



AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

MONDAY, JANUARY 27, 2025

2:30 P.M.

2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. All Committee meetings are recorded.

To access the meeting remotely use this URL - <https://cityofberkeley-info.zoomgov.com/j/1619023924>. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 902 3924**. To provide public comment, press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

California Government Code Section 84308 (Levine Act) Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: January 6, 2025**
- 2. Review and Approve Draft Agenda:**
 - a. 2/11/25 – 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 and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**

Unscheduled Items

- 9. Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Public Comment Processes**
- 10. City Council Legislative Systems Redesign, Including Strengthening the Committee System to Provide More In-Depth Review and Vetting of Major Items**
- 11. Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
- 12. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
- 13. Consideration of Changes to Supplemental Material Timelines (referred by Council at the May 7, 2024 meeting)**

Items for Future Agendas

- Requests by Committee Members to add items to the next agenda

Adjournment – Next Meeting Monday, February 10, 2025

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### 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 in advance of the meeting and retained as part of the official record.*

*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 public participation may be addressed to the City Clerk Department (510) 981-6900.*



#### COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at [ada@berkeleyca.gov](mailto:ada@berkeleyca.gov), (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

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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 Thursday, January 23, 2025.

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@berkeleyca.gov.

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

MONDAY, JANUARY 6, 2025

2:30 P.M.

Redwood Room – 2180 Milvia Street, Sixth Floor, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Ben Bartlett and Terry Taplin

Alternate: Vacant

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. All Committee meetings are recorded.

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

Public Comment: 3 speakers

Review of Agendas

1. Approval of Minutes: November 25, 2024

Action: M/S/C (Bartlett/Ishii) to approve the minutes of 11/25/24.

Vote: All Ayes.

2. Review and Approve Draft Agenda:

a. 1/21/25 – Regular City Council Meeting

Action: M/S/C (Bartlett/Taplin) to refer Item 29 to the Budget & Finance Committee.

Vote: Ayes – Taplin, Bartlett; Noes – Ishii.

Action: M/S/C (Ishii/Bartlett) to approve the agenda of 1/21/25 with the changes noted below.

- *Item 22 Council Appointments (Ishii) – revised item submitted*
- *Item 26 Edgeworth Integration (City Manager) – rescheduled to 2/11/25*
- *Item 27 Independent Investigation (Police Accountability Board) – referred to Public Safety Committee*
- *Item 28 Homeownership Opportunities (Kesarwani) – scheduled for 1/21/25 Action Calendar*
- *Item 29 City Funding Policy (Kesarwani) – revised item submitted; Mayor Ishii added as a co-sponsor; referred to the Budget & Finance Committee*
- *Item 30 Sanctuary City Policy (Blackaby) – scheduled for 1/21/25 Action Calendar*
- *Item 31 Budget Referral: Curb Marking (Lunaparra) – revised item submitted; scheduled for 1/21/25 Action Calendar*

Order of Action Items

Item 23 Municipal Finance

Item 24 Fees

Item 25 ZAB Appeal

Item 28 Homeownership Opportunities

Item 30 Sanctuary City Policy

Item 31 Budget Referral: Curb Marking

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

- None

Unscheduled Items

8. **Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Public Comment Processes**
9. **City Council Legislative Systems Redesign, Including Strengthening the Committee System to Provide More In-Depth Review and Vetting of Major Items**
10. **Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**
Action: Moved to Action Calendar for next meeting.
11. **Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
12. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
13. **Consideration of Changes to Supplemental Material Timelines (referred by Council at the May 7, 2024 meeting)**

Items for Future Agendas

- None

Adjournment

Action: M/S/C (Bartlett/Ishii) to adjourn the meeting.

Vote: All Ayes.

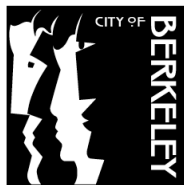
Adjourned at 3:07 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on January 6, 2025.

Mark Numainville, City Clerk

Communications

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DRAFT AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, February 11, 2025
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

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

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

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

*To access the meeting remotely use this URL: <<INSERT ZOOM for GOV URL HERE>>. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: <<INSERT MEETING ID HERE>>**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

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Preliminary Matters

Roll Call:

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters: *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: *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

In-person attendees wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

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 or Information 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. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker 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. 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. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of December 3, 2024 (closed, special, and regular), December 10, 2024 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
- 2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on February 11, 2025**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division.? All contracts over the City Manager’s threshold will be returned to Council for final approval.
Financial Implications: Various Funds - \$848,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

- 3. Contract No. 32300108 Third Amendment: Street Level Advisors, LLC for Housing Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute a third amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$180,000 for consulting services in a total amount not to exceed \$379,500, with a contract end date of June 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 4. Program Manager II Classification: 5% Differential for Assignment in City Manager's Office**
From: City Manager
Recommendation: Adopt a Resolution amending the Unrepresented Employee Manual to add a 5% salary differential to Program Manager II positions assigned to the City Manager's Office.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 5. Contract No. 32000223 Amendment: Gray Quarter, Inc. for Accela Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000223 with Gray Quarter, Inc. (Gray Quarter) for professional services, increasing the amount by \$120,000, for a total not-to-exceed amount of \$419,500 through January 31, 2026
Financial Implications: U1 Admin Fund - \$120,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 6. 2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years Later**
From: Auditor
Recommendation: Our recommendations include clarifying roles and responsibilities for lease oversight, updating the lease policy, and developing a complete central list of leases and licenses. We recommend City Council request that the City Manager report back during the next follow-up period in fall 2025, and every year thereafter, regarding the status of the 8 re-opened recommendations until reported fully implemented by the Public Works Department and City Manager's Office. They have agreed to our findings, re-opened recommendations, and guidance for implementing the recommendations. Please see our report for their complete response.
Financial Implications: See report
Contact: Jenny Wong, Auditor, (510) 981-6750

Action Calendar

The public may comment on each item listed on the agenda for action. 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 during the Action Calendar public comment period on the item

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker 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.

The Presiding Officer may open and close an additional comment period for Action items on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters), at the start of the Action Calendar. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by first the appellant and then the applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking during a public hearing, each speaker 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.

When applicable, 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.

Action Calendar – Public Hearings

7. **Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law Related to Electric Vehicle Charging and Technical Edits**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance amending the following sections of the Zoning Ordinance to align the Berkeley Municipal Code (BMC) with state law related to electric vehicle charging, as well as additional non-substantive edits and corrections:

- 23.106.020 Lot Coverage
- 23.106.080 Building Separation
- 23.202.020 Allowed Land Uses (Residential Districts)
- 23.204.020 Allowed Land Uses (Commercial Districts)
- 23.204.090 C-NS North Shattuck Commercial District
- 23.204.100 C-SA South Area Commercial District
- 23.204.130 C-DMU Downtown Mixed-Use District
- 23.204.140 C-W West Berkeley Commercial District
- 23.204.150 C-AC Adeline Corridor Commercial District
- 23.206.020 Allowed Land Uses and Permit Requirements (Manufacturing Districts)
- 23.206.040 Use-Specific Regulations (Manufacturing Districts)
- 23.206.050 Protected Uses (Manufacturing)
- 23.302.070 Use-Specific Regulations (Supplemental Use Regulations)
- 23.306.010 Purpose (Accessory Dwelling Units)
- 23.306.030 Development Standards (Accessory Dwelling Units)
- 23.306.040 Permit Procedures (Accessory Dwelling Units)
- 23.310.020 General Requirements Excluding Incidental Beer and Wine
- 23.310.030 Alcohol Beverage Standards When Incidental to Food Service
- 23.322.030 Required Parking Spaces
- 23.322.080 Parking Layout and Design
- 23.334.030 Transportation Demand Management Program Requirements
- 23.502.020 Defined Terms (Glossary)

Financial Implications: None

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

Action Calendar – New Business

8. **Contract: Edgeworth Integration LLC to Purchase and Provide Installation of New Security System Server at Berkeley Animal Care Services**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Edgeworth Integration LLC for the purchase and installation of a new security camera system server (cameras already exist) to replace an obsolete server at Berkeley Animal Care Services (BACS) for January 22, 2025, to January 21, 2026, which establishes a contract in an amount not to exceed \$60,323.58.

Financial Implications: See report

Contact: Peter Radu, City Manager's Office, (510) 981-7000

Action Calendar – New Business

9. **Proposed Amendments to the Building Emissions Saving Ordinance (BESO)**
From: City Manager
Recommendation: Adopt the first reading of amendments to the Building Emissions Saving Ordinance (BESO), Chapter 19.81 of the Berkeley Municipal Code, to establish a flexible resilience standard for small residential buildings containing up to four units.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
10. **Adopt an Ordinance to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units**
From: Housing Advisory Commission
Recommendation: Adopt an ordinance amending the Municipal Code adding section 13.63 to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units.
Financial Implications: See report
Contact: Mike Uberti, Commission Secretary, (510) 981-7400
11. **Police Accountability Board Report: Fair and Impartial Policing Implementation**
From: Police Accountability Board
Recommendation: Approve the following recommendations and instruct the Berkeley Police Department (BPD) and Police Accountability Board (PAB) to proceed with their implementation:
Recommendations to the Berkeley Police Department
1. Three-prong approach.
 - a. Definition of Low-Level Traffic Infractions: A definition consistent with SB 50 should be adopted.
 - b. Primary Collision Factors: This prong should specify the mode of the party at fault.
 - c. Community Reports: Under the category of "a variety of unsafe driving incidents," policies should be put in place that specify which calls for service will result in law enforcement action. That specification should be derived from an analysis of the 13% of calls from community members that resulted in a citation or arrest, as per the City Auditor's July 2021 report.
 - d. Community Caretaking: This prong needs more specificity, and its components should be based on Berkeley data rather than national statistics, as is done for Prong 1 (Primary Collision Factors). Specifically, the analysis should examine which other factors (non-PCFs) are highly associated with severe and fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety-related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated.
 - e. Reporting: Future BPD updates on FIP implementation should include statistical information enabling an analysis of the impact of the three-prong approach on reducing or eliminating stops for low-level offenses—a primary focus of the Council directive—in a manner that supports an overall assessment and an understanding of the approach's impact on reducing racial disparities in traffic stops.
 2. Evidence-based definition for stops of criminal suspects:

Action Calendar – New Business

- a. Establish an evidence-based definition for stops of criminal suspects.
- b. Explain how precision-based policing, feedback loops, and accountability measures referenced in BPD FIP implementation updates relate to this recommendation and addresses the directive to establish an evidence-based definition for stopping criminal suspects.
3. Enhanced implicit bias training: Per the Council's directive, ensure that BPD personnel receive intensive annual training dedicated to implicit bias.
4. EIS: Pending the deployment of a new Early Intervention and Risk Management system, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department's EIS, with a particular focus on racial disparities in stops, arrests, and searches. A designated PAB Member should serve as an observer in this process, as has been informally agreed to. Future audit reports should include the scope of what was reviewed and a clear statement of findings within the confines of officer confidentiality.
5. Written consent searches: Future reporting to the council should include the number of consent searches conducted per reporting period and their effect on racial disparities in searches, compared to consent search numbers before implementation.
6. Warrantless searches of people on supervised release: Future FIP updates should identify the impact of the new BPD Policy 311.6 on the numbers of searches and arrests of people on probation and parole and the racial disparities in them.
7. Profiling by proxy: Future BPD updates should specify what instructions dispatchers are given on profiling by proxy, and any impact the instruction and corresponding Communications Manual amendments have had on racial disparities in departmental response to calls for service.
8. Business cards: Ensure that business cards are distributed as mandated by the Council directive.
9. Make resources on police-civilian encounters publicly available, such as through RAHEEM.org.

Recommendations to the Police Accountability Board

1. Scenario-based training: The 2021 Council specifically referred to the PAB oversight of the implementation of a scenario-based training component in the existing officer training required by the California Penal Code. This topic will be agendaized for discussion at a future PAB meeting, including the appropriateness of, and ability of the PAB to oversee departmental training.
2. Crisis Intervention Team (CIT): The 2021 Council item refers to the PAB accelerating CIT activity. This will be discussed in future PAB meetings.

Recommendations to the Berkeley City Council

1. Establish metrics to assess the success of implementing FIP directives. Currently, the BPD appears to be focused entirely on policy, and on tests of bias, as evidenced in its recently published Annual Report. The PAB has focused instead on outcomes, addressing the key question of whether racial disparities have decreased in any of the areas subject to FIP directives.
2. Eliminate reporting requirements for recommendations that the PAB ascertains have been fully implemented.
3. Require BPD to report biannually on:

Action Calendar – New Business

- a. Traffic stops by each prong of their 3-prong framework and by race within each prong.
- b. Stop, search, and arrest data by probation/parole status and race.
- c. Calls for service by the race of the reporter and reportee.

Financial Implications: See report

Contact: Hansel Aguilar, Police Accountability Board, (510) 981-4950

Action Calendar – Policy Committee Track Items

12. Resolution in Support of the Commissioning of a California Feasibility Study to Implement “Golden State Energy,” a Not-for-Profit Public Utility Model

From: Councilmember Tregub (Author), Councilmember Lunaparra (Author)

Recommendation: Adopt a resolution in support of the allocation of state fiscal and staff resources to commission a feasibility study that compares various not-for-profit utility models prioritizing public benefits in energy generation, distribution, and transmission; the development an equitable implementation plan that establishes a statewide successor entity known as “Golden State Energy” as a successor to investor-owned utilities such as Pacific Gas and Electric; and transmittal of the Council’s support of such a resolution to Governor Gavin Newsom, Senator Jesse Arreguín (SD7) and Assemblymember Buffy Wicks (AD14).

Financial Implications: See report.

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

13. Short-Term Referral to the City Manager and Council Budget and Finance Committee: Transfer Tax Exemption for 100% Affordable Housing Projects

From: Councilmember Tregub (Author), Councilmember Bartlett (Co-Sponsor), Councilmember O’Keefe (Co-Sponsor)

Recommendation: Adopt a short-term referral to the City Manager and Council Budget and Finance Committee to study the fiscal impacts of a transfer tax exemption for 100% affordable housing projects for further Council action by March 25, 2025.

Financial Implications: See report

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Information Reports

14. FY 2024 Fourth Quarter Investment Report: Ended June 30, 2024

From: City Manager

Contact: Henry Oyekanmi, Finance, (510) 981-7300

15. LPO NOD: 1310 University Avenue/#LMSA2024-0001

From: City Manager

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

Information Reports

16. LPO NOD: 2500-12 San Pablo Avenue/#LMIN2024-0004

From: City Manager

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

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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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal:

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Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901

Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,

Claremont Branch – 2940 Benvenue, West Branch – 1125 University,

North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

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CONSENT CALENDAR

February 11, 2025

**To:** Honorable Mayor and Members of the City Council**From:** Jenny Wong, City Auditor *zw***Subject:** 2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years LaterRECOMMENDATION

Our recommendations include clarifying roles and responsibilities for lease oversight, updating the lease policy, and developing a complete central list of leases and licenses. We recommend City Council request that the City Manager report back during the next follow-up period in fall 2025, and every year thereafter, regarding the status of the 8 re-opened recommendations until reported fully implemented by the Public Works Department and City Manager's Office. They have agreed to our findings, re-opened recommendations, and guidance for implementing the recommendations. Please see our report for their complete response.

FISCAL IMPACTS OF RECOMMENDATION

Implementing the recommendations outlined in the follow-up report may have fiscal implications for the City. Some improvements to lease management will depend on additional resources for staffing and software to track leases and licenses. However, improved monitoring of lease and license agreements could result in cost savings, for example if lease agreements are renegotiated in a timely manner, or if responsibility for utilities and maintenance costs are applied more consistently.

CURRENT SITUATION AND ITS EFFECTS

Our report highlights a number of potential risks associated with the City's current lease management practices. The City Auditor's 2009 Leases Audit found that the City's lease oversight was largely decentralized despite a previous plan to centralize this function. The 2009 audit also found that City staff did not always comply with rules and regulations for leases, and a complete central inventory of leases was not available. Our follow-up report found that these issues are still relevant today.

There is still no central oversight of leasing activities citywide. Limited staff capacity and lack of clear direction from City Management impact the City's ability to stay on top of its leases and licenses. At the time the original audit was released, the City had a Real Property Administrator dedicated to citywide lease management, but this position was eliminated in FY 2014.

The City still does not have a relevant policy for how lease and license agreements should be established and managed. We found differences in terms for leases with below market rate rent, including whether utilities and maintenance were covered by the City. We found that there is no

standard process for determining when to offer rent below market rate. Differences in agreements could lead to actual or perceived unfairness between current or prospective tenants.

Finally, the City still has no complete central list of lease and license agreements. This limits the City's ability to holistically assess the costs and benefits of leasing and licensing decisions, and could expose the City to potential risks like losing track of real estate assets – which we found happened with a building used by the Berkeley Mental Health Division – or financial loss if lease agreements are not renewed in a timely fashion.

#### BACKGROUND

The City rents out City-owned properties for specified periods of time to tenants including commercial businesses, non-profit organizations, and other governments through lease and license agreements. The City currently has at least 49 lease agreements and 8 license agreements for outside entities to rent City-owned property. The City also rents space owned by other entities through at least 8 lease agreements. Departments involved in lease management include Public Works; Parks, Recreation and Waterfront; and Health, Housing and Community Services.

We were unable to confirm the exact number of leases and licenses in the City's inventory due to limited information maintained by the City.

#### ENVIRONMENTAL SUSTAINABILITY

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

#### RATIONALE FOR RECOMMENDATION

Implementing our recommendations will improve the City's oversight of leases and licenses.

#### CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:

1: Report – 2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years Later

Follow-Up Report  
January 23, 2025

# 2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years Later



BERKELEY CITY AUDITOR

Jenny Wong, City Auditor  
Caitlin Palmer, Audit Manager  
Pauline Miller, Auditor II



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## Executive Summary

We assessed the implementation of the recommendations from the 2009 audit of City leases and found that the City still faces some of the same issues identified in the original audit, 16 years later. The City lacks a clear approach to lease management, a relevant policy to guide leasing and licensing decisions, and a complete central inventory of leases and licenses. These factors compromise the City's ability to strategically manage City-owned property. To address these challenges, we re-opened 8 recommendations, which include prioritizing lease management oversight, updating the leasing policy, and developing a complete central inventory of leases and licenses. Implementing these recommendations will require collaboration and depends on additional resources, but the recommendations are critical to ensure sound management of City-owned and occupied properties.

## Objective

The objective of this special report was to assess the implementation status of the recommendations from the 2009 audit of City leases and identify any remaining risks to the City associated with lease management.

We initiated this work because according to the Public Works Department's last update to City Council, the City never implemented 7 out of 24 recommendations from the 2009 report.<sup>1</sup> Additionally, the City did not follow through with the 2002 plan to centralize lease management, raising concerns that the status of some previously implemented recommendations may have changed. Without a clearly defined citywide approach to lease management, the City still faces many of the risks the 2009 audit recommendations aimed to address.

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<sup>1</sup> November 3, 2022 Status Update to City Council: <https://berkeleyca.gov/sites/default/files/city-council-meetings/2022-11-03%20Agenda%20Packet%20-%20Council%20-%20WEB.pdf#page=871>

## Methodology

We assessed the relevance and potential risk of the original audit recommendations and selected 8 recommendations to follow up on. Our follow up work targeted some recommendations that were not implemented, and some recommendations that were once implemented, but may have become unimplemented. To verify the status of these recommendations, we reviewed lease and license documentation and policies, and interviewed City staff responsible for lease management.

## Background on City Leases and Licenses

The City rents out City-owned properties for specified periods of time to tenants including commercial businesses, non-profit organizations, and other governments through lease and license agreements. The City also leases space owned by other entities. In this report, “lease management” refers to lease and license agreements.

**Table 1. The City of Berkeley uses these two types of agreements for renting space.**

|                                                                                                       | Description                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  Lease Agreement    | <ul style="list-style-type: none"> <li>• Tenant is allowed to occupy the property.</li> <li>• Transfers leasehold interest in the property.</li> <li>• May require eviction proceedings to end the agreement and remove the lessee.</li> <li>• Typically exclusive use.</li> <li>• Longer terms.</li> </ul> |
|  License Agreement | <ul style="list-style-type: none"> <li>• Tenant is allowed use of space for a specific purpose.</li> <li>• Does not transfer interest in the property.</li> <li>• Simpler process for ending the agreement and removing the licensee.</li> <li>• Non-exclusive use.</li> <li>• Shorter terms.</li> </ul>    |

Sources: Department of Public Works, City Attorney’s Office, University of California Santa Cruz Website

Departments involved in lease management include Public Works; Parks, Recreation and Waterfront; and Health, Housing and Community Services. The City currently has at least 49 lease agreements and 8 license agreements for outside entities to rent City-owned property. The City rents space from outside entities through at least 8 lease agreements. We were unable to confirm the exact number of leases and licenses today because the City does not currently have a complete list.

Examples of buildings the City rents out to other entities include Old City Hall (image 1), the Veteran’s Building, the Telegraph-Channing Mall (image 2), and buildings rented to hotels, restaurants, and shops at the Berkeley Marina. An example of a building the City leases from another entity is the Traffic Bureau on University Avenue.



Images 1 and 2. Examples of City-owned buildings leased or licensed to outside entities.

Old City Hall



Source: City of Berkeley

Telegraph Channing Mall



Source: City of Berkeley

## Overview of the 2009 Leases Audit

In June 2009, the City Auditor issued an audit examining the effectiveness of the City's lease oversight. The audit findings included:

- Lease oversight remained largely decentralized despite steps taken to centralize this function;
- City staff did not always comply with City rules and regulations for leases; and
- A complete inventory of City facility leases with key information was not available.

The 2009 audit compared the City's lease management practices to its 2002 goal to centralize lease management. In our follow up work, we did not assess whether or not lease management should be centralized, but we did identify some risks associated with the City's current approach, which continues to lack clear, formalized expectations regarding lease management.

## Some issues identified in the 2009 audit are still relevant 16 years later in 2025.

Our assessment of the current status of the recommendations found that the City still faces some of the issues identified in the original audit. The following issues compromise the City's ability to strategically manage City-owned property:



The City lacks a clear approach to lease management;



The City's lease policy does not accurately reflect its actual practices; and



There is no complete central inventory of lease and license agreements.

## The City did not follow through on efforts to centralize lease management and lacks a clear approach.

We found that there is still no central oversight for citywide leasing activities. The staffing model for lease management has changed since the original audit was issued. In 2009, the City had a Real Property Administrator (RPA) formally in charge of citywide lease management as part of their plan to centralize this function. A primary responsibility of the RPA was to create a property management plan that outlines a process to centralize lease management by transferring lease responsibilities from other departments to the RPA. This plan was never adopted and the RPA position was eliminated in fiscal year 2014.

Public Works staff conduct many of the duties assigned to the RPA, but there is currently no staff person in the City responsible for central oversight of leases and licenses. While determining the best approach to lease management was outside of the scope of this follow-up report, based on interviews with several departments, we found that limited staff capacity and lack of clear direction from City Management impact the City's ability to stay on top of its leases and licenses.

To address these lease management issues and implement the original audit recommendations, we provide the following guidance:

| Original Recommendation                                                                                                                                                   | Explanation of Current Status                                                                                                                                                                                                                                                                                                                                                                                                                                             | Guidance for Implementation                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1: The City Manager should formalize and approve the division of responsibilities between the Public Works department and other departments regarding lease management. | Not started. According to the City Manager's Office, Berkeley's current lease management system is decentralized and requires interdepartmental coordination. They have not provided formal direction on the City's approach to lease management since the 2002 plan to centralize and have not yet formalized roles for lease management despite changes in the City's approach.                                                                                         | In order to implement this recommendation, the City Manager's Office should define roles and responsibilities for lease management and oversight of leases and licenses.<br><br>This should include written direction on any aspects of lease management that should be centralized or delegated to a single staff member or staff members, for example, maintaining the inventory of leases and licenses (see recommendations 4.1, 4.3 and 4.4). |
| 1.2: The Public Works department should determine and formally define the role of the real property administration staff given available resources.                       | Started. According to Public Works, the Department hired a Community Development Specialist responsible for many of the RPA's former lease management duties. This position is currently undergoing a desk audit, which will help assess if any additional resources are needed to support real property management. According to Parks, Recreation and Waterfront, the department had a position partially assigned to lease work, but the position is currently vacant. | In order to implement this recommendation, once responsibilities for lease management are defined (see recommendation 1.1), the City Manager's Office should work with all departments managing leases and licenses to identify where additional staffing resources are needed. This process should be documented.                                                                                                                                |
| 1.5: The City Manager should formally communicate a property management plan with all affected City Departments.                                                          | Not started. The Real Property Administrator did not establish a plan to centralize lease management, and the position was eliminated. According to the City Manager's Office, developing such a plan will be difficult given staffing constraints, and additional funding would be needed to implement it.                                                                                                                                                               | In order to implement this recommendation, the City Manager's Office should request resources in the budget to develop a property management plan detailing the City's approach to lease management. This plan should be shared with all affected departments.                                                                                                                                                                                    |



## The City's lease policy does not align with its actual practices, leading to variances in agreements.

We found that City staff still do not follow the lease policy. The City's lease policy, Administrative Regulation (AR) 6.6, assigns oversight of the lease process to Public Works. This includes reviewing lease requests, negotiating leases, and preparing lease agreements for City Council approval. According to Public Works and City Attorney's Office staff, departments do not always consult Public Works during the process of establishing leases and licenses as required by AR 6.6. As a result, Public Works may not know about leasing decisions until the City Council approval stage, when it is too late to provide direction on the lease terms.

Without clear policies and procedures for developing rental agreements, lease and license terms vary significantly and the City's process for offering below market rate rent lacks transparency. According to staff, responsibilities for paying utilities and other fees is not always consistent across leases. We reviewed several agreements in which the City rents out its own property at significantly below market rate, but still pays for some or all utilities and other services, including refuse services or maintenance. We found that some non-profits pay market rate to rent City-owned properties while others do not. While the City may establish below market rate rent to subsidize organizations that provide services to the community or make improvements to City-owned properties, we found that there is no standard process for determining when to offer rent below market rate. Without a standard policy for establishing lease terms, there is a lack of transparency about the justification for these decisions. Differences in lease agreements could lead to actual or perceived unfairness between current or prospective tenants that do not receive the same opportunities.

We also found no clear guidance for determining when to lease versus when to license City-owned space. Public Works is moving toward optimizing use of City property by establishing more license agreements, which are non-exclusive and allow tenants to co-occupy space. However, this is not an adopted citywide approach.

To address these lease management issues and implement the original audit recommendations, we provide the following guidance:

| Original Recommendation                                                                                                                                                                                 | Explanation of Current Status                                                                                                                                                                           | Guidance for Implementation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>2.1: Public Works and Finance should update Administrative Regulation 6.6 and Contracts Online to give clear direction to City staff regarding administration and execution of lease agreements.</p> | <p>Not started. AR 6.6 has not been updated. Some departments managing leases and licenses have developed their own internal procedures, but several departments told us they do not follow AR 6.6.</p> | <p>In order to implement this recommendation, the City Manager's Office should revise AR 6.6 with support from the City Attorney's Office to reflect an agreed upon process for administration and execution of lease and license agreements. This should include reference to established roles and responsibilities for lease management (see recommendation 1.1). It should also include guidance for ensuring lease and license terms follow consistent practices, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Guidance for when to lease versus license city-owned property.</li> <li>• Guidance for establishing below market rate rent agreements.</li> <li>• Guidance for establishing responsibility for utility and maintenance costs.</li> </ul> <p>The City Attorney's Office and the City Manager's Office should determine if additional administrative regulations are needed.</p> <p>Once this is complete, the Finance Department should link to AR 6.6 in Contracts Online.</p> |

## The City lacks a complete central list of leases and licenses needed for effective management.

We found that there is still no central inventory containing all leases and licenses, but several departments manage their own lists. When we examined the master list of citywide leases and licenses kept by Public Works, we found that it was missing some agreements, including many leases managed by the Health, Housing and Community Services Department. The list was also missing detailed lease and license information such as property location, contract numbers, start and end dates, rent amounts, and details on utility and maintenance agreements. Without complete and detailed central lease inventory, the City faces the following types of risks.

### The City's ability to assess the costs and benefits of leasing and licensing decisions is limited.

The City does not keep complete data on rent charged to tenants or keep track of the market rate for its properties. Based on the limited data available, we identified instances where the City charges rents as low as \$1 per year. However, we could not tell how many total properties the City leases or licenses out below the market rate. Additionally, there seem to be inconsistencies in what the City spends and receives on rent. According to a lease agreement established in 1958 and renewed in 2007, the City offers discounted rent of less than \$1 per year to the Judicial Court of California for use of the City-owned Berkeley Courthouse. At the same time, the City currently pays \$1,200 per meeting day for use of the Berkeley Unified School District building to host City Council meetings. Without keeping some detailed financial information in one central location, the City cannot assess the costs and benefits of renting to or from other entities.

### The City could lose track of its property.

The City's current lists of leases and licenses had incomplete data on property location and were missing some City-owned properties. In the past, this issue has caused the City to lose track of properties it owns and could use for services. We learned of one example in which the City was unaware that it owned a building now used by the Berkeley Mental Health Division. A complete inventory of leases and licenses could also assist the City in conducting analysis of space utilization, which Public Works is planning to initiate in 2025.

### The City could face financial loss or service disruption.

The City's current lists of leases and licenses had incomplete data on lease start and end dates. Based on the latest information provided by Public Works and Parks, Recreation and Waterfront, the City has over 20 leases in holdover, and some of these agreements ended over 10 years ago. According to the City Attorney's Office, when leases extend beyond the end date without renewal, they go into holdover and the terms continue on a month to month basis until they are updated. With so many leases in holdover, the City may miss out on opportunities to adjust rent amounts to better cover its costs, or match the market rate. This could result in

financial loss if lease agreements end and terms including rental amount are not renegotiated.<sup>2</sup> For leases in holdover in which the City is the tenant, this places the City at risk of being asked to leave, which could interrupt services to the community.

To address these lease management issues and implement the original audit recommendations, we provide the following guidance:

| Original Recommendation                                                                                                                                                                                                                                                                                                                             | Explanation of Current Status                                               | Guidance for Implementation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.1: Public Works should determine what information is needed in a centralized repository of lease information. Staff in the operating departments responsible for leases should be consulted to identify information that they need for monitoring leases. This information should be included in the centralized repository of lease information. | Not started. There is no complete central inventory of leases and licenses. | In order to implement this recommendation, the Public Works Department should meet with staff in other departments managing leases and licenses to determine what information is needed in a central repository of lease and license information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4.3: Public Works should ensure that relevant detailed information such as contract numbers, annual cost of living adjustments, and other lease terms, fees, covenants, and locations are included in the complete lease inventory detail.                                                                                                          | Not started. There is no complete central inventory of leases and licenses. | <p>In order to implement this recommendation, once recommendation 4.1 is addressed, the Public Works Department should ensure that basic information on lease and license agreements, including contract numbers, annual cost of living adjustments, expiration dates and locations, is kept in a central inventory of leases and licenses. The Public Works Department should also meet with staff in other departments managing leases and licenses to develop a schedule for updating this information (for example, quarterly, every 6 months, or annually) and work with the City Manager's Office to confirm responsibility for updating the inventory (see recommendation 1.1).</p> <p>We identified the following fields that would be useful to include in a central inventory, but may require additional resources to include. The City should consider including the following information in a new lease management system or tool, pending available resources (see recommendation 8.2).</p> <ul style="list-style-type: none"> <li>• Market rate rent value for each property, in order to properly track below market rate leases and licenses.</li> <li>• Details on utilities and maintenance agreements.</li> </ul> |

<sup>2</sup> According to Public Works, lease terms include small annual rent increases that apply even when a lease is in holdover.

|                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.4: Public Works should make the lease inventory detail available to City staff so they can utilize the information to make informed decisions. If possible, this information should be available online in a format that allows controlled updates of information. | Not started. According to Public Works, department staff maintain a folder with lease and license information that is shared with other departments. However, this folder is not utilized by city staff outside of Public Works to make informed decisions about leasing and licensing space. | In order to implement this recommendation, the Public Works Department should work with departments managing leases and licenses to determine a central location where the lease and license inventory and related documents can be stored, and document the outcome of this meeting.<br><br>This may involve consideration of a lease management system or tool, and could require additional resources (see recommendation 8.2). |
| 8.2: Public Works and Finance should determine if the existing systems can be used to finalize a comprehensive list of City leases.                                                                                                                                  | Not started. According to City staff, the complexity of the City's lease and license agreements may necessitate a new lease management system or tool other than Excel for tracking leases and licenses.                                                                                      | In order to implement this recommendation, the City Manager's Office should work with departments managing leases and licenses to determine whether additional resources for a new lease management system are needed to maintain a central inventory of leases and licenses.                                                                                                                                                      |

## Recommendations and Management Response

We provided a draft of this report to city management and the Public Works Department (Department) for review and comment. The Department agreed with our findings, re-opened recommendations, and guidance for implementation. We generally expect the City to implement audit recommendations within two years of report issuance. However, some recommendations depend on additional resources. The Department provided the implementation dates and corrective action plan below. We will be conducting our standard recommendation follow up process after the report is issued. We have not yet confirmed to what extent the recommendations have been implemented prior to the audit release date.

### 1.1 The City Manager should formalize and approve the division of responsibilities between the Public Works department and other departments regarding lease management.

Guidance for Implementation: In order to implement this recommendation, the City Manager's Office should define roles and responsibilities for lease management and oversight of leases and licenses. This should include written direction on any aspects of lease management that should be centralized or delegated to a single staff member or staff members, for example, maintaining the inventory of leases and licenses (see recommendations 4.1, 4.3 and 4.4).

Management Response: Agree

Implementation Date: June 2025

Corrective Action Plan: Will develop written direction on division lease related responsibilities delineating which aspects of lease management will be centralized vs decentralized with clear guidance for departments on responsibilities.

### 1.2 The Public Works department should determine and formally define the role of the real property administration staff given available resources.

Guidance for Implementation: In order to implement this recommendation, once responsibilities for lease management are defined (see recommendation 1.1), the City Manager's Office should work with all departments managing leases and licenses to identify where additional staffing resources are needed. This process should be documented.

Management Response: Agree

Implementation Date: June 2025

Corrective Action Plan: The Public Works Department currently has an existing 1 FTE position in the Community Development Project Coordinator classification that has dedicated responsibility for real property management functions, which includes leases. Given the evolution of this workload, a Human Resources Department desk audit of the position has been initiated by the Public Works Department to assess the job duties and workload of the position. The desk audit will also help to identify capacity constraints of the position and determine if additional resources are recommended to meet the existing workload associated with lease and real property management.

### 1.5 The City Manager should formally communicate a property management plan with all affected City Departments.

Guidance for Implementation: In order to implement this recommendation, the City Manager's Office should request resources in the budget to develop a property management plan detailing the City's approach to lease management. This plan should be shared with all affected departments.

Management Response: Agree

Implementation Date: June 2025

Corrective Action Plan: The feasibility of implementing this recommendation with the current resources will be evaluated as part of recommendations 1.1 and 1.2. If additional resources are needed they will be contemplated as part of the budget process in the context of all financial requests.

## **2.1** Public Works and Finance should update Administrative Regulation 6.6 and Contracts Online to give clear direction to City staff regarding administration and execution of lease agreements.

Guidance for Implementation: In order to implement this recommendation, the City Manager's Office should revise AR 6.6 with support from the City Attorney's Office to reflect an agreed upon process for administration and execution of lease and license agreements. This should include reference to established roles and responsibilities for lease management (see recommendation 1.1). It should also include guidance for ensuring lease and license terms follow consistent practices, including but not limited to: guidance for when to lease versus license city-owned property; guidance for establishing below market rate agreements; and guidance for utility and maintenance costs. The City Attorney's Office and the City Manager's Office should determine if additional administrative regulations are needed. Once this is complete, the Finance Department should link to AR 6.6 in Contracts Online.

Management Response: Agree

Implementation Date: December 2025

Corrective Action Plan: Given current resources this work will be undertaken in 2025.

## **4.1** Public Works should determine what information is needed in a centralized repository of lease information. Staff in the operating departments responsible for leases should be consulted to identify information that they need for monitoring leases. This information should be included in the centralized repository of lease information.

Guidance for Implementation: In order to implement this recommendation, the Public Works Department should meet with staff in other departments managing leases and licenses to determine what information is needed in a central repository of lease and license information.

Management Response: Agree

Implementation Date: March 2025

Corrective Action Plan: Public Works will lead an interdepartmental team through the process of defining all relevant information that should be collected to ensure a complete and accurate list of revenue and expenditure leases and license agreements as well as programmatic property agreements is created and maintained. Public Works will ensure that every City department is represented on the team to ensure the content of the central inventory meets the needs of all departments. Once this framework is complete, Public Works will oversee implementation of this tracking tool and periodically work with the team to review and update inputs to improve consistency and standardization of fields.



### 4.3 Public Works should ensure that relevant detailed information such as contract numbers, annual cost of living adjustments, and other lease terms, fees, covenants, and locations are included in the complete lease inventory detail.

Guidance for Implementation: In order to implement this recommendation, once recommendation 4.1 is addressed, the Public Works Department should ensure that basic information on lease and license agreements, including contract numbers, annual cost of living adjustments, expiration dates and locations, is kept in a central inventory of leases and licenses. The Public Works Department should also meet with staff in other departments managing leases and licenses to develop a schedule for updating this information (for example, quarterly, every 6 months, or annually) and work with the City Manager's Office to confirm responsibility for updating the inventory (see recommendation 1.1).

We identified the following fields that would be useful to include in a central inventory, but may require additional resources to include. The City should consider including the following information in a new lease management system or tool, pending available resources (see recommendation 8.2).

- Market rate rent value for each property, in order to properly track below market rate leases and licenses.
- Details on utilities and maintenance agreements.

Management Response: Agree

Implementation Date: March 2025

Corrective Action Plan: To ensure all information identified in recommendation 4.1 is collected, Public Works will work with the City Attorney's Office to create a Letter of Intent/Lease Summary template that will become a mandatory part of all future leases and license agreements. This template will include all data needed for the inventory. This document can also be used to review and assess current leases and licenses agreements. The language used in Lease and/or Licensing Agreements for real property has been under iterative revision during the past 12-18 months in an effort to standardize formatting, term structure (when feasible), and legal language. As legacy Agreements reach expiration or are amended (exercising an option to extend the lease for example), the Letter of Intent/Lease Summary can be added to an existing agreement or used part of a new agreement.

### 4.4 Public Works should make the lease inventory detail available to City staff so they can utilize the information to make informed decisions. If possible, this information should be available online in a format that allows controlled updates of information.

Guidance for Implementation: In order to implement this recommendation, the Public Works Department should work with departments managing leases and licenses to determine a central location where the lease and license inventory and related documents can be stored, and document the outcome of this meeting.

This may involve consideration of a lease management system or tool, and could require additional resources (see recommendation 8.2).

Management Response: Agree

Implementation Date: July 2025

Corrective Action Plan: Concurrent with the Corrective Action Plan for 4.1, Public Works will also lead interdepartmental discussions about the location and access to the centralized lease and



license agreement list and determine need and advocacy for a property management system or tool that includes leases, license, and tenant management. The team will also determine the need for public access to the list and establish a calendar for annual and/or quarterly updates to that public list.

**8.2** Public Works and Finance should determine if the existing systems can be used to finalize a comprehensive list of City leases.

Guidance for Implementation: In order to implement this recommendation, the City Manager's Office should work with departments managing leases and licenses to determine whether additional resources for a new lease management system are needed to maintain a central inventory of leases and licenses.

Management Response: Agree

Implementation Date: July 2025

Corrective Action Plan: A central inventory of city exists but needs to be refined, improved and clearly communicated to all department staff involved in lease management. Assessment will continue and if existing systems are insufficient new systems will be reviewed for adoption.

**Mission Statement**

Promoting transparency and accountability in Berkeley government.

**Project Team**

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Copies of our audit reports are available at:

<https://berkeleyca.gov/your-government/city-audits/city-auditor-reports>

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BERKELEY CITY AUDITOR



Housing Advisory Commission

ACTION CALENDAR  
February 11, 2025

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Debbie Potter, Chairperson, Housing Advisory Commission

Subject: Adopt an Ordinance to Prohibit the Sale or Use of Algorithmic Devices to Set Rents or Manage Occupancy Levels for Residential Dwelling Units

RECOMMENDATION

Adopt an ordinance amending the Municipal Code adding section 13.63 to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts to the City of Berkeley from adopting this ordinance. The ordinance solely prohibits the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units. The ordinance includes remedies that provide for reasonable attorneys' fees and costs to the City Attorney if the City Attorney is the prevailing party in any civil action to enforce the ordinance.

The ordinance would have a positive financial impact on the city's tenants as there is documented evidence that use of these algorithmic devices has led to year-over-year rent increases of 5%-12% across housing markets. A prohibition on the sale and use of these devices will lead to reduced rents and elimination of artificial scarcity.

CURRENT SITUATION AND ITS EFFECTS

The proposed ordinance is provided as Attachment 1. Attachment 2 is a PowerPoint presentation regarding the proposed ordinance provided to the Housing Advisory Commission (HAC) at its October 10, 2024 meeting. A new type of rental software (often referred to as algorithmic devices) is increasing rents and vacancy rates by allowing large landlords to collude on pricing decisions. Third-party revenue management companies collect and combine proprietary large landlord data and make pricing and occupancy recommendations. These recommendations allow landlords to manipulate the market and the practice amounts to illegal price-fixing. The use of algorithmic devices in setting rents and occupancy levels contributes to double-digit rent increases, increased rates of eviction, and artificial housing scarcity. Lee Hepner, an antitrust attorney at the American Economic Liberties Project, states that "widespread use of price fixing software presents a new front in the housing affordability crisis."

While numerous lawsuits have been filed to prohibit such antitrust activities, these cases may take years to resolve. This ordinance prohibits the sale or use of algorithmic devices for the purpose of setting rents to bring immediate relief to Berkeley tenants, as well as to put landlords who have been using these devices on equal footing with those who are willing to adhere to fair standards for setting rental rates.

Given the widespread use of these algorithmic devices in housing markets throughout the country and their impact on rents and occupancy levels, local and state jurisdictions are taking action to ban the use of these devices to set rents and meter lease-up activity. Local ordinances can respond more quickly to current situations on the ground than law suits which can take years to resolve. Therefore, HAC Chairperson Debbie Potter brought an item to the HAC recommending that it recommend to the City Council that it adopt an ordinance amending the Municipal Code to prohibit the sale or use of algorithmic devices to set rents or manage occupancy levels for residential dwelling units.

Preliminary information provided by the Berkeley Rent Board and shared at the October 10, 2024 HAC meeting noted that six of the named plaintiffs in the various lawsuits own over 1,300 units in the City of Berkeley.

Following a presentation and discussion, the HAC voted unanimously on the following:

Action: M/S/C (Bell/Twu) to recommend that Council adopt the ordinance as set forth in the HAC agenda packet, with the amendment to clarify in which lawsuits local trade associations have been named.

Vote: Ayes: Bell, Braslaw, Haycox, Mendonca, Potter, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Ortiz-Cedeño (unexcused).

## BACKGROUND

Antitrust lawsuits have been filed against certain third-party revenue management companies, including RealPage, Inc. and Yardi Systems, Inc. The lawsuits allege that these companies are enabling and participating in a scheme of unlawful rent-fixing. In August 2024, The United States Department of Justice (DOJ), alongside the attorneys general of California and seven other states, filed an antitrust lawsuit against RealPage, accusing the company of reducing competition among landlords and taking over the market for such algorithm-based rental software.

A 2022 class action lawsuit filed in the U.S. District Court in the Western District of Washington at Seattle [subsequently transferred to the Middle District Court of Tennessee (one of over 20 private class action lawsuits that have been consolidated into one case)] accuses nearly 50 trade associations - including the East Bay Rental Housing Association and the Berkeley Property Owners Association – of serving as “conduits of the cartel” by providing a venue for RealPage and their property owners to

conspire. The lawsuit further alleges that landlords use the software to agree on prices to set for rent, and to stagger their lease renewal dates so as to avoid any oversupplies in rental properties.

The use of these algorithmic devices is widespread in markets throughout the country and has helped fuel the national housing affordability crisis. Local jurisdictions can eliminate this specific contributor to the on-going affordable housing crisis by adopting local ordinances to ban the use and sale of algorithmic devices to set rents and/or manage occupancy levels.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

There are no identifiable CEQA impacts associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

Fifty-seven percent of the city's population are renters. People of color are three times more likely to rent than to own homes in Berkeley. Sixty percent of renter households are lower income and one-half of all renters are rent burdened. According to an article about the antitrust lawsuits (noted above) in the Mercury News, over the last nine years, rents have increased 19% in the East Bay. The city's Housing Element notes that rents for rent-controlled units have increased dramatically over the last decade, as have rents for market rate units. At the same time, the city's Black population has decline rapidly over the last twenty years, as families are forced out of the community due to rising housing costs. Maintaining and growing an economically, racially, and ethnically diverse city is a top priority.

The City has many initiatives to increase affordable housing and neighborhood diversity, from a priority system for affordable housing units that recognizes residents from historically redlined communities should have access to these units and funding a wide range of housing rehabilitation programs to keep residents in Berkeley, to updating how inclusionary housing fees are calculated and funding hundreds of units of new affordable housing through the Housing Trust Fund.

Given the city's commitment to affordable housing and growing its diverse community, it is appropriate for the City Council to consider adopting an ordinance to prohibit the use and sale of algorithmic devices to set rents and occupancy levels as use of these devices amounts to illegal price-fixing and negatively impacts the rental housing market by artificially inflating rents and creating housing scarcity.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

Internal

Adopt an Ordinance to Prohibit the Sale or Use of Algorithmic Devices  
to Set Rents or Manage Occupancy Levels for Residential Dwelling Units

Action CALENDAR  
February 11, 2025

CITY MANAGER

The City Manager recommends that the report be referred to the Land Use, Housing & Economic Development Policy Committee for further discussion, including of staffing impacts to the City Attorney's Office and the Health, Housing, and Community Services Department.

CONTACT PERSON

Anna Cash, Commission Secretary, HHCS, (510) 981-5403

Attachments:

- 1: Ordinance
- 2: PowerPoint Presentation – HAC October 10, 2024 meeting

ORDINANCE NO. -N.S.

ADDING CHAPTER 13.63 TO THE BERKELEY MUNICIPAL CODE PROHIBITING ON THE SALE OR USE OF ALGORITHMIC DEVICES TO SET RENTS OR MANAGE OCCUPANCY LEVELS FOR RESIDENTIAL DWELLING UNITS

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

Section 1. That Berkeley Municipal Code 13.63 is added to read as follows:

### **Chapter 13.63**

## **PROHIBITION ON THE SALE OR USE OF ALGORITHMIC DEVICES TO SET RENTS OR MANAGE OCCUPANCY LEVELS FOR RESIDENTIAL DWELLING UNITS**

### **Sections:**

**13.63.010 Findings and Purpose**

**13.63.020 Definitions**

**13.63.030 Use and Sale of Algorithmic Devices Prohibited**

**13.63.040 Remedies**

**13.63.050 Undertaking for the General Welfare**

**13.63.060 Severability**

### **13.63.010 Findings and purpose.**

The Council hereby finds and determines that the adoption of this chapter is necessary to the promotion of the public health, safety, and welfare.

A. In recent years, a number of new software programs, often referred to as “algorithmic devices”, have threatened to destabilize rental housing markets in cities nationwide, including the City of Berkeley.

B. These programs enable landlords to indirectly coordinate with one another through the sharing of non-public competitively sensitive data in order to artificially inflate rents and vacancy rates for rental housing. Participating landlords provide vast amounts of proprietary data to the programs, which in turn set or provide recommendations for rent and occupancy levels.

C. More and more landlords in U.S. cities now pool their data and pricing decisions using such software.

D. The software has contributed to double-digit rent increases (over the last nine years, median rents have increased 19% in the East Bay), higher vacancy rates, and higher rates of eviction, and has generally distorted markets so that rents and vacancy rates have increased in tandem.

E. Often used by large corporate landlords, the software fuels the consolidation of corporate and private equity ownership of rental housing, at the expense of landlords

large and small who are willing to play by the normal rules. Landlords using these tools are not engaging in appropriate market behavior. And the companies developing and selling these tools to Berkeley landlords are not doing so either, and are contributing to these problems.

F. A 2022 class action lawsuit filed in the U.S. District Court in the Western District of Washington at Seattle (one of over 20 private class action lawsuits that have been consolidated into one case) accuses nearly 50 trade associations - including the East Bay Rental Housing Association and the Berkeley Property Owners Association – of serving as “conduits of the cartel” by providing a venue for RealPage and their property owners to conspire. The lawsuit further alleges that landlords use the software to agree on prices to set for rent, and to stagger their lease renewal dates so as to avoid any oversupplies in rental properties.

G. Numerous antitrust lawsuits have been filed against certain of these companies, including RealPage, Inc. and Yardi Systems, Inc. The lawsuits allege that these companies are enabling and participating in a scheme of unlawful rent-fixing. These include a lawsuit filed by the District of Columbia Attorney General in November 2023, a lawsuit filed by the Arizona Attorney General in February 2024, and more than 20 federal private class action lawsuits filed nationwide that have been consolidated in the federal court in the Middle District of Tennessee. In August 2024, The United States Department of Justice, alongside the attorneys general of California and seven other states, filed an antitrust lawsuit against RealPage, accusing the company of reducing competition among landlords and taking over the market for such algorithm-based rental software.

H. Instead of waiting for court processes which may take years to resolve, this ordinance prohibits the sale or use of algorithmic devices for the purpose of setting rents on residential dwelling units in the city of Berkeley, to bring immediate relief to Berkeley tenants, as well as to put landlords who have been using these devices on equal footing with those who are willing to adhere to fair standards for setting rental rates.

I. This Chapter is not intended to prevent the development or sale of software to help landlords manage their units generally or through the use of public data. Nor does this Chapter regulate the amount of rent that a landlord may charge. This Chapter solely regulates the use and sale of the algorithmic devices that analyze and share non-public data, to prevent the harms described above.

### **13.63.020 Definitions.**

A. “Algorithmic device” means a device such as a software program that uses one or more algorithms to perform calculations of non-public competitor data concerning local or statewide rents or occupancy levels, for the purpose of advising a landlord whether to leave their unit vacant or on the amount of rent that the landlord may obtain from a tenant. “Algorithmic device” includes a product that incorporates an algorithmic device, but does not include (a) any report published by a trade association that receives renter data and publishes it in an aggregated and anonymous manner or (b) a product used for the purpose of establishing rent or income limits in accordance with the affordable housing guidelines of a local government, the state, the federal government, or other political subdivision.



B. “Non-public competitor data” means information that is not available to the general public, including information about actual rent prices, occupancy rates, lease start and end dates, and similar data, regardless whether the information is attributable to a specific competitor or anonymized, and regardless whether it is derived from or otherwise provided by another person that competes in the same market or a related market.

**13.63.030 Use and sale of algorithmic devices prohibited.**

A. It shall be unlawful to sell, license, or otherwise provide to city of Berkeley landlords any algorithmic device that sets, recommends, or advises on rents or occupancy levels that may be achieved for residential dwelling units in the city of Berkeley.

B. It shall be unlawful for a landlord to use an algorithmic device described in subsection A when setting rents or occupancy levels for residential dwelling units in the city of Berkeley. Each separate month that a violation exists or continues, and each separate residential dwelling unit for which the landlord used the algorithmic device, shall constitute a separate and distinct violation.

**13.63.040 Remedies.**

A. The City Attorney may file a civil action for violations of section 13.63.030, subsections A and/or B, for damages, injunctive relief, restitution/return of illegal profits, and/or civil penalties of up to \$1,000 per violation. The court shall award reasonable attorney’s fees and costs to the city Attorney if the City Attorney is the prevailing party in such a civil action.

B. A tenant may file a civil action for violations of section 13.63.030, subsection B, for injunctive relief, money damages, and/or civil penalties of up to \$1,000 per violation. The court shall award reasonable attorney’s fees and costs to the tenant if the tenant is the prevailing party in such a civil action. A lease provision that limits a prevailing tenant from obtaining attorneys’ fees shall not be enforceable against a tenant’s claim for attorneys’ fees that arises under this subsection 13.63.040 B.

**13.63.050 Undertaking for the general welfare.**

In enacting and implementing this Chapter 13.63, the City is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

**13.63.060 Severability.**

If any part or provision of this Chapter, or the application of this Chapter to any person or circumstance, is held invalid, the remainder of this Chapter, including the application of such part or provision to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

Section 2. 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

[Internal](#)

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.

# Ordinance to Prohibit Algorithmic Devices to Set Rents or Manage Occupancy Levels

Housing Advisory Commission  
October 10th, 2024

# What is “Automated Rent Setting” or “AI Revenue Management”?

- Landlords delegate their rental price and supply decisions to a common decisionmaker
- Landlords, who should be competing with each other as to price, share data with a common decisionmaker, and the common decisionmaker provides “daily pricing and ongoing revenue oversight”
- Rather than function as separate economic entities, participating landlords make key competitive decisions regarding the price and supply of multifamily apartments collectively
- This drives up rents and amounts to illegal price-fixing

# What's RealPage?

- RealPage “provides property management software, data analytics, and services to efficiently manage rental properties and real estate”
- For several years, RealPage and its rentsetting software YieldStar has been the subject of controversy, especially due to a 2022 expose by ProPublica titled [“Rent Going Up? One Company’s Algorithm Could Be Why.”](#)
- Aug. 2024 DOJ lawsuit accuses RealPage of being a monopoly, controlling 80% of the property management software market

# “Hub and Spoke” Price Fixing

- Centralized company (data broker, trade association, software algorithm) facilitates illegal agreements among competitors
- RealPage is the “hub” and landlords who depend on its recommendations regarding rent levels are the “spokes”
- By agreeing to follow the rent recommendations, using competitively sensitive and/or proprietary data, landlords tacitly agree to fix rents without need to directly compete with each other
- System allows landlords to conspire to limit rental supply and drive up rents, creating a cartel

# Legal Actions to Date

- Over 30 class-action lawsuits have been filed against RealPage and landlords who use the software
- A Dec. 2022 class action lawsuit accuses the East Bay Rental Housing Association and the Berkeley Property Owners Association of serving as “conduits of the cartel”\*
- The Department of Justice sued RealPage on August 23, 2024, for its unlawful scheme to decrease competition among landlords in apartment pricing and to monopolize the market for commercial revenue management software.”
- Eight Attorneys General (inc. CA AG) joined the DOJ lawsuit

\*U.S. District Court Western District of WA at Seattle (transferred to Middle District of TN)

# Rationale for Ordinance

- **57% of Berkeley's population are renters:**
  - People of color are 3x more likely to rent than to own homes
  - 60% of tenants are lower income
  - ½ of all renters are rent burdened (pay more than 30% of income to rent)
- **Increasing corporate concentration in housing :**
  - Q1 2024: six largest publicly traded apartment companies saw their combined net incomes climb by nearly \$300 million
  - Even in markets that don't have corporate concentration, landlord trade associations facilitate the use of algorithms among small and mid -sized landlords



## Rationale for Ordinance (cont.)

- Over the last nine years, rents have increased 19% in the East Bay
- Housing Element notes that rents for rent-controlled and market-rate units have increased dramatically over the last decade
- The city's Black population has declined rapidly over the last 20 years due to rising rents
- Use of algorithmic devices is illegal price fixing and negatively impacts the rental market by artificially inflating rents and creating housing scarcity

# Why Take Local Action?

- Numerous lawsuits have been filed that allege harmful practices that could take years to litigate
- Acting locally to ban these practices protects tenants now
- San Francisco is the first local jurisdiction to ban the sale and use of these devices
- San Diego, Oakland, San Jose, Chicago, Miami, Philadelphia, Washington State and Texas are considering similar bans
- Recommend that HAC recommend to City Council adoption of an ordinance banning the sale and use of algorithmic devices to set rents and manage occupancy rates



## ACTION CALENDAR

February 11, 2025

To: Honorable Mayor and Members of the City Council

From: Police Accountability Board

Submitted by: Hansel A. Aguilar, Director of Police Accountability

Subject: Police Accountability Board Report: Fair and Impartial Policing Implementation

## RECOMMENDATION

Approve the following recommendations and instruct the Berkeley Police Department (BPD) and Police Accountability Board (PAB) to proceed with their implementation:

### *Recommendations to the Berkeley Police Department*

1. Three-prong approach.
  - a. Definition of Low-Level Traffic Infractions: A definition consistent with SB 50 should be adopted.
  - b. Primary Collision Factors: This prong should specify the mode of the party at fault.
  - c. Community Reports: Under the category of "a variety of unsafe driving incidents," policies should be put in place that specify which calls for service will result in law enforcement action. That specification should be derived from an analysis of the 13% of calls from community members that resulted in a citation or arrest, as per the City Auditor's July 2021 report.
  - d. Community Caretaking: This prong needs more specificity, and its components should be based on Berkeley data rather than national statistics, as is done for Prong 1 (Primary Collision Factors). Specifically, the analysis should examine which other factors (non-PCFs) are highly associated with severe and fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety-related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated.
  - e. Reporting: Future BPD updates on FIP implementation should include statistical information enabling an analysis of the impact of the three-prong approach on reducing or eliminating stops for low-level offenses—a primary

focus of the Council directive—in a manner that supports an overall assessment and an understanding of the approach's impact on reducing racial disparities in traffic stops.

2. Evidence-based definition for stops of criminal suspects:
  - a. Establish an evidence-based definition for stops of criminal suspects.
  - b. Explain how precision-based policing, feedback loops, and accountability measures referenced in BPD FIP implementation updates relate to this recommendation and addresses the directive to establish an evidence-based definition for stopping criminal suspects.
3. Enhanced implicit bias training: Per the Council's directive, ensure that BPD personnel receive intensive annual training dedicated to implicit bias.
4. EIS: Pending the deployment of a new Early Intervention and Risk Management system, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department's EIS, with a particular focus on racial disparities in stops, arrests, and searches. A designated PAB Member should serve as an observer in this process, as has been informally agreed to. Future audit reports should include the scope of what was reviewed and a clear statement of findings within the confines of officer confidentiality.
5. Written consent searches: Future reporting to the council should include the number of consent searches conducted per reporting period and their effect on racial disparities in searches, compared to consent search numbers before implementation.
6. Warrantless searches of people on supervised release: Future FIP updates should identify the impact of the new BPD Policy 311.6 on the numbers of searches and arrests of people on probation and parole and the racial disparities in them.
7. Profiling by proxy: Future BPD updates should specify what instructions dispatchers are given on profiling by proxy, and any impact the instruction and corresponding Communications Manual amendments have had on racial disparities in departmental response to calls for service.
8. Business cards: Ensure that business cards are distributed as mandated by the Council directive.
9. Make resources on police-civilian encounters publicly available, such as through RAHEEM.org.

### *Recommendations to the Police Accountability Board*

1. Scenario-based training: The 2021 Council specifically referred to the PAB oversight of the implementation of a scenario-based training component in the existing officer training required by the California Penal Code. This topic will be agendaized for discussion at a future PAB meeting, including the appropriateness of, and ability of the PAB to oversee departmental training.
2. Crisis Intervention Team (CIT): The 2021 Council item refers to the PAB accelerating CIT activity. This will be discussed in future PAB meetings.

*Recommendations to the Berkeley City Council*

1. Establish metrics to assess the success of implementing FIP directives.  
Currently, the BPD appears to be focused entirely on policy, and on tests of bias, as evidenced in its recently published Annual Report. The PAB has focused instead on outcomes, addressing the key question of whether racial disparities have decreased in any of the areas subject to FIP directives.
2. Eliminate reporting requirements for recommendations that the PAB ascertains have been fully implemented.
3. Require BPD to report biannually on:
  - a. Traffic stops by each prong of their 3-prong framework and by race within each prong.
  - b. Stop, search, and arrest data by probation/parole status and race.
  - c. Calls for service by the race of the reporter and reportee.

**SUMMARY**

This report formally assesses the Berkeley Police Department's (BPD) progress in implementing the Fair and Impartial Policing (FIP) directives adopted by the Berkeley City Council in February 2021. The Mayor's Working Group developed these directives on Fair and Impartial Policing following two years of consultations with experts and BPD representatives. The directives were established in response to findings in the 2018 Center for Policing Equity (CPE) report, which identified significant racial disparities in BPD's stops, arrests, and searches, particularly affecting Black and Latino/a individuals.

The report includes an analysis of BPD's efforts to implement the FIP policies, focusing on whether these efforts have successfully reduced racial disparities in policing practices. It acknowledges the BPD's progress in certain areas, such as a slight reduction in racial disparities in vehicle stops. Still, it highlights concern regarding the increase in disparities in pedestrian stops and the ongoing pronounced disparities in arrests and searches.

The PAB initially submitted this report to the City Council for presentation at the October 15, 2024 Regular Meeting. During the PAB meeting on September 25, 2024, the PAB voted to request the withdrawal of the item<sup>1</sup>, a request that was granted by the Agenda and Rules Committee on September 30, 2024.<sup>2</sup> Notable findings of this report include, but are not limited to:

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<sup>1</sup> The motion carried with 6 ayes in favor, 0 noes, and 2 PAB members absent. Police Accountability Board Regular Meeting Minutes for September 25, 2024: [link]

<sup>2</sup> Berkeley City Council Agenda and Rules Committee Special Meeting Minutes for September 30, 2024: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/09-30%20Minutes%20-%20Agenda%20Committee.pdf>

- The BPD has completed the implementation of some FIP Council directives, establishing implementation programs for others, and appears not to have begun implementing some directives.
- Racial disparities in vehicle stops by the BPD have decreased slightly since the CPE report but remain high.
- Racial disparities in pedestrian stops have substantially increased.
- Racial disparities in arrests and searches remain pronounced.
- Consent searches have decreased, but racial disparities in consent searches remain high.
- The percentage of stops for equipment and other non-safety-related infractions declined from 24.8% of all traffic stops in 2022 to 19% in 2023.
- A full Early Intervention and Risk Management System is in the very early stages.
- Enhanced implicit bias training has not yet begun.

Recommendations include, but are not limited to:

- The BPD's quarterly reports on the implementation of FIP should focus on policy modifications and outcomes, specifically whether and how those policy reforms have impacted racial disparities.
- The three-pronged approach to traffic enforcement should be reviewed and further oriented towards reducing low-level, non-safety-related stops.
- As per the Council's FIP directive, annual enhanced implicit bias training should be institutionalized.
- A full Early Intervention and Risk Management System should be adopted as soon as possible. In the meantime, random audits of officers should be replaced with targeted audits of "outliers."
- Full accountability must be ensured for officers whose speech or behavior demonstrates racial animus or other bias and "damages the mission" of the Berkeley Police Department.

### **FISCAL IMPACTS OF RECOMMENDATION**

Implementing the PAB's recommendations will incur costs related to staff time, technology requirements, and maintenance of such technology.

### **CURRENT SITUATION AND ITS EFFECTS**

On February 23, 2021, the Berkeley City Council unanimously approved a set of policy recommendations submitted by the Mayor's Working Group on Fair and Impartial Policing (FIP). As part of this decision, the Police Review Commission (PRC) and its successor, the Police Accountability Board (PAB), were tasked with monitoring and evaluating the Berkeley Police Department's (BPD) implementation of FIP directives. These directives require the BPD to provide quarterly updates to the City Council on the progress of their implementation. To comply with the Council Directive, the Police Accountability Board established a subcommittee on August 4, 2021, to monitor the progress of these reports.

### **BACKGROUND**

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

### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

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

### **RATIONALE FOR RECOMMENDATION**

The PAB presents these recommendations to the BPD, the PAB, and the City Council, aiming to enhance the progress made in implementing the FIP recommendations, ensure that all directives are fully addressed, and set the expectation that future BPD updates include an analysis of racial disparity outcomes.

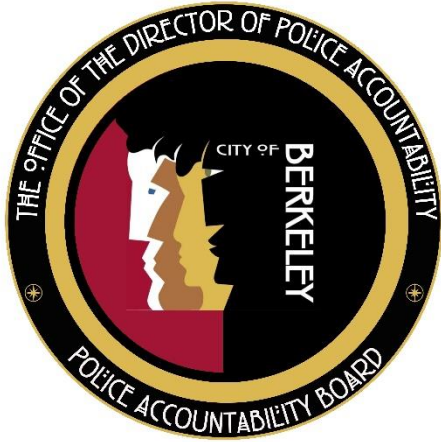
### **CONTACT PERSON**

Hansel A. Aguilar, Director of Police Accountability,

Office of the Director of Police Accountability (510) 981-4950

Attachments:

1: Police Accountability Board Report: Fair and Impartial Policing Implementation



2024

# Police Accountability Board Report: Fair and Impartial Policing Implementation



Approved\* by the Police Accountability Board on  
April 24, 2024

\*(6 Aye Votes and 1 Nay Vote)

Meeting Link:

<https://tinyurl.com/PAB-FIP-Report-Approval>  
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## Introduction

On February 23, 2021, the Berkeley City Council (City Council or Council) unanimously passed the package of policy recommendations that the Mayor's Working Group on Fair and Impartial Policing (FIP) forwarded to City Council after two years of meetings with experts and Berkeley Police Department (BPD) representatives (See Attachments 1 and 2). As part of that package, the Police Review Commission (PRC) and its successor the Police Accountability Board (PAB) were assigned responsibility for "monitoring and assessing" BPD implementation of the FIP directives. The directives included a requirement for quarterly updates from the BPD to City Council on implementation progress. A chart summarizing the BPD updates from June 2021 to October 2023 is provided in Attachment 3.

The goal of the Mayor's Fair and Impartial Working Group was to discuss ways to address racial disparities in BPD stops, arrests, and searches, as presented to the Berkeley community in the 2018 Center for Policing Equity (CPE) report<sup>1</sup> commissioned by the Council. That report found that, given the city's population demographics, Black motorists were 6.5 times more likely to be stopped by Berkeley police than White motorists and that Black pedestrians were 4.5 times more likely to be stopped than White pedestrians.

The PAB recognizes the ongoing efforts taken by the BPD to implement the Fair and Impartial Policing mandates, as represented in the quarterly updates from Chief Louis. This PAB report, submitted pursuant to the PAB's directive to monitor FIP implementation, is an independent assessment of progress to date. The focus of this assessment is not only on BPD changes in written policy, but also on whether progress has been made in reducing racial disparities in BPD stops, arrests, and searches.

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<sup>1</sup> Center for Policing Equity. *The Science of Justice: Berkeley Police Department, National Justice Database City Report*. May 2018. <https://berkeleyca.gov/sites/default/files/documents/Berkeley-CPE-Report-May-2018.pdf>

Before proceeding, it is important to note that a finding of racial disparities does not, by that fact alone, indicate racial bias among individual police officers or the institution. Disparity is not synonymous with bias or discrimination. A measurement of racial disparity simply indicates an inequality or disproportion among or between various races on a particular variable (such as police stops), whatever the source of that inequality. Bias, on the other hand, can be defined as individual or institutional prejudice against a particular group, which may lead to disparities. This report focuses on racial disparities, as did the Mayor's Working Group on Fair and Impartial Policing and City Council's directives. Several factors may account for such disparities. These factors include, but are not limited to, socio-economic inequalities associated with race; cultural factors; institutional decision making; and, finally, individual officer bias. These factors may act independently of each other or in interaction with each other, amplifying their potential impact. It is not our goal to untangle the complex web of factors responsible for those disparities, nor is it within the scope of our work--or our ability, given data and resource limitations--to do so. Instead, the goal is to establish policies and practices that have the potential to reduce disparities and curtail the impact of any potential bias.

Key findings include, but are not limited to:

- The BPD has completed implementation of some FIP Council directives, is in the process of establishing implementation programs for other FIP directives, and appears not to have begun implementation of others.
- Racial disparities in vehicle stops by the BPD have decreased slightly since the CPE report, but remain high
- Racial disparities in pedestrian stops have substantially increased
- Racial disparities in arrests and searches continue to be pronounced
- The number of consent searches has decreased, but racial disparities in consent searches remain high

- The percentage of stops for equipment and other non-safety related infractions declined from 24.8% of all traffic stops in 2022 to 19% in 2023
- A full Early Intervention and Risk Management System is in very early stages
- Enhanced implicit bias training has not begun

Recommendations include, but are not limited to:

- The BPD quarterly reports on implementation of FIP should focus not only on policy modifications, but on outcomes, specifically the issue of whether and how those policy reforms have impacted racial disparities
- The three-pronged approach to traffic enforcement should be reviewed and further oriented towards reducing low-level, non-safety related stops
- Annual enhanced implicit bias training should be institutionalized, as per the Council's FIP directive
- A full Early Intervention and Risk Management System should be adopted as soon as possible. In the meantime, random audits of officers should be replaced by targeted audits of "outliers"
- Full accountability must be ensured for officers whose speech or behavior demonstrates racial animus or other bias and "damage[s] the mission... of the Berkeley Police Department"

Our report begins with recent statistics on stops, arrests, and searches. As we will see, a pattern of racial disparities remains since the CPE issued its report in 2018. While the racial disparity in vehicle stops has fallen slightly, racial disparities in pedestrian stops has increased substantially. The fact of racial disparities is not an abstract or academic issue. Racial disparities in policing have a serious impact on the lives of many Black and Latino/a people.

The report then includes a discussion of the status of BPD's implementation efforts, as well as questions that emerge from Chief Louis's quarterly updates<sup>2</sup>. We conclude with recommendations for the BPD, the PAB, and the Council, with the goal of more effectively addressing racial disparities.

Related to the issue of the meaning of disparities, the BPD presented their Annual Report to City Council on March 12, 2024. As part of that report, they included "tests for bias" in traffic stops, searches, and use of force. We have examined the analyses presented in that report and note several fundamental challenges to their conclusion that BPD traffic stops, searches, and use of force are "race-neutral." See Appendix 1 for a brief discussion of the PAB's concerns with the BPD analysis.

## Fair and Impartial Policing Statistical Profile

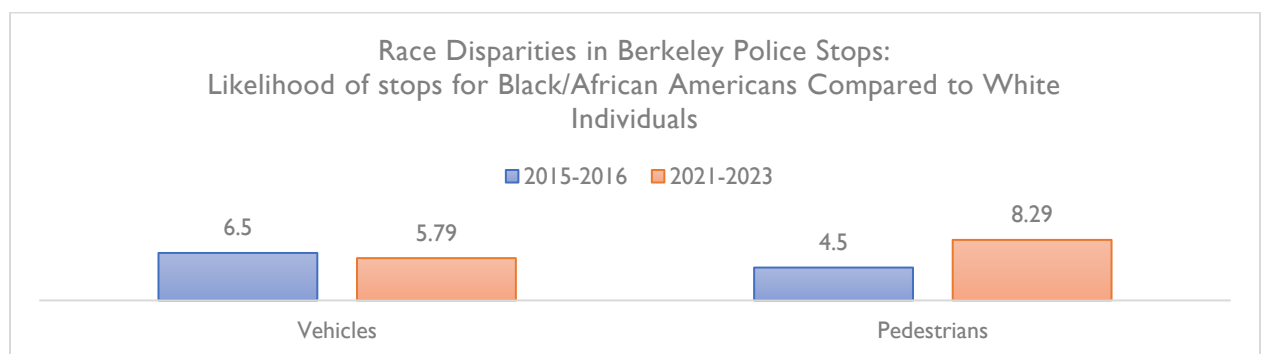
The BPD data that were derived from the Department's Transparency Hub and analyzed by the ODPA and the PAB reveal little progress in reducing racial disparities in stops since the CPE report was released in 2018. That report showed that for the period 2012-2016, Black motorists were 6.5 times more likely to be stopped than White motorists based on Berkeley demographics, and Black pedestrians in 2015-2016 were 4.5 more likely to be stopped than White pedestrians.

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<sup>2</sup> In addition to direction to the Berkeley Police Department to implement reforms, the February 2021 City Council action included referral of some FIP recommendations to the public safety reimagining process, and others to be "taken up by the PAB". This report does not address recommendations that were referred to the reimagining process. The report substantively addresses one of the three recommendations referred to the PAB (annual implicit bias training).

Berkeley Police Department statistics show that from April 1, 2021 to October 31, 2023<sup>3</sup>, of the 13,620 stops of bicyclists, motorists and pedestrians, 45.73% were White individuals, 44.77% were Black individuals, and 20.81% were Latino/a individuals.<sup>4</sup> Based on Berkeley population figures<sup>5</sup>, Black motorists were 5.8 times more likely to be stopped by Berkeley police than White motorists. The racial disparity has worsened for pedestrian stops, with Black pedestrians now 8.3 times more likely to be stopped than White pedestrians.<sup>6</sup>

Figure 1 Likelihood of stops for Black/African Americans Compared to White Individuals



<sup>3</sup> The April 1, 2021 date was chosen in consideration of the fact that the FIP directives were issued by Council on February 23, 2021. The end date of October 31, 2023 was used because we initiated this analysis in December 2023 and used the data then available. October 3, 2023 was the date of the last full quarterly update from the BPD. Unless otherwise noted, the data in this report covers the period from April 1, 2021 to October 31, 2023.

<sup>4</sup> Occasionally, small differences will appear in the data presented here and those in the BPD Transparency Hub. These differences, which are minor and do not affect the percentages or ratios reported, are due to periodic data updates or modifications made in the BPD Transparency Hub. All the analyses reported are derived from data in our "Data Notebook" which is available in Appendix 2.

<sup>5</sup> Population data sources from U.S. Census Bureau, American Community Survey (ACS) 1-Year Estimates Data Profiles, Table DP05 (2022):

[https://data.census.gov/table/ACSDP5Y2022.DP05?g=040XX00US06\\_160XX00US0606000&tid=ACSDP5Y2022.DP05](https://data.census.gov/table/ACSDP5Y2022.DP05?g=040XX00US06_160XX00US0606000&tid=ACSDP5Y2022.DP05)

<sup>6</sup> In order to calculate the greater likelihood of Black motorists or pedestrians being stopped than White individuals, we divided the number of stops of each race/ethnicity by their numbers in the Berkeley population.

Looking at overall stop data for Berkeley residents only, a significant racial disparity persists. Black people residing in Berkeley were 6.55 times as likely to be stopped as their White counterparts. The Table below shows the absolute number of bicycle, pedestrian and vehicle stops, by race, for residents and non-residents of Berkeley.

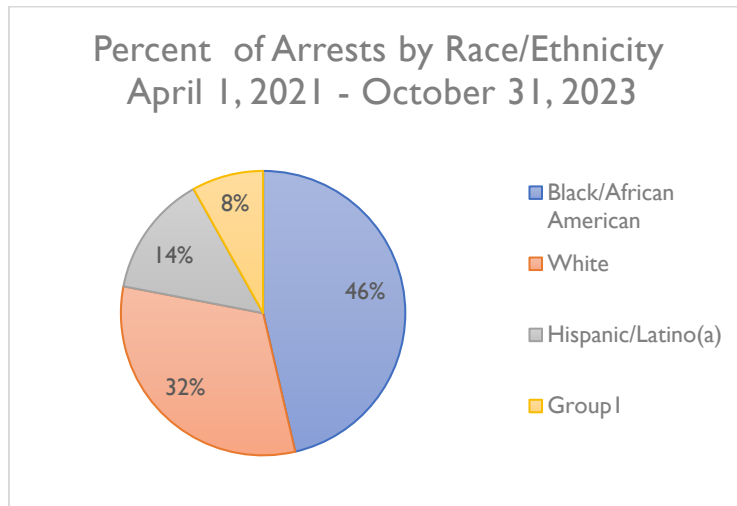
*Table 1 Number of Stops of Non-Berkeley Residents vs. Berkeley Residents by Race/Ethnicity.*

| Race/Ethnicity     | Stops of Non-Berkeley Residents, 2021-2023 | Stops of Berkeley Residents, 2021-2023 |
|--------------------|--------------------------------------------|----------------------------------------|
| Black              | 1615                                       | 2814                                   |
| Hispanic/Latino(a) | 1212                                       | 955                                    |
| White              | 1626                                       | 3112                                   |
| Other              | 1109                                       | 1177                                   |
| Total              | 5562                                       | 8058                                   |

With respect to arrests, of 2,202 arrests in this period, Black people were 50.47 percent of the total, White people 34.45 percent, and Latino/as 15.08 percent. This means that, based on population figures, Black people were 10.4 times as likely to be arrested as White people in Berkeley, and Latinos were twice as likely. Looking at these data a different way, Black people were 6.47 times more likely to be arrested than their population would suggest, White people were .62 times less likely, and Latino/as 1.25 times more likely to arrested.



Figure 2 Percent of Arrest by Race/Ethnicity (April 1, 2021 to October 31, 2023)



The Table below shows the absolute number of arrests by race.

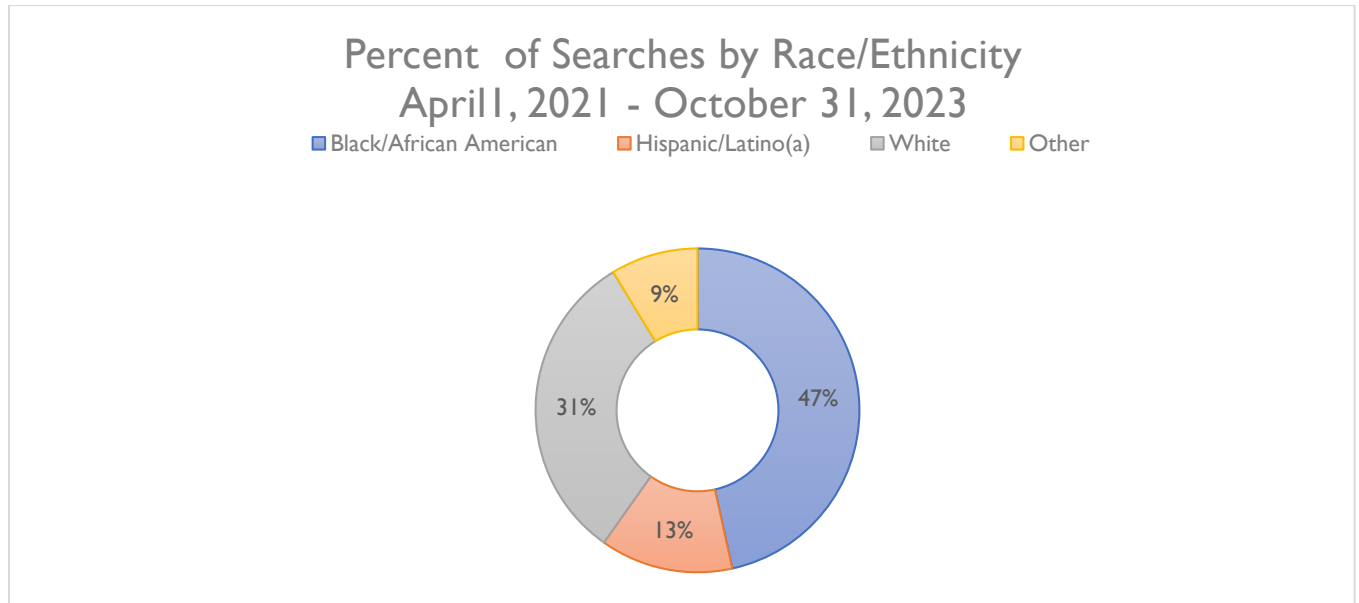
Table 2 Number of Arrest by Race/Ethnicity for Reporting Period.

| Race/Ethnicity     | Number of Arrests |
|--------------------|-------------------|
| Black              | 1021              |
| Hispanic/Latino(a) | 305               |
| White              | 697               |
| Other              | 179               |
| Grand Total        | 2202              |

With regard to searches, of the 2,421 searches conducted by the BPD during the period of April 1, 2021 to October 31, 2023, Black individuals were 46.55 percent of the total, White individuals were 31.47 percent, and Latino/as were 13.26 percent. This indicates that Black individuals were 10.5 times more likely to be searched compared to White individuals, while Latino individuals were 1.9

times more likely.<sup>7</sup> Alternatively, Black individuals were 5.97 times more likely to be searched than expected based on their population representation, White individuals were 0.57 times less likely, and Latino/as were 1.10 times more likely.

Figure 3 Percent of Searches by Race/Ethnicity (April 1, 2021 - October 31, 2023)



## Policy and Practices Directive and Reforms

### Reducing stops for low-level infractions and focusing on safety in traffic stops.

The FIP recommendation regarding traffic stops was to “prioritize safety in traffic stops” and “discontinue stops for minor offenses.” The FIP Working Group saw this as a way to reduce racial disparities and eliminate pretextual traffic stops. The motion approved by the City Council was to “Implement a new evidence-based traffic enforcement model that emphasizes safety as the primary reason for traffic stops, rather than merely addressing minor offenses.” Neither the Mayor’s Working Group nor the Council provided a clear definition of “minor

<sup>7</sup> Similar to our calculations for stops and arrests, to determine the greater likelihood of Black and Latino/a individuals than White individuals to be searched, we divided the number of searches of Black, Latino/a and White individuals by their respective numbers in the population.

offenses." The PAB recommends that the BPD adopt the definition utilized in Senate Bill 50, as outlined in the footnote below.<sup>8</sup>

The BPD is using a 3-pronged approach to traffic safety ("Primary Collision Factors"; "Community Reports"; and "Community Caretaking") to fulfill the Council directive (See Attachment 4 for BPD Special Order 1106.2). Quarterly BPD updates report that implementation of this recommendation is complete.

The first prong of BPD's three-pronged approach, known as "Primary Collision Factors" or PCF, is generally excellent and data-driven at the local level. This prong consists of factors that commonly lead to fatal or severe collisions in Berkeley, including unsafe speed, disregarding pedestrian right-of-way at crosswalks, failure to yield for turns, red light violations, and stop sign violations.

One important update to this prong would be to specify not only the violation but also the mode of the party at fault (e.g., stop sign violations by drivers are a common cause of fatal and severe collisions in Berkeley, but stop sign violations by bicyclists are not, and the PCF categories should reflect this). It is expected that most, if not all, stops should occur in response to these well-documented safety issues, following the Council's directive.

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<sup>8</sup> In 2023, a Bill was introduced in the California Legislature, SB50 ("An Act to Amend Sections 21 and 21100 of, and add Section 2804.5, to the Vehicle Code"), that stipulated that "notwithstanding any other law, a peace officer shall not stop or detain the operator of a motor vehicle or bicycle for a low-level infraction...". The Bill, which was tabled after a third reading and may be re-submitted this year, defined a "low-level infraction" as "a violation related to the registration of a vehicle or vehicle equipment," as specified; "a violation related to the positioning or number of license plates when the rear license plate is clearly displayed..."; "a violation related to vehicle lighting equipment not illuminating, if the violation is limited to a single brake light, headlight, rear license plate, or running light or a single bulb in a larger light of the same," as specified; "a violation related to vehicle bumper equipment," as specified; "a violation related to bicycle equipment or operation," as specified.

The second prong (“Community Reports”) consists of “responding to calls from community members” and includes such things as “possible DUI driver (i.e., car reportedly swerving)”; “driver fallen asleep at red light”; “a variety of unsafe driving incidents”; “crime with get-away vehicle description.” While some of these community calls no doubt require an immediate response, the category is broad and opens the door to potential profiling by proxy. At a minimum, under the category of “a variety of unsafe driving incidents,” policies should be put in place that specify which calls for service will result in law enforcement action.

The City Auditor’s data analysis<sup>9</sup> shows that only 13% of calls from community members resulted in a citation or arrest, compared to 42% of officer-initiated stops. To effectively reduce the potential for profiling by proxy, analysis of this 13% should be conducted to determine what types of community calls are most likely to yield a law enforcement response crucial to public safety. The PAB recommends that this prong then be substantially reformulated based on the data analysis of which types of calls for service result in enforcement actions and which are more likely to open the door to profiling by proxy.

The third prong, “Community Caretaking,” is the least specific and consists of three examples: “seatbelt violations”; “distracted driving (hands-free law)”; and “DUI”. As described by the BPD, these are not primary collision factors according to the California Highway Patrol because they are not the proximate cause of a collision. Because this prong is open-ended and consists only of several examples, it allows for maximum discretion with no real parameters.

The PAB recommends more specificity in this prong and that its components be based on Berkeley data rather than national statistics, as BPD did for Prong 1 (Primary Collision Factors, or PCFs). Specifically, the analysis should

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<sup>9</sup> Data Analysis of the City of Berkeley’s Police Response, 07/02/2021

<https://berkeleyca.gov/sites/default/files/2022-01/Data-Analysis-Berkeley-Police-Response.pdf>

examine which other factors (non-PCFs) are highly associated with severe and fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated.

In addition to further clarification and specification of factors and policies related to prongs two and three, future BPD updates to Council should include statistical information enabling an analysis of the impact of the three-prong approach on reducing or eliminating stops for low-level offenses in a manner that supports an overall assessment, as well as an understanding of the impact of the approach on reducing racial disparities.

The PAB analysis of vehicle stops reveals that little progress has been made on reducing racial disparities. Given this finding, careful scrutiny of the three-pronged approach needs to be undertaken, with future BPD updates analyzing disparity outcomes and focusing on their reduction, as appropriate.

Our analysis of BPD raw data on traffic stops<sup>10</sup> in 2022 (when the three-pronged approach was established) and the first three quarters of 2023 reveals that the number of traffic violation stops increased from 2883 in 2022 to 3297 in the first three quarters of 2023. The percentage of stops for equipment and other such low-level infractions declined from 24.8% in 2022 to 19% in 2023. While the percentage of low-level stops thus declined, their numbers are still relatively high

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<sup>10</sup> For this calculation, we included all vehicle stops for 2022 and for the first three quarters of 2023. The BPD data include the primary reason for each stop. From these raw data we were able to count all stops for low-level equipment violations or other non-safety related violations, for example misplaced registration tags, failure to dim beams, faulty window installation, etc. The BPD data included a few categories—such as those relating to improper parking, trespassing, bicycle helmet infractions, littering, and vehicle theft—that were not appropriate to include in these counts of traffic violations. We excluded those few categories (n=79 for 2022; n=70 for 2023) from our calculations.

despite the three-pronged approach and the directive that such stops be minimized.

*Table 3 Percentage of Stops for Equipment Violations and Other Low-Level Infractions*

| Year | Traffic Stops | % of Stops for Equipment violations and other low-level infractions |
|------|---------------|---------------------------------------------------------------------|
| 2022 | 2883          | 24.8%                                                               |
| 2023 | 3297          | 19%                                                                 |

### Clear, evidence-based definition of stops of criminal suspects.

The FIP Working Group recommended “us[ing] a clear, evidence-based definition for stops of criminal suspects.” This was not meant to be primarily about traffic stops but all stops of criminal suspects, including motorists, cyclists and pedestrians. Following this recommendation, Council directed the BPD to amend policies “reaffirming and clarifying that the Berkeley Police Department will use a clear, evidence-based definition for stops of criminal suspects.” The Department’s quarterly updates state that the BPD “is establishing a precision based policing model that considers data and public safety. This model aims to reduce the number of stops that studies have shown had minimal impact on public safety.”

The PAB appreciates the BPD June 2023 and October 2023 update statement that “ensuring that we implement approaches that identify and work to reduce racial disparities will be a cornerstone to our evidence-based approaches.” However, without more specifics about the department’s “precision-based policing model” and “a feedback loop with information flowing both ways”, it is difficult to assess whether these additions have the potential to reduce racial disparities. More specificity in this context is particularly critical as the data presented in this report indicate that racial disparities remain high.

The BPD June and October 2023 updates also state that this “feedback loop ... creates an accountability measure.” Does this mean there is

accountability for racial disparities? If so, what does it consist of? The next BPD update should include greater specificity regarding precision-based policing, feedback loops, and accountability measures. Further, and significantly, none of the BPD updates have included a definition of what constitutes legitimate stops for criminal suspects, evidence-based or otherwise. Although the BPD indicated that this recommendation was implemented as of September 2022, a definition is still outstanding.

### Only use race and ethnicity as determining factors together with other clear criteria.

BPD updates indicate that this recommendation has been completed because formal policies, state law, and the Constitution prohibit using race as the defining factor in making stops, arrests, and searches. The PAB is concerned that the BPD suggests no change is needed; the question is not whether BPD policies or state or federal law allow the use of race as a defining factor—clearly, they do not. The question is how to prevent discretionary actions in the field from inadvertently introducing race as the determining factor. Most important, how are race and ethnicity used as determining factors “together with other clear criteria”? Future updates should include more specificity on this important question of how race and ethnicity may be used with other factors. Examples may be useful here.

### Enhanced Implicit Bias Training

The FIP directives passed by Council “require enhanced annual implicit bias training for police.” The BPD updates state that there has been “ongoing training in topics such as implicit bias, racial profiling...”. The PAB has been informed by the BPD that “The topic of bias is covered as a subtopic throughout various trainings” such as de-escalation and tactical communication. This likely falls short of the enhanced annual implicit bias training that was called for in the Council directive. Full compliance with the Council directive requires that the BPD install

annual intense implicit bias training, not the less intensive approach to implicit bias as a subtopic to other materials as currently practiced.

### Early Intervention System (EIS)<sup>11</sup>

An effective EIS was a central component of the FIP recommendations, and the focus—as with the FIP program as a whole-- was on racial disparities. As the Working Group stated in its presentation to Council in February 2021, an effective Early Intervention System would “involve identifying officer outliers in stops, searches, and use of force and their outcomes and examining the reasons for racial disparities.” Racial disparities take a back seat in the BPD quarterly updates, including in its description of an amended EIS program. Beyond this important omission, BPD updates have been inconsistent across quarterly reports with regard to how this directive has been implemented (See Attachment 3). After relatively minor tweaking, the BPD reported that the EIS directive had been completed.

Additionally, recent updates report that periodic audits of several randomly chosen officers have been added to the EIS process. While audits of a few randomly chosen officers may occasionally be useful, the intent of the FIP was to focus on “outliers”, a neutral term of art that refers to officers whose performance on certain indicators is outside the BPD average. As the focus of the FIP was on racial disparities, in the case of EIS it is important to focus on those units or officers for whom stops are disproportionately numerous and/or racial disparities most pronounced. The allegations of racism, disdain for the unhoused, and implicit

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<sup>11</sup> The PAB acknowledges the Council's allocation of funding for designing and implementing a comprehensive Early Intervention and Risk Management System (EIRMS). However, the \$100,000 appropriation for the evaluation, design *and* implementation of an EIRMS is unlikely to be sufficient. Therefore, the budget for the EIRMS should be augmented to support not only its design but its near-term implementation.



arrest quotas in the Downtown Bike Force have drawn attention to the importance of such a directed focus when doing EIS audits.

In April 2023, City Council referred \$100,000 to the June 2023 budget to hire a consultant for the design and help with implementing a new Early Intervention and Risk Management System. It will take some time before that project is complete. In the interim, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department's EIS, with a particular focus on racial disparities in stops, arrests, and searches. In addition, a designated PAB Member should serve as an EIS observer. With regard to the latter, the PAB is pleased that observation by a PAB Member has recently been agreed to by the Chief.

