implementation</li> <li>• Performance measures</li> <li>• External factors affecting performance and progress</li> </ul> | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 313 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.3 | Prepare detailed annual work plans that contain:<br><ul style="list-style-type: none"> <li>• Objectives</li> <li>• Annual/biennial (short-term) goals</li> <li>• Actions to be taken</li> <li>• Budget allocated for the actions</li> <li>• Timeline for completion</li> <li>• Lead staff responsible for task completion</li> <li>• Full-time equivalent employees assigned to the tasks</li> <li>• Performance measures</li> </ul>                                                                                                 | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 314 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.4 | Regularly communicate zero-waste goals and achievements to City staff and the Council, and offer training to staff on how they can help Berkeley achieve zero waste. This includes sharing strategic and annual work plan goals and regular updates regarding progress and completion.                                                                                                                                                                                                                                               | Data Pending     | Partly Implemented | Public Works         | N           | Y         | Data Pending | Data Pending          | N                                | Y                       | Data Pending                       |
| 315 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 1.5 | Determine if additional funds are needed for the education, outreach, compliance, and enforcement necessary to reach zero-waste goals. If sufficient funds are not available, propose to Council a separate fee to cover those costs for the City's zero-waste program, such as a regulatory fee as allowed under Proposition 218.                                                                                                                                                                                                   | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 316 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.1 | Work with the Department of Information Technology to configure the CRM system with a required field that auto populates valid route information based on address and service delivery type so that route-specific data can be collected on a going-forward basis.                                                                                                                                                                                                                                                                   | 0.00             | Not Started        | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 317 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.2 | Work with the Department of Information Technology to create a link between RouteSmart and the CRM system (or the software implementation of Recommendation 2.5 below).                                                                                                                                                                                                                                                                                                                                                              | 0.00             | Not Started        | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 318 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.4 | Designate a business-line expert within the Zero Waste Division and require that expert to develop internal capacity to configure optimal collection routes and produce standardized reports for route-specific reporting using existing software (or the software implementation of Recommendation 2.5 below). The reports developed should allow measurement of the performance metrics developed in Recommendation 1.2 and 1.3 above.                                                                                             | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State              | Lead City Department | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
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| 319 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.5 | Assess the benefits of using mobile technologies that would allow drivers to enter information directly into the CRM system while on their routes, take pictures of why pickups were skipped, and implement electronic route books and other mobile field reporting. Include in the assessment changes to job responsibilities that might require a meet and confer with union representatives. Purchase the software and hardware if cost beneficial.                                                                                                                                                                                                                                                | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 320 | Open Audit Recommendation | Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal - Recommendation 2.7 | Use the reports developed from implementing recommendation 2.4 to monitor customer complaints and determine what impact the annual bid process has on customer service. If the information demonstrates the annual bid process significantly affects customer service, meet and confer with union representatives to discuss the elimination the annual route bidding process to help reduce customer complaints and improve service delivery. Implement change if agreement is reached.                                                                                                                                                                                                              | 0.00             | Not Started        | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 321 | Open Audit Recommendation | Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.3                     | Require the zero waste team formed in response to recommendation 1.2 to develop written procedures that clearly support cross-departmental strategies and help staff perform their work, as well as understand how their work contributes to success. Include information that helps promote the unified view of zero waste operations, while also explaining the individual tasks that take place within the departments and how those connect. Examples include, but are not limited to, describing the process for routing customer cases from 311 calls, and detailing in layman's terms the monthly updates that take place to align the CX and RouteSmart systems. Also see recommendation 1.2. | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 322 | Open Audit Recommendation | Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.5                     | In collaboration with Information Technology and as part of Enterprise Resource Planning, budget for, select, and install an account management system designed for zero waste activities. Use information from the zero waste team evaluation (recommendation 1.2) and zero waste strategy analysis (recommendation 1.8) to identify the critical business needs that should be included in the purchase of new zero waste account management system, or that should be considered when determining whether sufficient middleware options exist to fully integrate existing systems with the new account management software. Also see recommendations 1.2 and 1.8.                                  | Data Pending     | Partly Implemented | Public Works         | N           | Y         | N            | N                     | N                                | N                       | N                                  |
| 323 | Open Audit Recommendation | Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.8                     | Request that Information Technology use the CX module data extracts, such as the one used for this audit, to provide Public Works staff with the data they need to analyze zero waste strategies. Use the data extracts to further identify the critical business needs for new zero waste account management software. Also see recommendation 1.5.                                                                                                                                                                                                                                                                                                                                                  | Data Pending     | Partly Implemented | Public Works         | N           | Y         | Data Pending | Data Pending          | N                                | Data Pending            | Data Pending                       |



**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                      | Name                                                                                                                                | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State                     | Lead City Department  | Commission? | Underway? | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|-----------------------|-------------|-----------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 324 | Open Audit Recommendation | Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity - Recommendation 1.9 | Perform, or contract for, a fully comprehensive route audit to align service delivery with billing rates. Use the route audit to:<br><ul style="list-style-type: none"> <li>▪ Make CX module and/or RouteSmart system updates to ensure customers are billed correctly for their City provided services.</li> <li>▪ Ensure that all residential accounts are receiving required services.</li> <li>▪ Ensure that the commercial accounts that the City is responsible for receive and pay for the zero waste services required by City policy.</li> <li>▪ Verify that roll-off bin customers serviced by the Zero Waste Division are accurately billed.</li> </ul> | Data Pending     | Partly Implemented        | Public Works          | N           | Y         | Data Pending | Data Pending          | N                                | Data Pending            | Data Pending                       |
| 325 | Strategic Plan - Project  | City Council Redistricting Process and Citizens' Redistricting Commission                                                           | After each decennial census the City is required to adjust the city council district boundaries so that each district has equal population. In 2016 voters adopted a charter amendment to conduct the redistricting process by using a Citizens' Redistricting Commission.                                                                                                                                                                                                                                                                                                                                                                                         | 10.00            | Work in Progress          | City Clerk            | N           | Y         | Y            | N                     | Y                                | Y                       | Y                                  |
| 326 | Strategic Plan - Project  | 2020 Vision Milestone                                                                                                               | PLACEHOLDER: Recognize the significance of the Year 2020 in Berkeley's 2020 Vision. Source: 2018 CC Berkeley's 2020 Vision Update report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | On Hold                   | City Manager's Office | N           | N         | N            | N                     | N                                | Data Pending            | N                                  |
| 327 | Strategic Plan - Project  | African American Holistic Resource Center                                                                                           | In partnership with many in the community, plan for the development of a holistic African American Resource Center in South Berkeley, which will serve as a place of support and strength for the Berkeley community.                                                                                                                                                                                                                                                                                                                                                                                                                                              | 30.00            | Work in Progress          | City Manager's Office | N           | Y         | Y            | Data Pending          | N                                | Data Pending            | Data Pending                       |
| 328 | Strategic Plan - Project  | Annual Survey                                                                                                                       | Implementing an Annual Survey to better understand the needs of the community.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 0.00             | On Hold                   | City Manager's Office | N           | N         | N            | N                     | N                                | Data Pending            | N                                  |
| 329 | Strategic Plan - Project  | Bayer HealthCare, Inc Development Agreement                                                                                         | Engage with Bayer HealthCare, Inc re: the extension of their existing development agreement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 25.00            | Proposed Budget Reduction | City Manager's Office | N           | Y         | Y            | N                     | N                                | Y                       | Y                                  |
| 330 | Strategic Plan - Project  | Communications Staffing                                                                                                             | Introducing new positions of communications specialists to improve the City's communications.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 20.00            | Work in Progress          | City Manager's Office | N           | Y         | Y            | N                     | N                                | Y                       | Data Pending                       |
| 331 | Strategic Plan - Project  | Data Analysis                                                                                                                       | PLACEHOLDER: Explore and identify possible additional data sources to supplement the City's existing measure of outcomes for Berkeley's 2020 Vision. Source: 2018 CC Berkeley's 2020 Vision Update report                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 70.00            | Work in Progress          | City Manager's Office | N           | N         | Data Pending | N                     | N                                | Data Pending            | N                                  |
| 332 | Strategic Plan - Project  | Equity Toolkit                                                                                                                      | Operationalizing equity lens in service delivery and project planning (e.g., toolkit deliverable from Racial Equity Action Plan including things like adding an equity item to agenda reports, requiring an equity checklist as part of project work plans, etc).                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | On Hold                   | City Manager's Office | N           | N         | N            | N                     | N                                | Data Pending            | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                      | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Percent Complete | State                     | Lead City Department  | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|-----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 333 | Strategic Plan - Project | Establishing an Outdoor Emergency Shelter | <p>1. Refer to the City Manager to establish an outdoor emergency shelter in Berkeley. Such a shelter should consider the following amenities to be provided but not required: A. Climate-controlled, wind-resistant durable tents with wooden pallets for support. B. Seeking an agency to manage and oversee the emergency shelter. C. Portable toilet service and handwashing service. D. Shower and sanitation services E. Garbage pickup and safe needle disposal.</p> <p>2. Refer to the November budget process \$615,000 to be considered alongside other Measure P recommendations.</p> <p>3. Temporarily waive BMC Article 9 Section 19.28.100 Section N106, to allow for the installation of tents and membrane structures that may be erected for longer than 180 days even if they do not meet all physical requirements.</p> <p>4. Refer to the City Manager protocol for selecting residents that mirror other shelter selection criteria and are less restrictive than HUD protocols.</p> <p>Action: 28 speakers. M/S/C (Harrison/Davila) to adopt the item as written in Supplemental Communications Packet #1 and #2, amended as follows:</p> <ul style="list-style-type: none"> <li>• Remove "November" from "November budget process"</li> <li>• Refer to the City Manager to analyze what elements, if any, of the municipal code need to be amended to implement program; any suggested locations to be presented to Council prior to implementation; provide an updated budget including installation costs.</li> </ul> | 25.00            | Work in Progress          | City Manager's Office | N           | Y         | Y       | Data Pending          | N                                | Data Pending            | N                                  |
| 334 | Strategic Plan - Project | Fleet-Related Initiatives                 | <p>A series of initiatives to:</p> <ul style="list-style-type: none"> <li>• increase alternative fuel vehicles,</li> <li>• standardize fleet,</li> <li>• reduce backlog,</li> <li>• implement fleet/system upgrades, and</li> <li>• conduct a City Vehicle Fleet Assessment.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 8.32             | Proposed Budget Reduction | City Manager's Office | N           | N         | Partial | N                     | N                                | Data Pending            | Data Pending                       |
| 335 | Strategic Plan - Project | Legislative Platform                      | Creating a formal structure and process to communicate policy and policy support to and from local, regional, and State legislative bodies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 50.00            | On Hold                   | City Manager's Office | N           | N         | Y       | N                     | N                                | Data Pending            | N                                  |
| 336 | Strategic Plan - Project | New City of Berkeley Website              | <p>Create a new design, look and information architecture for the City website so that it is interactive and serves and prioritizes the needs of the community, including a focus on increasing the number and types of transactions and services available online.</p> <p>Redesign the City website to improve the information and services available to community members online, to create web server redundancy in case of emergencies</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 70.00            | Work in Progress          | City Manager's Office | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 337 | Strategic Plan - Project | Performance Management                    | Implementing results-based accountability citywide and provide a dashboard to better communicate results                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 0.00             | Proposed Budget Reduction | City Manager's Office | N           | Y         | N       | N                     | N                                | Data Pending            | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                      | Description                                                                                                                                                                                                                                                             | Percent Complete | State                     | Lead City Department                 | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|--------------------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 338 | Strategic Plan - Project | Racial Equity Action Plan                 | With assistance from the Government Alliance on Race and Equity and researchers from UC Berkeley, develop a Racial Equity Action Plan designed to integrate equity considerations throughout City operations and services and to influence change within the community. | 83.40            | Work in Progress          | City Manager's Office                | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 339 | Strategic Plan - Project | UC Long-Range Development Plan            | Participate in UC's Long Range Development Plan process                                                                                                                                                                                                                 | 25.00            | Work in Progress          | City Manager's Office                | N           | Y         | Y       | N                     | N                                | Data Pending            | Y                                  |
| 340 | Strategic Plan - Project | Web Content Training                      | Create and develop a governance structure and a training program so that all departments have the appropriate tools and skills to build effective web content.                                                                                                          | 50.00            | Work in Progress          | City Manager's Office                | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 341 | Strategic Plan - Project | Equal Pay Vendor Preference               | Draft an ordinance related to an equal pay vendor preference for City contractors who demonstrate equal pay for male and female employees (gender based on self-identification).                                                                                        | 0.00             | Pending Not On Schedule   | Finance                              | N           | N         | Y       | N                     | N                                | Y                       | N                                  |
| 342 | Strategic Plan - Project | Fire Department Communications            | Increase and improve communication to the community by updating the Fire Department web page and creating social media policy and procedures                                                                                                                            | 0.00             | On Hold                   | Fire & Emergency Services            | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 343 | Strategic Plan - Project | Fire Department Reserve Truck             | Enhance the City's firefighting capacity by replacing a 20-year old ladder truck that has exceeded its user life.                                                                                                                                                       | 85.29            | Work in Progress          | Fire & Emergency Services            | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 344 | Strategic Plan - Project | Fire Prevention                           | Increase fire/life safety capacity and resources to effectively maintain community safety.                                                                                                                                                                              | 51.36            | Work in Progress          | Fire & Emergency Services            | N           | Y         | Y       | N                     | Y                                | Y                       | N                                  |
| 345 | Strategic Plan - Project | Outdoor Emergency Public Alerting Systems | (part of Rescue and Disaster Response Capabilities Program) Exploring options for system and then procuring and implementing system.                                                                                                                                    | 0.00             | On Hold                   | Fire & Emergency Services            | Y           | N         | Y       | N                     | N                                | Y                       | N                                  |
| 346 | Strategic Plan - Project | Safe Passages                             | (part of Wildfire Safety Program) Develop standards, update code, develop enforcement; identify narrow streets that need parking restrictions to keep areas clear.                                                                                                      | 0.00             | Proposed Budget Reduction | Fire & Emergency Services            | Y           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 347 | Strategic Plan - Project | Wildfire Vegetation Management            | (part of Wildfire Safety Program) Hand Crews                                                                                                                                                                                                                            | 59.68            | Proposed Budget Reduction | Fire & Emergency Services            | Y           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 348 | Strategic Plan - Project | Adult Mental Health Clinic Renovation     | The Adult Mental Health Clinic at 2640 MLK is currently uninhabitable and in need of significant repairs to be open to help people in Berkeley with severe and persistent mental illness.                                                                               | 99.98            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | Y                     | N                                | Y                       | Y                                  |
| 349 | Strategic Plan - Project | Age Friendly Plan Implementation          | Establish infrastructure for implementation of Aging-Friendly Plan                                                                                                                                                                                                      | 93.04            | Work in Progress          | Health, Housing & Community Services | Y           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 350 | Strategic Plan - Project | Cannabis Dispensary/ Production           | Develop, propose and implement responsive education and enforcement strategies                                                                                                                                                                                          | 54.44            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 351 | Strategic Plan - Project | Community Agency Funding Information      | Develop and publish comprehensive report on outcomes of community agencies funded by City of Berkeley.                                                                                                                                                                  | 1.35             | Work in Progress          | Health, Housing & Community Services | N           | N         | Y       | N                     | N                                | Y                       | N                                  |
| 352 | Strategic Plan - Project | Home-cook Food Industry                   | Develop, propose and implement responsive education and enforcement strategies.                                                                                                                                                                                         | 76.88            | Work in Progress          | Health, Housing & Community Services | N           | Y         | N       | N                     | N                                | Y                       |                                    |
| 353 | Strategic Plan - Project | Homeless Services Expansion               | Implement plan to expand homeless services with Measure P funding as defined by Council.                                                                                                                                                                                | 73.70            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