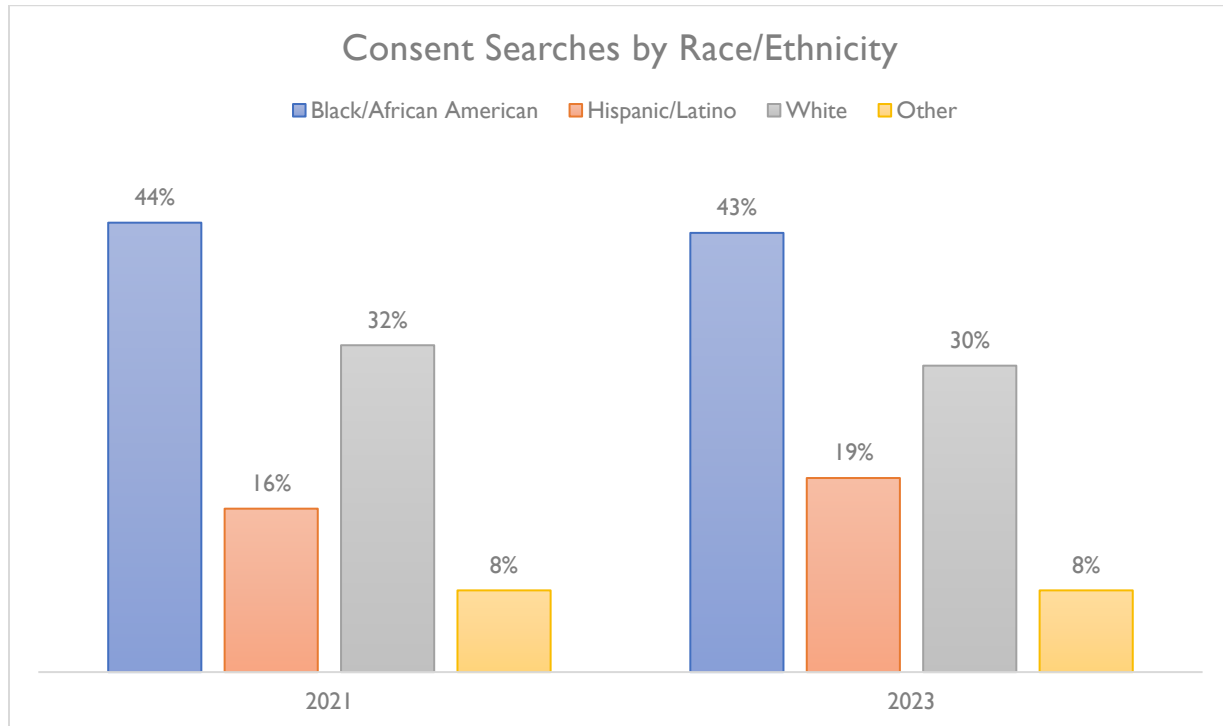
### Written consent search forms

The PAB is pleased that this has been implemented (Policy 311.3). An understanding of the implementation process and its effect would be improved by the inclusion of data in the quarterly BPD reports. Dr. Frank Baumgartner and his team (2018) found that in North Carolina, consent searches declined by 75% in cities that required written permission.

PAB analysis of BPD data reveals that the number of consent searches decreased from 188 in 2021, to 123 in 2022, and 69 through the first three quarters of 2023. While the number of consent searches has gone down since the introduction of written consent forms, racial disparities in these discretionary searches remain high. In 2021, 44% of consent searches were of Black individuals, 32% were of White individuals, and 16% were of Latinos. Two years later, the respective percentages were 43%, 30%, and 19%. In other words, while the absolute number of people of color undergoing consent searches has decreased with the

implementation of written consent forms, the racial disparities in these discretionary searches have not.<sup>12</sup>

Figure 4 Consent Searches by Race/Ethnicity



### Warrantless searches of people on supervised release status

BPD Policy 311.6, as adopted with agreement between the PRC and the BPD and incorporated into the FIP directives, limited warrantless searches of people on supervised release status unless there was reasonable suspicion that they had committed, were committing, or were about to commit a crime. This policy was modified by City Council on July 26, 2022, to make a distinction between people on supervised release for violent crimes (who would be subject

<sup>12</sup> These racial disparities in consent searches are roughly comparable to the disparities in all searches. As we saw above, for the period 2021 through the first three quarters of 2023, there were 2507 searches, with 47% of these searches Black people, 32% White people and 13% Latinos.

Source: [https://berkeleyca.gov/sites/default/files/documents/2023-04-11\\_Item\\_25\\_Referral\\_100%2C000\\_to\\_the\\_June%2C\\_2023.pdf](https://berkeleyca.gov/sites/default/files/documents/2023-04-11_Item_25_Referral_100%2C000_to_the_June%2C_2023.pdf)

to warrantless searches) as opposed to non-violent crimes (for whom reasonable suspicion would be required for a search).

The Department under Chief Greenwood had considered the violent/non-violent distinction a challenging one to make in practice and recommended the “reasonable suspicion” standard for all searches of people on supervised release. Have officers found it difficult to implement the “violent”/“non-violent” distinction as Chief Greenwood had suggested? What is the impact of this policy revision on numbers of, and racial disparities in, arrests and searches of people on probation and parole? Future BPD updates should continue to address what, if any, impact this 2022 change in policy has had on racial disparities.

Since introduction of the 311.6 policy change in 2020, BPD data no longer included “probation or parole search” as a category. This made sense since those searches were no longer permissible (absent reasonable suspicion). However, since the modification in 2022, probation and parole searches (and other supervised release searches) were allowed if the individual was on probation or parole for a violent offense. Therefore, BPD data should once again include these searches in their data.

### Profiling by proxy

According to Chief Louis’s June 2023 update, the Communications Manual “has been amended to address handling cases involving profiling by proxy.” Further, dispatchers “are instructed to be cognizant and screen for profiling by proxy calls.” More specifics need to be provided. Exactly what does the “instruction” consist of? What has the effect been on racial disparities in departmental response to calls for service? As detailed in the City Auditor’s report cited above, law-enforcement actions are lower in stops initiated by the public than in officer-initiated stops. This suggests that more targeted dispatcher instructions and call-screening for profiling by proxy may be necessary.

### Resources on police-civilian encounters.

The PAB is pleased that the business card directive has been fulfilled. That provision was to ensure that business cards with information on how to commend police officers or file misconduct complaints were distributed upon each officer/civilian encounter. However, the body-worn camera footage that the PAB has received in conjunction with individual misconduct complaints does not seem to show any distribution of business cards as directed by Council.

### Fire racist officers identified through social media and other media screens

BPD Policy 1029 ("Employee Speech, Expression, and Social Networking") stipulates that employees of the BPD whose speech or expression "tends to compromise or damage the mission, function, or reputation...of the Berkeley Police Department" will be held accountable. Two issues arise here: 1) The FIP recommendation included media scans to ensure consistency with this policy, yet this proactive approach does not seem to have been implemented; 2) The FIP recommendation was that "racist officers identified through social media..." shall be fired. The current Policy 1029 is not specific and requires only "accountability". Thus, it is not clear if this FIP directive has been implemented. One way to move forward on this directive would be to be more specific on what exactly "accountability" means in this context and what preliminary steps would be taken prior to an officer's termination.

### Require regular analysis of BPD stop, search, and use of force data

As noted in the BPD quarterly reports, a Transparency Hub was developed that provides raw data through an Open Data Portal. While this allows members of the public who have the time and ability to analyze the data, the BPD's Data Analyst should provide more detailed analysis of these data with a focus on racial disparities, as we have done in this report.

Make resources on police-civilian encounters publicly available such as through RAHEEM.org

This Council directive is mentioned in the BPD quarterly updates, but no information is provided regarding its implementation status.

## Conclusions and Recommendations

Racial disparities in stops, arrest, and searches remain high, and there is little public accountability for the overall results of the FIP effort due to a lack of statistical reporting or outcome analysis in BPD quarterly updates. While some policy changes have been implemented by the BPD, modification of these changes is needed in some areas. Other FIP recommendations have not been implemented.

The PAB offers the following recommendations for action by BPD, the PAB, and City Council with the goals of improving upon steps that have already been taken, ensuring that no directives remain unfulfilled, and establishing an expectation for future BPD updates to include analysis of racial disparity outcomes.

### Recommendations to the Berkeley Police Department

1. Three-prong approach.
  - a. Definition of Low-Level Traffic Infractions: A definition consistent with SB 50 should be adopted.
  - b. Primary Collision Factors: This prong should specify the mode of the party at fault.
  - c. Community Reports: Under the category of "a variety of unsafe driving incidents," policies should be put in place that specify which calls for service will result in law enforcement action. That specification should be derived from an analysis of the 13% of calls from community members that resulted in a citation or arrest, as per the City Auditor's July 2021 report.

- d. Community Caretaking: More specificity is needed in this prong, and its components should be based on Berkeley data rather than national statistics, as is done for Prong 1 (Primary Collision Factors). Specifically, the analysis should examine which other factors (non-PCFs) are highly associated with severe and fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated.
  - e. Reporting: Future BPD updates on FIP implementation should include statistical information enabling an analysis of the impact of the three-prong approach on reducing or eliminating stops for low-level offenses—a primary focus of the Council directive—in a manner that supports an overall assessment as well as an understanding of the impact of the approach on reducing racial disparities in traffic stops.
2. Evidence-based definition for stops of criminal suspects.
    - a. Establish an evidence-based definition for stops of criminal suspects.
    - b. Explain how the precision-based policing, feedback loops, and accountability measures, referenced in BPD FIP implementation updates in relation to this recommendation, address the directive to establish an evidence-based definition for stops of criminal suspects.
  3. Enhanced implicit bias training: Ensure that intensive annual training dedicated to the topic of implicit bias is delivered to BPD personnel per the Council's directive.
  4. EIS: Pending the deployment of a new Early Intervention and Risk Management system, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department's EIS, with a particular focus on racial disparities in stops, arrests, and searches. A designated PAB Member should serve as an observer in this process, as has been informally

agreed to. Future audit reports should include the scope of what was reviewed and a clear statement of findings, within the confines of officer confidentiality.

5. Written consent searches: Future reporting to council should include the number of consent searches conducted per reporting period and their effect on racial disparities in searches, with a comparison to consent search numbers before implementation.
6. Warrantless searches of people on supervised release: Future FIP updates should identify the impact of the new BPD Policy 311.6 on the numbers of, and racial disparities in, searches and arrests of people on probation and parole.
7. Profiling by proxy: Future BPD updates should specify what instruction dispatchers are given on the topic of profiling by proxy, as well as any impact the instruction and corresponding Communications Manual amendments have had on racial disparities in departmental response to calls for service.
8. Business cards: Ensure that business cards are distributed as mandated by the Council directive.
9. Make resources on police-civilian encounters publicly available, such as through RAHEEM.org.

### Recommendations to the Police Accountability Board

1. Scenario-based training: The 2021 Council specifically referred to the PAB oversight of the implementation of a scenario-based training component in the existing officer training required by the California Penal Code. This topic will be agendized for discussion at a future PAB meeting, including the appropriateness of, and ability of, the PAB to oversee departmental training.

2. Crisis Intervention Team (CIT): The 2021 Council item refers to the PAB the acceleration of CIT activity. This will be taken up for discussion in future PAB meetings.

### Recommendations to the Berkeley City Council

1. Establish metrics to assess the success of the implementation of FIP directives. Currently the BPD appears to be focused entirely on policy, and on tests of bias, as evidenced in its recently published Annual Report. The PAB has focused instead on outcomes, addressing the key question of whether racial disparities have decreased in any of the areas subject to FIP directives.
2. Eliminate reporting requirements for recommendations that the PAB ascertains have been fully implemented.
3. Require BPD to report biannually on:
  - a. Traffic stops by each prong of their 3-prong framework and by race within each prong.
  - b. Stop, search, and arrest data by probation/parole status and race.
  - c. Calls for service by the race of the reporter and reportee.

Ensure that employees of the BPD whose speech or behavior is inconsistent with fair and impartial policing be held accountable.



## Appendix

### Appendix 1. Berkeley Police Department 2024 Annual Report “Tests for Bias”

The PAB has several concerns about the adequacy of the three tests conducted for stops and searches (use of force is not part of the FIP focus): “At-fault collision demographics”; “yield rate analysis”; and, the “veil of darkness”.

1. The at-fault collision test is the most problematic of these analyses. This BPD test purports to compare the parties at fault in collisions, by race, to the rate of police stops by race. Because they find that the proportion of stops for each race is approximately the same as the proportion of each race at fault in collisions, they conclude that police stops are “race-neutral”. In other words, while not citing disparity statistics, the BPD implies that the racial disparity in stops is the result of Black motorists’ more dangerous driving.

There are numerous problems with that analysis, including the following:

- In the interest of focusing on “discretionary stops,” which as they note are most likely to involve potential bias, the BPD only includes in their analysis stops that were officer-initiated. Curiously, however, it omits the most discretionary stops of all—those based on equipment violations, registration or license plate infractions and other such low-level offenses that make up 19% of all vehicle stops.
  - The “at-fault collision” side of this equation is also problematic. Only those collisions for which the police were called to the scene or were nearby when the accident happened, and/or for which a written police report was filed, are included in the analysis. Personal experience suggests that many if not most collisions are not reported to the police.
2. The BPD’s yield rate analysis cites the 2024 RIPA Annual Report that shows there were no statistically significant differences in rates of discovery of contraband in searches of Black people and White people in Berkeley. This is an important RIPA finding. It must be qualified, however, by the RIPA Board’s advice on interpreting the finding. As the RIPA Board notes, when search rates are higher and discovery

rates lower for Black people than for white people, it can be concluded that racial bias was involved in the searches. However, “[w]hen these statistics do not move in opposite directions, it is more difficult to determine whether disparate treatment is present.” (RIPA 2024 *Annual Report*; Appendix B.3, p. 46).

3. The veil of darkness test is an industry-wide standard for testing racial bias. It assumes that if racial bias exists in vehicle stops, people of color would be more likely to be stopped during the day than at night when it is presumably less possible to discern motorists’ race. The BPD analysis compares vehicle stops at the “inter-twilight” period around 6:30 pm during daylight savings time (when it is light) and standard time (when it is dark). The BPD finding is that the stop rates by race are comparable in the light and in the dark, and that “this is what we would expect to see if those stops were being made based on race-neutral factors.” This is quite different from the finding of Stanford researchers who analyzed 95 million traffic stops across the United States using the veil of darkness test and found statistically significant racial disparities<sup>13</sup>. The BPD finding for Berkeley is a positive one, but we need more details here. It is possible that stops occurring in the inter-twilight period in Berkeley in one year would not be sufficient in number to draw statistically valid inferences. Finally, while the veil of darkness is an industry-standard, several cautions must be applied. As numerous scientists have explained, and the BPD report acknowledges, both street lighting and car profiling may skew results.

In sum, we cannot confidently conclude from these BPD tests for bias that it is not a factor in racial disparities in BPD vehicle stops and searches. More rigorous studies would be required to untangle the web of socio-economic, cultural, institutional, and individual factors—and their interactions—that produce these racial disparities.

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<sup>13</sup> <https://www.nature.com/articles/s41562-020-0858-1>

## Appendix 2. PAB Data Workbook

To access a copy of the Data Workbook, please use the following link:

[https://berkeleyca.gov/sites/default/files/documents/PAB%20Data%20Workbook\\_2024%20FIP%20Implementation%20Report%20.xlsx](https://berkeleyca.gov/sites/default/files/documents/PAB%20Data%20Workbook_2024%20FIP%20Implementation%20Report%20.xlsx)

## Attachment List

1. [Mayor's Working Group on Fair and Impartial Policing. Proposal to City Council. February 23, 2021.](#)
2. [Working Group Recommendations Passed by Council. February 23, 2021](#)
3. Summary of BPD Quarterly Updates on Fair and Impartial Policing Implementation
4. [BPD Three-Pronged Approach to Traffic Enforcement](#)
5. Berkeley Police Department Memorandum Titled: "PD Response to PAB FIP Implementation Report"

Attachment 1: Mayor's Working Group on Fair and Impartial Policing. Proposal to City Council. February 23, 2021

## **The Mayor's Working Group on Fair and Impartial Policing Policy Proposals**

Developing and implementing reforms that will effectively reduce existing racial disparities requires changes at several levels. The following recommendations include setting new policy, updating institutional structures, and mandating individual accountability. Their implementation and ongoing effectiveness require supportive leadership, transparency and police accountability.

**Executive Summary.** Mayor's Working Group on Fair and Impartial Policing (hereafter, "the working group") focused on reducing racial disparities in stops and searches and improving community relationships damaged by the racially disparate practices in stops and searches.

This report advances the following recommendations for BPD practices:

- Focus on public safety and eliminate stops for low-level offenses not directly impacting public safety.
- Use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria.
- Institute annual implicit bias training and scenario-based training for California Penal Code 13519.4, prohibiting racial or identity profiling.
- Establish a truly effective Early Intervention System and risk management process to ensure department accountability and identify officers who are outliers in stops, searches, dispositions, and outcomes.
- Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole.
- Require written consent for consent searches.
- Include evaluations of cultural competence in hiring and promotion, and fire officers who have expressed racist attitudes and/or are identified as members of racist groups.

The report also advances these recommendations for the Berkeley City Council and/or the City of Berkeley:

- Hire a consultant to create a plan for monitoring and reporting on the implementation of these recommendations.
- Ensure the creation of a Specialized Care Unit with crisis-response field workers, as included in the recent contract for a community-process to establish an SCU.
- Ensure a robust community engagement process, including annual surveys and community forums
- Require quarterly analysis of stop, search, and use of force data by City Auditor and/or the PRC.
- Adopt and carry out the compliance and accountability system outlined in this document.

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## Proposed Actions

Table 1 provides a proposed action for each recommendation in the body and appendices of this draft report.

| <u>Action</u>                                                                                                                             | <u>Recommendations</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Direct the City Manager to implement key recommendations, with at minimum, quarterly progress reports to the PAB and/or the Working Group | <ul style="list-style-type: none"> <li>• <a href="#">Focus traffic stops on safety</a></li> <li>• <a href="#">Use a clear, evidence-based definition for stops of criminal suspects</a></li> <li>• <a href="#">Use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria</a></li> <li>• <a href="#">Eliminate stops for low-level offenses</a></li> <li>• <a href="#">Implement an Early Intervention System (EIS) and a risk-management structure</a></li> <li>• <a href="#">Immediately release stop, arrest, calls for service and use of force data from 2012 to present to the Working Group</a></li> <li>• <a href="#">Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole</a></li> <li>• <a href="#">Require written consent for all consent searches</a></li> <li>• <a href="#">Address Profiling by Proxy (PAB Policy Development, Dispatcher Training)</a></li> <li>• <a href="#">Fire racist police officers identified through social media and other media screens</a></li> <li>• <a href="#">Address Profiling by Proxy (Council develop &amp; pass CAREN policy)</a></li> <li>• <a href="#">Require regular analysis of BPD stop, search, and use of force data</a></li> <li>• <a href="#">Make resources on police-civilian encounters more publicly available such as RAHEEM.org</a></li> <li>• <a href="#">Adopt Compliance and Accountability Mechanisms</a> <ul style="list-style-type: none"> <li>a. Hire consultant to develop implementation plan</li> </ul> </li> <li>• <a href="#">For any individual detained, BPD officers shall provide a business card with info on a website similar to RAHEEM and info on complain process with PAB</a></li> </ul> |
| Refer to be included in the process to reimagine public safety                                                                            | <ul style="list-style-type: none"> <li>• <a href="#">The City should create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized and includes a basic report card and quarterly neighborhood check-ins</a></li> <li>• <a href="#">Conduct a baseline community survey.</a></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Refer to the Police Accountability Board                                                                                                  | <ul style="list-style-type: none"> <li>• <a href="#">Include a scenario-based training component in the existing officer training required by California Penal Code 13519.4</a></li> <li>• <a href="#">Require enhanced annual implicit bias training for police</a></li> <li>• <a href="#">Accelerate Crisis Intervention Team (CIT) activity</a></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Follow-up with PAB and/or Fair and Impartial Working Group                                                                                | <ul style="list-style-type: none"> <li>• <a href="#">Evaluate the impact of these proposals on racial disparities in stops and searches, using regular updates to stop and search data</a></li> <li>• <a href="#">Conduct a regular community survey and annual community forums on Police and Public Safety</a></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Recommendations already underway                                                                                                          | <ul style="list-style-type: none"> <li>• <a href="#">Fund and implement a specialized care unit for mental health crises</a></li> <li>• <a href="#">Conduct a Capacity Study of police calls and responses and use of officer time outside of case work</a></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Outstanding - No Action Recommended                                                                                                       | <ul style="list-style-type: none"> <li>• <a href="#">Include community member participation and feedback in the hiring process</a></li> <li>• <a href="#">Include the following for Performance Appraisal Reports</a></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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## **Reducing Disparities in Vehicle, Pedestrian, and Bicycle Stops & Searches:**

### **1. Focus traffic stops on safety**

According to Dr. Frank Baumgartner's 2018 book, *Suspect Citizens*, "Safety stops are those aimed at enforcing the rules of the road to decrease the likelihood of an accident" (pg. 191). The types of stops falling into this traffic safety category may include:

- Excessive speeding<sup>1</sup>
- Running a stop sign or stop light
- Unsafe movement
- Driving while intoxicated

### **2. Use a clear, evidence-based definition for stops of criminal suspects**

Dr. Baumgartner's analysis<sup>2</sup> reveals that "investigatory stops" (stops that use a minor infraction as a pretext for investigating rather than to prevent or reduce dangerous behavior pgs. 53-55) allow for the most officer discretion and open the possibility of implicit bias or "reliance on cultural heuristics" (pg. 191). Based on analyses of more than 9 million stops, Baumgartner's team found that 47% were investigatory and that they added substantially to the racial disparity statistics. Thus, investigatory stops and stops of criminal suspects shall be restricted to those made because the person and/or vehicle fits a description in relation to a specific crime.<sup>34</sup>

Since the Oakland Police Department (OPD) has implemented evidence-based methods, the number of African American civilians stopped by the OPD has declined. Since Oakland Police Department has implemented evidence-based methods, the number of African American civilians stopped has declined from 19,185 in 2017 to 7,346 in 2019, a drop of 62% and a stop disparity rate reduction of almost 60%,<sup>5</sup> with no corresponding increase in crime (Captain Chris Bolton presentation, 7/15/2020).

### **3. Use race and ethnicity as relevant factors when determining law enforcement action only when provided as part of a description of a crime and suspect that is credible and relevant to the locality and timeframe of the crime and only in combination with other specific descriptive and physical characteristics.<sup>6,7</sup>**

Specific descriptive and physical characteristics may include, for example: the gender, age, height, weight, clothing, tattoos and piercings of the suspect, the make and model of the car, and the time and location of the crime. Simple race and ethnicity alone are not

<sup>1</sup> <https://www.idrivesafely.com/dmv/california/laws/traffic-tickets-and-violations/>, <https://www.martenslawfirm.com/blog/2015/november/what-is-excessive-speeding/>

<sup>2</sup> *Suspect Citizens*, pp. 190-192

<sup>3</sup> Eberhardt, J. L. (2016). *Strategies for change: Research initiatives and recommendations to improve police-community relations in Oakland, Calif.* Stanford University

<sup>4</sup> This definition was created by Dr. Jennifer Eberhardt in collaboration with the Oakland Police Department.

<sup>5</sup> This is the percentage of African American stops within all discretionary non-intel led stops made by Police Area 2 officers fell from 76% in September 2017 to 31% in September 2018

<sup>6</sup> Southern Poverty Law Center, 10 Best Practices for Writing Policies Against Racial Profiling

<sup>7</sup> CA Penal Code



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satisfactory as bases for reasonable suspicion under the law, and amount to racial profiling.

**4. Eliminate stops for low-level offenses**

According to the presentation to the Working Group by Captain Bolton of the OPD, Oakland significantly reduced stops for these low-level, non-public safety related offenses, resulting in a reduction in the number of African Americans being stopped and a reduced stop-disparity rate, with no effect on crime rates (homicides and injury shootings went down during the same period). There is often overlap between “investigatory stops” and “stops for low-level offenses,” as the latter may be used as a pretext for investigation. The types of stops falling into these categories may include:

- Equipment violations
- Not wearing a seat belt
- Improper use of high beams
- Violating a regulation (e.g. expired license tags)
- Stop purposes recorded as “other”

**5. Implement an Early Intervention System (EIS) and a risk-management structure**

These measures to ensure individual accountability have operated successfully in Oakland and many other localities for some time. They involve identifying officer outliers in stops, searches, and use of force and their outcomes and examining the reasons for racial disparities. Existing software programs to assist BPD in implementing an EIS could be utilized or BPD can build its own system.

These programs operate to identify officers who are a danger either to themselves or to the public. They are referred to as “risk management” systems because they help limit the financial liability of the City and hence its taxpayers. They may address a broad range of concerns, but in this document, we only consider their use with regard to racial disparities. Elements of this process include the following steps:

- a. Evaluate and assess stop incidents for legality and enforcement yield.
- b. Analyze data to determine whether racial disparities are generalized across the force or are concentrated in a smaller subset of outlier officers or squads/groups of officers. To the extent that the problem is generalized across the department, supervisors as well as line officers should be re-trained and monitored, and department recruitment, training, and structure should be reviewed. In addition, department policy should be examined for their impacts.
- c. Where disparities are concentrated in an individual or a group of officers, with no race-neutral legitimate evidence for this behavior in specific cases, initiate an investigation to determine the cause for the disparity. Evaluate whether there are identifiable causes contributing to racially disparate stop rates and high or low rates of resulting enforcement actions exhibited by outlying officers. Determine and address any trends and patterns among officers with disparate stop rates. In the risk management process, the responsible personnel in the chain of

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command reviews and discusses the available information about the subject officer and the officer's current behavior.

- d. Absent a satisfactory explanation for racially disparate behavior, monitor the officer.. Options for the supervisor in these cases include reviewing additional body-worn camera footage, supervisor ride-alongs, and other forms of monitoring. Further escalation to intervention, if necessary, may include a higher form of supervision, with even closer oversight. If performance fails to improve, command should consider other options including breaking up departmental units, transfer of officers to other responsibilities, etc. The goal of this process is to achieve trust and better community relations between the department as a whole and all the people in Berkeley. Formal discipline is always a last resort unless there are violations of Department General Orders, in which case this becomes an IAB matter.
- e. Identify officers who may have problems affecting their ability to make appropriate judgments, and monitor and reduce time pressures, stress and fatigue on officers.
- f. An outside observer from the PRC shall sit in on the risk management and/or EIS program. Reports from these meetings, or other accurate statistical summary, can be given to the commission without identifying any officers' names.
- g. Report the results of this data analysis quarterly.

**6. Immediately release the following data to the Working Group:**

- a. All data given to the Center for Policing Equity (CPE) - This data includes:
  - i. Calls for Service (January 1, 2012 - December 2016)
  - ii. Use of Force Data (January 1, 2012 - December 31, 2016)
  - iii. Crime Report Data (January 1, 2012 - December 31, 2016)
- b. STOP DATA - this data shall include information on "call type," similar to the data used by the Center for Policing Equity. The timeframe would be January 1, 2012 to present.
- c. USE OF FORCE DATA - This data was used in the analysis presented in the CPE report. Along with the CPE data, it would be helpful to have more recent Use of Force data. The timeframe would be January 1, 2012 to present.
- d. DEIDENTIFIED STOP & ARREST DATA - To determine if there are any problematic patterns among certain officers, or perhaps pairs of officers, data that we can be attached to anonymized individuals. The timeframe for this data would be January 1, 2012 to present.
- e. ADDITIONAL ARREST DATA - Currently, the Open Data Portal posts arrest data from January 1, 2015. The timeframe for this data would be January 1, 2012 to present day.
- f. ADDITIONAL CALLS FOR SERVICE - Currently, Calls for Service data are posted for the last 180 days. The timeframe for this data would be January 1, 2012 to present.

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**7. Limit warrantless searches of individuals on supervised release status, including probation, Post Release Community Supervision (PRCS), and parole, absent evidence of imminent danger**

California is one of a handful of states that allow high-discretion, suspicionless searches of probationers and parolees. The following was passed by the Police Review Commission on 9/23/2020 and the Working Group endorses this approach:

*"In accordance with California law, individuals on probation, parole, Post Release Community Supervision, or other supervised release status may be subject to warrantless search as a condition of their probation. Officers shall only conduct probation or parole searches to further a legitimate law enforcement purpose. Searches shall not be conducted in an arbitrary, capricious, or harassing fashion. However, under Berkeley policy, officers shall not detain and search a person on probation or parole solely because the officer is aware of that person's probation or parole status.*

*The decision to detain a person and conduct a probation or parole search, or otherwise enforce probation or parole conditions, should be made, at a minimum, in connection with articulable facts that create a reasonable suspicion that a person may have committed a crime, be committing a crime, or be about to commit a crime."*

**8. Require written consent for all consent searches**

Baumgartner (pp. 195-209) and his team found that in cities requiring written consent to perform a consent search, these searches declined by 75%. Since people of color are disproportionately the subjects of these searches, it makes sense that a significant reduction would lead to fewer consent searches for people of color.

Examining three cities in North Carolina, Baumgartner found that in cities where there was resistance by leadership to the new written-consent policy, there was a substitution effect, such that as consent searches went down, probable cause searches went up. However, the substitution effect seemed to be directly correlated with leadership priorities. The chapter concludes, "We showed that a combination of leadership directives and simple initiatives can alter the relationship a department can have with their community" (pg. 213). *This speaks to the need for clear buy-in from BPD leadership.* The Working Group recommends that the BPD adopt the written consent form used in North Carolina, a copy of which can be found [here](#).

**9. For any individual detained, BPD officers shall provide a business card with the following information on the back**

- a) A website similar to RAHEEM that collects information on police-civilian encounters.<sup>8</sup>
- b) Contact information for filing a complaint with the PRC or its successor, the Police Accountability Board.

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<sup>8</sup> <https://www.raheem.ai/en/>

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**10. Address Profiling by Proxy<sup>9</sup>**

Police should not be dispatched to calls that are motivated by caller bias or malintent, e.g., a claim that someone is suspicious with no corroborating reason.<sup>10</sup> These types of calls harm police-community relationships and undermine the authority of the police. To protect against profiling by proxy the police department shall:

- a. work with PRC and other appropriate agencies to formulate a policy that defines and remedies profiling by proxy.
- b. enhance Dispatcher training to evaluate calls and add implicit bias training for 911 Dispatch.

An article on profiling by proxy by the Vera Institute of Justice recommends including 911 Dispatch in implicit bias training as a method for reducing issues with profiling by proxy. Anti-bias training will also help Dispatchers become aware of their own biases. For example, when they receive calls about behavior the complainant may dislike but is not illegal—e.g., “too many” black teenagers in the public park.<sup>11</sup>

**Hiring & Evaluation**

The successful hiring and evaluation of police officers is an important part of creating a healthy and high-functioning police department. The types of people the department hires, and the effective evaluation of police officers are important in determining police department culture. Researchers on policing have repeatedly found that organizational culture is the single most important determinant of officer behavior.<sup>12</sup> Human Resource Management research supports including the evaluation for cultural competency as important in improving agencies. The key components for a high degree of cultural competency are: awareness, attitude, knowledge, skills.

**11. Fire racist police officers identified through social media and other media screens**

A third-party agency, hired by the City of Berkeley, or agency outside the police department should screen police officers and potential new hires’ social media accounts for racist or violent comments, affiliations to racist groups whether public or private, including private groups expressing racist or violent rhetoric.

- a. BPD shall immediately fire all identified officers who have engaged in racist or violent actions or commentary online.
- b. A social media screen of officer online conduct shall be done annually.

<sup>9</sup> Profiling by proxy may occur “when an individual calls the police and makes false or ill-informed claims of misconduct about persons they dislike or are biased against—e.g., ethnic and religious minorities, youth, homeless people” (retrieved from The Vera Institute of Justice).

<sup>10</sup> Captain Bolton of the Oakland Police Department made improvements on profiling by proxy using an approach that educated citizens on focusing on criminal behavior instead of suspicion when calling police.

<sup>11</sup> “Avoiding ‘profiling by proxy,’” Vera Institute of Justice, March 13, 2015, <https://www.vera.org/blog/police-perspectives/avoiding-profiling-by-proxy>

<sup>12</sup> [Organizational Culture and Police Misconduct](#)

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**Recommendations for Council**

**Community Engagement and Feedback** - When the City of Berkeley pledged to consider reducing funding for the police department by 50%, it also committed itself to shifting to new and alternative methods of community safety. To effectively understand and implement new and alternative safety practices and services, the City of Berkeley must look to its residents for ongoing insight and feedback. The City must collect and utilize regular community feedback to inform the city on community investment priorities including police department policies and practices and future direction. To that end:

**12. Address Profiling by Proxy<sup>13</sup>**

To protect against profiling by proxy City Council should:

- a. Introduce profiling by proxy legislation similar to [CAREN Act](#) in SF, which would hold residents accountable for using police in a biased manner.
- b. Issue a quarterly review of data from 911 Dispatch, for the PRC or City Auditor to help understand the extent of calls from community members presenting ‘biased’ suspicions.”

**13. Require regular analysis of BPD stop, search, and use of force data**

The City Auditor and/or PRC shall update the [analysis](#) of BPD data completed by the [Center for Policing Equity](#) and the PRC and publish the results on the BPD website every quarter. This report shall include stop, search, and use of force analysis. —

**Ensuring Timely and Effective Implementation:**

Since the fall of 2017, the police department has received 37 separate policy or legislative directives to address the racially disparate treatment of City of Berkeley residents. Those directives are the result of extensive and on-going racial disparities in police department stops, searches, and use of force. As of the drafting of this report, at least 30 of those directives remain outstanding with **no plan** for implementation.

We respectfully recognize that the role of the Mayor’s Working Group on Fair and Impartial Policing is to advise the Berkeley City Council and staff. We recognize that we are not in a position to make final decisions; rather, our role is to offer advice and recommendations to the Council. The Mayor’s Working Group is committed to ensuring that the policy recommendations outlined in this proposal are not added to the long list of unaccomplished directives. Therefore, we have included an accountability system with our policy proposal. This accountability system

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<sup>13</sup> When an individual calls the police and makes false or ill-informed claims of misconduct about persons they dislike or are biased against—e.g., ethnic and religious minorities, youth, homeless people; retrieved from The Vera Institute of Justice

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will ensure that the changes necessary to establish fair and impartial policing and rebuild public trust occur.

**Compliance and Accountability Mechanisms:**

- A. Working in partnership with the Mayor's Working Group on Fair and Impartial Policing and within six months from approval of the proposal (extended for good cause), the City Manager hires an experienced consultant to help draft an implementation plan that includes a timeline to monitor, assess, and report on the implementation of the items outlined in the working group's policy proposal.
  - i. If a consultant is not hired within six months from approval of the proposal, the Council should move to item "E" below.
  - ii. If a consultant is not hired within six months (extended for good cause), the working group should remain formally organized by the Mayor until a consultant is hired and a plan is approved.
- B. The Working Group, Police Chief, and the consultant will create an implementation plan that includes a timeline to monitor, assess, and report on the implementation of the items outlined in the Working Group's policy proposal. Long-term monitoring and assessments will be the responsibility of the police oversight body (the PRC or its successor the Police Accountability Board).
- C. The implementation plan will be presented to the Berkeley City Council for approval. Once the plan is approved by the City Council, the consultant's work is finished. Long-term monitoring and assessment will be the responsibility of the police oversight body (the PRC or its successor the Police Accountability Board).
- D. The City Manager and the Berkeley Police Chief should do everything within their power to implement the items outlined in the plan and timeline set forth and approved by City Council.
- E. The City Council should set the implementation of this plan as a priority in the annual evaluation of the city manager.
- F. If the City Manager does not ensure that the Police Department implements the plan in accordance with the timeline, the City Manager should be held accountable.
  - i. In the event of a new Berkeley Police Department Chief: the Mayor's Working Group, on Fair and Impartial Policing, the new Police Chief and the City Manager shall meet and agree upon an updated timeline to monitor, assess, and report on the implementation of the items outlined in the plan approved by City Council.
  - ii. In the event of a new City Manager: the Working Group, the Berkeley Police Chief, and the new City Manager shall meet and agree upon an updated timeline to monitor, assess, and report on the implementation of the items outlined in the plan approved by City Council.

If these recommendations are adopted and implemented promptly, we expect that the disparate stop data can show significant improvement in the near future. We expect the City Manager and the Police Chief to implement these programs with enthusiasm and dedication, as they reflect the constitutional imperative of equal protection under the law.

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## Appendix A: Additional Recommendations

*The following recommendations are also supported by the working group, which suggests referring them to the reimagining process and/or follow-up with the Police Accountability Board and the Fair and Impartial working group. See table 1 for recommended actions.*

### **14. Include a scenario-based training component in the existing officer training required by California Penal Code 13519.4**

- a. The training must include specific, relevant examples of prohibited actions and how to conduct law enforcement activities in an unbiased manner.<sup>14</sup>
- b. MILO and VIRTRA are two such scenario-based training programs<sup>15</sup>
- c. An independent observer shall review the training and report back to the PRC or its successor on the quality of the training.

### **15. Require enhanced annual implicit bias training for police**

There is scant scientific evidence that implicit bias training works to change implicit biases over the long-term. However, agency-wide, enhanced, and well-executed training that occurs on a regular basis could have a positive effect on the cultural environment of the police department and on expectations for behavior. Regular, required implicit bias training provides an expression of institutional support for fairness, which is important in improving relationships across groups<sup>16</sup> and improving agency culture.

- a. Officers should receive intensive anti-racism and implicit bias training as part of their core instruction in the first 90 days of employment, and an annual 'refresher' course.
- b. An independent observer shall attend the training and report back to the PRC on the quality of the training.

### **16. Accelerate Crisis Intervention Team (CIT) activity**

- a) Require 40 hours of CIT training in the first year of employment.
- b) Collect data on CIT calls to allow BPD to make informed decisions about staffing and deployment so that a CIT officer is available for all shifts in all districts to respond to every CIT call.
- c) Develop a CIT reporting system so that each deployment of a CIT officer is well documented. CIT officers should submit narrative reports of their interactions with persons in crisis so the appropriateness of the response can be evaluated in an after-action analysis.
- d) Implement an assessment program to evaluate the efficacy of the CIT program as a whole and the performance of individual CIT officers. A portion of a CIT officer's performance review should address skill and effectiveness in CIT situations.

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<sup>14</sup> CA Penal Code

<sup>15</sup> MILO in an Oakland setting

<sup>16</sup> Allport, G. W., Clark, K., & Pettigrew, T. (1954). The nature of prejudice.



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**17. The City of Berkeley should conduct annual community forums on Police and Public Safety:**

- a. Identifying community-based leaders and impacted individuals for control of the envisioning process.
- b. Placing the process under the Office of the Mayor, not the City Manager. Upon establishment of the Police Accountability Board, place the process under the auspices of the Police Accountability Board.
- c. Including the creation of community-based measures of safety as part of the first round of the envisioning process.<sup>17</sup>
- d. Once community-based measures of safety are created, including these measures in the annual community survey (see item 17) and publishing the data as per item 17b.

**18. The City of Berkeley should conduct an annual community survey.**

Sample surveys include the [Milwaukee survey](#) and the [Dallas survey](#).

- a. Data collected should be shared publicly via the City of Berkeley website or an online community dashboard.

**19. The City should create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized and includes:**

- a. A basic "Report Card," in collaboration with the PRC or its successor the Police Accountability Board, based on community feedback for each reform. This will enable the Department to take the 'community's temperature' on how the implementation of the reforms are being perceived by the public.
- b. Quarterly neighborhood 'check ins' for relationship building .

**20. Conduct a Capacity Study**

- a. Release data including but not limited to 911 dispatch calls, BPD stops and interventions, written reports, and body-worn camera footage to the City Auditor and/or PRC for analysis.<sup>18</sup>
- b. Conduct an audit on officer down time to determine the percentage of police time spent outside of responding to calls for service and how police officers spend this time. Share this information with the City Auditor and/or PRC for analysis for use in the capacity study.
- c. Conduct an audit of police overtime to determine the factors that contribute to the use of overtime .

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<sup>17</sup> This process should follow or be modeled after the [Everyday Peace Indicators](#) process

<sup>18</sup> This study could be time-limited and would not have to be a comprehensive analysis of internal data; a random sample done correctly would suffice to determine how best to restructure the response to a variety of problematic situations.

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- d. Identify what percentage of calls for service require a unique police response and what percentage of calls could be better served by an alternative response with the goal to focus police response on issues that can best be responded to by police officers.
- e. These data can also assist in identifying calls suspected of profiling by proxy.

**21. Fund and implement a specialized care unit for mental health crises**

Fully fund and implement the specialized care unit as swiftly as possible in order to remove mental health and homeless encounters from the responsibility of BPD. Research has found that individuals with mental illness are at a higher risk of police stops, use of force,<sup>19</sup> and a fatal police encounter.<sup>20</sup> These disparities increase for Black and Latinx individuals. Specialized mental health crisis units are a safer option for those experiencing a mental health crisis than a police response and a more cost-effective use of public resources.<sup>21</sup> The Council's July 14, 2020 decision to create a Specialized Care Unit will better serve people in Berkeley experiencing a mental health crisis. The Working Group supports transitioning away from police as first responders to 911 calls related to mental health and towards trained, unarmed mental health first responders.

The Berkeley Community Safety Coalition in collaboration with Councilmember Bartlett are developing a proposal related to a pilot program transitioning away from sworn police as first responders to professional mental health first responders. The Working Group supports this effort.

**22. Make resources on police-civilian encounters more publicly available, including:**

- a. A website similar to RAHEEM that collects information on police-civilian encounters.<sup>22</sup>
- b. Contact information for filing a complaint with the PRC or its successor.

**23. Evaluate the impact of these proposals on racial disparities in stops and searches, using regular updates to stop and search data**

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<sup>19</sup> [Mental Illness, Police Use of Force, and Citizen Injury](#)

<sup>20</sup> [Deaths of people with mental illness during interactions with law enforcement](#)

<sup>21</sup> [CAHOOTS Media Guide, 2020](#)

<sup>22</sup> <https://www.raheem.ai/en/>

Attachment 2: Working Group Recommendations Passed by Council. February 23, 2021

# ANNOTATED AGENDA SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

Tuesday, February 23, 2021

4:00 P.M.

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

**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 will be conducted exclusively through teleconference and Zoom videoconference. Please be advised that pursuant to the Executive Order and the Shelter-in-Place 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.*

*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 <https://us02web.zoom.us/j/81676274736>. 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: 816 7627 4736. 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](mailto: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:** 4:06 p.m.

**Present:** Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin

**Absent:** Kesarwani

Councilmember Kesarwani present at 4:13 p.m.

**Action:** M/S/C (Arreguin/Wengraf) to adopt a special rule for this meeting to limit public comment to one minute per speaker, with the option to yield time up to a total of four minutes.

**Vote:** Ayes – Taplin, Bartlett, Harrison, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – None; Absent - Kesarwani

## Action Calendar – New Business

1. **Report and Recommendations From Mayor's Fair and Impartial Policing Working Group**  
**From: Mayor Arreguin (Author), Councilmember Harrison (Author)**  
**Recommendation:**
  1. Accept and acknowledge the report from the Fair and Impartial Working Group (Attachment 1).
  2. Direct the City Manager to implement the following recommendations summarized below and detailed in full in Attachment 1, with at minimum, quarterly progress updates to the Police Accountability Board (PAB) and/or the Working Group.
    - Focus traffic stops on safety
    - Use a clear, evidence-based definition for stops of criminal suspects
    - Use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria
    - Eliminate stops for low-level offenses
    - Implement an Early Intervention System (EIS) and a risk-management structure
    - Immediately release stop, arrest, calls for service and use of force data from 2012 to present to the Working Group
    - Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole
    - Require written consent for all consent searches
    - Address Profiling by Proxy (PAB Policy Development, Dispatcher Training)
    - Fire racist police officers identified through social media and other media screens
    - Address Profiling by Proxy (Council develop & pass CAREN policy)
    - Require regular analysis of BPD stop, search, and use of force data
    - Make resources on police-civilian encounters more publicly available such as RAHEEM.org
    - Adopt Compliance and Accountability Mechanisms; -Hire consultant to develop implementation plan
    - For any individual detained, BPD officers shall provide a business card with info on a website similar to RAHEEM and info on complaint process with PAB
  3. Refer the following recommendations summarized below and detailed in full in Attachment 1 to be included in the process to reimagine public safety:

## Action Calendar – New Business

-Create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the Police Review Commission or its successor and includes a basic report card and quarterly neighborhood check-ins

-Conduct a baseline community survey

4. Refer the following recommendations summarized below and detailed in full in Attachment 1 to the Police Review Commission, to be taken up by the Police Accountability Board when it is established

-Include a scenario-based training component in the existing officer training required by California Penal Code 13519.4

-Require enhanced annual implicit bias training for police

-Accelerate Crisis Intervention Team (CIT) activity

5. Acknowledge and reaffirm the following recommendations summarized below and detailed in full in Attachment 1 that are already underway:

-Fund and implement a specialized care unit for mental health crises

-Conduct a Capacity Study of police calls and responses and use of officer time outside of case work

6. Refer \$50,000 to the FY 2022 budget process for a consultant to develop an implementation plan as described in Attachment 1 and other minor costs the Department may incur

**Financial Implications:** See report

Contact: Jesse Arreguin, Mayor, (510) 981-7100

**Action:** 40 speakers. M/S/C (Arreguin/Harrison) to:

1. Accept and acknowledge the report from the Mayor's Fair and Impartial Policing Working Group;
2. Acknowledge and appreciate the work already completed or underway by the City Manager's Office and Police Department to implement policing reforms including:
  - Adoption and implementation of Policy 401, Fair and Impartial Policing
  - Public reporting of stop data on the BPD Open Data Portal
  - Initiation of the Center for Policing Equity study
  - Implementation of the Body Worn Camera Program
  - Early adoption of Racial and Identity Profiling Act (RIPA) data collection and reporting
  - Updates to the Use of Force Policy, Policy 300
  - Development and passage of Measure II to create a new Police Accountability Board
  - Launching of the Public Safety Reimagining process
3. Refer to the City Manager to implement the following recommendations summarized below, with quarterly progress updates to the City Council and Police Review Commission/Police Accountability Board (when established):
 

**Implement a new evidence-based Traffic Enforcement Model**

  - Focusing the basis for traffic stops on safety and not low-level offenses;
  - Reaffirming and clarifying that the Berkeley Police Department will use a clear, evidence-based definition for stops of criminal suspects;
  - Reaffirming and clarifying that the Berkeley Police Department will use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria
  - Minimize or de-emphasize as a lowest priority stops for low-level offenses.

## Action Calendar – New Business

### Implement Procedural Justice Reforms

- Refer amendments to existing BPD policy and the creation of an Early Intervention System (EIS) related to traffic, bike and pedestrian stops;
- Adopt a policy to require written consent for all vehicle and residence searches and update the consent search form in alignment with best practice and community feedback;
- Limit warrantless searches of individuals on supervised release status such as Post Release Community Supervision (PRCS), probation, or parole;
- Address Profiling by Proxy (PAB Policy Development, Dispatcher Training);
- Fire racist police officers identified through social media and other media screens;
- Require regular analysis of BPD stop, search, and use of force data;
- Make resources on police-civilian encounters publicly available such as through RAHEEM.org;
- For any individual detained, BPD officers shall provide a business card with info on the commendation and complaint process with PAB and Berkeley Police Department.

Request that the City Manager report back at a Council Work Session in three months with budget estimates for implementation (to be considered along with the FY 22 budget process), information on legal and operational considerations, and a short-term action plan of recommendations which can be implemented without the hiring of a consultant, and those that will require the assistance of a consultant and additional resources.

### Compliance and Accountability Mechanisms

- The City Manager will create an implementation plan with the assistance of a consultant that includes a timeline to monitor, assess, and report on the implementation of the items outlined in the Working Group's policy proposal. Long-term monitoring and assessments will be the responsibility of the police oversight body (the PRC or its successor the Police Accountability Board).
  - The implementation plan will be presented to the Berkeley City Council for approval. Once the plan is approved by the City Council, the consultant's work is finished. Long-term monitoring and assessment will be the responsibility of the police oversight body (the PRC or its successor the Police Accountability Board).
4. Refer the following recommendations summarized below to the Reimagine Public Safety process:
    - Create a formalized feedback system to gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the Police Review Commission or its successor and includes a basic report card and quarterly neighborhood check-ins
    - Conduct a baseline community survey.
  5. Refer the following training recommendations summarized below to the Police Review Commission, to be taken up by the Police Accountability Board when it is established, and consider the resources required to implement this expanded training:
    - Include a scenario-based training component in the existing officer training required by California Penal Code 13519.4
    - Require enhanced annual implicit bias training for police
    - Accelerate Crisis Intervention Team (CIT) activity

## **Action Calendar – New Business**

- Refer to the PRC/PAB to consider a departmental policy on requiring written consent for person searches and report back in 6 months.
- 6. Acknowledge and reaffirm the following recommendations summarized below and detailed in full in Attachment 1 that are already underway and have been completed:
  - BPD released stop, arrest, calls for service and use of force data from 2012 to present to the Working Group;
  - Fund and implement a specialized care unit for mental health crises;
  - Conduct a Capacity Study of police calls and responses and use of officer time outside of case work.
- 7. Refer \$50,000 to the FY 2022 budget process for a consultant to assist the City Manager/Police Department in the implementation of these recommendations and other minor costs the Department may confer; and also refer to the FY 2022 budget process a line item for police training for the new evidence-based stop program (costs to be determined by BPD).

**Vote:** All Ayes.

## **Adjournment**

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

**Vote:** All Ayes.

Adjourned at 7:07 p.m.

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

### **Item #1: Report and Recommendations From Mayor's Fair and Impartial Policing Working Group**

1. Elizabeth Ferguson

## **Supplemental Communications and Reports 3**

### **Item #1: Report and Recommendations From Mayor's Fair and Impartial Policing Working Group**

2. Material, submitted by Mayor Arreguin
3. Presentation, submitted by the Police Department
4. Janice Schroeder
5. Thomas Luce
6. Ben Gerhardstein, on behalf of Walk Bike Berkeley
7. Diana Bohn
8. Sivan Orr
9. Ali Lafferty



### Attachment 3: Summary of BPD Quarterly Updates on Fair and Impartial Policing Implementation

Summary of Berkeley Police Department Quarterly Reports: Fair & Impartial Policing  
Recommendation Implementation Updates per BPD

Appendix 3

| FIP Recommendation                                                                                                                   | June 2021                                                                                                                                                                                                                                                                                                                                                                                                                                   | Oct 2021                                                                                                                                                                                                                                                    | Feb 2022                                                                                                                                                                                                                                                                                                          | June 2022                                                                                                                                                                                                     | September 2022                                                                                                                                                                         | March 2023       | June 2023                                                                                                    | October 2023     |
|--------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|--------------------------------------------------------------------------------------------------------------|------------------|
| Implement a new evidence-based traffic enforcement model: minimize or de-emphasize as a lowest priority stops for low-level offenses | A working group (wg) has been established consisting of employees working in every division of BPD and a representative of the BPA leadership. The wg is tasked with identifying what low-level offenses are applicable while balancing the necessity of traffic safety and the Berkely Vision Zero initiative. The wg will present recommended policy language as well as analysis of risk or unintended outcomes no later than Fall 2021. | Officers have been directed to focus less attention on equipment violations and are expected to make investigative stops related to criminal intelligence information. The wg has been working to identify traffic offenses that most impact public safety. | Officers have been provided data regarding primary collision factors and have been directed to enforce those violations. The wg created a three-prong approach that focuses on primary collision factors, community member reports, and community caretaking. Implementation in progress. Training has commenced. | Officers have been provided data regarding primary collision factors and have been directed to enforce those violations. BPD has implemented and conducted departmental training on the three-prong approach. | <b>Implementation complete.</b><br>Training on the three-pronged approach has concluded. The Department will continue to review data on traffic offenses that affect community safety. | Same as previous | In addition, this has been formalized as a departmental directive in a Special Order on traffic enforcement. | Same as previous |
| Use a clear, evidence-based definition for stops                                                                                     | BPD is establishing a precision based policing model that considers                                                                                                                                                                                                                                                                                                                                                                         | BPD continues to develop and deploy data-                                                                                                                                                                                                                   | BPD is establishing a precision-based policing model                                                                                                                                                                                                                                                              | BPD is establishing a precision-based policing model                                                                                                                                                          | <b>Implementation complete.</b> BPD is establishing a precision-based                                                                                                                  | Same as previous | Same as previous                                                                                             | Same as previous |

<sup>1</sup> Reflects BDP-reported status update.

Summary of Berkeley Police Department Quarterly Reports: Fair & Impartial Policing  
Recommendation Implementation Updates per BPD

|                      |                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |  |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| of criminal suspects | data and public safety. Data driven tools that enable close to real-time dashboard tracking of calls for service have been provided to Community Service Bureau and Patrol Watch Commandeers. The goal is to have data-driven approaches to violence prevention programs in real time crime and call analysis for patrol deployment strategies. | driven tools to enhance precision-based policing model. Interviewing for two data analysts and continuing to build data dashboard. | that considers data and public safety. Data driven tools that enable real-time dashboard tracking (close to real time) have been provided to Patrol Watch Commanders. Exploring feasibility of a system that employs a feedback loop to provide information back to the Community Services Bureau to support accountability. Filled one of two data analyst positions. | that considers data and public safety. Data driven tools that enable real-time dashboard tracking (close to real time) have been provided to Patrol Watch Commanders. Exploring feasibility of a system that employs a feedback loop. | policing model that considers data and public safety. Data driven tools that enable real-time dashboard tracking (close to real time) have been provided to Patrol Watch Commanders. During this reporting period feedback loop implemented. System provides tracking of calls for service with the goal of call analysis for patrol deployment strategies and allows officers in the field to communicate to the Community Service Bureau. |  |  |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|

Summary of Berkeley Police Department Quarterly Reports: Fair & Impartial Policing  
Recommendation Implementation Updates per BPD

Appendix 3

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|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|
| Use race and ethnicity as determining factors in stops only when paired with clear, evidence-based criteria | <b>Implementation complete.</b> Existing law prohibits racial profiling. Policy 401 (Fair and Impartial) explicitly states that officers shall not consider race, ethnicity, national origin, gender....in establishing reasonable suspicion or probable cause...the above policies were reviewed in light of taskforce recommendations and found to affirm and clarify officer responsibility in stops. | Same as previous                                                                                                                        | Same as previous                                                                                                      | Same as previous                                                                                                        | Same as previous | Same as previous                                                                                                                | Same as previous | Same as previous |
| Implement an Early Intervention System (EIS) and a risk-management structure                                | Working on amendments to EWS to include data around traffic, bike, and pedestrian stops.                                                                                                                                                                                                                                                                                                                 | Amendments are being made to specifically identify additional activity that should be considered when applying the EWS policy. Language | <b>Implementation complete.</b> Updated policy finalized reflecting amendments to include monitoring of stop data for | <b>Implementation complete.</b> Random quarterly audits of officers' stop data, complaints, and use of force, and other |                  | <b>Implementation complete.</b> The City Council referred \$100,000 to the June 2023 Budget Process to enter into a contract to | Same as previous | Same as previous |

Summary of Berkeley Police Department Quarterly Reports: Fair & Impartial Policing  
Recommendation Implementation Updates per BPD

Appendix 3

|                                                                        |  |                                                                                                                                                                                                          |                                                                                                                                                                            |                                                                                                                                                                                                                                            |                                                                                                            |                  |                                                                                                    |                  |
|------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------------------------------------|------------------|
|                                                                        |  |                                                                                                                                                                                                          | added to include data around traffic, bicycle and pedestrian stops. The new policy is being reviewed by the police union.                                                  | individual officers. The Audits and Inspections Sergeant will also conduct separate and random quarterly audits of officer's stop data, complaints, and use of force incidents and other factors and will share these audits with the PAB. | factors, the results of which will be reported to the Chief of Police.                                     |                  | design and assist with implementing a comprehensive Early Intervention and Risk Management System. |                  |
| BPD to provide regular analysis of stop, search, and use of force data |  | BPD is in the process of expanding the call for service dataset to include all call types and eliminate 180-day time range. BPD has started working with a vendor to update the public facing open data. | In the process of eliminating the 180-day time range that currently exists. In the process of expanding the call for service data set. Expected completion is summer 2022. | <b>Implementation complete.</b> Open Data Portal and Transparency Hub effectuate this recommendation.                                                                                                                                      | <b>Implementation complete.</b> The department will regularly analyze stop, search, and use of force data. | Same as previous | Same as previous                                                                                   | Same as previous |

Summary of Berkeley Police Department Quarterly Reports: Fair & Impartial Policing  
Recommendation Implementation Updates per BPD

Appendix 3

|                                                                                                                                        |  |                                                                                                               |                                                                                                                                          |                          |                                                                                                                                                                     |                  |                  |                  |
|----------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|------------------|------------------|
| Require written consent for all consent searches                                                                                       |  | Policy to require written consent for all vehicle and residence searching using updated form near completion. | Revised consent form has been created. Implementation in progress. New search and seizure policy being reviewed by union.                | Implementation complete. | Same as previous                                                                                                                                                    | Same as previous | Same as previous | Same as previous |
| Limit warrantless searches of individuals on supervised release status such as PRCs, probation, or parole, absent reasonable suspicion |  |                                                                                                               | Implementation complete. Policy 311 updated to limit searches on individuals who are on supervised release, absent reasonable suspicion. |                          | Implementation complete. However, In July 2022, City Council approved a revised Policy 311 to allow for searches of those on supervised release for violent crimes. | Same as previous | Same as previous | Same as previous |
| Address profiling by proxy                                                                                                             |  |                                                                                                               | Implementation complete. Comms Center Operation Manual amended to address.                                                               | Same as previous         | Same as previous                                                                                                                                                    | Same as previous | Same as previous | Same as previous |
| Fire racist police officers identified through social media and other media screens                                                    |  | The FIP taskforce identified additional methods for                                                           | Implementation complete. Existing policy implements this recommendation                                                                  | Same as previous         | Same as previous                                                                                                                                                    | Same as previous | Same as previous | Same as previous |

Summary of Berkeley Police Department Quarterly Reports: Fair & Impartial Policing  
Recommendation Implementation Updates per BPD

|                                                                                                     |               |                                                                                                                                  |                                                                                                                                                |                                                                                                                   |                  |                                                                           |                                                                                                         |                                                      |                  |                  |                  |                  |
|-----------------------------------------------------------------------------------------------------|---------------|----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|------------------------------------------------------|------------------|------------------|------------------|------------------|
|                                                                                                     |               | discovering issues and BPD will work with the taskforce to determine the effectiveness, legality, and usefulness of these tools. |                                                                                                                                                |                                                                                                                   |                  |                                                                           |                                                                                                         |                                                      |                  |                  |                  |                  |
| Make resources on police-civilian encounters more publicly available such as through RAHEEM.org     | Not Addressed | NA                                                                                                                               | NA                                                                                                                                             | NA                                                                                                                | NA               | NA                                                                        | NA                                                                                                      | NA                                                   | NA               | NA               | NA               | NA               |
| For any individual detained BPD officers shall provide a business card                              |               |                                                                                                                                  | Implementation complete. In May 2021 business cards modified to add info for IA and PAB on back. Officers directed to provide to all detained. | Same as previous                                                                                                  | Same as previous | Same as previous                                                          | Same as previous                                                                                        | Same as previous                                     | Same as previous | Same as previous | Same as previous | Same as previous |
| Conduct a capacity study of police calls and responses and use of officer time outside of case work |               |                                                                                                                                  | City Auditor's report included analysis of CAD data. BPD has reviewed and added additional disposition codes to CAD program.                   | An assessment of overall staffing levels as well as patrol beat specific analysis has been referred to the budget | Same as previous | The City Auditor's report was released which analyzed CAD data. Recommend | The BPD has completed an RFP. Citygate has been selected to conduct the workload study. A contract with | A contract with Citygate will be in place by the end |                  |                  |                  |                  |

Summary of Berkeley Police Department Quarterly Reports: Fair & Impartial Policing  
Recommendation Implementation Updates per BPD

Appendix 3

|                                            |                                                               |    |                                                                                      |                                                                |                  |                                                                                                                                                                                                                                                                                                |                                          |                  |
|--------------------------------------------|---------------------------------------------------------------|----|--------------------------------------------------------------------------------------|----------------------------------------------------------------|------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|------------------|
|                                            |                                                               |    | One data analyst will be tasked with ongoing analysis of police calls and responses. | process via the Council's direction on Reimaging public safety |                  | ations were provided to the BPD and findings were referred to the Reimagine Public Safety Task Force. BPD has implemented the recommendations and an assessment of overall staffing levels as well as patrol beat specific analysis will be conducted as part o the sworn staffing assessment. | Citygate is expected in the near future. | of August.       |
| Fund and implement a specialized care unit | XX (PAB has not tracked implementation status of this effort) | XX | XX                                                                                   | XX                                                             | XX               | XX                                                                                                                                                                                                                                                                                             | XX                                       | XX               |
| Create a formalized feedback system to     |                                                               |    | Implementation in progress. Baseline survey                                          | Initial implementation complete. BPD                           | Same as previous | Same as previous                                                                                                                                                                                                                                                                               | Initial implementation complete. To      | Same as previous |



Summary of Berkeley Police Department Quarterly Reports: Fair & Impartial Policing  
Recommendation Implementation Updates per BPD

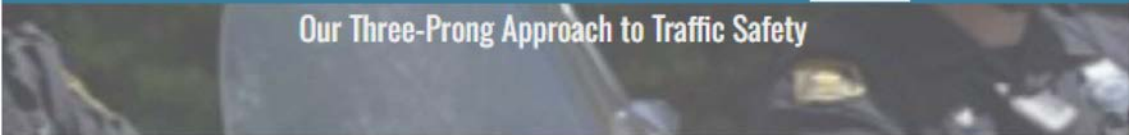
Appendix 3

|                                                                                                                                                                                                                                                                           |  |  |                                                                   |                                                                               |  |                                                                                                                                        |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|-------------------------------------------------------------------|-------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------|--|
| gauge community response to ongoing reforms and ensure this constructive input system is institutionalized with the police review commission or its successor and includes a basic report card and quarterly neighborhood check-ins; conduct a baseline community survey. |  |  | completed as part of Reimagining Public Safety Taskforce process. | will be seeking ongoing community input and feedback via the Transparency Hub |  | support feedback systems, the BPD will be seeking ongoing community input and feedback around reform efforts via the Transparency Hub. |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|-------------------------------------------------------------------|-------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------|--|

## Attachment 4: BPD Three-Pronged Approach to Traffic Enforcement


**Police Transparency**

[Stop Data](#)
[Calls for Service](#)
[Use of Force](#)
[Crime Data](#)
[Community Engagement](#)
[Current Trends](#)
[Traffic Safety](#)
[Open Data Portal](#)



## Our Three-Prong Approach to Traffic Safety

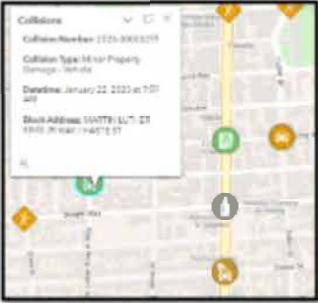
The BPD has reprioritized traffic safety efforts around a three-prong approach that focuses on primary collision factors (PCF), community concerns submitted to the BPD, and our role as community caretakers. Community caretaking functions consider safety violations that aren't always noted as the primary collision factor but can be a significant contributing factor in serious collisions. The BPD collects a range of data related to traffic safety to include calls for service, collision data, and qualitative survey data. The analyses are then used to guide enforcement, education, and prevention strategies.

### Prong #1 - Primary Collision Factors (Berkeley specific data)

Vehicle code violations resulting in severe and fatal collisions in Berkeley.

- Unsafe speed
- Pedestrian right-of-way at crosswalks
- Failure to yield for turns
- Red light violations
- Stop sign violations

For additional information on the city's Vision Zero efforts please check out their page on the right!



Use the Dashboard below to explore Berkeley collision data.



### Vision Zero

Berkeley's Vision Zero strategy aims to eliminate all traffic fatalities and severe injuries while increasing safety.

[Explore](#)

### Prong #2 - Community Reports

Responding to calls from community members.

- Possible DUI driver (car reportedly swerving)
- Driver that's fallen asleep at a red light
- A variety of unsafe driving incidents occurring
- CRIME involving vehicle
  - Hit and Run
  - Crime with get-away vehicle description

To submit a traffic safety concern, please fill out the form on the right!



Use the Dashboard below to explore traffic-related Calls for Service (orange lines) and community concerns (orange flag).



### Submit a Traffic Concern

Let the Berkeley Police Department Traffic Bureau know about your traffic safety concern in the community

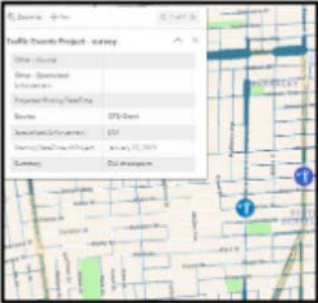
[Take Survey](#)

### Prong #3 - Community Caretaking

Examples of violations that are safety concerns but not necessarily PCFs

- Distracted Driving (hands free law)
- DUI Investigation
- Seatbelt Violations

For additional information on our traffic stop data, please visit our Stop Data page on the right!



Use the Dashboard below to explore our traffic enforcement efforts (blue lines) in relation to calls/concerns/collisions.



### Stop Data

An ArcGIS Hub page used by Law Enforcement agencies to help illustrate to the general public the enforcement.

[Explore](#)

Attachment 5: Berkeley Police Department Memorandum Titled: "PD Response to PAB FIP Implementation Report"



## Berkeley Police Department Memorandum



From: Chief Jennifer Louis

Date: 4/15/2024

To: The Police Accountability Board and the Office of the Director of Police Accountability

Subject: PD Response to PAB FIP Implementation Report

We sincerely thank you for sharing the draft of your Fair and Impartial Policing Implementation Report and for being open to accepting our comments and feedback. The Berkeley Police Department commends the Police Accountability Board for your analysis and efforts to enhance policing standards in our community. Your work plays a vital role in promoting fairness, equity, and impartiality in policing.

BPD is fully committed to collaborating with the PAB as we share the goals of ensuring justice and safety for every community member. We value your partnership as we implement effective reforms and strive for continuous improvement.

Regarding the specific recommendations:

- BPD appreciates the guidance to focus on outcomes, not just policies. We commit to including measures of our impact on racial disparities, such as steps taken to mitigate officer bias, in our quarterly FIP reports. While acknowledging external factors, we will emphasize areas where BPD can drive meaningful change.
- Since implementing our Three-Pronged Traffic Enforcement model, we've decreased equipment violation stops by 21% from 2022-2023 and reduced disparities in all discretionary vehicle stops. The data shows that the percentage of all discretionary equipment violation stops involving Black individuals has decreased from 29.49% in 2021 to 20.93% in 2023, indicating progress in addressing the overrepresentation of Black people in these stops. We are open to further adjustments but believe our current approach needs more time to demonstrate its full impact.
- BPD will continue to exceed the Council's directives for implicit bias training through our comprehensive KIND program, which embeds these principles into trainings on tactics, de-escalation, and communication. This holistic approach reinforces recognizing and mitigating bias across all aspects of our work.
- BPD is actively collaborating with the PAB and the Berkeley Police Association to enhance and refine our Early Intervention System. We are working to ensure our approach reflects best practices and balances the goals of fairness and effectiveness in identifying areas for improvement. The system's design will be informed by comprehensive analysis and guidance from these subject matter experts.
- Our policies mandate strict accountability for any biased conduct by officers. BPD is fully committed to enforcing these standards to maintain the highest levels of integrity and public trust.

Regarding the collision analysis, we want to clarify that it aims to provide a relevant baseline of the demographics of Berkeley drivers, especially those driving dangerously, to enable a fair assessment of officers' decision-making. The data reflects operational realities, not an attribution of driving behaviors



## **Berkeley Police Department Memorandum**



to any racial group. We acknowledge the omission of equipment violations and commit to expanding our analysis to examine these stops in future reports.

We suggest the FIP subcommittee develop a theory of change linking each recommendation to specific factors contributing to disparities (e.g., socioeconomic inequities, institutional practices, individual bias). This will allow us to better assess if reforms are addressing the intended aspects of the disparities.

We also recommend clarifying that the disparity figures compare stop demographics to city demographics, not necessarily differential treatment for identical behaviors, to accurately capture the complex factors shaping police interactions beyond just department policies.

Regarding implementation progress, BPD has engaged on every recommendation, completing all but one. The outstanding recommendation, 'Conduct a capacity study of police calls and responses and use of officer time outside of case work,' is expected to be completed by June, pending the results of an upcoming report from Citygate Associates. Our 2023 annual report reflects this progress and commitment. Beyond the completion of the final recommendation, the department will continue efforts related to fair and impartial policing and will continue to assess and review the efficacy of our efforts.

In conclusion, the Berkeley Police Department reaffirms our unwavering dedication to fair and impartial policing. We deeply value the PAB's crucial role in achieving our shared goals and welcome your continued feedback. BPD is committed to learning, improving, and engaging in open dialogue as we work together to promote equity and justice.

Thank you again for the opportunity to provide input. We look forward to our continued partnership to ensure Berkeley's policing lives up to our city's values.



Igor Tregub  
Councilmember, District 4

Cecilia Lunaparra  
Councilmember, District 7

## CONSENT CALENDAR

FEBRUARY 11, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author) and Cecilia Lunaparra (Co-Author)

Subject: Resolution in Support of the Commissioning of a California Feasibility Study to Implement “Golden State Energy,” a Not-for-Profit Public Utility Model

## RECOMMENDATION

Adopt a resolution in support of the allocation of state fiscal and staff resources to commission a feasibility study that compares various not-for-profit utility models prioritizing public benefits in energy generation, distribution, and transmission; the development an equitable implementation plan that establishes a statewide successor entity known as “Golden State Energy” as a successor to investor-owned utilities such as Pacific Gas and Electric; and transmittal of the Council’s support of such a resolution to Governor Gavin Newsom, Senator Jesse Arreguin (SD7) and Assemblymember Buffy Wicks (AD14).

## CURRENT SITUATION AND ITS EFFECTS

Three investor-owned utilities (IOUs) in California have monopolistic control of the state’s energy transmission and distribution system.<sup>1</sup> As one particular example, Pacific Gas and Electric Company (PG&E) is one of the two largest IOUs in California and one of the largest utility companies in the United States.<sup>2</sup> Its coverage area, which includes most of Northern and Central California, covers 70,000 square miles and serves 16 million people across the state but has consistently failed to meet safety, reliability, affordability, and climate justice standards.

The consequences of PG&E’s failures have been dire:

<sup>1</sup><https://information.auditor.ca.gov/reports/2022-115/index.html#:~:text=Background,primarily%20in%20SCE's%20service%20area.>

<sup>2</sup><https://www.eia.gov/todayinenergy/detail.php?id=40913#:~:text=The%20two%20largest%20IOUs%20are,%2C%20and%20municipal%20drun%20utilities.>

Internal

- **Wildfire Liability & Disasters:** PG&E infrastructure has been directly linked to some of the deadliest and most destructive wildfires in California history, including the 2018 Camp Fire, which destroyed over 18,000 structures<sup>3</sup>.
- **Public Safety Power Shutoffs (PSPS):** PG&E has increasingly relied on mass power shutoffs to mitigate wildfire risks, leaving millions of residents and businesses without electricity for days at a time, with disproportionate harm to vulnerable populations.<sup>4</sup>
- **Escalating Rates & Affordability Crisis:** PG&E's residential rates have increased by over 118% since 2014, and future rate hikes are expected as the company seeks to recover wildfire-related liabilities and infrastructure costs.<sup>5</sup> By comparison, publicly owned utilities in California offer electricity at rates that are more than 50%% lower on average than those of IOUs.<sup>6</sup>
- **Grid Connection Delays:** Municipalities and developers are experiencing significant delays in connecting new buildings and businesses to the power grid. In Berkeley alone, these delays are significant contributors to unrealized projects, which stifles economic growth and electrification efforts.<sup>7</sup>

The failures of PG&E and the broader investor-owned utility model demonstrate the urgent need for alternatives that prioritize public interest over shareholder profits. The Golden State Energy Act (SB 350, 2020)<sup>8</sup> was a critical first step in planning to replace IOUs such as PG&E with a more affordable, sustainable, and public-serving model. This legislation established Golden State Energy, a nonprofit public benefit corporation designed to take over PG&E's assets in the event of another bankruptcy or operational collapse. The law aims to:

- Reduce energy cost burdens on residents
- Increase grid resilience and reliability
- Expand equitable access to clean energy infrastructure

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<sup>3</sup> <https://www.nytimes.com/interactive/2019/03/18/business/pge-california-wildfires.html>

<sup>4</sup> <https://iejusa.org/wp-content/uploads/2020/10/V3.3-Policy-Brief-CA-Shutoffs-Data-Brief.pdf>

<sup>5</sup> <https://www.publicadvocates.cpuc.ca.gov/-/media/cal-advocates-website/files/press-room/reports-and-analyses/241205-public-advocates-office-q3-2024-rates-report.pdf>

<sup>6</sup> <https://lao.ca.gov/Publications/Report/4950>

<sup>7</sup> <https://emp.lbl.gov/news/grid-connection-backlog-grows-30-2023-dominated-requests-solar-wind-and-energy-storage>

<sup>8</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB350](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB350)



Internal

## **BACKGROUND**

Across California and the nation, publicly owned and cooperative utilities have demonstrated superior outcomes in cost, reliability, and clean energy deployment:

- **Community Choice Aggregators (CCAs):** CCAs such as Ava Community Energy (formerly East Bay Community Energy)<sup>9</sup> serve customers in Alameda County and the upper San Joaquin Valley, delivering cleaner electricity at competitive rates. Unlike IOUs, CCAs reinvest surplus revenues into local energy programs, such as building electrification incentives, energy efficiency upgrades, local solar-plus-storage projects and customer rebates.<sup>10</sup>
- **Municipal Utilities:** Public utilities, including the Sacramento Municipal Utility District (SMUD) and the Los Angeles Department of Water and Power (LADWP), offer lower rates and more aggressive clean energy programs than IOUs. SMUD, for instance, has committed to achieving net-zero emissions by 2030, significantly outpacing state targets.<sup>11</sup>
- **Rural Electric Cooperatives & Tribal Utilities:** These entities successfully provide electricity to rural and underserved communities while maintaining local control over rates and infrastructure investments.

These models prove the success of publicly owned utilities (cooperative mutual benefit corporations, public utilities, and nonprofit public benefit corporations), and they could be scaled up to a statewide level.

Given PG&E's track record and the increasing urgency of the climate crisis, Berkeley and other cities should actively advocate for alternative energy models that reduce dependence on IOUs.

City of Richmond and the City and County of San Francisco have both passed similar resolutions.

## **RATIONALE FOR RECOMMENDATION**

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<sup>9</sup> [https://avaenergy.org/about-ava/?gad\\_source=1&gclid=EAlaIqObChMlplWTx6rsigMVoNXCBb1qWSLiEAAYASAAEgKowvD\\_BwE](https://avaenergy.org/about-ava/?gad_source=1&gclid=EAlaIqObChMlplWTx6rsigMVoNXCBb1qWSLiEAAYASAAEgKowvD_BwE)

<sup>10</sup> <https://avaenergy.org/news/press-release-ava-community-energy-kicks-off-the-new-year-by-issuing-22mm-in-bill-credits-to-its-customers/>

<sup>11</sup> <https://www.smud.org/Corporate/About-us/News-and-Media/2024/2024/SMUD-joins-landmark-global-coalition-for-sustainable-energy-future#:~:text=Key%20actions%20in%20SMUD's%202030,California%20and%20international%20energy%20agencies.>

Internal

The continued failures of IOUs such as PG&E, as detailed above, underscore the risks of a monopoly-driven energy system that prioritizes shareholder returns over public well-being. As California accelerates its transition to a clean energy future, it is imperative that the state moves beyond IOUs toward a more democratic and resilient energy model. Berkeley and other municipalities have a unique opportunity to drive this transition by advocating for structural reforms, and ensuring that all residents have access to safe, affordable, and clean electricity.

### **FINANCIAL IMPLICATIONS**

Negligible (staff time associated with transmittal of resolution).

### **ENVIRONMENTAL SUSTAINABILITY**

The recommended action fully aligns with Berkeley's climate action goals by accelerating the reduction of greenhouse gas emissions and advancing local resilience efforts. Berkeley advocacy and influence on the State level will continue its commitment to be on the cutting edge of investing in energy efficiency, electrification, and grid innovation and contributing to a more sustainable and equitable energy future for the City of Berkeley and State of California.

### **CONTACT PERSON**

Igor Tregub, Councilmember District 4

Olga Bolotina, Chief of Staff, Council District 4

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Email: [ITregub@Berkeleyca.gov](mailto:ITregub@Berkeleyca.gov)

[OBolotina@Berkeleyca.gov](mailto:OBolotina@Berkeleyca.gov)

### **ATTACHMENTS:**

1. Resolution
2. Letter of support
3. The Case for Golden State Energy Report

Internal

**ATTACHMENT #1****RESOLUTION # XX-XX**

**RESOLUTION OF THE COUNCIL OF THE CITY OF BERKELEY IN SUPPORT  
OF THE ALLOCATION OF STATE FISCAL AND STAFF RESOURCES TO  
COMMISSION A FEASIBILITY STUDY THAT COMPARES VARIOUS NOT-FOR-  
PROFIT UTILITY MODELS PRIORITIZING PUBLIC BENEFITS IN ENERGY  
GENERATION, DISTRIBUTION, AND TRANSMISSION; THE DEVELOPMENT AN  
EQUITABLE IMPLEMENTATION PLAN THAT ESTABLISHES A STATEWIDE  
SUCCESSOR ENTITY KNOWN AS “GOLDEN STATE ENERGY” AS A SUCCESSOR  
TO INVESTOR-OWNED UTILITIES SUCH AS PACIFIC GAS AND ELECTRIC**

**WHEREAS**, investor-owned utilities (IOUs) in California, including Pacific Gas and Electric Company (PG&E), operate as monopolies prioritizing shareholder profits over the public interest, leading to dire consequences causing grievous harm to California residents and its environment by causing catastrophic wildfires, smoke, shutoffs, excessive and escalating utility rates and debts, environmental injustice and climate disruption, including:

- After the latest rate hikes on December 19th, the fifth and sixth granted in the 2024 calendar year<sup>12</sup>, Pacific Gas and Electric Company’s rates are now the highest in California, which has the second highest electric rates in the nation<sup>13</sup>. In 2024 alone, Pacific Gas and Electric Company increased rates by over 12 percent and in the last 10 years, averaged bundled residential rates more than doubled. Pacific Gas and Electric’s rates are increasing nearly four times faster than the national average.<sup>14</sup> These substantial and excessive rate hikes disproportionately impact low-income communities, Indigenous People, migrant communities and communities of color. We recognize lack of sufficient income is a strong determinant of health outcomes. Poverty<sup>15</sup> in Berkeley is higher than the regional average. Thus, PG&E’s rate hikes have a disproportionate impact on Berkeley residents.
- PG&E-caused wildfires, due to negligence in maintaining their transmission and distribution infrastructure, and lack of transparency regarding safety checks in part for the purpose of maximizing profits and bonuses for their shareholders and executives<sup>16</sup>, generate a range of adverse outcomes for communities across California, such as the loss of human lives (PG&E has been found and admitted guilt for having killed at least 117

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<sup>12</sup> [https://ia.cpuc.ca.gov/agendadocs/3556\\_results.pdf](https://ia.cpuc.ca.gov/agendadocs/3556_results.pdf)

<sup>13</sup> [California electricity prices now second-highest in U.S.: ‘Everyone is getting squeezed’](#)

<sup>14</sup> [California electric bills have essentially doubled over the past decade](#)

<sup>15</sup> [Poverty - Vital Signs - SF Bay Area](#)

<sup>16</sup> [How PG&E Ignored Fire Risks in Favor of Profits](#)

Internal

people since 2010<sup>17</sup>), destruction of over 1.5 million acres of land and over 24,000 structures<sup>18</sup>, respiratory harms from smoke, mental health impacts and economic impacts. Considering the cumulative impacts of smoke exposure on Berkeley residents, especially for Black, Latine, Asian, and Native communities, preventing PG&E-caused wildfires is a significant priority for improving public health and safety for Berkeley.

- Utility shut-offs, which cause significant and disproportionate health, safety, and economic impacts on low-income people, disabled people, children, babies, and elderly people due to perishable food going bad and refrigerated medications expiring when the power is out for extended periods; endangerment of life and significant health impacts on people dependent on power to live through medical devices such as ventilators and electric wheelchairs, and health risks from heat stroke or heat exhaustion from loss of air conditioning during extreme heat days, and safety risks from breakdown of telecommunications<sup>19</sup>; and

**WHEREAS**, recognizing the long-term unsustainability of the incumbent system and the likelihood of its eventual failure, as a first step, in 2020 the state created the not-for-profit public benefit corporation, Golden State Energy, through passing SB350<sup>20</sup>, the Golden State Energy Act. Golden State Energy is legally designated as a receiver for PG&E's assets for the purpose of owning, controlling, operating, or managing electrical and gas services for its ratepayers should PG&E fail; and

**WHEREAS**, a technical feasibility study would enable the state to determine if the best ownership structure for ratepayers and for the state for such a successor entity to PG&E should be a public utility, mutual benefit corporation (cooperative), or not-for-profit public benefit corporation (as is currently written in law); and

**WHEREAS**, the City of Berkeley understands the principle that energy is a human right and should not be sold to generate profit for anyone, and is committed to support all of our residents to access safe, renewable, clean, affordable and reliable energy; and

**WHEREAS**, Berkeley faces significant interconnection delays on building infrastructure and developing clean energy projects. Operationalization and permitting of buildings' electrical systems, and installation of solar and battery projects depends on PG&E; and

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<sup>17</sup> [PG&E disasters killed 117 people last decade.](#)

<sup>18</sup> [Many Californians still 'trapped' years after PG&E fires. Has the company improved safety? | PBS News](#)

<sup>19</sup> <https://supreme.courts.ca.gov/sites/default/files/supremecourt/default/documents/2-20-s273340-records-rec%27d-022822.pdf>

<sup>20</sup> [Bill Text - SB-350 The Golden State Energy Act.](#)

Internal

**WHEREAS**, the City of Berkeley’s electrical and gas infrastructure faces unique risks of inundation or limited access to energy facilities or infrastructure due to flooding and sea level rise; and

**WHEREAS**, Berkeley residents experience the adverse effects of receiving electric power and gas utilizing the infrastructure of PG&E, an investor-owned utility (IOU), including:

- The recognition that rates are higher in IOU service territories across California – including in PG&E’s service territory – than in not-for-profit utilities (including municipal utilities, rural electric cooperatives, and tribal utilities), which has resulted in working class and low-income people paying higher rates.
  - Sacramento Municipal Utility District’s (SMUD) rates are 57.8% cheaper than PG&E’s.<sup>21</sup>
  - Alameda Municipal Power’s rates are 48% cheaper than PG&E’s.<sup>22</sup>
  - Anza Electric Cooperative’s rates are 59% cheaper than PG&E’s.<sup>23</sup>
  - According to the Legislative Analyst’s Office, on average, California IOU electricity rates are more than 50 percent higher than rates charged by publicly owned utilities.<sup>24</sup>
- The recognition that PG&E is incentivized to make expensive, inefficient and unnecessary infrastructure investments that prioritize the maximization of shareholder profits over health, safety, economic, and environmental benefits for ratepayers.<sup>25</sup>

**NOW THEREFORE BE IT RESOLVED**, that the City of Berkeley supports the allocation of state fiscal and staff resources to commission a feasibility study that compares various not-for-profit utility models prioritizing public benefits in energy generation, distribution, and transmission; and the development an equitable implementation plan that establishes a statewide successor entity known as “Golden State Energy” as a successor to investor-owned utilities such as Pacific Gas and Electric; and

**BE IT FURTHER RESOLVED** that the City of Berkeley declares that it is in the best interest of its residents for California to support a worker- and community-led just transition away from for-profit utility models and toward publicly owned, cooperative, and nonprofit energy service models; and

**BE IT FURTHER RESOLVED** that the City of Berkeley will send a letter to the Governor and the Legislature urging them to:

<sup>21</sup> <https://www.smud.org/Rate-Information/Compare-rates>

<sup>22</sup> <https://www.alamedamp.com/DocumentCenter/View/482/Alameda-Municipal-Power-Fact-Sheet-PDF>

<sup>23</sup> <https://www.anzaelectric.org/sites/default/files/Rate%20Sheet%20-%20Rate%201%20Residential%20OCT%202024.pdf>

<sup>24</sup> <https://lao.ca.gov/Publications/Report/4950>

<sup>25</sup> [Here's the Real Reason PG&E Rates Are Skyrocketing in California - The Santa Barbara Independent](#)

Internal

- **Invest in a feasibility study** to assess the viability of transitioning PG&E to a not-for-profit successor entity, evaluating the merits of a public benefit corporation, public utility, or cooperative mutual benefit corporation.
- **Co-design Golden State Energy with frontline communities** including wildfire survivors, labor unions, people with disabilities, Indigenous leaders, and environmental justice organizations to ensure that the new utility is democratically governed and accountable to the public rather than state agencies, the Governor's office, or investor interests.
- **Develop a justice-centered implementation plan** that includes a clear transition timeline, outlines agency responsibilities, and ensures that burdens and benefits are equitably distributed among California residents.
- **Enable a worker- and community-led transition** by revoking PG&E's business license and transferring its assets to Golden State Energy, ensuring continuity of service and prioritizing affordability, reliability, and resilience in California's energy system.

**BE IT FURTHER RESOLVED** that the City of Berkeley recognizes that moving beyond investor-owned utilities is essential for achieving energy justice, affordability, and climate resilience, and commits to advocating for state action to replace PG&E and other IOUs with a more equitable and sustainable model.

Internal

## **ATTACHMENT #2**

City of Berkeley  
2180 Milvia St  
Berkeley, CA 94704

Date

**TO:** Governor Gavin Newsom, Senator Jesse Arreguin and Assemblymember Buffy Wicks

**FROM:** Berkeley Mayor Ishi and City Councilmembers

**RE: The City of Berkeley Supports state investment in building a new not-for-profit utility for community benefit to replace PG&E**

Dear Governor Newsom, and Honorable Members of the California State Assembly and State Senate,

On **[DATE]**, City of Berkeley City Council Members voted to adopt the attached Resolution of the Council of the City of Berkeley in support of State investment in building a new not-for-profit utility for community benefit to replace PG&E

The unanimous passage of this resolution demonstrates the Berkeley City Council's understanding that PG&E's systemic failures have made it unsafe, unaffordable, and unsustainable to remain as Northern California's electric utility monopoly. A viable and superior alternative is needed. The unexpected failure of PG&E would have catastrophic impacts on Berkeley residents, businesses and public services. PG&E's historic and current practices adversely impact a wide array of municipal services, such as, but not exclusive to the interconnection and permitting of new traffic signals; the development of new affordable housing units and the decarbonization of both affordable and market-rate existing housing units; the development, interconnection and permitting of wastewater treatment facilities; the development and decarbonization upgrades of libraries; and more. This is due to PG&E's consistent practice of delaying and overcharging for permits to connect new construction and electrical upgrades to PG&E's electrical transmission and distribution grid. For all of these reasons and more, the City of Berkeley declares it is in the best interest of our residents that California makes a Just Transition<sup>26</sup> away from all for-profit utility service models to not-for-profit utility service models, such as Golden State Energy (GSE).<sup>27</sup> .

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<sup>26</sup> [Putting California on the High Road: A Jobs and Climate Action Plan for 2030](#)

<sup>27</sup> Link to SFPUC & SF LAFCO Report & Recommendations on GSE, until ROP's GSE Report Vol I is released for distribution.

Internal

In June 2020, SB-350, the Golden State Energy Act, was enacted into law creating a framework for establishing Golden State Energy (GSE) to receive PG&E's assets and authorized GSE to take the basic actions necessary to ensure continuity of critical electrical and gas service in Northern California. However, SB350's design is skeletal, and GSE remains unstaffed and unfunded, creating significant uncertainty in the state's ability to act quickly in the event of PG&E's unexpected failure. With the increasing severity and unpredictability of our climate crisis, it is critical that we prepare for that eventuality in a way that prepares GSE to meet Californians' modern energy needs.

Our communities deserve safe, reliable, affordable, clean and equitable energy provisions and the eventual implementation of GSE depends on legislative leadership. Therefore, the City of Berkeley urges the Governor and the California State Legislature to:

- Invest resources to study Golden State Energy - a not-for-profit successor alternative to PG&E, either as a not-for-profit public benefit corporation, a public utility, or a cooperative mutual benefit corporation - in order to identify a recommended model, assess the feasibility of transitioning PG&E to a successor entity, and identify priority just design features for the successor entity, with the goal of serving the public interest and necessity of the people and ecologies of California.
- Co-design Golden State Energy with frontline community<sup>28</sup> representatives, including but not limited to wildfire survivors, labor unions, people with disabilities, Indigenous leaders and Tribes, people harmed by PG&E's negligence, and economic, racial, and environmental justice organizations, the aforementioned groups to be a deeply democratic utility that is structurally accountable to the public – particularly frontline communities – with meaningful and equitable community engagement practices, rather than to the investor-owned utilities, the California Public Utilities Commission, the Governor's office or its departments
- Implement Golden State Energy using a justice-centered implementation plan which outlines a timeline and transition process to the successor entity, including recommendations for which branches of government or agencies should be responsible and in coordination with which portions of the public, to ensure the transition fairly minimizes burdens and unintended consequences and fairly maximizes benefits in service of the public interest and necessity.

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<sup>28</sup> "Frontline communities are those who are most *vulnerable* to a particular burden or impact. They are also most *sensitive* to its effects, and have less *adaptive capacity* to mitigate the harm they are experiencing. Low-income and BIPOC residents of EJ neighborhoods are also frontline and most vulnerable to climate impacts: they are most exposed, more sensitive to, and have lower adaptive capacity to adapt to the impacts of climate change. As low-income residents of EJ communities are least responsible for causing the climate crisis in the first place, climate change ends up being an 'injustice multiplier.'" (Oakland General Plan Update 2045, Racial Equity Impact Assessment | Environmental Justice & Safety Elements, Marybelle Nzegwu Tobias & Colin Miller, Environmental / Justice Solutions, p. 5, 2023, available online at [RACIAL EQUITY IMPACT ASSESSMENT](#))



- Enable a worker- and community-led just transition<sup>29</sup> by revoking PG&E's business license and transferring its assets to the not-for-profit successor utility Golden State Energy as the Provider of Last Resort for PG&E's territory.

We strongly urge you to take leadership as representatives of the people of California, towards legislative action to implement Golden State Energy.

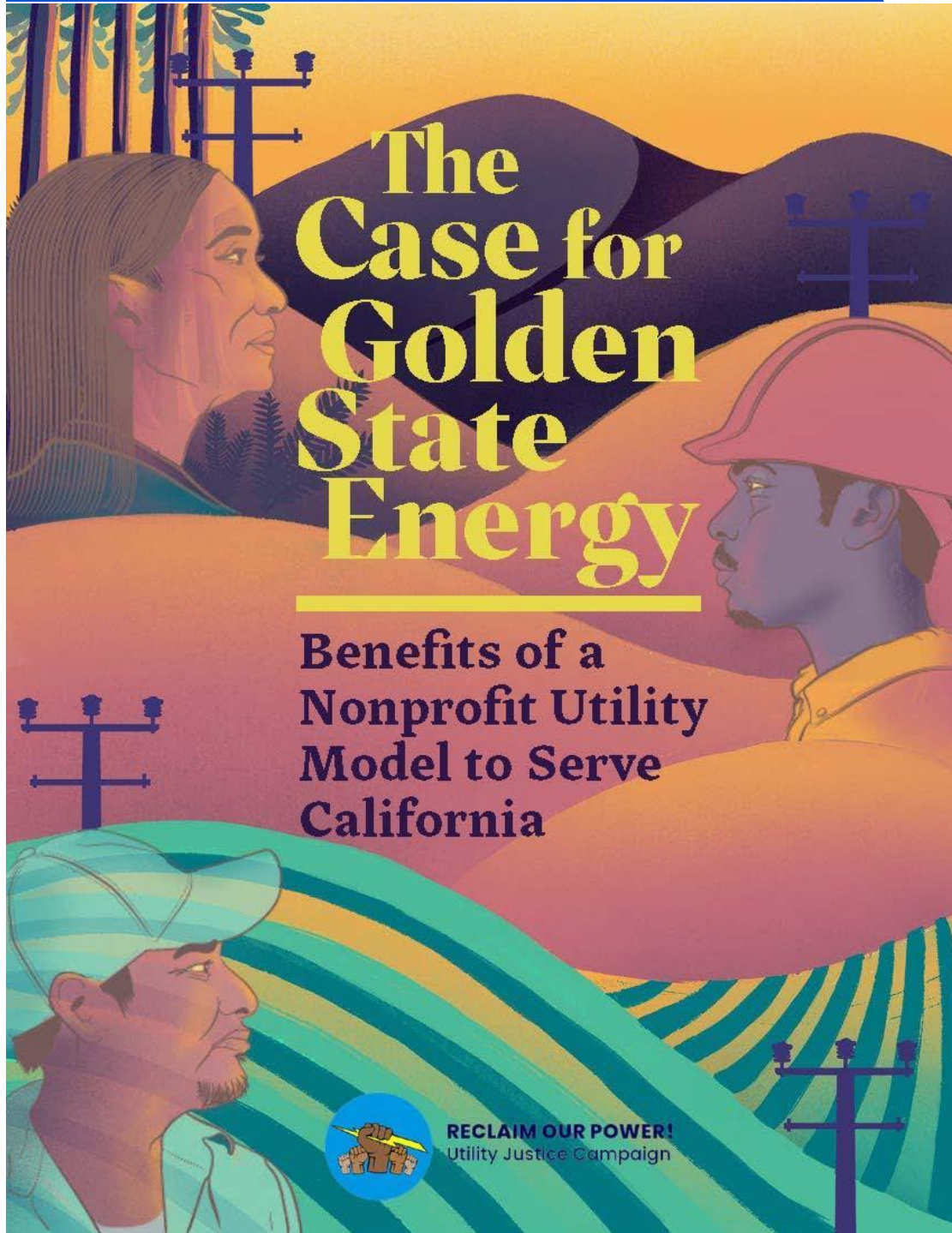
Sincerely,

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<sup>29</sup> [Putting California on the High Road: A Jobs and Climate Action Plan for 2030](#)

Internal

ATTACHMENT #3: <https://reclaimourpowerca.org/wp-content/uploads/2024/06/TheCaseForGoldenStateEnergyReport.pdf>





Igor Tregub  
Councilmember, District 4

## CONSENT CALENDAR

FEBRUARY 11, 2025

To: Honorable Mayor Adena Ishii and Members of the City Council

From: Councilmember Tregub (Author), Councilmember Bartlett (Co-Sponsor)  
and Councilmember O'Keefe (Co-Sponsor)

Subject: Short-Term Referral to the City Manager and Council Budget and Finance  
Committee: Transfer Tax Exemption for 100% Affordable Housing  
Projects

## RECOMMENDATION

Adopt a short-term referral to the City Manager and Council Budget and Finance Committee to study the fiscal impacts of a transfer tax exemption for 100% affordable housing projects for further Council action by March 25, 2025.

## CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley charges a transfer tax any time real estate changes ownership. The City's transfer tax was established in 1978 at the rate of 1.5% for all transactions. Measure P (2018) increased the real property transfer tax for ten years to 2.5% for transactions of \$1.6M or more. Measure W (2024) again increased the real property transfer tax to 3.5% for transactions \$3M or greater and removed the expiration date. Measure W will take effect on January 1, 2027.<sup>1</sup>

To raise capital for more substantial rehabilitation projects, affordable housing developers will typically pursue an additional allocation of tax credits. This requires a new tax credit equity investor to enter the ownership structure for the project. The most efficient way to execute this complex transaction is to have a new limited partnership purchase the property from the prior ownership entity. These sales and transfer of ownership are subject to the property transfer tax, despite this being essentially a refinancing event. While the property experiences a technical change of ownership, the

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<sup>1</sup> [BMC Chapter 7.52, Real Property Transfer Tax](#)

Internal

non-profit affordable housing organization remains the controlling and managing partner after the transaction.

Resources for Community Development (RCD)<sup>2</sup>, a reputable nonprofit affordable housing developer with several sites in Berkeley, is exploring rehabilitation projects at a handful of Berkeley developments over the next several years. RCD estimates that they would pay approximately \$6,000 to \$11,000 per unit in transfer tax on these properties under the current Measure P rates, or \$8,000 to \$15,000 per unit under the recently adopted Measure W rates.

| Property         | Units | Est. Valuation <sup>3</sup> | Transfer Tax, total<br>2.5% | Transfer Tax, per unit<br>2.5% | Transfer Tax, total<br>3.5% | Transfer Tax, per unit<br>3.5% |
|------------------|-------|-----------------------------|-----------------------------|--------------------------------|-----------------------------|--------------------------------|
| Oxford           | 97    | \$ 27,602,978               | \$690,074                   | \$7,114                        | \$ 966,104                  | \$ 9,960                       |
| Margaret Breland | 28    | \$ 6,507,333                | \$162,683                   | \$5,810                        | \$ 227,757                  | \$ 8,134                       |
| Mable Howard     | 40    | \$ 13,073,900               | \$326,848                   | \$8,171                        | \$ 457,587                  | \$ 11,440                      |

Given the limited availability of rehabilitation funding, the expenditure \$6,000 to \$11,000 per unit in transfer taxes will lead to a \$6,000 to \$11,000 per unit reduction in rehabilitation scope, at minimum. This, in turn, would make RCD's applications for state and federal funding sources less competitive. While the estimates above are specific to RCD's use case, RCD's experiences are generally applicable to other affordable housing developers and land trusts seeking to rehabilitate their affordable housing holdings in Berkeley.

**Precedent in Other Jurisdictions:** San Francisco offers a [transfer tax exemption](#) for deed-restricted affordable housing. San Francisco's ordinance text can be found [here](#).

In collaboration with our affordable housing providers, we have identified two possible avenues for this policy change:

<sup>2</sup> <https://rcdhousing.org/>

<sup>3</sup> The estimated valuation is based on the previous tax roll valuation from the time of construction, multiplied by a factor of 2.5. This is the typical 15-year tax roll valuation increase that have been observed on other recent resyndications.

Internal

1. The City Council could add an exemption to BMC 7.52.060 for the transfer of ownership at any property with a recorded agreement requiring that it be maintained as 100% rent-restricted affordable housing, with the exception of staff units, for at least 55 years from the date of the transfer event.
2. The City Council could pass a resolution establishing a time-limited waiver of the transfer tax for any transfer of ownership at a property with a recorded agreement requiring that it be maintained as 100% rent-restricted affordable housing, with the exception of staff units, for at least 55 years from the date of the transfer event.

The former strategy would provide more certainty and permanence. The latter strategy would provide greater flexibility for the City Council if, at a future date, the City decides that the City could no longer forego the lost revenue from providing a waiver or exemption. The short-term referral requests the study of both strategies as well as any other recommendations by March 25, 2025.

## **BACKGROUND**

The Berkeley City Council has granted transfer tax refunds or waivers to three known rehabilitation or acquisition projects:

- 2014: Refund given to RCD for Oxford Plaza re-financing
- 2019: Waiver given to BACLT for 1638 Stuart Street acquisition
- 2021: Refund given to BACLT for 1685 Solano Avenue acquisition

These waivers and refunds have been granted on a case-by-case basis via a City Council resolution.

## **RATIONALE FOR RECOMMENDATION**

Establishing a formal exemption or universal waiver would provide more certainty to affordable housing developers pursuing rehabilitation projects. That certainty would, in turn, allow them to remove the transfer tax as a line item in project budget, improving the development's cost efficiency and enabling them to be more competitive for state and federal funding sources.

## **FISCAL IMPACTS OF RECOMMENDATION**

Potential financial impacts from the loss of Measure P/W funds during transfers associated with the rehabilitation of 100% affordable housing projects, somewhat offset

Internal

by the elimination of staff time required to submit case-by-case recommendations for waivers and refunds to the City Council.

### **ENVIRONMENTAL SUSTAINABILITY**

The preservation of affordable housing supports Berkeley's broader greenhouse gas reduction goals.

### **CONTACT PERSON**

Igor Tregub, Councilmember District 4

Phone: 510-981-7140

Email: [ITregub@Berkeleyca.gov](mailto:ITregub@Berkeleyca.gov)

Olga Bolotina, Chief of Staff, Council District 4

Email: [OBolotina@Berkeleyca.gov](mailto:OBolotina@Berkeleyca.gov)

### Upcoming Worksessions and Special Meetings

*start time is 6:00 p.m. unless otherwise noted*

| Scheduled Dates |                                                                                                                                                                               |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Feb 11 (4pm)    | Fire Safety Regulations                                                                                                                                                       |
| Feb 25 (4pm)    | Economic Dashboards Update                                                                                                                                                    |
| March 18 (4pm)  | Berkeley Police Department Annual Update                                                                                                                                      |
| March 25 (4pm)  | Pavement Management Program Development                                                                                                                                       |
| April 22        | <ol style="list-style-type: none"> <li>1. Evacuation Study and Response Times (4:00pm)</li> <li>2. City Council ZAB Appeal Hearing for UA Theater Project (6:00pm)</li> </ol> |
| April 29 (4pm)  | Presentation on City's Unfunded Liabilities                                                                                                                                   |

### Unscheduled Workshops and Special Meetings

None

### Unscheduled Presentations (City Manager)

None

### Future Information Reports

1. Reimagining Public Safety Update
2. Affordable Housing Fee Feasibility Study
3. Berkeley Fire Department Annual Report
4. Greenhouse Gas Inventory / Climate Action Plan Update

|  |                                                                                                          |
|--|----------------------------------------------------------------------------------------------------------|
|  | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b> |
|  | None                                                                                                     |



| CITY CLERK DEPARTMENT                                                       |                      |                       |                   |
|-----------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL |                      |                       |                   |
| Address                                                                     | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                            |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
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|                                                                             |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                            |                      |                       |                   |
| 3000 Shattuck Avenue (construct 10-story mixed-use building)                | ZAB                  |                       | 3/25/2025         |
| 2274 Shattuck Avenue                                                        | ZAB                  |                       | TBD               |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                               |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Notes</b>                                                                |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |

1/22/2025





No Material  
Available for  
this Item

There is no material for this item.

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

**City of Berkeley City Council Agenda Index Webpage:**  
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>



## **Local City Rules of Order to prevent disruptions at their Council Meetings**

Berkeley Council *Rules of Order and Procedure* and are similarly strong, or stronger, than several surrounding municipalities in defining rules of decorum, disruption, and enforcement of decorum. Berkeley also refers to those guidelines in the front of its agenda.

The Cities studied: El Cerrito, Walnut Creek, Santa Monica, Santa Cruz, Concord, and San Francisco, though not necessarily stronger in their guidelines, do have a few practices worth Berkeley could consider borrowing. Highlights of those guidelines are in the following paragraph. Specifics follow on the next page.

### **Highlights**

El Cerrito does not allow Councilmembers or the public to make personal, slanderous, or profane remarks to any member of the Council, staff or the general public. They also suspended public comment via Zoom in Sept 2023. Walnut Creek does not allow speakers to cede their unused time to other speakers. Santa Monica lists on the first page of their agenda, the Standards of Behavior that Promote Civility at All Public Meetings. They also prohibit applause, vocally or clapping, except for ceremonial items, or when invited by presiding officer. They include blocking the audience or camera view of the proceedings as disruptions. Santa Cruz includes in their Rules of Procedure, guidelines for Councilmember interactions with each other. Concord does not allow public comment via Zoom unless a Councilmember is attending remotely. San Francisco does not permit audible support or opposition to statements by elected or those testifying and does not permit bringing in or displaying signs.

## Specifics

### Rules & Protocols from other Cities re: What they do at their Council Meetings

#### BERKELEY

##### On Agenda

*Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.*

##### Council Rules of Procedure

#### V. Procedural Matters

##### B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council.

##### C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules

of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the presiding officer may call a five (5) minute recess to allow the disruptions to cease. If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

## EL CERRITO

### Agenda

Conduct: This meeting shall be conducted pursuant to the El Cerrito City Council Rules

of Order and Procedure, including adjourning by 11:00 PM unless extended to a specific

time determined by a majority of the Council

### Council Rules of Order and Procedure

#### XI. PROCEDURAL MATTERS

##### Y. Decorum

... No person shall disrupt the orderly conduct of the City Council meeting.

Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, approaching the City Council dais or speaker podium without consent, or refusing to obey the orders of the Mayor or Council.

Any message to or contact with any member of the City Council while the City Council is in session shall be through the City Clerk. Neither Councilmembers nor any persons addressing the City Council shall make personal, slanderous, or profane remarks to any member of the Council, staff or the general public. Noise emanating from the audience within the City Council Chamber or lobby area

which disrupts meetings shall not be permitted. All cellular phones and other consumer devices shall be muted while in the Chamber. Refusal shall be grounds for removal.

#### Z. Enforcement of Decorum

The Mayor may call a recess if a speaker or group of speakers become unruly and/or interferes with the orderly conduct of the meeting. Any law enforcement officers on duty or whose services are commanded by the Mayor shall be Sergeant-at-Arms of the City Council meetings. They shall carry out all orders and instructions given by the Mayor for the purpose of maintaining order and decorum at the City Council meetings. Upon instructions of the Mayor or a majority of the City Council, it shall be the duty of the Sergeant-of-Arms, or any officer present, to escort outside or place under arrest any person who violates the order and decorum of the meeting, and cause them as necessary, to be prosecuted under the provisions of applicable law.

#### Instructions for Submitting Public Comments – For Hybrid City Council Meetings

El Cerrito has suspended public comment via Zoom (per 9/28/2023 revision)

### WALNUT CREEK

#### Agenda

Nothing about Rules and Procedures or Decorum on their agenda.

#### Council Handbook

##### 9.5. Public Comment

##### 1. Opportunity to Speak

... Speakers may not assign unused time to other speakers.

##### 9.7. Additional Protocol and Decorum

**5. Warnings.** The Mayor shall ask that any person violating the rules of decorum be orderly and silent. The warning shall be in substantially the form described below. If, after receiving a clear warning from the Mayor, the person persists in disturbing the meeting, the Mayor may order a brief recess of the City Council to

2/29/2024



regain order. If the person persists in disturbing the meeting, despite having been previously warned, the Mayor may order him or her to leave the City Council meeting. If the person does not depart the City Council Chamber of his or her own volition, the Mayor may order any law enforcement officer who is on duty at the meeting as Sergeant-at-Arms of the City Council to escort that person from the City Council Chamber.

The Mayor shall deliver the requisite warning in substantially the following form:

*You are hereby advised that your conduct is in violation of the Rules of Order and Decorum of the City Council and California Penal Code Section 403, and you are directed to be orderly and silent. Penal Code Section 403 states that any person who, without authority of law, willfully disturbs or breaks up a lawfully convened meeting of the City Council is guilty of a misdemeanor. Continued disruption of this City Council meeting will result in your removal from the meeting by the Sergeant-at-Arms and you will not be permitted to return to City Council Chamber for the duration of the meeting. In addition, any continued disruption of this meeting is grounds for your being arrested and charged with a misdemeanor. Do you understand this admonition?*

**6. Misdemeanor.** Any person who willfully disturbs or breaks up a City Council meeting may be arrested and charged with a misdemeanor, pursuant to California Penal Code Section 403.

## **MOUNTAIN VIEW**

### Agenda

Nothing about Rules and Procedures or Decorum on their agendas.

### Council Code of Conduct

#### **6.8 Decorum**

6.8.1 While the City Council is in session, all persons shall conduct themselves with reasonable decorum.

6.8.2 The presiding officer may remove or cause the removal of any individual(s) for disrupting a meeting in accordance with California Government Code Section CLK/6/Council Code of Conduct 428-03-14-23CoC -34- 54957.95, as may be amended from time to time. The presiding officer shall call a recess until such time as the individual(s) have been removed and the meeting can resume without disruption.

6.8.3 In accordance with California Government Code Section 54957.9, as may be amended from time to time, the Council may order a meeting room cleared and continue in session in the event a meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of the meeting impossible and order cannot be restored by the removal of individuals who are disrupting the meeting.

6.8.4 The Police Chief or authorized representative shall be sergeant at arms of the Council meeting. The sergeant at arms shall carry out all orders and all instructions of the presiding officer for the purpose of maintaining order and decorum at Council meetings.

## **SANTA MONICA**

### Agenda

The following is listed on the first page of the downloaded agenda, but not the on-line agenda:

#### **STANDARDS OF BEHAVIOR THAT PROMOTE CIVILITY AT ALL PUBLIC MEETINGS:**

- Treat everyone courteously;
- Listen to others respectfully;
- Exercise self-control;
- Give open-minded consideration to all viewpoints;
- Focus on the issues and avoid personalizing debate;
- Embrace respectful disagreement and dissent as democratic rights, inherent components of an inclusive public process, and tools for forging sound decisions
- Hate has no place in Santa Monica. The City opposes abusive or threatening hate speech, intolerance, or dehumanization, and supports basic civil respect and human decency.

### [Amended](#) Rules of Order and Procedure for the Conduct of City Council Meetings, Resolution No. 11547 (09/26/2023)

#### **RULE 16. RULES OF CONDUCT AND SAFETY.**

2/29/2024

1<sup>st</sup> paragraph: Applause, vocally or clapping, is prohibited, except for ceremonial items, or as may be invited by the Presiding Officer.

2<sup>nd</sup> paragraph: Any person who disrupts the meeting shall be called to order by the Presiding Officer. Disruption shall include but not be limited to, blocking the audience or camera view of the proceedings.

## SANTA CRUZ

### Agenda

Nothing about Rules and Procedures or Decorum on their agendas.

### Councilmembers' Handbook

#### RULES OF PROCEDURE FOR CONDUCT OF CITY COUNCIL BUSINESS

#### COUNCIL INTERACTIONS

In interactions with each other, Councilmembers will abide by the following principles:

- Be Respectful: Treat each other with respect, even when/especially when there is disagreement.
- Engage in Open and Honest Communication: Be direct, straightforward, and transparent with each other.
- Be Honest and Truthful: Act with integrity and authenticity; be ethical.
- Address Difficult Issues: Confront challenging topics directly; avoid talking around them or not talking about them at all.
- Find Areas of Common Ground: Seek areas of agreement; identify shared interests, values, and positions.
- Be Open to Different Perspectives: Keep an open mind; be willing to change your views with new information, data, etc.
- Give the Benefit of the Doubt: Freely give credit for good intentions; avoid ascribing bad intentions.
- Role Model Good Leadership: Be professional; adhere to standards of civility; demonstrate effective leadership for the community.

- Be Considerate of Each Other's Time: Manage expectations about responsiveness and availability, recognize the time limitations and constraints of your colleagues.

## DECORUM IN COUNCIL MEETINGS

3. While the Council is in session, all persons shall preserve order and decorum. Any person who causes a disruption at the Council meeting shall be removed from the meeting and barred from further attendance at said meeting by the presiding officer unless permission for continued attendance is granted by a majority vote of the Council. Disruption is defined as behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting. An individual may cause a disruption by failing to comply with reasonable meeting rules, using force or threatening to use force, or causing other disruptions.

## CONCORD

### Agenda

Please note the following change to the City's public comment procedures: Unless a Councilmember is participating in the meeting remotely pursuant to AB 2449, remote public comment will not be accepted. Public comment may be provided in-person or via email, as set forth below.

### Rules and Procedures

Didn't find one.

## SAN FRANCISCO

### Agenda

Board procedures do not permit: 1) vocal or audible support or opposition to statements by Supervisors or by other persons testifying; 2) ringing and use of cell phones or electronic devices; 3) bringing in or displaying signs in the meeting room; and 4) standing in the meeting room.

## Rules of Order

### 1. Public Participation

1.3.1. Actions Prohibited during Board of Supervisors' Meetings. 1. Applause or vocal expression of support or opposition 2. Standing in meetings 3. Eating or drinking in the public gallery 4. Use of electronic devices, unless they are in silent mode 5. Handheld signs in the Legislative Chamber or in the committee room (although small signs may be worn on clothing)

1.7. Disorderly Conduct. The presiding officer shall order removed from the meeting room any person who commits the following acts in respect to a meeting of the Board or of a standing or special committee:

1.7.1. Disorderly, contemptuous or insolent behavior toward the Board or committee or any member thereof, tending to interrupt the due and orderly course of said meeting;

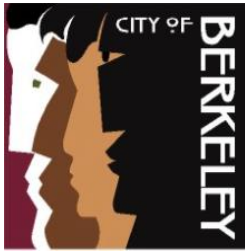
1.7.2. A breach of the peace, boisterous conduct or violent disturbance, tending to interrupt the due and orderly course of said meeting;

1.7.3. Disobedience of any lawful order of the presiding officer, which shall include an order to be seated or to refrain from addressing the Board or committee;

1.7.4. Usage and ringing of cell phones and pagers, not in silent mode in Board and committee meetings;

1.7.5. Any other interference with the due and orderly course of said meeting.





Rashi Kesarwani  
Councilmember, District 1

## **REVISED AGENDA MATERIAL**

**Meeting Date:** September 24, 2024

**Item Number:** Item #11

**Item Description:** City Council Rules of Procedure and Order Revisions

**Submitted by:** Rashi Kesarwani

This revised recommendation modifies the [City Council Rules of Procedure and Order Revisions](#) presented by the City Manager and passed by the Agenda and Rules Committee.

Internal



Rashi Kesarwani  
Councilmember, District 1

**ACTION CALENDAR**

September 24, 2024

**TO:** Honorable Mayor Jesse Arreguín and Members of the City Council

**FROM:** Councilmember Rashi Kesarwani (Author)

**SUBJECT:** Council Rules and Procedures Amendments

**Summary of Recommendation:**

Amend the Council Rules and Procedure in the following areas:

- 1) Delete change that permits three no votes to cause a Consent item to automatically shift to the Action calendar.
- 2) Recognize BUSD spring break in the City Council recess schedule.
- 3) Objectively define "Major Items."
- 4) Simplify "Standards for Agenda Items."
- 5) Eliminate Supplemental #3 Items.
- 6) Reinstate Council approval for reordering of the agenda.
- 7) Simplify language and require a budget referral for "Major Items."
- 8) Clarify that legal and operational concerns should be discussed at policy committees.
- 9) Legislation introduced by a member of the Council who is no longer serving on the City Council must be resubmitted by a sitting member of the Council and reconsidered by the Agenda and Rules Committee.
- 10) Prohibit a speaker from speaking on the same issue twice.
- 11) Shorten debate on the non-debatable Consent Calendar.
- 12) Eliminate Appendix B, as it is not substantive.

**Issue #1: Rationale for Amendment to II.D. Council Meeting Conduct of Business**

This new rule, which requires that a Consent item is automatically moved to the Action calendar simply when three Councilmembers wish to record a no vote or abstention is a poor use of limited meeting time. Under a different rule, if at least three Council members wish to have discussion about an item on Consent, then it is moved to the Action calendar for consideration.



This new policy, as written, has the potential to cause unwarranted delay of important Action items—potentially to a future meeting. Councilmembers already have the ability to express an interest in pulling an item to Action so this change is unnecessary.

***Recommendation:***

~~With respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar prior to the vote on the Consent Calendar. However, if three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.~~

**Issue #2: Rationale for Amendment to II.G. City Council Schedule and Recess Periods**

In recent years, the Council's spring recess has been adjusted to coincide with the Berkeley Unified School District's spring recess, facilitating alignment of breaks for City employees and Councilmembers. It is recommended that this alignment be formally codified in the City Council Rules of Procedures and Order.

***Recommendation***

II.G. "Regular meetings of the City Council shall be held generally two to three Tuesdays of each month except during recess periods; the schedule to be established annually by Council resolution taking into consideration holidays, Berkeley Unified School District Spring recess, and election dates.

**Issue #3 Rationale for Amendments to III. B. 11. "Major Items"**

It is essential to establish objective criteria for determining what qualifies as a "Major" action in order to ensure the integrity of the legislative process.

***Recommendation***

"Major Item" means an Agenda Item with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts submitted by the Mayor or Councilmember.

The determination of a Major Item is based on the following objective criteria:

1. In consultation with the City Manager, an item is deemed to have moderate to significant administrative, operational, or resource impacts due to an implementation timeline that would take six months or longer; or
2. An item is considered to have significant budgetary impacts if either it does not specify fiscal impacts or if the City Manager's overall budget estimate exceeds \$200,000; or
3. An item is identified as having significant programmatic impacts or if existing city programming must be adjusted to accommodate the new initiative.

**Issue #4: Rationale for Amendments to III.C. "Standards for Agenda Items"**

Internal

1. The Standards for Agenda Items are overly prescriptive. Strike the unnecessary and superfluous standards. Consolidate “Review of Existing Plans, Programs, Policies and Laws and Consultation/Outreach Overview and Results” into “Background.”
2. Strike Implementation, Administration and Enforcement. This is for the City Manager to address, not City Council.
3. Since this is the *City Council’s* Rules and Procedures, reference to city contracts is unnecessary.

### **Recommendation**

1. Agenda Items, other than Major Items submitted by the Mayor or any Councilmember, shall contain all relevant documentation, including the information listed below:
  - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;
  - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
  - c. Recommendation of the report’s Primary Author that describes the action to be taken on the item, if applicable;
  - d. Fiscal impacts of the recommendation
  - e. A description of the current situation and its effects;
  - f. Background information as needed;
  - g. Rationale for recommendation;
  - h. Alternative actions considered;
  - ~~i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);~~
  - j. Person or persons to contact for further information, with telephone number;
  - k. Additional information and analysis, as may be required.
  - l. Environmental sustainability and climate impacts.

It is recommended that Regular Item reports also include, to the extent ~~ed~~ relevant, the points of analysis in Major Council Item Standards in Section C.

2. Major Items submitted by the Mayor or any Councilmember shall contain all relevant documentation, including the information listed below ~~and more fully described in Appendix B~~, Guidelines for City Councilmember/Mayor Major Items:
  - a. **Title**
    - i. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.
  - b. **Consent/Action/Information Calendar**
    - i. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

**c. Recommendation**

- i. A clear, succinct statement of actions to be taken. More lengthy/detailed actions can be detailed within the item and incorporated by reference.

**d. Summary Statement/Current Situation and its effects**

- i. A short resume of the circumstances that give rise to the need for the recommended actions.

**e. Background**

- i. A full discussion of the evidence, history, circumstances and concerns to be addressed by the item. Background may include stakeholder input and review of existing plans, programs, policies, and law.

**~~f. Review of Existing Plans, Programs, Policies and Laws~~**

- ~~i. Review, identification, and discussion of relevant/applicable City of Berkeley, State, and other relevant Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from, or run contrary to them.~~

**g. Actions/Alternatives Considered**

- i. A listing of solutions/measures that other jurisdictions, or advocates, experts, or organizations have studied or adopted to address the same or similar subject matter, the range of actions considered, and the reasons why those solutions/measures are proposed to be adopted, modified, or rejected.

**~~h. Consultation/Outreach Overview and Results~~**

- ~~i. Review/listing of external and internal City of Berkeley stakeholders that were consulted and reports, articles, books, websites and other materials that were consulted and discussion of approaches that were accepted, modified, or rejected.~~

**i. Rationale for Recommendation**

- i. A clear and concise statement that explains why the proposed policy is the best alternative. ~~as to whether~~ The item should explain if ~~proposes~~ actions (a) conform to, clarify or extend, (b) make major or minor changes/amendments, (c) create an exception, or (d) reverse/go contrary to existing City of Berkeley Plans, Programs, Policies and Laws, or (e) create largely or entirely new Plans, Programs, Policies or Laws.

**~~j. Implementation, Administration and Enforcement~~**

- ~~i. A discussion of how the recommended action would be implemented, administered and enforced by the City of Berkeley.~~

**k. Environmental Sustainability and Climate Impacts**

- i. A discussion of the impacts of recommended actions, if any, on the environment and the recommendation's relationship to the City's Climate Action, Resilience, and other sustainability goals.

**I. Fiscal Impacts**

- i. A review of the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as expected or potential direct and indirect costs.

**m. Outcomes and Evaluation\***

- i. A statement of the specific outcomes expected and what reporting and/or evaluation is recommended to ensure the outcomes are being achieved.

**n. Contact Information****o. Attachments/Supporting Materials****Issue #5: Rationale for Amendments to III.5.c Submission of Supplemental and Revised Agenda Material**

This section pertaining to Supplemental Communications #3 should be removed. To promote transparency, any revisions or supplemental materials submitted less than 24 hours before a meeting should not be allowed.

***Recommendation***

~~After 12:00 p.m. one calendar day prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 40 copies of the supplemental/revised material to the City Clerk for distribution at the meeting and submitting the material electronically to the City Clerk. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for public review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the Agenda Item in order for the material to be considered.~~

**Issue #6 Rationale for Amendments to III.F. "Agenda Sequence and Order of Business"**

The September 24, 2024 version eliminates the consent of the Council and allows the Chair sole discretion. The Chair should have approval from the Council with regard to agenda sequence.

***Recommendation***

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

**Issue #7: Rationale for Amendments to 3.H. "Major Items"**

The current language is confusing and unclear. This section should also mandate that Major Items must include a budget referral.

**Recommendation**

The Agenda & Rules Committee must take action on an item as prescribed in Chapter III.D. at the first meeting that the item appears before the Agenda & Rules Committee. The Agenda & Rules Committee may only assign the item to a single Policy Committee, except that an item meeting the definition of a Major Item that also includes a budget referral may be referred to both the Budget & Finance Committee in the form of a notice that a budget referral is under consideration at another Committee, and one other Policy Committee for subject matter review.

The Agenda & Rules Committee may ~~only~~ assign the item to a single Policy Committee, ~~except that. However, if~~ an item ~~meeting the definition of~~ qualifies as a Major Item ~~that also includes a budget referral may be referred to both,~~ it must include a budget referral and be sent to the Budget & Finance Committee in the form of a notice that a budget referral is under consideration at another Committee, and one other Policy Committee for subject matter review.

**Issue #8: Rationale for Amendments to III.4.h “Functions of the Policy Committee”**

Report standards are already listed above in III.C. Instead of “reports” including operational and legal analysis that may be beyond the subject matter expertise of a Council office, the policy committee should discuss with appropriate staff, budget implications, administrative feasibility, and legal considerations.

**Recommendation**

~~Reports leaving a~~ Policy Committees s must adequately include discuss budget implications, administrative feasibility, basic legal concerns, and staff resource demands before sending reports to the full Council. ~~in order to~~ This allows s for informed consideration by the full Council.

**Issue #9: Rationale for Amendments to “Agenda Items Authored by Former Mayors and Councilmembers”**

If a Councilmember wants to adopt an item originally submitted by a former member of the Council, that item must be resubmitted for reconsideration. It cannot be fast-tracked for a vote if the former official is no longer on the Council.

**Recommendation****Agenda Items Authored by Former Mayors and Councilmembers**

Upon the date that the elected official leaves office, all Agenda Items in the legislative process for which the former official is the Primary Author shall be placed on the next available draft Council Agenda to be reviewed by the Agenda & Rules Committee. The Agenda & Rules Committee shall then place the items on the Council Agenda under consideration or the next Council Agenda. At the Council meeting where the items appear on the Agenda, the Mayor or any Councilmember may assume primary authorship of any item authored by the former official. If the item is adopted by a member of the Council, it must be resubmitted and reconsidered at a future Agenda and Rules Committee. ~~The Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure.~~ If any of the items from the former

Internal

official are not assumed by the Mayor or any Councilmember, the Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure, except that the item may not be referred to a policy committee.

**Issue #10: Rationale for Amendments to IV.2. “Public Comment on Consent Calendar and Information Items”**

It is redundant to permit a speaker to speak twice on the same matter within one Council meeting.

***Recommendation***

~~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.~~

**Issue #11: Rationale for Amendments to V.G “Procedural Matters: Debate Limited”**

The purpose of a Consent calendar is to facilitate efficient decision-making without extensive discussion. Allowing each Councilmember and the Mayor up to seven minutes each of comment could extend the duration of the consent calendar to more than one hour and defeats the purpose of a Consent calendar.

***Recommendation***

**G. Debate Limited**

For the Consent Calendar, the Mayor and Councilmembers will ~~initially~~ have three up to five minutes each to make comments. ~~After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.~~

**Issue #12 Rationale for Amendments to Appendix B “Guidelines for City Council/Mayor Major Items”**

See Issue #4 Rationale above. This section is unnecessary, given the “Standards for Agenda Items” section.

***Recommendation***

Delete [Appendix B](#) (p.44-47).

**CONTACT PERSON**

Rashi Kesarwani

(510) 981-7110



Office of the City Manager

11

ACTION CALENDAR

September 24, 2024

*(Continued from the September 10, 2024 meeting)*

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted By: Mark Numainville, City Clerk

Subject: City Council Rules of Procedure and Order Revisions

RECOMMENDATION

Adopt a Resolution revising the City Council Rules of Procedure and Order to clarify and reorganize existing language, make technical corrections related to account for hybrid meetings; incorporate temporary provisions from Appendix C into the main body of the document; add revisions recommended by the Open Government Commission and approved by Council; Add new language and update existing language related to the legislative process recommended by the Agenda & Rules Committee; and rescinding any preceding amendatory resolutions.

POLICY COMMITTEE RECOMMENDATION

On August 26, 2024, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the proposed amendments to the Rules of Procedure, as discussed and further amended on August 26, 2024, to the City Council with a positive recommendation. Vote: Ayes – Hahn, Arreguin; Noes – None; Abstain – Wengraf.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

This review and update of the Rules of Procedure was precipitated several factors, 1) the end of the state-declared emergency and the return to in-person meetings in the hybrid format; 2) approval of the Open Government Commission (OGC) recommendations by Council on May 7, 2024; and 3) the legislative redesign process that has been discussed for several years by the full Council and at the Agenda & Rules Committee. In addition, all defined terms have been capitalized for consistency.

During the review, other technical corrections and updates were identified that will keep the Rules of Procedure current and effective. The updates are shown in track changes with explanatory comments in Attachment 2. The primary categories of updates are noted below.

(Continued from the September 10, 2024 meeting)

- Add new amendments to the legislative process related to “Major Items” submitted by Councilmembers, the authority of the Agenda & Rules Committee with regards to items submitted by the Mayor and Council, and process improvements for policy committees.
- Incorporate the recommendations from the OGC that Council adopted on May 7, 2024 related to public comments, consideration of consent calendar items, and meeting/agenda management.
- Modify the noticing procedures for ad hoc committees to align with the rules in the Brown Act, and for consistency with City boards and commissions.
- Update the legislative process rules to account for the new Charter Offices of City Attorney and Director of Police Accountability, and properly account for the role of the Auditor in the process.
- Update public comment procedures to account for speakers participating both remotely and in-person under the hybrid meeting model.
- Remove Appendix C, specific to all-remote pandemic meetings, and incorporate certain successful provisions into the main body regarding moving items to the Action Calendar, public comments, and Council debate procedures.

#### BACKGROUND

The City Council Rules of Procedure and Order governs the duties of the Council, the conduct of meetings, the agenda, procedural matters and facilities. The rules have been amended as necessary over time to improve the function of the legislative process and the conduct of City Council meetings.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

The changes to the Rules are intended to keep the document current and directly applicable to Council meeting format and procedure.

#### ALTERNATIVE ACTIONS CONSIDERED

The Council may adopt all, some, or none of the proposed amendments.

#### CONTACT PERSON

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

Attachments:

1: Resolution

Exhibit A: City Council Rules of Procedure and Order

2: Track Changes Version - City Council Rules of Procedure and Order





Office of the City Manager

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

RE-ADOPTING THE CITY COUNCIL RULES OF PROCEDURE

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council Rules of Procedure and Order attached hereto as Exhibit A shall govern all proceedings of the City Council therein described, subject to the exception and deviations provided for in such rules.

BE IT FURTHER RESOLVED that violation of these rules shall not be construed as a penal offense, except as provided for by the adopted Rules of Procedure.

BE IT FURTHER RESOLVED that this update is to clarify and reorganize existing language, make technical corrections related to hybrid meetings; incorporate temporary provisions from Appendix C into the main body of the document; add certain new provisions approved by Council; and make changes related to improvements in the legislative process.

BE IT FURTHER RESOLVED that all preceding amendatory resolutions are hereby rescinded.

Exhibit A: City Council Rules of Procedure and Order

# **The Berkeley City Council Rules of Procedure and Order**

Adopted by Resolution No. ~~##,###~~–N.S.

Effective [Date]

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## I. DUTIES

### A. Duties of Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. In the Mayor's absence, the Vice President of the Council (hereafter referred to as the Vice-Mayor) shall preside.

### B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

### C. Motions to be Stated by Chair

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

### D. Decorum by Councilmembers

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. The Presiding Officer may set a limit on the speaking time allotted to Councilmembers during Council discussion.

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

### E. Voting Disqualification

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to recuse themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

**F. Requests for Technical Assistance and/or Reports**

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.

## II. MEETINGS

### A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting Agenda and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

### B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

### C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

### D. Council Meeting Conduct of Business

The Agenda for the regular business meetings shall include the Order of Business described in Chapter III.F. Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) on Action will be heard.

Three or more members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent at least three members concurring, the item will stay on the Consent or Information Calendar.

With respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar prior to the vote on the Consent Calendar. However, if three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.

Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.

A public hearing that is not expected to be lengthy may be placed on the Agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the Agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

The Council will endeavor to inform meeting attendees of the approximate time for high interest items. In addition, the Council will make best efforts to determine if items should be carried over to future meetings earlier in the meeting rather than later.

**E. Adjournment**

No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific Agenda Items to be covered and shall specify in which order these items shall be handled.

Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

**F. Unfinished Business**

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council Agenda. The 60 day period is tolled during a Council recess.

**G. City Council Schedule and Recess Periods**

Pursuant to the Open Government Ordinance, the City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.

Regular meetings of the City Council shall be held generally two to three Tuesdays of each month except during recess periods; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

Regular City Council meetings shall begin no later than 6:00 p.m.

A recess period is defined as a period of time longer than 21 days without a regular meeting of the Council.

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the Agenda & Rules Committee meeting for the last regular meeting before a Council



recess and this authority shall extend up to the date of the Agenda & Rules Committee meeting for the first regular meeting after the Council recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

#### **H. Pledge of Allegiance to the Flag**

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the Ceremonial Calendar will be the Pledge of Allegiance.

#### **I. Ad Hoc Subcommittees**

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from residents, related commissions, and other groups, as appropriate to the charge or responsibilities of such subcommittee. Ad hoc subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

### III. AGENDA

#### A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the Agenda of the meeting and posted in accordance with Section III.E.2. Exceptions to this rule are limited to circumstances listed in Section III.E.4.b and items continued from a previous meeting and published on a revised Agenda.

#### B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the Agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember, a Charter Officer, the Auditor, or any board/commission/committee created by the City Council or City Charter, or any Report For Information which may be acted upon if the Mayor or a Councilmember so requests. For purposes of this section, appeals shall be considered action items. All information from a Charter Officer concerning any item to be acted upon by the Council shall be submitted as a report on the Agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney-client communication concerning a litigation matter. Council Agenda Items are limited to a maximum of four Authors and Co-Sponsors, in any combination that includes at least one Author.

Authors must be listed in the original item as submitted by the Primary Author. Co-Sponsors may only be added by the Primary Author (1) at the Agenda Committee meeting where the item is placed on a Council Agenda; or (2) after the item has been placed on a Council Agenda, through the Supplemental process, or (3) at the Council meeting where the item appears on the Agenda.

2. "Author" means the Mayor or other Councilmembers who actually authored an item by contributing to the ideas, research, writing or other material elements.
3. "Primary Author" means the Mayor or Councilmember listed first on the item. The Primary Author is the sole contact for the City Manager with respect to the item. Communication with other Authors and Co-Sponsors, if any, is the responsibility of the Primary Author.
4. "Co-Sponsor" means the Mayor or other Councilmembers who wish to indicate their strong support for the item, but are not Authors, and are designated by the Primary Author to be Co-Sponsors of the Council Agenda Item.
5. "Agenda" means the compilation of the descriptive titles of Agenda Items submitted to the City Clerk, arranged in the sequence established in Section III.F hereof.
6. "Packet" means the Agenda plus all of its corresponding Agenda Items.

7. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:
  - a) A work stoppage or other activity which severely impairs public health, safety, or both exists;
  - b) A crippling disaster, which severely impairs public health, safety or both exists.
  - c) Notice of the Council's proposed consideration of any such Emergency Matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.
8. "Continued Business" means Items carried over from a prior Agenda of a meeting occurring 11 or fewer days earlier.
9. "Old Business" means Items carried over from a prior Agenda of a meeting occurring more than 11 days earlier.
10. "Charter Officer" means the City Manager, City Attorney, and the Director of Police Accountability.
11. "Major Item" means an Agenda Item with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts submitted by the Mayor or any Councilmember.
12. "Regular Item" means any Agenda Item not classified as a Major Item.

### **C. Standards for Agenda Items**

1. Agenda Items, other than Major Items submitted by the Mayor or any Councilmember, shall contain all relevant documentation, including the information listed below:
  - i. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;
  - ii. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
  - iii. Recommendation of the report's author that describes the action to be taken on the item, if applicable;
  - iv. Fiscal impacts of the recommendation;
  - v. A description of the current situation and its effects;
  - vi. Background information as needed;
  - vii. Rationale for recommendation;

- viii. Alternative actions considered;
- ix. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);
- x. Person or persons to contact for further information, with telephone number;
- xi. Additional information and analysis as may be required.
- xii. Environmental sustainability and climate impacts.

It is recommended that Regular Item reports also include, to the extent relevant, the points of analysis in Major Council Item Standards in Section C.2.

2. Major Items submitted by the Mayor or any Councilmember shall contain all relevant documentation, including the information listed below and more fully described in Appendix B, Guidelines for City Councilmember/Mayor Major Items:

**i. Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

**ii. Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

**iii. Recommendation**

A clear, succinct statement of actions to be taken. More lengthy/detailed actions can be detailed within the item and incorporated by reference.

**iv. Summary Statement/Current Situation and its effects**

A short resume of the circumstances that give rise to the need for the recommended actions.

**v. Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

**vi. Review of Existing Plans, Programs, Policies and Laws**

Review, identification, and discussion of relevant/applicable City of Berkeley, State, and other relevant Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from, or run contrary to them.

**vii. Actions/Alternatives Considered**

A listing of solutions/measures that other jurisdictions, advocates, experts, or organizations have studied or adopted to address the same or similar subject matter, the range of actions considered, and the reasons why those solutions/measures are proposed to be adopted, modified, or rejected.

**viii. Consultation/Outreach Overview and Results**

Review/listing of external and internal City of Berkeley stakeholders that were consulted and reports, articles, books, websites and other materials that were consulted and discussion of approaches that were accepted, modified, or rejected.

**ix. Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that (a) conform to, clarify or extend, (b) make major or minor changes/amendments, (c) create an exception, or (d) reverse/go contrary to existing City of Berkeley Plans, Programs, Policies and Laws, or (e) create largely or entirely new Plans, Programs, Policies or Laws.

**x. Implementation, Administration and Enforcement**

A discussion of how the recommended action would be implemented, administered and enforced by the City of Berkeley.

**xi. Environmental Sustainability and Climate Impacts**

A discussion of the impacts of recommended actions, if any, on the environment and the recommendation's relationship to the City's Climate Action, Resilience, and other sustainability goals.

**xii. Fiscal Impacts**

A review of the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as expected or potential direct and indirect costs.

**xiii. Outcomes and Evaluation**

A statement of the specific outcomes expected and what reporting and/or evaluation is recommended to ensure the outcomes are being achieved.

**xiv. Contact Information****xv. Attachments/Supporting Materials****D. Procedure for Bringing Matters Before City Council****1. Persons Who Can Place Matters on the Agenda.**

Matters may be placed on the Agenda by the Mayor or any Councilmember, the Auditor, Charter Officers, or any board/commission/committee created by the City Council, ballot measure, or the City Charter. All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules

and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council.

The Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the Agenda of that City Council meeting. Pursuant to BMC Section 1.04.080, if the 15<sup>th</sup> day prior to the Council meeting falls on a holiday, the Committee will meet the next business day. The Agenda & Rules Committee Packet, including a draft Agenda and reports from the Mayor and Councilmembers, the Auditor, and Commission shall be distributed by 5:00 p.m. four days before the Agenda & Rules Committee meeting.

The Agenda & Rules Committee shall have the powers set forth below.

**a) Regular Items Authored by the Mayor or a Councilmember.**

As to Regular Items authored by the Mayor or a Councilmember, the Agenda & Rules Committee shall review the item and may take the following actions:

- i. Refer the item to a commission for further analysis (Primary Author may decline and request Policy Committee assignment).
- ii. Refer the item to the City Manager for further analysis (Primary Author may decline and request Policy Committee assignment).
- iii. Refer the item back to the Primary Author for requested amendments, adherence to required form, or for additional analysis, as required in Section III.C.1 (Primary Author may decline and request Policy Committee assignment).
- iv. Refer the item to a Policy Committee.
- v. Schedule the item for the Agenda under consideration or one of the next three regular Council Agendas.

**b) Major Items.**

The Agenda & Rules Committee retains the authority to designate which Agenda Items are classified as Major Items. With regards to Major Items, the Agenda & Rules Committee shall review the item and may take the following actions:

- i. Return the item to the Author if the committee determines that the item is not substantially compliant with Chapter III.C.2 and the guidelines in Appendix B.
- ii. Refer the item to a policy committee and send a notice to the Budget & Finance Committee if the item contains a budget referral.
- iii. Schedule the item for the Council Agenda under consideration.
- iv. Schedule the item for one of the subsequent three Council Agendas or a special meeting.
- v. Refer the item to a commission with the consent of the Primary Author.

- c) For referrals of Regular Items under Chapter III.D.1.a.i, ii, or iii, the Primary Author must inform the City Clerk within 24 hours of the adjournment of the Agenda & Rules Committee meeting whether they prefer to:
- 1) re-submit the item for a future meeting with modifications as suggested by the Agenda & Rules Committee; or
  - 2) withdraw the item completely; or
  - 3) re-submit the item with revisions as requested by the Agenda & Rules Committee within 24 hours of the adjournment of the Agenda & Rules Committee meeting for the Council Agenda under consideration; or
  - 4) accept the referral of the Agenda & Rules Committee in sub paragraphs III.D.1.a. i, ii, or iii, or request Policy Committee assignment.

If the Primary Author requests a Policy Committee assignment, the item will appear on the next draft Agenda presented to the Agenda & Rules Committee for assignment.

In the event that the City Clerk does not receive guidance from the Primary Author of the referred item within 24 hours of the Agenda & Rules Committee's adjournment, the item will appear on the next draft Agenda for consideration by the Agenda & Rules Committee.

Items being resubmitted for a future meeting to allow for modifications will be placed on the next available Council meeting Agenda at the time that the revised version is submitted to the City Clerk.

**d) Items Authored by Charter Officers and the Auditor.**

The Agenda & Rules Committee shall review agenda descriptions of items authored by Charter Officers and the Auditor. The Committee can recommend that the matter be referred to a commission, to a Policy Committee, or back to the Charter Officer or the Auditor for adherence to required form, additional analysis as required in Section III.C.1, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the Charter Officer or the Auditor determines that their item should proceed notwithstanding the Agenda & Rules Committee's recommendation, it will be placed on the Agenda as directed by the Charter Officer or the Auditor. All Charter Officer and Auditor items placed on the Council Agenda against the recommendation of the Agenda & Rules Committee will automatically be placed on the Action Calendar.

**e) Items Authored by Boards and Commissions.**

Agenda Items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners' Manual. The content of commission items is not subject to review by the Agenda & Rules Committee unless referred for policy review to the Agenda & Rules Committee.

i) For a commission item that does not require a companion report from the City Manager, the Agenda & Rules Committee may act on an agendaized commission item in the following manner:

1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.
2. Re-schedule the commission report to appear on one of the next three regular Council meeting Agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling.
3. Refer the item to a Policy Committee for review.
4. Allow the item to proceed as submitted.

ii) For any commission report that requires a City Manager companion report, the Agenda & Rules Committee may schedule the item on a Council Agenda. The Committee must schedule the commission item for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the Agenda & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph e.i. above.

f) The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section F.

**2. Removal of Agenda Items from the Legislative Process**

A Primary Author may withdraw their Agenda Item from the legislative process as follows:

1) during the time it is pending at a policy committee by sending written notification to the City Clerk or verbally at the meeting; 2) verbally at the Agenda & Rules Committee meeting when the item appears on a draft Council Agenda; or 3) verbally at the City Council meeting when the item appears on the Council Agenda or in writing through the supplemental process.



**3. Scheduling Public Hearings Mandated by State, Federal, or Local Statute.**

The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

**4. Submission of Agenda Items.**

- a) **Charter Officer Items.** Except for Continued Business and Old Business, as a condition to placing an item on the Agenda, Agenda Items from departments, including Agenda Items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.
- b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and Councilmembers is 5:00 p.m. on Monday, 22 days before each regular Council meeting.
- c) **Time Critical Items.** A Time Critical item is defined as a matter that is considered urgent by the Author and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by a Charter Officer, the Auditor, Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published Agenda.

The Primary Author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

- d) **Timelines.** The City Clerk may not accept any Agenda Item after the adjournment of the Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring 11 or fewer days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

**5. Submission of Supplemental and Revised Agenda Material.**

Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an Agenda Item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

- a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council

meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for public review or City Councilmember evaluation.

- b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for public review or City Council evaluation.
- c) After 12:00 p.m. one calendar day prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 40 copies of the supplemental/revised material to the City Clerk for distribution at the meeting and submitting the material electronically to the City Clerk. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for public review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the Agenda Item in order for the material to be considered.

#### **6. Submission of Late Urgency Items Pursuant to Government Code Section 54954.2(b)**

Late Urgency Items are items proposed for submission to the Council Agenda pursuant to Government Code Section 54954.2(b)

All items to be submitted for consideration for addition to an Agenda as Late Urgency Items shall be accompanied by a cover sheet that includes 1) boxes to check for the Author to affirm whether the item is submitted under the Emergency or Immediate Action Rule (and a short explanation of what is required to meet each rule, as well as the vote threshold required for the item to be placed onto the Agenda by the City Council); 2) a disclaimer in BOLD 14pt. CAPS stating that the item is not yet agendized and may or may not be accepted for the Agenda as a

Late Urgency Item, at the City Council's discretion according to Brown Act rules; 3) a prompt requiring the Author to list the facts which support consideration of the item for addition to the Agenda as either an Emergency or Immediate Action item; and 4) a copy of the City Attorney memo on Late Urgency Items.

Late Items must be submitted to the City Clerk no later than 12:00 p.m. (noon) the day prior to the meeting.

All complete Late Items submitted by the deadline will be distributed with Supplemental Communication Packet #2 by 5:00 p.m. the day before the Council meeting. A Late Item is not considered "complete" and will not be distributed unless submitted with the required cover sheet, filled out in a complete manner.

Very Late Urgency Items of an extremely urgent nature (e.g., earthquake, severe wildfire, pandemic) may be submitted for addition to the Agenda after the deadline of 12:00 p.m. the day before the meeting to accommodate unforeseeable, extreme and unusual circumstances. A Very Late Urgency Item will be distributed at the Council meeting prior to any vote to add it to the Agenda and the Presiding Officer may provide an appropriate break to allow Councilmembers and the public to review the item before voting on whether to add it to the Agenda and possibly again, at the Presiding Officer's discretion, before the item is voted on.

The required cover sheet should be included with the Very Late Urgency Item unless extremely exigent circumstances underlie the Very Late Urgency Item submission and a written cover sheet could not be prepared (for example, power is out and printing or emailing is not possible), in which case the individual "walking in" the item should be ready to provide all required information verbally at the meeting before a vote is taken to add or not add the item to the Agenda.

## **7. Scheduling a Presentation.**

Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda. The Agenda & Rules Committee may request a presentation by staff in consultation with the City Manager.

## **E. Packet Preparation and Posting**

### **1. Preparation of the Packet.**

Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the Packet, which shall include the Agenda plus all its corresponding Agenda Items. No item shall be considered if not included in the Packet, except as provided for in Section III.D.5. and Section III.E.4.

### **2. Distribution and Posting of Agenda.**

- a) The City Clerk shall post each Agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each Agenda of a special meeting at least 24 hours prior to the meeting on the official bulletin

board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each Agenda.

- b) The City Clerk shall also post Agendas and annotated Agendas of all City Council meetings and notices of public hearings on the City's website.
- c) No later than 11 days prior to a regular meeting, copies of the Agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

**3. Distribution of the Agenda Packet.**

The Agenda Packet shall consist of the Agenda and all supporting documents for Agenda Items. No later than 11 days prior to a regular meeting, the City Clerk shall:

- a) distribute the Agenda Packet to each member of the City Council;
- b) post the Agenda Packet to the City's website;
- c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and
- d) make the Agenda Packet available to members of the press.

**4. Failure to Meet Deadlines.**

- a) The City Clerk shall not accept any Agenda Item or revised Agenda Item after the deadlines established.
- b) Matters not included on the published Agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:
  - A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.7.
  - Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the Agenda as required by law.
- c) Matters listed on the printed Agenda but for which supporting materials are not received by the City Council on the eleventh day prior to said meeting as part of the Agenda Packet, shall not be discussed or acted upon.

**F. Agenda Sequence and Order of Business**

The Council Agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Land Acknowledgement Statement, Comments from the City Manager, Comments from the City Auditor [if requested], Non-Agenda Public Comment, Public Comment by Employee Unions)
  - a) The Land Acknowledgement Statement and Public Comment from Employee Unions are regularly agendized only for the first regular meeting of each month.
2. Consent Calendar
3. Action Calendar
  - a) Appeals
  - b) Public Hearings
  - c) Continued Business
  - d) Old Business
  - e) New Business
4. Information Reports
5. Non-Agenda Public Comment
6. Adjournment
7. Communications

Action items may be reordered at the discretion of the Chair.

The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

**G. Closed Session Documents**

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and members of the City Council.

1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.
2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.

3. Removal of confidential materials from a binder is prohibited.
4. Duplication of the contents of a binder by any means is prohibited.
5. Confidential materials shall be retained in the binders for at least two years.
6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

## **H. Regulations Governing City Council Policy Committees**

### **1. Legislative Item Process**

All Agenda Items begin with submission to the Agenda & Rules Committee.

#### Exempt Items

Regular Items under this category submitted by the Mayor or Councilmembers are exempt from Agenda & Rules Committee discretion to refer them to a Policy Committee. Items in this category may be submitted for the Agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of Exempt Items are listed below.

- a. Position Letters and Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
- b. Donations from the Mayor and Councilmember District Office Budgets
- c. Referrals to the Budget Process that are not related to a Major Item
- d. Proclamations
- e. Sponsorship of Events
- f. Information Reports
- g. Presentations from Outside Agencies and Organizations
- h. Ceremonial Items
- i. Committee and Regional Body Appointments

The Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember is classified as an Exempt Item or if the item is subject to Policy Committee review

#### Major Items

Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council Agenda.

The Agenda & Rules Committee must take action on an item as prescribed in Chapter III.D. at the first meeting that the item appears before the Agenda & Rules Committee. The Agenda & Rules Committee may only assign the item to a single Policy Committee, except that an item meeting the definition of a Major Item that also includes a budget referral may be referred to both the Budget & Finance Committee

in the form of a notice that a budget referral is under consideration at another Committee, and one other Policy Committee for subject matter review.

#### 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 Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published Agenda.

The Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

Time Critical items that would otherwise be assigned to a Policy Committee, may bypass Policy Committee review if determined to be time critical. If such an item is deemed not to be time critical, it may be referred to a Policy Committee.

Time Critical items that are submitted at a meeting of the Agenda & Rules Committee may go directly on a Council Agenda if determined to be time critical.

### **2. Council Referrals to Policy Committees**

The full Council may refer any Agenda Item to a Policy Committee by majority vote.

### **3. Participation Rules for Policy Committees Pursuant to the Brown Act**

- a. The quorum of a three-member Policy Committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.
- b. Two Policy Committee members may not discuss any item that has been referred to the Policy Committee outside of an open and noticed meeting.
- c. Notwithstanding paragraph (b) above, two members of a Policy Committee may be listed as Authors or Co-Sponsors on an item provided that one of the Authors or Co-Sponsors will not serve as a committee member for consideration of the item, and shall not participate in the committee's discussion of, or action on the item. For purposes of the item, the appointed alternate, who also cannot be an Author or Co-Sponsor, will serve as a committee member in place of the non-participating Author or Co-Sponsor.
- d. All three members of a Policy Committee may not be Authors or Co-Sponsors of an item that will be heard by the committee.
- e. Only one Author or Co-Sponsor who is not a member of the Policy Committee may attend the committee meeting to participate in discussion of the item.
- f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an Author who is not a member of the committee

is present to participate in the discussion of their item, no other non-committee member Councilmembers, nor the Mayor, may attend as observers.

- g. An item may be considered by only one Policy Committee before it goes to the full Council.

#### **4. Functions of the Policy Committees**

Committees shall have the following qualities/components:

- a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting Agendas will be posted at least 72 hours in advance of the meeting.
- b. Minutes shall be available online.
- c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
- d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.
- e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.
- f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.
- g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.
- h. Committees will review items for completeness in accordance with Section III.C.1 and III.C.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.
- i. Reports leaving a Policy Committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.
- j. Per Brown Act regulations, any revised or supplemental materials must be direct revisions or supplements to the item that was published in the Agenda Packet.

Items referred to a Policy Committee from the Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, either (1) the committee Chair may accept the Primary Author's request, either in writing, or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item



to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below. The Committee Chair shall report any extension granted outside of a meeting to the Committee and the City Clerk by email or verbally at the next Committee meeting.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's recommendation will be included in a separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a City board or commission.

The Primary Author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate City staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and recommendations originating from the Policy Committee are submitted to the City Clerk by the members of the committee.

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council Agenda. The Agenda & Rules Committee may leave the item on the Agenda under consideration or place it on the next Council Agenda. Items appearing on a City Council Agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council Agenda for consideration.

Policy Committees may add discussion topics that are within their purview to their Agenda with the concurrence of a majority of the Committee. These items are not subject to the 120-day deadline for action.

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available Agenda. The Agenda & Rules Committee may leave the item on the Agenda under consideration or place it on the following Council Agenda. The Agenda & Rules Committee may agendize the item on the Consent Calendar or Action Calendar.

The Primary Author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the committee approves expedited review.

### **5. Number and Make-up of Policy Committees**

Six committees are authorized, each comprised of three Councilmembers, with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee. The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The Agenda & Rules Committee shall establish the Policy Committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing Policy Committees of the City Council are considered “legislative bodies” under the Brown Act and must conduct all business in accordance with the Brown Act.

### **6. Role of City Staff at Committee Meetings**

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

#### **I. Agenda Items Authored by Former Mayors and Councilmembers**

Upon the date that the elected official leaves office, all Agenda Items in the legislative process for which the former official is the Primary Author shall be placed on the next available draft Council Agenda to be reviewed by the Agenda & Rules Committee. The Agenda & Rules Committee shall then place the items on the Council Agenda under consideration or the next Council Agenda.

At the Council meeting where the items appear on the Agenda, the Mayor or any Councilmember may assume primary authorship of any item authored by the former official. The Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure.

If any of the items from the former official are not assumed by the Mayor or Councilmember, the Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure, except that the item may not be referred to a policy committee.

## IV. CONDUCT OF MEETING

### A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- At the first regular meeting of the month, a period of public comment reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.
- Public comment on the Consent and Information Calendars.
- Public comment on the Action Calendar at the onset of the Action calendar with the exception of appeals, public hearings, and quasi-judicial matters requiring public comment for due process purposes (if invoked by the Presiding Officer).
- Public comment on Action items by those who did not speak in the earlier Action Calendar public comment period, any appeals, public hearings, and/or other quasi-judicial matters requiring extended public comment for due process purposes as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Except in the case of public comment by employee unions, speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

With respect to public comment by employee unions, each union's allocated time may be shared between more than one representative, and representatives and other members of unions may speak during other public comment periods in the same manner as members of the public.

If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking on an item, the Presiding Officer may limit the public comment for all speakers on the item to one minute per speaker.

This procedure also applies to public hearings except those types of public hearings specifically provided for in this chapter.

The Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council.

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry, or unless the individual is speaking with respect to a public hearing, a quasi-judicial matter, and/or any other item requiring extended public comment as a matter of due process.

#### **1. Public Comment on Non-Agenda Matters.**

Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions, up to ten persons will be selected to address matters not on the Council Agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council Agenda, each person selected will be allotted one minute each.

In-person attendees wishing to address the Council on matters not on the Council Agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the Agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized or raise their hand on the videoconference application to determine the number of persons interested in speaking at that time. Each speaker will be

entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate.

If the meeting is automatically adjourned at 11:00 p.m., or the expiration of any extension after 11:00 p.m., the meeting shall be automatically extended for up to fifteen minutes to hear public comment on non-agenda items.

## **2. Public Comment on Consent Calendar and Information Items.**

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.” 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.”

The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. 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, the Mayor or 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.

## **3. Public Comment on Action Items.**

After the initial ten minutes of public comment on non-agenda items, reserved public comment by employee unions, public comment on Consent and Information items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the Agenda for action as the item is taken up.

At the discretion of the Presiding Officer, with the consent of the Council, there may be a public comment period for one or several of the Action Calendar items at the beginning of the Action Calendar. Speaking time during this comment period is subject to the standard rules for public comments in Chapter IV.A. Speakers may speak to multiple items, but may only speak once during this period. This provision is not applicable to public hearings, appeals, and/or quasi-judicial matters. Attendees that speak on an action item at the scheduled public comment period may not speak again when the action item is taken up by the Council.

During the public comment period for each Action Item, the Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and raise their hand on the videoconference application to determine the number of persons interested in speaking on that item.

**4. Appeals Appearing on Action Calendar.**

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of a proposed lien (nuisance abatement/special assessment) lien, the appellant shall have seven minutes to comment.

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council Agenda.

**5. Ralph M. Brown Act Pertaining to Public Comments.**

The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the Agenda. However, the Council may refer a matter to the City Manager.

**B. Consent Calendar**

There shall be a Consent Calendar on all regular meeting Agendas on which shall be included those matters which the Mayor, Councilmembers, boards, commissions, City Auditor, and Charter Officers deem to be of such nature that no debate, prolonged discussion, or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of Consent Calendar items can be minimized.

**C. Information Reports Called Up for Discussion**

Reports for Information designated for discussion at the request of the Mayor or any Councilmember shall be added to the appropriate section of the Action Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The Agenda will indicate that at the request of the Mayor or any Councilmember a Report for Information may be acted upon by the Council.

**D. Written Communications**

Written communications from the public will not appear on the Council Agenda as individual matters for discussion but will be distributed as part of the Council Agenda Packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the Agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council Agenda to the Council to be reproduced in the "Communications" section of the Council Packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. The Mayor or a Councilmember may refer a communication to the City Manager for action, if appropriate, or prepare a Consent or Action item for placement on a future Agenda.

Communications related to an item on the Agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.D.5.

**E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters**

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, and prior to opening the public hearing, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date, place, and content of the contact. Written reports shall be available for public review in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by first the appellant and then the applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons

supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

The Presiding Officer will request that persons wishing to speak line up at the podium to be recognized or raise their hand on the videoconference platform, to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker 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. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. 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.

#### **F. Work Sessions**

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent Agenda under the Action portion of the Council Agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak line up at the podium or raise their hand on the videoconference to be recognized and to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking, each speaker 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.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

#### **G. Protocol**

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.



## **V. PROCEDURAL MATTERS**

### **A. Persons Authorized to Sit at Tables**

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

### **B. Decorum**

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council.

### **C. Enforcement of Decorum**

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the Presiding Officer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

### **D. Precedence of Motions**

When a question or motion is before the Council, no motion shall be entertained except:

1. To adjourn;
2. To fix the hour of adjournment;
3. To lay on the table;
4. For the previous question;
5. To postpone to a certain day;
6. To refer;
7. To amend;
8. To substitute; and
9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to amend or substitute, shall be put to a vote without debate.

**E. Robert's Rules of Order**

Robert's Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall supersede.

**F. Rules of Debate**

**1. Presiding Officer May Debate.**

The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

**2. Getting the Floor - Improper References to be avoided.**

Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themselves to the question under debate.

**3. Interruptions.**

A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

**4. Privilege of Closing Debate.**

The Mayor or Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Mayor or Councilmember moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

**5. Motion to Reconsider.**

A motion to reconsider any action taken by the Council may be made only during the same session such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by a member on the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

**6. Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.**

Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

**G. Debate Limited**

For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.

For non-Consent items, the Mayor and Councilmembers will have five minutes each to make initial comments on an Agenda Item. After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

**H. Motion to Lay on Table**

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

**I. Division of Question**

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

**J. Addressing the Council**

Under the following headings of business, unless the presiding officer rules otherwise, any interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

**1. Written Communications.**

Interested parties or their authorized representatives may address the Council in the form of written communications in regard to matters of concern to them by submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.D.5.

**2. Public Hearings.**

Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

**3. Public Comment.**

Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

**K. Addressing the Council After Motion Made**

When a motion is pending before the Council, no person other than the Mayor or a Councilmember shall address the Council without first securing the permission of the presiding officer or Council to do so.

**L. Use of Cellular Phones and Electronic Devices**

The use of cell phones during City Council meetings is discouraged for the Mayor and Councilmembers. While communications regarding Council items should be minimized, personal communications between family members and/or caregivers can be taken outside in the case of emergencies. In order to acknowledge differences in learning styles and support tactile learners, note-taking can continue to be facilitated both with a pen and paper and/or on electronic devices such as laptop computers and tablets.

The use of cell phones during Closed Session Meetings is explicitly prohibited for the Mayor and Councilmembers.

## VI. FACILITIES

### A. Meeting Location Capacity

Attendance at Council meetings shall be limited to the posted seating capacity of the meeting location. Entrance to the meeting location will be appropriately regulated by the City Manager on occasions when capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the meeting room except to address the Council, and sitting on the floor shall not be permitted.

### B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the Board Room.

### C. Amplified Sound, Signs, Objects, and Symbolic Materials

Amplified sound devices such as bullhorns, megaphones, portable sound systems, and similar devices are prohibited within the meeting location during Council meetings.

Objects and symbolic materials such as signs and banners are permitted in the meeting location provided that they do not interfere with the cameras that broadcast the meeting, obstruct the view of other attendees, or create a fire or safety hazard.

Any type of stick, pole, or similar object is prohibited in the meeting location during Council meetings.

### D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

### E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the meeting location has reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

**F. Format of Meetings**

The City Council may conduct regular meetings or special meetings held at the School District Boardroom in the hybrid format with both in-person and virtual participation as provided for in the Brown Act, and as noticed on the meeting Agenda. Council meetings at other locations may be conducted in the hybrid format if technologically feasible.

## **APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES**

### **Purpose**

To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

### **Objective**

- A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

### **Section 1 – Lead Commission**

The City Council designates the following commissions as the ‘Lead Commissions’ in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

#### **Board of Library Trustees**

Parks, Recreation & Waterfront Commission – Parks, recreation centers, camps, plazas, public open spaces, and public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

Transportation and Infrastructure Commission – Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

### **Section 2 – General Policy**

- A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
- D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
- E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

### Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an established park), or, the renaming of an existing public facility the following criteria shall be applied:

- A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.
- D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.
- E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.
- F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

### Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

- A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.
- B. The honoree has a record of outstanding service to their community.
- C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

### Section 5 –Procedures for Naming or Renaming of Public Facilities

- A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
  - 1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.



- B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
  - 1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.
- C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
  - 1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination.
- D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.
  - 1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
- E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

## **APPENDIX B. GUIDELINES FOR CITY COUNCILMEMBER/MAYOR MAJOR ITEMS**

Requirements for City Councilmember/Mayor Major Items are provided in Chapter III.C.2 of the City Council Rules of Procedure and Order. These guidelines further explain the requirements and are intended to assist in the preparation of fully researched and documented items that are likely to be eligible to move forward in the legislative process as determined by the Agenda & Rules Committee.

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### **1. Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

### **2. Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

### **3. Recommendation**

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

### **4. Summary Statement/ "Current situation and its effects"**

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.

- Example (fictional):

*Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season,*

*hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.*

## 5. **Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

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

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

## **7. Actions/Alternatives Considered**

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

## **8. Consultation/Outreach Overview and Results**

- Review/list external and internal stakeholders that were consulted
  - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal:** staff who would implement policies, the City Manager and/or Deputy CM, Department Heads, City Attorney, City Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

## **9. Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

## **10. Implementation, Administration and Enforcement**

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

**11. Environmental Sustainability and Climate Impacts**

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

**12. Fiscal Impacts**

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

**13. Outcomes and Evaluation**

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

**14. Contact Information****15. Attachments/Supporting Materials**

Attachment 2

## The Berkeley City Council Rules of Procedure and Order

Adopted by Resolution No. ~~71,174###,###~~–N.S.

Effective ~~January 22, 2024~~[Date]

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**I. DUTIES****A. Duties of Mayor**

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. In the Mayor's absence, the Vice President of the Council (hereafter referred to as the Vice-Mayor) shall preside.

**B. Duties of Councilmembers**

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

**C. Motions to be Stated by Chair**

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

**D. Decorum by Councilmembers**

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. The Presiding Officer may set a limit on the speaking time allotted to Councilmembers during Council discussion.

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

**E. Voting Disqualification**

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

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I. DUTIES

decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to recuse themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

**F. Requests for Technical Assistance and/or Reports**

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.

## II. MEETINGS

## II. MEETINGS

## A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting Agenda and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

## B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

## C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

## D. Council Meeting Conduct of Business

The ~~agenda~~Agenda for the regular business meetings shall include the Order of Business described in Chapter III.F. following: Ceremonial Items (including comments from the City Auditor if requested); Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, Old Business, New Business); Information Reports; and Communication from the Public. Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) on Action will be heard. ~~with the consent of Council.~~

Three (3) or more members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent at least three members concurring, the item will stay on the Consent or Information Calendar.

~~and, w~~With respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar prior to the vote on the Consent Calendar. However, if three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.

Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.

Upon request by the Mayor or any Councilmember, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by the Mayor or any Councilmember, the Council may also move an item from the Action Calendar to the Consent Calendar.

Commented [NML1]: Eliminates redundancy within the document. Chapter III.F. is more detailed.

Commented [NML2]: Per Council action on 5/7/24.

Commented [NML3]: Process moved here from Appendix C

Commented [NML4]: Per Council action on 5/7/24.

## II. MEETINGS

A public hearing that is not expected to be lengthy may be placed on the agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

The Council will endeavor to inform meeting attendees of the approximate time for high interest items. In addition, the Council will make best efforts to determine if items should be carried over to future meetings earlier in the meeting rather than later.

Commented [NML5]: Per Council action on 5/7/24.

#### E. Adjournment

No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific Agenda Items to be covered and shall specify in which order these items shall be handled.

Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

#### F. Unfinished Business

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council agenda. The 60 day period is tolled during a Council recess.

#### G. City Council Schedule and Recess Periods

Pursuant to the Open Government Ordinance, the City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.

Regular meetings of the City Council shall be held generally two to three Tuesdays of each month except during recess periods; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

Regular City Council meetings shall begin no later than 6:00 p.m.

A recess period is defined as a period of time longer than 21 days without a regular meeting of the Council.

## II. MEETINGS

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the Agenda & Rules Committee meeting for the last regular meeting before a Council recess and this authority shall extend up to the date of the Agenda & Rules Committee meeting for the first regular meeting after the Council recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

#### H. Pledge of Allegiance to the Flag

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the Ceremonial Calendar will be the Pledge of Allegiance.

#### I. Ad Hoc Subcommittees

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from residents, related commissions, and other groups, as appropriate to the charge or responsibilities of such subcommittee. Ad hoc subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

~~Subcommittees shall conduct their meetings in locations that are open to the public and meet accessibility requirements under the Americans with Disabilities Act. Meetings may be held at privately owned facilities provided that the location is open to all that wish to attend and that there is no requirement for purchase to attend. Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular Council meetings except that subcommittee agendas may be posted with 24-hour notice. The public will be permitted to comment on agenda items~~

Commented [NML6]: Ad hoc committees are not legislative bodies under the Brown Act. These requirements have been repealed for commissions and need to be repealed for the Council for consistency.

## II. MEETINGS

~~but public comments may be limited to one minute if deemed necessary by the Committee Chair. Agendas and minutes of the meetings must be maintained and made available upon request.~~

Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

~~Ad hoc subcommittees may convene a closed session meeting pursuant to the conditions and regulations imposed by the Brown Act.~~

### III. AGENDA

#### A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the ~~agenda~~Agenda of the meeting and posted in accordance with Section III.~~ED~~.2. Exceptions to this rule are limited to circumstances listed in Section III.~~ED~~.4.b and items continued from a previous meeting and published on a revised ~~agenda~~Agenda.

#### B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the ~~agenda~~Agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember, ~~the City Manager Charter Officer~~, the Auditor, or any board/commission/committee created by the City Council ~~or City Charter~~, or any Report For Information which may be acted upon if the Mayor or a Councilmember so requests. For purposes of this section, appeals shall be considered action items. All information from ~~the City Manager Charter Officer~~ concerning any item to be acted upon by the Council shall be submitted as a report on the ~~agenda~~Agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney-client communication concerning a litigation matter. Council ~~Agenda~~ items are limited to a maximum of four Authors and Co-Sponsors, in any combination that includes at least one Author.

Authors must be listed in the original item as submitted by the Primary Author. Co-Sponsors may only be added ~~in the following manner: by the Primary Author (1) at the Agenda Committee meeting where the item is placed on a Council~~ ~~agenda~~Agenda; or (2) after the item has been placed on a Council ~~agenda~~Agenda, through the Supplemental process, or (3) at the Council meeting where the item appears on the Agenda ~~for action~~.

- ~~In the original item as submitted by the Primary Author~~
- ~~In a revised item submitted by the Primary Author at the Agenda & Rules Committee~~
- ~~By verbal request of the Primary Author at the Agenda & Rules Committee~~
- ~~In a revised item submitted by the Primary Author in Supplemental Reports and Communications Packet #1 or #2~~
- ~~By verbal or written request of the Mayor or any Councilmember at the Policy Committee meeting or meeting of the full Council at which the item is considered~~

2. ~~Agenda~~ items shall contain all relevant documentation, including the information listed below:—

- a) ~~A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;~~

Commented [NML7]: Per discussion at Agenda & Rules on 7/8/24; replaces text immediately below

Commented [NML8]: Moved to C. below

## III. AGENDA

- ~~b) Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~
  - ~~c) Recommendation of the report's Primary Author that describes the action to be taken on the item, if applicable;~~
  - ~~d) Fiscal impacts of the recommendation;~~
  - ~~e) A description of the current situation and its effects;~~
  - ~~f) Background information as needed;~~
  - ~~g) Rationale for recommendation;~~
  - ~~h) Alternative actions considered;~~
  - ~~i) For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);~~
  - ~~j) Person or persons to contact for further information, with telephone number;~~
  - ~~k) Additional information and analysis as required. It is recommended that reports include the points of analysis in Appendix B – Guidelines for Developing and Writing Council Agenda Items.~~
2. "Author" means the Mayor or other Councilmembers who actually authored an item by contributing to the ideas, research, writing or other material elements.
  3. "Primary Author" means the Mayor or Councilmember listed first on the item. The Primary Author is the sole contact for the City Manager with respect to the item. Communication with other Authors and Co-Sponsors, if any, is the responsibility of the Primary Author.
  4. "Co-Sponsor" means the Mayor or other Councilmembers who wish to indicate their strong support for the item, but are not Authors, and are designated by the Primary Author to be ~~co-sponsor~~Co-Sponsors of the ~~Council agenda item~~Agenda Item.
  5. "Agenda" means the compilation of the descriptive titles of ~~A~~agenda ~~l~~items submitted to the City Clerk, arranged in the sequence established in Section III.~~FE~~ hereof.
  6. "Packet" means the ~~agenda~~Agenda plus all ~~of~~ its corresponding ~~agenda item~~Agenda Items.
  7. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:



## III. AGENDA

a) A work stoppage or other activity which severely impairs public health, safety, or both exists;

b) A crippling disaster, which severely impairs public health, safety or both exists.

b)c)                      –Notice of the Council's proposed consideration of any such ~~emergency matter~~ Emergency Matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.

8. "Continued Business" means Items carried over from a prior ~~agenda~~ Agenda of a meeting occurring ~~less than 11~~ or fewer days earlier.

9. "Old Business" means Items carried over from a prior ~~agenda~~ Agenda of a meeting occurring more than 11 days earlier.

10. "Charter Officer" means the City Manager, City Attorney, and the Director of Police Accountability.

11. "Major Item" means an Agenda Item with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts submitted by the Mayor or any Councilmember.

9-12. "Regular Item" means any Agenda Item not classified as a Major Item.

C. Standards for Agenda items

1. Agenda item ~~Agenda Items~~, other than Major Items submitted by the Mayor or any Councilmember, shall contain all relevant documentation, including the information listed below:

- i. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;
- ii. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
- iii. Recommendation of the report's ~~Primary A~~ author that describes the action to be taken on the item, if applicable;
- iv. Fiscal impacts of the recommendation;
- v. A description of the current situation and its effects;
- vi. Background information as needed;
- vii. Rationale for recommendation;
- viii. Alternative actions considered;

Commented [NML9]: Per discussion at Agenda & Rules on 7/8/24

Commented [NML10]: Moved here from above

## III. AGENDA

ix. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);

x. Person or persons to contact for further information, with telephone number;

xi. Additional information and analysis as may be required.

xii. Environmental sustainability and climate impacts.

It is recommended that Regular Item reports also include, to the extend relevant, the points of analysis in Major Council Item Standards atin Section C.-(2).

2. Major Items submitted by the Mayor or any Councilmember shall contain all relevant documentation, including the information listed below and more fully described in Appendix B, Guidelines for City Councilmember/Mayor Major Items:

Commented [NML11]: Moved here from Appendix B

**i. Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

**ii. Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

**iii. Recommendation**

A cClear, succinct statement of actions to be taken. More lengthy/detailed actions can be detailed within the item and incorporated by reference.

**iv. Summary Statement/Current Situation and its effects**

A short resume of the circumstances that give rise to the need for the recommended actions.

**v. Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

**vi. Review of Existing Plans, Programs, Policies and Laws**

Review, identification, and discussion of relevant/applicable City of Berkeley, State, and other relevant Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from, or run contrary to them.

**vii. Actions/Alternatives Considered**

A listing of solutions/measures that other jurisdictions, ~~or~~ advocates, experts, or organizations have studied or adopted to address the same or similar subject

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matter, the range of actions considered, and the reasons why those solutions/measures are proposed to be adopted, modified, or rejected.

#### **viii. Consultation/Outreach Overview and Results**

Review/listing of external and internal City of Berkeley stakeholders that were consulted and reports, articles, books, websites and other materials that were consulted and discussion of approaches that were accepted, modified, or rejected.

#### **ix. Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that (a) conform to, clarify or extend, (b) make major or minor changes/amendments, (c) create an exception, or (d) reverse/go contrary to existing City of Berkeley Plans, Programs, Policies and Laws, or (e) create largely or entirely new Plans, Programs, Policies or Laws.

#### **x. Implementation, Administration and Enforcement**

A discussion of how the recommended action would be implemented, administered and enforced by the City of Berkeley.

#### **xi. Environmental Sustainability and Climate Impacts**

A discussion of the impacts of recommended actions, if any, on the environment and the recommendation's relationship to the City's Climate Action, Resilience, and other sustainability goals.

#### **xii. Fiscal Impacts**

A review of the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as expected or potential direct and indirect costs.

#### **xiii. Outcomes and Evaluation**

A statement of the specific outcomes expected and what reporting and/or evaluation is recommended to ensure the outcomes are being achieved.

#### **xiv. Contact Information**

#### **xv. Attachments/Supporting Materials**

### **D. Procedure for Bringing Matters Before City Council**

#### **1. Persons Who Can Place Matters on the Agenda.**

Matters may be placed on the ~~agenda~~Agenda by the Mayor or any Councilmember, ~~the City Manager~~, the Auditor, Charter Officers, or any board/commission/committee created by the City Council, ballot measure, or the City Charter. All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council.

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The Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the ~~agenda~~Agenda of that City Council meeting. Pursuant to BMC Section 1.04.080, if the 15<sup>th</sup> day prior to the Council meeting falls on a holiday, the Committee will meet the next business day. The Agenda & Rules Committee ~~packet~~Packet, including a draft ~~agenda~~Agenda and ~~reports from the Mayor and Councilmembers~~s, the Auditor, and Commission reports shall be distributed by 5:00 p.m. four days before the Agenda & Rules Committee meeting.

The Agenda & Rules Committee shall have the powers set forth below.

- a) ~~Regular Items Authored by the Mayor, or a Councilmember, or the Auditor.~~

As to ~~item~~Regular Items authored by the Mayor, ~~or~~ a Councilmember, ~~or the Auditor~~, the Agenda & Rules Committee shall review the item and may take the following actions:

- i. Refer the item to a commission for further analysis (Primary Author may decline and request Policy Committee assignment).
- ii. Refer the item to the City Manager for further analysis (Primary Author may decline and request Policy Committee assignment).
- iii. Refer the item back to the Primary Author for requested amendments, adherence to required form, or for additional analysis, as required in Section III.CB.12 (Primary Author may decline and request Policy Committee assignment).
- iv. Refer the item to a Policy Committee.

Commented [NML12]: Auditor moved to paragraph (c) below with the consent of the Auditor

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- v. Schedule the item for the ~~agenda~~Agenda under consideration or one of the next three ~~fullregular~~ Council ~~agenda~~Agendas.

**b) Major Items Authored by the Mayor, a Councilmember, or the Auditor.**

The Agenda & Rules Committee retains the authority to designate which Agenda Items are classified as Major Items. With regards to Major Items, the Agenda & Rules Committee shall review the item and may take the following actions:

- vi-i. Return the item to the Author if the committee determines that the item is not substantially compliant with Chapter III.C.2 and the guidelines in Appendix B.
- ii. Refer the item to a policy committee and send a notice to the Budget & Finance Committee if the item contains a budget referral.
- iii. Schedule the item for the Council Agenda under consideration.
- iv. Schedule the item for one of the subsequent three Council Agendas or a special meeting.
- v. Refer the item to a commission with the consent of the Primary Author.

Commented [NML13]: Per discussion at Agenda & Rules on 7/8/24 to create a process for the new category of "Major Items"

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c) For referrals of Regular Items under Chapter III.DC.1.a.i, ii, or iii, the Primary Author must inform the City Clerk within 24 hours of the adjournment of the Agenda & Rules Committee meeting whether they prefer to:

- 1) re-submit the item for a future meeting with modifications as suggested by the Agenda & Rules Committee; or
- 2) ~~withdraw~~pull the item completely; or
- 3) re-submit the item with revisions as requested by the Agenda & Rules Committee within 24 hours of the adjournment of the Agenda & Rules Committee meeting for the Council ~~agenda~~Agenda under consideration; or
- 4) accept the referral of the Agenda & Rules Committee in sub paragraphs III.CD.1.a. i, ii, or iii, or request Policy Committee assignment.

If the Primary Author requests a Policy Committee assignment, the item will appear on the next draft ~~agenda~~Agenda presented to the Agenda & Rules Committee for assignment.

In the event that the City Clerk does not receive guidance from the Primary Author of the referred item within 24 hours of the Agenda & Rules Committee's adjournment, the item will appear on the next draft ~~agenda~~Agenda for consideration by the Agenda & Rules Committee.

Items ~~held-being resubmitted~~ for a future meeting to allow for modifications will be placed on the next available Council meeting ~~agenda~~Agenda at the time that the revised version is submitted to the City Clerk.

e)d) Items Authored by ~~the City Manager~~Charter Officers and the Auditor.

The Agenda & Rules Committee shall review agenda descriptions of items authored by ~~the City Manager~~Charter Officers and the Auditor. The Committee can recommend that the matter be referred to a commission, to a Policy Committee, or back to the ~~City Manager~~Charter Officer or the Auditor for adherence to required form, additional analysis as required in Section III.C.1B-2, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the ~~City Manager~~Charter Officer or the Auditor determines that their ~~item matter~~ should proceed notwithstanding the Agenda & Rules Committee's ~~recommendation~~action, it will be placed on the ~~agenda~~Agenda as directed by the ~~Manager~~Charter Officer or the Auditor. All ~~Charter Officer and Auditor~~ City Manager items placed on the Council ~~agenda~~Agenda against the recommendation of the Agenda & Rules Committee will automatically be placed on the Action Calendar.

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**d)e) Items Authored by Boards and Commissions.**

Agenda Items~~Council items~~ submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners' Manual. The content of commission items is not subject to review by the Agenda & Rules Committee unless referred for policy review to the Agenda & Rules Committee.

i) For a commission item that does not require a companion report from the City Manager, the Agenda & Rules Committee may act on an agendaized commission ~~item~~report in the following manner:

1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.
2. Re-schedule the commission report to appear on one of the next three regular Council meeting ~~agenda~~Agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling.
3. Refer the item to a Policy Committee for review.
4. Allow the item to proceed as submitted.

ii) For any commission report that requires a City Manager companion report, the Agenda & Rules Committee may schedule the item on a Council ~~agenda~~Agenda. The Committee must schedule the commission item for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the Agenda & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph ~~ee~~.i. above.

**f)** The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section ~~FE~~.

**2. Removal of Agenda Items from the Legislative Process**

A Primary Author may withdraw their Agenda Item from the legislative process as follows: 1) during the time it is pending at a policy committee by sending written notification to the City Clerk or verbally at the meeting; 2) verbally at the Agenda & Rules Committee meeting when the item appears on a draft Council Agenda; or 3) verbally at the City Council meeting when the item appears on the Council Agenda or in writing through the supplemental process.

Commented [NML14]: Per discussion at Agenda & Rules on 7/8/24

**2.3. Scheduling Public Hearings Mandated by State, Federal, or Local Statute.**

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The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

#### 3.4. Submission of Agenda Items.

- a) **City Manager Charter Officer Items.** Except for Continued Business and Old Business, as a condition to placing an item on the ~~agenda~~Agenda, ~~agenda-item~~Agenda Items from departments, including ~~agenda item~~Agenda Items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.
- b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and ~~City Council~~members is 5:00 p.m. on Monday, 22 days before each regular Council meeting.
- c) **Time Critical Items.** A Time Critical item is defined as a matter that is considered urgent by the ~~Author~~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~~Charter Officer, ~~the~~ Auditor, Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published agenda~~Agenda~~.

The Primary Author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

- d) **Timelines.** The City Clerk may not accept any ~~agenda-item~~Agenda Item after the adjournment of the Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring ~~less than~~11 or fewer days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

#### 4.5. Submission of Supplemental and Revised Agenda Material.

Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an ~~agenda-item~~Agenda Item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:



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- a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for publiccitizen review or City Councilmember evaluation.
- b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for publiccitizen review or City Council evaluation.
- c) After 12:00 p.m. one calendar day prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 4240 copies of the supplemental/revised material to the City Clerk for distribution at the meeting and submitting the material electronically to the City Clerk. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for publiccitizen review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the ~~agenda item~~ Agenda Item in order for the material to be considered.

Commented [NML15]: For web posting so that virtual attendees have access

#### **5.6. Submission of Late Urgency Items Pursuant to Government Code Section 54954.2(b)**

Late Urgency Items are items proposed for submission to the Council Agenda pursuant to Government Code Section 54954.2(b)

All items to be submitted for consideration for addition to an agenda Agenda as Late Urgency Items shall be accompanied by a cover sheet that includes 1) boxes to check for the Author to affirm whether the item is submitted under the Emergency or Immediate Action Rule (and a short explanation of what is required to meet each rule, as well as the vote threshold required for the item to be placed onto the agenda Agenda by the City

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Council); 2) a disclaimer in BOLD 14pt. CAPS stating that the item is not yet agendized and may or may not be accepted for the ~~agenda~~Agenda as a Late Urgency Item, at the City Council's discretion according to Brown Act rules; 3) a prompt requiring the ~~author~~Author to list the facts which support consideration of the item for addition to the ~~agenda~~Agenda as either an Emergency or Immediate Action item; and 4) a copy of the City Attorney memo on Late Urgency Items.

Late Items must be submitted to the City Clerk no later than 12:00 p.m. (noon) the day prior to the meeting.

All complete Late Items submitted by the deadline will be distributed with Supplemental Communication Packet #2 by 5:00 p.m. the day before the Council meeting. A Late Item is not considered "complete" and will not be distributed unless submitted with the required cover sheet, filled out in a complete manner.

Very Late Urgency Items of an extremely urgent nature (e.g., earthquake, severe wildfire, pandemic) may be submitted for addition to the ~~agenda~~Agenda after the deadline of 12:00 p.m. the day before the meeting to accommodate unforeseeable, extreme and unusual circumstances. A Very Late Urgency Item will be distributed at the Council meeting prior to any vote to add it to the ~~agenda~~Agenda and the Presiding Officer may provide an appropriate break to allow Councilmembers and the public to review the item before voting on whether to add it to the ~~agenda~~Agenda and possibly again, at the Presiding Officer's discretion, before the item is voted on.