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|-----|--------------------------|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|--------------------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 354 | Strategic Plan - Project | Increase Affordable Housing: Measure O Implementation                                      | Implement plan to expand affordable housing options with Measure O funding as defined by Council.                                                                                                                                                                            | 30.50            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       |                       |                                  |                         | Y                                  |
| 355 | Strategic Plan - Project | Landlord Participation in Affordable Housing Programs                                      | Increase the supply of landlords who provide units for Shelter Plus Care and Section 8 programs. Provide other incentives to landlords to participate in these programs.                                                                                                     | 49.23            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | N                     |                                  |                         |                                    |
| 356 | Strategic Plan - Project | Paid Family Leave Ordinance                                                                | Explore an ordinance that guarantees paid leave for new parents.                                                                                                                                                                                                             | 0.00             | On Hold                   | Health, Housing & Community Services | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 357 | Strategic Plan - Project | Public Health Strategic Plan Implementation                                                | Implement a tracking and reporting system for Division program performance measures                                                                                                                                                                                          | 25.72            | Work in Progress          | Health, Housing & Community Services | N           | Y         | N       | N                     | N                                | Y                       | N                                  |
| 358 | Strategic Plan - Project | Results-Based Accountability Framework for Health, Housing & Community Services Programs   | Implement a results-based accountability performance management framework to better account for and improve the work that the Department of Health, Housing & Community Services undertakes, and to maximize impact. Develop and publish outcomes data on selected programs. | 19.61            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | N                     | N                                | N                       | Y                                  |
| 359 | Strategic Plan - Project | Shelter Plus Care Expansion                                                                | Expand Shelter Plus Care through addition of 53 new housing vouchers                                                                                                                                                                                                         | 43.33            | Work in Progress          | Health, Housing & Community Services | N           | Y         | Y       | Y                     |                                  |                         |                                    |
| 360 | Strategic Plan - Project | Sugar Sweetened Beverage Policy Development                                                | Develop a City of Berkeley healthy beverage policy                                                                                                                                                                                                                           | 42.62            | Work in Progress          | Health, Housing & Community Services | N           | Y         | N       | N                     | Y                                | N                       |                                    |
| 361 | Strategic Plan - Project | Develop Labor Relations Strategy Plan                                                      | In preparation for contract negotiations in 2020. Prepare a plan                                                                                                                                                                                                             | 80.00            | Work in Progress          | Human Resources                      | N           | Y         | Y       | N                     | Y                                | Y                       | N                                  |
| 362 | Strategic Plan - Project | Revision of Personnel Rules and Regulations and the Employer-Employee Relations Resolution | Update and revise both sets of Rules and Regulations to comply with current federal and state laws; reflect best practices; and ensure the established rules are comprehensive and consistent.                                                                               | 40.00            | Work in Progress          | Human Resources                      | N           | Y         | N       | N                     | Y                                | Y                       | N                                  |
| 363 | Strategic Plan - Project | Succession Planning                                                                        | In advance of a large amount of expected retirements in fiscal year 2018, develop and provide guidance to all City departments to improve succession planning and minimize disruption to the City government and the community it serves.                                    | 0.10             | Work in Progress          | Human Resources                      | N           | Y         | Y       | N                     | N                                | N                       | N                                  |
| 364 | Strategic Plan - Project | 360 Street Level Imagery                                                                   |                                                                                                                                                                                                                                                                              | 22.22            | Work in Progress          | Information Technology               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 365 | Strategic Plan - Project | Accela Implementation - Phase 5                                                            | Modules to Implement:<br>Utility Permits: almost complete<br>Fire Permits Enhancements<br>Public Works Permits Online<br>Code Enforcement - HOLD<br>Right of Way Management - HOLD                                                                                           | 0.00             | Proposed Budget Reduction | Information Technology               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 366 | Strategic Plan - Project | Active Directory Upgrade                                                                   | Version upgrade for Active Directory.                                                                                                                                                                                                                                        | 0.00             | Not Started               | Information Technology               | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 367 | Strategic Plan - Project | AD Cleanup (Prep for future Projects)                                                      | AD CleanUP (Prep for future Projects)                                                                                                                                                                                                                                        | 6.67             | Work in Progress          | Information Technology               | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Percent Complete | State            | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 368 | Strategic Plan - Project | Avaya Phone System (VoIP) Support Transition                                                                             | Avaya Support Transition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 79.78            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 369 | Strategic Plan - Project | BIA (Business Impact Assessment)                                                                                         | BIA (Business Impact Assessment)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 10.00            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 370 | Strategic Plan - Project | Broadband Infrastructure Master Plan                                                                                     | Develop a master plan to improve infrastructure for high-speed internet access in Berkeley. Release the RFP to develop a Broadband Infrastructure Master Plan that provides a roadmap for implementing the broadband infrastructure to increasing internet access and addressing the digital divide                                                                                                                                                                                                                                                                                                                       | 80.00            | Work in Progress | Information Technology | N           | Y         | N       | N                     | N                                | N                       | N                                  |
| 371 | Strategic Plan - Project | California Public Health Info Exchange Electronic Case Reporting (eCR)                                                   | Implement Electronic Case Reporting (eCR) which will automate public health case reporting by automatically generating and transmitting case reports from Electronic Health Records (EHRs) to public health agencies for review and action. The California Reportable Disease Information Exchange - Electronic Case Reporting (CalREDIE eCR) module will allow health care providers and organizations to more easily comply with the California Department of Public Health (CDPH) requirement for the reporting of certain diseases and conditions per the California Code of Regulations (CCR) Title 17 Section 2500. | 0.00             | On Hold          | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 372 | Strategic Plan - Project | Capital Project Management Software                                                                                      | Implement a Capital Improvement Project (CIP) tracking tool to better document and manage project implementation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | On Hold          | Information Technology | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 373 | Strategic Plan - Project | City Data Services System Replacement                                                                                    | Project to replace hosted Grants and Loan Data Management for Health, Housing & Community Services. Community Agency Allocations & Contract Management, Rehab Programs, Housing Trust Fund, Mental Health Division Contracts, etc.                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | On Hold          | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 374 | Strategic Plan - Project | Citywide Backup Solution Replacement                                                                                     | Barracuda Backup Upgrade                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 79.36            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 375 | Strategic Plan - Project | Citywide Windows 10 Upgrade                                                                                              | Pilot and then fully launch the Windows 10 operating system for City computers, including all necessary staff training and application compatibility testing                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 93.13            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 376 | Strategic Plan - Project | Clinical Intake Workflow Improvements: Develop and Integrate Clinic Reproductive and Sexual Health (RSH) Intake Template | Clinical Intake Workflow Improvements: Develop and Integrate Clinic Reproductive and Sexual Health (RSH) Intake Template                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 40.00            | On Hold          | Information Technology | N           | Y         | Y       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 377 | Strategic Plan - Project | Compliance with Data Security Standards                                                                                  | Continue to implement Payment Card Industry (PCI), Department of Justice (DOJ), and Health Insurance Portability and Accountability Act (HIPAA) compliance requirements to maintain data security                                                                                                                                                                                                                                                                                                                                                                                                                         | 10.00            | Work in Progress | Information Technology | N           | Y         | Partial | N                     | Y                                | Y                       | Y, if funded                       |
| 378 | Strategic Plan - Project | Configure Remote Software installations for Off Network Laptops                                                          | Configure SCCM IBCM (Internet Based Configuration Management)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 51.02            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 379 | Strategic Plan - Project | Crime forum transition to new vendor (XenForo)                                                                           | Migrate police crime forum data away from vBulletin to Xenforo. They use AWS for hosting. internal crime information sharing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 80.00            | Work in Progress | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                      | Description                                                                                                                                                                                                                                                       | Percent Complete | State                     | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 380 | Strategic Plan - Project | Customer Relationship Management (CRM) Database                           | Implement a 311 CRM solution and a mobile app to better track and manage community member queries                                                                                                                                                                 | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 381 | Strategic Plan - Project | Customer Relationship Management of Economic Development                  | Implement a customer and communications management platform to assist the Office of Economic Development in their business attraction and retention efforts                                                                                                       | 0.00             | Not Started               | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 382 | Strategic Plan - Project | Cyber Resilience Strategy                                                 | Develop a Cyber Resilience Plan in alignment with the City's Resilience Strategy, including software upgrade needs, policies and cyber security training for staff                                                                                                | 85.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | N                       | Y                                  |
| 383 | Strategic Plan - Project | Data Exchange for TCM Program (Alameda Alliance / Medi-Cal Managed Care)  | Data Exchange for TCM Program (Alameda Alliance / Medi-Cal Managed Care)                                                                                                                                                                                          | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 384 | Strategic Plan - Project | Data Exchange for TCM Program (Blue Cross / Medi-Cal Managed Care)        | Data Exchange for TCM Program (Blue Cross / Medi-Cal Managed Care)                                                                                                                                                                                                | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 385 | Strategic Plan - Project | Digital Permitting System                                                 | Conduct a needs assessment, issue an RFP, and procure a new permitting software                                                                                                                                                                                   | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 386 | Strategic Plan - Project | Disaster Recovery/Business Continuity Plan                                | Develop a Information Technology infrastructure Disaster Recovery and Business Continuity Plan                                                                                                                                                                    | 50.00            | Not Started               | Information Technology | N           | Y         | Partial | N                     | N                                | Y, if funded            | Y, if funded                       |
| 387 | Strategic Plan - Project | Emergency Operations Center (EOC) Management Software                     | Implement a software solution to assist with enhanced preparedness, disaster recovery and track emergency management efforts during EOC activations                                                                                                               | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 388 | Strategic Plan - Project | Emphasys Elite System Replacement                                         | Assess business needs and review feasibility of utilizing ERMA modules. Replace software to manage Shelter Plus Care housing subsidy program for the chronically homeless. (Also used by Berkeley Housing Authority with separate databases.)                     | 0.00             | Not Started               | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 389 | Strategic Plan - Project | Environmental Health Field Operations Improvements                        | Assess and implement tools to enhance capacity and efficiency of Environmental Health field operations.                                                                                                                                                           | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 390 | Strategic Plan - Project | EnvisionConnect System Replacement                                        | Develop options, costs and timelines for replacing Decade (Accela) software to manage Environmental Health inspections, work processes, and to produce regular local and State required reports. (System also used by Toxics Management, with separate database). | 0.00             | Not Started               | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 391 | Strategic Plan - Project | Extracts/Interfaces for data to Munis from (1) NextGen and (2) Persimmony | Extracts/Interfaces for data to Munis from (1) NextGen and (2) Persimmony                                                                                                                                                                                         | 0.00             | Not Started               | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 392 | Strategic Plan - Project | FUND\$ Replacement - Fleet Management System                              | Replacing the 28-year-old FUND\$ Fleet module for vehicle fleet asset and parts management system                                                                                                                                                                 | 23.06            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 393 | Strategic Plan - Project | FUND\$ Replacement - Work Order Application                               | Replace the Work Order module of FUND\$ with a Commercial Off the Shelf (COTS) software that will enable management of customer requests and work orders, preventive maintenance, resources and inventory, best practices and regulatory compliance.              | 48.51            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 394 | Strategic Plan - Project | FUND\$ Replacement - Zero Waste Solution                                  | Replace the Refuse Billing module of FUND\$ with a Commercial Off the Shelf (COTS) software that will enable billing, routing, and operations software for the public works operations.                                                                           | 25.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State                     | Lead City Department   | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 395 | Strategic Plan - Project | FUND\$ Replacement: Core Financial and HR/Payroll        | "To replace City's Enterprise Resource Management Application to improve access to services and information for community members and create more efficient financial and information management processes for City staff, replace the City's core data management system.<br><br>To improve access to services and information for community members and create more efficient financial, human resources, and information management processes for staff, replace the City's core 28-year old financial and data management system" | 84.33            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 396 | Strategic Plan - Project | Fund\$ Software Upgrades                                 | SunGard Software Upgrade Project for Fund\$                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 20.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 397 | Strategic Plan - Project | Green City GIS Inventory                                 | Create a database for PRW for Park Assets. Databases design and field inventory of all infrastructure, buildings, such as bathrooms, benches and newly planted trees in the city parks system                                                                                                                                                                                                                                                                                                                                         | 95.00            | Work in Progress          | Information Technology | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 398 | Strategic Plan - Project | Help Desk Metrics Expansion                              | PURPOSE: This project addresses both processes/procedures and various tools that focus on the delivery of customer service across City departments by the HelpDesk and to measure and adjust team productivity to demand.                                                                                                                                                                                                                                                                                                             | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 399 | Strategic Plan - Project | Help Desk Process Improvements                           | Help Desk Process Improvements Year 1 (2019)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | Y                       | N                                  |
| 400 | Strategic Plan - Project | Help Desk Standard Operating Procedures                  | Help Desk Standard Operating Procedures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 25.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 401 | Strategic Plan - Project | HIPAA Security Risk Assessment Audits Calendar Year 2019 | HIPAA Security Risk Assessment Audits Calendar Year 2019                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 0.00             | Not Started               | Information Technology | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 402 | Strategic Plan - Project | HR Onboarding                                            | Purchase a software system for HR to streamline the new hire onboarding process. The onboard software will provide new hire access to forms, documents, videos, and checklist.                                                                                                                                                                                                                                                                                                                                                        | 22.06            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 403 | Strategic Plan - Project | Human Resources Case Management                          | Software to manage and track Human Resources Employee Relations and Equal Employment Opportunity cases.                                                                                                                                                                                                                                                                                                                                                                                                                               | 65.76            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 404 | Strategic Plan - Project | Infrastructure and Security Project Metrics              | Infrastructure and Security Project Metrics                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 405 | Strategic Plan - Project | IT Classification Study                                  | Conduct an IT Classification Study                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 0.00             | Proposed Budget Reduction | Information Technology | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |
| 406 | Strategic Plan - Project | IT Service Management/Enterprise PM Tool                 | Replace Help Desk software, implement project portfolio management software                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 69.58            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 407 | Strategic Plan - Project | Learning Management System (ERP)                         | To deploy a learning management system for the administration, documentation, tracking, reporting and delivery of training programs                                                                                                                                                                                                                                                                                                                                                                                                   | 10.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                              | Description                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State                     | Lead City Department   | Commission? | Underway? | Funded?                     | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|------------------------|-------------|-----------|-----------------------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 408 | Strategic Plan - Project | Legal Case Management Tool                                        | Software to track and manage cases for City Attorneys                                                                                                                                                                                                                                                                                                                                       | 0.00             | On Hold                   | Information Technology | N           | N         | N                           | N                     | N                                | Y, if funded            | Y, if funded                       |
| 409 | Strategic Plan - Project | Medication Inventory software                                     | Identify business requirements and software that will also integrate with the NextGen EPM-EHR System.                                                                                                                                                                                                                                                                                       | 10.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |
| 410 | Strategic Plan - Project | Microfiche Digitizing for Berkley Police                          | Digitize remaining Police microfiche data to improve data management and accessibility                                                                                                                                                                                                                                                                                                      | 70.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |
| 411 | Strategic Plan - Project | Microsoft Office Upgrade                                          | (Formerly "ProofPoint & MS EA FY20 roll-out")                                                                                                                                                                                                                                                                                                                                               | 0.00             | Not Started               | Information Technology | N           | N         | Y                           | N                     | N                                | Y                       | Y                                  |
| 412 | Strategic Plan - Project | Migrate Veripic Data to Axon Capture (evidence.com)               | Migrate evidence data from Veripic (legacy system) to evidence.com (current system from Axon). This is a two step process: 1) export evidence and metadata from VeriPic, and 2) import evidence and metadata to evidence.com. This will allow officers to have one source of evidence and will remove a legacy system. Veripic is currently read only and has no new evidence as of 9-1-18. | 75.76            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |
| 413 | Strategic Plan - Project | Mobile Device Management (MDM) Software Replacement               | Transition from Meraki to Intune                                                                                                                                                                                                                                                                                                                                                            | 25.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | Y                                | Y                       | Y                                  |
| 414 | Strategic Plan - Project | MS Enterprise O365 Exchange Migration and OneDrive Implementation | Migrate Exchange (Email) to the cloud, and implement OneDrive for cloud-based file storage and file sharing.                                                                                                                                                                                                                                                                                | 87.78            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | N                                  |
| 415 | Strategic Plan - Project | MS Rights Management (& AIP)                                      | MS Rights Management (& AIP)                                                                                                                                                                                                                                                                                                                                                                | 25.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |
| 416 | Strategic Plan - Project | Network Architecture                                              | Network Architecture (roadmap of capabilities, connections, capacities means, & devices)                                                                                                                                                                                                                                                                                                    | 0.00             | Pending On Schedule       | Information Technology | N           | N         | Y                           | N                     | N                                | Y                       | Y                                  |
| 417 | Strategic Plan - Project | Network Device Replacement for FY18                               | Network Device Replacement for FY18                                                                                                                                                                                                                                                                                                                                                         | 87.50            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | N                                  |
| 418 | Strategic Plan - Project | Network Device Replacement FY20                                   | Network Device Replacement FY20                                                                                                                                                                                                                                                                                                                                                             | 0.00             | Not Started               | Information Technology | N           | Y         | Y, pending Council approval | N                     | N                                | Y, if funded            | Y, if funded                       |
| 419 | Strategic Plan - Project | New Fire Records Management System                                | Prepare a new fire records management system that will be compliant with the National Fire Information System and improve data collection and response information.                                                                                                                                                                                                                         | 0.00             | On Hold                   | Information Technology | N           | N         | N                           | N                     | N                                | Y, if funded            | Y, if funded                       |
| 420 | Strategic Plan - Project | NextGen eSignatures                                               | NextGen eSignatures                                                                                                                                                                                                                                                                                                                                                                         | 90.00            | On Hold                   | Information Technology | N           | N         | Y                           | N                     | N                                | N                       | N                                  |
| 421 | Strategic Plan - Project | Online Business Registration Permitting                           | Implement software program to help entrepreneurs get their businesses up and running more quickly and easily by providing an online interface to the permitting process at City Hall                                                                                                                                                                                                        | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | N                           | N                     | N                                | Y, if funded            | Y, if funded                       |
| 422 | Strategic Plan - Project | Performance Evaluations (ERP)                                     | To deploy a performance evaluation software                                                                                                                                                                                                                                                                                                                                                 | 10.00            | Work in Progress          | Information Technology | N           | Y         | Y                           | N                     | N                                | Y                       | Y                                  |



**Disposition of  
Referrals, Projects, and Audits**

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|-----|--------------------------|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------|------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 423 | Strategic Plan - Project | Public Records Act (PRA) Request Management    | Implement a solution to track and manage PRA requests and provide visibility and transparency for PRA compliance                                                                   | 92.51            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 424 | Strategic Plan - Project | RLSS Loan/Grants Management System Replacement | Project to replace the Revolving Loan Servicing Software (Loan Profile Data, Loan Transactions, and Reporting for State & Federal Programs) Used for Senior Disabled Loan Program. | 5.00             | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 425 | Strategic Plan - Project | ServiceNow: Asset Management Implementation    | Implement SNOW Asset Management Module & create Software & Hardware inventory dashboard                                                                                            | 80.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 426 | Strategic Plan - Project | SharePoint Intranet                            | Implement SharePoint based TeamSites and Project sites                                                                                                                             | 45.54            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | N                       | Y                                  |
| 427 | Strategic Plan - Project | SIEM/MSSP                                      | SIEM/MSSP                                                                                                                                                                          | 50.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 428 | Strategic Plan - Project | SimsUshare                                     | SimsUshare CTC is a training system for emergency responders to develop and enhance knowledge, skills and abilities in safely and efficiently managing all types of incidents.     | 90.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 429 | Strategic Plan - Project | Smart Rooms                                    | Improve IT systems in the City's conference rooms, including conference call, videoconference, and star phone capabilities.                                                        | 99.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 430 | Strategic Plan - Project | Software for Managing Leased Properties (ERP)  | Implement a software solution to track and manage properties that the City leases to other entities                                                                                | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | N                       | N                                  |
| 431 | Strategic Plan - Project | SQL Server 2008 Upgrade/Migration CityWide     | SQL Server 2008 Upgrade/Migration CityWide                                                                                                                                         | 80.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 432 | Strategic Plan - Project | Tiburon/CRIMES Data warehousing                | needed enterprise license for phones (close to completion)                                                                                                                         | 70.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 433 | Strategic Plan - Project | Time Management Application for Police         | Time Management Application for Police (Telestaff)                                                                                                                                 | 0.00             | On Hold                   | Information Technology | N           | N         | N       | N                     | N                                | Y, if funded            | Y, if funded                       |
| 434 | Strategic Plan - Project | Upgrade Youth Lab computers                    | Upgrade Youth Lab computers                                                                                                                                                        | 0.00             | On Hold                   | Information Technology | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 435 | Strategic Plan - Project | Vendor Remote Access Improvements              | Improvements to vendor's remote access capabilities.                                                                                                                               | 80.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 436 | Strategic Plan - Project | Virtual Desktop Pilot Program                  | Virtual Desktop Infrastructure (VDI) pilot program with Citrix and Nutanix                                                                                                         | 10.00            | Work in Progress          | Information Technology | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 437 | Strategic Plan - Project | Virtualize Firewalls                           | (Formerly "Microsoft Windows Security Patch Deployment", Configure Windows updates for all desktops and Laptops)                                                                   | 0.00             | Not Started               | Information Technology | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |
| 438 | Strategic Plan - Project | VoIP Emergency Announcement Service            | PURPOSE: Enhance Voice-over-IP (VoIP) technical capabilities to introduce an Emergency Announcement Service within City buildings and office spaces.                               | 0.00             | Proposed Budget Reduction | Information Technology | N           | N         | Y       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

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|-----|--------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|--------------------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 439 | Strategic Plan - Project | Windows Security Patch Deployment Upgrade                                                          | Re-Configure Windows Updates                                                                                                                                                                                                                          | 53.75            | Work in Progress | Information Technology         | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 440 | Strategic Plan - Project | Windows Server Operating System Upgrades                                                           | Windows Server Operating System Upgrades                                                                                                                                                                                                              | 90.00            | Work in Progress | Information Technology         | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 441 | Strategic Plan - Project | Berkeley Business Marketing & Communications Project (i.e., Berkeley Branding & Marketing Project) |                                                                                                                                                                                                                                                       | 95.00            | Work in Progress | Office of Economic Development | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 442 | Strategic Plan - Project | Berkeley Ventures, Berkeley Values                                                                 | Develop and implement a "Berkeley Tech, Berkeley Values", a campaign to leverage local tech sector skills, wealth, and other resources to support equitable and inclusive growth.                                                                     | 75.00            | Work in Progress | Office of Economic Development | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 443 | Strategic Plan - Project | Expand and Modify the Downtown Arts District Overlay                                               | Examine and develop recommendations for expanding the boundaries of the current Downtown Arts District Overlay as well as the allowable active ground-floor uses. Related to PRJ0013155 and DMND0002497                                               | 95.00            | Work in Progress | Office of Economic Development | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 444 | Strategic Plan - Project | Interactive Digital Kiosks                                                                         | Facilitate the installation of interactive digital kiosks to share information about civic resources; market local businesses, arts organizations, and commercial districts; and generate revenue for the City of Berkeley                            | 95.00            | Work in Progress | Office of Economic Development | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 445 | Strategic Plan - Project | Measure T1 Public Art Projects                                                                     | Implement new public art commissions associated with T1 Bond Projects at North Berkeley Senior Center and San Pablo Park, which will be integrated into the planned improvements in order to beautify these spaces and enhance their unique character | 90.00            | Work in Progress | Office of Economic Development | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 446 | Strategic Plan - Project | Aquatic Park Tide Tubes Renovation Project                                                         | Design, permitting, and environmental documents.                                                                                                                                                                                                      | 0.00             | Not Started      | Parks, Recreation & Waterfront | N           | N         | N       | Y                     | N                                | N                       | Y                                  |
| 447 | Strategic Plan - Project | Berkeley Municipal Pier Conceptual Design                                                          | Feasibility study for potential repairs to Pier.                                                                                                                                                                                                      | 75.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 448 | Strategic Plan - Project | Berkeley Rose Garden Pathways, Tennis Courts, Pergola                                              | Reconstruction of the pergola, ADA paths, and retaining Walls - Design and Construction.                                                                                                                                                              | 75.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 449 | Strategic Plan - Project | Berkeley Tuolumne Camp Rebuild                                                                     | Rebuild Berkeley Tuolumne Camp. Permitting, Environmental, Design, and Construction.                                                                                                                                                                  | 75.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | Y                     | N                                | Y                       | Y                                  |
| 450 | Strategic Plan - Project | Cazadero Camp Landslide Fix and Dormitory Replacement                                              | Repair significant damage to the City's Cazadero Camp caused by a landslide that occurred in 2016.                                                                                                                                                    | 60.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 451 | Strategic Plan - Project | Grove Park Field backstop, dugout, lights, and irrigation                                          | Renovation of existing ballfield backstop, dugout, lights, and irrigation - Construction.                                                                                                                                                             | 30.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 452 | Strategic Plan - Project | Live Oak Community Center Seismic Upgrade and Renovations                                          | Seismic upgrades and building renovations - Construction.                                                                                                                                                                                             | 95.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 453 | Strategic Plan - Project | San Pablo Park Tennis Courts and Play Equipment Upgrade (Ages 5-12 Play Areas)                     | Renovation of existing play equipment (ages 2-5 and 5-12) and tennis courts - Construction.                                                                                                                                                           | 70.00            | Work in Progress | Parks, Recreation & Waterfront | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                           | Description                                                                                                                                                                                                                                            | Percent Complete | State            | Lead City Department           | Commission?                                                              | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in -2 years? | Have adequate staff resources for? |
|-----|--------------------------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|--------------------------------|--------------------------------------------------------------------------|--------------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 454 | Strategic Plan - Project | Training and Certification for Sports Coaches and Officials                                    | Start to implement a new program to provide the latest training and certifications all staff who serve as sports officials and coaches for the City's many sports programs, including softball, baseball, and tennis leagues, skateboarding, and more. | 35.00            | Work in Progress | Parks, Recreation & Waterfront | N                                                                        | Y            | N            | Y                     | N                                | Y                       | Y                                  |
| 455 | Strategic Plan - Project | Tree Planting Project in South and West Berkeley                                               | Plant 500 trees in South and West Berkeley                                                                                                                                                                                                             | 50.00            | Work in Progress | Parks, Recreation & Waterfront |                                                                          | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 456 | Strategic Plan - Project | University Avenue (West Frontage Rd to Marina Blvd), Marina Blvd, and Spinnaker Way Renovation | Renovate three roads at the Berkeley Marina (University Ave, Marina Blvd, and Spinnaker Way) - Construction - Design and Construction.                                                                                                                 | 30.00            | Work in Progress | Parks, Recreation & Waterfront |                                                                          | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 457 | Strategic Plan - Project | WETA MOU and Ferry Feasibility Study                                                           | Develop an MOU with WETA and conduct an engineering feasibility study for potential WETA ferry service and recreation at the existing or a new Berkeley Pier.                                                                                          | 80.00            | Work in Progress | Parks, Recreation & Waterfront |                                                                          | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 458 | Strategic Plan - Project | Ashby and North Berkeley and Development Parameters (formerly station area plan)               | State-mandated zoning study and updates at the North Berkeley and Ashby BART stations                                                                                                                                                                  | 25.00            | Work in Progress | Planning                       | Involves Planning Commission                                             | Y            | Y            | Y                     | Y                                | Y                       | Y                                  |
| 459 | Strategic Plan - Project | Clean energy (i.e., Fuel switching)                                                            | Promote strategies and make available resources for residents to convert to cleaner fuel use in buildings.                                                                                                                                             | 50.00            | Work in Progress | Planning                       | N                                                                        | Y            | N            | Y                     | N                                | N                       | Y                                  |
| 460 | Strategic Plan - Project | Climate Adaptation Work                                                                        | New climate adaptation work                                                                                                                                                                                                                            | 5.00             | Work in Progress | Planning                       | Y                                                                        | Y            | N            | Y                     | N                                | N                       | N                                  |
| 461 | Strategic Plan - Project | Demolition Ordinance and Affordable Housing                                                    | Study issues pertaining to demolition and replacement of existing rent controlled and affordable housing. Depending on outcomes of study, may result in a revised fee and/or ordinance                                                                 | 25.00            | Work in Progress | Planning                       | Involves Planning Commission, Rent Stabilization Board                   | Y            | N            | N                     | Y                                | Y                       | N                                  |
| 462 | Strategic Plan - Project | Development/Density Standards Project                                                          | Study options and proposed comprehensive density standards                                                                                                                                                                                             | 25.00            | Work in Progress | Planning                       | Involves Joint Subcommittee for the Implementation of State Housing Laws | Y            | Y            | Y                     | Y                                | N                       | F                                  |
| 463 | Strategic Plan - Project | Expanded and streamlined rental housing safety program                                         | Expand and streamline the Rental Housing Safety Program to enable proactive inspections and other actions to maintain Berkeley's aging rental housing stock.                                                                                           | 65.00            | Work in Progress | Planning                       | N                                                                        | Y            | Y            | N                     | Y                                | N                       | N                                  |
| 464 | Strategic Plan - Project | Increased EV infrastructure                                                                    | Provide better facilities and infrastructure for Electrical Vehicle charging, with an emphasis on electric mobility strategies to make cleaner transportation available to all across income lines.                                                    | 80.00            | Work in Progress | Planning                       | N                                                                        | Y            | N            | Y                     | N                                | N                       | N                                  |
| 465 | Strategic Plan - Project | Increased Student Housing                                                                      | Identify opportunities to enable additional student housing, such as through Zoning Ordinance amendments focused on increasing student housing capacity in the Telegraph Avenue Commercial District.                                                   | 50.00            | Work in Progress | Planning                       | Involves Planning Commission                                             | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 466 | Strategic Plan - Project | Local density bonus policy                                                                     | Develop and pilot a local Density Bonus program that enables payment of housing in-lieu fees to be used and leveraged to create additional affordable housing.                                                                                         | 50.00            | Work in Progress | Planning                       | Involves Planning Commission                                             | Y            | Y            | N                     | N                                | Y                       | N                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                  | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Percent Complete | State            | Lead City Department | Commission?                                                              | Underway? | Funded?  | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|--------------------------------------------------------------------------|-----------|----------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 467 | Strategic Plan - Project | Missing Middle Housing Study / Housing Element Update | Refer to the City Manager to prepare a report to the Council of examining methods, including potential revisions to the zoning code, that may foster a broader range housing types across Berkeley, particularly missing middle housing types (duplexes, triplexes/fourplexes, courtyard apartments, bungalow courts, townhouses, etc.), in areas with access to essential components of livability like parks, schools, employment, transit, and other services. Given the range of requests included in this referral, it is expected that responding to the referral will require a combination of field research, consultation with design professionals and other cities and agencies, and community outreach and engagement. Council requests that staff initiate this work as soon as possible. (Text from 4/23/19 Council Referral) | 1.00             | Work in Progress | Planning             | Involves Planning Commission                                             | Y         | Deferred | N                     | Y                                | Y                       | N                                  |
| 468 | Strategic Plan - Project | New Municipal Building Energy Policy                  | Develop options for a new Municipal Building Energy Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 5.00             | Work in Progress | Planning             | N                                                                        | N         | N        | N                     | N                                | Y                       | N                                  |
| 469 | Strategic Plan - Project | Objective Development Standards                       | Consultant work with community and commissions to describe, define, and revise objective development standards in corridors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 25.00            | Work in Progress | Planning             | Involves Joint Subcommittee for the Implementation of State Housing Laws | Y         | Y        | Y                     | Y                                | N                       | N                                  |
| 470 | Strategic Plan - Project | Parking Reform                                        | Strategies to unbundle parking requirements from development requirements to facilitate housing production and car-free modes of transit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 90.00            | Work in Progress | Planning             | Involves Planning Commission                                             | Y         | Y        | N                     | N                                | Y                       | Y                                  |
| 471 | Strategic Plan - Project | Permit Conditions Enforcement Process                 | Review process/approach to monitoring and enforcing agreed-to conditions on Land Use permits                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 50.00            | Work in Progress | Planning             | N                                                                        | Y         | N        | N                     | N                                | Y                       | N                                  |
| 472 | Strategic Plan - Project | Permit Service Center and Land Use Planning Survey    | Develop and administer a customer service survey relating to permitting services and land use planning processes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 33.00            | Work in Progress | Planning             | N                                                                        | Y         | Y        | N                     | N                                | Y                       | Y                                  |
| 473 | Strategic Plan - Project | Planning DOC                                          | Planning Operations Center (DOC) and Emergency Operations Plan (EOP)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 0.00             | Not Started      | Planning             | N                                                                        | N         | N        | N                     | N                                | Y                       | N                                  |
| 474 | Strategic Plan - Project | Seismic safety programs                               | Continue implementation of the City's Soft Story and Unreinforced Masonry Ordinances and administer a \$3 million Hazard Mitigation Grant from FEMA, which will provide design and construction grants to owners of the most seismically vulnerable buildings in Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 70.00            | Work in Progress | Planning             | N                                                                        | Y         | Y        | Y                     | Y                                | N                       | Y                                  |
| 475 | Strategic Plan - Project | Sign Policy                                           | Evaluate and update design review processes/policies and Sign Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 50.00            | Work in Progress | Planning             | Involves Planning Commission, Design Review Committee                    | Y         | N        | N                     | N                                | Y                       | N                                  |
| 476 | Strategic Plan - Project | Solar + Storage Project                               | Latest strategy from previous Microgrid pilot program to co-locate solar and storage capacity, especially for emergency backup uses                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 30.00            | Work in Progress | Planning             | N                                                                        | Y         | N        | Y                     | N                                | Y                       | N                                  |
| 477 | Strategic Plan - Project | ZORP (Zoning Ordinance Revision Project)              | Revise the City of Berkeley Zoning Ordinance in order to clarify zoning rules and procedures for community members and improve the implementation process for City staff.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 50.00            | Work in Progress | Planning             | Involves Planning Commission                                             | Y         | Y        | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Percent Complete | State            | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-----------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 478 | Strategic Plan - Project | Community Safety During Demonstrations                                                                          | Increase Police capacity, resources, tools and training, including training a bike-officer response unit, to effectively protect and facilitate free speech and maintain community safety when demonstrations and protests occur.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 80.00            | Work in Progress | Police               | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 479 | Strategic Plan - Project | Comprehensive Police Policy Review                                                                              | Fully implement and update Police policies to Lexipol format, ensuring full compliance with current law, case law, and incorporate best practices.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 85.00            | Work in Progress | Police               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 480 | Strategic Plan - Project | Develop resources and programs for employee resiliency                                                          | Expand Police employee wellness and resiliency programs, including mental health, fitness, and nutrition resources.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 75.00            | Work in Progress | Police               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 481 | Strategic Plan - Project | Hire, Train, and Retain Excellent Police Personnel                                                              | In order to continue to provide excellent service to the community, expediently fill any position vacancies while maintaining a highly qualified, well educated work force.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 80.00            | Work in Progress | Police               | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 482 | Strategic Plan - Project | Implementation of new public safety technology. (Comprehensive Review of Police Equipment and Technology Needs) | Conduct a needs assessment and prioritization of tools and technology that would better enable the Police to safeguard the community. Implement new technology.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 80.00            | Work in Progress | Police               | N           | Y         | N       | N                     | N                                | N                       | Y                                  |
| 483 | Strategic Plan - Project | Police Community Engagement Strategy                                                                            | Enhance the Police's existing efforts to engage and inform community members about public safety by developing a Police Community Engagement Strategy.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 70.00            | Work in Progress | Police               | N           | Y         | N       | N                     | N                                | Y                       | Y                                  |
| 484 | Strategic Plan - Project | Revise use-of-force policy and implement software                                                               | Implement software enhancements used to report and review department commendations and uses of force, in conjunction with a revised use of force policy. This will enable the BPD ability to report aggregate information internally and externally.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 95.00            | Work in Progress | Police               | N           | Y         | Y       | N                     | N                                | Y                       | Y                                  |
| 485 | Strategic Plan - Project | 2nd Street, Monterey Avenue, Ward Street, Hopkins Street and Bancroft Way                                       | Pavement rehabilitation of 1,600 linear feet (0.3 miles) on Ward Street from San Pablo Avenue to Action Street with full-depth reclamation including sidewalk, driveway, and curb ramp replacement. The street will also include green infrastructure improvements, pervious concrete in the parking lane (8 feet wide) to infiltrate storm water into the native soil. Pavement rehabilitation of 1,600 linear feet (0.3 miles) on 2nd Street from Addison Street to Delaware Street, including installation of sidewalk, curb and gutter, crosswalks along University Avenue underpass, and removal of Railroad tracks on project area. Pavement rehabilitation of 3,100 linear feet (0.6 miles) on Monterey Avenue from Hopkins Street to The Alameda, including installation of sidewalk, curb & gutter, curb ramps, and striping of bike lanes and crosswalks. Pavement rehabilitation of 6,600 linear feet (1.25 miles) on Hopkins Street from San Pablo to The Alameda, including installation of sidewalk, curb & gutter, curb ramps, and striping of bike lanes and crosswalks. Pavement rehabilitation of 350 linear feet (0.06 miles) on Bancroft Way from Shattuck Avenue to Milvia Street, including installation of sidewalk, curb & gutter, curb ramps, and a protected bike lane from Fulton Street to Milvia Street. | 50.00            | Work in Progress | Public Works         | N           | Y         | Y       | N                     | Y                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                          | Description                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|-------------|--------------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 486 | Strategic Plan - Project | 50/50 Sidewalk Program                                                                        | Reduce 50/50 sidewalk backlog                                                                                                                                                                                                                                                                                                                                                                                                                      | 70.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | N                       | N                                  |
| 487 | Strategic Plan - Project | American Disabilities Act Transition Plan                                                     | Work with DAC consultants to survey accessibility and ADA compliance for City facilities, public right of way, and parks, as well as programs and services.                                                                                                                                                                                                                                                                                        | 72.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | Y                                | Y                       | Y                                  |
| 488 | Strategic Plan - Project | Berkeley Rose Garden Drainage                                                                 | Repair creek channel to protect channel and contain creek flows.                                                                                                                                                                                                                                                                                                                                                                                   | 35.00            | On Hold          | Public Works         | N           | N            | N            | N                     | N                                | N                       | Y                                  |
| 489 | Strategic Plan - Project | Bicycle and Pedestrian Infrastructure Improvements (Ongoing Program)                          | Implement protected bicycle lanes on Milvia and Dana Streets and currently-funded Safe Routes to Schools and Active Transportation Program projects, including the 9th Street path crossing at Ashby Avenue. Implement BeST and Bicycle and Pedestrian Plan improvements during repaving projects. Identify funding sources for implementing all Tier 1 Bicycle Boulevard crossing recommendations from the Bicycle Plan.                          | 25.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     |                                  | Y                       | Y                                  |
| 490 | Strategic Plan - Project | Bicycle Plan FY 2022 Update                                                                   | Construct bikeway projects and implement encouragement, education, enforcement, and evaluation programs to make Berkeley a model bicycle-friendly city where bicycling is a safe, comfortable, and convenient form of transportation and recreation for people of all ages and abilities                                                                                                                                                           | 0.00             | Not Started      | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 491 | Strategic Plan - Project | Compostable or Recyclable Foodware                                                            | Implementation: Phase 2 - All foodware certified compostable & vendor charges \$0.25 per disposal cup<br>Phase 3 - Only onsite foodware provided by vendor.                                                                                                                                                                                                                                                                                        | 5.00             | Work in Progress | Public Works         | N           | Y            | N            | N                     | Y                                | Y                       | N                                  |
| 492 | Strategic Plan - Project | Corporation Yard Roof and Electrical Upgrades                                                 | This facility requires general upgrades of the electrical system including panelboards, switchboard, and electrical feeders.                                                                                                                                                                                                                                                                                                                       | 75.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 493 | Strategic Plan - Project | Gilman Street Interchange Project                                                             | Improve the mobility and safety of the Gilman Street Corridor by reconstructing the Gilman Street Interchange and creating a new gateway into North Berkeley. In FY 2018-2019, complete the environmental documents and begin final design for the I-80 Gilman Interchange and pedestrian overcrossing projects.                                                                                                                                   | 90.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     |                                  | Data Pending            | Data Pending                       |
| 494 | Strategic Plan - Project | Long-Term Waste Operations Strategy                                                           | RFP to develop long term Zero Waste Strategic Plan                                                                                                                                                                                                                                                                                                                                                                                                 | 10.00            | Work in Progress | Public Works         | N           | N            | N            | N                     | Y                                | N                       | N                                  |
| 495 | Strategic Plan - Project | Major Improvements to Downtown Berkeley Infrastructure and Amenities (Milvia Bikeway Project) | The project is currently in the grant funded planning phase for a protected bikeway between Hearst Ave and Channing Way, with a protected bikeway or traffic calming to upgrade the bikeway between Channing and Blake Street. Conceptual design will be complete in October 2019. Engineering design will start January 2020 and end October 2020. If additional grant funds are secured, construction would begin May 2021 and end January 2022. | 45.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                                                            | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Percent Complete | State            | Lead City Department | Commission? | Underway?    | Funded?      | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|-------------|--------------|--------------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 496 | Strategic Plan - Project | Major Improvements to Downtown Berkeley Infrastructure and Amenities (Center Street Plaza)      | Convert Center Street between Shattuck and Oxford to a slow street with enhanced streetscape treatments emphasizing use by pedestrians and cyclists while retaining access for transit and deliveries. Project is on hold because anticipated SOSIP funds from hotel development were deferred for up to 10 years.                                                                                                                                                                                                                 | 0.00             | On Hold          | Public Works         | N           | N            | N            | N                     | N                                | N                       | N                                  |
| 497 | Strategic Plan - Project | Major Improvements to Downtown Berkeley Infrastructure and Amenities (Shattuck Reconfiguration) | Improve pedestrian safety by changing traffic flow and turning patterns at the Shattuck/University intersection. Put all through traffic in both directions on the newly two-way west leg of Shattuck between Center and University. Improve parking capacity and shorten pedestrian crossings on the east leg of Shattuck. Provide enhanced transit plaza on the east side of Shattuck between Alston and Center. Contract award by Council is scheduled for October 2018 and Construction is scheduled to commence January 2019. | 95.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     | N                                | Y                       | Y                                  |
| 498 | Strategic Plan - Project | Marina Corporation Yard Electrical Upgrades                                                     | Electrical upgrades to the maintenance building.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 75.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 499 | Strategic Plan - Project | North Berkeley Senior Center Seismic Upgrades and Renovations                                   | Seismic and general upgrades to meet immediate occupancy rating.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 75.00            | Work in Progress | Public Works         | N           | Y            | Y            | Y                     |                                  | Y                       | Y                                  |
| 500 | Strategic Plan - Project | Pedestrian Plan Update                                                                          | Update the 2010 Pedestrian Master Plan to guide City efforts to make walking in Berkeley safe, attractive, easy, and convenient for people of all ages and abilities.                                                                                                                                                                                                                                                                                                                                                              | 97.00            | Work in Progress | Public Works         | Y           | Y            | Y            | Y                     | Y                                | Y                       | Y                                  |
| 501 | Strategic Plan - Project | Public Safety Building Improvements                                                             | Renovate the Public Safety Building lobby to improve service to community members and enhance the safety of Fire Department personnel. Install new carpet. Fix water leak on south side of building.                                                                                                                                                                                                                                                                                                                               | 95.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 502 | Strategic Plan - Project | Residential Preferential Parking (RPP) Program                                                  | Assess the potential for and interest in expansion of RPP in additional commercial districts.                                                                                                                                                                                                                                                                                                                                                                                                                                      | 60.00            | Work in Progress | Public Works         | N           | N            | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 503 | Strategic Plan - Project | Sewer Master Plan                                                                               | The plan will provide flow monitoring, hydraulic modeling and capacity assessment, and condition assessment of the sewer system. These services will allow for identification of areas of high inflow and infiltration and capacity deficiency in the sewer system. In addition, they will provide prioritization of capital sewer improvements and a sanitary sewer rate study                                                                                                                                                    | 70.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 504 | Strategic Plan - Project | Solano Avenue Revitalization Plan                                                               | Conceptual design                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 0.00             | Not Started      | Public Works         | N           | Data Pending | Data Pending | Data Pending          | Data Pending                     | Data Pending            | Data Pending                       |
| 505 | Strategic Plan - Project | Substation relocation project                                                                   | Relocation of the BPD Traffic Substation to a City of Berkeley-owned facility.                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 75.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |
| 506 | Strategic Plan - Project | Transfer Station - Master Plan                                                                  | Re-construct the nearly 8-acre West Berkeley site where waste materials are sorted. The eventual goal of a new site is simple: if we recover more of what can be re-used or recycled, we slash what Berkeley trucks to the mountains of garbage that fill landfills.                                                                                                                                                                                                                                                               | 50.00            | Work in Progress | Public Works         | N           | Y            | Y            | N                     | N                                | Y                       | Y                                  |

**Disposition of  
Referrals, Projects, and Audits**

| No. | Type                     | Name                                                     | Description                                                                                                                                                                                                         | Percent Complete | State            | Lead City Department | Commission? | Underway? | Funded? | Grant funding likely? | Required by legislative mandate? | Achievable in ~2 years? | Have adequate staff resources for? |
|-----|--------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|----------------------|-------------|-----------|---------|-----------------------|----------------------------------|-------------------------|------------------------------------|
| 507 | Strategic Plan - Project | Undergrounding Utility Wires                             | Finalize design and begin construction of Underground Utility District #48 (Grizzly Peak). The City is responsible for installation of decorative solar street lighting in support of this Undergrounding District. | 80.00            | Work in Progress | Public Works         | N           | Y         | Y       | N                     | N                                | Y                       | N                                  |
| 508 | Strategic Plan - Project | Update Watershed Management and Storm Drain Master Plans | Undertaking a necessary update to citywide watershed management and storm drain master plans                                                                                                                        | 90.00            | Work in Progress | Public Works         | N           | N         | Y       | N                     | N                                | Y                       |                                    |
| 509 | Strategic Plan - Project | Zero Waste Rate Evaluation                               | Develop a study that provides for a new five year rate structure that sets rates through the Proposition 218 process.                                                                                               | 50.00            | Work in Progress | Public Works         | N           | N         | Y       | N                     | Y                                | Y                       | Y                                  |





Fair Campaign Practices Commission

Date: September 17, 2020

To: Fair Campaign Practices Commission and Open Government Commission

From: Commissioner Patrick O'Donnell

Subject: Amendments to the Berkeley Election Reform Act (BERA) to Regulate Officeholder Accounts and Proposed Changes to City Council Expenditure and Reimbursement Policies (Resolution 67,992-N.S.)

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This memorandum to the Fair Campaign Practices Commission (FCPC) and the Open Government Commission (OGC) substitutes for the one previously posted, mailed to members of the FCPC, and appearing as Item 7 on the agenda of the FCPC. The key difference is that this memorandum addresses not only officeholder accounts, but also proposed changes to City Council Expenditure and Reimbursement Policies (so-called D-13 Accounts). These two proposals are closely linked and should be considered together. Because the proposal relating to officeholder accounts falls under the jurisdiction of the FCPC and that relating to D-13 accounts falls under the jurisdiction of the OGC, the FCPC and OGC should act jointly in considering the proposed changes to BERA and the Reimbursement Policies.

The memorandum also makes the following recommendation:

Form a subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to (1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

The preceding recommendations are consistent with previous discussions and the annual workplans of the FCPC and the OGC.

To implement the recommendations in this memorandum, a revised report to the Council is attached.

At this stage, the Council has referred both the issues relating to officeholder accounts and those relating to D-13 accounts to its Agenda and Rules Committee for further consideration. At a special meeting on March 9, 2020, that Committee had an initial discussion of these topics. It agreed that the Council Committee would work collaboratively with the FCPC and OGC on matters relating to officeholder accounts and D-13 accounts. This collaborative work with the Council was included in the FCPC and OGC 2020-2021 workplans, which were approved on May 21, 2020.

Consistent with the prior actions of the Council and the FCPC/OGC, I propose that the Commissions recommend the establishment of a subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to (1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts, and (2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

PUBLIC HEARING  
XXXXX XX, XXXX

To: Honorable Mayor and Members of the City Council

From: Brad Smith, Chair, Fair Campaign Practices and Open Government Commissions

Submitted by: Samuel Harvey, Secretary, Fair Campaign Practices and Open Government Commissions

Subject: Amendments to the Berkeley Election Reform Act (BERA) and Change to City Council Expenditure and Reimbursement Policies (Resolution 67,992-N.S.)

RECOMMENDATION

Form a subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to (1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Officeholder accounts are not expressly regulated by BERA. However, under existing law, if funds for officeholder accounts are used for campaign purposes, this may implicate campaign financing law and may trigger various local and state legal requirements.

Donations to nonprofit organizations from Councilmember's discretionary council budgets (D-13 accounts) are allowed by the authority of City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.).

Action:

Vote:

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the “double green light” process. This process requires that the FCPC adopt the amendments by a two-thirds vote, and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

Changes to the City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) can be made by a majority vote of the Council.

## BACKGROUND

### ***Officeholder Accounts***

During 2019, the Fair Campaign Practices Commission (FCPC) discussed whether there is a need to amend the law relating to these accounts. These accounts are not expressly regulated by BERA, but under current law, if funds for officeholder accounts are used for campaign purposes, this may implicate campaign financing law and trigger various local and state legal requirements. A 1999 legal opinion from the City Attorney stated: “[t]he mere fact that an account may be designated an officeholder account does not insulate it from scrutiny under BERA or other applicable local law if the officeholder account is not used strictly for officeholder purposes or if some action taken with respect to the officeholder account implicates campaign contributions and expenditures or other applicable laws.”