The required cover sheet should be included with the Very Late Urgency Item unless extremely exigent circumstances underlie the Very Late Urgency Item submission and a written cover sheet could not be prepared (for example, power is out and printing or emailing is not possible), in which case the individual "walking in" the item should be ready to provide all required information verbally at the meeting before a vote is taken to add or not add the item to the Agenda.

#### **6.7. Scheduling a Presentation.**

Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda. The Agenda & Rules Committee may request a presentation by staff in consultation with the City Manager.

### **E. Packet Preparation and Posting**

#### **1. Preparation of the Packet.**

Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the ~~packet~~Packet, which shall include the ~~agenda~~Agenda plus all its corresponding ~~agenda-item~~Agenda Items. No item shall be considered if not included in the ~~packet~~Packet, except as provided for in Section III.D.5.C.4 and Section III.D.E.4.

#### **2. Distribution and Posting of Agenda.**

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- a) The City Clerk shall post each ~~agenda~~Agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each ~~agenda~~Agenda of a special meeting at least 24 hours ~~prior to in advance of~~ the meeting ~~in on~~ the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each ~~agenda~~Agenda.
- b) The City Clerk shall also post ~~agenda~~Agendas and annotated ~~agenda~~Agendas of all City Council meetings and notices of public hearings on the City's website.
- c) No later than 11 days prior to a regular meeting, copies of the ~~agenda~~Agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

3. **Distribution of the Agenda Packet.**

The Agenda Packet shall consist of the Agenda and all supporting documents for ~~agenda item~~Agenda Items. No later than 11 days prior to a regular meeting, the City Clerk shall:

- a) distribute the Agenda Packet to each member of the City Council;
- b) post the Agenda Packet to the City's website;
- c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and
- d) make the Agenda Packet available to members of the press.

4. **Failure to Meet Deadlines.**

- a) The City Clerk shall not accept any ~~agenda item~~Agenda Item or revised ~~agenda item~~Agenda Item after the deadlines established.
- b) Matters not included on the published ~~agenda~~Agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:
  - A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.78.
  - Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the ~~agenda~~Agenda as required by law.
- c) Matters listed on the printed ~~agenda~~Agenda but for which supporting materials are not received by the City Council on the eleventh day prior to said meeting as part of the ~~agenda~~Agenda packetPacket, shall not be discussed or acted upon.

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**E.F. Agenda Sequence and Order of Business**

The Council ~~agenda~~Agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Land Acknowledgement Statement, Comments from the City Manager, Comments from the City Auditor [if requested], Non-Agenda Public Comment, Public Comment by Employee Unions)

a) The Land Acknowledgement Statement and Public Comment from Employee Unions are regularly agendized only for the first regular meeting of each month.

Commented [NML16]: Per discussion at Agenda & Rules on 7/8/24 – for clarity.

1.2. Consent Calendar

2.3. Action Calendar

- a) Appeals
- b) Public Hearings
- c) Continued Business
- d) Old Business
- e) New Business

3.4. Information Reports

4.5. Non-Agenda Public Comment

5.6. Adjournment

6.7. Communications

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

The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

**F.G. Closed Session Documents**

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and members of the City Council.

1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.
2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session

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meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.

3. Removal of confidential materials from a binder is prohibited.
4. Duplication of the contents of a binder by any means is prohibited.
5. Confidential materials shall be retained in the binders for at least two years.
6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

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**G.H. Regulations Governing City Council Policy Committees****1. Legislative Item Process**

All ~~agenda item~~Agenda Items begin with submission to the Agenda & Rules Committee.

Full Council~~Exempt Items Track~~

Regular Items under this category submitted by the Mayor or Councilmembers are exempt from Agenda & Rules Committee discretion to refer them to a Policy Committee. Items in this category may be submitted for the ~~agenda~~Agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of ~~Full Council Track~~Exempt Items are listed below.

- a. ~~Items submitted by the City Manager and City Auditor~~
- b. ~~Items submitted by Boards and Commissions~~
- c. Position Letters and Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
- d. ~~Position Letters and/or Resolutions of Support/Opposition~~
- e.d. Donations from the Mayor and Councilmember District Office Budgets
- f.e. Referrals to the Budget Process that are not related to a Major Item
- g.f. Proclamations
- h.g. Sponsorship of Events
- i.h. Information Reports
- j.i. Presentations from Outside Agencies and Organizations
- k.j. Ceremonial Items
- l.k. Committee and Regional Body Appointments

The Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember ~~falls under a Full Council is classified as an Exempt Item Track exception or if it will be processed as a Policy Committee or if the item is subject to Policy Committee review Track item.~~

Policy Committee Track Major Items Track

Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council ~~agenda~~Agenda.

The Agenda & Rules Committee must ~~refer and take action on an~~ item as prescribed in Chapter III.D. to a Policy Committee at the first meeting that the item appears before the Agenda & Rules Committee. The Agenda & Rules Committee may only assign the item to a single Policy Committee, except that an item meeting the definition of a Major Item that also includes a budget referral may be referred to both the Budget & Finance Committee in the form of a notice that a budget referral is under

Commented [NML17]: Changes in this section are primarily related to the new definition of Major Items and Regular Items as well as the amended process for the Agenda & Rules Committee in Chapter III.D.

Commented [NML18]: This is already covered in Chapter III.D.1.c.

Commented [NML19]: This is not covered in Chapter III.D.1.d.

Commented [NML20]: No change in process, just reworded with new terms

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consideration at another Committee, and one other Policy Committee for subject matter review.

~~For a Major Item Policy Committee Track item, the Agenda & Rules Committee, at its discretion, may either route item directly to 1) the Council Agenda currently under consideration, 2) one of the next subsequent three full Council Agendas for a Regular Meeting of the City Council (based on completeness of the item, lack of potential controversy, minimal impacts, etc.), or 3) to a Policy Committee.~~

Commented [NML21]: These actions are now enshrined in Chapter III.D.1.b.

#### Time Critical Track 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 Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published ~~agenda~~Agenda.

The Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

Time Critical items ~~submitted on the Full Council Track deadlines~~, that would otherwise be assigned to ~~a the~~ Policy Committee ~~Track~~, may bypass Policy Committee review if determined to be time critical. If such an item is deemed not to be time critical, it may be referred to a Policy Committee.

Time Critical items ~~on the Full Council Track or Policy Committee Track~~ that are submitted at a meeting of the Agenda & Rules Committee may go directly on a ~~Council~~ agendaAgenda if determined to be time critical.

### **2. Council Referrals to Policy Committees**

The full Council may refer any ~~agenda item~~Agenda Item to a Policy Committee by majority vote.

### **3. Participation Rules for Policy Committees Pursuant to the Brown Act**

- a. The quorum of a three-member Policy Committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.
- b. Two Policy Committee members may not discuss any item that has been referred to the Policy Committee outside of an open and noticed meeting.
- c. Notwithstanding paragraph (b) above, two members of a Policy Committee may be listed as Authors or Co-Sponsors on an item provided that one of the Authors or Co-Sponsors will not serve as a committee member for consideration of the item, and shall not participate in the committee's

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discussion of, or action on the item. For purposes of the item, the appointed alternate, who also cannot be an Author or Co-Sponsor, will serve as a committee member in place of the non-participating Author or Co-Sponsor.

- d. All three members of a Policy Committee may not be Authors or Co-Sponsors of an item that will be heard by the committee.
- e. Only one Author or Co-Sponsor who is not a member of the Policy Committee may attend the committee meeting to participate in discussion of the item.
- f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an Author who is not a member of the committee is present to participate in the discussion of their item, no other non-committee member Councilmembers, nor the Mayor, may attend as observers.
- g. An item may be considered by only one Policy Committee before it goes to the full Council.

#### 4. Functions of the **Policy Committees**

Committees shall have the following qualities/components:

- a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting ~~agenda~~Agendas will be posted at least 72 hours in advance of the meeting.
- b. Minutes shall be available online.
- c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
- d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.
- e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.
- f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.
- g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.



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- h. Committees will review items for completeness in accordance with Section III.C.1 and III.C.2B.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.
- i. Reports leaving a Policy Committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.
- j. Per Brown Act regulations, any revised or supplemental materials must be direct revisions or supplements to the item that was published in the agenda packet.

Items referred to a Policy Committee from the Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, either (1) the committee Chair may accept the Primary Author's request, either in writing, or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below. The Committee Chair shall report any extension granted outside of a meeting to the Committee and the City Clerk by email or verbally at the next Committee meeting.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's recommendation will be included in a separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a City board or commission.

The Primary Author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate City staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and recommendations originating from the Policy Committee are submitted to the City Clerk by the members of the committee.

## III. AGENDA

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council ~~agenda~~Agenda. The Agenda & Rules Committee may leave the item on the ~~agenda~~Agenda under consideration or place it on the next Council ~~agenda~~Agenda. Items appearing on a City Council ~~agenda~~Agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council ~~agenda~~Agenda for consideration.

Policy Committees may add discussion topics that are within their purview to their ~~agenda~~Agenda with the concurrence of a majority of the Committee. These items are not subject to the 120-day deadline for action.

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available ~~agenda~~Agenda. The Agenda & Rules Committee may leave the item on the ~~agenda~~Agenda under consideration or place it on the following Council ~~agenda~~Agenda. ~~The Agenda & Rules Committee may agendaize the item on the Consent Calendar or Action Calendar. Only items that receive a Positive Recommendation can be placed on the Consent Calendar.~~

Commented [NML22]: Per discussion at Agenda & Rules on 7/8/24 to allow for more discretion to place items returning from committee on Consent

The Primary Author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the committee approves expedited review.

#### 5. Number and Make-up of ~~Policy~~ Committees

Six committees are authorized, each comprised of three Councilmembers, with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee. The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

## III. AGENDA

The Agenda & Rules Committee shall establish the Policy Committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing Policy Committees of the City Council are considered “legislative bodies” under the Brown Act and must conduct all business in accordance with the Brown Act.

#### 6. Role of City Staff at Committee Meetings

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

##### I. Agenda Items Authored by Former Mayors and Councilmembers

Upon the date that the elected official leaves office, all Agenda Items in the legislative process for which the former official is the Primary Author shall be placed on the next available draft Council Agenda to be reviewed by the Agenda & Rules Committee. The Agenda & Rules Committee shall then place the items on the Council Agenda under consideration or the next Council Agenda.

At the Council meeting where the items appear on the Agenda, the Mayor or any Councilmember may assume primary authorship of any item authored by the former official. The Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure.

If any of the items from the former official are not assumed by the Mayor or any Councilmember, the Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure, except that the item may not be referred to a policy committee.

Commented [NML23]: New policy based on discussion at Agenda & Rules on 7/8/24

Commented [NML24]: From discussion at Agenda & Rules on 8/26/24

## IV. CONDUCT OF MEETING

## IV. CONDUCT OF MEETING

## A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- At the first regular meeting of the month, a period of public comment reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.
- Public comment on the Consent and Information Calendars.
- Public comment on the Action Calendar at the onset of the Action calendar with the exception of appeals, public hearings, and quasi-judicial matters requiring public comment for due process purposes (if invoked by the Presiding Officer).
- Public comment on ~~A~~action items by those who did not speak in the earlier Action Calendar public comment period, any appeals, public hearings, and/or other quasi-judicial matters requiring extended public comment for due process purposes as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Except in the case of public comment by employee unions, speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

With respect to public comment by employee unions, each union's allocated time may be shared between more than one representative, and representatives and other members of unions may speak during other public comment periods in the same manner as members of the public.

~~If ten or fewer persons are interested in speaking on an individual Actionagenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking on an item, the Presiding Officer may limit the public comment for all speakers on the item 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.~~

Commented [NML25]: Moved here as these rules are intended to cover all types of public comments

Commented [NML26]: Stated above, no need to repeat.

## IV. CONDUCT OF MEETING

This procedure also applies to public hearings except those types of public hearings specifically provided for in this chapter section, below.

The Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council.

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

Commented [NML27]: From Appendix C

Commented [NML28]: From Appendix C

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry, or unless the individual is speaking with respect to a public hearing, a quasi-judicial matter, and/or any other item requiring extended public comment as a matter of due process.

### **1. Public Comment on Non-Agenda Matters.**

Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions, up to ten persons will be selected by lottery to address matters not on the Council Agenda. If five or fewer persons submit speaker cards for the lottery are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda. Agenda, and each person selected will be allotted one minute each.

Commented [NML29]: This section moved here to mirror the order of business on the agenda

In-person attendeesPersons wishing to address the Council on matters not on the Council agendaAgenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items commencement of that meeting. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

Commented [NML30]: Revised to account for hybrid meetings.

Commented [NML31]: Per discussion at Agenda & Rules on 7/8/24 to facilitate public participation

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agendaAgenda. Speaker cards are not required for this second round of public comment on non-agenda matters. Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers. by subject. The Presiding Officer will generally request that persons wishing to speak, line up at

Commented [NML32]: Per discussion at Agenda & Rules on 7/8/24 – not current or even recent practice

## IV. CONDUCT OF MEETING

~~the podium to be recognized or raise their hand on the videoconference application to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate. given the number of speakers.~~

~~Pursuant to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agenda item remains unfinished at 11:00 p.m., the meeting is automatically adjourned at 11:00 p.m., or the expiration of any extension after 11:00 p.m., it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for to hear public comment on non-agenda items.~~

Commented [NML33]: Per discussion at Agenda & Rules on 7/8/24

Commented [NML34]: Language is simplified and removed repetition from other sections.

## 2. Public Comment on Consent Calendar and Information Items.

The Council will first determine whether to move items on the ~~agenda~~Agenda for "Action" or "Information" to the "Consent Calendar," or move "Consent Calendar" items 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."

The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. 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, the Mayor or 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.

## IV. CONDUCT OF MEETING

**3. Public Comment on Action Items.**

After the initial ten minutes of public comment on non-agenda items, reserved public comment by employee unions, public comment on Consent and information items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the Agenda for action as the item is taken up.

At the discretion of the Presiding Officer, with the consent of the Council, there may be a public comment period for one or several of the Action Calendar items at the beginning of the Action Calendar. Speaking time during this comment period is subject to the standard rules for public comments in Chapter IV.A. Speakers may speak to multiple items, but may only speak once during this period. This provision is not applicable to the public may comment on each remaining item listed on the agenda for action. Public comment will occur for each Action item—excluding public hearings, appeals, and/or quasi-judicial matters. Attendees that speak on an action item at the scheduled public comment period may not speak again when the action item is taken up by the Council,—in separate but consecutive public comment periods before the Action Calendar is discussed by Council and staff and as the item is taken up. The Presiding Officer will open and close the public comment period for each Action Item, and each period will occur based on the order of the items on the agenda, or based on the discretion of the Presiding Officer.

Commented [NML35]: Per discussion at Agenda & Rules Committee this is a re-working of the previous language adopted by Council in 2023.

During the public comment period for each Action Item, the Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and raise their hand on the videoconference application to determine the number of persons interested in speaking onat that item.time.

If ten or fewer persons are interested in speaking on an individual Action Item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking on an item, the Presiding Officer may limit the public comment for all speakers on the item 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.

This procedure also applies to public hearings except those types of public hearings specifically provided for in this section, below.

## IV. CONDUCT OF MEETING

**4. Appeals Appearing on Action Calendar.**

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of a proposed lien (nuisance abatement/special assessment) lien, the appellant shall have seven minutes to comment.

Commented [NML36]: Clarification based on BMC language

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council ~~agenda~~Agenda.

**5. ~~Public Comment on Non-Agenda Matters.~~**

~~Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions, persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, 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. Persons wishing to address the Council on matters not on the Council agenda during the initial ten minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting.~~

~~The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.~~

Commented [NML37]: Moved above



## IV. CONDUCT OF MEETING

~~Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.~~

~~For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers by subject. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one minute is appropriate given the number of speakers.~~

~~Pursuant to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agenda item remains unfinished at 11:00 p.m. or the expiration of any extension after 11:00 p.m., it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for public comment on non-agenda items.~~

#### 6. Ralph M. Brown Act Pertaining to Public Comments.

The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the ~~agenda~~Agenda. However, the Council may refer a matter to the City Manager.

#### B. Consent Calendar

There shall be a Consent Calendar on all regular meeting ~~agenda~~Agendas on which shall be included those matters which the Mayor, Councilmembers, boards, commissions, City Auditor, and ~~Charter Officers~~City Manager deem to be of such nature that no debate, prolonged discussion, or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of ~~e~~Consent ~~e~~Calendar items can be minimized.

~~Consent Calendar items may be moved to the Action Calendar by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.~~

Commented [NML38]: Moved to Chapter II.D.

#### C. Information Reports Called Up for Discussion

Reports for Information designated for discussion at the request of the Mayor or any Councilmember shall be added to the appropriate section of the Action Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The ~~agenda~~Agenda will indicate that at the request of ~~the~~the Mayor or any Councilmember a Report for Information may be acted upon by the Council.

## IV. CONDUCT OF MEETING

**D. Written Communications**

Written communications from the public will not appear on the Council ~~agenda~~Agenda as individual matters for discussion but will be distributed as part of the Council ~~agenda~~Agenda ~~packet~~Packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the ~~agenda~~Agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council ~~agenda~~Agenda to the Council to be reproduced in the "Communications" section of the Council ~~packet~~Packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. The Mayor or a Councilmember may refer a communication to the City Manager for action, if appropriate, or prepare a ~~e~~Cconsent or ~~a~~Action item for placement on a future ~~agenda~~Agenda.

Communications related to an item on the ~~agenda~~Agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III. DC.54.

**E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters**

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, and prior to opening the public hearing, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date, place, and content of the contact. Written reports shall be available for public review in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by first the appellant and then the applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a

Commented [NML39]: Codifies long-standing practice

## IV. CONDUCT OF MEETING

public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

The Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized or raise their hand on the videoconference platform, and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker 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. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. 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.

#### F. Work Sessions

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent agenda under the Action portion of the Council agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak, line up at the podium or raise their hand on the videoconference to be recognized and to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking, each speaker 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.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

#### G. Protocol

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.

## V. PROCEDURAL MATTERS

### A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

### B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council.

### C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the Presiding Officer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

### D. Precedence of Motions

When a question or motion is before the Council, no motion shall be entertained except:

1. To adjourn;
2. To fix the hour of adjournment;
3. To lay on the table;
4. For the previous question;
5. To postpone to a certain day;
6. To refer;
7. To amend;
8. To substitute; and
9. To postpone indefinitely.

## V. PROCEDURAL MATTERS

These motions shall have precedence in order indicated. Any such motion, except a motion to amend or substitute, shall be put to a vote without debate.

**E. Robert's Rules of Order**

Robert's Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall supersede.

**F. Rules of Debate****1. Presiding Officer May Debate.**

The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

**2. Getting the Floor - Improper References to be avoided.**

Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themselves to the question under debate.

**3. Interruptions.**

A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

**4. Privilege of Closing Debate.**

The Mayor or Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Mayor or Councilmember moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

**5. Motion to Reconsider.**

A motion to reconsider any action taken by the Council may be made only during the same session such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by a member on the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

**6. Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.**

Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

## V. PROCEDURAL MATTERS

**G. Debate Limited**

For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.

For non-Consent items, the Mayor and Councilmembers will have ~~five~~two minutes each to make initial comments on an agenda itemAgenda Item., ~~except for the author of an agenda item who will have five minutes to initially present the item.~~ After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

1. ~~Consideration of each matter coming before the Council shall be limited to 20 minutes from the time the matter is first taken up, at the end of which period consideration of such matter shall terminate and the matter shall be dropped to the foot of the agenda, immediately ahead of Information Reports; provided that either of the following two not debatable motions shall be in order:~~

a) ~~A motion to extend consideration which, if passed, shall commence a new twenty-minute period for consideration; or~~

b) ~~If there are one or more motions on the floor, a motion for the previous question, which, if passed by a 2/3 vote, shall require an immediate vote on pending motions.~~

2. ~~The time limit set forth in subparagraph 1 hereof shall not be applicable to any public hearing, public discussion, Council discussion or other especially set matter for which a period of time has been specified (in which case such specially set time shall be the limit for consideration) or which by applicable law (e.g. hearings of appeals, etc.), the matter must proceed to its conclusion.~~

3. ~~In the interest of expediting the business of the City, failure by the Chair or any Councilmember to call attention to the expiration of the time allowed for consideration of a matter, by point of order or otherwise, shall constitute unanimous consent to the continuation of consideration of the matter beyond the allowed time; provided, however, that the Chair or any Councilmember may at any time thereafter call attention to the expiration of the time allowed, in which case the Council shall proceed to the next item of business, unless one of the motions referred to in Section D hereof is made and is passed.~~

**H. Motion to Lay on Table**

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may

Commented [NML40]: Per Council direction on 5/7/24

Commented [NML41]: Per discussion at Agenda & Rules on 7/8/24 – eliminates redundancy in this paragraph.

Commented [NML42]: This obsolete "20-minute rule" language is replaced with the language immediately above from Appendix C

## V. PROCEDURAL MATTERS

be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

**I. Division of Question**

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

**J. Addressing the Council**

Under the following headings of business, unless the presiding officer rules otherwise, any interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

**1. Written Communications.**

Interested parties or their authorized representatives may address the Council in the form of written communications in regard to matters of concern to them by submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III. ~~D.5.C.4.~~

**2. Public Hearings.**

Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

**3. Public Comment.**

Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

**K. Addressing the Council After Motion Made**

When a motion is pending before the Council, no person other than the Mayor or a Councilmember shall address the Council without first securing the permission of the presiding officer or Council to do so.

**L. Use of Cellular Phones and Electronic Devices**

The use of cell phones during City Council meetings is discouraged for the Mayor and Councilmembers. While communications regarding Council items should be minimized, personal communications between family members and/or caregivers can be taken outside in the case of emergencies. In order to acknowledge differences in learning styles and support tactile learners, note-taking can continue to be facilitated both with a pen and paper and/or on electronic devices such as laptop computers and tablets.

The use of cell phones during Closed Session Meetings is explicitly prohibited for the Mayor and Councilmembers.

## VI. FACILITIES

### A. Meeting Location Capacity

Attendance at Council meetings shall be limited to the posted seating capacity of the meeting location. Entrance to the meeting location will be appropriately regulated by the City Manager on occasions when capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the meeting room except to address the Council, and sitting on the floor shall not be permitted.

### B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the Board Room.

### C. Amplified Sound, Signs, Objects, and Symbolic Materials

Amplified sound devices such as bullhorns, megaphones, portable sound systems, and similar devices are prohibited within the meeting location during Council meetings.

Objects and symbolic materials such as signs and banners are permitted in the meeting location provided that they do not interfere with the cameras that broadcast the meeting, obstruct the view of other attendees, or create a fire or safety hazard.

Any type of stick, pole, or similar object is prohibited in the meeting location during Council meetings.

### D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

### E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the meeting location has reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.



VI. FACILITIES

F. **Format of Meetings**

The City Council may conduct regular meetings or special meetings held at the School District Boardroom in the hybrid format with both in-person and virtual participation as provided for in the Brown Act, and as noticed on the meeting Agenda. Council meetings at other locations may be conducted in the hybrid format if technologically feasible.

Commented [NML43]: Per Council direction on 5/7/24

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

## APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

### Purpose

To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

### Objective

- A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

### Section 1 – Lead Commission

The City Council designates the following commissions as the 'Lead Commissions' in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

#### Board of Library Trustees

~~Parks, and Recreation & Waterfront~~ Commission – Parks, recreation centers, camps, plazas, and public open spaces, and public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

~~Transportation and Infrastructure Public Works~~ Commission – Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

~~Waterfront Commission – Public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.~~

Commented [NML44]: Moved above due to commission consolidation

### Section 2 – General Policy

- A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
- D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
- E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

### Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

established park), or, the renaming of an existing public facility the following criteria shall be applied:

- A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.
- B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
- C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.
- D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.
- E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.
- F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

- A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.
- B. The honoree has a record of outstanding service to their community
- C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

Section 5 –Procedures for Naming or Renaming of Public Facilities

- A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
  - 1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.
- B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
  - 1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.
- C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
  - 1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination

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APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

- D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.
  - 1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
- E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

## APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

## APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING CITY COUNCIL MEMBER/MAYOR MAJOR AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. ~~Agenda items shall contain all relevant documentation, including the following as Applicable:~~
  - a. ~~A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;~~
  - b. ~~Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~
  - c. ~~Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);~~
  - d. ~~Fiscal impacts of the recommendation;~~
  - e. ~~A description of the current situation and its effects;~~
  - f. ~~Background information as needed;~~
  - g. ~~Rationale for recommendation;~~
  - h. ~~Alternative actions considered;~~
  - i. ~~For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);~~
  - j. ~~Person or persons to contact for further information, with telephone number.~~

If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Commented [NML45]: Eliminated here – redundant with text in the body of the ROP

## APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

Guidelines for City Council Items: Requirements for City Councilmember/Mayor Major Items are provided in Section [XXX]Chapter III.C.2 of the City Council Rules of Procedure and Order. These guidelines further explain the requirements and are intended to assist in the preparation of fully researched and documented items that are likely to be eligible to move forward in the legislative process as determined deemed complete by the Agenda and Rules Committee. in [process].

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal Impacts
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

### 1. **Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

### 2. **Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

### 3. **Recommendation**

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process

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APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

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- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

#### 4. **Summary Statement/ “Current situation and its effects”**

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):  
*Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.*

#### 5. **Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

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

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

**7. Actions/Alternatives Considered**

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

**8. Consultation/Outreach Overview and Results**

- Review/list external and internal stakeholders that were consulted
  - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal:** staff who would implement policies, the City Manager and/or Deputy CM, Department Heads, City Attorney, City Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

**9. Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws



APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

**10. Implementation, Administration and Enforcement**

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

**11. Environmental Sustainability and Climate Impacts**

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

**12. Fiscal Impacts**

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

**13. Outcomes and Evaluation**

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

**14. Contact Information**

**15. Attachments/Supporting Materials**

## APPENDIX C

## **APPENDIX C. TEMPORARY RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS THROUGH VIDEO CONFERENCE DURING THE COVID-19 EMERGENCY**

Commented [NML46]: Relevant portions have been moved to the body of the document.

### **Mayor and Councilmember Speaking Time on Agenda Items**

~~For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.~~

~~For non-Consent items, the Mayor and Councilmembers will have two minutes each to make initial comments on an agenda item, except for the author of an agenda item who will have five minutes to initially present the item. After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).~~

~~Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.~~

### **Procedure for Pulling Items from Consent or Information Calendar**

~~Three (3) members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent three members concurring, the item will stay on Consent or Information Calendar and, with respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar.~~

~~Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.~~

### **Public Comment Speaking Time**

~~With the exception of prescribed times in the Rules of Procedure for public hearings and public comment by employee unions, the amount of time for each speaker during public comment is limited to two minutes maximum and that speakers can only address an agenda item once, however the Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council. Speakers may yield their time for a maximum of four minutes per individual. If a speaker wishes to yield their time, they must indicate so when called on by the Presiding Officer and state who they are yielding their speaker time to. The Presiding Officer will keep a list with the names and amount of time yielded to individuals.~~

Commented [NML47]: Relevant portions have been moved to the body of the Rules of Procedure.

~~In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.~~

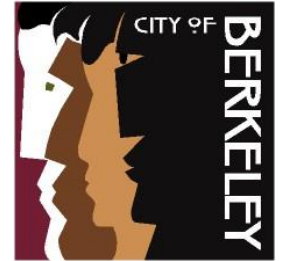
~~Public Comment on Non-Agenda Matters will be conducted in the order of hands raised on the Zoom platform, and will be limited to either the first 10 speakers during the initial round of Non-Agenda public comment, as well as all hands raised during the closing round of Non-Agenda public comment at the conclusion to the meeting, until such time that the~~

Commented [NML48]: This paragraph is only applicable to virtual-only meetings, which are currently not permitted under the Brown Act.

APPENDIX C

meeting adjourns. If there are five or fewer speakers with hands raised for Public Comment on Non-Agenda Matters, each speaker will have two minutes to address the City Council. If there are more than five speakers with their hands raised then speaker time will be limited to one minute per person. The procedure for selection of Non-Agenda speakers prescribed in the Rules of Procedure by random draw is suspended for videoconference meetings where there is no physical meeting location.





# Item 11

# City Council Rules of Procedure Amendments

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SEPTEMBER 24, 2024

# Sources of Amendments

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- Planned Technical Revisions from Fall 2023
- Council Direction on May 7, 2024
- Agenda & Rules Committee Recommendations

# Planned Technical Revisions

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- Eliminate Appendix C (Emergency Procedure from Pandemic) and incorporate useful provisions in the body of the Rules
- Account for Hybrid Meeting Format
- Ad Hoc Committee policy alignment with Brown Act and City Commissions
- Charter Officer Definition and associated revisions
- Clarification of Public Comment rules in Chapter IV
- Update Commissions in Naming Policy (Appdx A) per commission reorganization

# Council Direction on May 7, 2024

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- Proposed changes from Open Government Commission; reviewed by Agenda & Rules Committee; Council adopted committee recommendation
- Chair can reorder agenda without consent of the full Council
- If three members abstain or vote no on a Consent item, it moves to Action
- Five-minute time limit on initial Council comments on Action Items
- Officially specify hybrid format for Council meetings if feasible



# Agenda & Rules Recommendations

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- Definition of a “Major Item”
- Recommended guidelines for Major Items now mandatory
- Spells out authority of Agenda & Rules with regards to Major Items
- Clarifies process for Author to remove an item from the legislative process
- Allows for Budget & Finance committee to receive notice of Major Items at other committees
- Adds new process for disposition of items from former Councilmembers and former Mayor
- Revises the previous Rules change adding a general public comment period on Action items

# Requested Action

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- Approve the Rules amendments as proposed
- If further discussion is required on certain amendments, Council may adopt some/most of the proposed amendments and continue discussion on other amendments.



Office of the Mayor

Jesse Arreguín  
Mayor

February 21, 2019

To: City Council Land Use, Housing and Economic Development Committee

From: Mayor Jesse Arreguin

Subject: Purposes, Procedures and Requirements for Policy Committees

As this is the first meeting of the new Land Use Policy Committee, I wanted to remind Committee members about the purposes of our committee system, the procedures adopted by the Council on December 11, 2018, and requirements for reviewing and recommending legislation to the City Council.

In thinking about a rational review process, I also wish to propose some new procedures which I hope we will adopt by unanimous consent to guide our future deliberations.

**Purposes of Policy Committees:**

As described in Resolution No. 68,726-N.S. which established our new Policy Committee system the purposes are to:

Ensure “*an efficient and standardized structure for public policy development and consideration*”; and

“*Provide the community and the City Council with adequate opportunity for detailed policy discussions outside of a meeting of the full City Council*”

As stated in the Governing Policies and Procedures for City Council Policy Committees adopted on December 11, 2018, items with moderate to significant administrative, operational, budgetary, resource or programmatic impacts should be referred to a Policy Committee.

Committees will review items for completeness in accordance with Section III.B.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.

Committees are also designed to allow a fuller review and discussion of City Council items, to allow Councilmembers to engage with authors and ask questions, to afford citizens and commissions an opportunity to comment on proposals before they come to Council and allow for recommended changes based on discussion with the Committee and the authors.

In addition, to assist in Committee and full Council review, staff will undertake a high-level, preliminary analysis of potential costs, timelines, and staffing demands associated with the item.

**Procedures Adopted by Council for Committee review:**

Items must appear on a Committee agenda within 60 days of referral by either the Agenda Committee or Council.

Within 120 days of the referral date, the Committee must vote to either (1) accept the author's request that the item remain in committee until a date certain (2) send the item to the Agenda Committee to be placed on a Council agenda with a Committee recommendation.

The Committee shall review items for completeness in accordance with Section III.B.2 and use the "Guidelines for Developing and Writing Council Agenda Items" in their analysis of items for completeness.

In addition, the Committee will engage with the author to understand the purposes, costs, and impacts and feasibility of implementation and may propose amendments to the author for consideration.

After preliminary discussion, the Committee will request that staff provide the "high-level, preliminary analysis of potential costs, timelines and staffing demands associated with the item".

After substantive policy discussion and review for completeness, the Committee will make one of the four recommendations to the City Council:

- "Positive Recommendation": Recommending Council pass the item as proposed originally by the author;
- "Qualified Positive Recommendation": Recommending Council pass the item with some changes;
- "Qualified Negative Recommendation": Recommending that Council reject the item unless certain changes are made;
- "Negative Recommendation": Recommending that the item not be approved.

If a Committee does not take final action by the 120-day deadline the item is automatically returned to the Agenda Committee and appears on the next Council agenda.

**Issue Focus of Land Use Committee:**

- Land Use
- Preservation
- Development standards
- Housing and Affordable Housing
- Disability/Universal Access
- Business and economic growth
- Business retention, attraction and development
- Civic arts and culture

### **Proposed New Procedures for Committee Review:**

**Public Comment:** Public comment at the beginning of the Committee meeting should be for non-agenda items within the purview of the policy committee.

The Committee will allow public comment when each agenda item is taken up.

### **Order of Committee Discussion of Items:**

1. When an item is called, the Chair will permit the author of the referred item 5 minutes to introduce the item.
2. Then the Committee will ask initial questions of the author on the proposal.
3. After initial questions, the Committee will then take public comment on the item. The Committee will follow the established time limits in the Council Rules of Procedure, 2 minutes, and if 10 or more speakers 1 minute, with time yielded for a maximum of 4 minutes per speaker.
4. After public comment, the Committee will return to discussion and possible action. Items will likely take two or more meetings to complete Committee discussion and review.

The Committee will request the financial, legal, administrative high-level analysis from staff to be presented at the next Committee meeting.

The Committee after review for completeness and discussion of policy merits, can make a Positive Recommendation to Council, or a Qualified Recommendation.

### **Focus of Committee Process:**

The Policy Committee process should not just be limited to review of referred items. If time permits, the Committee should allow for hearings on policy matters within the jurisdiction of the Committee, allowing open forums to solicit input from community members or experts on relevant policy issues, and initiate policy proposals for Council consideration.

Along these lines, I am specifically proposing that the Land Use, Housing and Economic Development Committee have an open forum of 30 minutes (or more if Committee wishes to extend time) to invite representatives of Business Associations and other small business owners to speak and engage with the Committee on issues impacting businesses.

## Agenda Committee 1/16/2024

### Item 10 - City Council Legislative Systems Redesign

#### Discussion Items - Part 1

#### Background:

The Agenda Committee presented materials and solicited input from the City Council during fall of 2023 regarding possible Legislative Systems Redesign options. The goal of Systems Redesign is to improve processes for developing, introducing, vetting, passing, funding, and implementation of Major Council Items and initiatives. Based on City Council input, the Agenda Committee has been tasked with proposing a new set of improvements to:

1. Consider possible refinements to the definition of Major Items
2. Make the Council Item Guidelines mandatory for Major Items (formerly referred to as "Policy Track Items")
3. Establish transparent deadlines for budget processes and clarity about what kind of "asks" can be submitted/considered at each budget cycle
4. Strengthen the Committee System to provide more in-depth review and vetting of Major Items
5. Clarify levels of input from Staff and City Attorney at all stages, from development to implementation
6. Clarify processes and timelines for implementation of items once passed and funded
7. Establish protocols for one-time vetting/disposition of currently backlogged items
8. Consider yearly prioritization processes in light of the intended outcome of fewer, more fully considered Major Items in the queue

To facilitate focused discussion, this memo only addresses proposals related to items 1, 2, and 3, above. Additional considerations will be discussed at subsequent meetings.

#### 1. Consider possible refinements to the definition of Major Items

"Major Items" are items meeting the current definition of *Policy Committee Track Items*:

*"Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts."*

Some Councilmembers expressed that the definition might be further clarified. After discussing a variety of options, and considering times when the definition might have

proved problematic, it was decided that no changes should be proposed; the definition appears to provide good guidance to members of the Agenda & Rules Committee and has not been a source of controversy to date.

Consideration was given to potentially require all Ordinance changes to be labeled Major Items, but on further discussion, it was concluded that only Ordinance changes/new Ordinances with “moderate to significant administrative, operations, budgetary, resources, or programmatic impacts” would be worthy of being considered as Major Items - thus reinforcing the appropriateness of the existing definition.

One possible improvement could be to add examples of items that may be considered Major Items, rather than to amend the rule:

*“Examples may include, but are not limited to Items that:*

- *Clarify or extend existing Plans, Programs, Policies and Laws in moderate to significantly impactful ways*
- *Change/Amend existing Plans, Programs, Policies and Laws in moderate to major ways*
- *Create a new and meaningful exception to existing Plans, Programs, Policies and Laws*
- *Reverse/change existing Plans, Programs, Policies and Laws in moderate to significant ways*
- *May require moderate to significant increases in funding or additional FTE for start-up and/or ongoing operations”*

**Recommendation:** Keep existing definition, add examples, and revisit should controversies occur.

## **2. Make the Council Item Guidelines mandatory for Major Items (formerly referred to as “Policy Track Items”)**

In discussing this seemingly straightforward concept, a number of considerations arose that are addressed in the following proposed path forward.

The Council Rules of Procedure and Order already include an outline of what is “required” for Council items, in Section XXX of the Rules. The Guidelines – suggested but not required and included in an Appendix to the Rules – were built from the Rules, providing more elaboration and specificity.

As suggested but not required, the Guidelines have not been “in conflict” with the Rules. However, adopting the Guidelines as requirements changes this equation; *the existing Rules and the Guidelines cannot both be simultaneously required*. The proposed path forward addresses the potential conflict that arises when the Guidelines are adopted as mandatory for Major Items.

In addition, if the Guidelines are mandatory only for Major Items, we must consider what will be mandatory for “all other” items – hereinafter referred to as “Standard Items.” The proposed path forward thus addresses both Major Item and Standard Item requirements.

Another consideration is how the Agenda Committee will evaluate whether an item - Major or Standard - is in compliance with mandatory requirements, and what the Agenda Committee must or may do if it finds an item falls short of the requirements. The following proposal addresses these issues as well.

Finally, the Guidelines were reviewed to identify any possible edits that might be suggested prior to adoption of the Guidelines as mandatory.

**Proposal:**

1. Make Edits to Guidelines:
  - a. Remove “preamble” language
  - b. Make light changes to the Guidelines and expand illustrative examples
  - c. *See Edited Version of the Guidelines*
2. Remove/eliminate existing Rules about how to present/write Items and adopt a two-tiered set of Rules for **Standard Items** and **Major Items**, based on the Guidelines.
  - a. For **Major Items**, make the full Guidelines MANDATORY
  - b. For **Standard Items**, make elements **1, 2, 3, 4, 5, 14 and 15** of the Guidelines MANDATORY, with other elements RECOMMENDED.
  - c. **Drafting Consideration** - Keep the Guidelines as an Appendix – incorporated by reference into the Rules – rather than “pasting” the full Guidelines directly into the Rules.



- d. **Clerk Templates** - the Clerk's Office will create updated, more user-friendly and easily accessible templates for Major and Standard Items, as well as for Supplemental, Late, and other Submissions.
  - e. For "**Speciality Items**" such as D13 Account grants, letters and resolutions in support of State or Federal Legislation, and other "special" Item types, the Clerk's Office will provide updated RECOMMENDED templates.
3. **For MANDATORY elements of both Major and Standard Items**, suggest adopting the following (or similar) standard for review by the Agenda Committee:

*If a Major or Standard Item, as submitted by the Primary Author, does not substantially and materially meet reasonably applicable Mandatory Elements of the Guidelines, the Agenda & Rules Committee shall request, and may require, that the Primary Author provide additional analysis and/or consultation to fulfill Guideline requirements.*

*If the Agenda & Rules Committee requests or requires the Primary Author to provide additional analysis or consultation, the Item may or shall be referred back to the Primary Author and may be resubmitted for a future Agenda.*

4. **For RECOMMENDED elements of Standard Items and Speciality Items**, authorize the Agenda Committee to do what it currently has the power to do under Rules Section (C)(1) (with some edits):

*Refer the item back to the Primary Author for adherence to ~~required~~ recommended form or for additional analysis as ~~required~~ recommended in Section III.B.2 (Primary Author may decline and request Policy Committee assignment).*

5. **For Emergency/Time Sensitive Items**, Items can bypass mandatory Guidelines requirements if the Agenda Committee makes the findings for a Time Critical Track Item (existing definition).

**Proposed Standard for allowing Emergency/Time Sensitive Items to go forward without fulfilling the Mandatory Guidelines:**

*The Agenda Committee may make an exception to Mandatory Guidelines requirements for a Major or Standard Item if the Item meets the definition of a Time Critical Track Item, as provided in Section (3)(g)(1) of the Rules, in which case the Item may go forward as submitted on the Action Calendar for the Agenda under consideration with a notation, added by the Clerk's Office, that additional materials have been requested by the Agenda Committee. The Primary Author shall submit such additional materials as a Supplemental 1 filing.*

**Time Critical Track Item Definition (existing, Section (3)(g)(1)):**

*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.*

**6. Appeals - provide a mechanism to appeal Agenda Committee decisions to the full Council?**

May be advisable to have a bypass mechanism - or not?

**3. Establish transparent deadlines for budget processes and clarity about what kind of "asks" can be submitted/considered at each budget cycle**

The Council did not support a single, yearly cycle for submitting Council items, but expressed a desire for clear deadlines to be established for submission/consideration of items for various budget processes. In addition, questions have arisen regarding what kinds of requests can/should be submitted for consideration at various junctures in the yearly/biennial budget cycle.

Overall, it was determined that *the Agenda Committee should formally ask the Budget Committee for guidance on these questions*, as they fall more squarely into the Budget Committee's purview.

- By when should Standard and Major Items with budgetary considerations be passed out from Council to be considered in the June budget adoption/update?
- Working back from that date, by when should a Major Item or Standard Item be submitted, to allow time for consideration by the appropriate

Policy Committee and/or the City Council? (This may be a question for Agenda & Rules Committee to determine, once B&F sets the deadline)

- What kinds of budget requests are allowed/appropriate for the June budget?
- Consider establishing deadlines for the City Manager to bring Budget Updates (Fall and Spring) to the City Council.
- With established deadlines for Budget Updates, work back to establish deadlines for Major and Standard items to be submitted for consideration at each Budget Update. (This may be a question for Agenda & Rules Committee to determine, once B&F sets the deadline)
- What kinds of budget requests will be considered at Fall and Spring updates - from both Council and from the City Manager/Staff?
- If only emergency/time sensitive requests will be considered (or, for example, expansions of existing programs but not new programs, etc.), how will excess funds, if any, be rolled over and made available for Council priorities at the next June budget?

## APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

~~These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”~~

~~These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. These Guidelines are mandatory for all Major Items and strongly recommended for all other council reports Standard Items. While not all elements ~~would be~~ are applicable to every type of Agenda item, the Guidelines ~~are intended to~~ prompt Authors to consider important elements of a complete item and to present ~~presenting~~ items with as much relevant information and analysis as possible.~~

~~Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:~~

- ~~2. Agenda items shall contain all relevant documentation, including the following as Applicable:~~
  - ~~a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;~~
  - ~~b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~
  - ~~c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);~~
  - ~~d. Fiscal impacts of the recommendation;~~
  - ~~e. A description of the current situation and its effects;~~
  - ~~f. Background information as needed;~~
  - ~~g. Rationale for recommendation;~~
  - ~~h. Alternative actions considered;~~
  - ~~i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);~~
  - ~~j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be~~

~~duplicate. In such case the agenda item distributed with the packet shall so indicate.~~

#### Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal ~~Impacts~~ Considerations
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

#### 1. **Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

#### 2. **Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

#### 3. **Recommendation**

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options, that can be presented singularly or in combination with others, include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, ~~it is not placed on any referral list~~)
- Referral to a Commission, ~~or to a Standing or Ad Hoc~~ Council Policy Committee, or other Legislative Body

- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

#### 4. **Summary Statement/“Current situation and its effects”**

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):  
*Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.*

#### 5. **Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

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

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

## 7. **Actions/Alternatives Considered**

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

## 8. **Consultation/Outreach Overview and Results**

- Review/list external and internal stakeholders that were consulted, [as relevant](#).
  - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, [City Clerk](#), etc.
  - **Commissions:** [what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?](#)
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- [What changes or approaches did they advocate for that were accepted or rejected?](#)

## 9. **Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws

- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. ~~Plus~~In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- Example: Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.

#### **10. Implementation, Administration and Enforcement**

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

#### **11. Environmental Sustainability**

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

#### **12. Fiscal ~~Impacts~~ Considerations**

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs and benefits. Initial, high-level consultation with the City Manager and/or the City Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

#### **13. Outcomes and Evaluation**

State the specific outcomes expected, if any.



- ~~(i.e., Example: “it is expected that 100-300 homeless people will be referred to housing every year~~ able to access dry and warm shelter during the 3-month extension of the winter shelter program”)

Also state ~~and~~ what reporting or evaluation is recommended. \_

- Example: The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).

#### **14. Contact Information**

#### **15. Attachments/Supporting Materials**

## **APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS**

These Guidelines are mandatory for all Major Items and strongly recommended for Standard Items. While not all elements are applicable to every type of agenda item, the Guidelines prompt Authors to consider important elements of a complete item and to present items with as much relevant information and analysis as possible.

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### **1. Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

### **2. Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

### **3. Recommendation**

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

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- Direction to the City Manager (City Manager is directed to execute the recommendation right away; it is not placed on any referral list)
- Referral to a Commission, Council Policy Committee, or other Legislative Body
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

#### **4. Summary Statement**

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):  
*Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.*

#### **5. Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

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

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

## **7. Actions/Alternatives Considered**

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

## **8. Consultation/Outreach Overview and Results**

- Review/list external and internal stakeholders that were consulted, as relevant.
  - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, City Clerk, etc.
  - **Commissions:** what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?
- What reports, articles, books, websites and other materials were consulted?

- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

## **9. Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- *Example: Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.*

## **10. Implementation, Administration and Enforcement**

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

## **11. Environmental Sustainability**

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

## **12. Fiscal Considerations**

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs and benefits. Initial, high-level consultation with the City Manager and/or the City

Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

**13. Outcomes and Evaluation**

State the specific outcomes expected, if any.

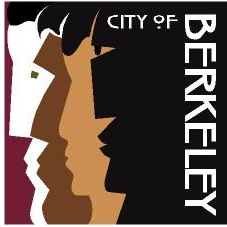
- Example: *“It is expected that 300 homeless people will be able to access dry and warm shelter during the 3-month extension of the winter shelter program.”*

Also state what reporting or evaluation is recommended.

- Example: *“The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).”*

**14. Contact Information**

**15. Attachments/Supporting Materials**



Kate Harrison  
Councilmember District 4

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

**Meeting Date:**       **October 10, 2023**

**Item Number:**       **1**

**Item Description:**   **City Council Legislative Systems Redesign**

**Submitted by:**       **Councilmembers Harrison, Robinson, and Taplin**

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described in the background section.



Kate Harrison  
Councilmember District 4

ACTION CALENDAR

October 10, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author), Councilmember Robinson (Co-Sponsor), and Councilmember Taplin (Co-Sponsor)

Subject: Alternative Council Legislative Process

RECOMMENDATION

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described below in the background section:

1. Incorporate positive elements of the Councilmember Hahn proposal, including mandatory Council memo guidelines, a formal process for City staff to provide conceptual input to authors, re-evaluating backlogged items for potential removal, and policy committees’ using a checklist to guide their analysis;<sup>1</sup>
2. Establish objective definitions and provide for comprehensive consideration of significant items;
3. Require referrals and budget requests over a given threshold to be considered first by a policy committee.
4. Preserve and formalize rolling deadlines for significant item submission;
5. Retain policy/budget judgement and prioritization to Council as a whole rather than policy committees, while tasking committees with role of ensuring items are drafted to form and sufficiently inform Council and the public’s consideration.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

At the October 2019 Council retreat, the Council and the City Manager discussed approaches to better align the legislative process to the budget and ensure implementation was feasible. In particular, many referrals to the City Manager were not well drafted and were not reviewed by policy committees before being referred. Many budget referrals were also not considered by policy committees despite their potential to have outsized impacts on staff and budgetary resources. Even with the referral ranking system, there remain a sizeable backlog of items that are not necessarily funded or considerate of staff resources. Councilmembers have not identified a sufficient number of lower-ranked items for removal from the list and may remain there for years.

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<sup>1</sup> Councilmember Hahn, Draft Proposal, p. 44., <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-09-18%20Agenda%20Packet%20-%20Agenda%20Committee.pdf>  
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## Alternative Council Legislative Process

These considerations merit Council consideration and possible action. At the same time, proposals dictating how often Council can submit legislation and overly complex rules for policy committees risks veering into limiting councilmembers' legislative authority, fails to respond to emerging circumstances, is unprecedented in comparable cities and risks violating the spirit if not the letter of the City Charter. This item finds that (1) policy committee system created in 2018 is fundamentally sound with certain enhancements, and (2) that the problem that needs to be addressed is ending the practice of allowing significant policy and budget referrals to bypass the policy committee system.

Before Council could consider the issue in depth, the COVID-19 pandemic occurred. During the first year of the COVID-19 pandemic, the Mayor and Council briefly suspended consideration of nearly all non-emergency Council legislation and meetings of committees and commissions. As the pandemic wore on, the reality of governing and the needs of the people, including the pressing need for street improvements, responses to our affordable housing crisis, the murder of George Floyd and socio-economic factors – some related and some not to the pandemic – made introducing no new policy infeasible, and Council began legislating anew.

On June 15, 2021 City Management proffered its "Systems Alignment Proposal" proposal to Council. The proposal recommended restricting the time period for submitting Council items (exempting Departments and the City Manager) to only four months per year, among other details, citing the need for more in depth budgetary and implementation analysis. However, the Council's policy committees, created shortly before this time, were tasked with vetting items for any staffing impacts in light of vacancies and considering budget impacts. Current rules provide that the policy committees are to:

- o review items for completeness and alignment with Strategic Plan goals;
- o ensure Council items include adequate discussion of budget implications, administrative feasibility, basic legal concerns, and staff resource demands to allow for informed consideration by the full Council;
- o include a positive, qualified, or negative "Committee recommendation" based on these criteria.<sup>2</sup>

Many items improved significantly through the committee process.

Questions about the impact of the city management proposal on the City Charter were outlined in an alternative Council item submitted by Councilmember Harrison in June 2021.<sup>3</sup> Ultimately the City Manager's proposal was not adopted by Council, and was

<sup>2</sup> Berkeley City Council Rules of Procedure,  
<https://berkeleyca.gov/sites/default/files/documents/City%20Council%20Rules%20of%20Procedure%20-%20July%2011%202023%20-%20FINAL.pdf>.

<sup>3</sup> Councilmember Harrison, "Comments and Alternative Systems Alignment Proposal," June 15, 2021,  
<https://records.cityofberkeley.info/PublicAccess/api/Document/AemaKwyWOMW%C3%89OLzGWGj2m%C3%81pnQxBkfMC7W2S7PsoYWkE%C3%81c3kNbNXoWpsj%C3%891iLPosUUV90e0sL0rH3HFNV2BEtmCo%3D/>.

## Alternative Council Legislative Process

instead referred to the Agenda Committee for consideration alongside alternative proposals. The City Manager has indicated that it would be inappropriate for the City Manager under the Charter to be recommending or determining how the Council makes policy decisions. Indeed, the policy and legislative function is firmly lodged under the Council per the Charter as was noted in Councilmember Harrison's 2021 alternative item.

Some of the elements of the City Manager's 2021 proposal have reemerged as part of a new proposal led by Councilmember Hahn through the Agenda Committee. According to the Agenda Committee record, Councilmember Hahn indicated that her proposal represents an understanding between the City Manager and City Clerk's office. The City Manager noted that "there are characteristics of my [the City Manager's] proposal woven into what you [Councilmember Hahn] will be providing [the Council]" but has indicated this is clearly a matter for Council to determine.

The Council's process is not fundamentally flawed, and does not require measures such as a nearly 300-day legislative process for "major items." The Council's Policy Committee and budget process systems are sound, and among other updates the main task before Council is to close outstanding loopholes to the committee process.

This alternative item builds upon the proposal submitted by Councilmember Harrison in 2021, comments directly to the positive and less positive elements of Councilmember Hahn's proposal, and offers an updated alternative proposal that better aligns the legislative process to the budget and staff implementation process without sacrificing Berkeley's democratic process, and directly deals with referrals and budget requests submitted without sufficient budget and implementation analysis.

Certain elements of the legislative processes that have largely bypassed the policy committee process include: (1) referrals to the City Manager, (2) departmental, City Manager, including some major policy items, and (3) departmental, City Manager and Council budget referrals. All of these can have an outsized impact on limited budget resources and staff time and should be incorporated in the policy committee process ahead of the respective budget process. The policy committees are where—before passing out an item—significant budgetary impacts and feasibility, in addition to the proposals merits, ought to be determined.

*We can fix the process without stripping the people's representatives of their Charter responsibility to respond to the public's needs and of due process to propose, debate, and consider legislation.*

## **BACKGROUND**

### ***Positive Aspects of the Councilmember Hahn Proposal***

## Alternative Council Legislative Process

- Council items are required to follow the guidelines already promulgated rather than leaving these guidelines as recommended only;<sup>4</sup>
- Formal process for City staff to provide high level conceptual input to authors before they submit proposals;<sup>5</sup>
- Process for addressing or re-prioritizing the “backlog” of unfunded items;<sup>6</sup>
- Major Items passed by Council but not funded are automatically rolled-over to future funding opportunities (this has already been implemented to a certain extent).<sup>7</sup>
- Policy Committees’ analysis is enhanced using a checklist (excluding Hahn proposal to rate items).<sup>8</sup>

***Concerns about the Councilmember Hahn Proposal***

- Does not clearly articulate the specific legislative problems it is trying to solve, or provide examples of how the current system is “[in]consistent[],” how it “overwhelm[s]” City staff, and how the current system fails to “[s]uccessfully implement state of the art and/or innovative programs and policies.”<sup>9</sup>
- Severely limits the public’s access to the democratic process and extends the legislative process for “Major Items” to nearly 300-days (September to July and beyond). This compares to the current expected 120-day timeline. Items can that quickly become stale or inadequate by the time they are finally implemented.<sup>10</sup> The proposal does not appreciate the September deadline artificially circumscribes Council’s ability to be responsive to public.<sup>11</sup> For example, if a Councilmember develops a non-time critical but nonetheless important piece of major legislation in October, the public will have to wait 11 months until September plus another nine months (July of the next year) before the item can be budgeted and implemented.
- Does not align with the fall budget process in which “excess equity” is considered and most council budget referrals are funded.
- Does not subject City Management’s “Major Items” to the same review. Neighboring cities such as Oakland require all non-time critical staff policy items to be routed through Policy Committees so all budgetary decisions (the purview of Council) are made against the same criteria.<sup>12</sup>
- Provides Agenda Committee with too much power to determine pick ‘winners and losers’ as to what constitutes a “Major Item” or time critical. Existing and proposed definition of “Major Item” and “Time Critical” are overly subjective.<sup>13</sup>
- Provides Policy Committees inappropriate authority to prioritize/score items they review. Currently, Policy Committees provide recommendations about individual

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<sup>4</sup> Councilmember Hahn Draft Proposal, p. 44.

<sup>5</sup> Id., p. 43.

<sup>6</sup> Id., p. 47.

<sup>7</sup> Id., p. 44.

<sup>8</sup> Id., p. 36.

<sup>9</sup> Id., p. 24.

<sup>10</sup> Id., p. 43.

<sup>11</sup> Id. p. 27.

<sup>12</sup> Oakland City Council Rules of Procedure, March 8, 2023, <https://www.oaklandcityattorney.org/wp-content/city-council/89588%20CMS.pdf>. See also Councilmember Hahn Draft Proposal, p. 27.

<sup>13</sup> Id., p. 44.

## Alternative Council Legislative Process

policies, and Council as a whole is rightly tasked with prioritizing and scoring items in terms of approval and budgeting.<sup>14</sup>

- Asserts that Policy Committees are a burden on staff and the Council, when in fact they have been shown to benefit the legislative process and reduce discussion at full Council. The Council's policy committees would only be allowed to meet to consider major legislation during less than six months of the year (down from the current nine months).<sup>15</sup>
- Requires Council to score items as part of the budget process through opaque and non-public processes, rather than through the current deliberative Council meeting process, Budget Committee, and Mayoral budget process provided for in Charter.<sup>16</sup>
- Creates an implementation team that includes the Councilmember author after it is passed by a policy committee. The stated goal is to "establish clarity of intentions, sketch timelines, discuss opportunities, ideas, challenges, etc." These are functions that the policy committees are tasked to do. The role for the Councilmember should be circumscribed as to prevent inappropriate meddling in administrative matters that are assigned to the City Manager under the Charter.<sup>17</sup>

### ***Alternative Council Legislation Alignment Proposal***

From the perspective of the authors of this item, a workable and sensible democratic process proposal should include the following:

#### Incorporate Positive Elements of Councilmember Hahn Proposal

- The positive elements listed above under "Positive Aspects of the Councilmember Hahn Proposal."

#### Establish Objective Definitions and Comprehensive Consideration of Significant Items

- Establish *objective* definitions for items with "significant" or "insignificant" budgetary or staffing implications, e.g., a dollar figure threshold, number of FTE needed, or requirement for consultant work. The current system fails to define "moderate to significant" and leaves subjective discretion to the Agenda Committee. This would ensure fairness amongst all Councilmembers. Alternatively, items could be referred directly to Policy Committees for such determination bypassing the Agenda Committee, unless deemed time critical.

Under this proposal, significant items would be subject to the normal maximum 120-day Policy Committee review timeline and include some of the enhancements offered by Councilmember Hahn. Items with insignificant impacts could be routed directly to Council or be provided a more streamlined maximum 90-day timeline and a less intensive review. In the case that items referred under

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<sup>14</sup> Id.

<sup>15</sup> Id., p. 26.

<sup>16</sup> Id.

<sup>17</sup> Id., p. 45

## Alternative Council Legislative Process

the 90-day timeline are found by the Policy Committee to have more significant impacts, a committee would be empowered to extend the item to 120 days for enhanced review.

- Ensure that all items submitted as referrals to the City Manager or budget referrals over the threshold are thoroughly vetted by Policy Committees and include estimates of all budget and staffing implications before coming out of the committee process so that they can be properly routed to the budget process.
- Ensure that policy items from City Management and Departments (other than time critical contracts and strictly administrative matters) are routed to policy committees as in Oakland and San Francisco.

#### Preserve and Formalizing Rolling Deadlines for Significant Item Submission

- Provide rolling submission deadlines ahead of applicable biennial (July), annual adjustment (July), and annual appropriation ordinance budget processes (fall/spring). The Council and City Manager may strive to encourage Councilmembers to submit the bulk of their items to the biennial and AAO #1 processes, but circumstances and community demands may warrant submission and consideration at other budget process periods. The Council, Mayor, and Budget Committee should, as in the past, continue to defer items or not fund items with significant budgetary or staffing implications as appropriate. There does not need to be an artificial deadline imposed on items.

#### Retain Policy/Budget Judgement and Prioritization to Council as a Body, While Tasking Committees with Ensuring Items Are Drafted to Form and Sufficiently Inform Council and Public Consideration

- Pursuant to the Council's historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not Committees.

This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter and the public's right to representative democracy.

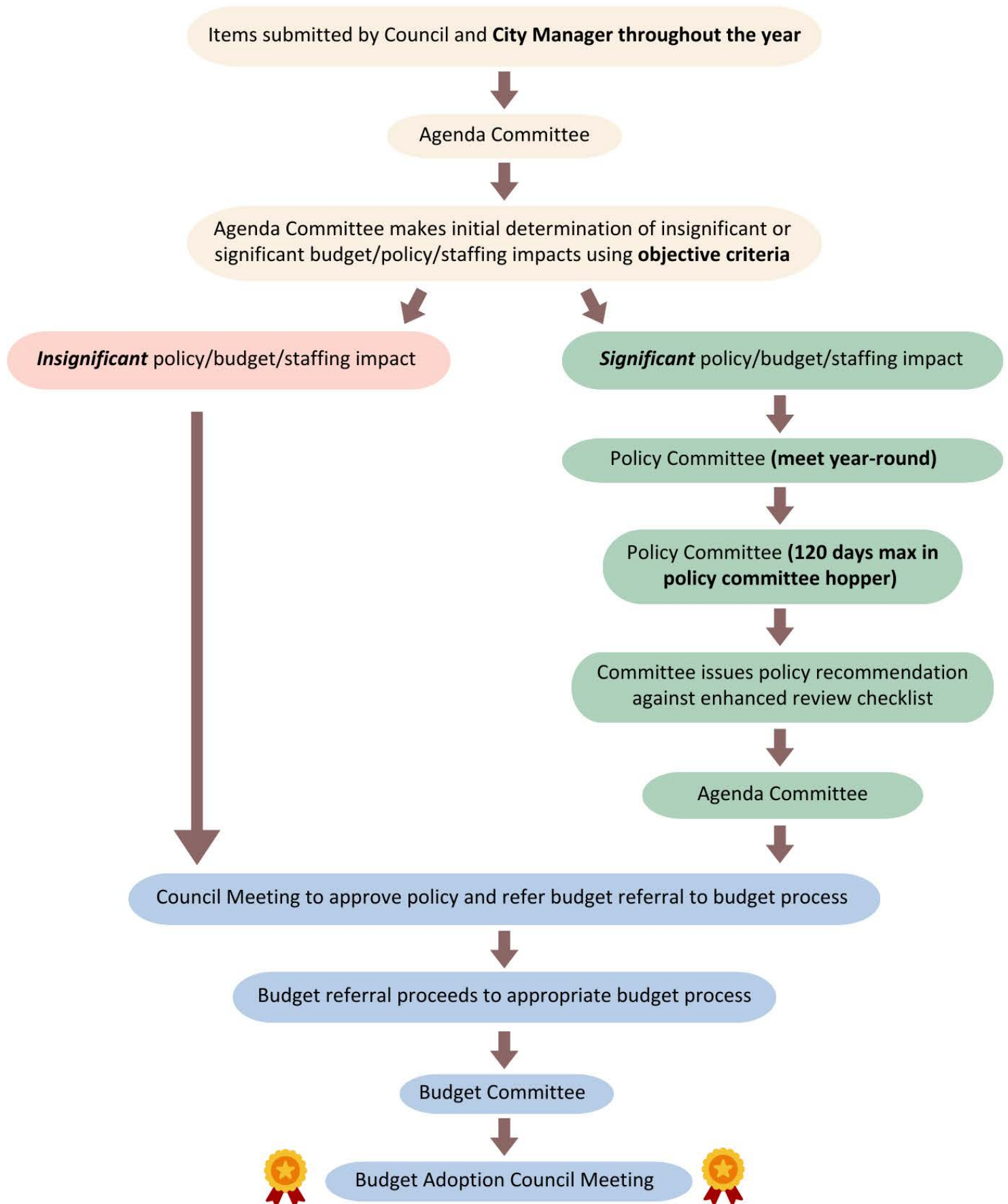
#### CONTACT

Councilmember Kate Harrison  
kharrison@cityofberkeley.info | 510-981-7140

#### ATTACHMENTS:

1. Flowchart of Alternative Systems Alignment Proposal

## Alternative Council Legislative Process Proposal





Office of the Mayor

WORKSESSION  
October 10, 2023

To: Honorable Members of the City Council  
From: Mayor Jesse Arreguín  
Subject: City Council Legislative Systems Redesign

### BACKGROUND

On February 8, 2021, at the direction of City Council during a retreat, the City Manager presented a Systems Alignment Proposal to the Agenda and Rules Committee. Following discussion, the Systems Alignment proposal was calendared for a future Council meeting.

On April 26, 2021 the Systems Alignment proposal was presented to All Council.

Councilmember Droste submitted a response to the Systems Alignment proposal at the May 18, 2021 meeting followed by Councilmembers Hahn and Harrison at the June 15, 2021 meeting. During the June 15, 2023 Council engaged in discussion and referred the Systems Alignment proposal to the Agenda and Rules Committee for further consideration.

On March 14, 2023, Councilmembers Robinson and Wengraf presented Reforms to Public Comment Procedures at meetings of the City Council for discussion and action.

At the Agenda & Rules Committee Councilmember Hahn, in collaboration with the City Clerk and other staff, presented "Major Item Legislative, Budgeting & Implementation Systems Redesign". Upon deliberation, the Agenda & Rules Committee set a worksession for full council discussion on October 10, 2023.

In order to assist Council in understanding the various recommendations from previous meetings, Mayor Arreguin directed his staff, with assistance from Councilmember Wengraf's staff, to create a matrix of all the proposals and responses from City Councilmembers at the relevant meetings which was reviewed at the September 26, 2023 Agenda and Rules Committee meeting.

### CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

City Council Legislative Systems Redesign

WORKSESSION  
October 10, 2023

Attachments:

- 1: PowerPoint Presentation
- 2: Council Rules of Procedure – Appendix B
- 3: Comparison Matrix
- 4: Background Materials



# MAJOR ITEM

## Submission, Review, Approval, Funding, & Implementation

### PROCESS SKETCH FOR DISCUSSION

Presented to Berkeley City Council  
by the Agenda & Rules Committee

October ##, 2023

# TERMINOLOGY

## MAJOR ITEM

Is an Item meeting the current/existing definition of a **Policy Committee Track Item**:

*Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts*

# BIG IDEAS

**COUNCIL/MAYOR** - Successfully develop and implement State of The Art/ Innovative Programs and Policies to serve Berkeley, and to model best practices

**CITY CLERK** - Consistency in process for Major Item Development, Budgeting and implementation

**CITY ATTORNEY** – Ensure legal and drafting compliance

**CITY MANAGER** - Help the Organization deliver without overwhelm; help staff be successful in their work

# YEARLY CYCLE

Built around **JUNE 30** Budget Adoption/Update

July – September

**COUNCIL**

Finalize Y2 Items

**CITY MANAGER**

Implement Y1 Items

October – March

**COMMITTEE  
SEASON**

April – June

**COUNCIL + BUDGET  
SEASON**

# LEGISLATIVE SESSION

## One Cycle – Benefits

- **Every Year, opportunity to submit** and have Council review/vote on and fund Major Items
- **Four Subject Matter Committees** only meet during a Committee Season (except if emergency or special circumstance)
- Staff can **focus on implementation** during the “off season,” and Councilmembers can finalize the next year’s items
- Significantly **reduce gap between approval and implementation**

# MAJOR ITEM DEVELOPMENT & SUBMISSION

*All Year* → *End of September*

- Must use **Major Item Guidelines** format  
(Appendix B to Council Rules of Procedure & Order)
- September 30 **Submission Deadline**
- Major Items **can be submitted prior** to September 30 and reviewed by Agenda & Rules for **compliance with guidelines**
- Timeline allows for Councilmembers to **work all year** on items, with **concentrated opportunity** July-September
- **Staff input** at Pre-submission = high level/conceptual; early vetting of concepts with **City Attorney** to identify legal & drafting inputs

# AGENDA COMMITTEE

## OCTOBER

*Review & Assign Major Items to  
Committees*

- Early October **Special Meeting(s)**
- Review Major Items for **compliance with Guidelines**
- Assign *compliant* Major Items to Policy Committees
- Send *non-compliant* Major Items back to Authors for resubmission by End of October

# POLICY COMMITTEES

## OCTOBER - MARCH

- Organizing Meeting(s) Mid-October – Plan Committee Session/Schedule Hearings
- Major Items reviewed by Committee and move out on Rolling Basis, November - March
- [Committees may also prioritize/score items they review]
- All Major Items OUT of Policy Committees by March 30



# CITY COUNCIL

## APRIL

- Vote on all Major Items by **April 30**
- May require special meeting(s) in April
- **City Attorney** sign-off on **drafting and legal conformity** of Ordinances, Resolutions, and Formal Policies
- Approved items sent to **Budget Committee**

# PRIORITIZATION OF MAJOR ITEMS\* EARLY MAY

- All **Major Items** that have been passed by Council, both NEW and PENDING/previously unfunded, to be prioritized by Councilmembers
- Prioritization due Second Friday in May (process TBD)

*\* Not the same as All-Item prioritization*

# BUDGET COMMITTEE

## MAY - JUNE

- Council [and Committee?] Prioritizations provided to Budget Committee as guides, but **not binding**
- Budget Committee makes **Recommendations** to Full Council
- Budget passed; Major Items funded move forward to **Implementation**
- ROLLOVER: Major Items passed by Council but not funded get **automatically rolled-over** to future funding opportunities

# IMPLEMENTATION

## JULY +

- **Implementation Lead** assigned by **City Manager**
- **Implementation Team** assembled by **Lead + CM**
- Meet with **Author(s)** to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- **Implementation Team** prepares
  - **Launch Plan**
  - **Operating Plan**
- Program/Policy is **Launched + Implemented**

# OVERRIDE

## for Time Critical Items

- Rules of Procedure and Order already provide Override:  
*An item that would otherwise be assigned to a Policy Committee may bypass Policy Review if the Agenda Committee deems it Time Critical. Agenda & Rules Committee retains discretion to decide the Time Critical nature of an item*
- Time Critical definition - may need to be reviewed/amended
- May still go to a Policy Committee or directly to Council, per A&R
- [**Possible Add:** Council-level override/appeal if Author doesn't agree with the A&R decision on Time Critical nature of a Major Item].

# PRE-SUBMISSION DETAILS

- **Guidelines Format Mandatory** for all Major Items
- **Only Authors (no Co-Sponsors) allowed** at Pre-Submission and Committee stages, to reduce Brown Act issues
- Available: **Pre-Submission Consult with City Manager** to recommend internal subject matter experts for high-level input
- Required: **Pre-Submission Consult with City Attorney** to identify legal and drafting considerations
- ***Consider role for COMMISSIONS** in Pre-Submission Phase*

# STRENGTHEN COMMITTEE REVIEW

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## DEVELOP STANDARDS for review of Major Items:

- Relevance to Strategic Priorities or current needs/events
- Added value of program/policy
- Potential benefits/costs of program/policy to Community and COB
- Alternative means to achieve same or similar goals
- Phasing/timelines for implementation
- Staffing and Resources needed to Launch and Operate
- Evaluation/Metrics/Enforcement
- [Rate/Rank Major Items at end of Committee Session?]
- [Increase options re: positive and negative recommendations?]
- Other?

# STRENGTHEN COMMITTEE REVIEW

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## Public, Staff, City Attorney, Commission Inputs

- Active Outreach to all identifiable Stakeholders
- Multiple Hearings to allow for robust community, Staff, and City Attorney inputs + Discussion
- ENHANCE/EMPOWER City Attorney & Staff participation to ensure meaningful input, without requirement for formal reports
- Committee Schedule (set early October) will help ensure the right staff/attorneys are present for each item
- *Consider how to obtain/integrate input from Commissions*



# PRIORITIZATION – SPECIAL *BACKLOGGED QUEUE*

Need a one-time process to “clear the backlog” of Major Items *currently* in queue. Suggest sending all pending (but not initiated) items to Policy Committees for review to suggest:

- Merging items and/or Updating Referrals
- Re-approval of items “as is”
- Recommendation to Sunset/Remove moot items
- Recommend disposition of all items, ranked By Lead Department
- Council reviews and approves Committee recommendations for consolidation, removal, restatement, and re-support of items
- May need some criteria - to ensure all council members get at least some of their priorities addressed
- May also include consideration of an RRV- or other kind of prioritization by full Council, organized by Lead Department and/or holistically

# PRIORITIZATION – REGULAR *YEARLY QUEUE*

- Enhanced Committee process should result in fewer or no backlogs and items implemented in a reasonable timeframe
- Prioritization becomes less of a BIG ISSUE

## **Prioritization in a rationalized system:**

- More fully conceived and vetted items
- Committee scoring and/or ranking of items at end of Committee Season
- Council Ranking of items by Lead Department and Overall

# Need Process & Criteria for funding Items at AA01 and AA02

## *High Level Suggestions – need input from Budget & Finance*

- Only Time Critical and Rollover (previously approved but unfunded) items considered - *same rule for Council and City Manager items*
- Not all extra funds (if any) get allocated - reservation for the annual budget process so funds are available for Council initiatives going through yearly legislative process
- AA01 and 02 only for one-time and/or time sensitive needs, except special circumstances

# IMPLEMENTATION

Once Major Item is passed + funded, move to Implementation

- **Implementation Lead** is assigned by City Manager – *Single Individual* Responsible for managing and ensuring implementation
- **Implementation Team** assembled by Lead + City Manager
- **Consult with Author(s)** to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- Implementation Team prepares **LAUNCH** and **OPERATING** Plans
  - **LAUNCH** elements + Timeline
  - **OPERATING** Plan
- Long term/ongoing operation of program/policy

# DISCUSSION + QUESTIONS

## **APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS**

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide “additional analysis” if the item as submitted evidences a “significant lack of background or supporting information” or “significant grammatical or readability issues.”

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
  - a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
  - b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
  - c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
  - d. Fiscal impacts of the recommendation;
  - e. A description of the current situation and its effects;
  - f. Background information as needed;
  - g. Rationale for recommendation;
  - h. Alternative actions considered;
  - i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
  - j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal Impacts
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

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**1. Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

**2. Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

**3. Recommendation**

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

#### 4. **Summary Statement/ “Current situation and its effects”**

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):  
*Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.*

#### 5. **Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

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

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan



- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

## 7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

## 8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
  - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

## 9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

**10. Implementation, Administration and Enforcement**

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

**11. Environmental Sustainability**

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

**12. Fiscal Impacts**

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

**13. Outcomes and Evaluation**

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

**14. Contact Information**

**15. Attachments/Supporting Materials**

## Systems Realignment Matrix - Updated 10-3-2023

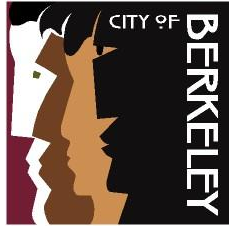
| Item Date                 | JM<br>City Manager's System's<br>Realignment Proposal<br>4/26/2021                                                                                                                                                                                                                                                                                                            | LM<br>Droste Response<br>5/18/2021                                                                                                                                                                                          | LM<br>Council Feedback from<br>Work Session<br>5/18/2021                                                                                                                                                                                                                                        | JM<br>Hahn Proposal<br>6/15/2021                                                                                                                                                                                                                                                                                                                                                                                             | LM<br>Harrison Proposal<br>6/15/2021                                                                                                                                                                                               | LM<br>2021 Council Feedback<br>6/15/2021                                                                                                                                                                                                                                                                                            | JM<br>Droste BERIPE Plan<br>3/14/2023                                                                                                                                                                                                                                         | JM<br>Hahn/City Clerk Proposal to A & R<br>10/10/2023                                                                                                                                                                                                           |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                 |
| Item Summary              |                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                 |
| Decisions/ Actions Taken  | Thesis: Councilmembers to return with thoughts/proposals                                                                                                                                                                                                                                                                                                                      | Thesis: Supports CM Proposal. Recommends template adjustments to increase effectiveness and clarify reason for proposal and its recommendations and increase effectiveness.                                                 | Thesis: Mayor proposed and Council approved continuing the item to the June 15, 2021 regular meeting to allow Councilmembers to submit written comments for the public record.                                                                                                                  | Thesis: Legislative process should support Council in passing legislation of important local concerns and value-based issues with impact locally and more broadly. New legislation should be thoroughly researched, revised and vetted with input from stakeholders, the public, City Staff and Council colleagues. City staff contribute with increased levels of input and participation as the legislation moves forward. | Thesis: Does not support CM Proposal. Major items only put forward Jan - April to coincide with budget process limits public and Council voices. Harrison's proposal operates continuously with deadlines for each step of review. | Thesis: Council recommendation was to review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption. Sent back to A&R to prepare a new proposal. No Councilmembers commented on the Consent item during the meeting. |                                                                                                                                                                                                                                                                               | Thesis: Align with budget process, create consistency in process and proposal writing; ramp-up staff engagement as proposal moves through process. Create "seasons" (specific annual timeframes for development, policy committee, council and budget approval) |
| Process for Council Items | A & R determines if Major Item<br>If not major, agendaized for Council meeting                                                                                                                                                                                                                                                                                                | Council Agenda Item Template recommended adjustments:<br>- add: Define the Problem<br>-Include Criteria Considered &<br>-Rationale for Recommendation<br>-Make Equity its own category<br>Sample red-lined template in item | Some Councilmembers expressed concern about the yearly April deadline for Major items because it would create stale items and/or limit ability to respond to the concerns of the moment. CM reminded public and Council that this process is just for the 15 -20 Major items drafted each year. | Guideline Format drives development of Council, City Manager or Commission proposals<br>All Major Items, regardless of where originated follow the prescribed process<br>Council is encouraged to consult with staff during proposal development but may wait until during the Committee process<br>CAO must provide preliminary review prior to initial submittal                                                           | Council Streamlines Existing Backlog of staff involved items through Policy Committees' review and recommendations to Council.                                                                                                     | N/A                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                               | Built around June Budget Adoption<br>Divided into Seasons with deadlines for each phase                                                                                                                                                                         |
| Major Item Definition     | - Cannot be operationalized over time with existing resources<br>- Displaces an existing prioritized item<br>- Not implementable with existing resources<br>- Unable to sustain enforcement activities<br>- Subject to legal challenge and/or pre-emption<br>- Additional/new FTE on a temporary or permanent basis<br>- Additional or new infrastructure or technology costs |                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                 | Any law, program, or policy that represents a significant change or addition to existing law, program, or policy and/or is likely to call for or elicit significant study, analysis, or input from the community, staff or Council colleagues, and/or is likely to require significant new resources or staffing to implement.                                                                                               |                                                                                                                                                                                                                                    | N/A                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                               | Definition required                                                                                                                                                                                                                                             |
| Major Item Determination  | A & R in consultation with CM<br>EXCEPTIONS:<br>- Grant deadlines<br>- Public Safety Issues<br>- Declared local emergencies<br>If exceptions granted, projects "in process" must be identified and delayed                                                                                                                                                                    | Major Item Determination Checklist<br>recommended adjustments:<br>Define "smaller" and "less impactful" and state how that is determined.                                                                                   |                                                                                                                                                                                                                                                                                                 | (see definition above)<br>Can originate from Councilmembers, City Manager (often as referral responses) or Commissions<br>A & R makes determination if a submittal is a Major Item - can be sent back to originator for more information and compliance with Guidelines                                                                                                                                                      | Should be determined by Policy Committees, not Agenda Committee, via objective determination. No determination criteria given.                                                                                                     | N/A                                                                                                                                                                                                                                                                                                                                 | N/A                                                                                                                                                                                                                                                                           | Submittal Season: Year round submittal September 30 cut off for consideration through process<br>Submittals reviewed by A & R for Major Item Determination and compliance with Guidelines                                                                       |
| Major Item Deadline       | A & R agenda prior to April 30 to be considered in legislative year<br>Agendaized at A & R on rolling basis                                                                                                                                                                                                                                                                   | none provided                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                 | none provided                                                                                                                                                                                                                                                                                                                                                                                                                | 120 days maximum, which includes the Implementation Conference.                                                                                                                                                                    | N/A                                                                                                                                                                                                                                                                                                                                 | LIMITS NUMBER OF MAYOR ITEM SUBMITTALS<br>Councilmember limited to submitting 1 major legislative item or set of amendments to existing ordinances/yr<br>Mayor limited to submitting 2 major legislative items or set of amendments to existing ordinances/yr<br>DEADLINE TBD | September 30 for next fiscal year consideration                                                                                                                                                                                                                 |

## Systems Realignment Matrix - Updated 10-3-2023

| Item Date                 | JM<br>City Manager's System's<br>Realignment Proposal<br>4/26/2021 | LM<br>Droste Response<br>5/18/2021                                                                                                                                                                                                                                                           | LM<br>Council Feedback from<br>Work Session<br>5/18/2021                                                                                                                                                                                      | JM<br>Hahn Proposal<br>6/15/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | LM<br>Harrison Proposal<br>6/15/2021                                                                                                                                                                                                                                                                                                                                                                                                                                             | LM<br>2021 Council Feedback<br>6/15/2021                                                                            | JM<br>Droste BERIPE Plan<br>3/14/2023                                                                                                                                                                                                                                                                                                                                                                                                                                         | JM<br>Hahn/City Clerk Proposal to A & R<br>10/10/2023                                                                                                                |
|---------------------------|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           |                                                                    |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                      |
| Item Distinction/ Process | <b>Policy Committee Review</b>                                     | Referred by A & R<br>Reviewed for completeness and alignment with Strategic Plan goals.<br>Commission review.<br>Once approved for consideration moves to Implementation Conference                                                                                                          | Policy Committee Ranking Form<br>recommended adjustments:<br>-Use score rather than rank<br>NOTE:<br>CM presentation no longer recommends using the Ranking Form                                                                              | See Implementation Conference                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | A & R makes determination if a proposal meets information in Guidelines prior to sending on to Committees - Author has right to appeal<br>Committees plan a timeline for hearing over multiple meetings and identify stakeholders and experts to provide input. Committee meetings to discuss proposal should be taken in order of the required components of the Guidelines<br>Staff agendized to engage in every discussion and provides budget resources needs for Launch and | Policy Committees send their recommendation and finalized Implementation report to A & R for scheduling at Council. | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A                                                                                                                                                                  |
|                           | <b>Implementation Conference</b>                                   | CM or designee, CAO, Department Head or designee<br>Collaborate with author to detail fiscal and operational impacts. Implementation Conference outcomes to be incorporated into Concil Report<br>(see detail in 4.26.21 proposal, p3)                                                       | Implementation Conference Worksheet<br>recommended adjustments:<br>-Reduce amount of redundant components and specify what impact means.<br>-Include similar additions as Council Item Template.<br>-See sample redlined template in the item | Timing for conference: Earlier timing, perhaps just after referred to policy committee, before the Committee takes it up.<br><br>Staff analysis: Former Auditor in her 2018 presentation talked about importance of Council needing a staff analysis, resource analysis and opportunity costs in their items. Councilmember noted incredible importance for Council to have this info before passing items. At the same time, don't want staff to spend too much time on an item that doesn't pass. Tension here.<br><br>Definitions: Council needs to be comfortable with them. | The Policy Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report. This happens during the Policy Committee Review.                                                                                                                                                                                                                                                  | N/A                                                                                                                 | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A                                                                                                                                                                  |
|                           | <b>Implementation Conference Deadline</b>                          | August 31                                                                                                                                                                                                                                                                                    | No calendar deadline                                                                                                                                                                                                                          | No calendar deadline                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | No calendar deadline.<br>Rolling basis.                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A                                                                                                                 | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A                                                                                                                                                                  |
|                           | <b>Initial Prioritization</b>                                      | July 31.<br>Policy Committees make recs Submitted to City Council                                                                                                                                                                                                                            | Sunset current RRV process Committee to "score" each proposal                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Prioritized on rolling basis. Upon Council adoption, the budget aspect of the item would proceed to either the June or November budget process.                                                                                                                                                                                                                                                                                                                                  | N/A                                                                                                                 | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | ONE TIME clearing of backlog on current list of projects                                                                                                             |
|                           | <b>Council Approval and Final Prioritization</b>                   | October Council Calendar Council approval, prioritization, assign fiscal year for implementation, identify removal of items that new initiatives will replace<br>If Council does not approve, item can be reintroduced the following year<br>November 30 deadline for all major item actions | Sunset current RRV process Committee to "score" each proposal                                                                                                                                                                                 | Author revises proposal to include required changes/clarifications and resources required for Launch and Implementation                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Council approves before item goes through budget process.                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A                                                                                                                 | Council prioritizes all new legislative submittals through RRV process. Year 1 ONLY: Combine new legislative submittals and outstanding/incomplete items for prioritization through RRV process. Council and staff should determine what can be reasonably accomplished by staff based on RRV outcome and delete those projects that did not rise to top of priorities and cannot be accomplished.<br>Year 2 and ongoing: Only new legislative submittals will be prioritized | Council Season: Feb 1 - April 30<br>CAO must confirm compliance with Ordinances<br><br>Prioritization: Council and Committee prioritize and send to Budget Committee |

## Systems Realignment Matrix - Updated 10-3-2023

| Item Date                   | JM<br>City Manager's System's Realignment Proposal<br>4/26/2021                                                                                                                                                                                            | LM<br>Droste Response<br>5/18/2021 | LM<br>Council Feedback from Work Session<br>5/18/2021 | JM<br>Hahn Proposal<br>6/15/2021                                                                                 | LM<br>Harrison Proposal<br>6/15/2021                       | LM<br>2021 Council Feedback<br>6/15/2021 | JM<br>Droste BERIPE Plan<br>3/14/2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | JM<br>Hahn/City Clerk Proposal to A & R<br>10/10/2023                                                                                                                                                                                                                                |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             |                                                                                                                                                                                                                                                            |                                    |                                                       |                                                                                                                  |                                                            |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |
| Budget & Strategic Planning | December/January<br>Staff to incorporate approved items into Budget/workplan ranked by priority<br>January - March<br>Council and Staff revise the budget based on department presentations to BC<br>May/June<br>Budget hearings, adjustments and adoption |                                    |                                                       | Budget Implementation Conference: approves moving toward implementation or implementation is declined to proceed | Council approved items go through the next budget process. | N/A                                      | (see note above)<br>Budget referrals and allocations must be explicitly tied to previously established or approved policy program, planning/strategy document and/or external funding opportunity related to one of these.<br><br>No budget referral can directly fund a specific organization or event. Organizations receiving City funding must submit application that includes civic goals/purposes, previous funding history and quantitative/qualitative results/outcomes. Funding greater than \$20,000 must include data on number of persons served and other outcomes. | Budget Season: May 1 - June 30<br>Council prioritization to Budget committee not binding. Budget Committee makes recommendations to full Council<br>Funded Council approved items move to Implementation<br>Unfunded Council approved items rollover to future funding opportunities |
| Implementation              |                                                                                                                                                                                                                                                            |                                    |                                                       |                                                                                                                  |                                                            | N/A                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | July (Month 1 of new fiscal year)<br>Implementation Lead and Team assigned<br>Meeting with Authors for clarity, timelines, challenges<br>Implementation Team prepared Launch and Operational Plans                                                                                   |
| Tools                       | Council Item template outlining required information<br>Major Item checklist<br>Implementation Conference Worksheet<br>Major Item Determination Checklist<br>Policy Committee Ranking Form                                                                 |                                    |                                                       | Guidelines for Proposals/Council Items                                                                           | Alternative Systems Alignment Proposal flowchart.          | N/A                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Major Items Guidelines Format<br>Enhanced Review Process                                                                                                                                                                                                                             |
| Consolidated Yearly Cycle   | Implementation Conference<br>Deadline: August 31<br>Council Prioritization<br>Deadline: July 31<br>Council Approval Deadline: November 30<br>Budget Cycle: January -                                                                                       | none addressed                     | N/A                                                   | none addressed                                                                                                   | Rolling basis rather than yearly cycle.                    | N/A                                      | Based on "to be established" deadline to align with RRV process                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Submission Season: Year round with August 1 deadline for next fiscal year consideration<br>Committee Season: Sept 1 - January 30<br>A & R and council committee review<br>Council Season: Feb 1 - April 30<br>Budget Season: May 1 - June 30                                         |
| Recommendations             | 1 - Staff input in legislative drafting is important                                                                                                                                                                                                       |                                    |                                                       |                                                                                                                  |                                                            |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |
| Consensus                   | 1 - Different timelines for different types of items (some staggered, some ongoing)                                                                                                                                                                        |                                    |                                                       |                                                                                                                  |                                                            |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |
| Variable Differences        | 1 - What impact does this have on the RPP process? What needs to change? What limits revisions to a systems redesign process?                                                                                                                              |                                    |                                                       |                                                                                                                  |                                                            |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |
| Outstanding Questions       |                                                                                                                                                                                                                                                            |                                    |                                                       |                                                                                                                  |                                                            |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |



Office of the City Manager

## BACKGROUND MATERIAL

The following documents were previously submitted to the City Council for consideration, and are being provided with this item as background material.

The City Manager has removed staff's Systems Alignment Proposal from consideration. It is included in this attachment for reference and context.

Attachments:

### March 14, 2023 Council Meeting

1. Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)
  - a. Report – Submitted by Councilmember Droste

### June 15, 2021 Council Meeting

2. Systems Alignment Proposal
  - a. Supplemental Material – Submitted by Councilmember Hahn
  - b. Supplemental Material – Submitted by Councilmember Harrison
  - c. Report – Submitted by City Manager

### May 18, 2021 Council Meeting

3. Systems Alignment Proposal
  - a. Supplemental Material – Submitted by Councilmember Droste
  - b. Presentation – Submitted by City Manager
  - c. Report – Submitted by City Manager



Lori Droste  
Councilmember, District 8

Action Calendar  
March 14, 2023

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

**From:** Councilmember Lori Droste

**Subject:** Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)

### **Recommendation**

In order to ensure that the City focuses on high-priority issues, projects, and goals and affords them the resources and funding such civic efforts deserve, the City Council should consult with the City Manager's Office to develop and adopt a suite of revisions to the City Council Rules of Procedure and Order that would implement the following provisions:

1. Beginning in 2023, Councilmembers shall submit no more than one major legislative proposal or set of amendments to any existing ordinance per year, with the Mayor permitted to submit two major proposals, for a maximum of ten major Council items per year.
2. In 2023 and all future years, Councilmembers shall be required to submit major items before an established deadline. Council shall then prioritize any new legislative items as well as any incomplete major items from the previous year using the Reweighted Range Voting (RRV) process. This will help establish clear priorities for staff time, funding, and scheduling Council work sessions and meetings. For 2023 alone, the RRV process should include outstanding/incomplete Council items from all previous years. In 2024 and thereafter, the RRV process should only incorporate outstanding/incomplete major items from the prior year. However, Councilmembers may choose to renominate an incomplete major policy item from an earlier year as their single major item.
3. During deliberations at a special worksession, Council retreat, and/or departmental budget presentations, Council and the City Manager should develop a work plan that establishes reasonable expectations about what can be accomplished by staff given the list of priorities as ranked by RRV. Council should also consult with the City Manager and department heads, particularly the City Attorney's office, Planning Department, and Public Works Department on workload challenges (mandates outside Council priorities, etc.), impacts, reasonable staff output expectations, and potential corrective actions to ensure that mandated deadlines are met, basic services are provided, and policy proposals are effectively implemented.
4. Budget referrals and allocations from City Council must be explicitly related to a previously established or passed policy/program, planning/strategy document, and/or an external funding opportunity related to one of these. As a good government practice, councilmembers and the Mayor may **not** submit budget referrals which direct funds to a

specific organization or event. Organizations which receive City funding must submit at least annually an application detailing, at a minimum: the civic goal(s)/purpose(s) for which City funds are used, the amount of City funding received for each of the preceding five years, and quantitative or qualitative accounting of the results/outcomes for the projects that made use of those City funds. Organizations receiving more than \$20,000 in City funds should be required to provide quantitative data regarding the number of individuals served and other outcomes.