In the course of its review of the issue of officeholder accounts, the FPPC considered three options: (1) leaving the law on officeholder accounts unchanged; (2) prohibiting officeholder accounts entirely (an approach used by the City of San Jose), or (3) authorizing officeholder accounts but limiting their use and imposing various restrictions and requirements on them (an approach used by the City of Oakland).

The Commission referred the issue of officeholder accounts to a subcommittee, which met several times in the fall of 2019 and considered the options. The subcommittee unanimously recommended prohibiting officeholder accounts entirely. At its regular meeting on November 21, 2019 the Commission voted without opposition to recommend amendments to the BERA that would prohibit officeholder accounts.

The Commission’s proposal was presented to the City Council at a February 4, 2020 special meeting. (Report to the Council, with Attachments, is attached.) The FCPC report summarized its proposal: “Contributions to and expenditures from Officeholder Accounts provide an unfair advantage to incumbents. They also increase the reliance on private campaign contributions and risk increasing the perception of corruption. Amending the Berkeley Election Reform Act to prohibit Officeholder Accounts will help to level the playing field in municipal elections, which was also the goal of the Fair Elections Act of 2016.” (Report, page 1.)

At the February 4, 2020 meeting, the Council had a lengthy discussion about their D-13 accounts and the lack of discretionary funds that members have to spend. They also decided not to approve the FCPC recommendation to prohibit officeholder accounts. The City Council referred the issues relating to officeholder and D-13 accounts to its Agenda and Rules Committee for further consideration.

***Proposed Changes to City Council Expenditure and Reimbursement Policies***

At the April 23, 2020 meeting of the Open Government Committee (OGC), a motion to direct staff to develop a proposal recommending Council change City policy to remove councilmember names from donations to nonprofit organizations from D-13 accounts was approved unanimously.

Donations to nonprofit organizations from the Councilmember's discretionary council budget (D-13 accounts) puts that elected official in a favorable light with Berkeley citizens at no cost to the Councilmember, an option not available to a challenger for that office. A look at the Consent Calendar of City Council Meeting Agendas will often contain one or more items from one or more Councilmembers making a donation to a nonprofit organization "from the discretionary council budget" of the Councilmember. This line item ("Services and Materials") from the General Fund was increased from \$50,938 in FY 2017 to \$113,526 in FY 2018 (approximately \$40,000 for the Mayor, the balance evenly divided among the Councilmembers; see Attachment 1 – Council Office Budget Summaries). While not technically a "campaign contribution," those individuals in the organization as well as individuals favorably disposed to the nonprofit organization receiving the funds would certainly see it favorably. A person running against this incumbent would have to draw on their own resources to match a Councilmember's contribution from public funds and without the public notice of the contribution the Councilmember receives.

In addition to favoring incumbents, the use of public moneys for contributions to nonprofit organizations from the discretionary council budgets of individual Council members is arguably improper and certainly bad optics. The commissioners of the OGC have no argument with contributions being made to nonprofit organizations from the City of Berkeley, but believe they should be made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley, not from individual Council members. Perhaps a nonprofit fund could be set up from which the donations could be made from recommendations made to one of the Council's Policy Commissions. This would free funds for other purposes now being directed to nonprofit organizations from individual Councilmember's D-13 accounts.

**Proposed Action:**

At this stage, the Council has referred both the issues relating to officeholder accounts and those relating to D-13 accounts to its Agenda and Rules Committee for further consideration. At a special meeting on March 9, 2020, that Committee agreed to work collaboratively with the FCPC and OGC on matters relating to officeholder

accounts and D-13 accounts. This collaborative work with the Council was included in the FCPC and OGC 2020-2021 workplans, which were approved on May 21, 2020.

Consistent with the prior actions of the Council and the FCPC/OGC, the Commissions recommend the establishment of a subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to:

(1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts, and

(2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects related to the recommendation in this report.

RATIONALE FOR RECOMMENDATION

The “double green light” process requires that the FCPC adopt an amendment by a two-thirds vote, and that the City Council hold a public hearing and also adopt an amendment by a two-thirds vote. Evidence to date suggests there are differences of perspective regarding this matter between the City Council and the FCPC regarding the D-13 accounts. It would seem to be a rational step to discuss and come to agreement and possibly compromise prior to the “double green light” process.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

CONTACT PERSON

Brad Smith, Chair, Fair Campaign Practices and Open Government Commissions,  
(510) 981-6998

Samuel Harvey, Commission Secretary, Fair Campaign Practices and Open  
Government Commissions, (510) 981-6998



Fair Campaign Practices Commission

Date: September 17, 2020

To: Fair Campaign Practices Commission

From: Commissioner Patrick O'Donnell

Subject: Amendments to the Berkeley Election Reform Act to regulate officeholder accounts

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In 2019, the FCPC approved an amendment to the Berkeley Election Reform Act (“BERA”) prohibiting officeholder accounts. That proposal was submitted to Council. However, some councilmembers have expressed opposition to an outright ban on officeholder accounts and a preference for developing regulations for those accounts. This report contains a new alternative proposal to regulate – rather than prohibit – officeholder accounts. At its July 16, 2020 meeting, the Commission voted to direct Commissioner O’Donnell to return at the Commission’s September 17, 2020 meeting with a version of the proposal drafted as an amendment to BERA that can be voted on and presented to Council.

## Background

During 2019, the Commission discussed whether there is a need to amend the law relating to the use of officeholder accounts. These accounts are not expressly regulated by BERA. But under current law, if funds for officeholder accounts are used for campaign purposes, this may implicate campaign financing law and may trigger various local and state legal requirements. A 1999 legal opinion from the City Attorney stated: “[t]he mere fact that an account may be designated an officeholder account does not insulate it from scrutiny under BERA or other applicable local law if the officeholder account is not used strictly for officeholder purposes or if some action taken with respect to the officeholder account implicates campaign contributions and expenditures or other applicable laws.” (Report, page 14.)

In the course of its review of the issue of officeholder accounts, the Commission considered three options: (1) leaving the law on officeholder accounts unchanged; (2) prohibiting officeholder accounts entirely (an approach used by the City of San Jose), or

(3) authorizing officeholder accounts but limiting their use and imposing various restrictions and requirements on them (an approach used by the City of Oakland).

The Commission referred the issue of officeholder accounts to a subcommittee, which met in the fall of 2019 and considered the options. The subcommittee unanimously recommended prohibiting officeholder accounts entirely. At its regular meeting on November 21, 2019 the Commission voted without opposition to recommend amendments to the BERA that would prohibit officeholder accounts.

The Commission's proposal was presented to the City Council at a February 4, 2020 special meeting. (Report to the Council, with Attachments, is attached.) The FCPC report summarized its proposal: "Contributions to and expenditures from Officeholder Accounts provide an unfair advantage to incumbents. They also increase the reliance on private campaign contributions and risk increasing the perception of corruption. Amending the Berkeley Election Reform Act to prohibit Officeholder Accounts will help to level the playing field in municipal elections, which was also the goal of the Fair Elections Act of 2016." (Report, page 1.) At the February 4 meeting, the Council had a lengthy discussion about their D13 accounts and the lack of discretionary funds that members have to spend. They also decided not to approve the FCPC recommendation to prohibit officeholder Accounts. (See Memorandum to FCPC dated February 12, 2020, a copy of which is attached.)

The City Council, however, referred both the issues relating to D13 accounts and those relating to officeholder accounts to its Agenda and Rules Committee for further consideration. At a special meeting on March 9, 2020, that Committee had an initial discussion of these topics. At that meeting, it was agreed that the Council Committee would work collaboratively with the FCPC on matters relating to D13 accounts and officeholder accounts. This collaborative work with the Council was included in the FCPC and OGC 2020-2021 workplans, which were approved on May 21, 2020.

### **Alternative Proposal for Legislation on Officeholder Accounts**

Given the Council's opposition to accepting an outright prohibition of officeholder accounts, the FCPC should at least explore some alternatives, including the option of amending the BERA to allow for officeholder accounts that would be subject to limitations, as the City of Oakland has done. The subcommittee which examined officeholder accounts briefly discussed this option but, given that there was unanimous support for prohibiting officeholder accounts entirely, it never developed a detailed proposal for this kind of alternative. However, now that the FCPC/OGC will be in conversation with the council about the options going forward, it seems to make good sense to examine in more detail what the alternative might look like.

For discussion purposes, a draft proposal to amend the BERA is attached (Attachment 1). It is based generally on the Oakland ordinance but differs in important ways from that statute. The basic concept behind this alternative is to allow officeholders to have *true* officeholder accounts, but to insure that the funds in these accounts are



used *strictly* for officeholder purposes and may not be used for political campaigns or other non-officeholder purposes. The proposal would also include limitations on the amount each donor may contribute and the total amount of donations to each officeholder account permitted annually. The amendments would require disclosures of the sources and amounts of all donations and expenditures. And they would specify how officeholder accounts are to be terminated.

Although not as fully effective as the complete prohibition of officeholder accounts previously recommended by the FCPC, this approach would allow officeholders to create regulated accounts for proper officeholder purposes. At the same time, these true officeholder accounts would be subject to public scrutiny and express limitations that would prevent serious abuses. Finally, the strict prohibitions in the proposed legislation against using any funds from officeholder accounts for campaign purposes would greatly simplify the management and oversight of these accounts. Current state law, which permits certain officeholder funds to be redesignated for campaign purposes under certain circumstances and subject to various disclosure and notice requirements, creates a nightmare of administrative and reporting requirements. It has made it difficult for officeholders to comply with the law and has established traps for the unwary. Thus, it is hardly surprising that most candidates elected to public office do not even attempt to set up officeholder accounts.

In the end, it may well be that the alternative presented here—or any other—may be unable to carry the day. Because of the double-green light requirements of BERA, no proposal may be able to garner the 2/3 votes of both the Council and Commission required to change the law. But for the purposes of collaborating with the Council on ways of improving the officeholder account process, the Commission should review the attached proposal which offers at least one possible scenario for addressing the problems and pitfalls involved with officeholder accounts.

Prior to approving this item, the Commission will need to make a determination regarding the dollar amounts for limits on donations to officeholder accounts. These amounts are highlighted in the attached Proposal in Section 2.12.600.E & F.

Attachments:

1. New draft proposed amendments to BERA to allow for officeholder accounts, to limit such accounts to being used strictly for officeholder purposes, and to subject these accounts to various other limitations and disclosure requirements (“Proposal”)
2. Report to the City Council from the Fair Campaign Practices Commission entitled “Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts: Amending BMC Chapter 2.12” (for Public Hearing on February 4, 2020) (with Attachments) (“Report”)
3. Memorandum from Dean Metzger, Chair, to FCPC dated February 12, 2020 (with Attachments) (“Memorandum”)



Fair Campaign Practices Commission

PUBLIC HEARING  
XXXXX XX, XXXX

To: Honorable Mayor and Members of the City Council  
From: Brad Smith, Chair, Open Government Commission  
Submitted by: Samuel Harvey, Secretary, Fair Campaign Practices Commission  
Subject: Amendments to the Berkeley Election Reform Act

RECOMMENDATION

Adopt an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to regulate officeholder accounts.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

These recommended amendments to the Berkeley Lobbyist Registration Act were approved by the Open Government Commission at its regular meeting of XXXXX XX, XXXX.

**Action:**

**Vote:**

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the “double green light” process. This process requires that the FCPC adopt the amendments by a two-thirds vote, and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

BACKGROUND

In 2019, the FCPC approved an amendment to the Berkeley Election Reform Act (“BERA”) prohibiting officeholder accounts. That proposal was submitted to Council. However, some councilmembers have expressed opposition to an outright ban on officeholder accounts and a preference for developing regulations for those accounts. This report contains a new alternative proposal to regulate – rather than prohibit – officeholder accounts.

During 2019, the Commission discussed whether there is a need to amend the law relating to the use of officeholder accounts. These accounts are not expressly regulated

by BERA. But under current law, if funds for officeholder accounts are used for campaign purposes, this may implicate campaign financing law and may trigger various local and state legal requirements. A 1999 legal opinion from the City Attorney stated: “[t]he mere fact that an account may be designated an officeholder account does not insulate it from scrutiny under BERA or other applicable local law if the officeholder account is not used strictly for officeholder purposes or if some action taken with respect to the officeholder account implicates campaign contributions and expenditures or other applicable laws.” (Report, page 14.)

In the course of its review of the issue of officeholder accounts, the Commission considered three options: (1) leaving the law on officeholder accounts unchanged; (2) prohibiting officeholder accounts entirely (an approach used by the City of San Jose), or (3) authorizing officeholder accounts but limiting their use and imposing various restrictions and requirements on them (an approach used by the City of Oakland).

The Commission referred the issue of officeholder accounts to a subcommittee, which met in the fall of 2019 and considered the options. The subcommittee unanimously recommended prohibiting officeholder accounts entirely. At its regular meeting on November 21, 2019 the Commission voted without opposition to recommend amendments to the BERA that would prohibit officeholder accounts.

The Commission’s proposal was presented to the City Council at a February 4, 2020 special meeting. (Report to the Council, with Attachments, is attached.) The FCPC report summarized its proposal: “Contributions to and expenditures from Officeholder Accounts provide an unfair advantage to incumbents. They also increase the reliance on private campaign contributions and risk increasing the perception of corruption. Amending the Berkeley Election Reform Act to prohibit Officeholder Accounts will help to level the playing field in municipal elections, which was also the goal of the Fair Elections Act of 2016.” (Report, page 1.) At the February 4 meeting, the Council had a lengthy discussion about their D13 accounts and the lack of discretionary funds that members have to spend. They also decided not to approve the FCPC recommendation to prohibit officeholder Accounts. (See Memorandum to FCPC dated February 12, 2020, a copy of which is attached.)

The City Council, however, referred both the issues relating to D13 accounts and those relating to officeholder accounts to its Agenda and Rules Committee for further consideration. At a special meeting on March 9, 2020, that Committee had an initial discussion of these topics. At that meeting, it was agreed that the Council Committee would work collaboratively with the FCPC on matters relating to D13 accounts and officeholder accounts. This collaborative work with the Council was included in the FCPC and OGC 2020-2021 workplans, which were approved on May 21, 2020.

### **Alternative Proposal for Legislation on Officeholder Accounts**

At its September 17, 2020 meeting, the FCPC passed the attached proposal to amend the BERA (Attachment 1). It is based generally on the Oakland ordinance but differs in important ways from that statute. The basic concept behind this alternative is to allow officeholders to have *true* officeholder accounts, but to insure that the funds in these accounts are used *strictly* for officeholder purposes and may not be used for political

campaigns or other non-officeholder purposes. The proposal also includes limitations on the amount each donor may contribute and the total amount of donations to each officeholder account permitted annually. The amendments would require disclosures of the sources and amounts of all donations and expenditures, and specify how officeholder accounts are to be terminated.

This approach would allow officeholders to create regulated accounts for proper officeholder purposes. At the same time, these true officeholder accounts would be subject to public scrutiny and express limitations that would prevent serious abuses. Finally, the strict prohibitions in the proposed legislation against using any funds from officeholder accounts for campaign purposes would greatly simplify the management and oversight of these accounts. Current state law, which permits certain officeholder funds to be redesignated for campaign purposes under certain circumstances and subject to various disclosure and notice requirements, creates a nightmare of administrative and reporting requirements. It has made it difficult for officeholders to comply with the law and has established traps for the unwary. Thus, it is hardly surprising that most candidates elected to public office do not even attempt to set up officeholder accounts.

#### ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects related to the recommendation in this report.

#### RATIONALE FOR RECOMMENDATION

This proposal is offered as an alternative to the proposed ban on officeholder accounts previously submitted to Council by the FCPC. This proposal would regulate – rather than prohibit – officeholder accounts.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CITY MANAGER

#### CONTACT PERSON

Brad Smith, Chair, Open Government Commission, (510) 981-6998

Samuel Harvey, Commission Secretary, Open Government Commission (510) 981-6998

#### Attachments:

1. Proposed ordinance amending BERA to allow and regulate officeholder accounts
2. Report to the City Council from the Fair Campaign Practices Commission entitled “Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts: Amending BMC Chapter 2.12” (for Public Hearing on February 4, 2020) (with Attachments) (“Report”)
3. Memorandum from Dean Metzger, Chair, to FCPC dated February 12, 2020 (with Attachments) (“Memorandum”)

ORDINANCE NO. -N.S.

AMENDING THE BERKELEY ELECTION REFORM ACT TO REGULATE  
OFFICEHOLDER ACCOUNTS

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

Section 1. That the Berkeley Municipal Code section 2.12.157 is added to read as follows:

**Section 2.12.157 Officeholder account.**

“Officeholder account” means any bank account maintained by an elected officer or by any person or committee on behalf of an elected officer, and whose funds are used for expenses associated with holding office and not for direct campaign purposes.

Section 2. That Article 9 of Chapter 2.12 of the Berkeley Municipal Code is added to read as follows

Article 9. Officeholder Accounts

**Section. 2.12.600 Regulation of officeholder accounts.**

A. The mayor and council members (the “officeholder” or “office holders”) shall each be permitted to establish one officeholder account, as defined in section 2.12.157.

B. All donations deposited into an officeholder account shall be deemed to be held in trust solely for expenses associated with holding the office currently held by the elected city officer. For the purpose of this section, “donation” means a gift, subscription, loan, advance, deposit, pledge, forgiveness of indebtedness, payment of a debt by a third party, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, in support of the office currently held by an elected official.

C. Only a natural person who is a resident of the City may make a donation to an officeholder account.

D. Donations to an officeholder account must be made by a separate check or other separate written instrument. Single donations may not be divided between the officeholder account and any candidate committee or other entity.

E. No donor shall make, and no elected officer shall receive from a donor, a donation or donations under this section totaling more than fifty [or two-hundred and fifty] dollars (\$50.00 [or \$250.00]) per person for the calendar year. “Donor” means a natural person who is a resident of the City who makes a donation as defined in paragraph B.

F. For the office of mayor, total donations to an officeholder account from all donors shall not exceed ten thousand dollars (\$10,000.00) in the aggregate per calendar year. For each member of the city council, total donations to an officeholder account from all donors shall not exceed five thousand dollars (\$5,000.00) in the aggregate per calendar year.

G. All donations received for, and expenditures made from, an officeholder account during a calendar year shall be reported at least annually on the date or dates prescribed by the commission and the report shall be made available to the public promptly thereafter. The commission shall adopt or designate a form or forms for the purpose of reporting the information about each elected officer's officeholder account. The forms shall be filed electronically. The information on the form or forms shall be verified by the officeholder. The information that shall be included in the officeholder account report shall include the following:

1. The name of the officeholder and the office held;
2. The reporting period covered by the report;
3. A description of all receipts and expenditures.
4. The full name of each donor from whom a donation or donations has been received together with his or her street address, occupation, and the name of his or her employer, if any, or the principal place of business if he or she is self-employed; the amount which he or she donated; the date on which the each donation was received during the period covered by the report; and the cumulative amount that the donor donated. Loans received shall be set forth in a separate schedule and the foregoing information shall be stated with regard to each lender, together with the date and amount of the loan, and if the loan has been repaid, the date of the payment and by whom paid;
5. The full name and street address of each person to whom an expenditure or expenditures have been made, together with the amount of each separate expenditure to each person during the period covered by the report; a description of the purpose for which the expenditure was made; and the full name and street address of the person receiving the expenditure.
6. Under the heading "receipts," the total amount of donations received, and under the heading "expenditures," the total amount of expenditures made during the reporting period and cumulative amount of such totals;
7. The balance of cash and cash equivalents, including the amounts in the officeholder bank account, at the beginning and end of each period covered by the report.

H. Expenditures from an officeholder account may be made only for-lawful officeholder purposes, and may not be used for any of the purposes prohibited in subsections J. and K. of this section.

I. Allowable expenditures from an officeholder account include the following:

1. Expenditures for fundraising (including solicitations by mail) for the officeholder account;
2. Expenditures for office equipment, furnishings and office supplies;

3. Expenditures for office rent;

4. Expenditures for salaries of part-time or full-time staff employed by the officeholder for officeholder activities;

5. Expenditures for consulting, research, polling, photographic or similar services except for campaign expenditures for any city, county, regional, state or federal elective office;

6. Expenditures for conferences, meetings, receptions, and events attended in the performance of government duties by (1) the officeholder (2) a member of the officeholder's staff; or (3) such other person designated by the officeholder who is authorized to perform such government duties;

7. Expenditures for travel, including lodging, meals and other related disbursements, incurred in the performance of governmental duties by (1) the officeholder, (2) a member of the officeholder's staff, (3) or such other person designated by the officeholder who is authorized to perform such government duties;

8. Expenditures for memberships to civic, service or professional organizations, if such membership bears a reasonable relationship to a governmental, legislative or political purpose;

9. Expenditures for an educational course or educational seminar if the course or seminar maintains or improves skills which are employed by the officeholder or a member of the officeholder's staff in the performance of his or her governmental responsibilities;

10. Expenditures for mailing to persons within the city which provide information related to city-sponsored events, an official's governmental duties or an official's position on a particular matter pending before the Council or Mayor;

11. Expenditures for expressions of congratulations, appreciation or condolences sent to constituents, employees, governmental officials, or other persons with whom the officeholder communicates in his or her official capacity;

12. Expenditures for payment of tax liabilities incurred as a result of authorized officeholder expense fund transactions; and

13. Expenditures for accounting, professional and administrative services provided to the officeholder account.

J. Officeholder expense funds shall not be used for the following:

1. Expenditures in connection with a future election for any city, county, regional, state or federal elective office or in connection with a ballot measure;

2. Expenditures for campaign consulting, research, polling, photographic or similar services for election to city, county, regional, state or federal elective office;

3. Membership in any athletic, social, fraternal, veteran or religious organization;

4. Supplemental compensation for employees for performance of an act which would be required or expected of the person in the regular course or hours of his or her duties as a city official or employee;

5. Any expenditure that would violate the provisions the California State Political Reform Act, including Government Code Sections 89506 and 89512 through 89519, and any provisions of the BERA.