5. Ensuring that any exceptions to these provisions are designed to ensure flexibility in the face of an emergency, disaster, or urgent legal issue/liability and narrowly tailored to be consistent with the goals of enhanced efficiency, effectiveness, fairness, and focus.

### **Policy Committee Recommendation**

On February 14, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the item to the City Council with a Qualified Positive Recommendation to refer the relevant concepts of the original item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process. Vote: All Ayes.

### **Current Situation and Its Effects**

Over the past few years (excluding the COVID-19 state of emergency), City Council has grappled with potential options to reduce the legislative workload on the City of Berkeley staff. While a significant portion of this workload is generated from non-legislative matters and staffing vacancies, it is important to recognize that staff also continue to struggle to keep up with Council directives while still accomplishing the City's core mission or providing high quality public infrastructure and services.

### **Background and Rationale**

Berkeley faces an enormous staffing crisis due in part to workload concerns; as such, Council should take steps to hone its focus on legislative priorities. [November 2022's Public Works Off-Agenda Memo](#) offers a benchmark for problems faced by City departments. Public Works staff struggles to complete its top strategic plan projects, respond to audit findings, and provide basic services, in addition to fulfilling legislative priorities by Council. While the "Top Goals and Priorities" outlined by Public Works is tied to 130+ directives by the City Council, it is not reasonable to assume that all will be implemented.

The challenges faced by the Public Works department are not an anomaly. Other departments share the same challenges. In addition to needing to ensure that the City can adopt a compliant state-mandated Housing Element, process permits, secure new grant funding, mitigate seismic risks, and advance our Climate Action Plan, Planning Department staff have been tasked with addressing multiple policy proposals from the City Council. The sheer number of referrals also impacts the ability of staff in the City Attorney's office to vet all ordinances, protect the City's interests, participate in litigation, and address the City's other various legal needs.

### **Best Practices**

A number of nearby, similarly-sized cities were contacted to request information about how these cities approach Councilmember referrals and prioritizations processes. Cities contacted



included Richmond, Vallejo, Santa Clara, Concord, and Sunnyvale. Of these cities, Santa Clara, Concord, and Sunnyvale replied.

### **Santa Clara**

Overall, Santa Clara staff indicated that—similar to Berkeley—the Council referrals and prioritization process is not especially formalized, with additional referrals being made outside of the prioritization process.

Each year, the Council holds an annual priority setting session at which the Council examines and updates priorities from the previous year and considers what progress was made toward those priorities. The prioritization process takes place in February so that any priorities that rise to the top may be considered for funding ahead of the budget process. In any given year, some priorities may go unfunded and even holding those priorities over to a second year is not necessarily a guarantee of funding.

Despite conducting this annual prioritization exercise, Councilmembers in Santa Clara often still do bring forward additional referrals outside of this process. Part of this less restricted approach in Santa Clara's 030 ("zero thirty") policy, which allows members of the the City Council to add items to the Council agenda with sufficient notice and even allows members of the public to petition to have items added to a special section of the Council agenda.

Despite the overall looseness of Santa Clara's approach. Council members still rely upon staff to provide direction with respect to what priorities are or are not feasible based upon available funding and staff bandwidth.

### **Concord**

According to Concord City staff, although Concord—like Berkeley and Santa Clara—does have a process for Councilmembers to request items be added to Council agendas, Councilmembers generally agree not to add referrals outside of the formal priority-setting process.

Concord City staff only work on "new" items/policies that are mandated by law, recommended by the City Manager, and have been recommended for review/work of some kind by a majority (three of the five members) of the City Council.

In general, Councilmembers agree to not add work items outside of the Council's formal priority setting process. The Concord City Council has a once-a-year goal setting workshop each spring where the City plans its Tier 1 and Tier 2 priorities for the year (or sometimes for a 2-year cycle). Most Councilmembers abide by this process and refrain from bringing forward additional items. However any Councilmember may put forward a referral outside of the process and use the method outlined below.

Outside of the prioritization process, Councilmembers can request that their colleagues (under Council reports at any Council meeting) support placing an item on a future Council meeting agenda for a discussion. The Concord City Attorney has advised councilmembers that they can make a three sentence statement, e.g. "I would like my colleagues' support to agendize [insert item]" or "to send [insert item] to a Council standing committee for discussion." Followed by: "This is an important item to me or a timely item for the Council because [insert reasoning]. Do I have your support?" The other Councilmembers then cannot engage in any detailed discussion or follow up, but may only vote yes or no to agendizing the item.

If two of the Councilmember's colleagues (for a total of 3 out of 5) agree to the request to have the item agendized for a more detailed discussion by Council, then the item will be added to a future agenda for fuller consideration. An additional referral outside the prioritization process is suggested perhaps once every month in Concord, but the Concord City Council usually does not provide the majority vote to agendize these additional items.

### **Sunnyvale**

Of all the cities surveyed, Sunnyvale has the most structured approach for selecting, rating, and focusing on City Council priorities. "Study issues" require support from multiple councilmembers before being included in the annual priority setting, and then must go through a relatively rigorous process to rise to the top as Council priorities. And, perhaps most importantly, policy changes *must* go through the priority setting process to be considered. The Sunnyvale City Council's Policy 7.3.26 Study Issues reads, in part:

*Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).*

*Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.*

If a study issue receives the support of at least two Councilmembers, the issue will go to staff for the preparation of a study issue paper. Council-generated study issues must be submitted to staff at least three weeks ahead of the priority-setting session, with an exception for study issues raised by the public and carried by at least two Councilmembers, if the study issues hearing takes place less than three weeks before the priority setting.

At the Annual Study Issues Workshop, the Council votes whether to rank, defer, or drop study issues. If a majority votes to drop the issue, it may not return the following year; if the issue is deferred, it returns at the following year's workshop; and if a majority votes to rank an issue, it proceeds to the ranking process. Sunnyvale's process uses "forced ranking" for "departments" with ten or fewer issues and "choice ranking" for departments with eleven or more issues. (The meaning of "departments" and the process for determining the number of issues per department are not elucidated within the policy.) Forced ranking involves assigning a ranking to every policy within a given subset, while choice ranking only assigns a ranking to a third of policies within a given subset, with the others going unranked.

After the Council determines which study issues will be moving forward for the year based on the rankings, the City Manager advises Council of staff's capacity for completing ranked issues. However, if the Council provides additional funding, the number of study issues addressed may be increased.

In 2022, Sunnyvale had 24 study issues (including 17 from previous years and only 7 new ones) and **zero** budget proposals. Although Sunnyvale does consider urgency items outside the prioritization process, this generally happens only 1 to 3 times per year and usually pertains to highly urgent items, such as gun violence.

### **Status Quo and Its Effects**

Council currently uses a reweighted range proportional representation voting method to determine which priorities represent both a) a consensus and b) district/neighborhood concerns. This process allows Council to coalesce around a particular common area of concern; but if there is a specific neighborhood or district issue that is not addressed by Council consensus, it also allows for that district's councilmember's top priority to be elevated in the ratings even without broad consensus, so long as there are not multiple items designated as that councilmember's "top" item. More information about this process can be found [here](#). This [system was established](#) in 2016 due to the sheer amount of referrals by Council and the lack of cohesive direction on which of the 100+ referrals the City Manager should act upon.

Subsequent to this effort, Council created a "short-term referral" pool which was intended to be light-lift referrals that could be accomplished in less than 90 days. However, that designation was always intended to be determined by the City Manager, not Council, with respect to what was operationally feasible in terms of the 90 day window. The challenge with Council determining what is a short-term referral is that it is not always realistic given other duties that the staff has to attend to and inappropriate determinations can stymie work on other long term priorities if staff have to drop everything they are doing to attend to an "short-term" or "emergency" referral.

An added challenge is that the City Auditor [reported in 2018](#) that the City of Berkeley's Code Enforcement Unit (CEU) had insufficient capacity to enforce various Municipal Code provisions. This was due to multiple factors, including understaffing—some of which have since improved. Nevertheless, the City Auditor wrote,

*"Council passes some ordinances without fully analyzing the resources needed for enforcement and without understanding current staffing capacity. In order to enforce new ordinances, the CEU must take time away from other enforcement areas. This increases the risk of significant health and safety code violations going unaddressed. It also leads to disgruntled community members who believe that the City is failing to meet its obligations. This does not suggest that the new ordinances are not of value and needed. Council passes policy to address community concerns. However, it does mean that the City Council routinely approves policy that may never result in the intended change or protections."*

Subsequent to that report, [an update](#) was published in September of 2022. A staffing and resource analysis for Code Enforcement is still needed to ensure that the laws Council passes can be implemented.

### **Fiscal Impacts**

These reforms are likely to result in significant direct savings related to reduced staff time/overtime as well as potential decreases to costs associated with the recruitment/retention of staff.

### **Alternatives Considered**

Alternatives were considered using effectiveness and efficiency as the evaluative criteria for referrals. One missing criterion that will be necessary in developing this process will be operational considerations so the City of Berkeley can continue to deliver basic services in an efficient manner.

*All-Council determination*

Council could vote *as a body* on the top 10 legislative priorities. The drawback of this method is that it, by default, eliminates any remaining priorities that have been passed by Council. It also eliminates “minority” voices which may disproportionately impact neighborhood-specific concerns as the remainder of the Council may not value district-specific concerns outside of their council district.

*Councilmember parameters*

Councilmembers could select their top two legislative priorities (as a primary author) for the year and the Mayor could select four legislative priorities for the year for a total of 10 legislative priorities per year. These “legislative priorities” would not include resolutions of support, budget referrals for infrastructure or traffic mitigations or other non-substantive policy items.....

*Status Quo Sans Short-Term Referrals*

The status quo of rating referrals is the fairest and most equitable if Council wishes to continue to pass the same quantity of referrals; however, it does not address the overall volume and that certain legislative items skip the prioritization queue due to popularity or perceived community support. Council enacts ordinances that fall outside of the priority setting process and designates items as short-term referrals. This loophole has made this process a bit more challenging. One potential option is to continue the prioritization process but eliminate the short-term referral option unless it is undeniably and categorically an emergency or time-sensitive issue.

**Contact Person**

Councilmember Lori Droste (legislative aide Eric Panzer)

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Phone: 510-981-7180

**Attachments**

Update on Public Works’ Goals, Projects, Measures, and Challenges



Office of the City Manager

November 15, 2022

To: Honorable Mayor and Members of the City Council

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

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

This memo shares an update on the department's *Performance Measures* and *FY 2023 Top Goals and Projects*, and identifies the department's highest priority challenge. I am proud of this department's work, its efforts to align its work with City Council's goals, and the department's dedication to improving project and program delivery.

#### *Performance Measures*

The department's performance measures were first placed on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>) in 2020. They are updated annually in April. Progress continues in preventing trash from reaching the Bay, reducing waste, increasing bike lane miles, reducing the City fleet's reliance on gas, increasing City-owned electric chargers, expanding acres treated by green infrastructure, and reducing the sidewalk repair backlog. Challenges remain with the City's street condition and safety.

#### *Top Goals and Projects*

Public Works' top goals and projects are also on the department's website (<https://berkeleyca.gov/your-government/about-us/departments/public-works>). Department goals are developed annually. This year, after reviewing the 130+ directives from open City Council referrals, FY 2023 adopted budget referrals, audit findings, and strategic plan projects, staff matched existing resources with City Council's direction and the ability to deliver on this direction while ensuring continuity in baseline services.

The *FY 2023 Top Goals and Projects* is staff's projection of the work that the department has the capacity to advance this fiscal year. This list is intended to be both realistic and a stretch to achieve. More than three-quarters of the work on the *FY 2023 Top Goals and Projects* is tied to the existing 130+ directives from City Council referrals, budget referrals, audit findings, and strategic plan projects. The remainder are initiatives internal to the department aimed at increasing effectiveness and/or improving baseline services.

Public Works conducts quarterly monitoring of progress on the goals and projects, and status updates are shared on the department's website using a simple status reporting

Page 2

November 15, 2022

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

procedure. Each goal or project is coded green, yellow, or red. A project coded green is either already completed or is on track and on budget. A project in yellow is at risk of being off track or over budget. A project in red either will not meet its milestone for this fiscal year or is significantly off track or off-budget. Where a project or goal has multiple sub-parts, an overall status is color-coded for the numbered goal and/or project, and exceptions within the subparts are identified by color-coding. Quarter 1's status update is [here](#). The 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> quarter results will be posted at the same location.

### *Challenge*

Besides the volume of direction, the most significant challenge in delivering on City Council's directions is the department's high vacancy rate. The Public Works Department is responsible for staff retention and serves as the hiring manager in the recruitment and selection process. Both retention and hiring contribute to the department's vacancy rate, and the department collaborates closely with the Human Resources Department to reduce the rate. Over the last year, the vacancy rate has ranged from 12% to 18%, and some divisions, such as Equipment Maintenance (Fleet), Transportation,<sup>1</sup> and Engineering, have exceeded 20%. While the overall vacancy rate is lower than in Oakland and San Francisco, it is higher than in Public Works Departments in Alameda, Albany, Emeryville, and San Leandro.

The high vacancy rate obviously reduces the number of services and projects that staff can deliver. It leaves little room for new direction through the course of the fiscal year and can lead to delays and diminished quality. It also detracts from staff morale as existing staff are left to juggle multiple job responsibilities over long periods with little relief. The department's last two annual staff surveys show that employee morale is in the lowest quarter of comparable public agencies and the vacancy rate is a key driver of morale.

Attachment 1 offers an excerpted list of programs and projects that the department is unable to complete or address in this fiscal year due to the elevated vacancy rate and/or the volume of directives.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

cc: Paul Buddenhagen, Deputy City Manager  
 LaTanya Bellow, Deputy City Manager  
 Jenny Wong, City Auditor  
 Mark Numainville, City Clerk  
 Matthai Chakko, Assistant to the City Manager

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<sup>1</sup> Three of the City's five transportation planner positions will be vacant by December 3. Before January 1, 2023, the City Manager will share an off agenda memo that explains the impact of transportation-specific vacancies on existing projects and programs.

## Attachment 1: Selected list of program, project, referral, and audit finding impacts

### *Project and Program Impacts*

- Major infrastructure planning processes are 6+ months behind schedule, including comprehensive planning related to the City's Zero Waste goal, bicycle, stormwater/watershed, sewer, and streetlight infrastructure.
- Some flashing beacon installations have been delayed for more than 18 months, new traffic maintenance requests can take 2+ months to resolve, and the backlog of neighborhood traffic calming requests stretches to 2019.
- The City may lose its accreditation status by the American Public Works Association because of a lack of capacity to gain re-accreditation.
- Some regular inspections and enforcement of traffic control plans for the City's and others' work in the right of way are missed.
- Residents experience missed waste and compost pickups as drivers and workers cover unfamiliar routes and temporary assignments.
- Illegal dumping, ongoing encampment, and RV-related cleanups are sometimes missed or delayed.
- The backlog of parking citation appeals has increased.
- Invoice and contracting approvals can face months-long delays.
- The Janitorial Unit has reduced service levels and increased complaints.
- Maintenance of the City's fleet has declined, with preventative maintenance happening infrequently, longer repair response times, and key vehicles being unavailable during significant weather events.

### *Prior Direction Deferred or Delayed*

- Referral: Expansion of Paid Parking (DMND0003994)
- Referral: Long-Term Zero Waste Strategy (DMND0001282)
- Referral: Residential Permit Parking (PRJ0016358)
- Referral: Parking Benefits District at Marina (DMND0003997)
- Referral: Prioritizing pedestrians at intersections (DMND0002584)
- Referral: Parking Districts on Lorin and Gilman (DMND0003998)
- Budget Referral: Durant/Telegraph Plaza, 12/14/2021
- Referral: Traffic Calming Policy Revision (PRJ0012444)
- Referral: Public Realm Pedestrianization Opportunities (PRJ0019832)
- Referral: Long-Term Resurfacing Plan (PRJ0033877)
- Referral: Street Sweeping Improvement Plan (DMND0002583)
- Audit: Leases: Conflicting Directives Hinder Contract Oversight (2009)
- Audit: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal (2014)
- Audit: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity (2016)







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## **SUPPLEMENTAL AGENDA MATERIAL**

### **for Supplemental Packet 2**

**Meeting Date:** June 15, 2021

**Item Number:** 3

**Item Description:** Systems Alignment Proposal

**Submitted by:** Councilmember Sophie Hahn

This Supplemental offers suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guidelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.



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CONSENT CALENDAR

June 15, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Sophie Hahn (Author)  
Subject: Systems Alignment Proposal

COMMENTS ON SYSTEMS REALIGNMENT

**My Frame for Systems Realignment: *Systems Aligned to Support Change***

We are in a time of rapid change both locally and globally. The impacts of climate change, globalization, and inequality; growing threats to democracy; and the rise of a new generation of leaders illustrate that change is both a fact and an imperative.

Berkeley has been and should continue to be on the cutting edge of that change, and our legislative processes as well as our City organization must be designed to do more than just manage the status quo, with change viewed as a threat, cost, or nuisance. *Our systems must be aligned to stimulate, support, and implement meaningful change across all sectors - quickly.*

With that framing in mind, I believe the legislative process in Berkeley should be designed to support Councilmembers and the Mayor in producing and passing legislation that addresses important local concerns as well as value-based issues with both local and broader impact. Some legislation may simply strengthen the City of Berkeley as an organization - improving the basic functions and services we provide to our community. Other legislation is designed to address city, community, regional, national, and sometimes global needs, values and priorities.

Because of the City's commitment to progressive and democratic principles and its role as a leader and innovator across many sectors, legislation will often push the envelope, which I believe requires a nimble, can-do City organization. While logistics, staffing, costs and other elements of feasibility and implementation are key to the ultimate success of any new policy or program, I view the exploration of these questions as a supporting rather than driving force for legislation; internal feasibility under the status quo should not be an end unto itself.

### **Systems Aligned to Support Excellence and Effectiveness in Change:**

While I believe change is an imperative and innovation should be core to our City systems, I also know that not every idea brought forward is ultimately optimal, relevant, or feasible. We are much more than an incubator for ideas and concepts - we serve a real community and must balance a wide variety of needs and viewpoints with every decision we make. I believe our systems must therefore be aligned to ensure new programs and policies are thoroughly researched, revised, and vetted for Berkeley - to meet the needs of our community without overwhelming the City organization. If the Council has priorities for which funds or capacity are not currently available, we must identify resources to build capacity.

To achieve these goals in this frame, I envision a process wherein major items of legislation that begin with the well-researched and articulated proposals of one or a few councilmember/mayor-authors are progressively reviewed and improved with input from stakeholders, members of the public, City staff and Council colleagues.

The end result should be high quality, relevant, thoughtfully tailored and right-sized programs and policies accompanied by realistic assessments of the resources required for successful launch and implementation. City staff, with their subject matter expertise and knowledge of operations play a uniquely important role in contributing to legislative success, and should actively partner throughout the process, *with progressively increased levels of input and participation as legislation is moved forward.*

The adoption of Guidelines for legislative items and the implementation of the Committee system provide a good foundation. By clarifying expectations and improving the value we derive from our existing processes we can avoid bogging things down with too many steps.

The following are my suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guidelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.

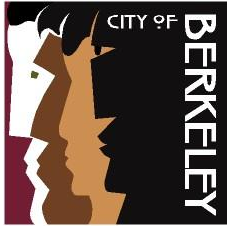
### Proposed Systems Alignment Improvements for Major Items:

| PROCESS ELEMENT                                                             | CONTENT                                                                                                                                                                                                                                                                                                                           | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>MAJOR ITEM SUBMISSION</b>                                                | <i><b>Strongly encourage Authors to present Major Items in the full Guidelines format, which prompts for deep research, analysis and consultation</b></i>                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Define Major Item</b>                                                    | Any law, program, or policy that represents a significant change or addition to existing law, program, or policy, and/or is likely to call for or elicit significant study, analysis, or input from the community, staff, or Council colleagues, and/or is likely to require significant new resources or staffing to implement . | Major items are, essentially, “Policy Committee Track” items (see Rules) that are routed to a Policy Committee because they are substantial. <i>The adoption of a definition for Major Items clarifies a practice that is already in place.</i><br><br>Some items are not “Major” because they propose less significant changes or additions to existing law, programs or policies. In addition, some Major Items may be routed directly to the City Council due to urgency (“Time Critical Track”). <i>All of this is already reflected in the Rules governing Policy Committees.</i> |
| <b>Major Item Routing</b>                                                   | Major items may originate with Councilmembers, the City Manager (often as referral responses), or Commissions. Major Items generally should be routed to a Committee to be reviewed by Committee members and, if necessary, revised, with input from stakeholders, the public, and City staff.                                    | Currently, only Councilmember/Mayor items are subject to review by Policy Committees. <i>The Rules should be amended to require all Major Items, regardless of where they originated, to be reviewed in Committee</i> unless they fall under the Time Critical Track or another exception.                                                                                                                                                                                                                                                                                             |
| <b>Make Guidelines Mandatory</b> for presentation of Major Items for review | Council/Mayor and Commission authors of Major Items should present their items in accordance with the Guidelines at Appendix B of the City Council Rules of Procedure and Order. Authors should make a good faith effort to undertake the research, analysis and consultation necessary to complete all sections in substance.    | Need to specify format for “non-Major” items.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Staff Consultation is encouraged, but not required</b> at the initial    | Councilmembers and the Mayor are encouraged to consult with Staff before presenting Major Items, but may choose to engage with staff later, through the Committee process.                                                                                                                                                        | Staff should keep confidential and seek to support the positive development of ideas and initiatives of electeds who reach out for initial                                                                                                                                                                                                                                                                                                                                                                                                                                             |

|                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| development of a legislative item.                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                          | input. Concerns, if any, should be addressed with a problem-solving lens.                                                                                                                                                                                                                                                         |
| <b>City Attorney Consultation</b>                                                                                                                                               | Authors should submit Major Items for preliminary review by the City Attorney to determine if there are any legal implications - which may need to be addressed before the item is submitted or could be developed/addressed later. The author should state in the section on consultation that the City Attorney has been consulted.                                                                                    | Not all items have legal implications. The City Attorney's role at this juncture would be to identify whether there are legal considerations, or not. If there are, the Author can work with the City Attorney's office to determine if the issues can be avoided/addressed, or if the legislation may not be possible/advisable. |
| <b>Agenda Committee makes an initial determination</b> of whether an Item is "Major" and will be referred to a Committee, with input from the Author(s).                        | <i>This tracks the current practice</i> - except that with an adopted definition of a Major Item the determination to send an item to Committee will be made according to more clearly articulated, objective standards.                                                                                                                                                                                                 | Per the existing rules, proclamations, sponsorships, ceremonial and similar items; Time Critical Items; and "Policy Track" items that are complete and have minimal impacts are currently <i>not</i> referred to Committees. <i>This practice will be unchanged.</i>                                                              |
| The Agenda Committee may <b>require a Major Item not presented and/or fully rendered according to the Guidelines to be more amply developed</b> before being sent to Committee. | Authors of Major Items should do substantial research, analysis, and consultation before sending them to a Committee for further input and development.<br><br>The Agenda Committee should be authorized to request that a major item not presented according to the Guidelines, or not substantially meeting the requirements, be further developed by the Author(s) before being sent to Committee.                    | Analysis should go beyond diagnosing the problem to be solved and focus on explaining and understanding the specific solutions/policies/programs being proposed, as well as alternatives considered.                                                                                                                              |
| <b>Appeal/Override</b> of Agenda Committee recommendation to revise Major Item before submission to a Committee                                                                 | Authors should be offered the opportunity to discuss an Agenda Committee recommendation to rework a Major Item at the time the recommendation is made. If, after discussion, the lead author disagrees with the Agenda Committee's request for further elaboration according to the Guidelines, the item may be referred to a Committee "as is" with a note that the Agenda Committee had requested the item be revised. | Authors should have a means to appeal a decision of the Agenda Committee to send an item back to the author for revision/expanded research, analysis or consultation and still move their items forward if they disagree with the request.                                                                                        |
| <b>Major Items that are Complete</b> go to Committee (or items that are incomplete but subject to an override)                                                                  | <i>Per existing rules</i> , Major Items will be routed to a policy committee unless an exception applies.                                                                                                                                                                                                                                                                                                                | Exceptions are already listed in the Rules.                                                                                                                                                                                                                                                                                       |

| MAJOR ITEM COMMITTEE REVIEW                                                                                   | <b><i>Clarify and significantly improve process and substance of Major Item review @ Committee, including development of a preliminary launch and implementation plan and associated costs</i></b>                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Committee hears Major Item more than once -</b><br>First hearing includes development of a plan for review | As a general matter, Committees should plan to schedule Major Items to be heard more than once. At the first hearing, the Committee should discuss the level of analysis and consultation envisioned, identify specific stakeholders and questions Committee members would like to explore, and sketch a process for moving the item forward over several Committee meetings.                                                                                                                                      | Depending on how complex and significant the Major Item appears to be, the Committee can plan out its process of review and consultation.                                                                                                                                                                                              |
| <b>Committee reviews specific elements</b> of the proposed Major Item                                         | The Guidelines require, under bullets 5-9, (5) full background on the problem/issue to be addressed, (6) the existing regulatory/legal framework, (7) potential alternative solutions to address the identified concern, (8) consultation with stakeholders, and (9) a rationale for the recommendation.<br><br>Each of these sections should be specifically agendized for discussion (can all be same day, but should be individually considered) to ensure robust consideration of the legislation as proposed. | By requiring the Committee to focus on each of these elements as a baseline review, Committee members are encouraged to do a deep dive into the basis, rationales and alternatives for the Major Item.                                                                                                                                 |
| <b>Committee identifies and does specific outreach to Stakeholders and Experts</b>                            | The “public” is always welcome at Committee Meetings. In addition to general public notice, the Committee in its first meeting to review a Major Item should identify stakeholders and experts who may have valuable input. If needed, those individuals/groups should be invited by the Committee to share their perspectives.<br><br>Staff can support outreach to ensure identified stakeholders and experts are aware of the opportunity to comment.                                                           | Sectors/individuals that are supported or otherwise impacted by new policies and programs are well positioned to provide useful comments and input for the Committee. Subject matter experts may also be helpful to hear from.                                                                                                         |
| <b>Staff input is agendized and includes preliminary review of Launch and Implementation</b>                  | Staff is encouraged to provide input and answer questions throughout the Committee process. Staff should be encouraged to volunteer comments and Committee Chairs should call on staff to ensure time is provided for their comments throughout the process. <i>In addition, a specific time for staff input should be agendized.</i><br><br>The Staff presentation should include <i>preliminary review of staffing and budget/resource needs for both Launch and Implementation.</i>                             | Launching a new program or policy and running it are two different undertakings. Staff should specify what will need to be in place to LAUNCH (development of regulations, preparation of informational mailings, website updates, back-end systems, funding, etc. ) and to RUN/IMPLEMENT new programs and policies over the long run. |

|                                                           |                                                                                                                                                                                                                          |                                                                                                                                                                                                                  |
|-----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Manage/reduce <b>Staffing of Committees</b>               | With a better articulated “plan” for Committee review of Major Items, staffing of meetings can be more closely managed to reduce waiting time for staff members/City Attorney when not needed for one or another matter. | Only need Clerk + Staff Lead - Chair can work with Staff Lead to bring other Staff into discussions on as-needed basis. The City Attorney may be able to be on standby for advice when presence is not required. |
| Major Item moves forward to Council (all recommendations) | Lead Author must revise/update item to include information about resources required for Launch and Implementation of the Major Item, and to reflect any other changes, before submission to City Council.                |                                                                                                                                                                                                                  |
| Major Item gets <b>passed by Council</b>                  | Goes to Budget Implementation Conference, or vote no and it's over                                                                                                                                                       |                                                                                                                                                                                                                  |



Kate Harrison  
Councilmember District 4

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

**Meeting Date:** June 15, 2021

**Item Number:** 3

**Item Description:** Systems Alignment Proposal

**Submitted by:** Councilmember Harrison

The attached item includes Councilmember Harrison's comments about the proposed Systems Alignment Proposal as well as an alternative proposal.

It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.





Kate Harrison  
Councilmember District 4

CONSENT CALENDAR

June 15, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison

Subject: Comments and Alternative Systems Alignment Proposal

COMMENTS AND ALTERNATIVE PROPOSAL

At the October 2019 Council retreat, the Council and the City Manager discussed various approaches to better align the legislative process to budget and implementation resources. These considerations are important and merit Council consideration and possible action. However, the proposed solution from the City Manager would also limit the voice of the public and the Council by restricting the time period for Council referrals to only four months per year.

At a Worksession on May 18, 2021 dedicated to the Systems Alignment proposal, the Council heard overwhelming public comment strongly opposed to such an approach.

A better solution lies in reexamining and modifying certain elements of the Policy Committee process as opposed to overhauling fundamental elements of Council duties.

This Supplemental discusses the shortcomings of the proposal in greater detail and advances an alternative and simpler approach to “Systems Alignment” achieving the original objective of the October 2019 retreat without sacrificing and abdicating fundamental values and responsibilities.

**A. The Proposed Systems Alignment Proposal Unduly Limits Council Duties and Responsibilities Under the City Charter**

The City Charter provides that the City Council is the “governing body of the municipality” and “shall exercise the corporate powers of the City, and... be vested with all powers of legislation in municipal affairs adequate to a complete system of local government.”

However, the proposal subjects “new significant legislation” to a labyrinth of new bureaucratic processes that will invariably and unduly limit the democratic organ of city government—the City Council—which is directly answerable to the will of the people.

## Comments and Alternative Systems Alignment Proposal

The following list provides a non-comprehensive overview/discussion of the ways the current Systems Alignment Proposal could violate the letter and spirit of the Charter:

- The proposal limits Council from submitting “new significant legislation” to four months out of the year, effectively making the Council only responsive to the people’s “significant” needs on a part-time basis as any legislation that misses the deadline is inactive for the remainder of the year. Not only does this violate the necessity of providing the Council with “all powers of legislation in municipal affairs,” but it appears to contradict the voter’s will pursuant to Measure JJ, wherein they reaffirmed the scope and appropriate remuneration of Council’s myriad legislative and oversight responsibilities.
- The determination of which legislation will be subject to additional scrutiny and processes is based on *subjective* findings by the Agenda Committee in consultation with the City Manager. This is in contrast to alternative approaches, such as those adopted in other cities, which rely upon *objective* measures such as the consideration of a piece of legislation’s budgetary or staffing implications informed by thorough discussion and investigation by Policy Committees. Furthermore, pursuant to the Council’s historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not subcommittees. The current proposal adopts an inherently conservative and subjective framework that judges all legislation by whether it “represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff.” Legislation meeting that definition is then subjected to lengthy bureaucratic processes of more than a year.

In short, the proposed framework stands in contrast to the current Policy Committee system, whereby subcommittees are tasked with improving the quality, thoroughness and comprehension of legislation, as opposed to a subjective consideration and determination of whether a given policy change is merited largely within the narrow confines of considering limited budget and staff resources.

- Under the Charter, the Council is responsible for adopting a biannual budget. However, the proposal limits Council’s ability to adopt significant new legislation with budget implications at only one of the two primary budget processes per year.
- Legislative consultation with City staff is absolutely necessary. But the proposal encourages authors to “initially consult[] with the City Manager or city staff regarding their proposed Major Item and [note] the substance of those conversations, and initial staff input” before the item is even introduced. This system could potentially create an inappropriate layer of staff power over Council legislative prerogative, a division that the Charter is very clear about.
- The proposal requires that items align with Strategic Plan goals. While these goals are important and represent a snapshot of Council and City Staff’s vision for the city, they do not necessarily represent the totality of the people’s will as expressed

through their elected representatives at any given time.

- The Council is artificially constrained from acting upon legislation receiving an unfavorable review at the Policy Committee level. Council is reduced to a choice between proceeding through the next phase, or to vetoing a matter for the remainder of the legislative calendar if a policy committee forwards a negative recommendation. Currently, under the committee system, items not acted upon in committee within 120 days are forwarded to the Council. In this way, the proposal violates the Charter by imposing unreasonable hurdles to the exercise of “all powers of legislation in municipal affairs adequate to a complete system of local government.”
- The proposal states that all significant legislation must be submitted by April 30, and City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year. This raises the question of what the Council is engaged in for the majority of the year?
- Implementation Conferences, while a good idea, are currently crafted in a way that they will delay items unnecessarily and remove discussion of budgetary impacts from the substantive discussion by policy committees. Furthermore, the proposal imposes an artificial limit with respect to holding Implementation Conferences to once per year, which will further constrain the Council’s legislative obligations.
- After the implementation conference, Policy Committees are required to provide an additional subjective consideration of major items through prioritization. This is late in the life of an item. Additionally, under this proposal, the Council is expected to once again rank significant items as part of the RRV process (behind closed doors), despite the items having already endured the lengthy Systems Alignment process and final Council approval.
- When an item fails to receive Council approval, the author is barred from resubmitting it until the following year.

## **B. Alternative Systems Alignment Proposal**

This item presents a simpler and less disruptive Systems Alignment proposal that conforms to the existing Council and Policy Committee processes and prioritizes research and investigation of items with significant budgetary and staff implications in order to better inform Council’s decision-making process as opposed to hard limits on legislation:

1. To address the backlog of outstanding items that may impact staff resources and availability to implement Council and other citywide priorities, the Council should immediately direct Policy Committees to review all such referrals and items in staff’s queue for which implementation work has not yet begun.

Upon this review, Policy Committees would be tasked with making a recommendation to the full Council to modify or reconsider certain items in the queue.

Next, the Council should schedule worksessions (outside of the RRV process) to consider Policy Committee recommendations in a public forum and prepare a Resolution potentially dispensing with and/or reprioritizing items in the queue.

In totality, this process would contribute to streamlining the existing queue, and facilitate staff resources for implementation and development of other new and existing legislative items. In sum, through revisiting the existing queue, Council can continue to conduct substantial legislative work throughout the year.

2. The Council should revise Policy Committee process with respect to the budget and legislative implementation.

Specifically, to address potential incongruity between Council items with significant budget implications, the Council should modify its Rules of Procedure to task Policy Committees (not the Agenda Committee) with making an initial and objective determination of whether a prospective item has significant budget and/or staffing impacts (**See Attachment 1** for a detailed flowchart of the Alternative Proposal):

- o Upon an insignificant budget determination, the item and any related budget referral would proceed through the normal Policy Committee track process on a maximum 90-day timeline.
- o Upon a significant determination, the item would be placed on a different Policy Committee track such that the Policy Committee would have a maximum of 120 days to research and investigate the budget and staffing implications of the item, any related budget referral, and policy implications, in order to *inform* Council's ultimate consideration. As part of the 120 day process, the Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report.
- o Once the Committee has made its policy recommendation and finalized its Implementation Report, the item would proceed to the Agenda Committee for scheduling at Council.
- o Upon Council adoption of items with either significant or insignificant budget/staffing implications, the budget aspect of the item would proceed to either the June or November budget process pursuant to Council-established deadlines for consideration of budget items. For example, the

Comments and Alternative Systems Alignment Proposal

Council could establish deadlines of May and October for the respective budget processes. Therefore, the Budget Committee would only consider budget items that were passed ahead of the respective deadlines. Those that miss the deadline or are ultimately unfunded would be automatically carried over to the next budget process.

This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter.

It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.

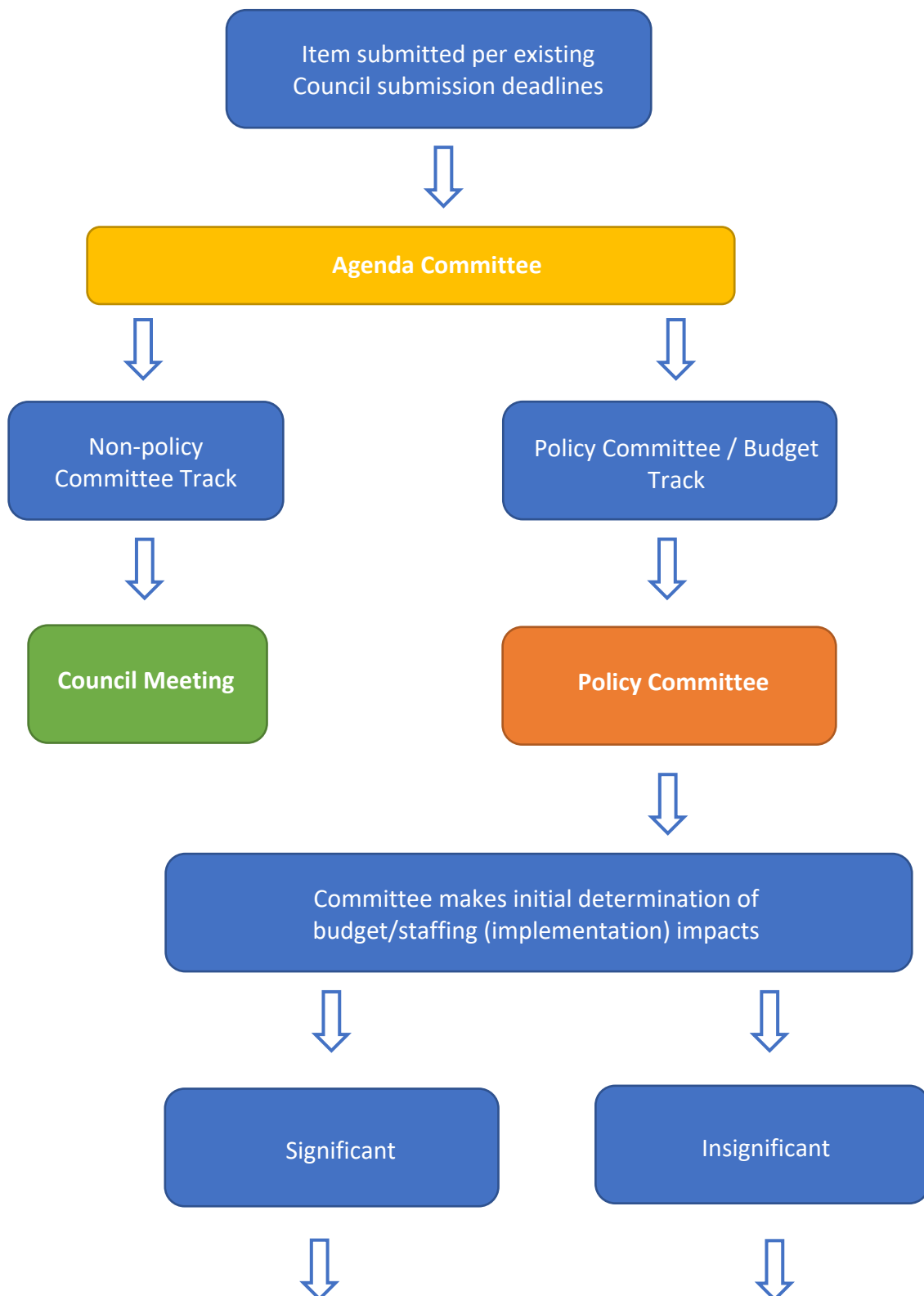
CONTACT

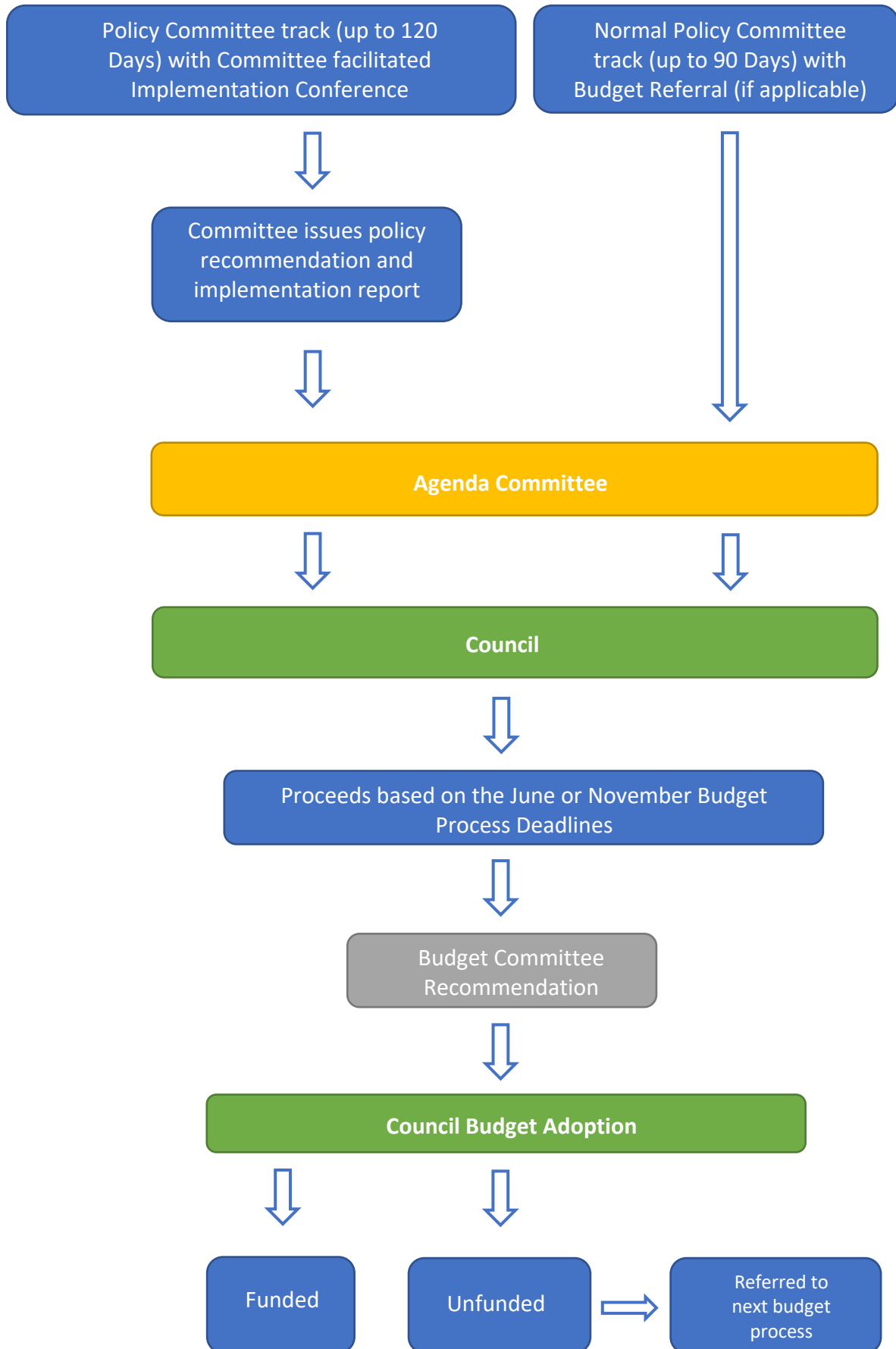
Councilmember Kate Harrison  
kharrison@cityofberkeley.info | 510-981-7140

ATTACHMENTS:

1. Flowchart of Alternative Systems Alignment Proposal

## Alternative Systems Alignment Proposal







Office of the City Manager

CONSENT CALENDAR

June 15, 2021

*(continued from May 18, 2021)*

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION

Review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption.

SUMMARY

The City Council discussed the Systems Alignment proposal at a Worksession on May 18, 2021. The item was continued to June 15 to allow Councilmembers to submit suggestions and changes to the original plan. The Mayor will consolidate the input from the Council and the public and return with a revised proposal for discussion and adoption at a later date.

FISCAL IMPACTS OF RECOMMENDATION

While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation<sup>1</sup> (Major Item).

CURRENT SITUATION AND ITS EFFECTS

This report proposes 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. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve

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<sup>1</sup> New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf).



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.

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. These changes support a clear and full realizing of City Council policies, programs, and vision. 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,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- 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.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

## **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 in Council Rules of Procedure***

Major Items are "new significant legislation" as defined in Appendix D of the [City Council Rules of Procedure](#):

Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response<sup>2</sup>, including but not limited to health and

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<sup>2</sup> If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). 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. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

### ***Required Conformance and Consultation***

All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

### ***Required Submission Date***

A Major Item must be submitted in time to appear on the agenda of an 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.

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

A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [Council Rules of Procedure](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf),<sup>3</sup> the Policy

<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf)

Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. 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 June 30 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 the City Attorney or designee.

### ***Identifying Fiscal, Operational and Implementation Impacts***

The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
  - o Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
  - o Summarizes and confirms what was learned from consultation,
  - o Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,<sup>4</sup>
- *Implementation, Administration, and Enforcement*, which
  - o Identifies internal and external benefits and impacts, and

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<sup>4</sup> While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

- o Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
  - o Summarizes any operational impacts,
  - o Identifies necessary resources, including specific staff resources needed and costs.<sup>5</sup>

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

### ***Revising the Major Item***

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

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

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. 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 for a regular or special Council meeting in October for approval and inclusion in the RRV process.

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<sup>5</sup> Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

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 Major Items approval, and RRV process no later than the final meeting in December of each year.<sup>6</sup> This ensures that staff is able to develop the budget starting from and based on Council priorities.

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

The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

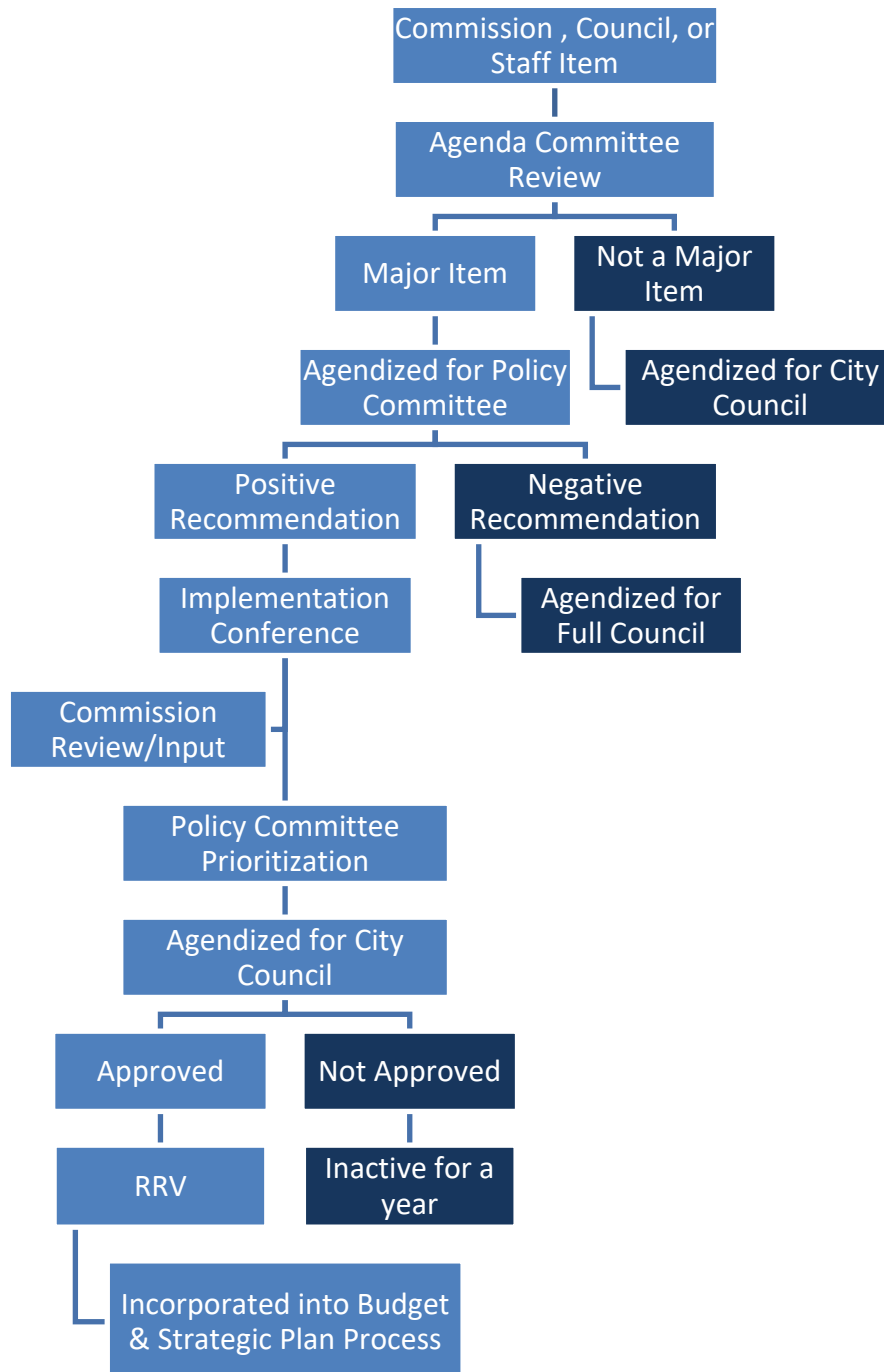
During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by 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 biennial. 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 and the proposed launch calendar in Figure 2.

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<sup>6</sup> Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

Figure 1, Proposed Process<sup>7</sup>

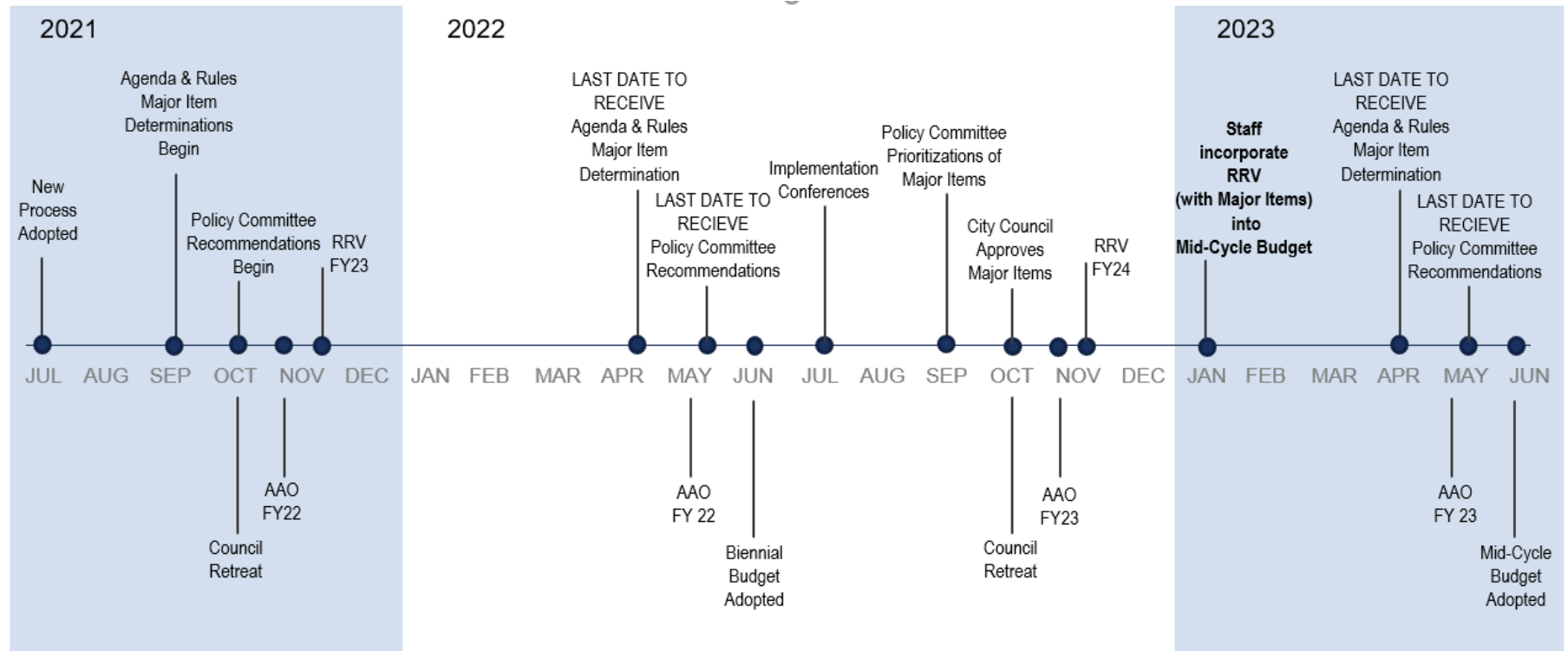


<sup>7</sup> Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.



Office of the City Manager

Figure 2, Proposed Launch





Office of the City Manager

## Next Steps

Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

## Benefits

The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

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. 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.

### BACKGROUND

In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

### ENVIRONMENTAL SUSTAINABILITY

By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

### RATIONALE FOR RECOMMENDATION

The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

### ALTERNATIVE ACTIONS CONSIDERED

At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

### CONTACT PERSON

David White, Deputy City Manager, (510) 981-7012

Attachments:

- 1: Major Item Determination Checklist
- 2: Council Report Template and Implementation Conference Worksheet
- 3: Policy Committee Ranking Form
- 4: Vice Mayor Droste Supplemental



## Major Item Determination Checklist

**Item Name:**

**Item Author:**

**Is this a Major Item?**

Yes No

- ☐ ☐ Item represents a significant change to existing law, program, or policy.
- ☐ ☐ Item represents a significant addition to existing law, program, or policy.
- ☐ ☐ Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public

**Is this eligible for an Exemption?**

Yes No

- ☐ ☐ Item is related the City's COVID-19 response.
- ☐ ☐ Item is related to the City Budget process.
- ☐ ☐ Item is related to essential or ongoing City processes or business.
- ☐ ☐ Item is urgent.
- ☐ ☐ Item is time-sensitive.
- ☐ ☐ Item is smaller.
- ☐ ☐ Item is less impactful.

**Agenda Committee Determination:**

☐ Major Item ☐ Exempted

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

**Policy Committee Confirmation:**

☐ Determination Confirmed ☐ Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_



[First Lastname]  
Councilmember District [District No.]

[CONSENT OR ACTION]  
CALENDAR  
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

### RECOMMENDATION

Adopt a Resolution...  
or Support ...  
or write a letter to \_\_\_\_ in support of \_\_\_\_\_...  
or other recommendation....

### FINANCIAL-FISCAL & OPERATIONAL IMPACTS IMPLICATIONS

*This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.*

### IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

*This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.*

### CURRENT SITUATION AND ITS EFFECTS

*For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:*

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-healthy City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

[Title of Report]

CALENDAR

Macrobutton NoMacro [Meeting Date (MM dd, yyyy)]

- 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.

## BACKGROUND

### INITIAL CONSULTATION

*This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.*

## ENVIRONMENTAL SUSTAINABILITY

### CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution

Exhibit A: [Title or Description of Exhibit]

Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

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

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.) .

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.) .

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit



## Implementation Conference Worksheet

**Item Name:**

**Item Author:**

### AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

|                                                                               |
|-------------------------------------------------------------------------------|
| Descriptive title:                                                            |
| Is this for Consent, Action, or Information Calendar?                         |
| Recommendation:                                                               |
| Summary statement:                                                            |
| Background (history, circumstances and concerns to be addressed by the item): |
| Plans, programs, policies and/or laws were taken into consideration:          |
| Actions/alternatives considered:                                              |
| Internal stakeholders consulted:                                              |
| Name/date of Commission(s) item submitted to for input:                       |
| List of external stakeholders consulted:                                      |

|                                                                                       |
|---------------------------------------------------------------------------------------|
| Summary of what was learned from consulting stakeholders:                             |
| Rationale for recommendation:                                                         |
| Internal Benefits of Implementation:                                                  |
| Internal Impacts of Implementation:                                                   |
| External Benefits of Implementation:                                                  |
| External Impacts of Implementation:                                                   |
| Equity Considerations:                                                                |
| Launch and Implementation Milestones (see staff section)                              |
| Environmental Impacts:                                                                |
| Operational Impacts:                                                                  |
| Staff Resources Needed:<br><br>Number of FTE/hours:<br>Type of staff resource needed: |
| Costs:<br><br>Amount(s):<br>Funding Source:                                           |



## STAFF SECTION

Staff may complete section to provide required information for the report.

|                                                     |                    |
|-----------------------------------------------------|--------------------|
| Estimated Launch/implementation Deliverables/Dates: |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |
| Estimated Administration Deliverables/Dates:        |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |

### Legal Consultation:

☐ Confirmed

Name/Date \_\_\_\_\_

### Staff Consultation:

☐ Confirmed

Name(s)/Date(s) \_\_\_\_\_



## Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M) or low (L). Then rank the list of priorities. The highest priority would be “1”, the next highest “2” and so on.

| Priority<br>1 is highest | Major Item Name | Major Item Author | Considerations<br>H high M medium L low |      |                      |
|--------------------------|-----------------|-------------------|-----------------------------------------|------|----------------------|
|                          |                 |                   | Staff Resources                         | Cost | Benefits/<br>Savings |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
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|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |

### Policy Committee Determination:

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_



Lori Droste  
Vice Mayor District 8

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 3**

**Meeting Date:** May 18, 2021

**Item Number:** 2

**Item Description:** Systems Realignment

**Submitted by:** Vice Mayor Lori Droste

**Subject:** Comments on Systems Realignment



Lori Droste  
Vice Mayor District 8

To: Mayor and Council  
From: Vice Mayor Lori Droste  
Subject: Comments on the Systems Realignment

P. 13- what is “smaller” and “less impactful” and how is that determined?

P. 14- the council item template should include a problem definition and frontload the evidence (background, consultation, review) and include criteria considered. Strategic plan alignment, fiscal and operational impacts, environmental sustainability can be embedded under this heading. I would also argue that “Benefit” or “Effectiveness” should be included in Criteria Considered. Also, equity and administrative feasibility are separate criteria to be considered. Council is not involved in enforcement so I recommend that it be eliminated. Furthermore, as currently written the Current Situation and Its Effects describes the Strategic Plan goals and not the status quo situation.

#### General Template Outline:

- 1) Recommendation
- 2) Problem Statement
- 3) Background and Consultation
- 4) Current Situation and Its Effects
- 5) Criteria Considered (*new heading*)
  - a) Benefit or Effectiveness (*new*)
  - b) Fiscal Considerations
  - c) Strategic Plan Alignment (pick a goal)
  - d) Environmental Sustainability
  - e) Equity
  - f) Operational and Administrative Considerations (*moved operational considerations to a separate category*)
- 6) Rationale for Recommendation (*new*)

#### P. 15 Implementation Conference Worksheet

I recommend reducing the amount of redundant components in the implementation conference worksheet and specifying what “impact” means. Does it mean benefit? Does it mean tradeoff? In either case, I believe it is covered by other elements of this worksheet.

P. 19- There is no description of *how* policy committee members' rankings will be aggregated. Furthermore, the "ranking" is orthogonal and could be completely contradictory to the staffing, benefit, and costs. Scoring legislative items instead of ranking them will allow for easier prioritization. A cardinal voting system like this is more expressive, accurate and easier to understand. It also lessens vote splitting.

[CONSENT OR ACTION] CALENDAR [Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION Adopt a Resolution... or Support ... or write a letter to \_\_\_\_ in support of \_\_\_\_\_... or other recommendation....

### **PROBLEM STATEMENT**

**This section should identify the problem with specifics and enough context to explain why it merits public amelioration.**

*(Background and Evidence Should be Provided At the Beginning)*

BACKGROUND **AND** INITIAL CONSULTATION This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

### **CURRENT SITUATION AND ITS EFFECTS**

*This section should explain the status quo and how it attempts to address the defined problem.*

### **CRITERIA CONSIDERED**

- FINANCIAL FISCAL & OPERATIONAL IMPACTS IMPLICATIONS This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

~~IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented. Equity should be a standalone category separate from administrative feasibility. Rename this section Operational and Administrative Considerations~~

- ~~CURRENT SITUATION AND ITS EFFECTS~~ For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section: [Insert project name] is a Strategic Plan **Alignment** Priority Project, advancing our goal to [pick one:]
  - provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
  - provide an efficient and financially-health City government.
  - foster a dynamic, sustainable, and locally-based economy.
  - create affordable housing and housing support service for our most vulnerable community members.
  - create a resilient, safe, connected, and prepared city.
  - champion and demonstrate social and racial equity.

- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.
  - 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.
- ENVIRONMENTAL SUSTAINABILITY

### **RATIONALE FOR RECOMMENDATION**

This section should describe how the author landed on the recommendation using the criteria considered. This section can also describe other alternatives considered.

### **CONTACT PERSON**

Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

## Implementation Conference Worksheet

|                                                                                    |
|------------------------------------------------------------------------------------|
| Descriptive Title                                                                  |
| Consent Action or Information                                                      |
| Recommendation                                                                     |
| <b><u>Problem</u></b> Statement                                                    |
| Background, etc                                                                    |
| Plans, etc.                                                                        |
| <b><u>Current Situation and Its Effects</u></b>                                    |
| Actions/Alternatives Considered                                                    |
| <b><u>Stakeholders Consultation and Results</u></b>                                |
| Internal Stakeholders Consulted                                                    |
| Name/date of Commission(s) item submitted to for input                             |
| List of external stakeholders consulted                                            |
| Summary of what was learned from consulting stakeholders                           |
| Rationale for Recommendation <i>should go at the end after evaluative criteria</i> |
| <b><u>Policy Benefit</u></b>                                                       |
| Internal Benefits of Implementation:                                               |
| Internal Impacts of Implementation:                                                |
| External Benefits of Implementation:                                               |
| External Impacts of Implementation:                                                |
| Equity Considerations                                                              |
| Environmental Considerations                                                       |
| Operational Impacts                                                                |
| <b><u>Strategic Plan Goal Alignment</u></b>                                        |
| Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):       |
| Costs (Amount(s), Funding Source):                                                 |
| <b><u>Rationale for Recommendation</u></b> <i>(after analysis)</i>                 |







Lori Droste  
Vice Mayor District 8

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 3**

**Meeting Date:** May 18, 2021

**Item Number:** 2

**Item Description:** Systems Realignment

**Submitted by:** Vice Mayor Lori Droste

**Subject:** Comments on Systems Realignment



Lori Droste  
Vice Mayor District 8

To: Mayor and Council  
From: Vice Mayor Lori Droste  
Subject: Comments on the Systems Realignment

P. 13- what is “smaller” and “less impactful” and how is that determined?

P. 14- the council item template should include a problem definition and frontload the evidence (background, consultation, review) and include criteria considered. Strategic plan alignment, fiscal and operational impacts, environmental sustainability can be embedded under this heading. I would also argue that “Benefit” or “Effectiveness” should be included in Criteria Considered. Also, equity and administrative feasibility are separate criteria to be considered. Council is not involved in enforcement so I recommend that it be eliminated. Furthermore, as currently written the Current Situation and Its Effects describes the Strategic Plan goals and not the status quo situation.

General Template Outline:

- 1) Recommendation
- 2) Problem Statement
- 3) Background and Consultation
- 4) Current Situation and Its Effects
- 5) Criteria Considered (*new heading*)
  - a) Benefit or Effectiveness (*new*)
  - b) Fiscal Considerations
  - c) Strategic Plan Alignment (pick a goal)
  - d) Environmental Sustainability
  - e) Equity
  - f) Operational and Administrative Considerations (*moved operational considerations to a separate category*)
- 6) Rationale for Recommendation (*new*)

P. 15 Implementation Conference Worksheet

I recommend reducing the amount of redundant components in the implementation conference worksheet and specifying what “impact” means. Does it mean benefit? Does it mean tradeoff? In either case, I believe it is covered by other elements of this worksheet.

P. 19- There is no description of *how* policy committee members' rankings will be aggregated. Furthermore, the "ranking" is orthogonal and could be completely contradictory to the staffing, benefit, and costs. Scoring legislative items instead of ranking them will allow for easier prioritization. A cardinal voting system like this is more expressive, accurate and easier to understand. It also lessens vote splitting.

[CONSENT OR ACTION] CALENDAR [Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION Adopt a Resolution... or Support ... or write a letter to \_\_\_\_ in support of \_\_\_\_\_... or other recommendation....

### **PROBLEM STATEMENT**

**This section should identify the problem with specifics and enough context to explain why it merits public amelioration.**

*(Background and Evidence Should be Provided At the Beginning)*

BACKGROUND **AND** INITIAL CONSULTATION This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

### **CURRENT SITUATION AND ITS EFFECTS**

*This section should explain the status quo and how it attempts to address the defined problem.*

### **CRITERIA CONSIDERED**

- FINANCIAL FISCAL & OPERATIONAL IMPACTS IMPLICATIONS This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

~~IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented. Equity should be a standalone category separate from administrative feasibility. Rename this section Operational and Administrative Considerations~~

- ~~CURRENT SITUATION AND ITS EFFECTS~~ For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section: [Insert project name] is a Strategic Plan **Alignment** Priority Project, advancing our goal to [pick one:]
  - provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
  - provide an efficient and financially-health City government.
  - foster a dynamic, sustainable, and locally-based economy.
  - create affordable housing and housing support service for our most vulnerable community members.
  - create a resilient, safe, connected, and prepared city.
  - champion and demonstrate social and racial equity.

- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.
  - 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.
- ENVIRONMENTAL SUSTAINABILITY

### **RATIONALE FOR RECOMMENDATION**

This section should describe how the author landed on the recommendation using the criteria considered. This section can also describe other alternatives considered.

### **CONTACT PERSON**

Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

### Implementation Conference Worksheet

|                                                                                    |
|------------------------------------------------------------------------------------|
| Descriptive Title                                                                  |
| Consent Action or Information                                                      |
| Recommendation                                                                     |
| <b><u>Problem</u></b> Statement                                                    |
| Background, etc                                                                    |
| Plans, etc.                                                                        |
| <b><u>Current Situation and Its Effects</u></b>                                    |
| Actions/Alternatives Considered                                                    |
| <b><u>Stakeholders Consultation and Results</u></b>                                |
| Internal Stakeholders Consulted                                                    |
| Name/date of Commission(s) item submitted to for input                             |
| List of external stakeholders consulted                                            |
| Summary of what was learned from consulting stakeholders                           |
| Rationale for Recommendation <i>should go at the end after evaluative criteria</i> |
| <b><u>Policy Benefit</u></b>                                                       |
| Internal Benefits of Implementation:                                               |
| Internal Impacts of Implementation:                                                |
| External Benefits of Implementation:                                               |
| External Impacts of Implementation:                                                |
| Equity Considerations                                                              |
| Environmental Considerations                                                       |
| Operational Impacts                                                                |
| <b><u>Strategic Plan Goal Alignment</u></b>                                        |
| Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):       |
| Costs (Amount(s), Funding Source):                                                 |
| <b><u>Rationale for Recommendation</u></b> <i>(after analysis)</i>                 |





# SYSTEMS ALIGNMENT

PROCESS PROPOSAL FOR VETTING & PRIORITIZING MAJOR ITEMS



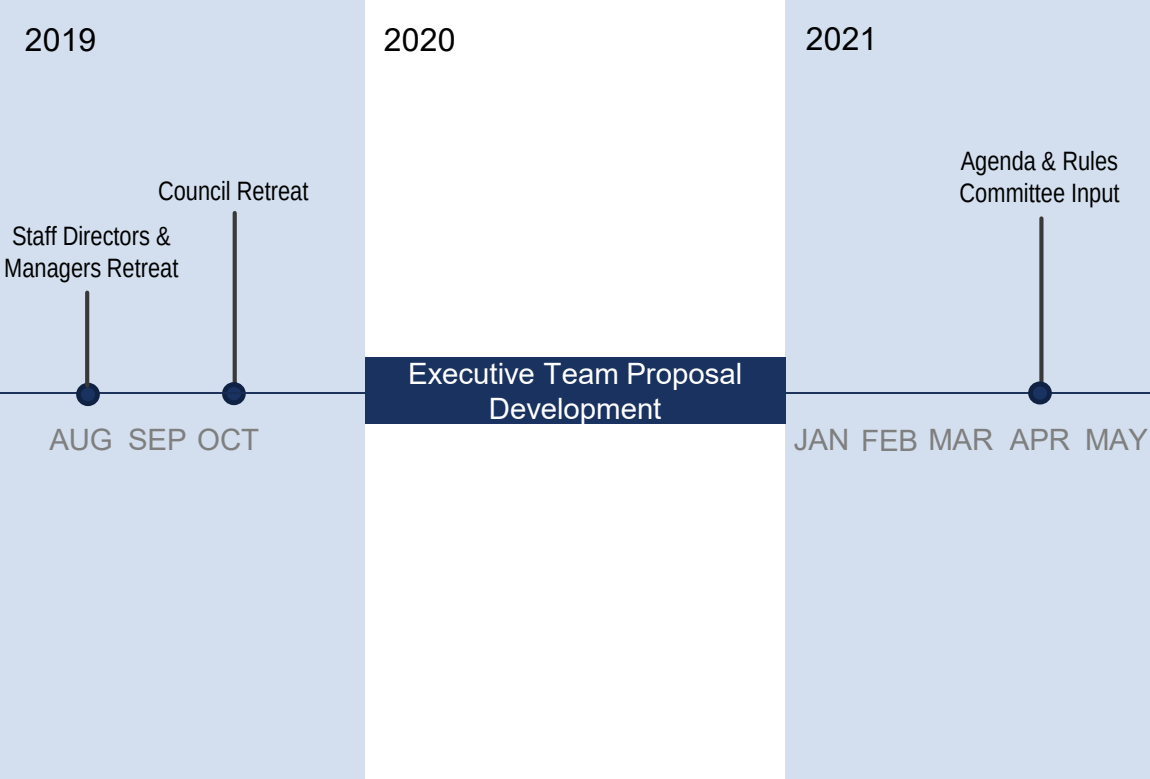
# THE TEAM



## AGENDA & RULES COMMITTEE



# BACKGROUND



**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES  
MONDAY, OCTOBER 21, 2019**

9:00 a.m.  
Community Room – Main Branch Library,  
JESSE ARREGUIN  
Councilmember

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

**Preliminary Matters**

**Roll Call:** 9:19 a.m.

**Present:** Kesarwani, Harrison, Hahn, We

**Absent:** Davila, Bartlett

Councilmember Davila present at 9:29 a.m.

**Public Comment – Items on this agenda o**

**Action Calendar**

1. Discussion of Systems Realignment  
the City's Legislative Process and F  
From: City Manager  
Contact: Dee Williams-Ridley, City Ma  
Action: Presentations made and discu

**Adjournment**

Action: M/S/C (Droste/Wengraf) to adjourn the  
Vote: Ayes – Kesarwani, Davila, Harrison, Half  
Noes – None; Abstain – None; Absent – Bartlett

Adjourned at 1:52 p.m.

**Communications**

- None

**Supplemental Communications and F**

Monday, October 21, 2019

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

**MONDAY, APRIL 26, 2021  
2:30 P.M.**

Committee Members:  
Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf  
Alternate: Councilmember Lori Droste

**AGENDA**

**Roll Call**

**Public Comment**

**Review of Agendas**

1. Approval of Minutes: April 12, 2021
2. Review and Approve Draft Agenda:
  - a. 5/11/21 – 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

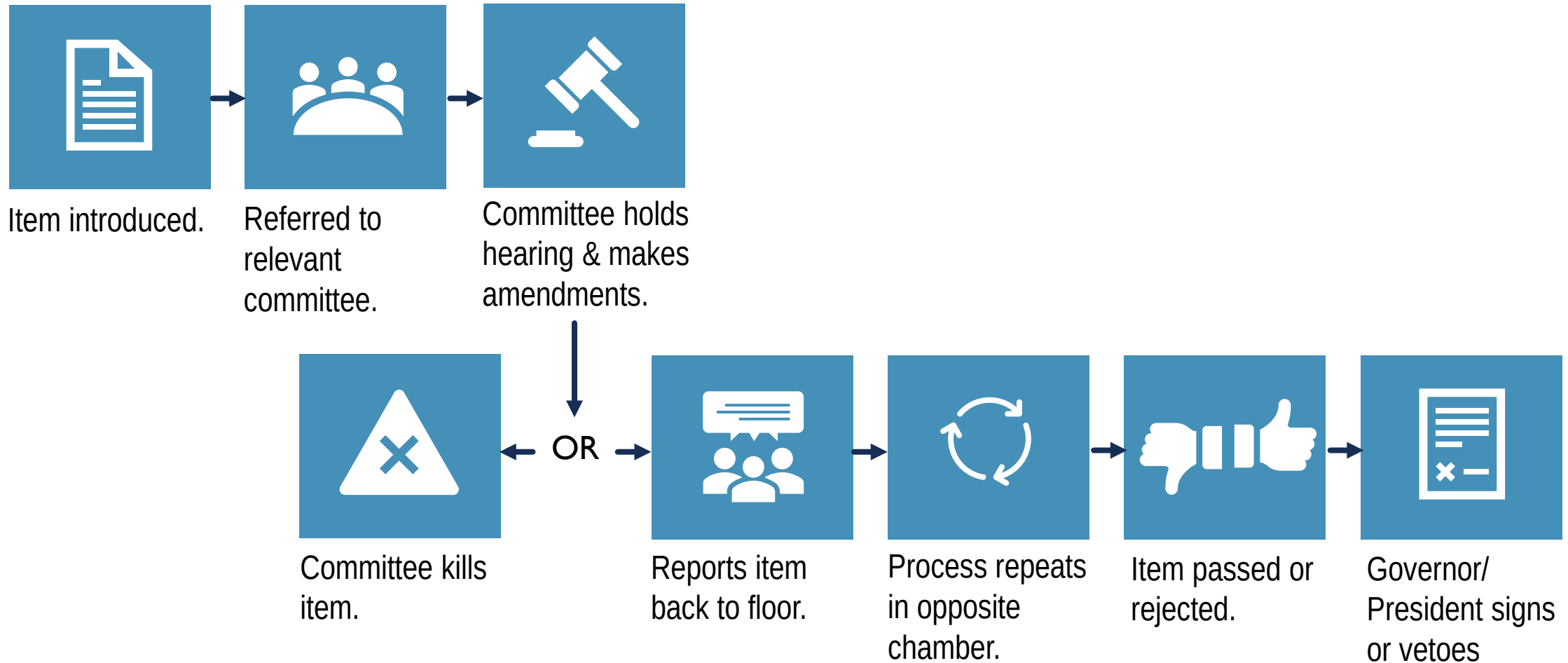
**Referred Items for Review**

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

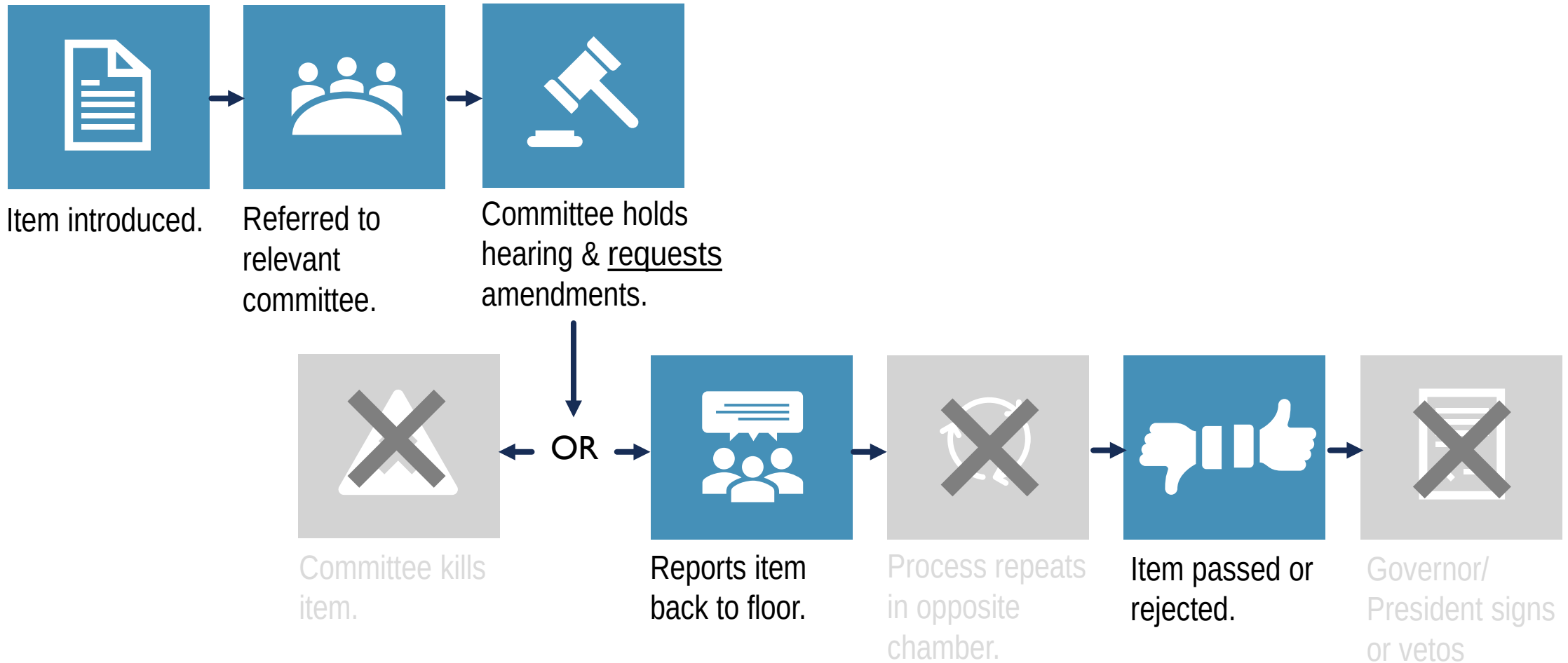
## OBJECTIVES

- Align timing of Council approval and resource (budget) allocation
- Communicate resource needs (and any tradeoffs) well
- Ensure Council priorities are resourced and implemented

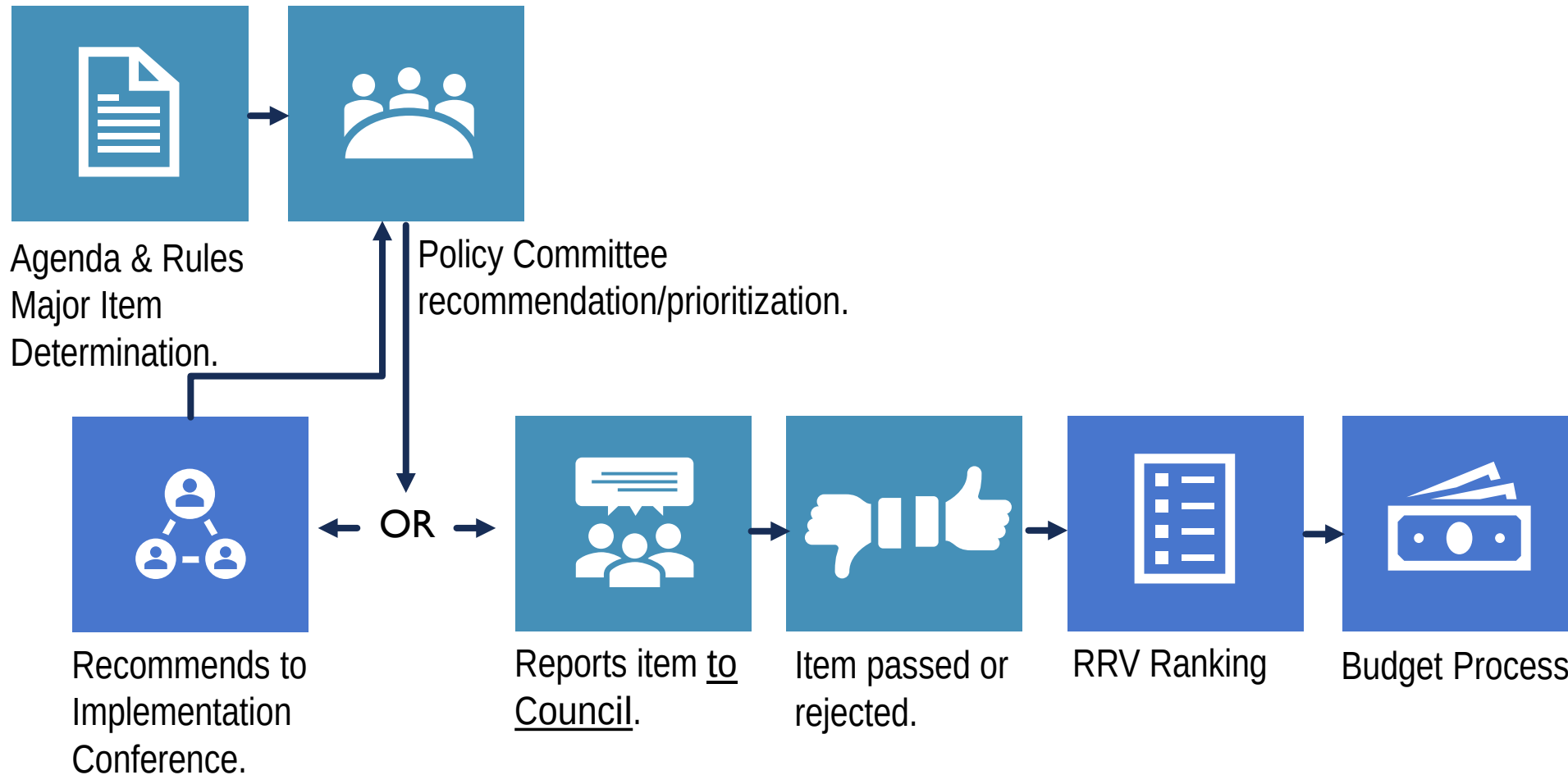
# STATE OR FEDERAL MODEL



# HYBRID MODEL



# PROPOSED MODEL



# IMPLEMENTATION CONFERENCE?

- What: Strong analysis and collaborative consultation
  - Identify costs\benefits
  - Identify resource needs
  - Outline high level work plan
- Who:
  - Commission Input (e.g, Chair or Vice Chair)
  - Staff & Legal
  - External Stakeholders
- How:
  - Ensure you've done your due diligence with the above
  - Meet with staff/legal





# VETTING IS TIME WELL SPENT!

## Cousin Janice

- Researched online, in magazines
- Talked to friends, designer, contractor
- Obtained supplies
- Contractor starts work
- Moved out for **weeks**
- **Loves** the result

## Friend Cathy

- Talked to contractor
- Contractor starts work
- Waited for supplies → Contractor stops work
- Supplies arrive → Contractor restarts work
- Moved out for **months**
- **Still refining** the result

# WHY PRIORITIZE AT POLICY COMMITTEE

**NOT RECOMMENDED**

- Agenda & Rules Committee

- Appointees:

- Jesse Arreguin, [Mayor](#)

- Sophie Hahn, [Councilmember, District 5](#)

- Susan Wengraf, [Councilmember, District 6](#)

- Alternate: Lori Droste, [Councilmember, District 8](#)

- Budget & Finance Committee

- Appointees:

- Jesse Arreguin, [Mayor](#)

- Kate Harrison, [Councilmember, District 4](#)

- Rigel Robinson, [Councilmember, District 7](#)

- Alternate: Sophie Hahn, [Councilmember, District 5](#)

- Public Safety, Transportation, Environment & Sustainability Committee

- Appointees:

- Terry Taplin, [Councilmember, District 2](#)

- Kate Harrison, [Councilmember, District 4](#)

- Rigel Robinson, [Councilmember, District 7](#)

- Alternate: Sophie Hahn, [Councilmember, District 5](#)

- Government, Equity & Community Committee

- Appointees:

- Rashi Kesarwani, [Councilmember, District 1](#)

- Terry Taplin, [Councilmember, District 2](#)

- Ben Bartlett, [Councilmember, District 3](#)

- Alternate: Rigel Robinson, [Councilmember, District 7](#)

- Land Use, Housing & Economic Development Committee

- Appointees:

- Sophie Hahn, [Councilmember, District 5](#)

- Rigel Robinson, [Councilmember, District 7](#)

- Lori Droste, [Councilmember, District 8](#)

- Alternate: Ben Bartlett, [Councilmember, District 3](#)

- Public Safety Committee

- Appointees:

- Rashi Kesarwani, [Councilmember, District 1](#)

- Ben Bartlett, [Councilmember, District 3](#)

- Susan Wengraf, [Councilmember, District 6](#)

- Alternate: Terry Taplin, [Councilmember, District 2](#)

## A QUICK NOTE ON FORMS

- Major Item Determination Checklist
- Implementation Conference Worksheet
- Policy Committee Ranking Form
- Revised Report Template



Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

- | Yes                      | No                       |                                                                                                                                |
|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant change to existing law, program, or policy.                                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant addition to existing law, program, or policy.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public |

Is this eligible for an Exemption?

- | Yes                      | No                       |                                                                     |
|--------------------------|--------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related the City's COVID-19 response.                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to the City Budget process.                         |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to essential or ongoing City processes or business. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is urgent.                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is time-sensitive.                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is smaller.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is less impactful.                                             |

Agenda Committee Determination:

☐ Major Item ☐ Exempted

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Policy Committee Confirmation:

☐ Determination Confirmed ☐ Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_



Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

Use this section to help record required information

|                                                                |
|----------------------------------------------------------------|
| Descriptive title:                                             |
| Is this for Consent, Action, or Information Calendar?          |
| Recommendation:                                                |
| Summary statement:                                             |
| Background (history, circumstances and context)                |
| Plans, programs, policies and/or laws were taken into account: |
| Actions/alternatives considered:                               |
| Internal stakeholders consulted:                               |
| Name/date of Commission(s) item submitted to:                  |
| List of external stakeholders consulted:                       |

|                                                                   |
|-------------------------------------------------------------------|
| Summary of what was learned from consultation:                    |
| Rationale for recommendation:                                     |
| Internal Benefits of Implementation:                              |
| Internal Impacts of Implementation:                               |
| External Benefits of Implementation:                              |
| External Impacts of Implementation:                               |
| Launch and Implementation Milestones (see Environmental Impacts): |
| Operational Impacts:                                              |
| Staff Resources Needed:                                           |

STAFF SECTION

Use this section to provide required information for the report.

|                                                     |             |
|-----------------------------------------------------|-------------|
| Estimated Launch/implementation Deliverables/Dates: |             |
| Month/Year                                          | Deliverable |
| Estimated Administration Deliverables/Dates:        |             |
| Month/Year                                          | Deliverable |

Legal Consultation:

☐ Confirmed

Name/Date \_\_\_\_\_

Staff Consultation:

☐ Confirmed





ght, think about and then indicate whether each con  
orities. The highest priority would be "1", the

Item Name

**NOT RECOMMENDED**

[illegible]

Indicate name and date below.

Per Committee Member\_\_\_\_\_



[First Lastname]  
Councilmember District [District No.]

[CONSENT OR ACTION]  
CALENDAR  
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council  
From: [Councilmember (lastname)]  
Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution...  
or Support ...  
or write a letter to \_\_\_ in support of \_\_\_\_\_...  
or other recommendation....

FISCAL IMPACTS

*This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.*

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

*This section must describe benefits and impacts to both internal and external stakeholders. It should also describe the launch or initiation of the item, as well as its ongoing administration once implemented.*

CURRENT SITUATION AND ITS EFFECTS

*For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:*

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental

[Title of Report]

CALENDAR

- attract and retain a talented and diverse City government workforce.

BACKGROUND

CONSULTATION OVERVIEW

*This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.*

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

- 1: Resolution  
Exhibit A: [Title or Description of Exhibit]  
Exhibit B: [Title or Description of Exhibit]  
2: [Title or Description of Attachment]  
3: [Title or Description of Attachment]

# PROPOSED PROCESS

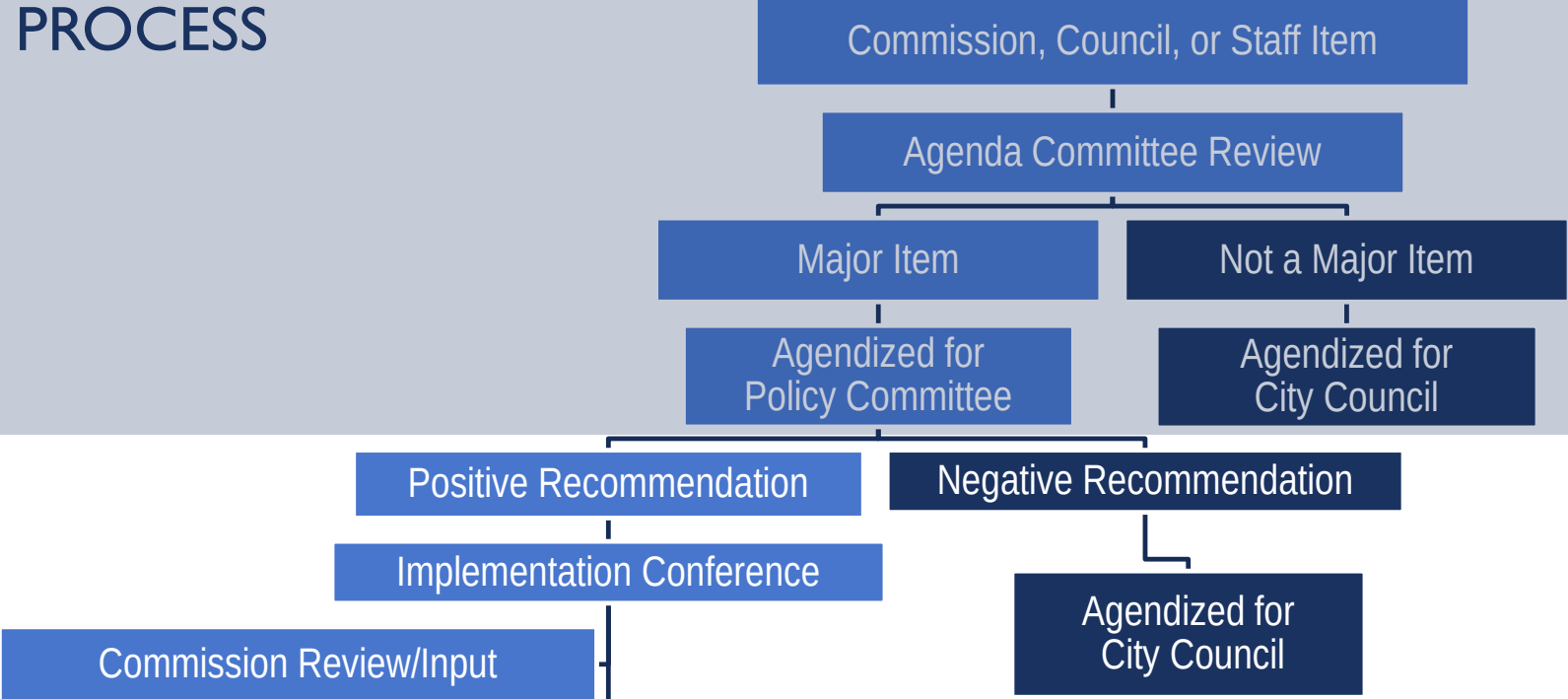
FLOW CHART





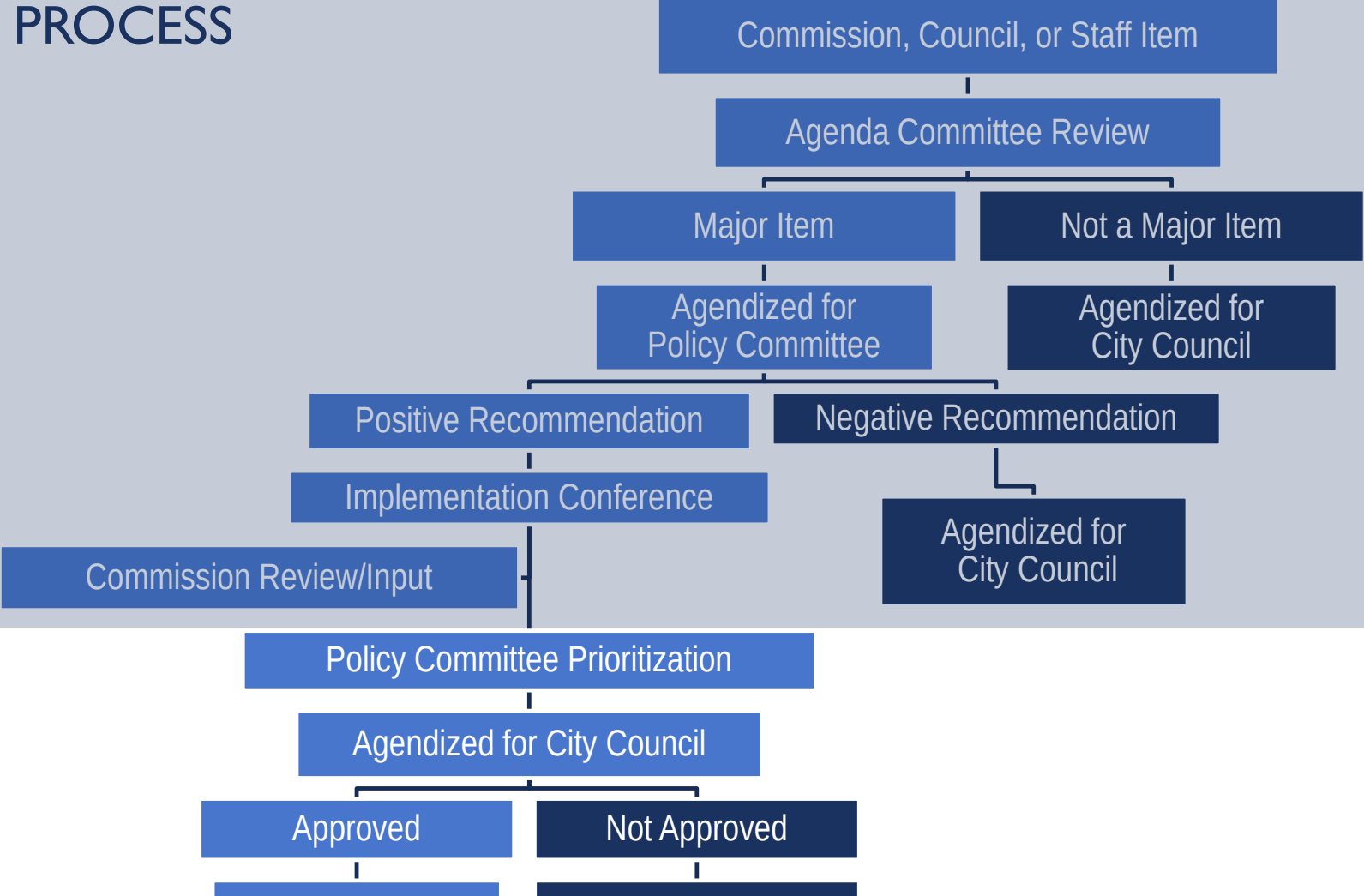
PROPOSED PROCESS

FLOW CHART



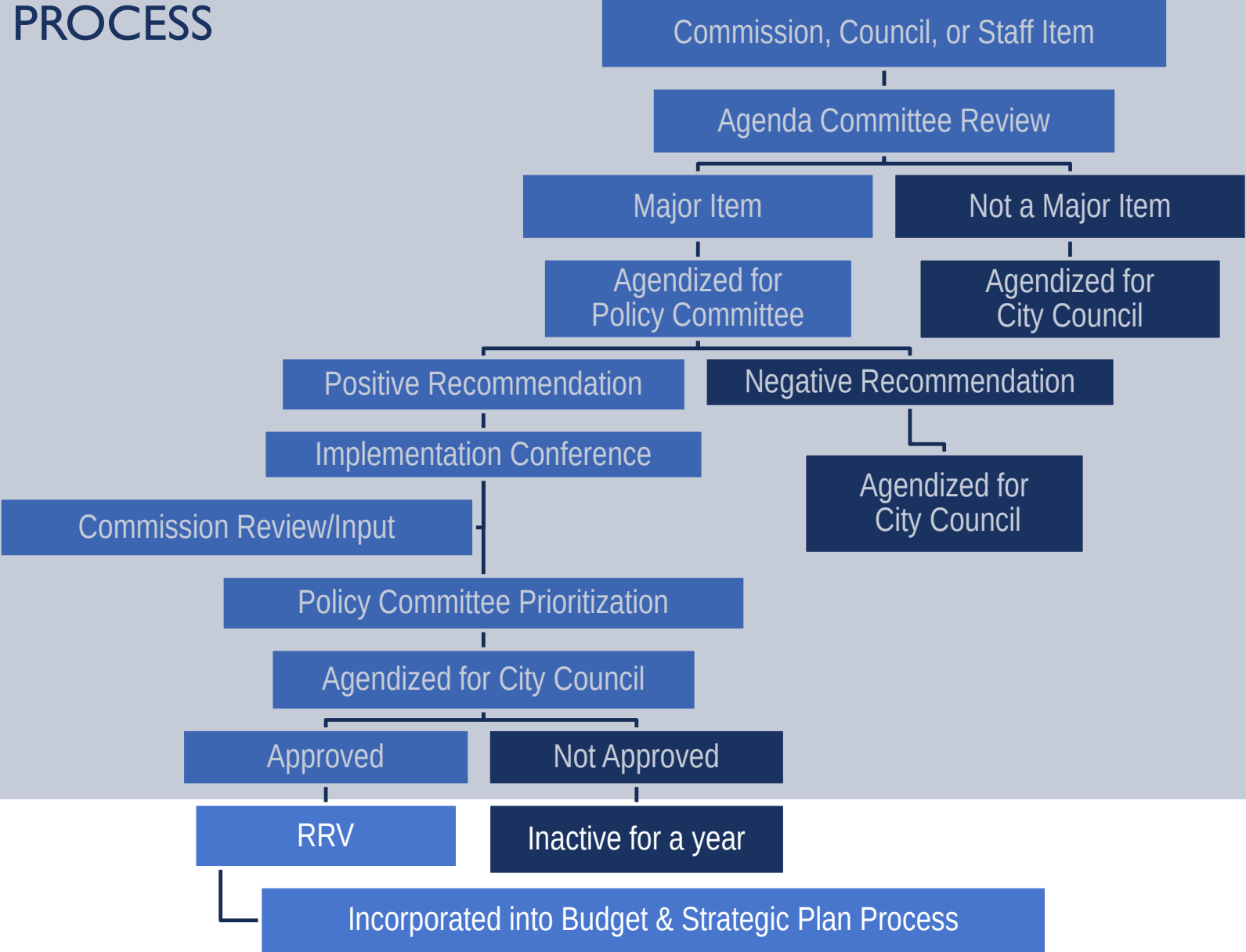
PROPOSED PROCESS

FLOW CHART



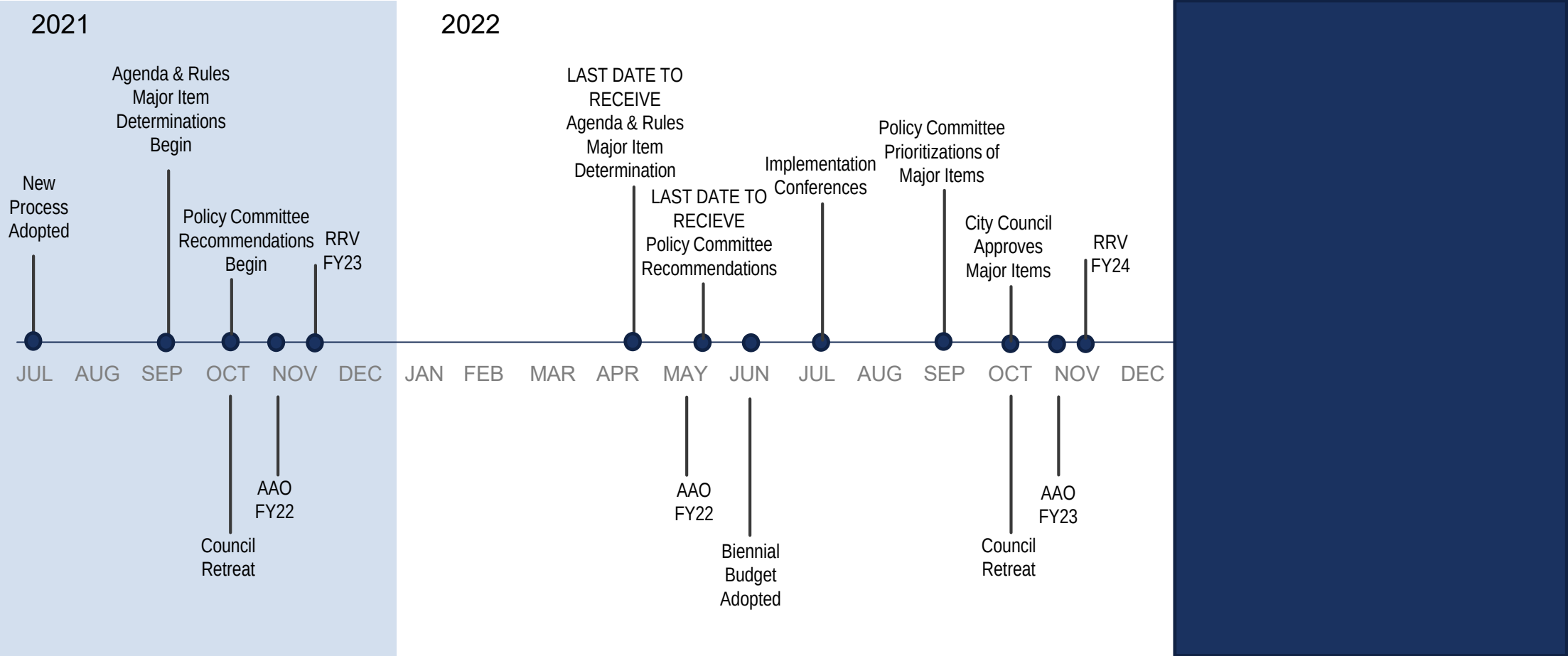
PROPOSED PROCESS

FLOW CHART

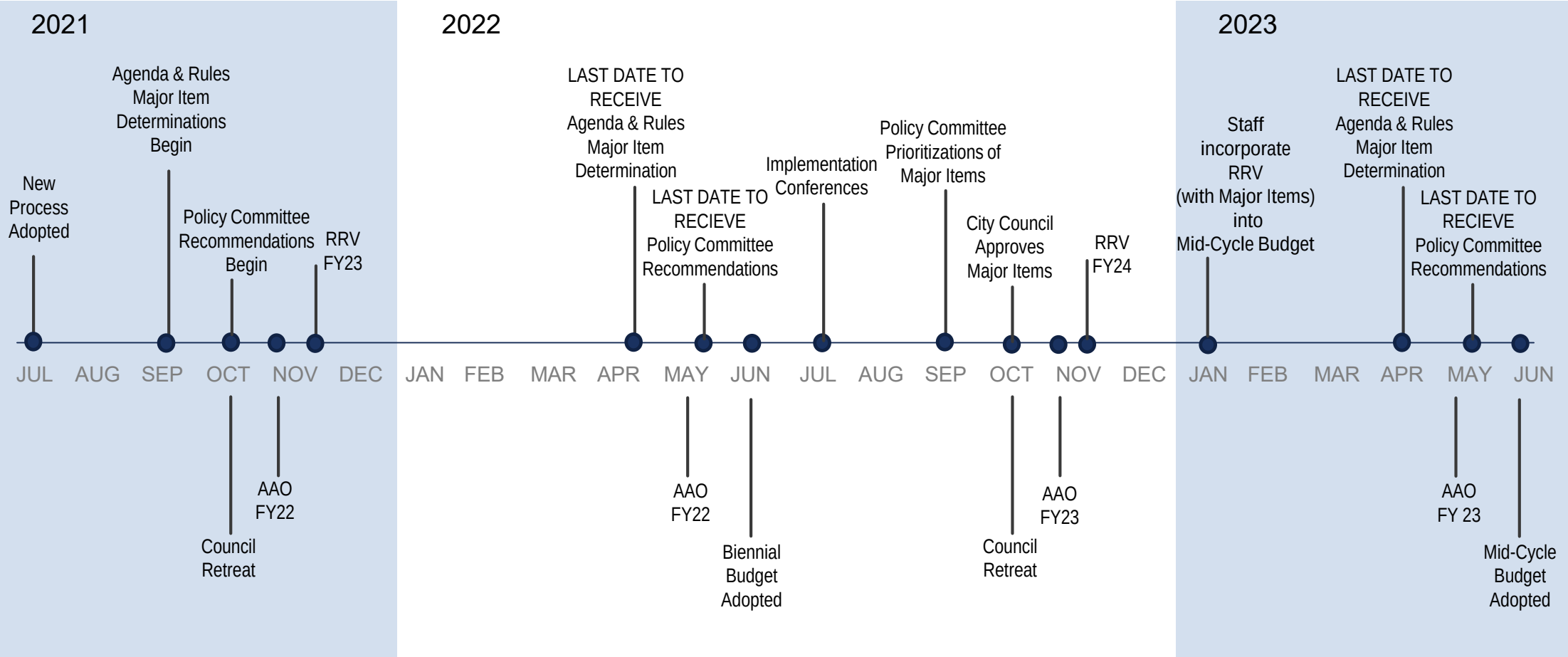




**PROPOSED IMPLEMENTATION**  
PHASE-IN OF SYSTEMS ALIGNMENT



**PROPOSED IMPLEMENTATION**  
PHASE-IN OF SYSTEMS ALIGNMENT



**PROPOSED IMPLEMENTATION**  
PHASE-IN OF SYSTEMS ALIGNMENT

# SEQUENCING & TIMING

## Existing

1. Idea
2. Committee Consideration
3. Council Approval
4. Costing
5. Budget development
6. RRV



Uncertain Timeline

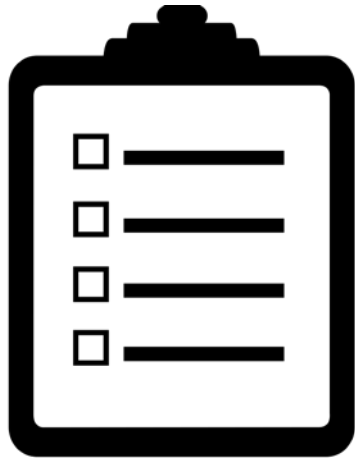
## Proposed

1. Idea
2. Committee Consideration
3. Vetting & Costing
4. Council Approval
5. RRV
6. Budget development



Certain Timeline

# WHAT'S DIFFERENT



Mandatory Guidelines

Implementation Conferences

Policy Committee Prioritization

Moving the RRV process

New required forms and processes

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:

- a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
- b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
- c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
- d. Fiscal impacts of the recommendation;
- e. A description of the current situation and its effects;
- f. Background information as needed;
- g. Rationale for recommendation;
- h. Alternative actions considered;
- i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
- j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.



## SO, HOW DO WE MAKE THIS HAPPEN?

- Adopting aligned timeline and new process
  - Incorporating vetting and costing (i.e., implementation conferences)
  - Prioritizing vetted Major Items (prioritize, assign fiscal year, identify projects to remove to accommodate new Major Items)
  - Revising City Council Rules of Procedure and Order
- Making Appendix B guidelines mandatory
- Addressing adopted, open referrals
- Addressing Council items under consideration

## BENEFITS



Ensures **continuous improvements**



Provides adequate context and impacts of items to **enhance Council decision-making**



Identifies appropriate and necessary resources so that **adopted items are adequately resourced**



Aligns processes to **ensure efficient implementation/realization of Council items**



**Increases collaboration** among and between stakeholders

## NEXT STEPS



Legislative aide roundtable



City Manager and Councilmember One-on-Ones



Revise and return item in July

THANK YOU.



Office of the City Manager

01

Worksession Item

WORKSESSION

May 18, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION

Direct the City Manager to bring back a resolution for adoption of the Systems Alignment proposal as described in this document and incorporating direction and input received from City Council during the worksession.

SUMMARY

This report proposes 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. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. 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.

FISCAL IMPACTS OF RECOMMENDATION

While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation<sup>1</sup> (Major Item).

CURRENT SITUATION AND ITS EFFECTS

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. These changes support a clear and

---

<sup>1</sup> New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf).

full realizing of City Council policies, programs, and vision. 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,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- 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.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

## **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 in Council Rules of Procedure***

Major Items are "new significant legislation" as defined in Appendix D of the [City Council Rules of Procedure](#):

Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response<sup>2</sup>, including but not limited to health and economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

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<sup>2</sup> If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). 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. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

### ***Required Conformance and Consultation***

All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

### ***Required Submission Date***

A Major Item must be submitted in time to appear on the agenda of an 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.

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

A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the [Council Rules of Procedure](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf),<sup>3</sup> the Policy Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. 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).

<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf)

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 June 30 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 the City Attorney or designee.

### ***Identifying Fiscal, Operational and Implementation Impacts***

The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
  - o Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
  - o Summarizes and confirms what was learned from consultation,
  - o Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,<sup>4</sup>
- *Implementation, Administration, and Enforcement*, which
  - o Identifies internal and external benefits and impacts, and
  - o Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
  - o Summarizes any operational impacts,

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<sup>4</sup> While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.



- o Identifies necessary resources, including specific staff resources needed and costs.<sup>5</sup>

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

### ***Revising the Major Item***

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

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

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. 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 for a regular or special Council meeting in October for approval and inclusion in the RRV process.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and

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<sup>5</sup> Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

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 Major Items approval, and RRV process no later than the final meeting in December of each year.<sup>6</sup> This ensures that staff is able to develop the budget starting from and based on Council priorities.

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

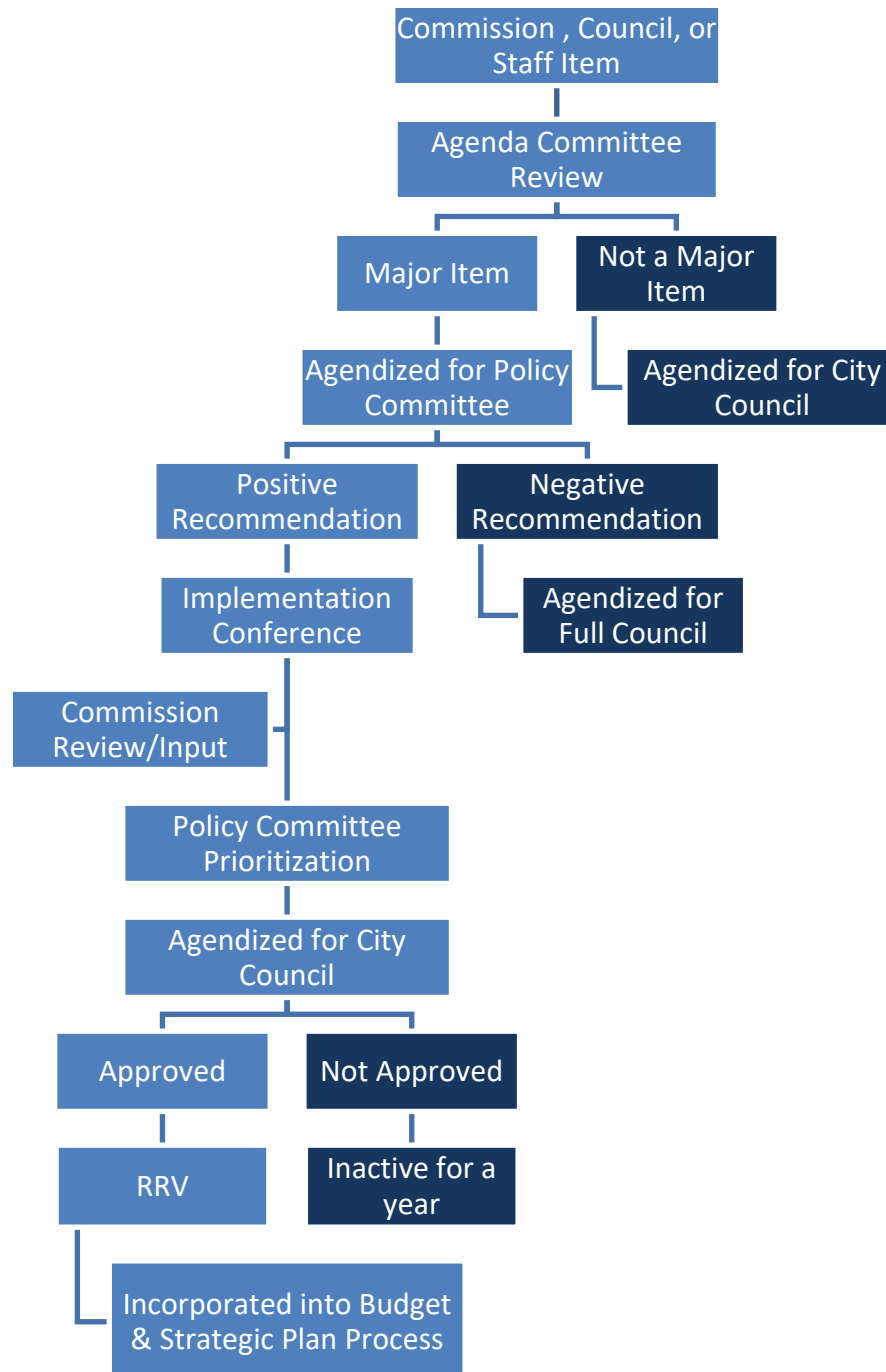
The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, 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 biennial. 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 and the proposed launch calendar in Figure 2.

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<sup>6</sup> Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

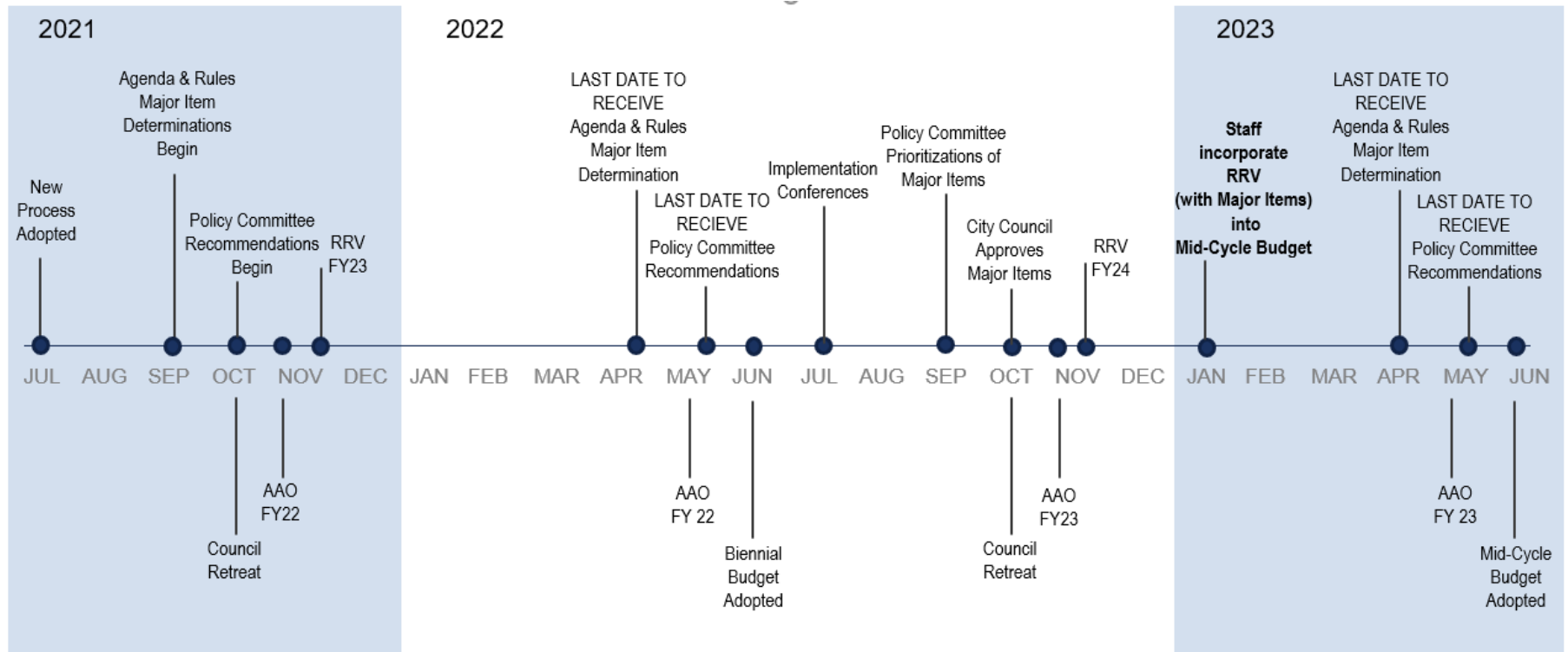
Figure 1, Proposed Process<sup>7</sup>

<sup>7</sup> Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.



Office of the City Manager

Figure 2, Proposed Launch





Office of the City Manager

## Next Steps

Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

## Benefits

The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

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. 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.

### BACKGROUND

In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

### ENVIRONMENTAL SUSTAINABILITY

By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

### RATIONALE FOR RECOMMENDATION

The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

### ALTERNATIVE ACTIONS CONSIDERED

At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

### CONTACT PERSON

David White, Deputy City Manager, 510-981-7012

Attachments:

- 1: Major Item Determination Checklist
- 2: Council Report Template and Implementation Conference Worksheet
- 3: Policy Committee Ranking Form



## Major Item Determination Checklist

**Item Name:**

**Item Author:**

**Is this a Major Item?**

Yes No

- |                          |                          |                                                                                                                                |
|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant change to existing law, program, or policy.                                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant addition to existing law, program, or policy.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public |

**Is this eligible for an Exemption?**

Yes No

- |                          |                          |                                                                     |
|--------------------------|--------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related the City's COVID-19 response.                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to the City Budget process.                         |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to essential or ongoing City processes or business. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is urgent.                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is time-sensitive.                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is smaller.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is less impactful.                                             |

**Agenda Committee Determination:**

☐ Major Item ☐ Exempted

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

**Policy Committee Confirmation:**

☐ Determination Confirmed ☐ Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_





[First Lastname]  
Councilmember District [District No.]

[CONSENT OR ACTION]  
CALENDAR  
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

### RECOMMENDATION

Adopt a Resolution...  
or Support ...  
or write a letter to \_\_\_\_ in support of \_\_\_\_\_...  
or other recommendation....

### FINANCIAL-FISCAL & OPERATIONAL IMPACTS IMPLICATIONS

*This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.*

### IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

*This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.*

### CURRENT SITUATION AND ITS EFFECTS

*For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:*

[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-healthy City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

[Title of Report]

CALENDAR

Macrobutton NoMacro [Meeting Date (MM dd, yyyy)]

- 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.

## BACKGROUND

### INITIAL CONSULTATION

*This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.*

## ENVIRONMENTAL SUSTAINABILITY

### CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution

Exhibit A: [Title or Description of Exhibit]

Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

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

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.) .

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.) .

Exhibits **[Delete if there are NO exhibits]**

A: Title of the Exhibit

B: Title of the Exhibit



## Implementation Conference Worksheet

**Item Name:**

**Item Author:**

### AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

|                                                                               |
|-------------------------------------------------------------------------------|
| Descriptive title:                                                            |
| Is this for Consent, Action, or Information Calendar?                         |
| Recommendation:                                                               |
| Summary statement:                                                            |
| Background (history, circumstances and concerns to be addressed by the item): |
| Plans, programs, policies and/or laws were taken into consideration:          |
| Actions/alternatives considered:                                              |
| Internal stakeholders consulted:                                              |
| Name/date of Commission(s) item submitted to for input:                       |
| List of external stakeholders consulted:                                      |

|                                                                                       |
|---------------------------------------------------------------------------------------|
| Summary of what was learned from consulting stakeholders:                             |
| Rationale for recommendation:                                                         |
| Internal Benefits of Implementation:                                                  |
| Internal Impacts of Implementation:                                                   |
| External Benefits of Implementation:                                                  |
| External Impacts of Implementation:                                                   |
| Equity Considerations:                                                                |
| Launch and Implementation Milestones (see staff section)                              |
| Environmental Impacts:                                                                |
| Operational Impacts:                                                                  |
| Staff Resources Needed:<br><br>Number of FTE/hours:<br>Type of staff resource needed: |
| Costs:<br><br>Amount(s):<br>Funding Source:                                           |

**STAFF SECTION**

Staff may complete section to provide required information for the report.

|                                                     |                    |
|-----------------------------------------------------|--------------------|
| Estimated Launch/implementation Deliverables/Dates: |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |
| Estimated Administration Deliverables/Dates:        |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |

**Legal Consultation:**

☐ Confirmed

Name/Date \_\_\_\_\_

**Staff Consultation:**

☐ Confirmed

Name(s)/Date(s) \_\_\_\_\_



# Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M) or low (L). Then rank the list of priorities. The highest priority would be “1”, the next highest “2” and so on.

| Priority<br>1 is highest | Major Item Name | Major Item Author | Considerations<br>H high M medium L low |      |                      |
|--------------------------|-----------------|-------------------|-----------------------------------------|------|----------------------|
|                          |                 |                   | Staff<br>Resources                      | Cost | Benefits/<br>Savings |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
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|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |

## Policy Committee Determination:

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_





*This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.*

CITY OF BERKELEY

CITY COUNCIL REGULAR MEETING

SEPTEMBER 24, 2024

YOU CAN FILL OUT SPEAKER CARD AND WE'LL TAKE COMMENTS LATER ON AFTER THE ACTION CALENDAR. COUNCILOR TREGUB AND WENGRAF ARE YOU ON ZOOM?

>> Mayor J. Arreguin: COUNCIL MEMBER TREGUB CAN YOU HEAR US? PLEASE UNMUTE. WE WANT TO MAKE SURE WE CAN HEAR YOU.

>> I. Tregub: YES.

>> Mayor J. Arreguin: VICE MAYOR WENGRAF CAN YOU HEAR US?

>> S. Wengraf: YES, I CAN.

>> Clerk: OKAY.

>> Mayor J. Arreguin: GOOD EVENING AND WELCOME TO THE TUESDAY SEPTEMBER 24, 2024 REGULAR MEETING OF THE BERKELEY CITY COUNCIL. MR. CLERK, DO WE NEED TO DO THE AB24 49.

>> Clerk: NO COUNCILOR TREGUB'S LOCATION IS NOTICED ON AGENDA.

>> Mayor J. Arreguin: CAN THE CITY CLERK PLEASE CALL THE ROLL.

>> Clerk: KESARWANI.

>> HERE.

>> Clerk: TAP LIN.

*This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.*

>> PRESENT.

>> Clerk: BARTLETT.

>> HERE.

>> Clerk: TREGUB. COUNCIL MEMBER TREGUB, ROLL CALL.

>> PRESENT.

>> Clerk: HAHN.

>> PRESENT.

>> Clerk: WENGRAF.

>> PRESENT.

>> Clerk: LUNAPARRA.

>> HERE.

>> Clerk: HUMBERT.

>> PRESENT.

>> Clerk: MAYOR ARREGUIN.

>> Mayor J. Arreguin: PRESENT. ALL MEMBERS ARE PRESENT. THANK YOU VERY MUCH. VICE MAYOR WENGRAF AND COUNCILOR TREGUB WILL BE PARTICIPATING THROUGH VIDEO CONFERENCE. WE'LL PROCEED TO CEREMONIAL MATTERS AND WE'LL HAVE COUNCIL MEMBER TAP LIN WHO WILL BE PRESENTING A PROCLAMATION REGARDING THE ADAPTIVE SPORTS EXPO.

>> WHEREAS THE BERKELEY PROGRAM WAS FOUNDED IN 1976 BY PEOPLE WITH DISABILITIES TO MEET THE NEED FOR ACCESSIBLE OUTDOOR OPPORTUNITIES IN THE CITY OF BERKELEY IT WILL BE THE ANNIVERSARY

*This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.*

AS THE PROVIDER OF HIGH QUALITY ADAPTIVE PROGRAMS RUN BY AND FOR THE DISABILITY COMMUNITY AND HAS BEEN A LEADER IN THE FIELD SINCE THE INCEPTION AND BECAME KNOWN FOR THE RECREATION PROGRAMS INCLUDING SWIMMING, GYMNASTICS, KAYAK AND START THE FIRST POWER SOCCER TEAM IN 19 88 AND RAN THE PROGRAM SINCE 1986 AND ADAPTIVE SPORTS AND RECREATION IS EXCITED TO ANNOUNCE ITS UPCOMING SPORTS EXPO. IT WILL BE HELD AT THREE LOCATIONS THE CENTRAL CLUB WILL BE JAMES KENNEDY COMMUNITY CENTER AND THE EXPO IS AN OPPORTUNITY TO TRY OUT SPORTS AND ACTIVITIES FREE OF CHARGED. THE COACHES WILL OFFER FUN OPPORTUNITIES TO LEARN MORE ABOUT AND TRY CYCLING AND POWER CHAIR SOCCER AND ADAPTIVE CLASSES AN PICKLE BALL AND MORE. IT WILL FEATURE FAMILY FRIENDLY FESTIVAL WITH FOOD, ARTS AND CRAFTS AND AVAILABLE TO THE COMMUNITY. NOW, THEREFORE BE IT RESOLVED, I JESSE ARREGUIN DECLARE OCTOBER 5th AS THE ADAPTIVE SPORTS EXPO DAY IN THE CITY OF BERKELEY.

>> Mayor J. Arreguin: IS ANYONE FROM THE ORGANIZATION THERE?  
GOOD TO SEE YOU.

>> MY NAME IS BONNIE. I HAVE BEEN A CITIZEN IN BERKELEY FOREVER 36 YEARS AND MY HUSBAND WAS A STATE EMPLOYEE FOR 34 YEARS AND THE BOARD PROVIDES ESSENTIAL SERVICES AND GLAD THE COUNCIL IS SUPPORTING IT IN THIS WAY AND I LOOK FORWARD TO THE CONTINUED SUPPORT. THANK YOU.

>> Mayor J. Arreguin: THANK YOU FOR JOINING AND FOR YOUR SERVICE

*This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.*

ON THE BOARD AS WELL. THE LAST PROCLAMATION IS COMMEMORATING UNIT AGAINST HATE WEEK 2024. SINCE 2017 WE HAVE DECLARED UNITE AGAINST HATE WEEK WHEN THE PROUD BOYS AND OTHER NAZI HATE GROUPS CAME TO OUR CITY AND THE POSTER CAMPAIGN WE LAUNCHED PROUD TO SEE POSTERS IN THE WINDOWS THROUGHOUT THE CITY OF BERKELEY STILL SAYING BERKELEY STANDS UNITED AGAINST HATE GAVE RISE TO A STATEWIDE MOVEMENT WHICH NOW INVOLVES THE STATE OF CALIFORNIA THROUGH THE ATTORNEY GENERAL'S OFFICE OF CITY RIGHTS AND CITIES THROUGHOUT THE BAY AREA AND CALIFORNIA RECOGNIZE THIS. WHEREAS THE UNITED STATES IS A COUNTRY OF IMMIGRANTS. THE CONSTITUTION IS FOR ALL INDIVIDUALS REGARDLESS OF RACE, GENDER, RELIGION OR POLITICAL VIEWS. AND WHEREAS RHETORIC CONTINUES TO GENERATE A TOXIC ENVIRONMENT THAT ENCOURAGES THE PROVOCATION OF RACIST, ISLAM PHOBIC AND OTHER BIGOTED VIEWS BY EMBOLDENED HATE GROUPS AND INDIVIDUALS AND WHEREAS THE NUMBER OF HATE CRIMES CONTINUES TO INCREASE WITH CALIFORNIA SEEING A NEAR DOUBLE INCREASE IN REPORTED CRIMES BETWEEN 2019 AND 2023 WITH HATE CRIMES AGAINST MUSLIM AND JEWISH AMERICANS INCREASING IN RECENT MONTHS. AND WHEREAS THE CITY OF BERKELEY IS DEDICATED PREVENTING HATE AND INTOLERANCE AND WHEREAS EDUCATION, COMPASSION COOPERATION ARE KEY TO EMBRACING DIFFERENCES BETWEEN PEOPLE WITH UNITE AGAINST HATE WEEK AN IMPORTANT STEP IN STRENGTHENING COMMUNITIES. I JESSE ARREGUIN THE MAYOR OF CITY OF BERKELEY DECLARE THIS WEEK

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2024 AS UNITE AGAINST HATE WEEK IN THE CITY OF BERKELEY. YOU CAN GO TO THE UNITE AGAINST HATE WEEK IN THE BAY AREA AND THERE'S A SHOWING ABOUT THE 2018 TREE OF LIFE SHOOTING IN PITTSBURGH. A VERY MOVING PRODUCTION AND BE A PANEL DISCUSSION AND WE ENCOURAGE EVERYONE TO PARTICIPATE AND TO ALSO CONTINUE TO TAKE A STRONG UNEQUIVOCAL STAND ABOUT HATE THIS WEEK AND EVERY SINGLE DAY. WITH THAT I WANT TO TURN IT TO COUNCIL MEMBER HUMBERT FOR COMMENTS.

>> THANK YOU, MR. MAYOR. THIS IS NOT IN THE NATURE OF A MEMORIAL BUT JUST DAY WE LEARNED ANOTHER ONE OF OUR NEIGHBORS HAVE BEEN INJURED IN THE CROSSING NOW CALLED ZACHARY'S CORNER THE INTERSECTION OF WARRING AND DERBY WHERE THE YOUNG ZACHARY WAS KILLED IN 2009 HARD TO BELIEVE IT WAS 15 YEARS AGO. I'M HEARTBROKEN ABOUT THE NEWEST AND IT'S A SERIOUS INJURY. AS I REMAIN HEARTBROKEN ABOUT THE DEATH OF ZACHARY THIS IS A SERIOUS INJURY TO AN ELDER. I WANT TO EXPRESS MY DEEPEST SYMPATHIES AND WISHES FOR THIS PERSON'S RECOVERY. I DO NOT YET KNOW HIS NAME OR THEIR NAME. I ALSO WANT TO EXPRESS MY DEEP GRATITUDE TO THE FIRST RESPONDERS WHO CAME TO THE SCENE TO TRANSPORT OUR NEIGHBOR TO THE HOSPITAL. THIS PARTICULAR INTERSECTION IS GOING TO BE REDESIGNED AND RECONSTRUCTED FROM OUR LONG-RANGE DEVELOPMENT PLAN SETTLEMENT WITH UC BERKELEY. REVIEW OF THE RECONFIGURATION HAS ALREADY STARTED AND MEMBERS OF THE FACILITY AND

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INFRASTRUCTURE DEPARTMENT AND SUSTAINABILITY RECEIVED AN UPDATE ON THIS LAST WEEK. BUT THIS REDESIGN AND RECONFIGURATION, RECONSTRUCTION CANNOT HAPPEN SOON ENOUGH. IT'S BEEN A TOP PRIORITY FOR DISTRICT 8 AND I'VE BEEN SUPPORTED IMPORTANTLY IN THAT PRIORITY BY MAYOR ARREGUIN. I THANK HIM FOR HIS SUPPORT IN THAT REGARD. THANK YOU.

>> Mayor J. Arreguin: THANK YOU VERY MUCH. WE WISH THAT INDIVIDUAL A SPEEDY RECOVERY. AND THANK YOU, COUNCIL MEMBER HUMBERT FOR YOUR WORK IN TRYING TO IMPROVE THE SAFETY OF THAT INTERSECTION AND EFFORTS IN BERKELEY. I'LL TURN THE FLOOR OVER TO OUR NEW CITY MANAGER PAUL BUDDENHAGEN AND MANY RECALL HE SERVED FOR MANY YEARS AS THE DIRECTOR OF THE DEPARTMENT OF HOUSING SERVICES AND AS DEPUTY CITY MANAGER AND NOW HE'S BACK AND WE'RE SO GRATEFUL TO BE WORKING WITH YOU AND LOOK FORWARD TO YOUR LEADERSHIP. MR. CITY MANAGER.

>> THANK YOU, MAYOR ARREGUIN AND MEMBERS. I'M DELIGHTED TO BE HERE. I'M HONORED TO BE BACK IN BERKELEY TO WORK WITH ALL OF YOU TO MAKE BERKELEY BETTER THAN IT ALREADY IS. I KNOW HAVE YOU GOOD IDEAS AND YOU ALL HAVE GOOD IDEAS AND I HAVE GOOD IDEAS. IT'S GREAT TO SEE PEOPLE IN THE AUDIENCE AND RESIDENTS IN THE COMMUNITY TO RECONNECT WITH FOLKS. I LOOK FORWARD TO MEETING A FEW I DON'T KNOW. IT'S BEEN GREAT TO CONNECT WITH COUNCIL MEMBERS AND MEET NEW MEMBERS AND STAFF. IT'S DELIGHTED TO BE

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HERE AND LOOKING FORWARD TO GET TO WORK WITH EVERYBODY. I THANK YOU FOR HAVING ME BACK.

>> Mayor J. Arreguin: I WANT TO TAKE THE OPPORTUNITY ON BEHALF OF CITY COUNCIL TO THANK OUR INTERIM CITY MANAGER LA TONYA BELLOW FOR THE EXCEPTIONAL JOB YOU DID IN THE LAST FEW MONTHS. WE'RE GRATEFUL YOU STEPPED IN AND BROUGHT COMMITMENT AND PROFESSIONALISM AND COMMITMENT TO YOUR WORK. REALLY GRATEFUL. SO THANK YOU. MR. CITY MANAGER ANY ADDITIONAL COMMENTS?

>> NOTHING, MR. MAYOR. THANK YOU.

>> Mayor J. Arreguin: WE'LL NOW PROCEED TO PUBLIC COMMENT AND NON-AGENDA MATTERS BEFORE I DO THIS THIS IS NOT THE FIRST MEETING OF THE MONTH BUT I'LL ASK FOR UNANIMOUS CONSENT SINCE WE HAVE A REPRESENTATIVE OF ONE OF OUR EMPLOYEE UNIONS WE CAN GIVE HER THE FLOOR TO ADDRESS THE COUNCIL. IS THERE ANY OBJECTION TO THAT? HEARING NO OBJECTION WE'LL DO A SPECIAL PUBLIC COMMENT FOR EMPLOYEE UNIONS TODAY WHILE THE CLERK IS DRAWING FIVE IN PERSON SPEAKERS. AND THANK YOU.

>> THANK YOU FOR YOUR CONSIDERATION. GOOD EVENING, MAYOR, COUNCIL. DEPUTY CITY MANAGER AND CITY MANAGER. I'M AMANDA AND SERVE AS ANALYST IN THE DEPARTMENT OF PUBLIC WORKS. I AM PRIVILEGED TO BE A RESIDENT OF BERKELEY AND PROUD TO ALSO SERVE AS VICE PRESIDENT OF BERKELEY'S PUBLIC EMPLOYEE UNION LOCAL 1 REPRESENTING PROFESSIONALS AND CAREER MANAGEMENT STAFF AND

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CAREER ENGINEERING AND PROFESSIONAL STAFF. ON BEHALF OF LOCAL 1'S BOARD AND MEMBERSHIP I'D LIKE TO OFFER A WARM WELCOME BACK TO OUR NEW CITY MANAGER. OUR HARD-WORKING MEMBERS ARE EAGER TO WORK WITH YOU TO ACHIEVE OUR SHARED GOALS OF PROVIDING EXCELLENT SERVICE TO OUR COMMUNITY AND ADVANCING THE WORLD CLASS PUBLIC POLICY AS REAL-WORLD SOLUTIONS FOR RESIDENTS AND ENSURING THAT OUR CITY CAN ATTRACT AND RETAIN THE TALENTED STAFF WE HAVE. AND ATTRACT ING TALENT AND WE LOOK FORWARD TO WORKING COLLABORATIVELY. THANK YOU FOR YOUR ONGOING SUPPORT IN OUR COMMUNITY.

>> Mayor J. Arreguin: THANK YOU VERY MUCH. BEFORE I PROCEED TO PUBLIC COMMENT ON NON-AGENDA MATTERS I WANT TO READ AN ANNOUNCEMENT. WELCOME EVERYONE TO THE MEETING OF THE BERKELEY CITY COUNCIL TO ALLOW FOR FULL PARTICIPATION BY ALL MEMBERS OF THE COMMUNITY AND TO ENSURE CITY BUSINESS IS ABLE TO BE COMPLETED, WE ASK ALL ATTENDEES IN PERSON AND PARTICIPATING ON ZOOM CONDUCT THEMSELVES IN AN ORDERLY MANNER AND RESPECT THE RIGHTS OF OTHERS PARTICIPATING IN OUR MEETING. BE AWARE THE CITY COUNCIL'S RULES OF DECORUM PROHIBIT THE DISRUPTION OF THE ORDERLY CONDUCT OF THE COUNCIL MEETING. THE SUMMARY IS AVAILABLE AT THE BACK TABLE IN THE BOARDROOM. DISRUPTIVE BEHAVIORS INCLUDES BUT NOT LIMITED TO SHOUTING, MAKING DISRUPTIVE NOISES, CREATING OR PARTICIPATING IN A PHYSICAL DISTURBANCE, SPEAKING



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OUT OF TURN OR IN VIOLATION OF APPLICABLE RULES, PREVENTING OR ATTEMPTING TO PREVENT OTHERS WHO HAVE THE FLOOR FROM SPEAKING. MEANING IF SOMEBODY HAS THEIR TIME TO NO INTERRUPT THEM AND LET THEM HAVE THEIR TIME TO SPEAK, PREVENTING OTHERS FROM OBSERVING THE MEET AND ENTERING INTO OR REMAINING IN AN AREA OF THE MEETING NOT OPEN TO THE PUBLIC OR APPROACHING THE COUNCIL DAIS WITHOUT CONCEPT. WE ASK YOU OBSERVE THE RULES SO ALL MEMBERS OF THE PUBLIC MAY OBSERVE AND FULLY PARTICIPATE IN TONIGHT'S MEETING AND THANK YOU FOR BEING HERE THIS EVENING. WE'LL THAT WITH PROCEED TO PUBLIC COMMENT ON NON-AGENDA MATTERS. WE'LL TAKE FIVE SPEAKERS ON ZOOM AND OTHERWISE WE'LL SELECT IN PERSON SPEAKERS. READ THE NAMES OF THE SPEAKERS.

>> Clerk: STONNEL SMITH. PASTOR DEREK MANN. RUSSEL BATES, ANDREA HANSON AND STACY PRADO.

>> I'D LIKE TO SAY BLACK LIVES DO MATTER. BLACK CHILDREN'S LIVES DO MATTER. MY NAME IS DWAYNE. I'M HERE TO SUPPORT THE BLACK PREPARATORY THEATRE. WE NEED THE BLACK PREPARATORY THEATRE. THE COUNCIL LEADERSHIP IN OUR DISTRICT, THIS COUNCIL HAS DELAYED ADDRESSING THE COMMITMENT TO THE BLACK AND SHOW EFFORT AND LEADERSHIP CARING FOR THE COMMUNITY. WE SHOULDN'T EVEN BE HERE. WE SHOULD BE DEVELOPING PROGRAMS THAT SERVE AND BENEFIT OUR COMMUNITY. THERE ARE MORE DELAYS AT THE EXPENSE OF OUR CHILDREN AND FAMILIES WE SERVE. BLACK LIVES MATTER. OUR CHILDREN MATTER.

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THANK YOU.

>> Mayor J. Arreguin: THANK YOU. AS SPEAKERS ARE COMING FORWARD IF YOU CAN PLEASE STATE YOUR NAME FOR THE RECORD BECAUSE I WANT TO MAKE SURE YOUR CARD WAS SELECTED. BLACK LIVES MATTER WHEN IT COMES TO FUNDING AND FOR THE PLAQUE PREPARATORY THEATRE STARTED A PROGRAM OVER HERE AS OF LATE MAN TO MAN BECAUSE WE HAVE TO STAND UP AND COME TOGETHER AND FACILITATE A PLATFORM FOR YOUNG PEOPLE IN SOME OF THESE THEATRES THE DRUG TURF FOLK RIGHT ACROSS THE STREET. THERE'S A COUPLE MURDERS AND SHOOTINGS OVER THERE CURRENTLY HAPPENING IN THE CITY RIGHT NOW. AND WE HAVE PLATFORMS THAT HAVE PROVEN ACROSS OTHER CITIES AND WE'D LIKE TO BRING SOME OF THOSE PROGRAMS TO THE BLACK PREPARATORY THEATRE. WE CAN'T DO IT WITHOUT FUNDING. WE NEED FUNDING. RECOGNIZE YOU GOT ALL OF US WORKING TOGETHER FOR THE LOVE OF BERKELEY AND FOR THE RESIDENTS OF BERKELEY. HOW COULD YOU TURN A DEAF EAR AND BLIND EYE FOR THE PROGRAM. WE DON'T WANT OUR CHILDREN, SHOOTING ONE ANOTHER AND SELLING DOPE TO ONE ANOTHER. WE HAVE FACILITATED PROGRAMS IF YOU ADDRESS THE MATTERS IF YOU'D BE KIND ENOUGH TO GET YOUR WORD. THERE'S MONEY OWED BUT WE'RE READY TO GET SOME NOW. MONTHS AGO WE WERE HERE AND ANOTHER CAUCASIAN ORGANIZATION GOT WHAT \$150,000 AND WE DIDN'T GET NOTHING? PLEASE FIND IT IN YOUR HEARTS TO HELP US, HELP OUR YOUNG PEOPLE HELP THEMSELVES.

>> GOOD EVENING, I'M ANDREA HANSON AND CEDING MY TIME TO STACY

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PRATT.

>> I WAS HERE LAST WEEK AND WE SPOKE AND I A DAY I LEFT HERE I GOT AN OFFER FOR HOUSING AND YOU MAY THINK THAT'S GREAT AND CARING AND COMPASSIONATE OF HIM BECAUSE I'M HOMELESS BUT IT'S NOT COMPASSIONATE. WHAT I SEE IS MALICIOUS AND HE OFFERED A ROOM IN A HOUSE, A SHARED HOUSE. I CAN'T DO SHARED ANYTHING. I CAN'T. AND I WOULD BE LIVING IN A HOUSE WITH THREE ELDERLY MEN AND HE KNOWS I'M A RAPE VICTIM AND THE WANTED TO PUT ME IN A HOUSE WITH THREE 70 TO 80-YEAR-OLD MEN, MENTALLY ILL. ONE WITH SCHIZOPHRENIA AND I'M NOT ALLOWED TO VISITORS EITHER. I DON'T THINK THAT'S VERY CARING OR COMPASSIONATE AND IT'S NOT THE FIRST TIME. FOR THE FIRST THING HE'S DONE TO ME IN THAT HOUSE BUT I BEGGED HIM TO LET ME TAKE MY NEIGHBOR, KYLE, WITH ME AND HE STATED THAT -- HE DIDN'T SAY ANYTHING AND WANTED ME TO GO TO OAKLAND BY MYSELF AND DIDN'T TAKE ANYTHING ELSE AND WANTED ME TO GO TO THE ARMPIT OF OAKLAND. I'M DISABLED I CAN'T WALK ANYMORE BEING HOMELESS AND PULLING A WAGON I NEED SURGERY NOW WITH MY BODY TWISTED. I BEGGED HIM PLEASE TAKE KYLE WITH ME. I RELY ON HIM BECAUSE I CAN'T WALK ANY MER. -- MORE. I CAN'T WALK TO THE STORE AND RELY ON HIM AND DEPEND ON HIM AND HE SHOWED UP WITH TONY. HE CAME TO TAKE KYLE AWAY FROM ME AND TOLD ME THERE WAS NOTHING IN BERKELEY. HE TOOK KYLES TO BERKELEY AND PAID CASH FOR HIS RV SO HE'D GO AND HE DIDN'T TELL ME HAD WAS LEAVING. I HAD

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NO IDEA WHERE KYLE WENT.

>> Mayor J. Arreguin: IF YOU CAN PLEASE WRAP UP YOUR COMMENTS.  
YOU'RE A MINUTE OVER.

>> I THINK I'VE SAID ENOUGH.

>> Mayor J. Arreguin: OUR LAST SPEAKER CARD WAS RUSSEL BATES.

>> I'LL CEDE MY TIME TO ANDREA.

>> COUNCIL MEMBERS I'VE BEEN MADE AWARE BY MY SUPERINTENDENT THIS IS ANTI-HATE WEEK AND WHEN I GOT THAT ANNOUNCEMENT I SAID WELL, DOES THAT MEAN WE'RE ALLOWED TO BE ANTI-WAR IN THIS DISTRICT? ARE WE ALLOWED? CAN WE DEPEND ON OUR COUNCIL TO LEAD THE ANTI-HATE CHARGE? IS WAR HATRED? IS A NATION OF 5,000 PAGERS AND WALKIE-TALKIE INDISCRIMINATE DOES THAT MAKE YOU BETTER? CAN WE DEPEND ON OUR COUNCIL TO LEAD THE WAY? WILL YOU STAND UP AGAINST HATE OR WILL YOU SPARE US YOUR EMPTY PRONOUNCEMENTS BECAUSE I'M STANDING HERE FOR MANY PEOPLE WHO HAVE GIVEN UP ON THE CITY COUNCIL AND GIVEN UP AND REALIZED THAT YOU LACK THE COURAGE OF CONVICTION. YOU LACK THE AUTHENTICITY TO STAND UP -- WHAT ATROCITY IS ENOUGH TO COMPEL TO YOU SAY I AM AGAINST IT. WE'RE WAITING TO HEAR THAT BECAUSE I DON'T KNOW HOW LOW, HOW HORRIBLE THIS WAR HAS TO GET BEFORE WE GET A YAWN OR SOMETHING IN THE DIRECTION OF JUSTICE FROM YOU. YOU ARE WOULD-BE LEADERS ON A GRANDER SCALE. I'M A SHAMED OFFER UP TO THOSE RUNNING IN CLINICAL RESEARCH RUNNING FOR OFFICE AND MORALLY BANKRUPT.

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>> Mayor J. Arreguin: I SEE WE HAVE FOUR RAISED HANDS-ON ZOOM. ARE THERE ANY OTHER ATTENDEES WANTING TO SPEAK ON NON-AGENDA MATTERS. ELANA AUERBACH IS OUR FIRST SPEAKER.

>> I'M FROM DISTRICT 4, PLEASE SUPPORT THE BLACK REP. PLEASE SUPPORT OUR UNHOUSED NEIGHBORS AND STAND UP FOR HATE. SPEAK OUT ONE OF YOU. HAS ANYONE SPOKE OUT ABOUT THE AN ANTI-PALESTINIAN HATE? I DON'T THINK SO. WHAT SOME OF YOU ATTEMPTED TO DO TO BLOCK A PALESTINE FROM BEING HEARD FROM THE PEACE COMMISSION WAS NOTHING SHORT OF AUTHORITARIANISM THE USE OF STRONG CENTRAL POWER TO MAINTAIN THE POLITICAL STATUS QUO. HOW DID YOU DO THIS BY IMPROVING YOUR POSITION ON YOUR PEACE AND JUSTICE COMMISSIONER KNOWING FULL WELL EACH OF YOU WILL HAVE AN OPPORTUNITY TO SPEAK SHOULD IT PASS THE PEACE AND JUSTICE COMMISSION. INSTEAD YOU TRIED TO SILENCE AND LIMIT DEMOCRACY. WE HAVE A VERY INFLUENTIAL JEWISH ZIONIST AGENDA. LISTEN, PLEASE BE THEY'RE OUT OF STEP WITH THE MAJORITY OF WHAT JEWISH ZIONISTS WHO LIVE IN ISRAEL ASKING FOR A PEACE FIRE FOR THE HOSTAGES ALIGN YOURSELVES WITH THOSE ASKING FOR A CEASE FIRE. STOP INTERFERING IN THE WORKINGS OF A COMMISSION WHO MAY KNOW SOMETHING DIFFERENT THAN YOU DO ABOUT WHAT IT IS TO CREATE A WORLD BASED ON PEACE AND JUSTICE.

>> Mayor J. Arreguin: OUR NEXT SPEAKER IS LAYLA HENEDY FOLLOWED BY DORIS LIMBRICK.

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>> I'M DR. DORIS LIMBRICK HERE REPRESENTING THE JUSTICE AND  
STANDING IN AGREEMENT WITH ALL THE PROMISES BERKELEY CITY  
COUNCIL SAID THEY'D GIVE AND WE'RE STANDING IN AGREEMENT. WE  
WANT TO MAKE SURE THEY RECEIVE EVERYTHING THEY HAD BEEN  
PROMISED. THIS IS ONLY RIGHT. KEEP YOUR WORD AND WE NEED YOU TO  
DO YOUR PART AND THE PLAQUE PREPARATORY HAS BEEN HELPFUL IN  
HELPING MANY PEOPLE TO BE SUCCESSFUL AND YOU KNOW IT. SO IT'S  
TIME NOW TO STOP PLAYING, IT'S NOT JUST A LITTLE THING IT'S A  
BIG THING AND ALL OVER THE BAY AREA AND WE WILL COME TOGETHER TO  
COME MORE WHATEVER IS NECESSARY WE'RE WILLING TO DO IT BECAUSE  
WE WANT THE BLACK PREPARATORY THEATRE FOR SUPPORTED BY THE  
THEATRE IT'S IN. IF THAT'S OKAY WITH YOU, THANK YOU, WE CAN  
SHAKE HANDS AND IF NOT WE HAVE TO MOVE TO THE NEXT LEVEL. IT'S  
YOUR CHOICE. THANK YOU.

>> Mayor J. Arreguin: THANK YOU. OUR NEXT SPEAKER IS PAMELA S.  
FOLLOWED BY DAN. PAMELA YOU SHOULD BE ABLE TO SPEAK.

>> GOOD EVENING, CAN YOU HEAR ME?

>> Mayor J. Arreguin: YES.

>> OKAY. FIRST OF ALL I WOULD LIKE TO SAY THAT YOU GUYS -- I'M  
SO CONVINCED YOU GUYS ARE ENJOYING SEEING PEOPLE BEG AND SQUIRM  
FOR YOU GUY. THE OFFER YOU SET IN YOUR MIND FOR THE BLACK PREP I  
DISAGREE WITH THAT. I KNOW ABOUT THE \$100 PER MONTH YOU'RE  
TRYING TO CHARGE THEM. YOU ALL SHOULD BE ASHAMED OF YOURSELVES.

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LAST TIME I WAS AT WORK DURING THE MEETING I PUT MY TAPE RECORDER BECAUSE I COULD NOT BE IN THE MEETING. I HAD TO WORK AND YOU HEARD WHAT YOU SAID AND YOU SHOULD BE ASHAMED OF YOURSELVES. THAT'S ALL I HAVE TO SAY.

>> Mayor J. Arreguin: OKAY. OUR LAST SPEAKER ON NON-AGENDA MATTERS IS DAN. THAT'S THE LAST SPEAKER. ARE YOU THERE?

>> YES. WEIRD THAT BERKELEY IS ONLY UNITED AGAINST HATE IF YOU DON'T HAPPEN TO BE A PALESTINE. STILL HAVE NOT HEARD ANY WORD ON THE HATE CRIMES AGAINST THE COFFEE HOUSE FOR THE CLINIC. ADDITIONALLY, I THINK IT'S KIND OF ABSURD THE MAYORAL OFFICE KEEPS A PR FIRM ON RETAINER OR WHATEVER PAYING LIKE \$11,000 SOMETHING FOR A PR FIRM JUST FOR THE MAYOR'S OFFICE WHEN OAKLAND AND OTHER SURROUNDING CITIES DO NOT DO THIS AND THE CITY GOVERNMENT HAS STAFF FOR COMMUNICATIONS. MAYBE YOU SHOULD GIVE THE MONEY TO THE BLACK PREP INSTEAD. THAT'S ALL.

>> Mayor J. Arreguin: THAT COMPLETES PUBLIC COMMENT ON NON-AGENDA MATTERS. I'D LIKE TO ASK OUR CITY MANAGER IF YOU CAN PROVIDER THE COUNCIL AND COMMUNITY AN UPDATE ABOUT OUR DISCUSSIONS WITH THE BLACK REP. WE MADE IN CLOSED SESSION SEVERAL WEEKS AGO. I KNOW THAT WORK IS ONGOING ON THIS SO I WANT TO TURN IT OVER TO CITY MANAGER.

>> THANK YOU, MR. MAYOR. THE COUNCIL DID MEET IN CLOSED SESSION LAST WEEK TO DISCUSS THE MATTER AND I GAVE STAFF DIRECTION.

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STAFF WILL BE IN COMMUNICATION WITH MEMBERS OF THE BLACK REP THIS WEEK AND IF THAT DOESN'T HAPPEN, BUT IT WILL FOLKS CAN E-MAIL ME AT THE CITY MANAGER'S OFFICE AND MAKE SURE WE GET IN TOUCH AS WELL BUT STAFF HAS HAD DIRECTION FROM THE COUNCIL. THEY'RE COMMITTED TO GETTING A TERM SHEET IN ORDER AND STARTING DISCUSSIONS WITH MEMBERS OF THE BLACK REP THIS WEEK. SO THAT'S GOING TO HAPPEN.

>> Mayor J. Arreguin: SO I WANT TO THANK EVERYONE WHO'S COME OUT TO OUR MEETINGS OVER THE LAST SEVERAL MONTHS AND WE'VE TALKED ABOUT HOW IMPORTANT THE BLACK REP IS NOT JUST TO YOU AND YOUR FAMILY BUT TO THE BROADER BERKELEY EAST BAY COMMUNITY. IT'S BEEN MOVING HOW IMPORTANT AND MEANINGFUL THIS ORGANIZATION IS TO OUR COMMUNITY AND WE'RE VERY COMMITTED TO WORKING TO ENSURE THE LONG-TERM FUTURE OF THE BLACK REP AT THEIR CURRENT LOCATION IN THE CITY OF BERKELEY WE'LL IN TOUCH AND THANK EVERYONE COMING TO MEETINGS TO EXPRESS SUPPORT.

>> B. Bartlett: THE COMMITMENT HAS NOT WAVERED AND IT'S STILL STRONG AND THERE WERE VACATIONS OF KEY PEOPLE AND THE OFFER IS STILL IN MOTION AND PLAN TO COMPLETING.

>> Mayor J. Arreguin: COMPLETES PUBLIC COMMENT ON NON-AGENDA MATTERS WE'LL HAVE ANOTHER PORTION AFTER THE AGENDA TONIGHT. WE'LL NOW PROCEED TO THE CONSENT CALENDAR. I WANT TO NOTE THAT THERE'S A VERSION OF ITEM 10 FROM COUNCIL MEMBER HUMBERT AND



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TAPLIN AND WENGRAF AND WE'LL BE APPROVING THAT REVIVED VERSION ON THE CONSENT CALENDAR AND TO ADDRESS ITEM 8 BECAUSE I KNOW WE'LL PROBABLY HAVE SPEAKERS ON THE AMENDMENT OF THE EXISTING CONTRACT 32002196 FOR COMMUNICATIONS CONSULTING SERVICES. TO EXPLAIN WHY THIS IS BEFORE US AGAIN. SO IN LATE JUNE THE CITY COUNCIL APPROVED AN AMENDMENT TO THE CONTRACT TO INCREASE THE CONTRACT AMOUNT. THIS IS A CONTRACT INITIALLY ENTERED INTO IN 2020 AND WE'VE BEEN ADDING TO THAT CONTRACT. SO WE'RE NOT -- THE CITY'S NOT SPENDING \$347,000 THIS FISCAL YEAR. THAT'S THE TOTAL CONTRACT AMOUNT REFLECTING THE ADDITIONS OF MONEY ON AN ANNUAL BASIS TO THAT CONTRACT. THE REASON IT'S BACK BEFORE US IS IN THE PROCESS OF IMPLEMENTING COUNCIL'S DIRECTION TO IMPLEMENT THE CONTRACT AMENDMENT IT WAS DISCOVERED THE TOTALITY OF THE CONTRACT SINCE ITS INCEPTION IN 2020 HADN'T BEEN PROPERLY CALCULATED RESULTING IN A GAP BASED ON ACCOUNTING WITH FINANCE AND BUDGET. AND SO THIS IS REFLECTING THE AUTHORIZATION COUNCIL INTENDED TO PROVIDE SO WE CAN SPEND THE MONEY THE MAYOR'S OFFICE ALREADY PROGRAMMED FOR THE CONTRACT. JUST TO ADDRESS WHAT PEOPLE SAID THAT NO OTHER CITIES DO THIS. THERE ARE MANY MAJOR CITIES IN THE STATE OF CALIFORNIA THAT DO RELY ON CONSULTING SERVICES TO ASSIST THE MAYOR OR THE CITY MANAGER OR OTHER DEPARTMENTS IN COMMUNICATIONS TO CONSTITUENT AND I'M ONE OF THE CITY'S CHIEF SPOKES PEOPLE. IT'S MY RESPONSIBILITY TO PROVIDE INFORMATION ON

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THE BUSINESSES OF THE CITY. THIS FIRM ASSISTS ME AND ANY OF THE CITY MANAGER AND OTHER COUNCIL MEMBERS THAT NEED ASSISTANCE IN COMMUNICATIONS IF YOU SO WANT TO AVAIL OF THOSE. SO, THIS WOULD ONLY BE UNTIL THE END OF NOVEMBER BECAUSE MY TERM ENDS THE END OF NOVEMBER. WHOEVER COMES NEXT MAYOR THEY COULD DECIDE IF THEY WANT TO BRING SOMEONE IN HOUSE IF THAT'S MORE COST EFFECTIVE TO DO THAT OR TO AVAIL THEMSELVES OF THESE SERVICES. BUT GIVEN WE'RE ONLY TALKING ABOUT TWO MONTHS AND THIS IS REALLY A TECHNICAL FIX TO THE TOTAL AUTHORIZED CONTRACT AMOUNT TO MAKE SURE WE CAN FULLY SPEND THE MONEY THAT HAS ALREADY BEEN ALLOCATED IN MY OFFICE BUDGET, I AM ASKING WE TAKE THIS TECHNICAL FIX TO REFLECT THE ACTION WE TOOK IN JUNE. THAT'S THE REASON THIS IS BEFORE US. SO WE'RE NOT APPROPRIATING ADDITIONAL MONEY. IT'S REALLY A TECHNICAL CHANGE. AND THOSE ARE MY COMMENTS. ON THE CALENDAR? COUNCIL MEMBER HUMBERT? KESARWANI?

>> THANK YOU, MR. MAYOR. I WANTED TO OFFER AN AMENDMENT TO ITEM 7 THE COMMISSION FUNDS REQUEST. IT DOESN'T CALL ITSELF A BUDGET REFERRAL AND SO IF EVERYONE IS AMENABLE I THINK IT MAKES MOST SENSE TO BE CONSIDERED WITH OTHER BUDGET REFERRALS. I WANT TO AMEND IT TO SAY IT'S A BUDGET REFERRAL FOR THE CITY COUNCIL TO ALLOCATE \$125,000.

>> Mayor J. Arreguin: I THINK THAT'S APPROPRIATE. WE ALREADY APPROVED THE BUDGET FOR THE NEXT TWO YEARS SO THIS WOULD HAVE TO

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BE CONSIDERED AS PART OF THE JUNE 2025 BUDGET PROCESS. IS THERE APPROVAL?

>> AND ITEM 9 THIS IS ALSO A BUDGET REFERRAL TO CONSIDERING AN INDEPENDENT CONSULTANT TO LOOK AT OUR HEALTH FOOD INSPECTION PROGRAM. THERE'S A SUPPLEMENTAL HERE TO ACKNOWLEDGE MY THREE CO-SPONSORS. I WANT TO THANK COUNCIL MEMBERS TREGUB, HUMBERT AND WENGRAF FOR JOINING AND WE ALSO MADE SOME CLARIFYING EDITS TO THE RECOMMENDATION THAT WE WOULD CONSIDER ALTERNATIVE MODELS, STAFFING LEVELS AND INCREASED USE OF TECHNOLOGY IF WE WERE TO CONDUCT THIS INDEPENDENT ANALYSIS. THANK YOU.

>> Mayor J. Arreguin: THANK YOU. COUNCIL MEMBER HUMBERT, THEN LUNAPARRA THEN HAHN.

>> M. Humbert: THANK YOU. FIRST I WANT TO ADDRESS ITEM 7. I'D LIKE TO BE MARK NO ON THE ITEM. I KNOW OUR HOUSING FEASIBILITY REPORT IS STILL IN PROGRESS BUT BASED ON THE PRELIMINARY MODELLING WE WAS DONE WE KNOW VIRTUALLY NO HOUSING TYPES WITH THE EXCEPTION OF GROUP LIVING ACCOMMODATIONS ARE FEASIBLE. IN THE CONTEXT I DON'T THINK WE SHOULD TAKE STEPS SPENDING CITY FUNDS TO EXPLORE ADDITIONAL FEES TO LAYER ON TOP OF THE FEES WE ALREADY HAVE. I THINK ART IS IMPORTANT AND I WANT US TO SUPPORT THE ARTS BUT I DON'T THINK BURDENING NEW HOUSING AND THEREFORE THE YOUNGER GENERATION IN NEED OF HOUSING IS THE WAY TO DO IT. I'M WITH KAMALA HARRIS. I THINK WE NEED TO BE FINDING WAYS TO

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MAKE IT EASIER AND LESS EXPENSIVE TO BUILD HOUSING AND THIS HAS THE POTENTIAL TO DO THE OPPOSITE. THANK YOU. THAT'S ALL I HAVE.

>> Mayor J. Arreguin: WE'LL VOTE YOUR NO-VOTE. THANK YOU.

COUNCIL MEMBER LUNAPARRA AND THEN COUNCIL MEMBER HAHN.

>> C. Lunaparra: I'LL BE VOTING NO ON ITEM 3 OVER THIS PAST TWO WEEKS UNHOUSED COMMUNITY MEMBERS HAVE FACED EXTREME POLICE VIOLENCE, DISPLACEMENT AND ARREST. I'M DISAPPOINTED WE CLAIM THIS IS THE LAST REPORT WHEN WE NEGLECT WILL THE FIRST STEP IN CONSULTING IN HOUSED NEIGHBORS.

>> Mayor J. Arreguin: THANK YOU. WE'LL RECORD YOUR NO-VOTE ON THAT ITEM. COUNCIL MEMBER HAHN AND ANY COUNCIL MEMBERS ON ZOOM WOULD YOU LIKE TO SPEAK TO THE CONSENT CALENDAR? OKAY.

>> S. Hahn: I HAD A QUESTION FOR COUNCIL MEMBER KESARWANI. APOLOGIES, QUICK QUESTION. ON THE QUESTION OF THE RESTAURANT INSPECTIONS, DO WE KNOW IF ALMEIDA COUNTY WOULD IN ANY UNIVERSE TAKE THIS ON?

>> IT IS A POSSIBILITY THAT THE INDEPENDENT CONSULTANT COULD INVESTIGATE. IT'S POSSIBLE HAVING NOT SPOKEN TO ALMEIDA COUNTY BUT SPOKEN TO OUR CCCS DIRECTOR THEY COULD CONSIDER TAKING IT ON A CONTRACTUAL BASIS FOR PAYMENT. WE NEED TO EXPLORE AND THE PURPOSE IS TO INVESTIGATE NOT JUST THE ALMEIDA COUNTY OPTION BUT OTHER ALTERNATIVE MODELS THAT MAY EXIST.

>> S. Hahn: I WANT TO MAKE SURE WE WEREN'T INVESTIGATING

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SOMETHING ALMEIDA COUNTY EVEN IF WE WANTED TO WOULDN'T BE ABLE TO . WE'LL ALSO REACH OUT TO THE COUNTY AS PART OF THAT STUDY. I THINK IT'S A THRESHOLD QUESTION WHETHER THEY'D CONSIDER IT AT ALL.

>> R. Kesarwani: IF THIS WERE TO BE FUNDED THERE'D BE AN RFP AND WE COULD SPECIFY WHAT WE WANT THE CONSULTANT TO LOOK AT AND DO PRELIMINARY INVESTIGATION OF THE FEASIBILITY AND WE CAN LOOK INTO IT FURTHER BEFORE MAKING A BUDGET DECISION.

>> S. Hahn: GREAT. I WANT TO MAKE SURE WE DON'T GO DOWN A ROAD WHICH I'M INTERESTED IN IT AS WELL. IF IT'S A HARD NO FROM THEM THEN WE PROBABLY SHOULDN'T SPEND THE MONEY. I'M MORE THAN HAPPY TO MOVE IT FORWARD FOR NOW.

>> Mayor J. Arreguin: THANK YOU. ANY OTHER COUNCIL MEMBERS WHO WOULD LIKE TO SPEAK ON THE CONSENT CALENDAR? PRESS YOUR BUTTON OR RAISE YOUR HAND ON ZOOM. ON ITEM 7 I SUPPORT THAT ITEM. I'VE READ IT AND THE COMMISSION RAISES A NUMBER OF REASONS WITH NEED TO CONSENT FOR THE POLICY. THE TIMING COMING TO US WE APPROVED THE TWO-YEAR BUDGET JUNE 25. THIS COULD BE CONSIDERED FOR THE MAJOR BUDGET ADJUSTMENT IF MONEY'S VALUABLE WE DON'T KNOW HOW MUCH EQUITY AVAILABLE AND THE TOTALITY OF THE CITY'S NEEDS. WE HAD TO DEFER A NUMBER OF EXPENDITURES WHEN WE ADOPTED THE JUNE BUDGET BUT CAN CONSIDER IT THEN OR EN JUNE AS WELL. BY MAKING IT A BUDGET REFERRAL IT WILL BE INCLUDED ON THE LIST OF BUDGET

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REFERRALS TO BE CONSIDERED AND I AGREE I THINK WE SHOULD INITIATE THE PROCESS AND TAKE ANOTHER LOOK AT THE POLICY. SO I APPRECIATE THE COMMISSION BRINGING THIS TO US. ARE THERE ANY OTHER COMMENTS? AN COMMENTS ON THE CONSENT CALENDAR? BRIEFLY, I ALERTED THE ALMEIDA COUNTY SERVICES AND I GAVE A HEADS UP BUT I HAVEN'T TALKED TO HER ABOUT IT BUT I WILL.

>> Mayor J. Arreguin: THE CHANGES TO THE CONSENT CALENDAR IT'S AS PUBLISHED AND NOTE FOR THE RECORD THERE WERE REVISED VERSIONS OF ITEM 9, AND ITEM 10 THAT WERE INCLUDED IN THE SUPPLEMENTAL PACKET. SO WE'LL TAKE PUBLIC COMMENT ON CONSENT CALENDAR. FIRST TO MEMBERS OF THE PUBLIC HERE IN PERSON. IF YOU'D LIKE TO SPEAK ON THE CONSENT CALENDAR, PLEASE LINE UP ON THIS SIDE OF THE ROOM.

>> GOOD EVENING, MAYOR AND COUNCIL AND CITY MANAGER AND DEPUTY CITY MANAGER. I WANTED TO BRIEFLY SPEAK TO THE WILD HART SEISMIC UPGRADES. THANK YOU COUNCIL MEMBERS WHO ARE PROPOSING THAT. IT'S IMPORTANT AT THIS TIME AS A MEMBER OF THE CERT NEIGHBORHOOD. I KNOW WE HAVE WILDFIRES AND EARTHQUAKES THAT HAPPEN AND WE'RE NOT READY FOR IT AND WE SHOULD EMPHASIZE THAT NEED. ON NUMBER 7, GOING BACK TO THE ENCAMPMENT NUMBER 3, I AGREE WITH COUNCIL MEMBER LUNAPARRA WE NEED TO LOOK TO THE COMMUNITY FOR THE SOLUTIONS THOSE WITH LIVED EXPERIENCE AND SPECIALIZED CARE UNIT TO EXPAND THEIR SERVICES. A NEIGHBOR SAID THE HOMELESS ARE

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TAKING OVER THE NEIGHBORHOOD BUT NOT RECEIVING SERVICES INSTEAD KICKED TO A DIFFERENT CURB. PLEASE, PLEASE, PLEASE, MAKE ADJUSTMENTS TO THAT. FINALLY ON THE CIVIC ARTS FUND WE HAVE NO THEATRES DOWNTOWN AND THAT'S A REQUIREMENT UNDER STATE LAW TO COUNCIL MEMBER HUMBERT WHO IS AN ATTORNEY KNOWS WE NEED THAT TO BE COMPLIED WITH. THANK YOU.

>> I'D LIKE IT CEDE MY TIME.

>> I TAKE THE OPPORTUNITY IN THE SUNSET OF MY SERVICE ENDING 2024. FIRST TO THANK YOU FOR YOUR LEADERSHIP AND MY CONSTITUENTS CONTINUE ON THE INFRASTRUCTURE FOR CIVIL SOCIETY IN THE CITY OF BERKELEY. I BEG TO DIFFER WITH COUNCIL MEMBER HUMBERT.

MR. HUMBERT, THIS INITIATIVE AROUND THE NEXUS STUDY DOES NOT DEFER OR DETER DEVELOPMENT. DEVELOPMENT HAS NEVER BEEN DETERRED BY OUR PRIVATE PURSUIT FOR THE ART. NEVER. IT CONTINUES TO ROLL THROUGH. SO YOUR PERCEPTION THAT THIS IS AN OBSTACLE IS INCORRECT. YOU CAN LOOK AT THE RECORD. PLEASE STUDY THE RECORD AND SEE THE NUMBER OF PROJECTS AND WHAT HAS HAPPENED. I SPEAK TO YOU TO ACKNOWLEDGE THE STUDY AND AFFIRM YOUR SUPPORT THE CRITICAL STUDY. IT HAS ALLOWED THE MOST CULTURAL CONTRIBUTIONS THE CITY HAS KNOWN. ON MARCH 12 THIS YEAR A DOWNTOWN PROJECT WAS ABLE TO WAIVE UP CONCESSION AS CONFIRMED BY STAFF THE DOLLAR AMOUNT. IT THE LARGEST CONCESSION TO DATE OR PERHAPS EVER AND WE AS CULTURAL BARRIERS BEGIN TO THINK WITH WHAT WOULD HAVE BEEN

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POSSIBLE FOR CONSTRUCTION ON SITE OR THE LESSER IN LIEU IN WHICH WE COULD HAVE PRESERVED THE FERRY DOCK PROJECT OR THE CIVIC CENTER CULTURAL CENTER THAT DOESN'T SEEM TO HAVE ANY ECONOMIC PATH FORWARD. COULD WE CREATE A SITUATION WHERE ARTISTS' AFFORDABLE HOUSING COULD BENEFIT. IF WE'RE SUCCESSFUL IN DESIGNATING A CULTURAL DISTRICT IN THE STATE AND TO DATE NONE ARE REGISTERED IN BERKELEY WE COULD ACHIEVE THE 10% OF ARTIST AFFORDABLE HOUSING OF THE SENATE BILL. WE CANNOT WAIT FOR ARTIST HOUSING LIKE WE DID IN THE PAST DECADE IN OUR PLAN FOR 10 YEARS. THE DOWNTOWN PROJECT AND WAIVER WHICH ALSO LED TO MILLIONS OF MISSED OPPORTUNITIES BY OTHER DEVELOPERS SO AS SOON AS THAT ONE DEVELOPER WAS ABLE TO WAIVE THAT, SO TOO ALL FELL. THIS WILL CUT THE HEART OUT OF OUR FUNDING AND OUR BEST AND BRIGHTEST ARTISTS WILL GET DISPLACED AND THE FANTASY BUILDING FILMMAKERS. WE HAVE TO BE INTO OUR MINDS WHAT TO DO. THE STUDY IS CRITICAL OR THE FUNDING STREAM WILL END. THANK YOU.

>> THANK YOU. I COME AS A HOME OWNER. I WANT TO THANK THE CITY COUNCIL FOR ITS LONG SUPPORT OF THE ARTS AND FOSTERING A CLIMATE OF CREATIVITY IN THE COMMUNITY. THANK YOU VERY MUCH. WITH THAT IN MIND, I KNOW YOU'VE MOVED ITEM 7 THE NEXUS FUNDING TO BE A BUDGET REFERRAL MATTER. YOU I UNDERSTAND THE LOGIC BEHIND THAT AND THERE'S A BIG QUESTION MARK WHETHER THE FUNDING WILL BE THERE OR WHETHER THEY'LL DECIDE WHETHER IT'S WORTH MEETING THE



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REQUIREMENT FOR A NEXUS STUDY BUT I THINK IT'S VERY IMPORTANT TO DO THIS. AND I'D LIKE TO SPEAK WHERE DEVELOPERS SHOULD BE CONTRIBUTING IN SOME MANNER TO THE CULTURAL LIFE OF BERKELEY BECAUSE THEY USE IT TO MARKET SO WHY NOT HAVE THEM PAY FOR A PORTION OF IT. THEY SHOULD CONTRIBUTE IN SOME WAY TO THE VIBRANCY OF THE CITY THEY'RE BUILDING IN. THANK YOU VERY MUCH.

>> Mayor J. Arreguin: THANK YOU.

>> I'M ADDRESSING ITEM 3 IN THE SECOND READING. THE ANTI-HOMELESS RULE YOU CREATED. IN 1857 THE U.S. SUPREME COURT DELIVERED THE DREAD SCOTT DECISION. IT SAID THAT BLACK PERSON HAD ANY RIGHTS A WHITE PERSON WAS BOUND TO RESPECT. NOW, A COUPLE YEARS AGO WE SAW THE STATUES OF CHIEF CHENEY BEING CRUMBLED INTO THE DUST OF HISTORY. SIMILARLY THE DECISION HAS CREATED A PRECEDENT TO SOMEHOW SAY A CLASS OF HUMAN BEINGS DOES NOT HAVE A LEGAL RIGHT TO EXIST SAFELY. WITHOUT THE ABILITY TO PAY ON PRIVATE PROPERTY THEY CANNOT BE TOLD WHERE THEY CAN GO. YOU ERASED THEM FROM OUR COMMUNITY. YOU ESSENTIALLY STRIVE TO ERASE THEM. AND THE IMPORT, THE IMPACT OF THAT DECISION CAN BE OPPOSED BY RIGHTEOUS PEOPLE. YOU HAVE THE OPPORTUNITY TO STAND ON THE RIGHT SIDE OF HISTORY. YOU WILL BE JUDGED FOR YOUR COMPLICITY IN IMPLEMENTING THAT VERY WRONG DECISION. I DON'T WANT TO SEE YOUR STATUE COME CRUMBLING DOWN.

>> EVERY ONCE IN A WHILE I SEE IRONY RUNNING AMUCK AND I SAW AN

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A COP WATCHING IN OAKLAND LAST WEEK AT 23rd AND GRAND AVENUE JUST OFF MARTIN LUTHER KING BOULEVARD SEEING HOMELESS HAVING THEIR RIGHTS TAKEN WAY AND LOOKED DOWN UPON BY PASSERS-BY AND PEOPLE WHO ARE HOUSED IN THE AREA. AND THE TRAGEDY OF THAT IS WHEN I HEAR THEIR COMMUNITY, REFERRED TO AS AN ENCAMPMENT. THAT'S A COLONIZER TERM. IT'S A STATUS QUO TERM. THEY HAVE COMMUNITIES. THEY ARE PART OF THE COMMUNITY AS WE ALL ARE PART OF A LARGER COMMUNITY. AND REMEMBER IT'S A COMMUNITY. IT'S NOT AN ENCAMPMENT. THANK YOU.

>> GOOD EVENING. MY NAME IS TOM PARRISH, MANAGER OF BLACK PREPARATORY THEATRE AND HERE TO VOICE MY SUPPORT FOR ITEM 3. THE ENCAMPMENT POLICY RESOLUTION. WE DESPERATELY NEED TO ADDRESS THE HAZARDOUS ENCAMPMENTS THAT POSE A RISK AND IMMINENT HEALTH HAZARD. WE HAVE DEEP COMPASSION FOR OUR NEIGHBORS LIVING ON OUR SIDEWALK NEXT TO OUR LIVING BUT THEY'RE PRESENCE HAS CREATED BOTH SAFETY AND SECURITY CONCERNS FOR OUR STAFF, EMPLOYEES, ARTISTS AS WELL AS INFRINGED ON THE LEGAL RIGHTS OF OTHER BUSINESSES IN THE AREA. WE SUPPORT ITEM 3. THANK YOU.

>> WHAT WE HAVE HERE IS A FAILURE TO COMMUNICATE REQUIRED TO ARRIVE AT A SOUND CONCLUSION BY THE SELECTED OFFICIALS OF THE CITY AND STATE MISCOMMUNICATING TO ACCOMPLISH MISDEEDS WHICH RESULT IN THE VIOLATION OF CONSTITUTIONAL PROTECTED RIGHTS WHICH IS SO IMPORTANT. TAX MONEY OF EMBEZZLEMENT OF FUNDS DESIGNATED

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TO HELP THE HELP THE HOMELESS AND PROGRAMS WHICH EGREGIOUSLY VIOLATE YOU'RE RIGHTS AND AS GO GOES BERKELEY GOES THE COUNTRY. AS THE GROSS MISMANAGEMENT OF ABUNDANT RESOURCE BUSINESS THOSE ENTRUSTED TO THE TASK.

>> I COME BEFORE YOU AS A MINISTER DOING THIS WORK AND I COME FROM THE NATION'S FIRST TINY HOUSE INTERVENTION FOR UNHOUSED YOUTH AND I'VE BEEN HUMBLLED HOW MUCH I LEARNED ABOUT TRAUMA AND WHAT IT TAKES TO ACCOMPANY PEOPLE WHO SUFFERED SO MUCH TRAUMA AND CONTINUING TO LEARN WHAT OUR EFFORTS ARE IN TERMS OF CRISIS SUPPORT SERVICES. 741, 741. I'M AMAZED WE HAVE TEXT MESSAGING SERVICES FOR PEOPLE IN CRISIS AND MOST PEOPLE DON'T KNOW THAT EXISTS. I DOESN'T KNOW THAT EXISTS. SO I WONDER WHAT WE CAN CONTINUE TO DO TO BUILD ON THE WORK AND PROGRESS WE'VE MADE THUS FAR TO CONTINUE ESPECIALLY EXPANDING PUBLIC EDUCATION REGARDING DIGITAL LITERACY BECAUSE TRANSITIONAL YOUTH WE SERVE WOULD BE ASSISTED IN THEIR REQUEST FOR HOUSING IF MORE DIGITAL SERVICES AND THOSE KINDS OF INTERVENTIONS WERE MADE AVAILABLE. 741. 741. IT'S REALLY EASY TO REMEMBER. THANK YOU ALL.

>> Mayor J. Arreguin: THANK YOU. WHO WOULD LIKE TO SPEAK NEXT?

>> HI, ANY NAME IS ANDREA HENSON THE EXECUTIVE DIRECTOR OF WHERE DO WE GO AND MY NEPHEW HUEY POD NEWTON. I WANTED TO INTRODUCE AARON SPENCER WHO JUST SPOKE, WHO IS A RES RESIDENT AT HARRISON AND THE AARON SPENCER MENTIONED IN THE JOHNSON B. GRANTS PASS

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CASE. HE IS THAT SERVICE-DISABLED VETERAN WHO WASN'T GETTING SERVICED JUSTICE SOTOMAYOR TALKED ABOUT AND A RESIDENT OF THE HARRISON STREET ENCAMPMENT. I ALSO WANTED TO INTRODUCE MS. LUANDA AND THERE ARE PEOPLE WHO DON'T CAUSE PROBLEMS AND NEED SERVICES AND CAME OUT HERE WALKING JUST TO YOU COULD SEE THEIR FACE. THANK YOU.

>> Mayor J. Arreguin: THANK YOU.

>> I'M WITH THE BERKELEY HOMELESS UNION AND HERE TO SPEAK ABOUT ITEM 3 ON CONSENT CALENDAR. WITH NOWHERE TO GO WHEN THEIR HOMES ARE DISCARDED FOLKS FORCED TO EXIST IN PUBLIC SPACE BY THE DRACONIAN PRIVATE PROPERTY SYSTEM OF THE BAY AREA EFFECTIVELY BECOME CRIMINALIZED BY THE LANGUAGE OF THE ENCAMPMENT POLICY RESOLUTION. WHILE AN AMENDMENT MAY HAVE BEEN MADE THE RESOLUTION CONTINUES TO STATE IT WILL REFER TO STATE AND FEDERAL LAW. THANK YOU TO ANDREA HENSON FOR POINTING THIS OUT TO ME. WIN THE SCOTUS RULING IN REGARD TO DISPOSING SOMEONE'S SHELTER THE 2018 RULING AND NEWSOM'S RULING WITH THE VIOLATIONS TO EMPOWER AGENT OF THE STATE TO TAKE REASONABLE, BY WHO'S REASON, TO END HOMELESSNESS THEY'RE RETAINING THE ARRESTS IMPLICITLY. BERKELEY SHOULD PROVIDE THE CARE UNHOUSED ADVOCATES HAVE BEEN ASKING FOR. SUCH AS ADA ACCESSIBILITY AND MENTAL HEALTH OUTREACH INSTEAD OF CAPITULATING TO ENFORCEMENT. THANK YOU.

>> Mayor J. Arreguin: THANK YOU VERY MUCH. WHO WOULD LIKE TO

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SPEAK NEXT?

>> IT'S ME AGAIN. I CAN'T DO THIS. I DON'T KNOW WHERE I'M GOING TO GO AND WHAT I'M GOING TO DO AND AFRAID EVERY SINGLE MINUTE OF EVERY DAY WHEN YOU GAVE THE DIRECTOR THE POWER. I'VE BEEN LIVING IN CONSTANT HYPERVIGILANT STATE. I'VE HAD TWO HEART ATTACKS AND A STROKE AND GOING TO DIE BECAUSE OF THIS AND NOW WILL CERTAINLY DIE AND PROBABLY ARRESTED TOO. IT'S NOT FAIR. I DIDN'T DO ANYTHING WRONG AND DON'T DESERVE TO DIE AND I DON'T DESERVE TO BE ARRESTED AND I DIDN'T BREAK ANY LAWS.