K. Prohibitions:

1. No funds may be contributed or transferred from an officeholder account to any candidate or committee, as defined in sections 2.12.085 and 2.12.095 of this chapter, including to any committee in which the officeholder is a candidate. An officeholder may not redesignate his or her officeholder account as a committee for a future term of the same office or redesignate his or her officeholder funds to be used as campaign funds by his or her committee for a future term of the same office.

2. No funds may be used from an officeholder account to pay any campaign expenses.

3. An officeholder may not transfer or contribute funds from any other committee he or she controls to the officeholder account.

L. Once an officeholder's term of office ends or she or he leaves that office, whichever is earlier, the former officeholder may use his or her officeholder funds only for the following purposes:

1. Paying for legitimate, outstanding officeholder expenses.

2. Repaying contributions to contributors to the officeholder accounts.

3. Making a donation to a bona fide charitable, educational, civic, religious or similar tax-exempt, non-profit organization if no substantial part of the proceeds will have a material financial effect on the officeholder, a member of his or her immediate family, or his or her committee treasurer.

M. The officeholder shall terminate the officeholder account within 90 days of the date that the officeholder's term of office ends or he or she leaves that office, whichever is earlier. The Commission may for good cause extend the termination date. The disposition of all funds from the closed officeholder account, including the identification of all persons and entities that have received funds from the account and the amounts distributed, shall be described on a form prescribed by the Commission. The officeholder must verify and file the form electronically no later the date prescribed for the termination of the officeholder account or an approved extension thereof.



N. All funds from a closed officeholder account not properly disposed of within the 90 day period prescribed above, or an approved extension thereof, shall be deposited in the City's general fund.

O. Violations of this article involving the unlawful use of officeholder accounts are subject to the procedures of, and the penalties in, Article 7 of this chapter.

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**AMENDMENTS TO THE BERKELEY ELECTION REFORM ACT**

The Fair Campaign Practices Commission is proposing amendments to the Berkeley Election Reform Act related to the regulation of officeholder accounts.

The hearing will be held on, [date of hearing] at [6:00 p.m.] in the School District Board Room, 1231 Addison Street.

A copy of the agenda material for this hearing will be available on the City’s website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of [date of agenda posting].

For further information, please contact Samuel Harvey, Commission Secretary at 981-6998.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

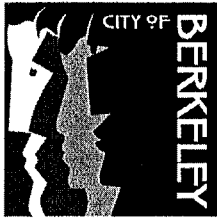
Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Published:** [Publication Date in Newspaper]