>> HI, Y'ALL. I'M GOING TO TRY AGAIN. STACY'S MY FRIEND. WE'RE ALL HUMANS. WE ALL HAVE NEEDS. IF WE DON'T PAY ATTENTION TO WHAT PEOPLE NEED AND HOW TO PREVENT THE HARM THEY ARE LITERALLY SUFFERING FROM AND IF WE DON'T COME UP WITH POSITIVE SOLUTIONS IN TERMS OF SUPPORTIVE CARE WE'RE JUST BASICALLY SHOVELLING THE CHAIRS AROUND ON THE DECK OF THE TITANIC. THERE AREN'T GOING TO BE WINNERS HERE. IT DEPENDS ON LOSERS AND THE FACT THAT SO MANY PEOPLE ARE DISPENSABLE WHEN EVERYONE'S A TREASURE. EVERYONE IS A GIFT AND IT'S HEARTBREAKING TO HAVE BEEN ON ALL SIDES OF THIS CARRYING FOR EVERYONE AND IN THE SAME SPACE OF NEEDING CARE AND SEEING WE DON'T HAVE THE STRUCTURES IN PLACE. WE COULD BE SAVING SO MUCH MONEY IF WE PREVENTED THE HARM AND LOOKED TO SEE WHAT CAUSES IT AND THEN ACTUALLY CARE ENOUGH TO PROVIDE THE SOLUTIONS RATHER THAN JUST PUSHING THE CANNOT ONLY DOWN THE ROAD BUT OFF

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THE CLIFF. I'M SAD AND CONCERNED. THANK YOU VERY MUCH.

>> Mayor J. Arreguin: ANYMORE IN PERSON SPEAKERS.

>> I'M SPEAKING ON BEHALF OF THE BERKELEY HOMELESS UNION. WE HAVE NOT HEARD A RESPONSE FROM YOU GUYS ABOUT OUR CEASE-AND-DESIST LETTER TO NOT PASS THIS POLICY TO AVOID FURTHER LITIGATION. I'M HOPING YOU GUYS CAN RECONSIDER THE POLICY AND WORK WITH THE PEOPLE. WE'RE ASKING FOR A BETTER HUMANE WAY TO GO FORWARD AND THIS IS NOT WHAT'S HAPPENING RIGHT NOW. BASICALLY IN JULY WHEN THE SUPREME COURT OVERTURNED THE PROTECTIONS OF PEOPLE NATIONWIDE ALLOWING THEM TO BE PENALIZED FOR SLEEPING IN PUBLIC EVEN WHEN THERE'S NO SAFER ALTERNATIVES IT'S BEEN DEVASTATED FOR PEOPLE. AS LOCAL POLICIES HAVE IN OUR BEING RESHAPED FOR UNHOUSED PEOPLE. IT'S A DELIBERATE DEMARGINALIZATION ON VULNERABLE PEOPLE BASED ON MISCONCEPTIONS ABOUT THE PEOPLE AND COULD BE VIEWED AS A SOCIAL CLEANSING. LOOKING AHEAD THE NEXT 250 YEARS I HOPE WE CAN EXPAND THE DEFINITIONS OF LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS TO INCLUDE THE FUNDAMENTAL HUMAN RIGHTS SUCH AS ACCESS TO SAFE HOUSING AND ECONOMIC SECURITY. WITHOUT THESE, WE'RE DENYING PEOPLE THE OPPORTUNITY TO POTENTIAL AND PURSUE THEIR DREAMS. THANK YOU.

>> Mayor J. Arreguin: THANK YOU VERY MUCH. ARE THERE ANY OTHER SPEAKERS IN PERSON? IF NOT WE'LL GO TO THE SPEAKERS WHO HAVE RAISED THEIR HANDS ON ZOOM. OUR FIRST SPEAKER ON ZOOM IS ELANA

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AUERBACH FOLLOWED BY LISA TEAGUE.

>> PLEASE FOLLOW THE COMPASSIONATE AND COURAGEOUS LEADERSHIP OF COUNCIL MEMBER LUNAPARRA AND VOTE NO ON ITEM 3. THERE ARE SOLUTIONS THAT HAVE BEEN DONE AROUND THE COUNTRY THAT TAKE INTO ACCOUNT THE BUSINESS OWNERS AND OUR UNHOUSED COMMUNITY. THOSE MOST VULNERABLE. PLEASE DO THAT. AND THANK YOU, MAYOR, FOR YOUR COMMENTS. THERE ARE NO CITIES AND I CALLED RICHMOND AND OAKLAND THEY DO NOT PAY A PR FIRM FOR YOUR MAYOR. YOU HAVE SIX PEOPLE ON YOUR STAFF AS LISTED ON THE CITY WEBSITE. IN 2022 THE STAFF WAS PAID \$365,000. SO I FILED A PUBLIC RECORDS ACT REQUEST TO FIND OUT WHAT IS BE ABLE AND ASSOCIATES. THEY'RE A PR FIRM. THEY'RE SPIN DOCTORS. SO WE KNOW THAT THE E-MAILS AND TEXTS REVEAL THEY'VE SECURED MANY OPPORTUNITIES FOR YOU, MR. MAYOR, TO BE INTERVIEWED BY THE MEDIA LOCALLY AND NATIONALLY AND SEND OUT A WEEKLY E-MAIL TO YOUR COMMUNICATIONS PERSON. HAVE YOU A COMMUNICATIONS PERSON ON STAFF WITH SUGGESTED TWEETS AND ALSO THEY WERE INVOLVED ON THE BERKELEY SIDE OP-ED PUBLISHED IN JANUARY. THEY POTENTIALLY WROTE IT THAT I'M QUOTING A SMALL GROUP OF INDIVIDUALS RESORTED TO AN INTENSE CAMPAIGN OF HARASSMENT AND ABUSE TO THE POINT THEY BULLIED AN ELECTED OFFICIAL OUT OF OFFICE. LEADING TO THE RESIGNATION OF FORMER MEMBER ROBINSON AND YOU AND COUNCIL MEMBER HAHN WERE BULLYING HIM BECAUSE OF HIS WORK ON A GAZA CEASE FIRE RESOLUTION. THANK

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YOU.

>> Mayor J. Arreguin: THAT'S NOT TRUE. YOU'RE OUT OF ORDER. IF YOU CONTINUE TO DISRUPT THE MEETING WE WILL HAVE TO TAKE A BREAK. MS. PRICHETT YOU SPOKE. PLEASE SIT DOWN. LET'S GO TO THE NEXT SPEAKER LISA TEAGUE AND WHEN PEOPLE LIE AND SAY MISINFORMATION IT'S IMPORTANT TO CORRECT THE RECORD AND THAT WAS A COMPLETE LIE. LISA TEAGUE.

>> GOOD EVENING, MR. MAYOR, COUNCIL MEMBERS. I WANT TO SPEAK ON ITEM 3. AND I JUST WANT TO REITERATE THAT BETTER SOLUTIONS CAN BE MADE IF WE SIT DOWN AT THE TABLE AND TALK TO EACH OTHER. I'M NOT SURE HOW WE CAN MAKE THIS HAPPEN BUT I WOULD DEARLY LOVE TO HAVE A REAL CONVERSATION ABOUT WHAT ELSE WE CAN DO. LET'S BRING GOOD LIVES TOGETHER. I URGE YOU TO VOTE NO ON ITEM 3. THANK YOU.

>> Mayor J. Arreguin: OUR NEXT SPEAKER IS KELLY HAMMERGRIN FOLLOWED BY CLAUDIA AND FOLLOWED BY FORMER COUNCIL MEMBER WAZNIAK.

>> THANK YOU. AND THANK YOU COUNCIL MEMBER LUNAPARRA FOR NOT VOTING FOR ITEM 3 AND I'M GRATEFUL MY FAMILY WITH MENTAL ILLNESS HAVE SUPPORT SYSTEMS AND NOT ON THE STREET BUT THAT'S NOT THE SITUATION FOR EVERYONE. I SEE YOU WEAR A CAPIA TO OUR COUNCILS AND I WISH TO THANK YOU FOR THAT. I WISH IT WAS ACCOMPANIED BY A CEASE FIRE RESOLUTION. THE DEATHS ARE HEARTBREAKING AND MAKE ME CRY AND ASK WE ALL TAKE ACTION TO CALL FOR A CEASE FIRE. ON ITEM



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7 SUPPORTING THE ARTS MAKE BERKELEY A RICHER CITY. I WISH WE WERE CONSISTENT IN SUPPORTING THE BLACK REPERTORY THEATRE IN THE WAY WE SUPPORT OTHER THEATRES. IT DOESN'T FEEL RIGHT THE WHITE DOMINATED THEATRES ARE GETTING THE MONEY AND THE BLACK REPERTORY THEATRE ISN'T. THOSE ARE MY COMMENTS. I DON'T SEE A CLOCK SO I DON'T SEE WHETHER I'M OUT OF TIME.

>> Mayor J. Arreguin: THANK YOU VERY MUCH. CLAUDIA FOLLOWED BY FORMER COUNCIL MEMBER WOZNIAK FOLLOWED BY MARTIN.

>> I SPEAK TO SUPPORT ITEM 10 ON THE CONSENT CALENDAR TO CLARIFY WHAT MEASURE Y THE PARKS TAX INCREASE WILL BE FUNDING. THE PRW COMMISSION, WHICH I CHAIR, RECOMMEND WILL THE MODEST INCREASE. WITH WANT TO THANK YOU FOR INCLUDING THIS ON THE NOVEMBER BALLOT. BUT WE HAVE HEARD FROM SOME OF THE COMMUNITY WITH CONCERNS ABOUT JUST WHAT THE 4.5 CENT INCREASE WILL BE USED FOR AND IT'S MORE OF A CALL OUT FOR THE ITEM SUCH AS THE WATERFRONT PARKS, INCLUDING THE CITY'S LARGEST CESAR CHAVEZ ESSENTIAL PARK AND LANDSCAPING CAPITAL S WOULD HELP CLARIFY IT. IN NO WAY DOES IT EXPAND OUR SUPPLEMENT THE BALLOT LANGUAGE. IT'S IMPORTANT THIS BE VOTED ON TONIGHT. AND FOR ALL THE ATTENDEES, I URGE YOU TO GO TO BERKELEY PARKS YES ON Y DOT-COM AND VOTE YES ON Y. THANK YOU FOR YOUR ATTENTION.

>> Mayor J. Arreguin: THANK YOU. WE'LL GO NEXT TO FORMER COUNCIL MEMBER WOZNIAK FOLLOWED BY MARTIN AND FOLLOWED BY WHERE DO WE

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GO.

>> THANK YOU, MAYOR AND COUNCIL FOR ALLOWING ME TO SPEAK. I'D LIKE TO SPEAK IN FAVOR OF ITEM NUMBER 10, THE RESOLUTION CLARIFYING THE MEASURE Y. THE INTENT WAS CLEAR. IT WAS ALSO WHEN WE TALKED TO A NUMBER OF PEOPLE SUPPORTIVE OF INCREASING THE PARKS TAX. WE HAD SOME CONCERNS OF ABOUT SOME THINGS WERE NOT AS SPECIFIC AS THEY WOULD LIKE THOUGH WE EXPLAINED THAT THERE WERE COUNCIL DISCUSSION WHERE THE FUNDS WOULD BE SPENT. THERE WAS A SPREAD SHEET SHOWING THE WATERFRONT OF CESAR CHAVEZ PARK WERE INCLUDED AND EMPHASIZING THE URBAN FOREST AND INCREASING THE FUNDS FOR CAPITAL PROJECTS, WHICH IS OFTEN USED ALSO FOR LEVERAGING LOCAL TAXPAYERS' MONEY FOR GRANT FUNDS. THANK YOU FOR PUTTING THE CLARIFICATION ON. WE WOULD ALSO LIKE TO STRESS IT DOESN'T REALLY CHANGE ANYTHING LEGALLY AND THE CITY HAS EXISTING PARK TAX IS THE BASIC MEASURE AND THIS IS THE MEASURE Y TO INCREASE THE RATE. THE DISCUSSION I THINK IN WHAT THE COUNCIL THINKS THIS IS GOING TO ACTUALLY DO IS IMPORTANT FOR THE PUBLIC TO KNOW. SO I SUPPORT ITEM 10. THANK YOU.

>> Mayor J. Arreguin: THANK YOU. OKAY. WE'LL GO NEXT TO MARTIN FOLLOWED BY WHERE DO WE GO FOLLOWED BY CC.

>> ALL RIGHT, THIS IS MARTIN THE CEO OF THE CHAVEZ PARK CONSERVANCY. I'M SPEAKING ON ITEM 10 ALSO. THERE'S A MENTION IN THERE ABOUT CAPITAL PROJECTS FOR CESAR CHAVEZ PARK. WE'VE

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RECENTLY HAD AN ENCOUNTER WITH THIS ISSUE I'D LIKE TO RAISE. THE CHAVEZ PARK CONSERVANCY ASKED FOR PERMISSION TO BUILD A TEMPORARY, SEASONAL FENCE TO PROTECT THE OWLS IN THE NORTHEAST CORNER OF CHAVEZ PARK. WE WERE GOING TO PROVIDE THE MATERIALS AND DO THE LABOR OURSELVES BUT MR. BRUCE PRATT THE PARK SUPERINTENDENT SAID AS FAR AS THE OWLS THEY CAN DROP DEAD AND SAID IF WE BUILT THE FENCE THEY WOULD TEAR IT DOWN AND POSSIBLY PROSECUTE US FOR VANDALISM. YOU KNOW, THE OWLS ARE BEAUTIFUL AND CHARISMATIC BIRDS THAT DESERVE PROTECTION FROM EVERYBODY. COUNCIL, PLEASE USE YOUR INFLUENCE TO PERSUADE MR. PRATT TO RELENT. I PERSONALLY WILL NOT VOTE FOR ANY PARKS TAX AS LONG AS THE PARK ADMINISTRATION WON'T PROTECT THE OWLS OR VOTE FOR ANY CANDIDATE WHO TURNS THEIR BACK ON THE OWLS. I HOPE THE MESSAGE IS CLEAR. THANK YOU VERY MUCH.

>> Mayor J. Arreguin: THANK YOU. OKAY. WHERE DO WE DO IS THE NEXT SPEAKER FOLLOWED BY CC, FOLLOWED BY DAN.

>> THANK YOU, MR. MAYOR. CAN YOU HEAR ME?

>> Mayor J. Arreguin: YES.

>> MY NAME IS IAN MORALES PRESIDENT AND ADVOCATE OF WHERE DO WE GO, FORMERLY WHERE DO WE GO BERKELEY. I WANTED TO SPEAK ON ITEM 3 AND ADDRESS A LARGER PROBLEM THAT HAS NOT REALLY BEEN ADDRESSED AS WE'VE BEEN HEARING PEOPLE COME AND SPEAK ABOUT ITEM 3 WHICH IS I'M HAVING CONCERNS ABOUT HOW BERKELEY IS MEASURING

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ITS SUCCESS AND IT'S METHODS IN NAVIGATING IT'S UNHOUSED POPULATION AND SERVICES AND INTO HOUSING. I'VE BEEN REVIEWING CONTRACTS BETWEEN BERKELEY AND ITS CONTRACTORS AND YOU'VE BEEN DOING IT TO FIND ISSUES AND ONE OF WHICH IS COUNCIL APPROVED \$13 MILLION TO RUN THEIR HOUSING RESOURCE CENTER. AN I'D LIKE TO ADDRESS THE FLYER THAT DIRECTS THE PEOPLE TO THE HRC HAS THE WRONG ADDRESS. IT'S AT 2908 TELEGRAM AND A FLYER YOU GIVE TO ON YOU HOUSED PEOPLE AND TELLING THEM TO GO TO AN ADDRESS WHERE THEY WON'T RECEIVE SERVICE. THEY DON'T HAVE CELL PHONES TO LOOK THE ADDRESS UP. IT'S A HUGE ISSUE REGARDING DISCRETION AND OVERSIGHT ISSUES. I'M WONDERING WHERE CITY COUNCIL IS DOING THE OVERSIGHT IF YOU'RE JUST GETTING WORD FROM THE CITY MANAGER'S OFFICE YOU PROBABLY AREN'T GETTING THE FULL STORY OF WHAT'S HAPPENING ON THE STREETS. I URGE YOU AND BE HAPPY TO HAVE MEETINGS WITH YOU GUYS TO TALK ABOUT THE THINGS I'VE BEEN SEEING ESPECIALLY ISSUES WITH ROGUE CONTRACTORS SUCH AS BAX AND ABODE WHO HAVE BEEN TAKING ADVANTAGE OF THE CONTRACTS THAT BERKELEY ASSIGNED AND TAKING ADVANTAGE OF TAX DOLLARS WITHOUT OVERSIGHT. THANK YOU.

>> Mayor J. Arreguin: OUR NEXT SPEAKER IS CC FOLLOWED BY DAN. CC YOU SHOULD BE ABLE TO SPEAK. PLEASE UNMUTE.

>> CAN YOU HEAR ME?

>> Mayor J. Arreguin: YES.

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>> I'M ASKING YOU TO APPOSE THE ENCAMPMENT POLICY RESOLUTION. CRIMINALIZING THIS WON'T MAKE THE PROBLEM GO AWAY. IF YOU LOOK AT THE MEETING AND I WATCH ALL THE MEETINGS WHEN YOU SEE THE JUXTAPOSITION OF THOSE IN FAVOR AND AGAINST THE RESOLUTION, THE AMOUNT OF PRIVILEGE IS DISTURBING COMING OFF THESE PEOPLE AND THE WAY THEY'RE SPEAKING IN THESE MEETINGS SAYING THEY HAVE COMPASSION AND THEN TURNING AROUND AND HAVING NONE. HOW COULD YOU HEAR SOME OF THESE STORIES AND VOTE FOR THIS? IT MAKES ME THINK YOU GUYS HAVE NO HEART AT ALL. AND NOW THAT WE KNOW YOU GUYS ARE CORRUPT AND MISMANAGING MONEY, I WOULD ASK YOU TO PLEASE -- WE ARE A REFLECTION OF HOW WE TREAT OUR MOST TERRIBLE. DO THE RIGHT THING AND OPPOSE THIS RESOLUTION.

>> Mayor J. Arreguin: THE LAST SPEAKER IS DAN.

>> INSTEAD IN PAYING A BUNCH OF COPS OVERTIME AND I KNOW HOW MUCH THEY MAKE, I'VE SEEN SOME OF THOSE INVOICES FOR COP OVERTIME, INSTEAD OF DOING THAT YOU COULD ACTUALLY SPEND MONEY ON ACTUALLY SOLVING THE ISSUE BY HOUSING PEOPLE. INSTEAD OF PUSHING PEOPLE FROM HERE TO THERE ALL-AROUND BERKELEY AND AROUND THE EAST BAY. VOTE NO ON 3.

>>

>> Mayor J. Arreguin: THANK YOU. WE'LL CLOSE PUBLIC COMMENT ON THE CONSENT CALENDAR. I WANT TO BRING IT BACK AND ON ITEM 7, THE RECOMMENDATION FROM THE CIVIC ARTS COMMISSION, COUNCIL MEMBER

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KESARWANI, IS IT OKAY IF WE AMEND THE BUDGET REFERRAL TO BE REFERRED TO THE NOVEMBER AND JUNE BUDGET PROCESS SO IT'S ON THE LIST OF THINGS FOR NOVEMBER TO BE CONSIDERED AND IF WE'RE NOT ABLE TO FUND IT IN NOVEMBER IT WILL GO TO JUNE?

>> R. Kesarwani: YES, I'M IN FULL SUPPORT. THANK YOU.

>> Mayor J. Arreguin: ON OBJECTION, COLLEAGUES? HEARING NONE WE'LL APPROVE THAT ITEM ON CONSENT WITH THAT AMENDMENT. THANK YOU. AND THOSE ARE ALL MY COMMENTS. I MOVE THE CONSENT CALENDAR AS AMENDED.

>> S. Hahn: SECOND.

>> Mayor J. Arreguin: COLLEAGUES, ANY ADDITIONAL COMMENTS? IF NOT IF THE CITY MANAGER CAN PLEASE CALL THE ROLL.

>> Clerk: COUNCIL MEMBER KESARWANI.

>> YES.

>> Clerk: TAPLIN.

>> YES.

>> Clerk: BARTLETT.

>> YES.

>> TREGUB.

>> AYE.

>> Clerk: HAHN.

>> YES.

>> Clerk: WENGRAF.

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>> YES.

>> Clerk: LUNAPARRA.

>> YES.

>> Clerk: HUMBERT.

>> QUESTION.

>> Clerk: MAYOR ARREGUIN.

>> Mayor J. Arreguin: YES.

>> Clerk: THE MOTION CARRIES.

>> Mayor J. Arreguin: THE ONLY ITEM ON THE ACTION CALENDAR IS 11 THE AMENDMENT TO CITY COUNCIL RULES PROCEDURE AND ORDER. THIS IS BEING SUBMITTED BY THE CITY CLERK AND REFLECT THE RULES AND POLICY COMMITTEE. ARE YOU GOING TO MAKE A PRESENTATION ON THIS? I'LL SAY THAT WE ALSO HAVE A SUPPLEMENTAL FILED BY COUNCIL MEMBER KESARWANI WITH RECOMMENDATIONS ON ADDITIONAL CHANGES AND A LOT OF WORK HAS GONE INTO THIS IN THE LAST YEAR. AND THERE MAY BE OTHER COMMENTS COUNCIL MEMBERS HAVE TONIGHT. SO I GUESS MY SUGGESTION AT THE OUTSET OF THE DISCUSSION OF THE ITEM IS THAT WE NOT TAKE ACTION TONIGHT BUT WE CAN GO FOR THE COMMENTS AND RECOMMENDATIONS TO STAFF AND ADJOINING RULES COMMITTEE. THERE IS NO URGENCY TO PASSING THIS TONIGHT AND THE COUNCIL MEMBER WILL CHANGE IN TWO MONTHS. I DO EXPECT THERE WILL BE ADDITIONAL INPUT THAT MANY COUNCIL MEMBERS WILL PROVIDER -- PROVIDE ON THIS AND I THINK COUNCIL MEMBER KESARWANI'S RECOMMENDATIONS ARE THOUGHTFUL.

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MY RECOMMENDATION AT THE OUTSET WAS LET'S HAVE A DISCUSSION TONIGHT BECAUSE THE ONLY WAY WE CAN DO IT UNDER THE BROWN ACT IS HERE IN A PUBLIC FORUM, PROVIDE INPUT AND SEND TO STAFF AND THE COMMITTEE FOR US TO DISCUSS AND THEN COME BACK. BUT THAT'S MY RECOMMENDATION. BUT I DO WANT TO TURN IT OVER TO THE CITY CLERK AT THIS TIME.

>> OKAY. I GUESS WE'LL PROCEED WITH OUR PRESENTATION. I'LL BRING THAT UP. OKAY. THE ITEM BEFORE YOU GOOD EVENING, I'M THE CITY CLERK FOR THE CITY OF BERKELEY. ITEM 11 IS AMENDMENTS TO CITY COUNCIL. RULES AND PROCEDURE AND ORDER. FOR THIS UPDATE THERE ARE THREE MAIN AREAS THAT THE AMENDMENTS COME FROM. THE FIRST IS A SERIES OF PLANNED TECHNICAL REVISIONS THAT WE WERE ORIGINALLY PLANNED TO BE ADOPTED IN THE FALL OF 2023. THE SECOND SET OF AMENDMENTS IS IN RESPONSE TO DIRECTION FROM THE CITY COUNCIL ON MAY 7, 2024. AND THE THIRD GROUP OF AMENDMENTS ARE RECOMMENDATIONS FROM THE AGENDA AND RULES COMMITTEE RELATED TO THE LEGISLATIVE PROCESS. THE PLANNED TECHNOLOGY REVISIONS FOR THIS AMENDMENT, ONE OF THE MAIN ONES IS TO ELIMINATE APPENDIX C FOR MEASURES DURING THE PANDEMIC AND THE AMENDMENTS INTO THE BODY OF THE RULES OF PROCEDURE DESPITE MEETING IN IN A HYBRID FORMAT OVER TWO YEARS. THE RULES OF PROCEDURE DO NOT MAKE ANY REFERENCE TO HYBRID MEETING FORMAT OR ANY OF THE NEW PROCEDURES THAT WE HAVE FOR PUBLIC COMMENT, FOR EXAMPLE. ALSO TO ALIGN THE



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RULES FOR THE CITY COUNCIL WITH THE BROWN ACT AND CITY COMMISSIONS WITH REGARDS TO AD HOC SUBCOMMITTEES. SINCE THE LAST UPDATE THERE HAVE BEEN REVISIONS TO THE CITY CHARTER. WE HAVE TWO NEW CHARTER OFFICERS AND THE RULES NEED TO BE UPDATED TO INCORPORATE THOSE TWO NEW CHARTER OFFICER POSITIONS INTO THE RULES OF PROCEDURE WITH REGARDS TO SLKTIVE PROFESSION. -- LEGISLATIVE PROCESS. THERE'S COMMENT RULES IN CHAPTER 4 AND THEN WE HAVE TO MAKE UPDATES TO THE CITY NAMING POLICY AND APPENDIX A BECAUSE SOME OF THE COMMISSIONS THAT ARE LISTED IN THAT NAMING POLICY HAVE BEEN REORGANIZED. SECOND SET OF AMENDMENTS IS WHAT THE COUNCIL DIRECTED ON MAY 7, 2024. THERE WERE A SET OF PROPOSED CHANGES FROM THE OPEN GOVERNMENT COMMISSION REVIEWED BY THE GENERAL RULES COMMITTEE AND THEN THE COUNCIL ADOPTED A RECOMMENDATION TO INCLUDE SOME OF THOSE RECOMMENDATIONS IN THE RULES OF PROCEDURE. SOME OF THOSE INCLUDE THAT THE CHAIR CAN REORDER THE AGENDA WITHOUT THE CONSENT OF THE FULL COUNCIL, THAT IF THREE MEMBERS REGISTER AN ABSTENTION OR NO-VOTE IT WOULD MOVE TO THE ACTION CALENDAR THE RECOMMENDATIONS INCLUDE A NEW DEFINITION OF A MAJOR ITEM SUBMITTED BY THE MAYOR OR COUNCIL MEMBER AND RULES WOULD BE MANDATORY FOR THE ITEMS. WITH THAT NEW DEFINITION THERE ARE SOME NEW AUTHORITY WITH HOW MAJOR ITEMS ARE HANDLED. REMOVE AN ITEM AND ALLOW FOR MAJOR ITEMS WITH BUDGET IMPLICATIONS FOR REVIEW AND THERE WAS A RECENT RULES CHANGE

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WHERE PEOPLE COULD COMMENT ON ACTION ITEMS. THIS AMENDMENT REVISES THAT AMENDMENT TO SAY YES WE CAN DO A PUBLIC COMMENT IF THE OFFICER DETERMINES IT'S THE BEST FOR THE CONDUCT OF A MEETING ON A GIVEN NIGHT. THE REQUESTED ACTION IS TO APPROVE THE RULES AS PROPOSED. IF FURTHER DISCUSSION IS REQUIRED, COUNCIL COULD ADOPT SOME OF THE NON-CONTROVERSIAL MORE TECHNICAL PROPOSED AMENDMENT AND CONTINUE DISCUSSION ON OTHER MANY AMENDMENTS OR TAKE OTHER ACTION THE WILL OF THE COUNCIL. THAT CONCLUDES MY PRESENTATION.

>> Mayor J. Arreguin: COUNCIL MEMBER KESARWANI.

>> R. Kesarwani: LET ME PULL IT UP. I WANT TO ACKNOWLEDGE THE WORK OF THE RULES COMMITTEE. I RESPECT YOUR WORK AND WANT TO OFFER THESE AS FRIENDLY SUGGESTIONS. SO FOR THOSE WHO WANT TO FOLLOW ALONG I'M PREFERRING TO THE SUPPLEMENTAL 2 PACKET AND WALK THROUGH THESE QUICKLY. FOR THE FIRST ISSUE SO THERE WAS A NEW RULE ADDED THAT IF THREE COUNCIL MEMBERS EITHER VOTE NO OR ABSTAIN ON AN ITEM ON CONSENT THAT IT WOULD MOVE TO ACTION. THIS RULE SEEMED TO BE DUPLICATIVE OF ANOTHER RULE THAT ENABLES THREE COUNCIL MEMBER TO AFFIRMATIVELY SAY THEY WANT TO PULL SOMETHING TO ACTION. THE CONCERN IS IF THIS HAPPENS AUTOMATICALLY WE MAY BE FORCING A DEBATE WHEN THERE MAY NOT BE A DESIRE TO ENGAGE IN DEBATE AND A DESIRE TO RECORD A NO VOTE AND WERE SUGGESTING TO REMOVE THAT IN LIGHT OF ANOTHER RULE OF AFFIRMATIVELY PULLING

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THINGS TO ACTION. THE SECOND ITEM IS JUST ADDING THE BERKELEY UNIFIED SPRING RECESS TO CONSIDERATION OF HOLIDAYS. THIRD WE WANTED TO PROVIDER CRITERIA FOR THE MAJOR ITEM. WE PUT SOME NUMERIC DETAIL IF IT REQUIRED AN IMPLEMENTATION TIME LINE TAKING SIX MONTHS OR LONGER IN CONSULTATION WITH THE CITY MANAGER OR A BUDGETARY IMPACT EXCEEDING \$200,000 OR IF THE ITEM WAS HAVING A SIGNIFICANT PROGRAMATIC IMPACT OR AN ADJUSTMENT TO ACCOMMODATE THE NEW INITIATIVE. IT'S ALREADY STATED THERE AND THOUGHT IT WOULD BE HELPFUL TO GIVE NUMERIC GUIDANCE OF WHAT THAT MEANS TO BE A MAJOR ITEM. SO MOVING ON SO STANDARDS FOR AGENDA ITEMS. IT'S ABOUT WHAT IS INCLUDED IN THE REPORTS. IT DIDN'T SEEM NECESSARY TO TALK ABOUT THE AWARDS OF CONTRACTS. BECAUSE MY UNDERSTANDING IS THIS IS THE COUNCIL RULES OF PROCEDURE. SO WE JUST TOOK THAT OUT FOR THE REPORTS NOT MAJOR ITEMS AND THEN FOR THE MAJOR ITEMS, THOSE REPORTS I THINK THERE'S A DESIRE TO KEEP THE EXISTING FORMAT AND TO SAY YOU MAY INCLUDE STAKEHOLDER INPUT AND REVIEW OF POLICIES AND LAWS. I THINK THERE'S A WHOLE NEW SECTION ON THAT. WE'RE SAYING THAT COULD BE INCLUDED IN THE BACKGROUND. WE DID NOT THINK IT WAS NECESSARY TO GET INTO THE CONSULTATION OUTREACH YO EVER -- OVERVIEW AND RESULTS AND PEOPLE WANT TO INCLUDE THAT THEY'RE ALWAYS MORE THAN WELCOME TO. BUT A REQUIREMENT SEEMED TO BE UNNECESSARY IN MY VIEW. AND THEN THE RATIONALE FOR THE EXPLANATION WE HAD GENERAL TWEAKS THERE AND WE

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TOOK OUT THE SECTION ON IMPLEMENTATION ADMINISTRATION AND ENFORCEMENT BECAUSE THAT TYPICALLY MAY REQUIRE DEEPER CONSULTATION WITH STAFF AND OF COURSE THAT SHOULD BE THOUGHT ABOUT. MY EXPECTATION IS PEOPLE ARE ENGAGING WITH STAFF TO HAVE AN UNDERSTANDING BEFORE BRINGING FORWARD A MAJOR ITEM BUT REQUIRING THAT TO BE FULLY SPELLED OUT SEEMED LIKE A LOT. THEN WE WANTED TO KEEP THE ENVIRONMENTAL SUSTAINABILITY AND FISCAL IMPACTS AS THEY ARE. SO OVER ALL JUST WANTED TO KEEP THE EXISTING REPORT STRUCTURE FOR THE MOST PART THERE. FOR ISSUE 5 I WANTED TO STRIKE IT. THE REASON IS THIS WOULD REQUIRE AN ORDINANCE CHANGE. SINCE WE'RE DISCUSSING THIS TONIGHT MAYBE WE WANT TO MAKE THE ORDINANCE CHANGE. IN MY RECOLLECTION I DON'T RECALL WITH GREAT FREQUENCY MEMBERS ARE BRINGING THE SUPPLEMENTAL COMMUNICATION NUMBER 3. THE URGENT ITEMS ARE SEPARATE. THAT YOU CAN CONTINUE TO DO AND WE CAN CHANGE THE ORDINANCE FOR TRANSPARENCY. I KNOW WE OFTEN DO MAKE AMENDMENTS ON THE DAIS AND SHARE OUR SCREENS. SO MAYBE WE JUST WANT TO KEEP THIS BECAUSE BRINGING 40 COPIES OF THAT MATERIAL IS IN THE INTEREST OF PUBLIC TRANSPARENCY. SOMETHING TO CONSIDER FURTHER. IT DOES REQUIRE AN ORDINANCE CHANGE SO WE COULDN'T DO THAT TONIGHT IF WE WERE TAKING ACTION, WHICH WE'RE NOT. IN TERMS OF SEQUENCE FOR THE AGENDA I THINK IT'S WITH THE CONSENT OF COUNCIL CURRENTLY. THE THINKING WE SHOULD KEEP THAT AND LET'S SEE IF

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THERE'S ANYTHING ELSE HERE. OH, WE ALSO WANTED TO INCLUDE A BUDGET REFERRAL FOR MAJOR ITEMS. KEEP THE SAME LANGUAGE BUT THAT'S A NOTICE TO THE BUDGET COMMITTEE BUT TO HAVE THAT INCLUDED WITH A MAJOR ITEM. THE BUDGET RAMIFICATIONS CAN BE UNDERSTOOD AT THE OUTSET. SO THIS IS THE ISSUE OF FORMER ELECTED OFFICIALS HAVE ITEMS THAT REMAIN IN THE QUEUE. THE CHANGE WE ARE RECOMMENDING IS THAT A CURRENT MEMBER OF THE COUNCIL WOULD BE REQUIRED TO RESUBMIT THAT ITEM AT A FUTURE AGENDA AND RULES COMMITTEE AND WE COULD HAVE A DISCUSSION ABOUT THAT. AND ISSUE 10, IF I UNDERSTOOD THIS CORRECTLY WE WERE ALLOWING THE SAME PERSON TO SPEAK ON THE CONCEPT AND ACTION CALENDAR. THAT SEEMED REDUNDANT TO DO THAT SO WE WERE STRIKING THAT. AND SOMETIMES IN OUR WORK SESSIONS WE'RE LIMITED TO FIVE MINUTES EACH AND MAKE DO WITH THAT. I TRIED TO GO IN THE MIDDLE HERE AND SAY MAYBE WE COULD ALLOW THREE MINUTES TO MAKE COMMENTS ON THE CONSENT CALENDAR. I DO KNOW SOMETIMES YOU WANT TO MAKE BRIEF COMMENTS TO KEEP SOMETHING ON CONSENT AND MAKE A TWEAK WHICH I DID TONIGHT. WE WANT TO GIVE THAT OPPORTUNITY WITHOUT OVERLY LENGTHENING THE TIME OF THAT AGENDA. AND THEN WE JUST FELT WE DIDN'T NEED APPENDIX B. THAT'S THE FINAL THING. THANK YOU VERY MUCH FOR THE OPPORTUNITY TO PRESENT THOSE EDITS AND I LOOK FORWARD TO HEARING FROM MY COLLEAGUES.

>> Mayor J. Arreguin: THANK YOU VERY MUCH. THIS PARLIAMENTARIAN

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IS SOMETIMES CLUNKY. COUNCIL MEMBER LUNAPARRA YOU TOOK YOUR NAME OFF? BEFORE WE GET TO COUNCIL DISCUSSION LET'S TAKE PUBLIC INPUT BEFORE WE HAVE DISCUSSION. LET'S GO TO OUR FIRST SPEAKER.

>> MY NAME IS KITT SAGAMORE AND CHAIR OF THE OB GOVERNMENT COMMISSION. HOW LONG DO I HAVE TO SPEAK ALMOST TWO MINUTES? FIRST, I WANT TO THANK YOU VERY MUCH FOR YOUR HAVING TAKEN RECOMMENDATIONS FROM THE OPEN GOVERNMENT COMMISSION AND THE CONTINUATION OF PROVIDING PUBLIC ACCESS THROUGH ZOOM TO COUNCIL AND COMMITTEE MEETINGS THOUGH THE SHUT DOWN HAS ENDED. THE SETTING OF LIMITS DURING DEBATES THANK YOU FOR TAKING THAT. ENDEAVORING THE TIME OF HIGH INTEREST ITEMS AND IF ITEMS WILL BE POSTPONED. THANK YOU FOR ADDING THAT TO YOUR STANDARD PROCEDURES AND YOUR ACCEPTING OF THE REQUEST FROM THE PUBLIC TO MOVE ITEMS FROM CONSENT TO ACTION IF IT BECOMES CLEAR IT'S NOT GOING TO HAVE THE VOTES TO PASS. THERE'S BEEN TIMES IN THE PAST WHERE SOMETHING WAS ON CONCEPT AND THEN FAILED AND THE PUBLIC'S CONFUSED. WHY DIDN'T IT PASS? THANK YOU FOR DOING THAT IT'S APPRECIATED. SOME THINGS THAT HAVE CROPPED UP WE WOULD LIKE YOU TO CONSIDER FURTHER IF YOU'RE GOING TO SPEND MORE TIME ON THIS. I DIDN'T THINK YOU'D BE WORKING ON THIS NOW AND THERE'S ALWAYS THE FUTURE BECAUSE RULES ARE NEVER FIXED. THERE'S ALWAYS THINGS TO CHANGE IN THE FUTURE. ONE IS RELATED TO ITEM OF THE CONFUSION OF SOMETHING BEING ON CONSENT AND THEN FAILING. A CHANGE THAT

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WAS INTRODUCED WITH THESE EDITS WAS TO SAY THAT THE AGENDA AND RULES COMMITTEE CAN TAKE SOMETHING COMING FROM A COMMITTEE WITH A NO RECOMMENDATION AND PUT THAT ON CONSENT WITH THE IDEA BEING THE COMMITTEE HAS RECOMMENDED TO NOT PASS IT. THAT'S WHAT THE COUNCIL IS GOING TO DO. THERE'S NO NEED TO DISCUSS IT. BUT IT MAKES IT CONFUSING TO THE PUBLIC BECAUSE YOU'RE PUTTING SOMETHING ON CONCEPT -- CONSENT THAT WILL FAIL. THAT'S A PUBLICALLY CONFUSING ITEM. WE'RE CONCERNED TO SEE THERE'S BEEN NO CHANGE TO THE DEPTH OF INFORMATION OR TIME LIMITS ITEMS DESERVE THE SAME LEVEL OF INFORMATION AND TIME PERIOD FOR PEOPLE TO SEE WHAT'S GOING ON FOR MEMBERS OF THE COUNCIL.

>> Mayor J. Arreguin: COMMISSIONER SAGAMORE WHAT YOU'RE REFERRING TO WE DID DISCUSS THIS AT COMMITTEE AND THE COMMISSION HAD A PARTICULAR RECOMMENDATION ON THIS ASKING THAT THAT GOES TO THE PACKET FOR THE RULES COMMITTEE FOR REVIEW? RIGHT NOW THAT'S NOT REQUIRED AND THE

>> THE BUCKET RECOMMENDATIONS OFTEN COME FROM COMMISSIONS AND NEED TO KNOW WHAT TIME DEAD LINES THEY ARE NEED TO BE WORKING WITHIN. THERE'S ALSO THE ISSUE OF TRAINING. YOU ALL KNOW THE HUMAN WELFARE COMMISSION WAS ABOUT TO BE DISSOLVE. IT DOESN'T MEET CONSOLIDATION BECAUSE IT WASN'T MEETING STATE OR FEDERAL REQUIREMENTS. THERE WAS AN ACTIVE RECRUITMENT TO RECRUIT PEOPLE TO THAT COMMISSION. YOU WAS ACTIVELY RECRUITING PEOPLE AND THE

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PEOPLE CAME ON THAT COMMISSION. ONE HAS SINCE DROPPED OFF AND ANOTHER HAS DROPPED OFF BECAUSE THERE'S NO SENSE OF DIRECTION. SHE WENT TO THREE MEETINGS. SHE SAID THE CITY NEEDS TO PUT PACKETS TOGETHER SO COMMISSIONERS KNOW WHAT THE EXPECTATIONS ARE. AFTER SHE WAS SWORN IN I BROUGHT HER TO THE CITY CLERK'S OFFICE AND THERE WASN'T RECORD OF HER HAVING BEEN APPROVED AS A COMMISSIONER. AND TO THE SAME EFFECT RECENTLY AT A COMMISSION ON AGING MEETING AS A MEMBER OF THE PUBLIC. AND BAFFLED WHAT THE ROLE IS DESPITE A STRONG CHAIR. THEY DON'T KNOW WHAT TO GO AND SOME ARE TIMID, ARE THEY ALLOWED TO DO THIS OR THAT AND CONFUSED BETWEEN THE ROLE OF THE COUNCIL AND CITY MANAGER'S OFFICE. THEY NEED DIRECTION AND NEED TO BE INCORPORATED IN PROCEDURES AND NEED TO KNOW WHAT OTHER COMMISSIONS ARE DOING. THANK YOU.

>> Mayor J. Arreguin: THANK YOU. ARE THERE ANY OTHER IN PERSON SPEAKERS ON THIS ITEM. ITEM 11? IF NOT WE'LL TAKE SPEAKERS ON ZOOM. IF THERE'S ANY MEMBER OF THE PUBLIC ON ZOOM WISHING TO SPEAK ON ITEM 11 RAISE YOUR VIRTUAL HAND. JANICE CHING.

>> THANK YOU. I'M ALSO ON THE OPEN GOVERNMENT COMMISSION AND CONCERNED ABOUT THE OPTICS OF YOUR PROPOSAL TO DELAY THIS ITEM. THE ITEM WAS REFERRED TO OUR COMMISSION BY THE COUNCIL AND NOW WE'LL HAVE NEW COUNCIL MEMBERS WHO MAY NOT AGREE WITH THE REFERRAL MADE. SECONDLY, WHY DELAY THE ENTIRE PROCESS AND NOT PASS WHAT I WOULD CALL NO-BRAINERS? THIRDLY, COUNCIL MEMBER



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KESARWANI SAID PULLING ITEMS FROM CONSENT IS DUPLICATIVE. NO, THE PUBLIC WANTS TO HEAR WHY YOU'RE VOTING NO. TAKING AWAY THE ABILITY OF THE PUBLIC TO HEAR DISCUSSION IS NOT OPEN GOVERNMENT. THE SUPPLEMENTAL ITEMS, WHAT YOU'RE DOING TONIGHT IS WHAT WE'RE TRYING TO AVOID. THE OPEN GOVERNMENT COMMISSION MET ON THIS PAST THURSDAY A FEW DAYS AGO AND HAD NO IDEA OF THE SUPPLEMENT THAT WAS BEING PROPOSED TONIGHT. WE COULD HAVE DISCUSSED IT. WE COULD HAVE HAD IT ON OUR AGENDA. YOUR PROPOSING THINGS FROM THE DAIS THAT WE HAVE NO IDEA ABOUT. THIS IS WHAT WE WERE TRYING TO STOP BY HAVING THINGS COME UP AND REQUIRING THINGS BE ON THE AGENDA EARLIER. SO I REALLY ENCOURAGE YOU TO THINK ABOUT WHAT YOU'RE DOING TONIGHT BECAUSE YOU ARE -- IT SEEMS THE OPTICS COULD BE YOU'RE UNDERMINING THE ROLE OF OUR COMMISSION. THANK YOU.

>> Mayor J. Arreguin: ARE THERE ONLY OTHER MEMBERS OF THE PUBLIC ON ZOOM WHO WOULD LIKE TO SPEAK ON ITEM 11? IF SO PLEASE RAISE YOUR VIRTUAL HAND. I DON'T SEE ADDITIONAL HANDS RAISED. THANK YOU. BACK TO COUNCIL FOR DISCUSSION I SUGGEST WE GO TO OUR COLLEAGUES ON ZOOM FIRST IF THAT'S OKAY. VICE MAYOR WENGRAF AND COUNCIL MEMBER TREGUB.

>> S. Wengraf: THANK YOU VERY MUCH. I WANT TO THANK THE AGENDA AND RULES COMMITTEE FOR ALL THE WORK AND ESPECIALLY WANT TO THANK CITY CLERK FOR ALL THE WORK HE DID ON THIS. THIS IS DENSE AND COMPLICATED. THERE'S UNINTENDED CONSEQUENCES FOR EVERYTHING

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WE DO. I FEEL LIKE IT'S A LOT TO DIGEST IN ONE MEETING. I DON'T THINK IT'S ANYBODY'S INTENT NOT TO LISTEN TO THE INPUT FROM THE COMMISSIONS. I THINK THERE'S A MISUNDERSTANDING THERE. I'VE BEEN LIVING WITH THESE SUGGESTIONS FOR A WHILE BUT I IMAGINE FOR THOSE WHO AREN'T THIS IS OVERWHELMING. HOWEVER, I DO THINK WE COULD PASS CERTAIN THINGS THAT THE CITY CLERK IDENTIFIES AS BEING NON-CONTROVERSIAL AND NECESSARY GIVEN OUR PROCESS HAS CHANGED ALLOWING ZOOM. WE COULD EASILY PASS THOSE THINGS BUT NOT PASS THE SUBSTANTIVE THINGS TONIGHT.

>> Mayor J. Arreguin: I THINK WE WANT STAFF TO COME BACK WITH JUST THOSE NON-SUBSTANTIVE CHANGES BECAUSE IT'D BE HARD TO PARS OUT TONIGHT.

>> S. Wengraf: I AGREE. IF STAFF COULD IDENTIFY WHAT THOSE ARE, THOUGHT COULD COME BACK ON CONSENT. THE RECOMMENDATION ON THE DEFINITION OF MAJOR ITEMS, I DON'T SEE ANYTHING IN THE MAIN ITEM THAT TALKS ABOUT POLICY CHANGES, ADDRESSES THE CONTENT I THINK ANY ITEM THAT'S A SHIFT IN POLICY SHOULD BE CONSIDERED A MAJOR ITEM. SOW I'D LIKE TO CONSIDER THAT. AND THEN MY OTHER QUESTION IS REGARDING THE ITEMS -- THE RULES FOR FORMER MAYORS AND COUNCIL MEMBERS. CURRENTLY WHAT ARE THE RULES ABOUT THAT, MR. CLERK?

>> WE DON'T HAVE POLICY OR PROCEDURE FOR HOW ITEMS FROM MAYOR COUNCIL MEMBER THAT LEAVES OFFICE ARE HANDLED. THEY TYPICALLY IF

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THEY'RE AT POLICY COMMITTEE THEY'LL EITHER TIME OUT FOR THE POLICY COMMITTEE MAKES A RECOMMENDATION AND THE ITEM COMES BACK FOR FULL DISPOSITION. WE DON'T HAVE A SPECIFIC POLICY. IT'S JUST THAT THOSE ITEMS FOLLOW THE STANDARD OPTIONS THAT ARE AVAILABLE IN THE LEGISLATIVE PROCESS TO A POLICY COMMITTEE OR THE FULL COUNCIL. I SEE. IF AN ITEM IS IN THE PIPELINE AND I'M NO LONGER ON THE COUNCIL WHEN IT COMES TO THE COUNCIL THEN IT DIES A GRACEFUL DEATH OR WHAT?

>> THE COUNCIL COULD APPROVE IT IF THEY SO DESIRED.

>> THE CHOICES ARE APPROVE OR DENY? WHAT IF THERE ARE CO-SPONSORS?

>> UNDER THE CURRENT RULES THE FULL COUNCIL COULD REFER IT BACK TO A POLICY COMMITTEE IF THEY WANTED TO ANY PIECE OF LEGISLATION THEY WOULD HAVE WITH A PIECE OF LEGISLATION FROM A COUNCIL MEMBER NO LONGER IN OFFICE.

>> S. Wengraf: I SEE. THANK YOU. THANK YOU. THOSE ARE MY COMMENTS, MAYOR.

>> Mayor J. Arreguin: THANK YOU. WE'LL GO TO COUNCIL MEMBER TREGUB AND HAHN, TAPLIN AND HUMBERT.

>> I. Tregub: THANK YOU. I WANT TO ECHO MY GRATITUDE TO THE CLERK AND THE WORK OF THE AGENDA AND RULES COMMITTEE AND COUNCIL MEMBER KESARWANI FOR THINKING ABOUT THIS DEEPLY. I DEFINITELY AGREE WHILE I THINK THE OVER ALL PACKAGE NEEDS MORE WORK I WOULD

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BE MORE THAN AMENABLE TO PASSING A PACKET OF CHANGES TONIGHT DEEMED TO BE EITHER NON-SUBSTANTIVE OR NON-CONTROVERSIAL LIKE OFFICIALLY ALLOWING THE CONTINUANCE OF HYBRID MEETINGS. I HAVE A FEW QUESTIONS. ONE IS FOR COUNCIL MEMBER KESARWANI ON HER SUPPLEMENTAL. I'LL TRYING TO UNDERSTAND THE CHANGE IN PROCEDURE FOR FORMER MEMBERS OF THE COUNCIL IF ADOPTED IT MUST BE RECONSIDERED AT A FUTURE RULES COMMITTEE MEETING AND IF ANY ARE NOT ASSUMED BY THE MAYOR THE COUNCIL MAY TAKE ANY LEGISLATIVE ACTION PERMITTED UNDER THE RULES EXCEPT THE ITEM MAY NOT BE REFERRED TO POLICY COMMITTEE. I KNOW THAT IS NOT A CHANGE YOU'RE SUGGESTING BUT I'M WONDERING IS IT SEEMS DUPLICATIVE. IF AN ITEM IS ADOPTED BY A CURRENT MEMBER IF IT GETS THROUGH THE RULES COMMITTEE HOW WOULD THIS NOT BE DUPLICATIVE TO MAKE IT GO THROUGH THE PROCESS AGAIN? THAT'S ONE QUESTION AND I CAN PUT QUESTIONS ON THE MAP NOW OR HAPPY TO WAIT TO GET A RESPONSE.

>> R. Kesarwani: I APPRECIATE THE QUESTION. I THINK WHEN WE WERE LOOKING AT SOME OF THE SAMPLES SOME ITEMS DIDN'T SEEM TO BE FULLY FLUSHED OUT TO BE HONEST. AND THE IDEA HERE IS IF A COUNCIL MEMBER REALLY SUPPORTS THE CONCEPT THEY CAN BRING IT FORWARD AND HOPEFULLY PUT MORE SUBSTANCE INTO IT SO IT COULD BE RECONSIDERED. IT IS A FAIR POINT. THERE COULD ALSO BE ON THE OTHER HAND ITEMS THAT WERE WELL THOUGHT OUT AND IS WE MAY NEED TO WORKSHOP THIS MORE IF THERE'S A COUNCIL MEMBER INTERESTED IN

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SPONSORING IT THIS PROCESS WOULD FORCE IT TO GO THROUGH AGENDA AND RULES AGAIN AND POTENTIALLY GO TO A POLICY COMMITTEE AGAIN WHEREAS IF NOBODY IS INTERESTED IN IT THEN THE WAY I RIDE WHAT THE EXISTING LANGUAGE SAYS IS THAT IT JUST GOES UP FOR AN UP OR DOWN VOTE. WITHOUT FURTHER POLICY COMMITTEE REVIEW OR ANYTHING LIKE THAT. YOU'RE POINTING OUT A POTENTIAL DRAW BACK TO THIS APPROACH AND TRYING TO GUARD AGAINST AN ITEM READY TO BE VOTED ON BUT IF THERE'S INTEREST SOMEONE CAN DO THAT AND YOU CAN DO THAT WITHOUT THE LANGUAGE AND YOU'RE FREE TO INTRODUCE ITEMS AND MAY BE ADAPTED FROM PRIOR ITEMS. DO YOU WANT TO CONTINUE?

>> I. Tregub: SURE. THE REST OF YOUR SUGGESTIONS I LARGELY AGREE WITH. MY OTHER QUESTIONS WERE TO THE CLERK AND MAYBE MEMBERS OF THE AGENDA AND RULES COMMITTEE.

>> R. Kesarwani: OKAY, THANK YOU. THERE WAS A COMMUNICATION RECEIVED FROM CHAIR SAGAMORE AROUND SEPTEMBER 10 SUGGESTING THE CHARTER OFF HER ITEMS THIS IS A REQUEST TO CHANGE LANGUAGE OF THE REVISIONS TO SECTIONS 3D4 ON PAGES 19 AND 66. WHERE IT TALKS THE BUSINESS TO A CONDITION TO PLACING AN ITEM ON THE AGENDA ITEMS FROM DEPARTMENTS INCLUDING AGENDA ITEMS FROM COMMISSIONS SHALL BE FURNISHED IN A TIME ESTABLISHED BY THE CITY MANAGER AND ADDING NO LATER THAN 24 HOURS PRIOR TO THE MEETING OF AGENDA AND RULES POLICY COMMITTEE. AT THE TIME THAT I THOUGHT THIS WAS GOING TO BE VOTED ON TWO WEEKS AGO, I WAS PREPARED FOR THE

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SUGGESTION BACK TO AGENDA AND RULES BUT SINCE WE SEEM TO HAVE MORE TIME I WANT TO JUST PUT THAT OUT THERE THAT IS SOMETHING I WOULD SUPPORT IN THE INTEREST OF MORE TRANSPARENCY, MORE AND WHETHER THERE'S STAFF AND COMMISSIONS. A BROADER OVER ARCHING QUESTION. I DON'T HAVE THE ANSWER FOR.

>> Mayor J. Arreguin: POINT ME TO WHAT SECTION OF THE RULES YOU ARE REFERRING TO.

>> THIS IS CHARTER OFFICER ITEMS ON PAGE 19 AND AGAIN ON PAGE 66.

>> Mayor J. Arreguin: EXCEPT FOR CONTINUED AND OLD BUSINESS AS A CONDITION TO PLACING AN ITEM ON THE AGENDA, DEPARTMENTS INCLUDING AGENDA ITEMS FROM COMMISSION SHALL BE FURNISHED BY THE CITY CLERK. WHAT'S THE CHANGE?

>> I. Tregub: THE SUGGESTED ADDITION FROM I DON'T KNOW IF THIS IS CHAIR SAGAMORE IN HER CAPACITY OR THE OFFICIAL GOVERNMENT POSITION BUT ADDING THE LANGUAGE NO LATER THAN 24 HOURS PRIOR TO THE RELEVANT MEETING OF AGENDA AND RULES POLICY COMMITTEE.

>> Mayor J. Arreguin: I THINK THE ISSUE HERE BY CHARTER OFFICES WE'RE TALKING ABOUT THE CHARTER OFFICERS THE CITY ATTORNEY AND DIRECTOR OF POLICE ACCOUNTABILITY, THE CITY MANAGER SUBMITTING REPORTS TO BE INCLUDED IN THE AGENDA AND RULES COMMITTEE PACKET? WE HAD A DISCUSSION AND THERE'S A REASON WHY WE DIDN'T RECOMMEND THAT. CAN YOU TALK ABOUT THE PROCESS FOR THE CITY MANAGER

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DEPARTMENTS TO SUBMIT ITEMS AND WHY THEY'RE NOT IN THE PACKET CURRENTLY THIS WAS DESCRIBED DURING THE COMMITTEE DISCUSSION. >> I'LL LET THE CITY CLERK BECAUSE YOU'RE CORRECT, MR. MAYOR. THERE'S A PROCESS AND DEADLINES AND DUE DATES THAT THEY'RE DUE. THEY ARE REPORTS REVIEWED BY SEVERAL DEPARTMENTS. IT GOES THROUGH THE CITY, THE DEPARTMENT LEVEL FIRST, THE STAFF PERSON PREPARES ITS AND THE DEPARTMENT HEAD REVIEWS IT AND THEN GOES TO OUR BUDGET DEPARTMENT THEN THROUGH OUR CITY ATTORNEY'S OFFICE FOR REVIEW AND THEN TO THE CITY MANAGER'S OFFICE FOR REVIEW. SO THERE ARE ABOUT FIVE LEVELS OF REVIEW FOR ANY STAFF REPORTS THAT END UP ON OUR COUNCIL MEMBER AGENDA. AND THERE IS A VERY DELIBERATE AND INTENTIONAL SCHEDULE WE FOLLOW QUITE CLOSELY DEVELOPED BY OUR CITY CLERK. IS THAT HELPFUL COUNCIL MEMBER TREGUB.

>> I. Tregub: YES. YOU'RE SAYING THIS IS ALREADY A VERY EXTENSIVE AND EXHAUSTIVE AND BECAUSE OF THE NATURE OF THE PROCESS SIT CORRECT THAT AGENDA AND RULES DID DISCUSS THIS BUT DID NOT RECOMMEND PROVIDING ADDITIONAL TIME LINES FOR SUBMISSION OR INCLUSION IN AGENDA AND RULES COMMITTEE?

>> Mayor J. Arreguin: THE AGENDA AND RULES COMMITTEE DID AS CHAIR WHICH IS IF WE DID -- IT'S WELL INTENTIONED BUT THERE ARE -- THERE COULD BE 350 OR MORE REPORTS AND LIMITS THE AMOUNT OF TIME OUR DEPARTMENTS HAVE TO PREPARE AND TO SUBMIT REPORTS

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AND ITEMS FOR CONSIDERATION AND WE WANT THINGS TO BE VETTED THROUGH BUDGET. WE WANT THEM TO BE VETTED BY THE CITY ATTORNEY'S OFFICE ESPECIALLY LAWS TO MAKE SURE THEY'RE IN LEGAL FORM. WHILE WELL INTENTIONED THE EFFECT OF DOING THIS WOULD ACTUALLY REDUCE THE AMOUNT OF TIME TO DEVELOP ITEMS TO COME TO THE CITY COUNCIL FOR CONSIDERATION AND TO ENSURE THEY HAVE UNDER GONE PROPER LEGAL AND BUDGETARY -- BUDGETARY REVIEW. I THINK MY COLLEAGUES AGREE GIVING REVIEW AND WE'RE TRYING TO CREATE A SYSTEM WHERE WE'RE LOOKING AT THE OPERATIONAL AND BUDGET IMPLICATIONS BUT DON'T HAVE TO GO THROUGH THAT EXTENSIVE REVIEW FOR OUR ITEMS AT ALL. THAT WAS THE IDEA. DID I ACCURATELY SUMMARIZE?

>> I. Tregub: I'M ALMOST DONE. ON THIS ISSUE AROUND -- SORRY, I HAVE ONE MORE QUESTION FOR COUNCIL MEMBER KESARWANI ON ISSUE 6 AROUND ADDING CONSENT OF THE COUNCIL ON HOW ACTION ITEMS MAY BE REORDERED AT THE DISCRETION OF THE CHAIR. IS THAT INTERPRETED TO BE UNANIMOUS CONSENT OR MAJORITY VOTE OR TWO-THIRDS? I SUGGEST MAYBE IT SHOULD BE SPECIFIED WHATEVER THE STANDARD OR THRESHOLD IS.

>> R. Kesarwani: THAT'S A GREAT POINT. MR. CITY CLERK, IS THERE A CURRENT RULE OF WHAT CONSENT OF THE COUNCIL MEANS IN THIS REGARD?

>> IN THIS CONTEXT IT WOULD JUST BE A MAJORITY VOTE. THERE'S NO HIGHER THRESHOLD SPECIFIED IN THE CHARTER OR ORDINANCE OR IN THE



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RULES OF PROCEDURES.

>> R. Kesarwani: WE COULD CERTAINLY FOR CLARITY SAY WHAT THE MAJORITY OF THE COUNCIL WE COULD TAKE THAT EDIT. AND I'M TAKING NOTES OF WHAT SUGGESTIONS PEOPLE ARE MAKING SO THANK YOU FOR THAT.

>> I. Tregub: THANK YOU. ON THE ISSUE OF PUTTING SOMETHING ON CONSENT WITH A NEGATIVE RECOMMENDATION TO NOT FOR THE PURPOSE OF NOT MOVING THE ITEM FORWARD, TO BE HONEST I UNDERSTAND THE CONCERNS FROM THE PUBLIC BUT I ALSO UNDERSTAND THE NEED TO BALANCE THOSE CONCERNS WITH THE ABILITY TO RUN AN EFFICIENT MEETING HAVING EXTENSIVE MEETINGS WHERE ITEMS ARE DISCUSSED THAT ARE UNLIKELY TO MOVE FORWARD ANYWAY. IT ALSO IS A DISSERVICE TO THE PUBLIC. I JUST WONDER IF THIS IS NOT VOTED ON TONIGHT MAYBE IT'S JUST A SUGGESTION TO LOOK AT WHAT OTHER COUNCILS AND OTHER PUBLIC AGENCIES DO. IT IS TRUE ON THE BOARD I NOW SERVE ON CONSENT ACTUALLY MEANS CONSENT. I TAKE IT TO MEAN WE'RE APPROVING EVERYTHING ON CONSENT. IT'S NOT A STATEMENT OF DISAPPROVAL. JUST WANTED TO SEE HOW THIS CHANGE TO THE PROCEDURE WOULD BE ALIGNED WITH OTHER PUBLIC AGENCIES. AND LASTLY I AGREE ABOUT THE RECOMMENDATION TO REDUCE THE SPEAKING TIME FOR COUNCIL MEMBER TO THREE MINUTES ON CONSENT CALENDAR ITEMS OR LESS BECAUSE CONSENT MEANS CONSENT.

>> Mayor J. Arreguin: THEY GO THROUGH COMMITTEE AND WE'RE TRYING

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TO CREATE PARAMETERS SO THERE'S MORE THOROUGH REVIEW OF THINGS AND IF THE COMMITTEE IS RECOMMENDING WE TAKE A NEGATIVE RECOMMENDATION BECAUSE THE ITEM IS NOT WELL THOUGHT THROUGH AND WE PUT THAT ON CONSENT, I DON'T SEE WHAT THE PROBLEM IS THERE. THAT'S THE ISSUE. WE'RE TRYING TO LOOK AT HOW TO MANAGE THE AGENDA FOR THINGS WE KNOW ARE NOT GOING TO MOVE FORWARD AND DON'T REQUIRE EXTENSIVE DISCUSSION OF THE CITY COUNCIL. THERE'S ALREADY A PROCESS WHEREBY THREE PEOPLE CAN PULL SOMETHING FROM CONSENT TO GO TO THE ACTION CALENDAR IF THEY WANT MORE DISCUSSION. BUT IF A MAJORITY OR MORE OF THE COUNCIL IS NOT GOING TO APPROVE SOMETHING THEN I DON'T UNDERSTAND THE ISSUE FROM MOVING THAT TO THE CONSENT CALENDAR. THAT'S WHY WE MADE THE RECOMMENDATION BY CONTEXT. OKAY. COUNCIL MEMBER HAHN THEN CHAPLAIN, HUMBERT, KESARWANI, WENGRAF AFTER THAT. COUNCIL MEMBER HAHN.

>> S. Hahn: THANK YOU. IT'S GOOD TO SEE SO MANY PROCEDURE NOTES. BECAUSE OF THE BROWN ACT THE THREE US OF CAN'T WORK ON THIS TOGETHER OUTSIDE THE MEETINGS. SO I'VE BEEN WORKING DIRECTLY WITH THE CLERK ON THIS STUFF AND MAY BE MORE IMMersed ON MY COLLEAGUES ON THE COMMITTEE AND WAY MORE IMMersed THAN THOSE WHO JUST SEEM -- SEE IT SHOW UP ON THE COUNCIL AGENDA. I REALIZE WE PROBABLY SHOULD HAVE PROVIDED A LOT MORE FRAMING BECAUSE I THINK PEOPLE MAY HAVE FORGOTTEN WHERE A LOT OF THIS CAME FROM. WE HAD

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WITH DEE WILLIAMS RIDLEY BEFORE THE PANDEMIC SHE STARTED A PROCESS CALLED SYSTEMS REDESIGN. SHE WAS TRYING TO GET MORE DISCIPLINE AND QUALITY INTO THE PROPOSALS COMING TO THE CITY NOT JUST FROM COUNCIL MEMBERS ACROSS THE BOARD AND HER COMMITMENT TO MAKING SURE THINGS COULD BE IMPLEMENTED AND WOULD BE IMPLEMENTED. SHE STARTED A PROCESS. IT WAS INTERRUPTED BY THE PANDEMIC. SOME OF THESE IDEAS ABOUT RULES CHANGES GO BACK THAT FAR. THEY WERE INCLUDED. . THEY CAME FROM THE DISCUSSIONS THAT WE HAVE RIGHT BACK IN LIKE 2019 AND THEN THERE'S BEEN A VARIETY OF OTHER SOURCES OF REFERRING AND IDEAS. WE GOT A WHOLE LONG LIST OF THINGS CAREFULLY THOUGHT THROUGH FROM THE OPEN GOVERNMENT COMMISSION. THEN WE ACTUALLY HAD A MEETING HERE AT COUNCIL WHERE WE TOOK INPUT FROM ALL OF THE COUNCIL MEMBERS AGAIN ON IDEAS THEY HAD AND CHANGES AND IT'S ALL THAT STUFF MESHED TOGETHER PLUS THE THINGS THE CLERK KEEPS TRACK UP HE FINDS ALONG THE WAY. IT RESULTED IN WHAT YOU HAVE BEFORE YOU. I AGREE WITH KITT'S COMMENT THAT YOU CAN ALWAYS FIND CHANGES AND UPDATES AND IMPROVEMENTS TO RULES ENDLESSLY. I WANT TO MAKE SURE WE DON'T END UP IN THAT CYCLE. THERE'S ALWAYS MORE IDEAS AND AT SOME POINT WE NEED TO DRAW A LINE AND SAY WE'LL ADOPT THE GOOD IDEAS WE TALKED ABOUT AND THEN START A NEW QUEUE AND A YEAR LATER WE'LL MAYBE LOOK AT ADDITIONAL NEW IDEAS. THE QUESTION OF DEFINING MAJOR ITEMS IS SOMETHING WE SPOKE ABOUT AT LENGTH. IT

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HAD BEEN REFERRED TO US WHERE HE WE DECIDED THE VARIETY OF ITEMS BEFORE US THAT COULD POTENTIALLY BE MAJOR ITEMS WAS SO BROAD THAT ANY SET OF WORDS WOULD NOT BE ENOUGH TO ANTICIPATE THE VARIETY OF THINGS THAT COME BEFORE US AND WE ALMOST NEVER HAVE PUSHBACK FROM A COUNCIL MEMBER SAYING MY ITEM WASN'T A MAJOR ITEM. AND YOU PUT IT IN COMMITTEE. AT SOME POINT WE FELT WE SHOULD ALSO JUST TRUST THE JUDGMENT OF OUR ITEMS AND WHETHER THE COMMITTEE AGREES WITH THE ITEM OR WHATEVER TO TREAT THE ITEM FAIRLY AND EVALUATE THEM. IT HASN'T BEEN A PROBLEM. IT'S A PROBLEM THAT HASN'T NEEDED TO BE FIXED. WE WENT ALL THE WAY AROUND THE WORLD AND DECIDED WHAT WE HAVE WAS WORKING. THE BACKGROUND MAY HAVE BEEN HELPFUL ON WHY YOU HAVE WHAT YOU HAVE IN FRONT OF YOU. I WANT TO THANK COUNCIL MEMBER KESARWANI FOR A THOROUGH REVIEW. SOME OF WHAT SHE PUT FORWARD ARE IDEAS FOR CHANGES TO THE PROPOSED CHANGES. SOME ARE OTHER STUFF SHE AND HER TEAM IDENTIFIED. WE HAVE MORE WORK TO DO AND GETTING IT RIGHT ISN'T JUST ABOUT WHAT WORKS FOR THE COUNCIL BUT WE ALWAYS HAVE THE LENS OF THE PUBLIC. THE RULES ARE NOT JUST FOR OUR EASE BUT TO MEET THE SPIRIT OF TRANSPARENCY. AND THE COMMISSION CAN HELP WITH THAT BECAUSE SHE AND IT'S ALL THE MEETINGS AND IS ABLE TO PROVIDE THE PERSPECTIVE OF HOW ALL THIS LOOKS TO THE PUBLIC WHICH OBVIOUSLY IS IMPORTANT TO US. I WOULD LIKE TO SUGGEST A PATH FORWARD FOR TODAY. WE'LL MAKE A COMMITMENT WHICH BASICALLY

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MEANS ME, WORK WITH THE CLERK TO COME UP WITH ALL THE CHANGES THERE SEEMS TO BE CONSENSUS ON AND COME BACK AS SOON AS POSSIBLE WITH THAT SET OF CHANGES. ANYTHING ADDRESSED IN THE COUNCIL MEMBER OR WOULD LIKE US TO CONSIDER SOMETHING MORE IN DEPTH WELL TAKE MORE TIME AND WHEN WE COME BACK WITH ANSWERS I'D LIKE TO PROPOSE WE REFER THIS BACK TO THE AGENDA AND RULES COMMITTEE TO BRING BACK I'LL SAY CHANGES NOT IN QUESTION AS SOON AS POSSIBLE AND THE OTHER CHANGES AND IDEAS BE CONSIDERED BY THE AGENDA AND RULES COMMITTEE. AND BROUGHT BACK AT A LATER DATE IS MY MOTION. YOU THINK THE TIME IS BETTER SPENT ON AGENDA AND RULES AND CITY ATTORNEY BROWN, CAN REPRESENTATIVES FROM COUNCIL MEMBER OFFICES ATTEND AGENDA AND RULES, RIGHT? IT'S JUST THE ACTUAL COUNCIL MEMBER WOULD CREATE THE QUORUM ISSUE, RIGHT AND THE BROWN ACT ISSUES?

>> REPRESENTATIVE REPRESENTATIVES CAN ALSO CREATE THE BROWN ACT ISSUE BUT IT'S TYPICAL FOR REPRESENTATIVES FROM YOUR OFFICE TO BE AVAILABLE FOR QUESTIONS.

>> S. Hahn: I MEAN THEY CAN COME AND LISTEN.

>> YES.

>> S. Hahn: I WANT TO INVITE FOR THOSE WHO ARE INTERESTED IN OUR DISCUSSIONS TO MAYBE SEND A STAFF MEMBER SO THEY CAN FOLLOW WHAT WE'RE TALKING ABOUT WITHOUT RUNNING INTO ANY OF THE ISSUES AROUND QUORUM AND BROWN ACT.

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>> Mayor J. Arreguin: I SEE COLLEAGUES ON ZOOM SO I KNOW YOU'RE WATCHING. IF THERE'S A FIFTH PERSON YOU'D HAVE TO LEAVE BUT DIDN'T PRECLUDE MEMBERS OF THE PUBLIC FROM OBSERVING SO LONG AS THEY DON'T SPEAK IF THERE'S MORE THAN FOUR PRESENT. COUNCIL MEMBER TAPLIN.

>> T. Taplin: I KNOW THE MOTION IS FOR THE AGENDA AND RULES BUT HAD THERE BEEN A MOTION TO APPROVE I WOULD HAVE VOTED YES. I WANT TO TURN TO THE CENTER FOR AGENDA ITEMS. I SUPPORT THE STRIKE SUBSECTIONS F, H AND J AND COLLAPSE THEM INTO THE BACKGROUND SECTION AS. A REVIEW OF CURRENT POLICIES AND IN CONSULTATION WITH STAFF AND OUTREACH TO STAKEHOLDERS NATURALLY OCCURS IN MOST IF NOT ALL OF MY MAJOR ITEMS. THESE ARE THINGS THAT HAVE OCCURRED THROUGHOUT THE COMMITTEE PROCESS AS WELL. I DON'T SEE WHY THEY WOULD NEED TO BE PULLED AS SEPARATE STAND-ALONE SECTIONS BUT I SUPPORT THEM BEING INCLUDED IN THE BACKGROUND SECTION ON ITEMS. I WOULD CALL THOSE THINGS INTO QUESTION FOR THE PURPOSE OF THE DISCUSSION ON COMMITTEE. I SUPPORT THE DEBATE TIME LIMIT. I THINK THREE MINUTES IS QUITE A LONG TIME TO SPEAK. WE ASK THE PUBLIC TO MAKE THEIR POINT AND TELL THEIR STORIES AND SPEAK THEIR MINDS WITHIN A CONSTRAINED TIME PERIOD. COUNCIL MEMBERS SHOULD BE ABLE TO DO SO AS WELL. I SUPPORT THAT EVEN FOR ACTION ITEMS. I THINK MEMBERS CAN SPEAK TO THAT IN THREE MINUTES AS WELL.

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>> Mayor J. Arreguin: UNDER THREE MINUTES? COUNCIL MEMBER HUMBERT AND WENGRAF AND THEN SPEAK.

>> M. Humbert: I WANT TO THANK THE AGENDA AND RULES COMMITTEE FOR CITY CLERK FOR THEIR -- HERCULEAN WORK ON THIS PROPOSAL. ALSO COUNCIL MEMBER KESARWANI FOR BRINGING FORWARD THE AMENDMENTS. THE CHANGES HER OFFICE HAVE MADE REFLECT AND I THINK AMELIORATE THE CONCERNS WITH THE PROPOSED CHANGES. MANY WOULD INCREASE THE RISK OF MINORITY RULE IN THE COUNCIL TO THIS END I AGREE WITH COUNCIL MEMBER KESARWANI'S SUGGESTION. IT'S IMPORTANT WE DON'T WANT THERE TO BE FUTURE RECOURSE WE NEED TO HAVE THE OPTION TO DECLINE A REORDERING BY A MAJORITY OF COUNCIL. WE DON'T WANT TO DRAG THINGS OUTS TOO MUCH WITH POLICY AND BUDGET IMPLICATIONS IT'S NOT NECESSARY TO TAKE EVERYTHING IN STONE. SINCE THE FULL COUNCIL CAN MAKE CHANGES ON THE DAIS ANYWAY. ISSUE 9 HARD TO AGREE WITH COUNCIL MEMBER KESARWANI. IF ANOTHER COUNCIL MEMBER DECIDES TO RESURRECT ITEMS AND PUSH ITEMS THROUGH COUNCIL. IF A NEW COUNCIL MEMBER PICK UP THE ITEM, THERE OUGHT TO BE A REASONABLE THEY ARE IN WHATEVER THAT DELAY IS I'M NOT SURE EXACTLY WHAT FORM IT SHOULD TAKE BUT SHOULDN'T BE INSTANTLY DECIDED AT THE COUNCIL MEMBER THE MEETING MEMBER ADOPT IT. ITEM 10, SPEAKING MORE THAN ONCE TO AN ITEM IS ADEQUATE. AND BEFORE AND AFTER PUBLIC COMMENT IS FINE, SEVEN MINUTES IS EXCESSIVE. THANK YOU FOR THE HARD WORK AND WE'LL BE WORKING THROUGH MORE

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DENSE MATERIAL IN THE FUTURE. THANK YOU.

>> Mayor J. Arreguin: VICE MAYOR WENGRAF AND I'LL GO AFTER THAT.

>> S. Wengraf: THERE'S NOBODY TO GUIDE THE ITEM BECAUSE THE COUNCIL MEMBER IS NO LONGER ON THE COUNCIL. IN ANSWER TO YOUR QUESTION, IT MIGHT BE DUPLICATIVE BECAUSE IF THE COUNCIL MEMBER WITH A BIT THERE TO GUIDE THE ITEM AT THE POLICY COMMITTEE, THEN NO, IT'S NOT DUPLICATIVE AT ALL. IT NIGHT TO BE VETTED THERE FOR THE FIRST TIME WITH THE SPONSOR. I WANTED TO ASK THE CLERK WHETHER THERE'S AN ANYTHING UP THESE RECOMMENDATIONS THAT YOU NEED QUICKLY? AND IF SO, I'M HAPPY TO MAKE A FRIENDLY AMENDMENT TO THE MOTION AND SEE IF CAN GET THOSE TO COME BACK AT THE NEXT MEETING.

>> I THINK CONSIDERING HOW LONG WE'VE BEEN OPERATING UNDER THIS SET OF RULES I DON'T THINK I CAN SAY ANYTHING IS SO URGENT IT WOULD NEED TO BE ADOPTED TONIGHT. I WOULD LIKE TO WE'RE COMING UP ON A YEAR FROM WHEN WE WERE GOING TO DO THE FIRST SET OF TECHNICAL REVISIONS SO HAPPY TO WORK MORE ON THESE WITH THE AGENDA AND RULES COMMITTEE. I THINK IF MAYBE THE DISCUSSION AT AGENDA AND RULES IS TAKING LONGER THAN EXPECTED, THEN MAYBE WE COULD PARS OUT THE TECHNICAL, NON-CONTROVERSIAL THINGS AND BRING THOSE BACK SOONER THAN SOME OF THE MORE COMPLEX ISSUES.

>> S. Wengraf: THANK YOU.

>> Mayor J. Arreguin: IF I MAY, FIRST COUNCIL MEMBER LUNAPARRA



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AND THEN I'LL GO. YOU'LL JUST SAY ON THE LATTER POINT I THINK THE THINGS NON-SUBSTANTIVE TECHNICAL CHANGES TO OPERATIONALIZE PRACTICE AND CLARIFY THINGS TO ENSURE WE CAN CARRY OUT BUSINESS IN AN EFFECTIVE MANNER I WOULD ENCOURAGE US, THE CLERK AND THE AGENDA COMMITTEE TO TAKE THAT STUFF OUT. WE CAN BRING IT BACK IN A STAND-ALONE ORDINANCE AND MOVE THAT FORWARD AND THEN DISCUSS THE MORE SUBSTANTIVE ISSUES WE TALKED ABOUT TODAY.

>> C. Lunaparra: I APPRECIATE COUNCIL MEMBER KESARWANI INCLUDING AN OBJECTIVE DEFINITION OF MAJOR ITEMS AND IF IT'S NOT THE ULTIMATE DEFINITION WE LAND ON IT'S AN IMPORTANT ASPECT OF THIS. I DO HAVE A MINIMAL CONCERN ABOUT ALLOWING US TO KIND OF QUIETLY VETO OR VOTE DOWN AN ITEM WITHOUT PROPER DISCUSSION BECAUSE IT MAY ELONGATE THE MEETING. THAT'S SOMETHING THAT IS INSTINCTUAL TO NOT WANT THE MEETING TO GO TO MIDNIGHT AND MAKES SENSE WE FEEL THAT WAY BUT IT'S NOT FAIR TO THE PUBLIC. I DISAGREE WITH THE FIRST AMENDMENT BROUGHT FORWARD BY COUNCIL MEMBER KESARWANI. THOSE ARE ALL MY COMMENTS. THANK YOU.

>> Mayor J. Arreguin: OKAY. SO TO COUNCIL MEMBER KESARWANI'S PROPOSAL I SUPPORT MOST OF THESE. ON ISSUE 3 ON ADDING ADDITIONAL LANGUAGE AROUND THE DEFINITION OF A MAJOR ITEM, SO THE ISSUE HERE IS CHICKEN AND EGG ISSUE THE COUNCIL MEMBER BRINGS FORWARD A MAJOR ITEM OR MAYOR AND HASN'T GONE TO COMMITTEE AND DON'T KNOW IF IT WILL HAVE A POSITIVE

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RECOMMENDATION OR GONE TO THE BUDGET PROCESS, HOW MUCH TIME ARE WE GOING TO PUT UP TO EVALUATE THE PROPOSAL? THAT'S THE ISSUE. THAT'S PART OF THE ISSUE WE TALKED ABOUT. THIS GETS TO AN ISSUE WE TALKED ABOUT THE OPERATIONAL IMPLICATIONS AN AUDITOR TALKING ABOUT THAT. WE LAND ON THE DEFINITION BECAUSE I THINK THE AGENDA AND POLICY COMMITTEE WILL KNOW SOMETHING'S A MAJOR ITEM OR NOT. SOMEBODY PLEASE MUTE WHOEVER IS UNMUTED. SO THAT'S THE ISSUE. IF WE'RE GOING TO DO THIS BECAUSE THE CITY MANAGER IS GOING TO PROVIDE INPUT ON WHETHER IT HAS IMPACTS DUE TO AN IMPLEMENTATION TIME LINE THERE'S BOG TO BE HAVE TO BE PRESUBMISSION CONSULTATION WITH THE CITY MANAGER'S OFFICE GET TO THE ISSUE OF A TIME LINE. AND COMES TO POLICY COMMITTEE AND GOES TO THE BUDGET COMMITTEE AND WE WANTED A TIME LINE. TO ALIGN WITH THE BUDGET PROCESS TO THINK RATIONALLY ABOUT THIS. THE WAY GOVERNMENT WORKS IS THERE MAY BE LONG-TERM BIG ITEMS AND WE NEED THE FLEXIBILITY TO RESPOND SO THAT'S ALSO GOT TO BE AND THAT HAS TO BE A PROCESS OR TIME LINE. COUNCIL CONCLUDED SEVERAL YEARS AGO THAT WE WANTED MAXIMUM FLEXIBILITY TO BE ABLE TO ADDRESS CIRCUMSTANCES OR EMERGING ISSUES TO DO THIS WE NEED A RATIONAL PROCESS. AND WE ALSO DON'T WANT THEM TO SPEND AN INORDINATE AMOUNT OF TIME ANALYZING THAT WON'T SEE THE LIGHT OF DAY. WE HAVE TO DELINEATE IT'S NOT GOING TO BE A CURSORY ANALYSIS. FRANKLY, COLLEAGUES, BEFORE WE SUBMIT ANY MAJOR ITEM WE SHOULD

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TALK TO STAFF TO GET THEIR IDEAS ABOUT THIS. I THINK THAT'S A BENEFICIAL PROCESS. I THINK IF WE'RE GOING TO DO THIS WE NEED TO BAKE THIS INTO THE PROCESS FORMALLY. . I WANT TO RAISE THAT ISSUE AND NOT DISAGREEING AND THINKING HOW TO BUILD THE SYSTEM. TO ENABLE THAT CONSULTATION. AND A QUESTION FOR THE CITY ATTORNEY WITH ITEM NUMBER 10 WHICH IS IF AN ITEM REACHED THE ACTION ITEM ARE RULES ALLOWING A PERSON TO SPEAK AGAIN ON THE ACTION CALENDAR. IS THE REASON WE DO THAT DUE TO THE BROWN ACT OR JUST IS THAT LEGAL REQUIREMENT IF SOMETHING GETS MOVED TO THE ACTION CALENDAR SUBSEQUENTLY THE RULES WILL PRESCRIBE WE CAN'T PULL SOMETHING TO THE ACTION CALENDAR AFTER WE TAKE PUBLIC COMMENT. IS THAT CHANGING?

>> I CAN CHECK.

>> Mayor J. Arreguin: I BELIEVE THE RULES SAY YOU CANNOT MOVE SOMETHING TO THE ACTION CALENDAR AFTER WE TAKE PUBLIC COMMENT. I GUESS I DON'T UNDERSTAND WHAT THE ISSUE ADDRESSES. IF SOMETHING'S MOVED TO THE ACTION CALENDAR THEN THEY'LL SPEAK TO IT AND CAN'T SPEAK TO IT ON THE CONSENT CALENDAR BECAUSE IT'S NOT ON THE CONSENT CALENDAR. WE'LL HAVE TO LOOK AT THIS. WHATEVER WE DO WE HAVE TO MAKE SURE IT CONFORMS TO THE BROWN ACT REQUIREMENTS. I THINK AS COLLEAGUES ARE SEEING IT'S MORE COMPLICATED THAN IT APPEARS. IF I CAN COMPLETE MY COMMENTS. THERE'S DIFFERENT RULES INTERSECT AND I THINK THIS IS A GREAT

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DISCUSSION. I JUST HOPE THAT WE CAN MOVE FORWARD THE THINGS NON-SUBSTANTIVE AND HAVE A DISCUSSION ON THE THING THAT ARE MORE SUBSTANTIVE BUT THERE NEEDS TO BE A RESOLUTION AND WE'LL DO OUR BEST, WENGRAF AND I ARE ONLY THERE SIX MORE MEETINGS BUT WHEN WE COME BACK WE HAVE TO MAKE A DECISION. WE HAVE TO PUT IN PLACE THE RULES AND THESE CAN ALWAYS BE AMENDED BUT PUTTING IN PLACE SOME WE THINK ARE APPROPRIATE I THINK IS A STEP FORWARD. DURING THE NON-SUBSTANTIVE STUFF NOW WE SHOULD DO THAT. I THINK THESE ARE THOUGHTFUL COMMENTS WE'LL TAKE INTO CONSIDERATION. AND THE BENEFIT OF THE NEW CITY MANAGER AND REVIEW AND INPUT. TO THAT END HAVING THIS GO BACK TO AGENDA AND RULES IS GOOD TO GET HIS INPUT AS WELL. IN CLOSING I WANT TO THANK THE OPEN GOVERNMENT COMMISSION. A LOT OF THIS CAME FROM THE RECOMMENDATIONS FROM THAT COMMISSION. WE WENT OVER ALL OF THE AND MADE RECOMMENDATIONS TO THIS COUNCIL AFTER REVIEWING THE OPEN GOVERNMENT COMMISSION'S REPORT AND IN MAY THIS COUNCIL I JUST WANT TO REMIND PEOPLE REVIEWED THAT AND SAID AND PASSED A MOTION TO HAVE STAFF COME BACK WITH THESE THINGS. THAT'S WHERE SOME OF THIS IS COMING FROM. IT CAME FROM THE OPEN GOVERNMENT COMMISSION AND THEY'RE THOUGHTFUL REVIEW AND THANK COUNCIL MEMBER HAHN WHO DID WORK AND MY STAFF WHO WATCHING THE VIDEOS AND TRANSCRIBING AND GOING THROUGH THE INPUT AND WE'VE HAD THE CONVERSATION SEVERAL YEARS NOW GOING THROUGH INPUT TO MAKE SURE ALL THE IDEAS

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AND QUESTIONS THAT CAME FROM THE COUNCIL WERE BEFORE THE COMMITTEE AND NOW HAVE A NEW SET OF INPUT TO CONSIDER. YOU THINK IT'S VERY HELPFUL AND TRY TO BRING SOMETHING BACK SOON. COUNCIL MEMBER HAHN.

>> S. Hahn: THANK YOU. I WANTED TO SPEAK TO WHAT WAS EMBEDDED IN THE CHANGES YOUR PROPOSING. ONE OF THE THINGS WE STRUGGLED WITH IS HOW MUCH STAFF TIME SHOULD GO TO ITEMS AT WHAT STAGES AS WELL AS THE CITY ATTORNEY'S OFFICE. WHAT WE SETTLED ON IS IT SHOULD INCREASE AS THE ITEM MOVES FORWARD. THERE SHOULD BE CONSULTATION BEFORE AN ITEM IS PUT FORWARD BUT DON'T WANT COUNCIL MEMBERS TO DOMINATE STAFF TIME IN PREPARING THEIR ITEMS. THEN WOULD BE AT LEAST SOME STAFF CONVERSATION BEFORE AN ITEM IS BROUGHT FORWARD THEN WE HAVE A WHOLE OTHER PROJECT WE'RE DOING PARALLEL TO THE CHANGES TO LOOK AT IMPROVING THE COMMITTEE PROCESS AND ONE THING WE'RE TALKING ABOUT THERE IS HOW MUCH STAFF INPUT AND HOW MUCH STAFF TIME SHOULD GO INTO THE INPUT AT THE COMMITTEE STAGE AND OF COURSE AN ITEM ISN'T APPROVED YET AND STAFF WENT DO A DEEP DIVE UNTIL AFTER SOMETHING'S BEEN APPROVED OTHERWISE THEY MAY BE WASTING TIME. WE'RE TRYING TO FIGURE OUT HOW TO HANDLE THAT. ON THIS PART OF THE MAJOR ITEM DEFINITION IT SAYS MODERATE TO SIGNIFICANT OPERATIONAL RESOURCE IMPACTS AT THE SAME TIME IN THE AMENDMENTS TO THE MAJOR ITEM WRITE UP GUIDELINES YOU'RE BASICALLY TAKING OUT THE CONSULTATION PIECE AND TAKING OUT THE

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PIECE THAT WOULD DISCUSS IMPLEMENTATION ADMINISTRATION AND ENFORCEMENT WHICH ISN'T SUPPOSED TO BE AN EXHAUSTIVE FINAL DECISION BUT AT LEAST TO HAVE THOUGHT A LITTLE BIT ABOUT THAT. IF THAT'S THE CRITERIA FOR DETERMINING WHETHER SOMETHING IS A MAJOR ITEM, HOW ADMINISTRATIVE COMPLEX IT IS AND HOW MUCH IT WOULD COST TO IMPLEMENT IT WE WOULD HAVE TO HAVE THE COUNCIL MEMBER INCLUDE SOMETHING ON THAT. AS THE MAYOR SAID THERE'S A BIT OF A PUZZLENESS ABOUT THIS AND WE'LL TRY TO PUT THE PIECES TOGETHER. IT'S HARD TO VIEW EACH PIECE SEPARATELY AND WE'RE NOT ABLE TO COME FORWARD WITH THE PROCESSES. WE MAY WANT TO EVERY SIX MONTHS HAVE AN ITEM A DISCUSSION OF RULE CHANGES COUNCIL MEMBERS MAY BE INTERESTED IN. THE COMMITTEE CAN TAKE IDEAS IN TRANCHES IF THERE'S SOMETHING IMPORTANT TO DO OR EVERY YEAR WE KEEP UPDATING THE RULES AND MAKING THEM BETTER. WE NEED IT DRAW THE LINE AT SOME POINT AND MOVE SOME FORWARD. I LOOK FORWARD TO BRINGING BACK AS MUCH AS WE CAN AS SOON AS POSSIBLE AND THINKING THROUGH THE OTHERS AND COMING BACK WITH BETTER EXPLANATIONS OF OUR RECOMMENDATIONS.

>> Mayor J. Arreguin: COUNCIL MEMBER LUNAPARRA.

>> C. Lunaparra: I'M NOT SURE IF I MISUNDERSTOOD. WE WOULD NOT BE ABLE TO TAKE A CONSENT ITEM OFF CONSENT AFTER PUBLIC COMMENT? IS THAT --

>> Mayor J. Arreguin: MY RECOMMENDATION?

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>> LUNAPARRA THAT DOESN'T MAKE ANY SENSE IF THERE'S

>> Mayor J. Arreguin: THE PUBLIC WILL NOT KNOW WHAT CHANGE WERE MADE AND NEED AN OPPORTUNITY TO BE ABLE TO COMMENT. IT'S A BROWN ACT ISSUE.

>> THE CURRENT RULES SAY AFTER PUBLIC COMMENT IS MADE YOU CANNOT MOVE ANY ADDITIONAL ITEMS FROM ACTION TO CONSENT.

>> C. Lunaparra: OH.

>> BUT YOU CAN MOVE ITEMS FROM CONSENT TO ACTION AFTER ORDER OF PUBLIC COMMENT.

>> Mayor J. Arreguin: OKAY. THAT MAKES SENSE.

>> C. Lunaparra: IT MAKES SENSE WE COULDN'T CHANGE OUR MINDS AFTER PUBLIC COMMENT. I APPRECIATE IT.

>> Mayor J. Arreguin: THAT'S HELPFUL CLARIFICATION. OKAY. THIS WAS A GOOD DISCUSSION.