Pursuant to Berkeley Municipal Code section 2.12.051

~~~~~  
I hereby certify that the Notice for this Public Hearing 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 [Enter Date].

Mark Numainville, City Clerk



Fair Campaign Practices Commission

PUBLIC HEARING
February 4, 2020

To: Honorable Mayor and Members of the City Council
From: Fair Campaign Practices Commission
Submitted by: Dean Metzger, Chairperson, Fair Campaign Practices Commission
Subject: Amendments to the Berkeley Election Reform Act to prohibit
Officeholder Accounts; Amending BMC Chapter 2.12

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to prohibit Officeholder Accounts (See Section 18531.62. Elected State Officeholder Bank Accounts, Regulations of the Fair Political Practices Commission).

SUMMARY

Contributions to and expenditures from Officeholder Accounts provide an unfair advantage to incumbents. They also increase the reliance on private campaign contributions and risk increasing the perception of corruption. Amending the Berkeley Election Reform Act to prohibit Officeholder Accounts will help to level the playing field in municipal elections, which was also a goal of the Fair Elections Act of 2016.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The proposed amendments to the Berkeley Election Reform Act (BERA) were adopted by the Fair Campaign Practices Commission (FCPC) at its regular meeting of November 21, 2019.

Action: M/S/C (Smith/Saver) to adopt the proposed amendments to BERA related to Officeholder Accounts.

Vote: Ayes: Metzger, Ching, Saver, Blome, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: O'Donnell (excused).

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the "double green light" process. This process requires that the FCPC adopt the amendments by a two-thirds vote, and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

Amendments to the Berkeley Election Reform Act
to prohibit Officeholder Accounts

PUBLIC HEARING
February 4, 2020

BACKGROUND

The Fair Campaign Practices Commission has supported creating the circumstances in which the incumbent and challengers during an election play on as level a playing field as possible and reducing the influence of private campaign contributions. For instance, the Berkeley Fair Elections Act of 2016, which was passed by voters and recommended to Council by the Commission, included the following express purposes:

- Eliminate the danger of actual corruption of Berkeley officials caused by the private financing of campaigns.
- Help reduce the influence of private campaign contributions on Berkeley government.
- Reduce the impact of wealth as a determinant of whether a person becomes a candidate.

(Section 2.12.490(B)-(D).)

A recent inquiry to the Commission Secretary regarding the regulation of Officeholder Accounts resulted in a request from a Commissioner to have discussion of these accounts placed on the May 16, 2019 agenda for possible action. The following motion was made and passed at that meeting:

Motion to request staff work with Commissioner Smith to bring to a future meeting background information and a proposal to eliminate officeholder accounts (M/S/C: O'Donnell/Blome; Ayes: Blome, Ching, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: Harper (excused)).

Definition of an Officeholder Account

Under state law, an "officeholder account" refers to the funds held in a single bank account at a financial institution in the State of California separate from any other bank account held by the officeholder and that are used for "paying expenses associated with holding public office." Officeholder Account funds cannot be used to pay "campaign expenses." This definition is drawn from state law applicable to statewide elected officials: Government Code section 85316 (Attachment 2), and the accompanying regulation by the Fair Political Practices Commission (FPPC) codified at Title 2, Division 6, of the California Code of Regulations, Section 18531.62 (Attachment 3).

Contributions to or expenditures from an Officeholder Account are not subject to BERA's reporting requirements. (The FPPC still requires the reporting of activity relating to Officeholder Accounts, which is available to view on Berkeley's Public Access Portal.) If, however, a complaint is filed that an Officeholder Account is used for

Amendments to the Berkeley Election Reform Act
to prohibit Officeholder Accounts

PUBLIC HEARING
February 4, 2020

campaign contributions or to pay "campaign expenses," BERA can be used to respond to the complaint. The legal arguments for these statements are contained in a memorandum signed by City Attorney Manuela Albuquerque to Aide to Mayor Shirley Dean, Barbara Gilbert, dated December 28, 1999 and a December 9, 1991 memorandum by Secretary and Staff Counsel to the FCPC, Sarah Reynoso, that is attached to the December 28, 1999 memo. (Attachment 4.) Because the BERA provisions relied on in these memoranda have not been amended, and because no other BERA provisions have been added to regulate officeholder accounts, the memoranda's conclusions remain valid and are still controlling guidance.

Contributions to Officeholder Accounts

Funds raised for Officeholder Accounts in Berkeley are not subject to any limitations, either from the FPPC or BERA. Neither is there a limit on the total amount the Officeholder Account fund may receive in contributions per year. Contributions to an elected official's Officeholder Account may put that contributor in a more favorable light with the elected official than might otherwise be the case.

Expenditures from Officeholder Accounts

Except for the restriction that Officeholder Account funds cannot be used for "campaign expenses," BERA does not restrict how funds from Officeholder Accounts can be used.

There are a number of permissible expenditures from Officeholder Accounts that could put an elected official in a favorable light with voters that are not available to a challenger for that office. A donation to a nonprofit organization, although technically not a "campaign expense," would be seen favorably by those receiving the funds as well as individuals favorably disposed to the nonprofit organization receiving the funds. An individual running against this incumbent would have to draw on their own resources to make contributions to nonprofit organizations.

As long as political campaigns are not included, newsletters mailed to constituents related to events, information, or an officeholder's position on matters before the Council are a permissible Officeholder Account expenditure. This keeps the incumbent's name in front of the voter in a way unavailable to a challenger unless they pay for a newsletter and its distribution from their own resources.

Expenditures from Officeholder Account funds for flowers and other expressions of condolences, congratulations, or appreciation, while technically not "campaign expenses," also increase the probability that the recipient will be favorably predisposed toward the elected official as a candidate for reelection or election to another office. Again, a challenger would have to draw on their own resources to express condolences, congratulations, or appreciation to their potential supporters.

Amendments to the Berkeley Election Reform Act
to prohibit Officeholder Accounts

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February 4, 2020

Further, officeholder accounts can be used to pay for a broad range of office expenses, such as meals, travel, parking tickets, or contributions to other candidates or political parties.¹ Eliminating officeholder accounts would reduce reliance on and the influence of private contributions for these expenditures.

Recommendation

To make elections more equitable between challengers and incumbent and for the reasons given above, the Fair Campaign Practices Commission recommends prohibiting Officeholder Accounts.

Berkeley will not be the first to prohibit Officeholder Accounts. The San Jose Municipal Code was amended to prohibit officeholder accounts in January 2008. (Chapter 12.06 – ELECTIONS, San Jose, CA Code of Ordinances, p. 10)

Part 8 - OFFICEHOLDER ACCOUNTS

12.06.810 - Officeholder account prohibited.

No city officeholder, or any person or committee on behalf of a city officeholder may establish an officeholder account or an account established under the Political Reform Act, California Government Code Section 8100 et seq. as amended, for the solicitation or expenditure of officeholder funds. Nothing in this section shall prohibit an officeholder from spending personal funds on official or related business activities.

The following additions to BERA are proposed:

2.12.157 Officeholder Account

“Officeholder Account” means any bank account maintained by an elected officer or by any person or committee on behalf of an elected officer, and whose funds are used for expenses associated with holding office and not for direct campaign purposes.

2.12.441 Officeholder account prohibited

- A. No elected officer, or any person or committee on behalf of an elected officer, may establish an officeholder account.
- B. No elected officer, or any person or committee on behalf of an elected officer, may use contributions, as defined in 2.12.100, for expenses associated with holding office.

¹Under state law applicable to state elected officials, officeholders may use campaign contributions for “expenses that are associated with holding office.” (Govt. Code, § 89510.) To qualify, expenditures must be “reasonably related to a legislative or governmental purpose.” (*Id.*, § 89512.) “Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose.” (*Ibid.*)

Amendments to the Berkeley Election Reform Act
to prohibit Officeholder Accounts

PUBLIC HEARING
January 21, 2020

- C. Anyone holding an active Officeholder Account on the date this change to BERA is adopted on a second reading by the City Council has one year from that date to terminate their Officeholder Account, in accordance with FPPC guidelines.

ENVIRONMENTAL SUSTAINABILITY

There are no identified environmental effects related to the recommendation in this report.

RATIONALE FOR RECOMMENDATION

This proposed change to BERA will help to level the playing field between challengers and the incumbent running for elective office.

ALTERNATIVE ACTIONS CONSIDERED

A Subcommittee was formed to consider the options of (1) amending the Berkeley Elections Reform Act, BMC Chapter 2.12, to prohibit Officeholder Accounts, (2) amending BERA to mitigate possible advantages incumbents with an Officeholder Accounts have over challengers, or (3) doing nothing with regard to Officeholder Accounts. The four members of the Subcommittee recommended unanimously to the full Commission to amend the Berkeley Elections Reform Act, BMC Chapter 2.12, to prohibit Officeholder Accounts.

CITY MANAGER

The City Manager takes no position on the content and recommendations of this report.

CONTACT PERSON

Dean Metzger, Chair, Fair Campaign Practices Commission. 981-6998

Attachments:

- 1: Proposed Ordinance
- 2: Government Code section 85316
- 3: Section 18531.62 (Elected State Officeholder Bank Accounts), Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations
- 4: Memorandum signed by City Attorney Manuela Albuquerque to Aide to Mayor Shirley Dean, Barbara Gilbert (including attached memorandum signed by Secretary and Staff Counsel to the FCPC, Sarah Reynoso, to the FCPC)

ORDINANCE NO. ##,###-N.S.

OFFICEHOLDER ACCOUNT PROHIBITED; AMENDING BERKELEY MUNICIPAL CODE
CHAPTER 2.12

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

Section 1. That Berkeley Municipal Code section 2.12.157 is added to read as follows:

BMC 2.12.157 Officeholder account

“Officeholder Account” means any bank account maintained by an elected officer or by any person or committee on behalf of an elected officer, and whose funds are used for expenses associated with holding office and not for direct campaign purposes.

Section 2. That Berkeley Municipal Code section 2.12.441 is added to read as follows:

BMC 2.12.441 Officeholder account prohibited

- A. No elected officer, or any person or committee on behalf of an elected officer, may establish an officeholder account.
- B. No elected officer, or any person or committee on behalf of an elected officer, may use contributions, as defined in 2.12.100, for expenses associated with holding office.
- C. This provision does not affect a candidate’s ability to establish a legal defense fund or the requirements for such a fund, as set forth in the Political Reform Act or by regulation.
- D. Any active Officeholder Account on the date this change to BERA is adopted on a second reading by the City Council has one year from that date to terminate their Officeholder Account.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation



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GOVERNMENT CODE - GOV

TITLE 9. POLITICAL REFORM [81000 - 91014] (Title 9 added June 4, 1974, by initiative Proposition 9.)

CHAPTER 5. Limitations on Contributions [85100 - 85802] (Chapter 5 added June 7, 1988, by initiative Proposition 73.)

ARTICLE 3. Contribution Limitations [85300 - 85321] (Article 3 added June 7, 1988, by initiative Proposition 73.)

85316. (a) Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) No person shall make, and no elected state officer shall receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

- (A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.
- (B) Five thousand dollars (\$5,000) in the case of a statewide elected state officer other than the Governor.
- (C) Twenty thousand dollars (\$20,000) in the case of the Governor.

(2) No elected state officer shall receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

- (A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.
- (B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than the Governor.
- (C) Two hundred thousand dollars (\$200,000) in the case of the Governor.

(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that he or she may seek during the term of office to which he or she is currently elected, including, but not limited to, reelection to the office he or she currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. None of the expenditures made by elected state officers pursuant to this subdivision shall be subject to the voluntary expenditure limitations in Section 85400.

(4) The commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).

(Amended by Stats. 2007, Ch. 130, Sec. 149. Effective January 1, 2008. Note: This section was added by Stats. 2000, Ch. 102, and approved in Prop. 34 on Nov. 7, 2000.)

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

§ 18531.62. Elected State Officeholder Bank Accounts.

(a) Application and Definitions. For purposes of Section 85316(b) and this regulation, the following definitions apply:

(1) "Officeholder" means an elected state officer.

(2) "Officeholder controlled committee" means a committee formed pursuant to subdivision (c) of this regulation.

(3) "Officeholder account" means the bank account established at a financial institution located in the State of California pursuant to Section 85316(b).

(4) "Officeholder funds" means money in the officeholder account.

(b) Establishing the Officeholder Account: For purposes of Section 85316(b), an officeholder shall maintain officeholder funds in a single bank account separate from any other bank account held by the officeholder.

(c) Establishing the Officeholder Controlled Committee, Reporting and Recordkeeping:

(1) Formation: The officeholder shall establish a controlled committee by filing a statement of organization pursuant to Section 84101 if the officeholder receives \$2,000 or more in officeholder contributions in a calendar year.

(2) Committee Name: The controlled committee name shall include the officeholder's last name, the office held, the year the officeholder was elected to the current term of office, and the words "Officeholder Account." The statement of organization shall include the name, account number, and address of the financial institution where the committee established the officeholder account.

(3) Filing Requirements: The controlled committee shall file campaign statements and reports pursuant to Chapters 4 and 5, except Sections 85200 and 85201, of Title 9 of the Government Code at the same times and in the same places as it otherwise would be required to do for any other controlled committee formed by the officeholder for election to state office.

(4) Required Recordkeeping and Audits. The officeholder and treasurer shall be subject to recordkeeping requirements under Section 84104. The officeholder account and officeholder controlled committee shall be subject to audits under Chapter 10 of Title 9 of the Government Code. Any audit of the officeholder, or any of his or her controlled committees, under Section 90001 shall include all officeholder accounts and officeholder controlled committees maintained by the officeholder during the audit period as described in Regulation 18996(a)(1).

(d) Prohibitions:

(1) Officeholder funds may not be contributed or transferred to another state or local committee, including any other controlled committee of the officeholder, except as permitted in subdivisions (g) (2) and (g)(3).

(2) Officeholders may not use officeholder funds to pay "campaign expenses" as defined in Regulation 18525(a).

(3) The officeholder may not transfer or contribute funds from any other committee he or she controls to the officeholder account, except as permitted in subdivision (g)(2) and (g)(3).

(e) Contributions to the Officeholder Account:

(1)(A) Required Notices: In addition to the requirements of Regulation 18523.1, a written solicitation for contributions to the officeholder account shall include the following: "For purposes of the Political Reform Act's contribution limits, a contribution to an officeholder

account is also considered to be a contribution to all campaign committees for future elective state office the officeholder seeks during his or her current term of office.”

(B) In addition to the requirements of subparagraph (A) above, an officeholder who files a statement of intention to be a candidate for any elective state office during the officeholder's term of office shall provide notice of this filing to every person that has made a contribution to his or her officeholder account. The notice shall contain the language in subparagraph (A) and be transmitted or mailed within 10 days of filing the statement of intention to be a candidate.

(2) Cumulation: A contribution to the officeholder account shall also be deemed a contribution to the officeholder's controlled committee for election to elective state office for the purposes of Section 85316(b)(3) only under all of the following circumstances:

(A) The contributor makes the contribution between the day the election was held for the term of office for which the officeholder account was established and the end of that term of office;

(B) The officeholder maintains the controlled committee, established for a future term of elective state office, at any time during the period covered in subparagraph (A).

(3) Cumulation and Primary and General Elections: A person's contributions to the officeholder account, when combined with contributions from the same person for a primary and general election to the elective state office may not exceed the contribution limits applicable to the primary and general election.

(4) Multiple Officeholder Accounts: When an officeholder maintains more than one officeholder account in the same calendar year, he or she may not receive the following contributions to any of those accounts during that calendar year:

(A) Contributions from a single contributor that, when cumulated for all the accounts, exceed the maximum amount the contributor could give to the officeholder account having the highest per person contribution limit under Section 85316(b)(1).

(B) Contributions from all contributors that, when cumulated for all the accounts, exceed the maximum amount in total contributions the officeholder could receive in the officeholder account having the highest aggregate contribution limit under Section 85316(b)(2).

(f) Contributions Over the Limits:

(1) An officeholder shall return to the contributor the portion of any contribution to his or her officeholder account that exceeds the limits of Section 85301, 85302 (after cumulation) or 85316 (either alone or after cumulation) by the earlier of 14 days of receipt or 14 days of the date the officeholder files a statement of intention to be a candidate for elective state office pursuant to Section 85200.

(2) A contributor to the officeholder account does not violate the contribution limits applying to the officeholder's election to a future elective state office as otherwise provided under Section 85316(b)(3) if, when he or she makes the contribution, the officeholder has not filed a statement of organization to establish a controlled committee for election to a future elective state office.

(g) Terminating Officeholder Accounts and Committees:

(1) The officeholder may not accept contributions after the officeholder's term of office ends or the date he or she leaves that office, whichever is earlier.

(2) The officeholder may redesignate the officeholder account as an officeholder controlled committee for a future term of the same office by amending the statement of

organization for the committee to reflect the redesignation for the future term of office prior to the date the officer's term of office ends.

(3) An officeholder may redesignate officeholder funds in the redesignated officeholder account as officeholder funds for the new term of office, subject to the limitations in subdivision

(e)(4).

(4) Once the officeholder's term of office ends or he or she leaves that office, whichever is earlier, the officeholder may only use his or her officeholder funds for the following purposes:

(A) Paying outstanding officeholder expenses.

(B) Repaying contributions to contributors to the officeholder account.

(C) Making a donation to a bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, if no substantial part of the proceeds will have a material financial effect on the officeholder, a member of his or her immediate family, or his or her committee treasurer.

(D) Paying for professional services reasonably required by the officeholder controlled committee to assist in the performance of its administrative functions.

(5) The officeholder shall terminate the officeholder controlled committee within 90 days of the date the officer's term of office ends or he or she leaves that office, whichever is earlier. The Executive Director may for good cause extend the termination date or permit the candidate to reopen the account.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 84104, 85316 and 90000-90007, Government Code.

HISTORY

1. New section filed 7-3-2007; operative 8-2-2007. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2007, No. 27). For prior history, see Register 2007, No. 26.
2. Change without regulatory effect amending section filed 3-22-2016; operative 4-21-2016 pursuant to 2 CCR 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 13).



Office of the
City Attorney

DATE: December 28, 1999

TO: BARBARA GILBERT,
Aide to Mayor Shirley Dean

FROM: MANUELA ALBUQUERQUE, City Attorney *MA*
By: CAMILLE COUREY, Deputy City Attorney

SUBJECT: APPLICATION OF BERKELEY ELECTION REFORM ACT TO OFFICEHOLDER ACCOUNTS

ISSUE:

Does the Berkeley Election Reform Act (BERA) govern officeholder accounts?

CONCLUSION:

No. The BERA does not govern true officeholder accounts per se. However, the mere fact that an account may be designated an officeholder account does not insulate it from scrutiny under the BERA or other applicable local law if the officeholder account is not used strictly for officeholder purposes or if some action taken with respect to the officeholder account implicates campaign contributions and expenditures or other applicable local laws.

ANALYSIS:

Sarah Reynoso, former secretary and staff counsel to the Fair Campaign Practices Commission (FCPC), issued an opinion to the FCPC dated December 2, 1991, a copy of which is attached, stating that the BERA's contribution limit does not apply to contributions made to an officeholder account. The opinion reasons that the BERA's contribution limit applies only to "contributions" as defined in the BERA, i.e., which are made directly or indirectly in support of or in opposition to the nomination or election of one or more candidates to elective office. (See Berkeley Municipal Code (BMC) § 2.12.100.) Contributions to a true officeholder account are not made for the purpose of nominating or electing a candidate to office, but rather for the use of an officeholder in carrying out the duties of his or her office. Therefore, the contribution limit of the BERA is inapplicable to officeholder accounts.¹ For similar reasons, the BERA does not

¹ However, the opinion also provided that contributions to officeholder accounts still had to be reported on campaign statements because the State Fair Political Practices Commission (SFPPC) Regulations broadly defined contributions as any contribution for "political purposes." Since officeholder expenses are for political purposes, they must be reported to the State.

Barbara Gilbert
Re: Application of Berkeley Election Reform Act To Officeholder Accounts
December 28, 1999
Page 2

apply to true officeholder accounts.

The BERA requires the filing of statements to report the amounts received and expended in municipal elections. (See BMC §§ 2.12.015, 2.12.030 through 2.12.050) Specifically, a "campaign statement" required to be filed under the BERA is an itemized report which provides the information required by Sections 2.12.245 through 2.12.325 of the BERA. (BMC § 2.12.080.) Sections 2.12.245 through 2.12.325 govern the reporting of contributions and expenditures. "Contributions" and "expenditures" are defined by the BERA as any amounts received or expended, respectively, in aid of or in opposition to the nomination or election of one or more candidates to elective office. (See BMC §§ 2.12.100 and 2.12.130.) Contributions to or expenditures from a true officeholder account are not subject to the BERA's reporting requirements because they are made for the purpose of carrying out the duties of elective office, and not for the purpose of aiding or opposing the nomination or election of one or more candidates to elective office.² Therefore, the BERA does not apply to true officeholder accounts.

However, the fact that an account may be designated as an officeholder account will not shield it from scrutiny under the BERA if the officeholder account is, in fact, being used for the receipt of contributions or the making of expenditures in aid of the nomination or election of a candidate for local elective office. Nor will BERA requirements, such as the \$250 contribution limit or the prohibition against contributions from businesses to candidates, be held inapplicable if contributions made initially to an officeholder account are transferred subsequently to a campaign account. Where the actions taken with respect to an officeholder account implicate campaign contributions and expenditures in municipal elections, the officeholder account will be scrutinized under the BERA and other applicable local law.

Attachment

cc: Fair Campaign Practices Commission
Sherry Kelly, City Clerk

City Attorney Opinions Index: H.E.I. and H.L.G.

CCM

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² Again, however, the State FPPC still requires the reporting of activity relating to an officeholder account. (See footnote 1.)

CITY OF BERKELEY

DATE: December 9, 1991

Memorandum

TO: FCPC COMMISSIONERS

FROM: Sarah Reynoso,  Secretary & Staff Counsel

SUBJECT: APPLICABILITY OF BERA'S CONTRIBUTION LIMIT TO FUNDS RAISED FOR OFFICEHOLDER EXPENSES

BACKGROUND AND ISSUE

I received the attached letter from Richard N. Lerner, treasurer of Friends of Ioni Hancock Committee ("Committee"), regarding the applicability of BERA's (Berkeley Election Reform Act) \$250 contribution limit to funds raised to cover officeholder expenses. The Committee would like to raise money to cover activities by the Mayor for which the City has not allocated funds, for example, distribution of a newsletter and international travel to visit Berkeley Sister Cities.

Thus, the issue presented to the Commission is as follows: Is BERA's \$250 contribution limit applicable to funds raised for officeholder expenses?

CONCLUSION

No. The BERA's contribution limitation is only applicable to money raised "in aid of or in opposition to the nomination or election" of a candidate. Since the Committee intends to raise these funds for activities unrelated to the nomination or election of the Mayor, they are not subject to the BERA's \$250 contribution limitation. However, such funds must be reported as contributions under the State Political Reform Act and their expenditure itemized on the disclosure forms.

ANALYSIS

The BERA prohibits candidates for elective office from soliciting or accepting a contribution of more than \$250 from any one contributor. (BERA section 2.12.415.) Thus, funds which fall within BERA's definition of a contribution, are subject to the \$250 limit. In order to determine whether funds raised for officeholder expenses are subject to the contribution limitation, BERA's definition of contribution must be reviewed.

The BERA defines contribution, in part, as follows:

"Contribution" means a gift, subscription, loan, advance, deposit, pledge, forgiveness of indebtedness, payment of a debt by a third party, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or

FCPC COMMISSIONERS
December 9, 1991
Page 2

in opposition to the nomination or election of one or more candidates (Emphasis added.)

Thus, the plain language of the BERA requires that a contribution be solicited for purposes related to the nomination or election of a candidate for office to be subject to its contribution limitation. Since the Committee intends to raise funds for purposes unrelated to the Mayor's nomination or election for elective office, such funds do not fall within the BERA's definition and are therefore not subject to its \$250 limitation.

However, because the state Political Reform Act defines contribution to include any funds raised for political purposes, funds raised for officeholder expenses are considered contributions and must be reported on campaign disclosure forms.^{1/} (Government Code section 82015.) Additionally, since the court's ruling in SEIU v. FPPC invalidated the state's \$1,000 contribution limit, funds raised for officeholder expenses are not subject to any limitation.

As a final precaution, the Committee should be advised that the FPPC has issued regulations concerning officeholder expenses and it should review them with respect to their interaction with the BERA.

Attachment

^{1/}I spoke with the FPPC's legal staff and confirmed that funds raised for officeholder expenses must be reported as contributions on the campaign disclosure forms.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

AMENDMENTS TO THE BERKELEY ELECTION REFORM ACT

The Fair Campaign Practices Commission is proposing amendments to the Berkeley Election Reform Act related to the prohibition of officeholder accounts.

The hearing will be held on, February 4, 2020, at 4:00 p.m. in the School District Board Room, 1231 Addison Street.

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of **January 30, 2020**.

For further information, please contact Samuel Harvey, Commission Secretary at 981-6998.

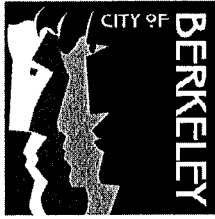
Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

Published: January 24, 2020 – The Berkeley Voice
Pursuant to Berkeley Municipal Code Section 2.12.051

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I hereby certify that the Notice for this Public Hearing 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 January 30, 2020.

\_\_\_\_\_  
Mark Numainville, City Clerk



[First Last name]  
Councilmember District [District No.]

## **SUPPLEMENTAL REVISED AGENDA MATERIAL for Supplemental Packet 2**

**Meeting Date:** February 4, 2020

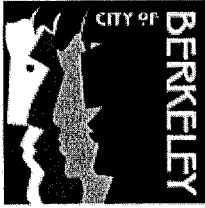
**Item Number:** 2

**Item Description:** Statement on Item 2 - Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12

**Submitted by:** Councilmember Hahn

This item seeks to outlaw Officeholder Accounts in Berkeley. I would like to offer an alternative: to allow Officeholder Accounts but establish regulations to limit them in ways that reflect Berkeley's limitations on campaign donations and consider narrowing the uses for which Officeholder Account funds can be used.

The action I advocate for Council to take is to refer a discussion of Officeholder accounts to the Agenda and Rules Committee, to consider a reasonable set of limitations and rules for such accounts and bring back recommendations to the full Council, for the Council to consider referring to the Fair Campaign Practices Committee.



**SOPHIE HAHN**

Berkeley City Council, District 5  
2180 Milvia Street, 5th Floor  
Berkeley, CA 94704  
(510) 981-7150  
shahn@cityofberkeley.info

ACTION CALENDAR

February 4, 2020

To: Honorable Mayor and Members of the City Council  
From: Vice Mayor Sophie Hahn  
Subject: Statement on Item 2 - Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12

RECOMMENDATION

This item seeks to outlaw Officeholder Accounts in Berkeley. I would like to offer an alternative: to allow Officeholder Accounts but establish regulations to limit them in ways that reflect Berkeley's limitations on campaign donations and consider narrowing the uses for which Officeholder Account funds can be used.

The action I advocate for Council to take is to refer a discussion of Officeholder accounts to the Agenda and Rules Committee, to consider a reasonable set of limitations and rules for such accounts and bring back recommendations to the full Council, for the Council to consider referring to the Fair Campaign Practices Committee.

Officeholder accounts are accounts an elected official can open, and raise funds for, to pay for expenses related to the office they hold.<sup>1</sup> They are not campaign accounts, and cannot be used for campaign purposes. The types of expenses Officeholder Accounts can be used for include research, conferences, events attended in the performance of government duties, printed newsletters, office supplies, travel related to official duties, etc. Cities can place limits on Officeholder Accounts, as Oakland has done.<sup>2</sup> Officeholder Accounts must be registered as official "Committees" and adhere to strict public reporting requirements, like campaign accounts. They provide full transparency to the public about sources and uses of funds.

The FCPC bases its recommendation to prohibit Officeholder Accounts on arguments about "equity" and potential "corruption" in elections. The report refers repeatedly to "challengers" and "incumbents," suggesting that Officeholder Accounts are vehicles for unfairness in the election context.

I believe that the FCPC's recommendations reflect a misunderstanding of the purpose and uses of Officeholder Accounts, equating them with campaign accounts and suggesting that they create an imbalance between community members who apparently have already decided to run against an incumbent (so-called "challengers") and elected officials who are presumed to be

<sup>1</sup> <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter5/18531.62.pdf>

<sup>2</sup> <http://www2.oaklandnet.com/w/OAK052051>

always running for office. The recommendations do not take into account some important framing: the question of what funds are otherwise available to pay for Officeholder-type expenses for Officeholders or members of the public. Contrary to the conclusions of the FCPC, I believe Officeholder accounts are an important vehicle to redress a significant disadvantage for elected officials, whose ability to exercise free speech in the community and participate in conferences and events related to their profession is constrained by virtue of holding public office, as compared to community members, whose speech rights are unrestricted in any manner whatsoever, and who can raise money to use for whatever purposes they desire.

Outlawing Officeholder Accounts is also posited as a means to create equity between more and less wealthy Officeholders, on the theory that less affluent Officeholders will have less access to fundraising for Officeholder Accounts than more affluent Officeholders. Because there are no prohibition on using personal funds for many of the purposes for which Officeholder Account funds can be used, prohibiting Officeholder Accounts I believe has the opposite effect; it leaves more affluent Officeholders with the ability to pay for Officeholder expenses from personal funds, without providing an avenue for less affluent Officeholders, who may not have available personal funds, to raise money from their supporters to pay for such Officeholder expenses.

The question of whether Officeholder Accounts should be allowed in Berkeley plays out in the context of a number of rules and realities that are important to framing any analysis.

First, by State Law, elected officials are prohibited from using public funds for a variety of communications that many constituents nevertheless expect. For example, an elected official may not use public funds to send a mailing announcing municipal information to constituents, "such as a newsletter or brochure, [ ] delivered, by any means [ ] to a person's residence, place of employment or business, or post office box."<sup>3</sup> Nor may an elected official mail an item using public funds that features a reference to the elected official affiliated with their public position.<sup>4</sup> Note that Electronic newsletters are not covered by these rules, and can and do include all of these features, even if the newsletter service is paid for by the public entity. That said, while technically not required, many elected officials prefer to use email newsletter distribution services (Constant Contact, MailChimp, Nationbuilder, etc.) paid for with personal (or "Officeholder") funds, to operate in the spirit of the original rules against using public funds for communications that include a photo of, or references to, the elected official.

Without the ability to raise funds for an Officeholder Account, for an elected official to send a paper newsletter to constituents or to use an email newsletter service that is not paid for with public funds, they must use personal funds. A printed newsletter mailed to 5-6,000 households (a typical number of households in a Berkeley City Council District) can easily cost \$5,000+, and an electronic mail service subscription typically costs \$10 (for the most basic service) to \$45 per month, a cost of \$120.00 to over \$500 per year - in personal funds.

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<sup>3</sup> <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/communications-sent-using-public-funds/campaign-related-communications.html>

<sup>4</sup> <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/communications-sent-using-public-funds/campaign-related-communications.html>

Second, Berkeley City Councilmembers and the Mayor of Berkeley are not paid enough for there to be any reasonable expectation that personal funds should be used for these types of expenses.<sup>5</sup> For many Councilmembers and/or the Mayor, work hours are full time - or more - and there is no other source of income.

Finally, and most importantly, local elected officials are restricted from accepting money or gifts. An elected official cannot under any circumstances raise money to pay for Officeholder expenses such as printed communications, email newsletter services, travel and admission to industry conferences for which the elected official is not an official delegate (e.g., conferences on City Planning, Green Cities, Municipal Finance, etc.), and other expenses related to holding office that are not covered by public funds. Again, without the possibility of an Officeholder Account, an elected official generally must use personal funds for these expenses, allowing more affluent elected officials to participate while placing a hardship or in some cases a prohibition on the ability of less affluent elected officials to undertake these Officeholder-type activities - which support expected communications with constituents and participation in industry activities that improve the elected official's effectiveness.

The elected official's inability to raise funds from others must be contrasted with the ability of a community member - a potential "challenger" who has not yet declared themselves to be an actual candidate - or perhaps a neighborhood association, business or corporation (Chevron, for example) - to engage in similar activities. Nothing restricts any community member or organization from using their own funds - or funds obtained from anyone - a wealthy friend, a corporation, a local business, a community organization or their neighbors - for any purpose whatsoever.

Someone who doesn't like the job an elected official is doing could raise money from family or connections anywhere in the community - or the world - and mail a letter to every person in the District or City criticizing the elected official, or buy up every billboard or banner ad on Facebook or Berkeleyside to broadcast their point of view. By contrast, the elected official, without access to an Officeholder Account, could only use personal funds to "speak" with their own printed letter, billboard or advertisement. Community members (including future "challengers") can also attend any and all conferences they want, engage in travel to visit interesting cities and projects that might inform their thoughts on how a city should be run, and pay for those things with money raised from friends, colleagues, businesses, corporations, foreign governments - *anyone*. They are private citizens with full first amendment rights and have no limitations, no reporting requirements, no requirements of transparency or accountability whatsoever.

The imbalance is significant. Outside of the campaign setting, where all declared candidates can raise funds and must abide by the same rules of spending and communications, *elected officials cannot raise money for any expenses whatsoever, from any source, while community*

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<sup>5</sup> Councilmembers receive annual compensation of approximately \$36,000, while the Mayor receives annual compensation of approximately \$55,000.<sup>5</sup>



*members, including organizations and private companies, can raise as much money as they want from any sources, and use that money for anything they choose.*

Without the ability to establish and fund an Officeholder Account, the only option an elected official has is to use personal funds, which exacerbates the potential imbalance between elected officials with more and less personal funds to spend. Elected officials work within a highly regulated system, which can limit their ability to “speak” and engage in other activities members of the public are able to undertake without restriction. Officeholder Accounts restore some flexibility by allowing elected officials to raise money for expenses related to holding office, so long as the sources and uses of those funds is made transparent.

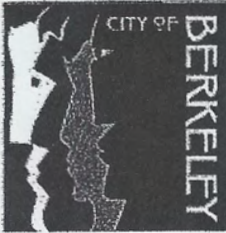
By allowing Officeholder Accounts and regulating them, Berkeley can place limits on amounts that can be raised, and on the individuals/entities from whom funds can be accepted, similar (or identical) to the limits Berkeley places on sources of campaign funds. Similarly, Berkeley can restrict uses of funds beyond the State’s restrictions, to ensure funds are not used for things like family members’ travel, as is currently allowed by the State. Oakland has taken this approach, and has a set of Officeholder Account regulations that provide a good starting point for Berkeley to consider.<sup>6</sup>

I respectfully ask for a vote to send the question of potential allowance for, and regulation of, Officeholder Accounts to the Agenda and Rules Committee for further consideration.

CONTACT: Sophie Hahn, District 5: (510) 981-7150

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<sup>6</sup> <http://www2.oaklandnet.com/w/OAK052051>



Fair Campaign Practices Commission

**Date:** February 12, 2020  
**To:** FAIR CAMPAIGN PRACTICES COMMISSION  
**From:** Dean Metzger, Commission Chair  
**Subject:** Council discussion and action with regards to the Officeholder Accounts FCPC proposal.

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At the Special City Council meeting of Tuesday February 4, 2020, the City Council had a lengthy discussion about their D13 accounts, and the lack of discretionary funds Council Members have to spend. They then decided not to approve the FCPC recommendation to prohibit Officeholder Accounts.

To remedy this concern the FCPC should request from the City Manager the amount each Council Member receives in their D13 accounts and after some discussion make a recommendation to Council. If the D13 account is large enough to allow Council members to make the expenditures they feel will keep their constituents informed of their activities, travel to local meetings, provide transportation expenses and meals - there would be no need for Officeholders Accounts.

A search of the City's Budget documents did not reveal the amounts allocated to the Council D13 accounts. Once the information is available the FCPC can make its recommendations to City Council.

**Attachments:**

1. Mayor and City Council Financial Summary
2. Draft request to City Manager for budget details of the Mayor and each individual Council Member

**MAYOR AND CITY COUNCIL FINA**

|                        | FY 2015<br>Actual | FY 2016<br>Actual | FY 2017<br>Adopted | FY 2018<br>Proposed | FY 2019<br>Proposed |
|------------------------|-------------------|-------------------|--------------------|---------------------|---------------------|
| <b>EXPENDITURES</b>    |                   |                   |                    |                     |                     |
| <b>By Type:</b>        |                   |                   |                    |                     |                     |
| Salaries and Benefits  | 1,660,661         | 1,760,619         | 1,723,617          | 1,833,734           | 1,880,031           |
| Services and Materials | 36,942            | 43,407            | 113,526            | 113,526             | 113,526             |
| Capital Outlay         | 1,953             | 7,674             |                    |                     |                     |
| Internal Services      | 89,100            | 81,181            | 81,181             | 81,181              | 81,181              |
| Indirect Cost Transfer |                   |                   |                    |                     |                     |
|                        | <u>1,788,656</u>  | <u>1,892,881</u>  | <u>1,918,324</u>   | <u>2,028,441</u>    | <u>2,074,738</u>    |
| <b>By Division:</b>    |                   |                   |                    |                     |                     |
| Mayor's Office         | 515,095           | 558,137           | 584,877            | 554,389             | 566,917             |
| Council Offices        | 1,273,561         | 1,334,744         | 1,333,447          | 1,474,052           | 1,507,821           |
| Exiting Officials      |                   |                   |                    |                     |                     |
|                        | <u>1,788,656</u>  | <u>1,892,881</u>  | <u>1,918,324</u>   | <u>2,028,441</u>    | <u>2,074,738</u>    |
| <b>By Fund:</b>        |                   |                   |                    |                     |                     |
| General Fund           | 1,788,656         | 1,892,881         | 1,918,324          | 2,028,441           | 2,074,738           |
|                        | <u>1,788,656</u>  | <u>1,892,881</u>  | <u>1,918,324</u>   | <u>2,028,441</u>    | <u>2,074,738</u>    |

|                         |       |       |       |       |       |
|-------------------------|-------|-------|-------|-------|-------|
| <b>General Fund FTE</b> | 12.00 | 12.00 | 12.00 | 12.00 | 12.00 |
| <b>Total FTE</b>        | 12.00 | 12.00 | 12.00 | 12.00 | 12.00 |

**DRAFT**

**DRAFT**

**DRAFT**

**Date:** February 20, 2020  
**To:** Dee Williams-Riley  
City Manager  
**From:** Fair Campaign Practices Commission  
**Subject:** Request for budget details of the Mayor and each individual Council Member.

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At the Special Council meeting of Tuesday, February 4, 2020 the Council heard and took action on the FCPC recommendation to amend the Berkeley Municipal Code to prohibit Officeholder Accounts. The Council discussion went to great lengths about why they needed the Officeholder Account before declining to approve the FCPC recommendation.

The FCPC needs to understand why the Council took the action it did.

To help the Commission determine if any further action on its part would be helpful, the Commission requests that your office provide the FCPC with the detailed budgets of the Mayor and each Council Member. The Commission has the budget summaries of the Mayor and City Council but it is of little use for the discussion.

Please provide the requested information in time for the FCPC meeting on March 19, 2020.

Thank you,

**Fair Campaign Practices Commission**



Fair Campaign Practices Commission  
Open Government Commission

ACTION CALENDAR  
January 26, 2021

To: Honorable Mayor and Members of the City Council

From: Brad Smith, Chair, Fair Campaign Practices and Open Government Commissions

Submitted by: Samuel Harvey, Secretary, Fair Campaign Practices and Open Government Commissions

Subject: Amendments to the Berkeley Election Reform Act (BERA) and Change to City Council Expenditure and Reimbursement Policies (Resolution 67,992-N.S.)

RECOMMENDATION

Form a joint subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to (1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Officeholder accounts are not expressly regulated by BERA. However, under existing law, if funds for officeholder accounts are used for campaign purposes, this may implicate campaign financing law and may trigger various local and state legal requirements.

Donations to nonprofit organizations from Councilmember's discretionary council budgets (D-13 accounts) are allowed by the authority of City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.).

Action: *Motion to submit report to City Council recommending creation of a subcommittee of members of the Council, FCPC and OGC to (1) prepare an ordinance prohibiting or regulating officeholder accounts and (2) prepare a change in City Council Expenditure and Reimbursement policies*

Vote: M/S/C: Blome/Metzger; Ayes: O'Donnell, Ching, Blome, Tsang, Smith; Noes: Metzger, Sheahan; Abstain: none; Absent: McLean.

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the "double green light" process. This process requires that the FCPC adopt the amendments by a two-thirds vote, and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

Changes to the City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) can be made by a majority vote of the Council.

## BACKGROUND

### ***Officeholder Accounts***

During 2019, the Fair Campaign Practices Commission (FCPC) discussed whether there is a need to amend the law relating to these accounts. These accounts are not expressly regulated by BERA, but under current law, if funds for officeholder accounts are used for campaign purposes, this may implicate campaign financing law and trigger various local and state legal requirements. A 1999 legal opinion from the City Attorney stated: "[t]he mere fact that an account may be designated an officeholder account does not insulate it from scrutiny under BERA or other applicable local law if the officeholder account is not used strictly for officeholder purposes or if some action taken with respect to the officeholder account implicates campaign contributions and expenditures or other applicable laws."

In the course of its review of the issue of officeholder accounts, the FCPC considered three options:

- (1) leaving the law on officeholder accounts unchanged;
- (2) prohibiting officeholder accounts entirely (an approach used by the City of San Jose), or
- (3) authorizing officeholder accounts but limiting their use and imposing various restrictions and requirements on them (an approach used by the City of Oakland).

The Commission referred the issue of officeholder accounts to a subcommittee, which met several times in the fall of 2019 and considered the options. The subcommittee unanimously recommended prohibiting officeholder accounts entirely. At its regular meeting on November 21, 2019 the Commission voted without opposition to recommend amendments to the BERA that would prohibit officeholder accounts.

The Commission's proposal was presented to the City Council at a February 4, 2020 special meeting. (Report to the Council, with Attachments, is attached.) The FCPC report summarized its proposal: "Contributions to and expenditures from Officeholder Accounts provide an unfair advantage to incumbents. They also increase the reliance on private campaign contributions and risk increasing the perception of corruption. Amending the Berkeley Election Reform Act to prohibit Officeholder Accounts will help to level the playing field in municipal elections, which was also the goal of the Fair Elections Act of 2016." (Report, page 1.)

At the February 4, 2020 meeting, the Council had a lengthy discussion about their D- 13 accounts and the lack of discretionary funds that members have to spend. They also decided not to approve the FCPC recommendation to prohibit officeholder accounts. The City Council referred the issues relating to officeholder and D-13 accounts to its Agenda and Rules Committee for further consideration.

***Proposed Changes to City Council Expenditure and Reimbursement Policies***

At the April 23, 2020 meeting of the Open Government Committee (OGC), a motion to direct staff to develop a proposal recommending Council change City policy to remove councilmember names from donations to nonprofit organizations from D- 13 accounts was approved unanimously.

Donations to nonprofit organizations from the Councilmember’s discretionary council budget (D-13 accounts) puts that elected official in a favorable light with Berkeley citizens at no cost to the Councilmember, an option not available to a challenger for that office. A look at the Consent Calendar of City Council Meeting Agendas will often contain one or more items from one or more Councilmembers making a donation to a nonprofit organization “from the discretionary council budget” of the Councilmember. This line item (“Services and Materials”) from the General Fund was increased from \$50,938 in FY 2017 to \$113,526 in FY 2018 (approximately \$40,000 for the Mayor, the balance evenly divided among the Councilmembers; see Attachment – Council Office Budget Summaries). While not technically a “campaign contribution,” those individuals in the organization as well as individuals favorably disposed to the nonprofit organization receiving the funds would certainly see it favorably. A person running against this incumbent would have to draw on their own resources to match a Councilmember’s contribution from public funds and without the public notice of the contribution the Councilmember receives.

In addition to favoring incumbents, the use of public moneys for contributions to nonprofit organizations from the discretionary council budgets of individual Council members is arguably improper and certainly bad optics. The commissioners of the OGC have no argument with contributions being made to nonprofit organizations from the City of Berkeley, but believe they should be made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley, not from individual Council members. Perhaps a nonprofit fund could be set up from which the donations could be made from recommendations made to one of the Council’s Policy Commissions. This would free funds for other purposes now being directed to nonprofit organizations from individual Councilmember’s D-13 accounts.

Proposed Action:

At this stage, the Council has referred both the issues relating to officeholder accounts and those relating to D-13 accounts to its Agenda and Rules Committee for further consideration. At a special meeting on March 9, 2020, that Committee agreed to work collaboratively with the FCPC and OGC on matters relating to officeholder accounts and D-13 accounts. This collaborative work with the Council was included in the FCPC and OGC 2020-2021 workplans, which were approved on May 21, 2020.

Consistent with the prior actions of the Council and the FCPC/OGC, the Commissions recommend the establishment of a subcommittee of members of the City Council and members of the Fair Campaign Practices and Open Government Commissions to:

(1) prepare an ordinance amending the Berkeley Election Reform Act (BMC Chapter 2.12) to prohibit or regulate officeholder accounts, and

(2) prepare a change in City Council Expenditure and Reimbursement policies (Resolution 67,992-N.S.) to have donations to nonprofit organizations made in the name of the entire Berkeley City Council on behalf of the citizens of Berkeley rather than from individual Council members.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects related to the recommendation in this report.

RATIONALE FOR RECOMMENDATION

The “double green light” process requires that the FCPC adopt an amendment by a two-thirds vote, and that the City Council hold a public hearing and also adopt an amendment by a two-thirds vote. Evidence to date suggests there are differences of perspective regarding this matter between the City Council and the FCPC regarding the D-13 accounts. It would seem to be a rational step to discuss and come to agreement and possibly compromise prior to the “double green light” process.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

CONTACT PERSON

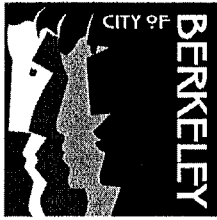
Brad Smith, Chair, Fair Campaign Practices and Open Government Commissions, (510) 981-6998

Samuel Harvey, Commission Secretary, Fair Campaign Practices and Open Government Commissions, (510) 981-6998

Attachments:

1. FCPC February 4, 2020 report to Council and attachments
2. Mayor and City Council Financial Summary





Fair Campaign Practices Commission

PUBLIC HEARING  
February 4, 2020

To: Honorable Mayor and Members of the City Council  
From: Fair Campaign Practices Commission  
Submitted by: Dean Metzger, Chairperson, Fair Campaign Practices Commission  
Subject: Amendments to the Berkeley Election Reform Act to prohibit  
Officeholder Accounts; Amending BMC Chapter 2.12

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt first reading of an ordinance amending the Berkeley Election Reform Act, Berkeley Municipal Code Chapter 2.12, to prohibit Officeholder Accounts (See Section 18531.62. Elected State Officeholder Bank Accounts, Regulations of the Fair Political Practices Commission).

SUMMARY

Contributions to and expenditures from Officeholder Accounts provide an unfair advantage to incumbents. They also increase the reliance on private campaign contributions and risk increasing the perception of corruption. Amending the Berkeley Election Reform Act to prohibit Officeholder Accounts will help to level the playing field in municipal elections, which was also a goal of the Fair Elections Act of 2016.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The proposed amendments to the Berkeley Election Reform Act (BERA) were adopted by the Fair Campaign Practices Commission (FCPC) at its regular meeting of November 21, 2019.

**Action:** M/S/C (Smith/Saver) to adopt the proposed amendments to BERA related to Officeholder Accounts.

**Vote:** Ayes: Metzger, Ching, Saver, Blome, McLean, Tsang, Smith; Noes: none; Abstain: none; Absent: O'Donnell (excused).

Pursuant to Berkeley Municipal Code Section 2.12.051, BERA may be amended by the "double green light" process. This process requires that the FCPC adopt the amendments by a two-thirds vote, and the City Council hold a public hearing and adopt the amendments by a two-thirds vote.

Amendments to the Berkeley Election Reform Act  
to prohibit Officeholder Accounts

PUBLIC HEARING  
February 4, 2020

BACKGROUND

The Fair Campaign Practices Commission has supported creating the circumstances in which the incumbent and challengers during an election play on as level a playing field as possible and reducing the influence of private campaign contributions. For instance, the Berkeley Fair Elections Act of 2016, which was passed by voters and recommended to Council by the Commission, included the following express purposes:

- Eliminate the danger of actual corruption of Berkeley officials caused by the private financing of campaigns.
- Help reduce the influence of private campaign contributions on Berkeley government.
- Reduce the impact of wealth as a determinant of whether a person becomes a candidate.

(Section 2.12.490(B)-(D).)

A recent inquiry to the Commission Secretary regarding the regulation of Officeholder Accounts resulted in a request from a Commissioner to have discussion of these accounts placed on the May 16, 2019 agenda for possible action. The following motion was made and passed at that meeting:

Motion to request staff work with Commissioner Smith to bring to a future meeting background information and a proposal to eliminate officeholder accounts (M/S/C: O'Donnell/Blome; Ayes: Blome, Ching, McLean, Metzger, O'Donnell, Saver, Smith, Tsui; Noes: None; Abstain: None; Absent: Harper (excused)).

**Definition of an Officeholder Account**

Under state law, an "officeholder account" refers to the funds held in a single bank account at a financial institution in the State of California separate from any other bank account held by the officeholder and that are used for "paying expenses associated with holding public office." Officeholder Account funds cannot be used to pay "campaign expenses." This definition is drawn from state law applicable to statewide elected officials: Government Code section 85316 (Attachment 2), and the accompanying regulation by the Fair Political Practices Commission (FPPC) codified at Title 2, Division 6, of the California Code of Regulations, Section 18531.62 (Attachment 3).

Contributions to or expenditures from an Officeholder Account are not subject to BERA's reporting requirements. (The FPPC still requires the reporting of activity relating to Officeholder Accounts, which is available to view on Berkeley's Public Access Portal.) If, however, a complaint is filed that an Officeholder Account is used for

Amendments to the Berkeley Election Reform Act  
to prohibit Officeholder Accounts

PUBLIC HEARING  
February 4, 2020

campaign contributions or to pay "campaign expenses," BERA can be used to respond to the complaint. The legal arguments for these statements are contained in a memorandum signed by City Attorney Manuela Albuquerque to Aide to Mayor Shirley Dean, Barbara Gilbert, dated December 28, 1999 and a December 9, 1991 memorandum by Secretary and Staff Counsel to the FCPC, Sarah Reynoso, that is attached to the December 28, 1999 memo. (Attachment 4.) Because the BERA provisions relied on in these memoranda have not been amended, and because no other BERA provisions have been added to regulate officeholder accounts, the memoranda's conclusions remain valid and are still controlling guidance.

### **Contributions to Officeholder Accounts**

Funds raised for Officeholder Accounts in Berkeley are not subject to any limitations, either from the FPPC or BERA. Neither is there a limit on the total amount the Officeholder Account fund may receive in contributions per year. Contributions to an elected official's Officeholder Account may put that contributor in a more favorable light with the elected official than might otherwise be the case.

### **Expenditures from Officeholder Accounts**

Except for the restriction that Officeholder Account funds cannot be used for "campaign expenses," BERA does not restrict how funds from Officeholder Accounts can be used.

There are a number of permissible expenditures from Officeholder Accounts that could put an elected official in a favorable light with voters that are not available to a challenger for that office. A donation to a nonprofit organization, although technically not a "campaign expense," would be seen favorably by those receiving the funds as well as individuals favorably disposed to the nonprofit organization receiving the funds. An individual running against this incumbent would have to draw on their own resources to make contributions to nonprofit organizations.

As long as political campaigns are not included, newsletters mailed to constituents related to events, information, or an officeholder's position on matters before the Council are a permissible Officeholder Account expenditure. This keeps the incumbent's name in front of the voter in a way unavailable to a challenger unless they pay for a newsletter and its distribution from their own resources.

Expenditures from Officeholder Account funds for flowers and other expressions of condolences, congratulations, or appreciation, while technically not "campaign expenses," also increase the probability that the recipient will be favorably predisposed toward the elected official as a candidate for reelection or election to another office. Again, a challenger would have to draw on their own resources to express condolences, congratulations, or appreciation to their potential supporters.

Amendments to the Berkeley Election Reform Act  
to prohibit Officeholder Accounts

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Further, officeholder accounts can be used to pay for a broad range of office expenses, such as meals, travel, parking tickets, or contributions to other candidates or political parties.<sup>1</sup> Eliminating officeholder accounts would reduce reliance on and the influence of private contributions for these expenditures.

**Recommendation**

To make elections more equitable between challengers and incumbent and for the reasons given above, the Fair Campaign Practices Commission recommends prohibiting Officeholder Accounts.

Berkeley will not be the first to prohibit Officeholder Accounts. The San Jose Municipal Code was amended to prohibit officeholder accounts in January 2008. (Chapter 12.06 – ELECTIONS, San Jose, CA Code of Ordinances, p. 10)

**Part 8 - OFFICEHOLDER ACCOUNTS**

**12.06.810 - Officeholder account prohibited.**

No city officeholder, or any person or committee on behalf of a city officeholder may establish an officeholder account or an account established under the Political Reform Act, California Government Code Section 8100 et seq. as amended, for the solicitation or expenditure of officeholder funds. Nothing in this section shall prohibit an officeholder from spending personal funds on official or related business activities.

The following additions to BERA are proposed:

**2.12.157 Officeholder Account**

“Officeholder Account” means any bank account maintained by an elected officer or by any person or committee on behalf of an elected officer, and whose funds are used for expenses associated with holding office and not for direct campaign purposes.

**2.12.441 Officeholder account prohibited**

- A. No elected officer, or any person or committee on behalf of an elected officer, may establish an officeholder account.
- B. No elected officer, or any person or committee on behalf of an elected officer, may use contributions, as defined in 2.12.100, for expenses associated with holding office.

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<sup>1</sup>Under state law applicable to state elected officials, officeholders may use campaign contributions for “expenses that are associated with holding office.” (Govt. Code, § 89510.) To qualify, expenditures must be “reasonably related to a legislative or governmental purpose.” (*Id.*, § 89512.) “Expenditures which confer a substantial personal benefit shall be directly related to a political, legislative, or governmental purpose.” (*Ibid.*)

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- C. Anyone holding an active Officeholder Account on the date this change to BERA is adopted on a second reading by the City Council has one year from that date to terminate their Officeholder Account, in accordance with FPPC guidelines.

ENVIRONMENTAL SUSTAINABILITY

There are no identified environmental effects related to the recommendation in this report.

RATIONALE FOR RECOMMENDATION

This proposed change to BERA will help to level the playing field between challengers and the incumbent running for elective office.

ALTERNATIVE ACTIONS CONSIDERED

A Subcommittee was formed to consider the options of (1) amending the Berkeley Elections Reform Act, BMC Chapter 2.12, to prohibit Officeholder Accounts, (2) amending BERA to mitigate possible advantages incumbents with an Officeholder Accounts have over challengers, or (3) doing nothing with regard to Officeholder Accounts. The four members of the Subcommittee recommended unanimously to the full Commission to amend the Berkeley Elections Reform Act, BMC Chapter 2.12, to prohibit Officeholder Accounts.

CITY MANAGER

The City Manager takes no position on the content and recommendations of this report.

CONTACT PERSON

Dean Metzger, Chair, Fair Campaign Practices Commission. 981-6998

Attachments:

- 1: Proposed Ordinance
- 2: Government Code section 85316
- 3: Section 18531.62 (Elected State Officeholder Bank Accounts), Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations
- 4: Memorandum signed by City Attorney Manuela Albuquerque to Aide to Mayor Shirley Dean, Barbara Gilbert (including attached memorandum signed by Secretary and Staff Counsel to the FCPC, Sarah Reynoso, to the FCPC)

ORDINANCE NO. ##,###-N.S.

OFFICEHOLDER ACCOUNT PROHIBITED; AMENDING BERKELEY MUNICIPAL CODE  
CHAPTER 2.12

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

Section 1. That Berkeley Municipal Code section 2.12.157 is added to read as follows:

**BMC 2.12.157 Officeholder account**

“Officeholder Account” means any bank account maintained by an elected officer or by any person or committee on behalf of an elected officer, and whose funds are used for expenses associated with holding office and not for direct campaign purposes.

Section 2. That Berkeley Municipal Code section 2.12.441 is added to read as follows:

**BMC 2.12.441 Officeholder account prohibited**

- A. No elected officer, or any person or committee on behalf of an elected officer, may establish an officeholder account.
- B. No elected officer, or any person or committee on behalf of an elected officer, may use contributions, as defined in 2.12.100, for expenses associated with holding office.
- C. This provision does not affect a candidate’s ability to establish a legal defense fund or the requirements for such a fund, as set forth in the Political Reform Act or by regulation.
- D. Any active Officeholder Account on the date this change to BERA is adopted on a second reading by the City Council has one year from that date to terminate their Officeholder Account.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation


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**GOVERNMENT CODE - GOV**
**TITLE 9. POLITICAL REFORM [81000 - 91014]** ( Title 9 added June 4, 1974, by initiative Proposition 9. )

**CHAPTER 5. Limitations on Contributions [85100 - 85802]** ( Chapter 5 added June 7, 1988, by initiative Proposition 73. )
**ARTICLE 3. Contribution Limitations [85300 - 85321]** ( Article 3 added June 7, 1988, by initiative Proposition 73. )

**85316.** (a) Except as provided in subdivision (b), a contribution for an election may be accepted by a candidate for elective state office after the date of the election only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election.

(b) Notwithstanding subdivision (a), an elected state officer may accept contributions after the date of the election for the purpose of paying expenses associated with holding the office provided that the contributions are not expended for any contribution to any state or local committee. Contributions received pursuant to this subdivision shall be deposited into a bank account established solely for the purposes specified in this subdivision.

(1) No person shall make, and no elected state officer shall receive from a person, a contribution pursuant to this subdivision totaling more than the following amounts per calendar year:

(A) Three thousand dollars (\$3,000) in the case of an elected state officer of the Assembly or Senate.

(B) Five thousand dollars (\$5,000) in the case of a statewide elected state officer other than the Governor.

(C) Twenty thousand dollars (\$20,000) in the case of the Governor.

(2) No elected state officer shall receive contributions pursuant to paragraph (1) that, in the aggregate, total more than the following amounts per calendar year:

(A) Fifty thousand dollars (\$50,000) in the case of an elected state officer of the Assembly or Senate.

(B) One hundred thousand dollars (\$100,000) in the case of a statewide elected state officer other than the Governor.

(C) Two hundred thousand dollars (\$200,000) in the case of the Governor.

(3) Any contribution received pursuant to this subdivision shall be deemed to be a contribution to that candidate for election to any state office that he or she may seek during the term of office to which he or she is currently elected, including, but not limited to, reelection to the office he or she currently holds, and shall be subject to any applicable contribution limit provided in this title. If a contribution received pursuant to this subdivision exceeds the allowable contribution limit for the office sought, the candidate shall return the amount exceeding the limit to the contributor on a basis to be determined by the Commission. None of the expenditures made by elected state officers pursuant to this subdivision shall be subject to the voluntary expenditure limitations in Section 85400.

(4) The commission shall adjust the calendar year contribution limitations and aggregate contribution limitations set forth in this subdivision in January of every odd-numbered year to reflect any increase or decrease in the Consumer Price Index. Those adjustments shall be rounded to the nearest one hundred dollars (\$100).

(Amended by Stats. 2007, Ch. 130, Sec. 149. Effective January 1, 2008. Note: This section was added by Stats. 2000, Ch. 102, and approved in Prop. 34 on Nov. 7, 2000.)

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations.)

**§ 18531.62. Elected State Officeholder Bank Accounts.**

(a) Application and Definitions. For purposes of Section 85316(b) and this regulation, the following definitions apply:

(1) "Officeholder" means an elected state officer.

(2) "Officeholder controlled committee" means a committee formed pursuant to subdivision (c) of this regulation.

(3) "Officeholder account" means the bank account established at a financial institution located in the State of California pursuant to Section 85316(b).

(4) "Officeholder funds" means money in the officeholder account.

(b) Establishing the Officeholder Account: For purposes of Section 85316(b), an officeholder shall maintain officeholder funds in a single bank account separate from any other bank account held by the officeholder.

(c) Establishing the Officeholder Controlled Committee, Reporting and Recordkeeping:

(1) Formation: The officeholder shall establish a controlled committee by filing a statement of organization pursuant to Section 84101 if the officeholder receives \$2,000 or more in officeholder contributions in a calendar year.

(2) Committee Name: The controlled committee name shall include the officeholder's last name, the office held, the year the officeholder was elected to the current term of office, and the words "Officeholder Account." The statement of organization shall include the name, account number, and address of the financial institution where the committee established the officeholder account.



(3) Filing Requirements: The controlled committee shall file campaign statements and reports pursuant to Chapters 4 and 5, except Sections 85200 and 85201, of Title 9 of the Government Code at the same times and in the same places as it otherwise would be required to do for any other controlled committee formed by the officeholder for election to state office.

(4) Required Recordkeeping and Audits. The officeholder and treasurer shall be subject to recordkeeping requirements under Section 84104. The officeholder account and officeholder controlled committee shall be subject to audits under Chapter 10 of Title 9 of the Government Code. Any audit of the officeholder, or any of his or her controlled committees, under Section 90001 shall include all officeholder accounts and officeholder controlled committees maintained by the officeholder during the audit period as described in Regulation 18996(a)(1).

(d) Prohibitions:

(1) Officeholder funds may not be contributed or transferred to another state or local committee, including any other controlled committee of the officeholder, except as permitted in subdivisions (g) (2) and (g)(3).

(2) Officeholders may not use officeholder funds to pay "campaign expenses" as defined in Regulation 18525(a).

(3) The officeholder may not transfer or contribute funds from any other committee he or she controls to the officeholder account, except as permitted in subdivision (g)(2) and (g)(3).

(e) Contributions to the Officeholder Account:

(1)(A) Required Notices: In addition to the requirements of Regulation 18523.1, a written solicitation for contributions to the officeholder account shall include the following: "For purposes of the Political Reform Act's contribution limits, a contribution to an officeholder

account is also considered to be a contribution to all campaign committees for future elective state office the officeholder seeks during his or her current term of office."

(B) In addition to the requirements of subparagraph (A) above, an officeholder who files a statement of intention to be a candidate for any elective state office during the officeholder's term of office shall provide notice of this filing to every person that has made a contribution to his or her officeholder account. The notice shall contain the language in subparagraph (A) and be transmitted or mailed within 10 days of filing the statement of intention to be a candidate.

(2) Cumulation: A contribution to the officeholder account shall also be deemed a contribution to the officeholder's controlled committee for election to elective state office for the purposes of Section 85316(b)(3) only under all of the following circumstances:

(A) The contributor makes the contribution between the day the election was held for the term of office for which the officeholder account was established and the end of that term of office;

(B) The officeholder maintains the controlled committee, established for a future term of elective state office, at any time during the period covered in subparagraph (A).

(3) Cumulation and Primary and General Elections: A person's contributions to the officeholder account, when combined with contributions from the same person for a primary and general election to the elective state office may not exceed the contribution limits applicable to the primary and general election.

(4) Multiple Officeholder Accounts: When an officeholder maintains more than one officeholder account in the same calendar year, he or she may not receive the following contributions to any of those accounts during that calendar year:

(A) Contributions from a single contributor that, when cumulated for all the accounts, exceed the maximum amount the contributor could give to the officeholder account having the highest per person contribution limit under Section 85316(b)(1).

(B) Contributions from all contributors that, when cumulated for all the accounts, exceed the maximum amount in total contributions the officeholder could receive in the officeholder account having the highest aggregate contribution limit under Section 85316(b)(2).

(f) Contributions Over the Limits:

(1) An officeholder shall return to the contributor the portion of any contribution to his or her officeholder account that exceeds the limits of Section 85301, 85302 (after cumulation) or 85316 (either alone or after cumulation) by the earlier of 14 days of receipt or 14 days of the date the officeholder files a statement of intention to be a candidate for elective state office pursuant to Section 85200.

(2) A contributor to the officeholder account does not violate the contribution limits applying to the officeholder's election to a future elective state office as otherwise provided under Section 85316(b)(3) if, when he or she makes the contribution, the officeholder has not filed a statement of organization to establish a controlled committee for election to a future elective state office.

(g) Terminating Officeholder Accounts and Committees:

(1) The officeholder may not accept contributions after the officeholder's term of office ends or the date he or she leaves that office, whichever is earlier.

(2) The officeholder may redesignate the officeholder account as an officeholder controlled committee for a future term of the same office by amending the statement of

organization for the committee to reflect the redesignation for the future term of office prior to the date the officer's term of office ends.

(3) An officeholder may redesignate officeholder funds in the redesignated officeholder account as officeholder funds for the new term of office, subject to the limitations in subdivision

(e)(4).

(4) Once the officeholder's term of office ends or he or she leaves that office, whichever is earlier, the officeholder may only use his or her officeholder funds for the following purposes:

(A) Paying outstanding officeholder expenses.

(B) Repaying contributions to contributors to the officeholder account.

(C) Making a donation to a bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, if no substantial part of the proceeds will have a material financial effect on the officeholder, a member of his or her immediate family, or his or her committee treasurer.

(D) Paying for professional services reasonably required by the officeholder controlled committee to assist in the performance of its administrative functions.

(5) The officeholder shall terminate the officeholder controlled committee within 90 days of the date the officer's term of office ends or he or she leaves that office, whichever is earlier. The Executive Director may for good cause extend the termination date or permit the candidate to reopen the account.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 84104, 85316 and 90000-90007, Government Code.

**HISTORY**

1. New section filed 7-3-2007; operative 8-2-2007. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2007, No. 27). For prior history, see Register 2007, No. 26.

2. Change without regulatory effect amending section filed 3-22-2016; operative 4-21-2016 pursuant to 2 CCR 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 13).



Office of the  
City Attorney

**DATE:** December 28, 1999

**TO:** BARBARA GILBERT,  
Aide to Mayor Shirley Dean

**FROM:** MANUELA ALBUQUERQUE, City Attorney *MA*  
By: CAMILLE COUREY, Deputy City Attorney

**SUBJECT:** APPLICATION OF BERKELEY ELECTION REFORM ACT TO OFFICEHOLDER ACCOUNTS

ISSUE:

Does the Berkeley Election Reform Act (BERA) govern officeholder accounts?

CONCLUSION:

No. The BERA does not govern true officeholder accounts per se. However, the mere fact that an account may be designated an officeholder account does not insulate it from scrutiny under the BERA or other applicable local law if the officeholder account is not used strictly for officeholder purposes or if some action taken with respect to the officeholder account implicates campaign contributions and expenditures or other applicable local laws.

ANALYSIS:

Sarah Reynoso, former secretary and staff counsel to the Fair Campaign Practices Commission (FCPC), issued an opinion to the FCPC dated December 2, 1991, a copy of which is attached, stating that the BERA's contribution limit does not apply to contributions made to an officeholder account. The opinion reasons that the BERA's contribution limit applies only to "contributions" as defined in the BERA, i.e., which are made directly or indirectly in support of or in opposition to the nomination or election of one or more candidates to elective office. (See Berkeley Municipal Code (BMC) § 2.12.100.) Contributions to a true officeholder account are not made for the purpose of nominating or electing a candidate to office, but rather for the use of an officeholder in carrying out the duties of his or her office. Therefore, the contribution limit of the BERA is inapplicable to officeholder accounts.<sup>1</sup> For similar reasons, the BERA does not

<sup>1</sup> However, the opinion also provided that contributions to officeholder accounts still had to be reported on campaign statements because the State Fair Political Practices Commission (SFPPC) Regulations broadly defined contributions as any contribution for "political purposes." Since officeholder expenses are for political purposes, they must be reported to the State.

Barbara Gilbert  
Re: Application of Berkeley Election Reform Act To Officeholder Accounts  
December 28, 1999  
Page 2

apply to true officeholder accounts.

The BERA requires the filing of statements to report the amounts received and expended in municipal elections. (See BMC §§ 2.12.015, 2.12.030 through 2.12.050) Specifically, a "campaign statement" required to be filed under the BERA is an itemized report which provides the information required by Sections 2.12.245 through 2.12.325 of the BERA. (BMC § 2.12.080.) Sections 2.12.245 through 2.12.325 govern the reporting of contributions and expenditures. "Contributions" and "expenditures" are defined by the BERA as any amounts received or expended, respectively, in aid of or in opposition to the nomination or election of one or more candidates to elective office. (See BMC §§ 2.12.100 and 2.12.130.) Contributions to or expenditures from a true officeholder account are not subject to the BERA's reporting requirements because they are made for the purpose of carrying out the duties of elective office, and not for the purpose of aiding or opposing the nomination or election of one or more candidates to elective office.<sup>2</sup> Therefore, the BERA does not apply to true officeholder accounts.

However, the fact that an account may be designated as an officeholder account will not shield it from scrutiny under the BERA if the officeholder account is, in fact, being used for the receipt of contributions or the making of expenditures in aid of the nomination or election of a candidate for local elective office. Nor will BERA requirements, such as the \$250 contribution limit or the prohibition against contributions from businesses to candidates, be held inapplicable if contributions made initially to an officeholder account are transferred subsequently to a campaign account. Where the actions taken with respect to an officeholder account implicate campaign contributions and expenditures in municipal elections, the officeholder account will be scrutinized under the BERA and other applicable local law.

Attachment

cc: Fair Campaign Practices Commission  
Sherry Kelly, City Clerk

City Attorney Opinions Index: H.E.I. and H.L.G.

CCM

PAUSERS\BBL2\ofthldr.mem.doc

<sup>2</sup> Again, however, the State FPPC still requires the reporting of activity relating to an officeholder account. (See footnote 1.)

CITY OF BERKELEY

DATE: December 9, 1991 Memorandum

TO: FCPC COMMISSIONERS

FROM: Sarah Reynoso, Secretary & Staff Counsel

SUBJECT: APPLICABILITY OF BERA'S CONTRIBUTION LIMIT TO FUNDS RAISED FOR OFFICEHOLDER EXPENSES

BACKGROUND AND ISSUE

I received the attached letter from Richard N. Lerner, treasurer of Friends of Ioni Hancock Committee ("Committee"), regarding the applicability of BERA's (Berkeley Election Reform Act) \$250 contribution limit to funds raised to cover officeholder expenses. The Committee would like to raise money to cover activities by the Mayor for which the City has not allocated funds, for example, distribution of a newsletter and international travel to visit Berkeley Sister Cities.

Thus, the issue presented to the Commission is as follows: Is BERA's \$250 contribution limit applicable to funds raised for officeholder expenses?

CONCLUSION

No. The BERA's contribution limitation is only applicable to money raised "in aid of or in opposition to the nomination or election" of a candidate. Since the Committee intends to raise these funds for activities unrelated to the nomination or election of the Mayor, they are not subject to the BERA's \$250 contribution limitation. However, such funds must be reported as contributions under the State Political Reform Act and their expenditure itemized on the disclosure forms.

ANALYSIS

The BERA prohibits candidates for elective office from soliciting or accepting a contribution of more than \$250 from any one contributor. (BERA section 2.12.415.) Thus, funds which fall within BERA's definition of a contribution, are subject to the \$250 limit. In order to determine whether funds raised for officeholder expenses are subject to the contribution limitation, BERA's definition of contribution must be reviewed.

The BERA defines contribution, in part, as follows:

"Contribution" means a gift, subscription, loan, advance, deposit, pledge, forgiveness of indebtedness, payment of a debt by a third party, contract, agreement, or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or



FCPC COMMISSIONERS  
December 9, 1991  
Page 2

in opposition to the nomination or election of one or more candidates . . . . (Emphasis added.)

Thus, the plain language of the BERA requires that a contribution be solicited for purposes related to the nomination or election of a candidate for office to be subject to its contribution limitation. Since the Committee intends to raise funds for purposes unrelated to the Mayor's nomination or election for elective office, such funds do not fall within the BERA's definition and are therefore not subject to its \$250 limitation.

However, because the state Political Reform Act defines contribution to include any funds raised for political purposes, funds raised for officeholder expenses are considered contributions and must be reported on campaign disclosure forms.<sup>1/</sup> (Government Code section 82015.) Additionally, since the court's ruling in SEIU v. FPPC invalidated the state's \$1,000 contribution limit, funds raised for officeholder expenses are not subject to any limitation.

As a final precaution, the Committee should be advised that the FPPC has issued regulations concerning officeholder expenses and it should review them with respect to their interaction with the BERA.

Attachment

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<sup>1/</sup>I spoke with the FPPC's legal staff and confirmed that funds raised for officeholder expenses must be reported as contributions on the campaign disclosure forms.

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**AMENDMENTS TO THE BERKELEY ELECTION REFORM ACT**

The Fair Campaign Practices Commission is proposing amendments to the Berkeley Election Reform Act related to the prohibition of officeholder accounts.

The hearing will be held on, February 4, 2020, at 4:00 p.m. in the School District Board Room, 1231 Addison Street.

A copy of the agenda material for this hearing will be available on the City's website at [www.CityofBerkeley.info](http://www.CityofBerkeley.info) as of **January 30, 2020**.

For further information, please contact Samuel Harvey, Commission Secretary at 981-6998.

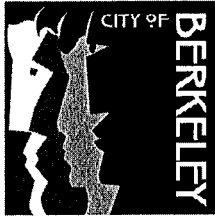
Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

**Published:** January 24, 2020 – The Berkeley Voice  
Pursuant to Berkeley Municipal Code Section 2.12.051

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I hereby certify that the Notice for this Public Hearing 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 January 30, 2020.

Mark Numainville, City Clerk



[First Last name]
Councilmember District [District No.]

SUPPLEMENTAL REVISED AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: February 4, 2020

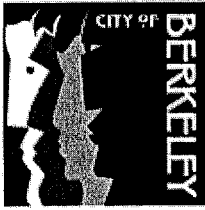
Item Number: 2

Item Description: Statement on Item 2 - Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12

Submitted by: Councilmember Hahn

This item seeks to outlaw Officeholder Accounts in Berkeley. I would like to offer an alternative: to allow Officeholder Accounts but establish regulations to limit them in ways that reflect Berkeley's limitations on campaign donations and consider narrowing the uses for which Officeholder Account funds can be used.

The action I advocate for Council to take is to refer a discussion of Officeholder accounts to the Agenda and Rules Committee, to consider a reasonable set of limitations and rules for such accounts and bring back recommendations to the full Council, for the Council to consider referring to the Fair Campaign Practices Committee.



SOPHIE HAHN

Berkeley City Council, District 5
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
(510) 981-7150
shahn@cityofberkeley.info

ACTION CALENDAR

February 4, 2020

To: Honorable Mayor and Members of the City Council
From: Vice Mayor Sophie Hahn
Subject: Statement on Item 2 - Amendments to the Berkeley Election Reform Act to prohibit Officeholder Accounts; Amending BMC Chapter 2.12

RECOMMENDATION

This item seeks to outlaw Officeholder Accounts in Berkeley. I would like to offer an alternative: to allow Officeholder Accounts but establish regulations to limit them in ways that reflect Berkeley's limitations on campaign donations and consider narrowing the uses for which Officeholder Account funds can be used.

The action I advocate for Council to take is to refer a discussion of Officeholder accounts to the Agenda and Rules Committee, to consider a reasonable set of limitations and rules for such accounts and bring back recommendations to the full Council, for the Council to consider referring to the Fair Campaign Practices Committee.

Officeholder accounts are accounts an elected official can open, and raise funds for, to pay for expenses related to the office they hold.¹ They are not campaign accounts, and cannot be used for campaign purposes. The types of expenses Officeholder Accounts can be used for include research, conferences, events attended in the performance of government duties, printed newsletters, office supplies, travel related to official duties, etc. Cities can place limits on Officeholder Accounts, as Oakland has done.² Officeholder Accounts must be registered as official "Committees" and adhere to strict public reporting requirements, like campaign accounts. They provide full transparency to the public about sources and uses of funds.

The FCPC bases its recommendation to prohibit Officeholder Accounts on arguments about "equity" and potential "corruption" in elections. The report refers repeatedly to "challengers" and "incumbents," suggesting that Officeholder Accounts are vehicles for unfairness in the election context.

I believe that the FCPC's recommendations reflect a misunderstanding of the purpose and uses of Officeholder Accounts, equating them with campaign accounts and suggesting that they create an imbalance between community members who apparently have already decided to run against an incumbent (so-called "challengers") and elected officials who are presumed to be

¹ <http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter5/18531.62.pdf>

² <http://www2.oaklandnet.com/w/OAK052051>

always running for office. The recommendations do not take into account some important framing: the question of what funds are otherwise available to pay for Officeholder-type expenses for Officeholders or members of the public. Contrary to the conclusions of the FCPC, I believe Officeholder accounts are an important vehicle to redress a significant disadvantage for elected officials, whose ability to exercise free speech in the community and participate in conferences and events related to their profession is constrained by virtue of holding public office, as compared to community members, whose speech rights are unrestricted in any manner whatsoever, and who can raise money to use for whatever purposes they desire.

Outlawing Officeholder Accounts is also posited as a means to create equity between more and less wealthy Officeholders, on the theory that less affluent Officeholders will have less access to fundraising for Officeholder Accounts than more affluent Officeholders. Because there are no prohibition on using personal funds for many of the purposes for which Officeholder Account funds can be used, prohibiting Officeholder Accounts I believe has the opposite effect; it leaves more affluent Officeholders with the ability to pay for Officeholder expenses from personal funds, without providing an avenue for less affluent Officeholders, who may not have available personal funds, to raise money from their supporters to pay for such Officeholder expenses.

The question of whether Officeholder Accounts should be allowed in Berkeley plays out in the context of a number of rules and realities that are important to framing any analysis.

First, by State Law, elected officials are prohibited from using public funds for a variety of communications that many constituents nevertheless expect. For example, an elected official may not use public funds to send a mailing announcing municipal information to constituents, "such as a newsletter or brochure, [] delivered, by any means [] to a person's residence, place of employment or business, or post office box."³ Nor may an elected official mail an item using public funds that features a reference to the elected official affiliated with their public position.⁴ Note that Electronic newsletters are not covered by these rules, and can and do include all of these features, even if the newsletter service is paid for by the public entity. That said, while technically not required, many elected officials prefer to use email newsletter distribution services (Constant Contact, MailChimp, Nationbuilder, etc.) paid for with personal (or "Officeholder") funds, to operate in the spirit of the original rules against using public funds for communications that include a photo of, or references to, the elected official.

Without the ability to raise funds for an Officeholder Account, for an elected official to send a paper newsletter to constituents or to use an email newsletter service that is not paid for with public funds, they must use personal funds. A printed newsletter mailed to 5-6,000 households (a typical number of households in a Berkeley City Council District) can easily cost \$5,000+, and an electronic mail service subscription typically costs \$10 (for the most basic service) to \$45 per month, a cost of \$120.00 to over \$500 per year - in personal funds.

³ <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/communications-sent-using-public-funds/campaign-related-communications.html>

⁴ <http://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/communications-sent-using-public-funds/campaign-related-communications.html>

Second, Berkeley City Councilmembers and the Mayor of Berkeley are not paid enough for there to be any reasonable expectation that personal funds should be used for these types of expenses.⁵ For many Councilmembers and/or the Mayor, work hours are full time - or more - and there is no other source of income.

Finally, and most importantly, local elected officials are restricted from accepting money or gifts. An elected official cannot under any circumstances raise money to pay for Officeholder expenses such as printed communications, email newsletter services, travel and admission to industry conferences for which the elected official is not an official delegate (e.g., conferences on City Planning, Green Cities, Municipal Finance, etc.), and other expenses related to holding office that are not covered by public funds. Again, without the possibility of an Officeholder Account, an elected official generally must use personal funds for these expenses, allowing more affluent elected officials to participate while placing a hardship or in some cases a prohibition on the ability of less affluent elected officials to undertake these Officeholder-type activities - which support expected communications with constituents and participation in industry activities that improve the elected official's effectiveness.

The elected official's inability to raise funds from others must be contrasted with the ability of a community member - a potential "challenger" who has not yet declared themselves to be an actual candidate - or perhaps a neighborhood association, business or corporation (Chevron, for example) - to engage in similar activities. Nothing restricts any community member or organization from using their own funds - or funds obtained from anyone - a wealthy friend, a corporation, a local business, a community organization or their neighbors - for any purpose whatsoever.

Someone who doesn't like the job an elected official is doing could raise money from family or connections anywhere in the community - or the world - and mail a letter to every person in the District or City criticizing the elected official, or buy up every billboard or banner ad on Facebook or Berkeleyside to broadcast their point of view. By contrast, the elected official, without access to an Officeholder Account, could only use personal funds to "speak" with their own printed letter, billboard or advertisement. Community members (including future "challengers") can also attend any and all conferences they want, engage in travel to visit interesting cities and projects that might inform their thoughts on how a city should be run, and pay for those things with money raised from friends, colleagues, businesses, corporations, foreign governments - *anyone*. They are private citizens with full first amendment rights and have no limitations, no reporting requirements, no requirements of transparency or accountability whatsoever.

The imbalance is significant. Outside of the campaign setting, where all declared candidates can raise funds and must abide by the same rules of spending and communications, *elected officials cannot raise money for any expenses whatsoever, from any source, while community*

⁵ Councilmembers receive annual compensation of approximately \$36,000, while the Mayor receives annual compensation of approximately \$55,000.⁵

members, including organizations and private companies, can raise as much money as they want from any sources, and use that money for anything they choose.

Without the ability to establish and fund an Officeholder Account, the only option an elected official has is to use personal funds, which exacerbates the potential imbalance between elected officials with more and less personal funds to spend. Elected officials work within a highly regulated system, which can limit their ability to “speak” and engage in other activities members of the public are able to undertake without restriction. Officeholder Accounts restore some flexibility by allowing elected officials to raise money for expenses related to holding office, so long as the sources and uses of those funds is made transparent.

By allowing Officeholder Accounts and regulating them, Berkeley can place limits on amounts that can be raised, and on the individuals/entities from whom funds can be accepted, similar (or identical) to the limits Berkeley places on sources of campaign funds. Similarly, Berkeley can restrict uses of funds beyond the State’s restrictions, to ensure funds are not used for things like family members’ travel, as is currently allowed by the State. Oakland has taken this approach, and has a set of Officeholder Account regulations that provide a good starting point for Berkeley to consider.⁶

I respectfully ask for a vote to send the question of potential allowance for, and regulation of, Officeholder Accounts to the Agenda and Rules Committee for further consideration.

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⁶ <http://www2.oaklandnet.com/w/OAK052051>

MAYOR AND CITY COUNCIL FINANCIAL SUMMARY

	FY 2015 Actual	FY 2016 Actual	FY 2017 Adopted	FY 2018 Proposed	FY 2019 Proposed
EXPENDITURES					
By Type:					
Salaries and Benefits	1,660,661	1,760,619	1,723,617	1,833,734	1,880,031
Services and Materials	36,942	43,407	113,526	113,526	113,526
Capital Outlay	1,953	7,674			
Internal Services	89,100	81,181	81,181	81,181	81,181
Indirect Cost Transfer					
	<u>1,788,656</u>	<u>1,892,881</u>	<u>1,918,324</u>	<u>2,028,441</u>	<u>2,074,738</u>
By Division:					
Mayor's Office	515,095	558,137	584,877	554,389	566,917
Council Offices	1,273,561	1,334,744	1,333,447	1,474,052	1,507,821
Exiting Officials					
	<u>1,788,656</u>	<u>1,892,881</u>	<u>1,918,324</u>	<u>2,028,441</u>	<u>2,074,738</u>
By Fund:					
General Fund	1,788,656	1,892,881	1,918,324	2,028,441	2,074,738
	<u>1,788,656</u>	<u>1,892,881</u>	<u>1,918,324</u>	<u>2,028,441</u>	<u>2,074,738</u>
General Fund FTE	12.00	12.00	12.00	12.00	12.00
Total FTE	12.00	12.00	12.00	12.00	12.00