>> R. Kesarwani: I WANTED TO MAKE A FEW BRIEF COMMENTS. SO IN TERMS OF CRITERIA FOR MAJOR ITEMS, I DID NOT SEE IT AS SOMETHING THAT WOULD TAKE AN INORDINATE AMOUNT OF TIME NOT BECAUSE WE EXPECT TO HAVE THE BUDGET FIGURED TO THE DOLLAR BUT HAVE AN ORDER OF MAGNITUDE DETERMINED WITH THE SUPPORT OF STAFF. TO HAVE THE BALLPARK UNDERSTANDING OF HOW LONG IT WILL TAKE AND THINKING MAJOR ITEMS WE HAVE THE TOPA ITEM COMING TO COUNCIL ON MONDAY. I DON'T WANT TO SPEAK FOR STAFF BUT I FEEL IT'S A BIG ITEM. AND QUALIFIED AS A MAJOR ITEM GIVEN THE OBJECTIVE CRITERIA. THINK OF

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THE FAIR WORK WEEK IS ANOTHER EXAMPLE THEY SHOULD BE ABLE TO GIVE THE UNDERSTANDING. AT AGENDA AND RULES THEY MAY NOT HAVE THE FULL FAMILIARITY OF THE ITEM. I DON'T SEE THAT AS BEING INCONSISTENT WITH REMOVING THE TOPIC AREA OF IMPLEMENTATION. I THINK THAT WOULD REQUIRE MORE STAFF TIME BECAUSE THAT'S A DISCUSSION OF IMPLEMENTATION AND ADMINISTRATION AND ENFORCEMENT. THIS IS MORE A BALLPARK CHECK. WE STILL HAVE TO THE FISCAL IMPACT SECTION TO TALK ABOUT THE THRESHOLD AND WHETHER IT WAS OVER OR UNDER THAT AMOUNT. THANK YOU.

>> Mayor J. Arreguin: OKAY. WE HAVE A MOTION. UNLESS THERE'S FURTHER DISCUSSION PLEASE CALL THE ROLL.

>> Clerk: KESARWANI.

>> YES.

>> Clerk: TAPLIN.

>> YES.

>> Clerk: BARTLETT.

>> YES.

>> Clerk: TREGUB.

>> AYE.

>> Clerk: LUNAPARRA.

>> YES.

>> Mayor J. Arreguin: ANY PUBLIC COMMENT FOR AN ANYONE NOT PREVIOUSLY SPOKE TO AN ITEM NOT ON THE AGENDA?



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>> KITT SAGAMORE MEMBER OF THE FAIR CAMPAIGN AND PRACTICE COMMISSION. I WANT TO A COUPLE THINGS. I WANT TO RECOGNIZE THE HARD WORK THE AGENDA AND RULES COMMITTEE PUT INTO THIS. I APPRECIATE COUNCIL MEMBER HAHN'S DEEP DIVE INTO ALL THE DETAIL AND WORKING ON THIS IS VERY IMPRESSIVE. VERY HELPFUL. I'VE SPOKEN TO YOU ABOUT VACANCIES ON THE COMMISSION AND WANT TO THANK COUNCIL MEMBER TAPLIN AND COUNCIL MEMBER HUMBERT FOR APPOINTING TWO EXCELLENT COMMISSIONERS TO OUR COMMISSION. NOW WE'RE ONLY DOWN TWO SLOTS. I ONLY RECENTLY LEARNED UNDER BERRA UNDER 2.12.90 SET VACANCIES SHALL BE FILLED WITHIN 30 DAYS. WE HAVE TWO VACANCIES VACANT HALF A YEAR IF NOT MORE. I'M HOPING THOSE TWO COULD GET APPOINTED. IT'S OUR BELIEF THERE'S ACTUALLY TWO EXCELLENT CANDIDATES WHO HAVE OR ARE ABOUT TO SUBMIT APPLICATIONS TO SERVE ON THAT COMMISSION SO THERE'S A COUPLE PEOPLE WHO WANT TO DO IT AND THANK YOU FOR APPOINTING THE TWO. IT'S HELPFUL. THANK YOU.

>> Mayor J. Arreguin: I HAD SOMEBODY BUT THEY WANT TO BE APPOINTED BY DISTRICT 6. THE VICE MAYOR WILL APPOINT THEM.

>> S. Wengraf: I'M IN THE PROCESS OF MAKING AN APPOINTMENT.

>> YOU DON'T HAVE TO BE APPOINTED BY THE DISTRICT YOU RESIDE IN.

>> Mayor J. Arreguin: I KNOW. I HAD PEOPLE. PLEASE SEND ME MORE RECOMMENDATIONS.

>> THANK YOU.

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>> Mayor J. Arreguin: IT'S NOT THAT I'M NOT TRYING. I WAS READY TO APPOINT THEM TODAY. I NEED MORE NAMES.

>> THANK YOU.

>> Mayor J. Arreguin: CAROL.

>> THERE WAS AN ISSUE THAT CAME TO THE COMMISSION ON THE STATUS OF WOMEN. UNFORTUNATELY THE SAME DAY OF OUR MEETING SO WE COULDN'T PLACE IT ON OUR AGENDA. THIS ISSUE HAS TO DO WITH HONORING A STATEMENT AGAINST GENDER-BASED VIOLENCE. I WAS TRYING TO FIND THE EXACT DATE BUT IT'S GOING ON NATIONALLY AND INTERNATIONALLY AND IN CALIFORNIA WHERE A BUILDING SUCH AS OUR CITY HALL WOULD BE LIT UP IN ORANGE LIGHTS. I'M TRYING TO GET MORE BUDGET INFORMATION. PERHAPS IT NEEDS TO COME DIRECTLY FROM THE CITY MANAGER'S OFFICE HOW MUCH IT WOULD COST US. IT'S A STATEMENT BEING DONE BY WOMEN'S GROUPS SO PEOPLE WILL PASS THE CITY HALL AND SEE THE ORANGE LIGHTS AND DRAW ATTENTION TO GENDER BASED VIOLENCE. I'M HOPING COUNCIL MEMBER WENGRAF TALKED ABOUT A PROCLAMATION. I HOPE IT'S FINE TO STATE THAT. I'M HOPING THERE'S SOMETHING WITHIN BUDGET TO DO SOMETHING CONSISTENT WITH SAN FRANCISCO, BURBANK AND OTHER JURISDICTIONS IN CLINICAL RESEARCH AND ELSEWHERE DOING THIS TO DRAW ATTENTION. IT'S AN EXTREMELY IMPORTANT ISSUE. I'M AWARE SAN FRANCISCO HAS A HUGE BUDGET COMPARED TO US IN TERMS OF AN OFFICE FOR THE COMMISSION ON THE STATUS OF WOMEN BUT THAT SHOULD NOT STOP US FROM DRAWING

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ATTENTION TO THE IMPORTANT ISSUE TO THE PUBLIC. I CAN DISTRIBUTE INFORMATION AT A LATER DATE. THANK YOU.

>> Mayor J. Arreguin: THANK YOU. THE CALL TO THE NUMBER ENDING 2211. -- 211. PRESS STAR 6 TO UNMUTE.

>> HI. I'M GLAD TO SEE TONIGHT I HANDED THE CITY CLERK ONE ON GLOBAL WARMING AND LIFE WILL CEASE BEYOND THE CENTURY AND YOU HAVE HOMELESSNESS AND WHAT HAPPENS WHEN WE WERE SOLD ON REAGANOMICS AND THERE'S GOING TO BE NO SOLUTION TO THE HOMELESS PROBLEM. IT'S VERY SAD. IT'S CRIMINAL WHAT THE STATE HAVE DONE TO THEM AND WHAT THE CITY IS DOING TO THEM. WE DON'T HAVE A SOLUTION. WHAT DO YOU DO? YOU NEED PLACES FOR THEM TO LIVE. AS FAR AS OUR CASE WE DO? PEOPLE CALLING EVERY DAY. THEY'RE UNHAPPY AND ANGRY AT THE CITY. AND I LIKE THE NEW CITY MANAGER TO LOOK INTO THE CASE. I BROUGHT MILLIONS OF TAX DOLLARS TO BERKELEY WE NEED TO WORK TOGETHER. I CAME TO BERKELEY IN 1964. THAT IS A LONG TIME AGO, 60 YEARS AGO. LET'S BRING IT BACK TO THE BEAUTIFUL CITY IT WAS. THANK YOU AND HAVE A GOOD DAY. GOOD EVENING.

>> Mayor J. Arreguin: THANK YOU. I DONT SEE OTHER RAISED HANDS. I'LL MAKE A MOTION TO ADJOURN.

>> SECOND.

>> Mayor J. Arreguin: CALL THE ROLL, ON ADJOURNMENT.

>> Clerk: COUNCIL MEMBER KESARWANI.

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>> YES.

>> Clerk: TAPLIN.

>> YES.

>> Clerk: BARTLETT.

>> YES.

>> Clerk: TREGUB.

>> AYE.

>> Clerk: WENGRAF.

>> YES.

>> LUNAPARRA.

>> YES.

>> Clerk: MAYOR ARREGUIN.

>> Mayor J. Arreguin: YES. WE ARE ADJOURNED.

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BERKELEY SPECIAL MEETING

TUESDAY, OCTOBER 10, 2023

# Unofficial Text File

>> GOOD AFTERNOON.

THANK YOU FOR WAITING PAITENTLY.

I WOULD NOW LIKE TO CALL TO ORDER THE SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL FOR TUESDAY, OCTOBER 10<sup>TH</sup>, 2023 AT 4 P.M..

IF THE CITY CLERK CAN PLEASE CALL THE ROLL.

[ROLL CALL]

>> CLERK: COUNCILMEMBER KESARWANI.

>> R. KESARWANI: HERE.

>> CLERK: TAPLIN.

>> T. TAPLIN: PRESENT.

>> CLERK: BARTLETT.

>> B. BARTLETT: HERE.

>> CLERK: HARRISON.

>> K HARRISON: HERE.

>> CLERK: HAHN.

>> S. HAHN: PRESENT.

>> CLERK: WENGRAF.

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>> S. WENGRAF: PRESENT.

>> CLERK: ROBINSON.

>> R. ROBINSON: PRESENT.

>> CLERK: HUMBERT.

>> M. HUMBERT: PRESENT.

>> CLERK: AND MAYOR ARREGUIN.

>> MAYOR J. ARREGUIN: PRESENT.

>> CLERK: OKAY.

>> MAYOR J. ARREGUIN: OKAY.

ALL MEMBERS ARE PRESENT.

THANK YOU VERY MUCH.

SO THIS IS A SPECIAL CITY COUNCIL MEETING TO HOLD A WORK SESSION TO POTENTIAL PROPOSALS FOR THE REDESIGN OF OUR CITY COUNCIL'S LEGISLATIVE PROCESS.

AND I JUST WANT TO PROVIDE SOME INTRODUCTORY COMMENTS AND THEN TURN IT OVER TO COUNCILMEMBER HAHN, WHO IS GOING TO GO THROUGH PRESENTING THE PROPOSED FRAMEWORK THAT WE WANTED COUNCIL INPUT ON.

AND THEN, I'LL GIVE COUNCILMEMBER HARRISON AN OPPORTUNITY TO PRESENT ON HER CONCEPTS AS WELL.

SO AS THE COUNCIL KNOWS, WE HAVE BEEN DISCUSSING A REDESIGN OF OUR LEGISLATIVE SYSTEM FOR SEVERAL YEARS NOW.

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ADD OUR RETREAT IN OCTOBER, 2019, WE HAD I THINK A VERY EXCELLENT DISCUSSION AROUND POTENTIAL CHANGES TO THE PROCESS IN WHICH WE INTRODUCE AND REVIEW AND APPROVE LEGISLATION AT THE CITY COUNCIL LEVEL.

AND THERE WERE SEVERAL GOALS WE WANTED TO ACHIEVE. ONE, WE WANTED TO MAKE SURE THAT THERE WAS ALIGNMENT OF OUR LEGISLATIVE PROCESS WITH THE BUDGET PROCESS.

BECAUSE WHILE WE MAY ADOPT LAWS OR PROPOSED COUNCIL REFERRALS, IF THOSE LAWS OR PROGRAMS ARE NOT FUNDED, AND WE DON'T HAVE STAFF RESOURCES OR FUNDING ALLOCATED, THEN THEIR IMPLEMENTATION WILL NOT BE EFFECTUATED, IT WILL BE DELAYED.

IN ORDER TO FULLY REALIZE THE IMPACT OF THE LEGISLATION WE ADOPT WE WANTED TO ALIGN THE ADOPTION OF MAJOR ITEMS IN LEGISLATION WITH OUR BUDGET PROCESS TO MAKE SURE WE CAN CONSIDER THE BUDGET NEEDS, TO MAKE SURE WE CAN SET ASIDE FUNDING IN THE BUDGET FOR CITY STAFF AND IMPLEMENTATION.

ANOTHER AREA WAS LOOKING AT HOW CAN WE ENSURE MORE THOROUGH REVIEW OF ITEMS.

TO MAKE SURE THAT THEY HAVE COMPLETE INFORMATION AND ARE LOOKING AT PHYSICAL IMPACTS.

ANOTHER ISSUE WAS LOOKING AT WHAT WOULD BE AN EFFECTIVE PROCESS FOR THESE ITEMS IT BE CONSIDERED TO ALIGN WITH OUR BUDGET PROCESS, TO ALIGN WITH THE A.A.O.

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AND ON TOP OF THAT WE HAD A PRIORITIZATION PROCESS.

WHAT IS THE RELATIONSHIP TO THE PRIORITIZATION PROCESS AND THIS PROCESS.

SO WE HAD A LOT OF GOOD DISCUSSION WITH THE CITY MANAGER CAME FORWARD AFTER THAT WITH A PROPOSAL THAT WE DISCUSSED IN 2021.

AND/OR THE CITY MANAGER PUT THAT FORWARD TO STIMULATE DISCUSSION.

SHE SAID TO THE AGENDA COMMITTEE SHE HAS WITHDRAWN THAT PROPOSAL.

SO THAT IS NOT, SHE'S NOT PRESENTING THAT FOR ACTION AT THE PRESENT TIME BY COUNCIL.

BUT THAT DID SPARK A LOT OF REALLY GOOD IDEAS THAT HAD BEEN BROUGHT FORWARD THE LAST SEVERAL YEARS, ALL OF WHICH WERE INCLUDED IN THE PACKET.

WE WANT TODAY MAKE SURE THE PROPOSALS AND IDEAS THAT COUNCILMEMBERS CURRENTLY PROPOSED AROUND HOW TO IMPROVE AND STREAMLINE THE LEGISLATIVE PROCESS.

THOSE WERE INCLUDED SO WE CAN LOOK AT THE COMPREHENSIVE RECORD.

AND SO, THE AGENDA RULES COMMITTEE TASKED BY THE CITY COUNCIL TO NOT JUST APPROVE THE DRAFT AGENDA BUT TO ALSO REVIEW AND MAKE RECOMMENDATIONS ON CHANGES TO OUR COUNCIL RULES.

HAS BEEN DISCUSSING FOR SEVERAL YEARS NOW THE CHANGES TO OUR LEGISLATIVE PROCESS.



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AND OUT OF THAT, COUNCILMEMBER HAHN HAS BEEN WORKING WITH, I THINK THE CITY CLERK DEPARTMENT, THE CITY MANAGER'S OFFICE AND OTHERS TO COME UP WITH A CONCEPTUAL FRAMEWORK TO PRESENT SOME IDEAS FOR COUNCIL CONSIDERATION. SO THAT WE CAN GATHER INPUT AND COME BACK WITH A PROPOSAL SO WE CAN FINALLY MOVE THIS CONVERSATION FORWARD.

THE PURPOSE OF TONIGHT'S WORK SESSION IS NOT TO TAKE ACTION BUT TO HEAR THE WHOLE COUNCIL'S INPUT.

BECAUSE THE AGENDA AND RULES COMMITTEE THERE ARE ONLY THREE MEMBERS THAT SIT ON THAT COMMITTEE, WE CANNOT ASK FOR YOUR IDEAS, UNFORTUNATELY.

SO REALLY, THIS IS WE'RE THE AGENDA RULES COMMITTEE PUTTING THIS FORWARD TO HEAR THE WHOLE COUNCIL'S IDEAS, SO WE CAN TAKE BACK THAT INPUT AND COME FORWARD WITH A RECOMMENDATION IN THE COMING MONTHS.

SO I REALLY APPRECIATE COUNCILMEMBER HAHN COMING FORWARD WITH A CONCEPTUAL, THOUGHTFUL FAKE WORK.

THE COMMITTEE DID NOT APPROVE THIS, I WANT TO CLARIFY.

WE WANT TO SEND IT FORWARD TO ALL COUNCIL, SO THE WHOLE COUNCIL CAN PROVIDE ITS FEEDBACK AND WE CAN TAKE THAT INTO CONSIDERATION AS WE'RE DELIBERATING ON IT.

I APPRECIATE COUNCILMEMBER HARRISON AND ROBINSON AND TAPLIN'S INPUT.

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THERE MAY BE OTHER IDEAS WE HEAR TONIGHT.

THIS IS INTENDED TO BE A DISCUSSION, AN OPPORTUNITY FOR COUNCIL INPUT AND OUR GOAL IS TO TAKE ALL THESE GOOD IDEAS, AND TO COME BACK WITH A PROCESS THAT WORKS FOR OUR CITY COUNCIL, OUR STAFF AND COMMUNITY, FOR OUR COMMISSIONS.

AND SO, WITH THE GOAL OF TRYING TO HAVE A PROCESS THAT HELPS REALIZE THE IMPACTS OF THE LEGISLATION WE'RE ADOPTED FOR THE BENEFIT OF THE PEOPLE OF BERKELEY.

AND I THINK AN IMPORTANT PART IS OUR BOARDS AND COMMISSIONS AND THE ROLE THEY PLAY ALSO IN REVIEWING A MAJOR LEGISLATION.

SO WITH THAT INTRODUCTION IN MIND, WITH THE UNDERSTANDING WE'RE NOT TAKING ACTION TONIGHT BUT INTENDED FOR DISCUSSION.

I WANT TO TURN IT OVER TO COUNCILMEMBER HAHN WHO WILL PRESENT ON THE SORT OF THE PROPOSED FRAMEWORK THAT WAS PRESENTED AT THE AGENDA RULES COMMITTEE AND THEN COUNCILMEMBER HARRISON THEREAFTER.

>> S. HAHN: THANK YOU SO MUCH, MAYOR.

SOME PRELIMINARY REMARKS.

AND I'LL ASK THE CITY CLERK IF THEY CAN GO AHEAD AND PUT UP THE FIRST PAGE.

FIRST OF ALL, I WANT TO CLARIFY THAT THE AGENDA COMMITTEE WAS WE WERE DELEGATED THE TASK OF COMING BACK TO COUNCIL WITH SOMETHING.

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AND AS YOU ALL KNOW FROM YOUR OWN COMMITTEES YOU CANNOT WORK TWO PEOPLE ON A COMMITTEE CANNOT WORK TOGETHER BEHIND THE SCENES. I WAS DESIGNATED AS A PERSON WHO WOULD WORK ON BRINGING SOMETHING FORWARD.

AND I DID I WAS ABLE TO WORK WITH THE CITY MANAGER AND THE CITY CLERK'S OFFICE, NOT JUST TO GET THEIR INPUT BUT BECAUSE I NEEDED BUDDIES TO HELP DEVELOP THIS AND HAD NO OPPORTUNITY TO WORK WITH MY COLLEAGUES.

I ALSO JUST WANT TO BE REALLY CLEAR, I'M EXTREMELY PROUD OF THE WORK PRODUCT BEING BROUGHT FORWARD AS A THOUGHT EXERCISE HERE TODAY.

BUT THIS IS NOT MY PROPOSAL.

THE PACKET HAS MY PROPOSAL.

MY PROPOSAL IS ON PAGE 43 OF THE PACKET.

AND IF ANYONE WANTS TO KNOW WHAT MY PROPOSAL IS, THAT IS IT.

I AM HAPPY TO TAKE CREDIT FOR HAVING LISTENED TO MANY DIFFERENT STAKEHOLDERS AND LOOKED AT MANY DIFFERENT PROPOSALS THAT ARE HERE IN THE RECORD.

AND TO HAVE WORKED, TO PUT SOMETHING TOGETHER THAT HOPEFULLY REFLECTS AN AMALGAMATION OF MANY DIFFERENT IDEAS AND THAT PROVIDES A CONVERSATION OPPORTUNITY FOR THE WHOLE COUNCIL, WHICH IS WHAT WAS ALWAYS INTENDED.

SO I JUST, I DO THINK THERE HAS BEEN A LITTLE CONFUSION.

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AND I WANTED TO CLARIFY WHILE I'M PROUD TO HAVE DONE WORK ON THIS, THIS IS NOT MY PROPOSAL.

MY PROPOSAL IS ELSEWHERE IN THE PACKET.

I ALSO WANTED TO JUST BRING YOUR ATTENTION TO THIS FIRST PAGE. PROCESS SKETCH FOR DISCUSSION.

WE NAMED IT THAT FOR A REASON.

IT'S ACTUALLY NOT A PROPOSAL.

IT IS A SKETCH OF A POTENTIAL PROCESS.

THAT IS INTENDED TO SPARK CONVERSATION.

IT'S NOT A PROPOSAL.

I WANTED TO MAKE THAT CLEAR AS WELL.

GIVEN THE VARIETY OF WORK PRODUCT THAT WE HAD TO GO BACK AND LOOK AT, AND TO KIND OF DIGEST AND PULL TOGETHER, IT'S NOT POSSIBLE FOR A SINGLE SKETCH TO INCLUDE ABSOLUTELY ALL THE IDEAS AT ONCE.

AND I THINK AS THE REASON WHY WE AS THE AGENDA COMMITTEE DID NOT APPROVE THIS AS A BODY IS BECAUSE WE WANT YOUR INPUT.

WHAT WE MIGHT FINALLY BRING FORWARD MAYBE VERY DIFFERENT FROM THIS.

BUT YOU HAVE TO START SOMEWHERE WITH A CONVERSATION.

AND I REALLY WANT TO MAKE SURE THAT ANY MISCHARACTERIZATION OF WHAT IS HERE IS CLEARED UP.

ALL RIGHT.

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SO LET'S GO THROUGH THIS SKETCH.

AND THE PURPOSE TODAY IS FOR US TO GET ALL YOUR IDEAS AND INPUT.

AND THERE IS NO DECISION POINT TODAY.

I ALSO WANT TO SAY THAT AS WE WERE GOING THROUGH THIS, IT'S ACTUALLY VERY COMPLEX.

AND THERE IS A LOT OF MOVING PIECES AND THERE IS A LOT OF PLACES WHERE YOU WANT TO STEP INTO A MORE COMPLICATED CORNER AND GO DOWN THAT LITTLE RABBIT HOLE.

THE WAY IT'S ORGANIZED THERE IS KIND OF AN OVERVIEW AND WE ACTUALLY DID A LITTLE WAYS DOWN A FEW RABBIT HOLES TO SORT OF SUGGEST SOME OF THE CONSIDERATIONS IN EACH OF THOSE SPECIAL TOPICS.

BUT IT IS OUR INTENT THAT WITH AN OVER-- CLEAR WITH THE OVERVIEW WE WOULD THEN TOGETHER DEVELOP AND REFINE SOME OF THE SPECIAL TOPICS.

>> MAYOR J. ARREGUIN: CAN I ADD ONE THING, COUNCILMEMBER HAHN, IF I MAY.

I FORGOT TO MENTION THAT WHAT WE INCLUDED IN THE PACKETS WAS A MATRIX, WHICH SUMMARIZED ALL THE DIFFERENT PROPOSALS THAT HAVE BEEN PUT FORWARD IN THE LAST WHAT THREE OR FOUR YEARS, INCLUDING THE MOST RECENT PROPOSAL THAT COUNCILMEMBER HAHN IS ABOUT TO PRESENT.

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AND KIND OF REALLY BROKE IT DOWN BY SORT OF ISSUE AREA, MAJOR ITEM DEFINITION PROCESS.

SO YOU CAN SEE ACROSS WHERE EACH PROPOSAL HAPPENED AND -- LANDED AND THE EVOLUTION THAT LED TO THIS PROPOSAL THAT COUNCILMEMBER HAHN WILL PRESENT.

I WANT TO THANK MY STAFF, JACQUELINE MCCORMICK AND LAURIE, AND COUNCILMEMBER WENGRAF'S OFFICE WHO WORKED QUICKLY TO PUT THIS TOGETHER SO WE HAD SOMETHING TO LOOK AT FOR COMPARATIVE PURPOSES.

BACK TO YOU.

>> S. HAHN: THANK YOU.

I ALSO WANT TO ACKNOWLEDGE AND THAT CAN THEM.

AS YOU CAN SEE BY LOOKING AT THE MATRIX, IT WAS VERY FORGET COMPLICATED.

AND THERE WERE A LOT OF DIFFERENT IDEAS THAT HAD BEEN FLOATED OVER TIME.

AND AGAIN, THIS SKETCH IS ONE OF MANY POTENTIAL PATHS FORWARD. LET'S GO AHEAD AND WALK DOWN THE SKETCH PATH.

HOPEFULLY, THAT WILL TRIGGER MANY IDEAS AND INPUTS.

SO FIRST OF ALL, LET'S GO TO THE -- WELL, LET ME START HERE BY SAYING THIS IS BY MAJOR ITEMS.

SO VERY QUICKLY, YOU HAVE TO IMAGINE THAT THERE IS LOTS OF ITEMS THAT ARE NOT INCLUDED THAT ARE NOT BEING DISCUSSED.

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WHAT IS A MAJOR ITEM?

CURRENTLY, WE HAVE A DEFINITION.

SO IT'S NOT -- WE CALL IT A POLICY COMMITTEE TRACK ITEM.

THAT WAS TOO MUCH A MOUTHFUL.

WE'LL CALL THEM MAJOR ITEMS.

BUT IT IS THE SAME DEFINITION THAT WE HAVE CURRENTLY.

THIS IS NOT A NEW DEFINITION.

THIS IS THE OPERATIVE DEFINITION IN OUR COUNCIL RULES AND  
PROCEDURE AND ORDER, AND I HAVE NOT HEARD ANY CONCERNS ABOUT THE  
DEFINITION TO DATE.

IT IS THE ONE WE'VE BEEN USING FOR A COUPLE OF YEARS.

HOWEVER, AS WITH EVERYTHING THAT WE'RE LOOKING AT TODAY, IT'S  
ENTIRELY POSSIBLE FOR US TO ADJUST THE DEFINITION.

SO THAT'S NOT SET IN STONE.

IT'S JUST TO EXPLAIN WHERE WE GOT THAT TERMINOLOGY FROM.

WE CAN GO TO THE NEXT SLIDE.

THESE BIG IDEAS YOU CAN EACH BRING YOUR OWN TO THIS.

THIS WAS SORT OF THE BIG IDEAS, AGAIN, I WASN'T ABLE TO WORK  
TOGETHER WITH ANY OTHER COMMITTEE MEMBERS.

SO THE BIG IDEA FOR COUNCIL THAT CAME FROM MYSELF, SUCCESSFULLY  
DEVELOP AND IMPLEMENT STATE OF THE ART AND INNOVATIVE PROGRAM  
AND POLICIES TO SERVE BERKELEY AND MODEL BEST PRACTICES FOR  
OTHER JURISDICTIONS.

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THE CITY CLERK'S BIG IDEA WAS CONSISTENCY IN PROCESS FOR MAJOR ITEM DEVELOPMENT, BUDGETING AND IMPLEMENTATION.

OBVIOUSLY, CITY ATTORNEY IS INTERESTED IN ENSURING LEGAL AND DRAFTING COMPLIANCE.

AND THE CITY MANAGER'S BIG IDEA WAS TO HELP THE ORGANIZATION DELIVER WITHOUT OVERWHELM, AND HELP STAFF BE SUCCESSFUL IN THEIR WORK.

AND I THINK THAT EVEN THOUGH THOSE ARE COME FROM ONE INDIVIDUAL EACH, I THINK THEY ACTUALLY REALLY REFLECT WHAT THESE DIFFERENT ROLES MIGHT HAVE TOP OF MIND.

BUT OBVIOUSLY, YOU ALL MAY HAVE YOUR OWN RENDITIONS OF THIS AS WELL.

GOING TO THE NEXT SLIDE.

SO OBVIOUSLY, THIS IS A BIG POTENTIAL CHANGE.

BUT NOT AT ALL NECESSARY.

BUT THE IDEA OF YEARLY CYCLE REALLY I WOULD SAY IS BUILT BACKWARDS FROM THE IDEA THAT WE WANT TO GET TO A PLACE WHERE WE DON'T HAVE BACKLOGS, WHERE ITEMS WE PASS AND EVEN THAT WE FUND DON'T GET IMPLEMENTED FOR YEARS.

AND WE'RE -- THERE IS KIND OF A TIGHTER AND LOGICAL PROGRESSION FROM PROPOSALS TO BEING VET, TO BEING ELIGIBLE FOR FUNDING, TO RECEIVING FUNDING, TO HOPEFULLY BEING IMPLEMENTED PRETTY MUCH IMMEDIATELY AFTER.



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SO THAT THE CONVERSATION ABOUT IMPLEMENTATION BEGINS ESSENTIALLY AFTER THE ITEM IS FUNDED.

SO WHILE IT COULD ENTAIL A LONGER TIMELINE BEFORE AN ITEM IS PASSED AND BUDGETED, IT IS INTENDED TO SIGNIFICANTLY REDUCE THE AMOUNT OF TIME THAT IT TAKES FROM APPROVAL OR BUDGET TO IMPLEMENTATION.

AND THERE ARE OTHER WAYS TO ACHIEVE THIS.

AND PEOPLE MAY WISH TO FRONT LOAD THE WEIGHT OR BACK LOAD THE WEIGHT OR DISTRIBUTE IT DIFFERENTLY.

BUT -- I DID WANT TO EXPLAIN WHY THE IDEA OF A YEARLY CYCLE SEEMED LIKE SOMETHING WE MIGHT WANT TO PUT FORWARD.

SO, IF THERE WAS A YEARLY CYCLE, AGAIN ALL OF THESE DATES CAN BE CHANGED.

LOOKING AT IT WITH THE CITY MANAGER AND THE CITY CLERK, AND TRYING TO UNDERSTAND SORT OF THE DEADLINES BY WHICH THE BUDGET COMMITTEE NEEDS THINGS AND OTHER CONSIDERATIONS, WE CAME TO THE IDEA THAT JULY THROUGH SEPTEMBER COUNCIL WOULD BE FINALIZING ITEMS, NOW JUST TO BE CLEAR, THEY COULD DEVELOP AND SUBMIT THEM AT ANY TIME DURING THE YEAR.

BUT THERE WOULD BE FOUR MONTHS WHERE -- THREE MONTHS WHERE YOU COULD REALLY FOCUS ON THAT.

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DURING THAT TIME, THE CITY MANAGER WOULD BE FOCUSED ON STARTING TO IMPLEMENT ITEMS FROM THE PREVIOUS YEAR THAT HAD JUST BEEN FUNDED.

OCTOBER TO MARCH WOULD BE COMMITTEE SEASON. RECOGNIZING THAT THERE IS PROBABLY A PRETTY BIG GAP IN DECEMBER. AND THERE MIGHT BE QUITE A FEW ITEMS AND THE COMMITTEES WOULD BE DOING ROBUST REVIEWS AND WOULD NEED TO HEAR ITEMS MORE THAN ONCE.

AND THEN, APRIL THROUGH JUNE WOULD BE THE TIME WHEN COUNCIL WOULD REVIEW AND APPROVE ITEMS AND THE BUDGET WOULD FUND THOSE ITEMS THAT COUNCIL DEEMED READY TO FUND THAT YEAR.

SO IT'S BUILT BACK FROM THAT JUNE 30 BUDGET ADOPTION.

THE NEXT SLIDE.

SO SOME OF THE BENEFITS WERE WRITTEN HERE.

OBVIOUSLY, THERE IS DOWN SIDES AS WELL.

EVERYTHING CHOICE WE ME, INCLUDING THE CHOICE WE HAVE RIGHT NOW HAS UP SIDES AND DOWN SIDES.

BUT IN INTRODUCING A NEW IDEA, WE THOUGHT WE WOULD SHARE WHAT SOME OF THE BENEFITS MIGHT BE.

A YEARLY OPPORTUNITY.

THE FOUR SUBJECT MATTER COMMITTEES WOULD HAVE MORE OF A SEASON.

ALTHOUGH, THEY ABSOLUTELY COULD MEET AT ANY TIME.

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STAFF WOULD HAVE A PERIOD OF TIME WHEN THEY COULD FOCUS IN A MUCH MORE ROBUST WAY THAN THEY DO NOW.

ON IMPLEMENTATION AND COUNCILMEMBER SAID DURING THAT TIME WOULD ALSO HAVE SORT OF MORE FREE TIME, QUOTE/UNQUOTE, WITHOUT COMMITTEE MEETINGS TO FINALIZE ITEMS THEY WANTED TO SUBMIT BY THE DEADLINE.

AND AGAIN, THE IDEA BEING TO REDUCE THE GAP BETWEEN APPROVAL AND IMPLEMENTATION.

AND JUST TO BE CLEAR, WE DON'T REALLY HAVE EXPLICIT DEADLINES FOR ITEMS.

BULT BECAUSE WE HAVE A BUDGET CYCLE, THERE IS A DEADLINE, THERE IS A DATE AFTER WHICH AN ITEM CAN NO LONGER BE CONSIDERED FOR THAT BUDGET CYCLE.

EXACTLY.

SO WE DON'T HAVE THOSE DEADLINES DELINEATED VERY CLEARLY RIGHT NOW.

AND I THINK THAT CAN BE A PROBLEM.

BECAUSE PEOPLE DON'T REALLY KNOW HOW MUCH TIME THEY HAVE TO SUBMIT AN ITEM THAT MIGHT HAVE TO GO TO COUNCIL.

AND THEY DON'T KNOW IF THEY WILL MISS BEING CONSIDERED FOR ONE OR ANOTHER BUDGET CYCLE.

BY CLARIFYING, IT WOULD BE VERY FAIR AND EVERYONE WOULD BE ON NOTICE.

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THIS IS THE DATE BY WHICH YOUR ITEMS HAVE BEEN TO BE IN IN ORDER  
TO BE CONSIDERED FOR THIS CYCLE.

THERE IS OBVIOUSLY DOWN SIDES AS WELL, TRADEOFFS.

AND I THINK IT'S SOMETHING FOR EVERYONE HERE TO CONSIDER.

SO LET'S GO TO THE NEXT SLIDE.

MAJOR ITEM DEVELOPMENT AND SUBMISSION.

AGAIN, YOU WOULD HAVE ALL YEAR TO SUBMIT.

IT'S NOT THAT YOU WOULD ONLY BE ABLE TO SUBMIT DURING A THREE-  
MONTH PERIOD.

BUT THAT YOU WOULD HAVE LESS OTHER RESPONSIBILITIES DURING THAT  
TIME AND YOU COULD FOCUS MORE.

SO FIRST THE MAJOR ITEM GUIDELINES WOULD BECOME MANDATORY.

RIGHT NOW THEY ARE RECOMMENDED AND I THINK A LOT OF PEOPLE DON'T  
REALIZE THEY ARE RECOMMENDED.

AND THE AGENDA COMMITTEE HAS NOT NECESSARILY BEEN CONSISTENT AND  
APPLYING THAT.

FIRST IDEA WOULD BE MAJOR ITEM GUIDELINES.

WHY?

BECAUSE THEY REQUIRE ROBUST RESEARCH AND CONSULTATION.

AND THAT WOULD MEAN THAT ITEMS CAME TO US AS A COUNCIL MORE  
FULLY FORMED.

THEN THE SEPTEMBER 30 SUBMISSION DEADLINE.

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BUT ITEMS CAN BE SUBMITTED PRIOR AND THEY COULD BE REVIEWED BY THE AGENDA AND RULES COMMITTEE JUST FOR THE QUESTION OF DO THEY COMPLY WITH THE GUIDELINES.

TIMELINE ALLOWS FOR COUNCILMEMBERS TO WORK ALL YEAR WITH CONCENTRATED OPPORTUNITY JULY THROUGH SEPTEMBER.

AND ALSO STAFF INPUT AT THE PRESUBMISSION LEVEL AND INPUT FROM THE CITY ATTORNEY WOULD BE MORE FORMALIZED.

RATHER THAN SORT OF CATCH US IF YOU CAN AND SOMETIMES A DEPARTMENT HEAD HAS TIME TO WORK WITH YOU AND SOMETIMES THEY DON'T.

IT WOULD BE EXPLICIT, THE LEVEL OF INPUT AND CONSULTATION AVAILABLE TO COUNCILMEMBERS AS THEY ARE DEVELOPING THEIR ITEMS.

WE CAN GO TO THE NEXT SLIDE.

SO IN OCTOBER, AGAIN, MAYBE OCTOBER, IT'S ALL UP TO YOUR COMMENT.

WE WOULD HAVE THE AGENDA COMMITTEE WOULD REVIEW ALL MAJOR ITEMS THAT CAME IN TOWARDS THE DEADLINE FOR COMPLIANCE WITH THE GUIDELINES.

COMPLIANT MAJOR ITEMS WOULD GO TO COMMITTEES.

IF AN ITEM WAS NONCOMPLIANT THERE WOULD BE AN OPPORTUNITY FOR THE AUTHOR TO RESUBMIT AND STILL CATCH THAT CYCLE.

NEXT SLIDE.

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OCTOBER THROUGH MARCH, THE POLICY COMMITTEES WOULD ORGANIZE THEMSELVES.

MID OCTOBER THEY WOULD PLAN THEIR SESSION.

MAYBE THERE ARE SEVERAL ITEMS ON A SIMILAR TOPIC AND IT MAKES MORE SENSE TO HEAR THEM TOGETHER.

MAYBE THERE ARE ITEMS THAT THEY FEEL ARE GOING TO REQUIRE VERY SIGNIFICANT OUTREACH AND THEY WANT TO SCHEDULE THEM IN THAT WAY. AND THIS OF COURSE IS HOW IT IS DONE IN COMMITTEES, COMMITTEE SYSTEMS THAT HAVE AN ANNUAL CYCLE AT THE STATE LEVEL AND IN OTHER CITIES.

AND IT'S NOT UNCOMMON THAT THERE IS A TIME WHEN THE COMMITTEE IS ESSENTIALLY PLANS OUT THEIR HEARINGS.

THE MAJOR ITEMS WOULD BE REVIEWED ON A ROLLING BASIS.

AND ALL THE ITEMS WOULD BE OUT OF THE POLICY COMMITTEE BY MARCH 30.

THIS BULLET POINT WITH COMMITTEES MAY PRIORITIZE OR SCORE ITEMS THEY REVIEW.

THE REASON IT'S IN BRACKETS BECAUSE IT'S A BIG QUESTION MARK.

SO MAYBE THEY WOULD MAYBE THEY WOULDN'T.

BUT THAT IS IN BRACKETS BECAUSE IT'S REALLY A QUESTION MARK HERE.

NEXT SLIDE.

SO, IN APRIL ALL MAJOR ITEMS WOULD HAVE BEEN VOTED ON.

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THEY ARE NOT ALL VOTED ON IN APRIL.

BUT THEY WOULD ALL BE VOTED ON BY APRIL 30.

MAY MIGHT REQUIRE US, IT MIGHT REQUIRE A SPECIAL MEETING IN APRIL.

THERE WERE A WHOLE LOT OF THEM.

THE CITY ATTORNEY WOULD SIGN OFF ON THE DRAFTING AND LEGAL CONFORMITY OF THE ORDINANCE AS RESOLUTIONS AND FORMAL POLICIES. AND APPROVE ITEMS WOULD GO TO THE BUDGET COMMITTEE.

AND THEN NEXT SLIDE.

AND THEN, POSSIBLY, AGAIN, POSSIBLY MAJOR ITEMS.

AND JUST TO BE CLEAR, THAT'S NOT THE SAME AS ALL ITEMS PRIORITIZATION, BUT POSSIBLY THERE WOULD BE A PROCESS OF TAKING ALL THOSE MAJOR ITEMS FROM THAT CYCLE AND HAVING A PRIORITIZATION OF THEM.

AND SENDING THAT IN BY THE MIDDLE OF MAY.

AND THAT WOULD BE GOING TO THE BUDGET COMMITTEE.

BUT NOT BE BINDING.

IT WOULD BE A NONBINDING PRIORITIZATION.

AND NEXT SLIDE.

THEN THE BUDGET COMMITTEE WOULD HAVE ALL THESE.

THE PRIORITIZATIONS AGAIN IN BRACKETS AND COMMITTEE WITH A QUESTION MARK WOULD GO TO THE BUDGET COMMITTEE AS GUIDES BUT NOT BE BINDING.

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BUT THE BUDGET COMMITTEE WOULD ALREADY HAVE AN IDEA OF WHAT THE COUNCIL THOUGHT WHERE THE PRIORITIZATIONS.

THE BUDGET COMMITTEE WOULD DO NORMAL RECOMMENDATION TO THE FULL COUNCIL.

THE BUDGET WOULD GET PASSED.

MAJOR ITEMS THAT WERE FUNDED WOULD MOVE FORWARD TO IMPLEMENTATION.

THAT MEANS IMMEDIATE IMPLEMENTATION.

AND THAT IS ONE OF THE BIG CHANGES THAT THIS KIND OF A SET UP HOPEFULLY WOULD ALLOW.

AS WE ALL KNOW, RIGHT NOW MAJOR ITEMS THAT ARE PASSED AND FUNDED GO INTO A BIG BUCKET AND OFTEN TIMES ARE NOT BROUGHT FORWARD TO FRUITION FOR MANY YEARS, SOMETIMES 10 YEARS.

WE HAVE SEEN THINGS LIKE THAT.

ITEMS PASSED BY COUNCIL BUT NOT FUNDED WOULD GET AN AUTOMATIC ROLL OVER TO BE CONSIDERED AT FUTURE FUNDING OPPORTUNITIES.

TO BE CLEAR, THAT ISN'T THE NEXT YEAR.

THAT'S NOT 12 MONTHS LATER.

IT WOULD BE A FUTURE FUNDING OPPORTUNITIES THROUGHOUT THE YEAR. NEXT SLIDE.

THIS IS REALLY, I THINK REALLY THE DOMAIN OF THE CITY MANAGER.

AND THIS SLIDE REFLECTS I THINK AND CITY MANAGER PLEASE STEP IN IF I DON'T PRESENT THIS CORRECTLY.



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BUT THIS REFLECTS HER THINKING.

AND I THINK WE ALL KNOW THAT SHE HAS BEEN VERY FOCUSED ON IMPLEMENTATION.

SHE WANTS THE WORK THAT WE DO TO BE SUCCESSFUL.

AND IT IS HER DREAM THAT WE ARE ABLE TO CLEAR OUR BACKLOGS AND THAT WE ACTUALLY START IMPLEMENTING RIGHT AWAY.

AND THAT THESE PROGRAMS AND POLICIES SEE THE LIGHT OF DAY SOON AFTER THEY ARE APPROVED AND FUNDED.

SO THE IDEA WOULD BE THAT THE CITY MANAGER WOULD ASSIGN A SINGLE IMPLEMENTATION LEAD, THAT THE LEAD AND CITY MANAGER WOULD ASSEMBLE THEIR TEAM, THAT MIGHT BE A COUPLE OF DIFFERENT DEPARTMENT HEADS.

THAT THEY MIGHT MEET WITH THE AUTHORS TO CLARIFY ANY INTENTIONS OR TO SKETCH TIMELINES OR DISCUSS OPPORTUNITIES, IDEAS OR CHALLENGES.

AND LET ME BE CLEAR, THOSE ARE AROUND IMPLEMENTATION.

NOT CHALLENGES WITH THE LEGISLATION ITSELF.

WHEN YOU SIT DOWN TO ACTUALLY DO AN IMPLEMENTATION PLAN, IT'S VERY DIFFERENT FROM KIND OF THE HIGH LEVEL THINKING ABOUT IMPLEMENTATION THAT OBVIOUSLY HAS TO HAPPEN BEFORE THE ITEM IS APPROVED.

THE IMPLEMENTATION TEAM HAS PREPARED TWO SEPARATE THINGS.

ONE IS A LAUNCH PLAN AND ONE IS AN OPERATING PLAN.

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AND THAT IS THE CITY MANAGER REALLY RECOGNIZING THAT LAUNCHING SOMETHING AND RUNNING IT ARE TWO DIFFERENT THINGS.

BUILDING A STRUCTURE AND KEEPING IT FUNCTIONING OVER TIME ARE DIFFERENT THINGS.

PUTTING IN A GARDEN AND KEEPING IT GOING OVER TIME ARE TWO DIFFERENT THINGS.

AND SO BOTH OF THOSE WOULD BE DEVELOPED AND THEN AS SOON AS POSSIBLE, THE PROGRAM OR POLICY WOULD BE LAUNCHED AND IMPLEMENTED.

SO LET'S GO TO THE NEXT SLIDE.

SO THAT IS, THAT WAS IT FOR THE OVERVIEW OF WHAT A WHOLE CYCLE MIGHT LOOK LIKE.

NOW, WE'RE GOING INTO WHAT I CALL SPECIAL TOPICS.

THESE ARE SOME OF THOSE THINGS THAT WE CAME UPON AS WE WERE THINKING THESE THINGS THROUGH.

THAT WOULD BE QUESTIONS WE PROBABLY WOULD WANT TO MAKE SURE WE HAD COVERED.

AND BY THE WAY, OUR SPECIAL TOPICS ARE NOT DEFINITIVE.

THERE ARE MANY MORE.

WE CHOOSE TO JUST GIVE YOU A LITTLE BIT OF A NIBBLE AND HAVE YOU UNDERSTAND THAT WE DIDN'T NOT THINK ABOUT THESE THINGS.

SO THE FIRST OBVIOUSLY IMPORTANT THING IS WHAT DID YOU DO IF THERE ARE A TIME CRITICAL MAJOR ITEM?

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IF WE'RE STUCK IN A CYCLE WHAT DO WE DO IF THERE IS AN URGENT NEED AND WHAT COMES TO MIND FOR ME IS AFTER GEORGE FLOYD WAS MURDERED, THERE WAS A VERY, VERY INTENSE DESIRE ON THE PART OF THE COMMUNITY AND OUR COUNCIL TO BE ABLE TO BE RESPONSIVE VERY QUICKLY WITH PRETTY COMPREHENSIVE IDEAS THAT WERE PUT FORWARD. I DON'T THINK ANY OF US WOULD WANT SOMETHING LIKE THAT TO HAVE TO SIT AND WAIT FOR SEVERAL MONTHS TO BE SENT TO A COMMITTEE OR TO BE CONSIDERED.

SO THE OVERRIDE FOR TIME CRITICAL ITEMS IS A CRITICAL COMPONENT OF THIS.

WE ALREADY HAVE SOME TERMS FOR OVERRIDE IN OUR COUNCIL RULES AND PROCEDURE AND ORDER.

AN ITEM THAT WOULD OTHERWISE BE ASSIGNED TO A POLICY COMMITTEE MAY BY-PASS, IF IT'S DEEMED TIME CRITICAL.

AND THE AGENDA AND RULES COMMITTEE DETERMINES WHETHER IT IS TIME CRITICAL.

LIKE EVERY THING WE COULD EXPAND THIS, WE COULD REWRITE IT, WE COULD MAKE IT HAVE MORE SPECIFICITY.

BUT THE IDEA THAT WE WOULD HAVE A SAFETY VALVE FOR TIME CRITICAL ITEMS IS VERY IMPORTANT.

AND I THINK BECOMES MORE IMPORTANT IF WE'RE GOING TO HAVE A PROCESS THAT IS A YEARLY PROCESS.

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ANOTHER IDEA THAT I THINK IS IMPORTANT FOR US TO CONSIDER, IS THAT IF THE AGENDA COMMITTEE GETS TO MAKE THESE DECISIONS WE MAY ACTUALLY WANT TO HAVE AN OVER RIDE THAT TAKES THAT DETERMINATION TO THE FULL COUNCIL.

SO LET'S SAY A COUNCILMEMBER BRINGS SOMETHING FORWARD, THEY THINK IT'S TIME CRITICAL, THE AGENDA AND RULES COMMITTEE DOESN'T AGREE.

THEY COULD THEN BRING THAT DECISION TO THE FULL COUNCIL AND THE FULL COUNCIL WOULD BE ABLE TO WEIGH IN ON WHETHER THAT ITEM WAS TIME CRITICAL.

ALL RIGHTY.

NEXT TOPIC.

MOVING TO ANOTHER SPECIAL TOPIC.

THE DETAILS OF PRE SUBMISSION.

THE GUIDELINES FORMAT WOULD BE MANDATORY.

ANOTHER SUGGESTION IS THAT AT THIS STAGE THERE WOULD ONLY BE AUTHORS AND NO CO-SPONSORS AND THAT WOULD HELP WITH BROWN ACT ISSUES AS THINGS MOVE THROUGH COMMITTEE.

THAT A PRE-SUBMISSION CONSULTATION WITH THE CITY MANAGER WOULD BE AVAILABLE.

EXPLICITLY AVAILABLE SO THAT PEOPLE DON'T FEEL LIKE THEY ARE KIND OF BUGGING SOMEBODY BY REACHING OUT AND ASKING FOR HELP OR ADVICE ON SOMETHING THEY ARE THINKING OF DEVELOPING.

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AND THEN A REQUIRED PRE-SUBMISSION CONSULTATION WITH THE CITY ATTORNEY SO HER OFFICE HAS THE OPPORTUNITY TO IDENTIFY POTENTIAL LEGAL AND DRAFTING CONSIDERATIONS VERY EARLY IN THE PROCESS. I THINK IT'S PROBABLY A GOOD IDEA FOR THE CITY ATTORNEY TO DECIDE IF THERE ARE ISSUES.

AND THIS WOULD PROVIDE NOT JUST OPPORTUNITY BUT A REQUIREMENT TO RUN THINGS BY THE CITY ATTORNEY'S OFFICE.

THE LAST BULLET POINT IS VERY IMPORTANT.

HOW DO WE FOLD IN COMMISSIONS.

THIS IS SOMETHING BIG THAT THE AGENDA AND RULES COMMITTEE MEMBERS FELT VERY STRONGLY ABOUT.

I HAVE TO SAY THAT JUST TRYING TO HARNESS A SKETCH FOR THE COUNCIL PROCESS WAS A LOT.

BUT WE'RE VERY CLEAR THAT WHATEVER PROCESS WE STICK WITH OR MOVE TOWARDS, WE HAVE TO HAVE MORE EXPLICIT ABOUT HOW OUR COMMISSIONS ARE CONSULTED AND HOW WE GET THEIR IMPORTANT ADVICE AND REVIEW AND HOW THAT GETS WOVEN IN.

WE THOUGHT THERE MIGHT BE AN IMPORTANT ROLE FOR THAT IN THE PRE SUBMISSION PHASE.

LET'S SAY YOU START DEVELOPING SOMETHING EARLY IN THE CYCLE, IT'S POSSIBLE THAT IT COULD GO TO A COMMISSION BEFORE YOU EVEN SUBMIT IT.

THERE MIGHT BE OTHER WAYS AND OTHER TIMES IN THE PROCESS.

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BUT I REALLY WANT TO HIGHLIGHT THAT AS WE GO THROUGH THIS, THE AGENDA AND RULES COMMITTEE WAS VERY CONCERNED THAT THE COMMISSIONS NOT BE SIDE LINED AND ON THE CONTRARY, THAT WE FIND EXPLICIT WAYS FOR THEIR CONTRIBUTIONS AND THOUGHTS AND OPINIONS TO BE INTEGRAL TO THE PROCESS OF MOVING LEGISLATION FORWARD.

OKAY.

NEXT SLIDE.

STRENGTHENING THE COMMITTEE REVIEW.

LOTS OF IDEAS FOR HOW TO DO THAT.

AND I'M SURE THERE IS GOING TO BE A LOT MORE.

BUT SOME OF THE IDEAS OBVIOUSLY WOULD BE THAT FOR EVERY ITEM THERE IS A WHOLE SERIES OF QUESTIONS, A CHECKLIST IF YOU WANT TO CALL IT.

BUT A SERIES OF INQUIRIES THE COMMITTEE IS REQUIRED TO MAKE SO EVERY ITEM OF LEGISLATION IN COMMITTEE AND ACROSS COMMITTEES IS GETTING THE SAME SCRUTINY AND SAME OPPORTUNITY FOR INPUT.

ONE IDEA IS RELEVANCE TO STRATEGIC PRIORITIES.

ADDED VALUE OF THE PROGRAM OR POLICY.

BENEFITS AND COSTS OF THE PROGRAM OR POLICY TO THE COMMUNITY AND THE CITY.

POTENTIAL ALTERNATIVE MEANS TO ACHIEVE THE SAME OR SIMILAR GOALS THAT MIGHT BE MORE FRUITFUL OR MORE QUICK OR LESS EXPENSIVE.

PHASING IN TIMELINES FOR IMPLEMENTATION.

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STAFFING AND RESOURCES NEEDED.

HOW THE PROGRAM OR POLICY WOULD BE EVALUATED.

HOW IT WILL BE ENFORCED.

AND THEN AGAIN, IN BRACKETS ARE THINGS WITH A REAL QUESTION MARK.

WOULD THE COMMITTEE DO SOME KIND OF RATING OR RANKING, YES OR NO, POSSIBLY.

SHOULD WE INCREASE THE OPTIONS AROUND THE POSITIVE AND NEGATIVE RECOMMENDATIONS.

I THINK YOU ARE ALL FAMILIAR.

WE HAVE ONLY FOUR OPTIONS.

WHEN WE SEND SOMETHING TO CITY COUNCIL, MAYBE THERE IS SOME ROOM TO CHANGE OR REFINE THINGS THERE.

OTHER WITH A QUESTION MARK.

THIS QUESTION OF STRENGTHENING COMMITTEES REGARDLESS OF OUR OVERALL PROGRAM IS A SPECIAL TOPIC THAT WE ARE GOING TO HAVE TO ADDRESS AS A COUNCIL.

GOING TO THE NEXT SLIDE.

CONTINUING ON THE STRENGTHENING COMMITTEES IDEA, WE WOULD ALSO NEED TO CONSIDER HOW ARE WE GOING TO GET THE INPUTS WE NEED FROM THE PUBLIC, FROM STAFF, FROM CITY ATTORNEY.

THE COMMITTEES WOULD NEED TO DO ACTIVE OUTREACH WITH STAFF SUPPORT.

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ACTUALLY IDENTIFY STAKEHOLDERS THAT WOULD EITHER BE IMPACTED OR WOULD NEED TO TAKE ACTION ON ONE OR ANOTHER PRIORITY AND DO ACTIVE OUTREACH, NOT JUST HOPE THAT THEY MIGHT HAPPEN UPON AN AGENDA SOMEWHERE.

MULTIPLE HEARINGS TO ALLOW FOR A BEST COMMUNITY STAFF AND CITY ATTORNEY INPUTS AND DISCUSSION.

ENHANCE AND EMPOWER THE CITY ATTORNEY AND STAFF PARTICIPATION. SO THAT THEY COULD GIVE MEANINGFUL VERBAL INPUT WITHOUT THE REQUIREMENT FOR A FORMAL REPORT.

AND I KNOW THAT BOTH THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER ARE VERY HESITANT TO GIVE US AND HAVE THEIR STAFF GIVE US SORT OF PRELIMINARY ADVICE THAT DOES NOT REFLECT FULL AND DEEP CONSIDERATION.

AND I THINK THIS WILL BE SOMETHING FOR THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER'S OFFICE TO THINK ABOUT WHAT KIND OF INPUT THEIR STAFF COULD PROVIDE THEY WOULD FEEL COMFORTABLE WITH THAT WOULD BE SUBSTANTIAL AND MOVE THINGS ALONG.

THE COMMITTEE SCHEDULE.

HAVING A SCHEDULE AHEAD OF TIME COULD HELP THE CITY ATTORNEY AND THE CITY MANAGER SEND THE RIGHT PEOPLE TO EACH MEETING.

KNOWING AHEAD OF TIME WHAT ITEMS ARE GOING TO BE CONSIDERED AT DIFFERENT TIMES, I THINK COULD ALLOW US TO HAVE THE RIGHT PEOPLE THERE AND MORE ROBUST INPUT FROM OUR IMPORTANT PARTNERS.



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AND THEN, AGAIN CONSIDER HOW TO ATTAIN AND INTEGRATE INPUT FROM COMMISSIONS.

AGAIN, WE DID NOT GO DEEP THERE.

BUT WE IDENTIFIED IT AS SOMETHING CRITICALLY IMPORTANT.

NEXT SLIDE.

SO ANOTHER SPECIAL TOPIC.

PRIORITIZATION.

AND WHEN WE TALKED ABOUT THIS A LOT, BUT IN DISCUSSING THIS WITH THE CITY MANAGER, I THINK WE CAME TO UNDERSTAND THAT THERE IS KIND OF TWO ISSUES.

ONE IS THAT WE WHILE REDUCED, WE STILL HAVE THE BACKLOG NOW.

WE HAVE A BIG BACK LOG.

AND SO WE NEED TO FIGURE OUT SORT OF AN END GAME FOR HOW WE'RE GOING TO DEAL WITH THOSE BACKLOG ITEMS.

AND THE END GAME MIGHT BE THAT WE SORT OF FIGURE OUT WHAT TO DO.

THE SECOND TOPIC AROUND PRIORITIZATION IS ASSUMING THE DREAM OF A SYSTEM THAT HAS NO BACKLOGS, WE STILL WOULD HAVE TO DO

PRIORITIZATION.

SO LOOKING AT THE BACKLOG QUEUE, ONE IDEA WAS A ONE TIME PROCESS FOR MAJOR ITEMS THAT ARE CURRENTLY IN THE QUEUE THAT ALL PENDING BUT NOT INITIATED ITEMS EXPONENTIALLY WOULD GO BACK TO THE POLICY COMMITTEES FOR LIKE A REREVIEW.

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AND THE POLICY COMMITTEES WOULD LOOK AT THEM AND CONSIDER  
MERGING ITEMS OR UPDATING REFERRALS IN CASE THEY ARE STALE OR  
OTHER INITIATIVES THAT COME FORWARD THAT MAYBE MAKE THEM, MAKE  
IT WORTH CHANGING THEM A LITTLE BIT.  
REAPPROVAL OF ITEMS AS IS.  
RECOMMENDATIONS TO SUNSET OR REMOVE ITEMS THAT HAVE BEEN  
SUPERSEDED MAYBE BY STATE LAW, MAYBE BY SOMETHING ELSE THE CITY  
HAS DONE.

RECOMMEND DISPOSITION OF ALL THE ITEMS.

POTENTIALLY RANKED BY LEAD DEPARTMENT.

AND BRING ALL THOSE RECOMMENDATIONS FROM EACH COMMITTEE TO THE  
COUNCIL FOR US TO DECIDE WHAT WE WANT TO CONSOLIDATE, WHAT WE  
WANT TO REMOVE, WHAT DO WE WANT TO RESTATE AND WHAT DO WE WANT  
TO RESUPPORT.

WE MIGHT NEED SOME CRITERIA.

WE MIGHT NEED SOME KIND OF R.R.V.

THE POINT HERE IS WE WOULD HAVE TO DEAL WITH A BACKLOG IN ORDER  
TO GET TO THAT BEAUTIFUL DAY WHERE EVERY YEAR, THE ITEMS THAT  
WERE APPROVED AND FUNDED COULD BE IMPLEMENTED OR THE  
IMPLEMENTATION COULD BEGIN RIGHT AWAY.

SO NEXT SPECIAL TOPIC.

IS THE PRIORITIZATION ON AN ONGOING BASIS OF A YEARLY QUEUE WITH  
THE DREAM OF THE BACKLOG HAVING BEEN CLEARED.

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FIRST OF ALL, IT IS HOPED THE ENHANCED COMMITTEE PROCESS WOULD RESULT IN FEWER BACKLOGS, AND THAT ITEMS WOULD BE IMPLEMENTED IN A REASONABLE TIMEFRAME.

AND THEREFORE, PRIORITIZATION WOULD BECOME LESS OF AN ISSUE. OBVIOUSLY WHEN YOU HAVE 150 ITEMS YOU HAVE TO PRIORITIZE.

IF YOU HAVE 10 OR 15, IT'S MUCH LESS OF A CHALLENGE.

BUT IN A RATIONALIZED SYSTEM, ONE, YOU WOULD HAVE MORE FULLY CONCEIVED AND VETTED ITEMS.

MAYBE YOU WOULD HAVE COMMITTEE SCORING AND/OR RANKING.

AND THEN, COUNCIL RANKING.

AND IT IS SUGGESTED THAT WOULD BE EITHER BY LEAD DEPARTMENT OR OVERALL.

I THINK WE'VE ALL SEEN A SITUATION WHERE WE RANK EVERYTHING TOGETHER.

AND IT TURNS OUT THE FIRST 15 ITEMS ARE FOR PUBLIC WORKS OR PLANNING.

AND THEN OTHER DEPARTMENTS THEIR ITEMS ARE SPRINKLED IN THE QUEUE.

WE MAY WANT TO LOOK AT RANKING BY DEPARTMENT RATHER THAN JUST DOING THE UNIVERSAL RANKING.

AND AGAIN, THESE ARE ALL IDEAS.

IT'S BIG.

THERE WAS A LOT FOR US TO COVER.

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ALL RIGHT.

NEXT SPECIAL TOPIC.

WE WOULD NEED A PROCESS AT THE MIDYEAR BUDGET OPPORTUNITIES.

HERE YOU SEE IN BLUE VERY HIGH-LEVEL SUGGESTIONS.

WE'LL FELT THIS WOULD BE A TOPIC THAT WOULD HAVE TO GO TO

BUDGET AND FINANCE.

ONE IDEA WAS THAT ONLY TIME CRITICAL AND ROLL OVER ITEMS

PREVIOUSLY APPROVED BUT UNFUNDED WOULD BE CONSIDERED.

NOT JUST FOR COUNCIL ITEMS BUT ALSO FOR CITY MANAGER ITEMS.

ANOTHER WOULD BE THAT NOT ALL THE EXTRA FUNDS WOULD GET

ALLOCATED AND MORE FUNDS WOULD BE AVAILABLE FOR THE ANNUAL

BUDGET PROCESS FOR COUNCIL INITIATIVE SAID THAT GO THROUGH THE

YEAR PROCESS.

AND POSSIBLY THAT A.A.O.1 AND 2 ARE ONE TIME OR SENSITIVE NEEDS,

EXCEPT IN SPECIAL CIRCUMSTANCES.

REALLY WE FELT THIS SHOULD GO TO BUDGET AND FINANCE TO THINK

ABOUT SHOULD WE ADOPT SOMETHING LIKE A YEARLY PROCESS.

BUT WITH ANY PROCESS, THESE THINGS WOULD NEED TO BE CLARIFIED.

ALL RIGHT, NEXT SPECIAL TOPIC.

IMPLEMENTATION.

WE ALREADY SAW WHAT THAT LOOKS LIKE.

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BUT I THINK THE CITY MANAGER REALLY WOULD WANT TO WORK ON FILLING OUT WITH MORE DETAIL WHAT THE IMPLEMENTATION PROCESS WOULD LOOK LIKE.

AND I KNOW SHE'S VERY COMMITTED TO HAVING A LEAD SO THAT EVERYBODY KNOWS WHO SAID RESPONSIBLE FOR MAKING SOMETHING HAPPEN.

BUT ALSO, HAVING A TEAM AND ALSO MAKING SURE THAT THERE IS CLARITY ABOUT INTENTIONS AND OFTEN TIMES AN AUTHOR WILL HAVE THOUGHT ABOUT IMPLEMENTATION.

AND HAVE SOME GOOD IDEAS.

WE'LL HAVE CONSULTED WITH STAKEHOLDERS AND THE COMMUNITY AND MAY HAVE SOME ADDITIONAL HELPFUL IDEAS BUT ULTIMATELY, IT'S UP TO THE CITY MANAGER TO DETERMINE IMPLEMENTATION, THAT CONSULTATION IS OBVIOUSLY A COURTESY, WHICH I THINK SHE IS VERY GENEROUSLY INTERESTED IN EXTENDING.

AND I CAN'T REMEMBER DO WE HAVE ONE MORE SPECIAL TOPIC?

NO.

WE DON'T.

THAT'S IT.

SO THANK YOU VERY MUCH.

>> MAYOR J. ARREGUIN: THE LAST PIECE ON IMPLEMENTS, THAT HAS BEEN HOW WE HAVE DONE -- IMPLEMENTATION, IMPLEMENTATION OF MAJOR NEW LAWS.

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IS AFTER WE WHILE WE'RE DEVELOPING IT AND WE GET INPUT ON  
OPERATIONAL IMPACTS, IMPLEMENTATION, THEN WE REFER TO THE CITY  
MANAGER DEVELOP IMPLEMENTATION PLAN, RESOURCE THAT AND THEN  
IMPLEMENTATION.

SO I THINK IT'S OPERATIONALIZING THE KIND OF AD HOC PRACTICE  
THAT WE'VE IMPLEMENTED.

I WANT TO TURN IT OVER TO COUNCILMEMBER HARRISON.

>> K HARRISON: FIRST OF ALL, I WANT TO THANK YOU COUNCILMEMBER  
HAHN FOR HER HARD WORK.

IT IS NOT EASY TO TACKLE SUCH A BROAD TOPICKISM SOMEONE HAS TO  
START.

IF YOU DON'T START YOU NEVER GET ANYWHERE.

SO THANK YOU VERY MUCH FOR THAT.

I REALLY COMMEND YOU FOR LEADING THIS EFFORT.

SINCE WE FIRST DISCUSSED IT IN 2021, AND THE CITY MANAGER  
CONTRIBUTION AND DEFERRING TO COUNCIL FOR THE SHAPE ANY CHANGES  
TAKE.

I HEARD HER SAY A COUPLE OF TIMES, IT IS NOT HER PROPOSAL.

I WANT TO MAKE THAT STATEMENT.

I'M NOT ON THE AGENDA COMMITTEE.

AND AS YOU NOTED, I WASN'T ABLE TO WORK WITH YOU, BUT I WORKED  
WITH COUNCILMEMBERS ROBINSON AND TAPLIN.

THANK YOU TO BOTH.

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AND I THINK COUNCILMEMBER BARTLETT IS INTERESTED IN THE PROPOSAL ABOUT TO DISCUSS, TO UPDATE AND BUILD ON IT.

I SUBMITTED AN ALTERNATIVE.

THIS IS NOT AN ALTERNATIVE TO COUNCIL HAHN, IT WAS AN ALTERNATIVE TO THEN COUNCILMEMBER DROSTE'S PROPOSAL IN 2021.

WHICH WAS MUCH MORE CONVEIN STRAINING OF US.

CONSTRAINING OF US.

I UPDATED TO RESPOND TO COUNCILMEMBER HAHN.

IT'S MEANT TO BE TAKEN CONSIDERATION HERE AND THE PUBLIC AND COUNCIL AND THE AGENDA COMMITTEE.

THERE IS REALLY POSITIVE ASPECTS OF COUNCILMEMBER HAHN'S PROPOSAL I WANT TO HIGHLIGHT.

AND I THINK WE SHOULD MOVE AHEAD.

COUNCIL ITEMS SHOULD FOLLOW THE GUIDELINES ALREADY PROMULGATED RATHER THAN USING THEM AS RECOMMENDATIONS.

WE GET THINGS IN VERY DIFFERENT FORMAT SAID IN COMMITTEES.

AND IT MEANS WE DON'T HAVE FAIR CRITERIA AGAINST WHICH THINGS ARE EVALUATED.

I THINK WE NEED TO ADOPT THESE AS BEING MANDATORY.

I LIKE THE IDEA OF A FORMAL PROCESS FOR CITY STAFF TO PROVIDE HIGH LEVEL CONCEPTUAL INPUT TO AUTHORS BEFORE SUBMITTING PROPOSALS.

I ALWAYS DO THAT.

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I PROBABLY NEVER SUBMIT ANYTHING WITHOUT FIRST TALKING TO THE DEPARTMENTS AND THE CITY ATTORNEY'S OFFICE.

I THINK THIS IS GOOD PRACTICE AND WE'RE PROBABLY ALL DOING IT.

I LIKE THE PROCESS FOR ADDRESSING THE BACKLOG OF UNFUNDED ITEMS.

I DON'T THINK IT SHOULD BE IN THE POLICY COMMITTEE.

I'LL EXPLAIN MORE IN A MINUTE.

I LIKE THE ENHANCED CHECKLIST FOR THE POLICY COMMITTEE.

I THINK WE NEED THAT.

WE OFTEN STRUGGLING, AS CHAIR OF ONE OF THEM.

EXCLUDING THE PROPOSAL THAT WE RATE ITEMS.

I DON'T WANT TO RANK ITEMS.

I'M IN A THREE PERSON COMMITTEE.

WE ALL BRING THINGS FORWARD.

I DON'T WANT TO SAY, I'M GOING TO RANK MINE AHEAD OF

COUNCILMEMBER TAPLIN.

THAT IS AWKWARD.

IT'S THE JOB OF THE FULL COUNCIL TO DO THE RANKING.

AND I DO LIKE THE IDEA OF SOMEHOW GETTING BETTER INPUT FROM COMMISSIONS.

BUT I DON'T WANT TO DO BEFORE AN ITEM GOES BEFORE COUNCIL.

WE DON'T WORK FOR THE COMMISSION.

THAT STRUCK ME AS A LITTLE ODD, THERE ARE TIMES I HAVE WRITTEN LEGISLATION, ASKED THEM TO HOLD HEARINGS, WHICH IS SOMETHING WE



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CAN CONSIDER DOING IF IT'S COMPLICATED AND WE BENEFIT FROM A LOT OF MORE HEARINGS THAN WE'RE ABLE TO HAVE.

BUT I DON'T WANT IT TO BE MANDATORY ANYWAY.

AND I GUESS MY MAJOR CONCERN ABOUT PROPOSALS, I'M A REALLY STRONG SUPPORTER OF THE POLICY COMMITTEE SYSTEM.

THAT COUNCILMEMBER HAHN ACTUALLY PROPOSED.

AND I DON'T BELIEVE OUR CENTRAL PROCESS IS FUNDAMENTALLY FLAWED ON MAJOR ITEMS.

I THINK WE'RE DOING A GOOD JOB ON THAT.

I'M GOING TO DESCRIBE IN A MINUTE WHY THE PROCESS WILL GO THROUGH A LENGTHY PROCESS AND DELAY US GETTING THINGS DONE.

I THINK THE MAIN THINGS WE'RE NOT DOING AS GOOD A JOB ON ARE REFERRALS AND BUDGET REQUESTS.

AND WHAT I SEE EMBEDDED IN BUDGET REQUESTS, BEING ON THE BUDGET COMMITTEE IS A LOT OF POLICY QUESTIONS NOBODY ANSWERED YET.

AND THAT REALLY CONCERNED ME.

IF WE CAN'T REALLY DISCUSS THE MONEY UNTIL WE KNOW HOW IT WILL WORK.

I'M HOPING YOUR INTENTION WAS TO INCLUDE IN THE GROUP OF ITEMS ORDINANCES WE WRITE NOW, REFERRALS, AND BUDGET REQUESTS OVER A CERTAIN DOLLAR AMOUNT.

I'M GOING TO MAKE A PROPOSAL HOW TO DO THAT.

I DON'T WANT TO SEE BUDGET REFERRALS JUST GO THROUGH.

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I THINK THAT'S NOT GOOD EITHER WHEN THEY ENTAIL A LOT OF BUDGETARY, POLICY ASPECTS.

A COUNTER EXAMPLE.

RECENTLY COUNCILMEMBER KESARWANI RECOMMENDED PUTTING MORE MONEY IN PAVING.

THAT DIDN'T NEED TO GO TO A POLICY COMMITTEE BECAUSE IT WASN'T CHANGING THE PAVING PLAN ANY WAY.

IT WAS SAYING PUT MORE MONEY IN.

IT WAS STRICTLY A BUDGET THING.

I'M NOT SURE WHY WE HAD IT AT OUR COMMITTEE.

OTHER TIMES WE HAVE THINGS THAT HAVE A LOT OF POLICY IMPLICATIONS BUT NOT MUCH MONEY AND GOING STRAIGHT TO BUDGET AND WE'RE LEFT AT BUDGET SAYING HOW ARE WE GOING TO DO THIS.

I THINK THAT IS THE WRONG PLACE TO ASK THOSE QUESTIONS.

I THINK THAT SHOULD GET WORKED OUT IN ADVANCE.

SOME OF THE MY CONCERNS ABOUT THE PROPOSAL I HAVE I AM GRATEFUL FOR, I THINK IT'S SIGNIFICANTLY LIMITS ACCESS TO THE LEGISLATIVE PROCESS BY EXTENDING TIMELINES.

RIGHT NOW, MAJOR ITEMS CAN BE SUBJECT TO NEARLY 300 DAYS.

THIS COMPARES THE CURRENT 120 DAYS IN COMMITTEE.

THAT HAPPENS BECAUSE OF THE SEPTEMBER DEADLINE.

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IF YOU TURN SOMETHING IN IN OCTOBER THAT IS NOT TIME CRITICAL BUT NONETHELESS IMPORTANT TO THE COMMUNITY IT WILL SIT THERE UNTIL NEXT YEAR.

AND THEN IT WILL SIT THERE UNTIL THE JUNE BUDGET PROCESS, THE WAY I READ IT NOW.

WE COULD BE LOOKING AT 18 MONTHS.

I DON'T THINK WE NEED TO BUILD IN EXTRA TIME.

SO I'M GOING TO SUGGEST WAYS TO NOT DO THAT.

IT ALSO DOESN'T ALIGN TIMELY LEGISLATIVE ITEMS WITH THE FALL BUDGET PROCESS.

THIS HAS BEEN A HUGE CONFUSION.

I HEARD THIS IN TWO DIFFERENT DIRECTIONS FROM THE CITY MANAGER. ONE, SHE WOULD LIKE US TO GET ALL OF OUR PROPOSALS IN BEFORE THE JUNE BUDGET.

BUT TWO, ALSO SHE WOULD LIKE US TO NOT SUBMIT ANYTHING EXCEPT FOR THE A.A.O.

THAT'S WHEN WE KNOW MORE ABOUT REVENUES.

WE NEED A DEFINITIVE ANSWER ABOUT THE BEST PROCESS.

BUT I DO NOT WANT TO ASSUME THE BUDGET PROCESS.

I PERSONALLY THINK WE CAN HAVE TWO CYCLES.

ONE OF WHICH IS TO JUNE AND ONE OF WHICH IS TO A.A.O.

I THINK I'M RECOMMENDING WE DO THAT.

THAT WILL GET THINGS THROUGH MORE QUICKLY.

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I REALLY DON'T WANT POLICY COMMITTEES TO PRIORITIZE AS I'VE  
ALREADY DISCUSSED.

AND I THINK THAT IS REALLY A COUNCIL JOB.

ALSO, THERE IS SOMEWHERE IN HERE AN IMPLICATION THE POLICY  
COMMITTEES ARE A TIME COMMITMENT BURDEN. ON STAFF AND THE  
COUNCIL.

I THINK IT'S THE OPPOSITE.

PERSONALLY FOR ME THE STUFF WE GET AT COUNCIL IS SO MUCH BETTER  
BECAUSE OF YOUR SYSTEM, COUNCILMEMBER HAHN, OF SETTING OF THESE  
COMMITTEES AND REVIEW IT GOES THROUGH THAT I THINK THE STAFF  
BURDEN IS LESS.

AND SO THE BURDEN ON THE PUBLIC VERY CONFUSING PROPOSALS IS  
LESS.

THINGS ARE BETTER BECAUSE THEY HAVE GONE THROUGH THESE  
COMMITTEES.

SO I REALLY DON'T THINK WE SHOULD BE LIMITING THE COMMITTEES TO  
OPERATING SIX MONTHS OF THE YEAR.

WHEN WE DON'T HAVE SOMETHING TO DO.

I THINK IT'S OKAY TO KEEP THEM OPERATING DURING THE ENTIRE TIME  
THE COUNCILMEMBER IS MEETING AND TAKE THINGS UP AS THEY COME  
ALONG.

I'M GOING TO PROPOSE THAT.

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AND THEN FINALLY, I DON'T LIKE THE IMPLEMENTATION TEAM AT THE  
END AFTER THE ITEM HAS GONE OUT OF THE COMMITTEE, INCLUDING THE  
COUNCILMEMBER.

IT FEELS LIKE, BECAUSE IT INDICATES THEY WOULD BE ESTABLISHING  
CLARITY OF INTENTIONS, TIMELINES, OPPORTUNITIES, IDEAS AND  
CHALLENGES.

THAT SHOULD ALL HAPPEN AT THE COMMITTEE PROCESS.

IF WE HAVEN'T FIGURED OUT TIMELINES AND OPPORTUNITIES THEN, I  
DON'T THINK I'M COMFORTABLE WITH ONE COUNCILMEMBER BEING IN  
CHARGE OF THAT.

EVEN WHEN IT'S MINE, I DON'T THINK I LIKE THAT.

THAT I'M NOW I'M NEEDING TO FIGURE OUT HOW WE'RE REALLY GOING TO  
DO IT.

THAT SHOULD HAVE ALL BEEN TALKED ABOUT UP FRONT IN A COMMITTEE  
PROCESS.

SO I HAVE A FLOW CHART THAT TRIES TO SHOW WHERE THE DIFFERENCES  
ARE.

BUILDING O COUNCILMEMBER HAHN'S EXCELLENT WORK.

GIVE ME ONE SECOND.

I'M ALWAYS TERRIBLE AT THIS.

I DON'T KNOW HOW TO SHARE A SCREEN.

HOLD ON A MINUTE PLEASE.

YOU WILL LAUGH AT ME BECAUSE I'M NOT GOOD AT THIS.

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I JUST FOUND IT.

THANK YOU, MR. MAYOR.

I SO APPRECIATE THAT.

HERE'S MY FLOW CHART, WHICH TRIES TO SHOW WHERE THERE ARE DIFFERENCES BETWEEN THE TWO PROPOSALS.

I'M PROPOSING THAT WE STILL SUBMIT ITEMS THROUGHOUT THE YEAR.

I THINK YOU SAID YOU WERE INTENDING FOR THE COUNCIL TO DO THAT.

A BIG DISTINCTION FOR ME IS ANOTHER THING THAT DOESN'T GO THROUGH THIS RIGOROUS ANALYSIS YOU ARE CALLING FOR ARE CITY MANAGER ITEMS.

AND I WOULD LIKE THOSE TO ALL GO THE COMMITTEE PROCESS.

THAT'S HOW THEY DO IT IN ON THE GROUND AND SAN FRANCISCO.

MY STAFF SPEND TIME LOOKING AT THOSE RULES.

IF IT'S A SIGNIFICANT THING, IT SHOULD BE USING THE SAME PROCESS THAT WE USE FOR OUR THINGS.

WE ARE THE BODY, WE APPROVE THE BUDGET AND THE ITEMS.

SO I WANT MAJOR ITEMS FROM THE CITY MANAGER TO ALSO GO TO THESE COMMITTEES.

AND I WANT TO DO IT ALL YEAR.

I ALSO WANT SOME OBJECTIVE CRITERIA FOR DETERMINING FROM THE AGENDA COMMITTEE, WHAT IS MAJOR.

I THINK RIGHT NOW THE LANGUAGE NEEDS TO BE TIGHTENED UP BUT IT IS A GOOD START.

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I THINK WE NEED TO IS SAY BUDGET ITEMS MORE THAN "X" DOLLAR.  
BUDGET ITEMS THE DOLLARS THAT CAUSE OPERATIONAL DIFFERENCES OR  
SOMETHING.

BUT WE NEED SOME CRITERIA IN THERE.  
AND I WOULD HAVE THE POLICY COMMITTEES CONTINUE TO MEET DURING  
THE ENTIRE PERIOD.

AND AGAIN, KEEP THINGS FOR 120 DAYS MAXIMUM IN THE POLICY  
COMMITTEE HOPPER.

ALTHOUGH I THINK THE MAYOR WAS THINKING WE WANT TO EXTEND THAT  
TIME.

I THINK WE START WITH THE 120 AND IF WE NEED TO EXTEND, WE CAN  
ALWAYS GET ACCOMMODATIONS FROM OUR COLLEAGUES ON THAT.

ISSUING THE POLICY RECOMMENDATIONS AGAINST THE ENHANCED REVIEW  
CHECKLIST, WHICH IS I THINK IS REALLY CRITICAL.

GOES BACK TO THE AGENDA COMMITTEE.

THEN IT GOES TO COUNCIL MEETING.

THEN IT GOES TO ONE OR THE OTHER OF THE BUDGET PROCESSES  
DEPENDING ON WHAT TIME OF YEAR YOU ARE IN THROUGH THE BUDGET  
COMMITTEE.

AND THEN IT'S ADOPTED AS PART OF THE BUDGET.

A COUPLE OF OTHER COMMENTS I WANTED TO MAKE.

I'M NOT CERTAIN I THINK ALL BUDGET PROPOSALS SHOULD  
AUTOMATICALLY ROLL TO THE NEXT PERIOD.

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THE MAYOR HAS A UNIQUE AND DIFFERENT ROLE IN OUR GOVERNMENT.

WE DO HAVE A STRONG CITY MANAGER FORM OF GOVERNMENT.

AND WE DO HAVE A COLLABORATIVE COUNCIL IN WHICH HE SITS.

BUT THE CHARTER IS REALLY CLEAR THE MAYOR PRESENTS A BUDGET.

IF HE DOESN'T LIKE SOMETHING OR THINKS IT SHOULD NEVER BE

BUDGETED, I WANT HIM TO HAVE THAT OPPORTUNITY.

I'VE ACTUALLY NEVER SEEN YOU DO THAT.

BUT THERE COULD COME A TIME WHEN IT COULD HAPPEN.

AND SO I THINK THAT TAKING THAT AWAY FROM YOU IS NOT A GOOD

THING.

I DON'T THINK EVERYTHING SHOULD ROLL.

I THINK WE CAN HAVE A WORKING EXPECTATION THINGS WILL ROLL OVER

BUT I DON'T WANT EVERYTHING TO ROLL.

BECAUSE YOU MIGHT HAVE SOMETHING THAT ISN'T YOU THINK IS NOT A

GREAT IDEA OR THE CITY MANAGER MIGHT SAY THAT IS NEVER GOING TO

WORK BUDGETARILY SO DON'T DO THAT.

AND WE WANT TO MOVE ON WITH IT.

I ALSO FEEL WE HAVE TO VERY CLEARLY ESTABLISH THESE CRITERIA FOR

WHAT IS A SIGNIFICANT ITEM.

AND AGAIN IT SHOULD APPLY TO EVERYTHING FROM THE CITY MANAGER

AND FROM US.

AND ORDINANCES, REFERRALS AND BUDGET REQUESTS.



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MOST OF THE PROBLEMS I'VE SEEN IN MY COMMITTEE ARE NOT ORDINANCES.

WE ALREADY HAVE A GOOD PROCESS ON ORDINANCES.

THE PROBLEM ARE REFERRALS.

AND I WOULD BE PANICKED IF I WERE YOU I SAW THAT LONG LIST LIKE OH, MY GOD.

I JUST CAN'T GET THROUGH IT.

SO WE DO NEED, AND I SHOULD HAVE SAID THIS IN A POSITIVE ASPECT PARTS.

WE NEED AN ACTIVE PROCESS FOR GETTING RID OF REFERRALS.

AND I'M GOING TO SAY ON MY OWN BEHALF, I'M THE ONLY ONE IN THE LAST THREE CYCLES THAT HAS IDENTIFIED OTHER PEOPLE'S REFERRALS TO GET RID OF OTHER THAN MY OWN OR MY PREDECESSORS.

AND YOU KNOW WHAT, WE'VE SEEN THE ENEMY, AND IT IS US.

WE KEEP PUSH STUFF FORWARD.

WE DON'T WANT TO SAY NO TO EACH OTHER.

OUR PROBLEM IS US.

AND I THINK WE HAVE TO BE BRAVER IN SAYING I DON'T WANT TO PRIORITIZE THIS AT ALL.

I DON'T CARE IF IT COMES IN 43.

I REALLY DON'T THINK WE SHOULD BE DOING THIS THING OR 43 FITS WITH 22.

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BECAUSE NOW I'M "D" AND I HAVE 43 ITEMS AND I'M NEVER GOING TO DO 43.

OKAY. IT'S NEVER GOING TO HAPPEN BUT IT IS STILL THERE.

SOMEBODY IS STILL GOING TO CALL AND SAY WHAT THE HECK HAPPENED TO THAT THING WITH THE REFRIGERATORS FOR THE HOMELESS, WHICH I NOTICED WAS STILL ON THE LIST LAST YEAR.

SO YOU KNOW, WE SHOULD KILL IT.

IF WE DON'T LIKE IT, LET'S GET RID OF IT.

LET'S BE BRAVE HERE, PEOPLE.

LET'S DO OUR JOB SO DEE CAN DO HERS.

I THINK THAT'S KIND OF ONE OF MY BASIC PREMISES HERE.

I WANT US TO BE A LOT OF MORE SYSTEMATIC ABOUT THAT REFERRAL LIST.

AND I THINK WITH THOSE CHANGES, I THINK THAT I LIKE THIS GENERAL FLOW.

AGAIN, A FEW THINGS I DON'T WANT POLICY COMMITTEES DOING A COUPLE THINGS I WANT BETTER DEFINED.

AND I DON'T WANT THIS LONG TIMELINE.

I THINK IT'S WAY TOO LONG.

WE CAN DO MORE WORK THAN THIS.

WE'VE BEEN DOING MORE WORK THAN THIS.

AND I THINK WOULD BE KEEP IT UP WITH SOME BETTER STANDARDS AND FORMS.

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SO THANK YOU, COUNCILMEMBER HAHN.

>> MAYOR J. ARREGUIN: OKAY, THANK YOU VERY MUCH.

WE'LL GO TO COUNCILMEMBER HUMBERT.

>> M. HUMBERT: YES, THANK YOU, MR. MAYOR.

THOSE TWO PRESENTATIONS ARE HARD ACTS TO FOLLOW CERTAINLY.

I WANT TO SAY HOW MUCH I APPRECIATE ALL OF THE WORK THAT AGENDA AND RULES COMMITTEE DID TO REVIEW AND SUMMARIZE THE PROPOSALS CURRENTLY ON THE TABLE.

AND TO ESPECIALLY THANK THE MAYOR, COUNCILMEMBER WENGRAF AND THEIR STAFF FOR THE WORK THEY DID TO CREATE THE MATRIX.

IT WAS A LOT OF MATERIAL.

THE MATRIX TO ME WAS REALLY HELPFUL IN BEING ABLE TO DO A MORE APPLES TO APPLE COMPARISON BETWEEN THE PROPOSALS THAT HAVE COME DOWN DURING A SIGNIFICANT PERIOD OF HISTORY.

AND HOW THEY WOULD POTENTIALLY IMPACT VARIOUS COMPONENTS OF THE LEGISLATIVE PROCESS.

I ALSO WANT TO DEEPLY THANK COUNCILMEMBER HAHN FOR HER WORK IN PRESENTING A MORE STRUCTURED PROCESS THAT IMPLEMENTED WOULD CERTAINLY HELP ENSURE THE DETAILS AND POLICIES AND PROPOSALS ARE DRILLED INTO WELL BEFORE THEY REACH THE COUNCIL STAGE.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON, ALONG WITH COUNCILMEMBERS TAPLIN AND ROBINSON FOR THEIR WORK TO PUT FORWARD AN ALTERNATIVE LEGISLATIVE CYCLE APPROACH.

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I APPRECIATE HAVING DIFFERENT OPTIONS TO CONSIDER.

AND I THINK THIS ALTERNATIVE HAS SOME ADDITIONAL POSITIVE CHARACTERISTICS.

INCLUDING SIMPLICITY THAT MERIT STRONG CONSIDERATION.

OVERALL THOUGH I HAVE TO AGREE, ALTHOUGH I AGREE THAT PROPOSALS SOMETIMES NEED MORE WORK BEFORE COMING TO COUNCIL, BASED ON MY LIMITED EXPERIENCE ON COUNCIL, I DON'T NECESSARILY FEEL THAT A LACK OF COMPLETENESS IS THE BIGGEST PROBLEM WE FACE IN TERMS OF COUNCIL'S APPROACH TO MAJOR ITEMS.

I THINK THAT OUR EXISTING COMMITTEE APPROACH AND EXTREMELY CAPABLE STAFF ALREADY DO A PRETTY GOOD JOB OF ENSURING ITEMS EITHER GET TO COUNCIL OR COME OUT OF COUNCIL IN DESCENT SHAPE. AND THERE IS ALSO THE FACT THAT COUNCIL WAS A POLICY SETTING BODY WITH IMPLEMENTATION AND OPERATIONS BEING THE PROVINCE OF STAFF.

I DON'T KNOW THAT COUNCIL AND COUNCIL COMMITTEES GETTING EVEN MORE INTO THE WEEDS ON MINUTE DETAILS IS NECESSARILY GOING TO HELP STAFF DO THEIR JOBS.

IT MIGHT EVEN HAVE THE OPPOSITE EFFECT FOR POLICIES AND PROGRAMS AND HAVE LESS FLEXIBILITY.

THIS BRINGS ME TO WHAT I THINK IS THE FUNDAMENTAL PROBLEM WITH OUR APPROACH TO LEGISLATING, WE DO TOO MUCH OF IT.

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I THINK THE CITY MANAGER HAS BEEN JUST ABOUT AS CLEAR AS SHE CAN BE IN TELLING US WE NEED TO SLOW OUR GENERATION OF REFERRALS WHEN IT COMES TO THE MAJOR POLICIES AND PROGRAMS COMING OFF OF THIS DAIS.

AND I JUST DON'T FEEL A LEGISLATIVE SEASON APPROACH REALLY TACKLES THE FUNDAMENTAL ISSUE.

THAT'S WHY I LEAN STRONGLY TOWARD USING MY PREDECESSOR FORMER COUNCILMEMBER DROSTE BE RIGHT PROPOSAL AS A STARTING POINT WORKING OUT FROM THERE.

IN GENERAL, I'M RELUCTANT TO SUPPORT A LEGISLATIVE OVER HAUL WITHOUT LIMITS ON COUNCIL ITEMS OR TIME OUR REWEIGHTED RANGE VOTING PRIORITIZATION EXERCISE TO TAKE PLACE BEFORE STAFF AND COMMITTEES REALLY DIVE INTO THE DETAILS OF PROPOSALS THAT COULD CLEAR OUT SOME OF THE ITEMS EFFICIENTLY.

THIS LEGISLATIVE SEASON APPROACH SEEMS POISED TO RESEARCH OUTREACH AND NATIONAL BURDENS ASSOCIATED WITH ANY GIVEN ITEM, BOTH FOR COUNCIL STAFF AND POTENTIALLY OTHER CITY STAFF.

WITHOUT SOME LIMITS ON COUNCIL ITEMS THIS PROPOSAL SEEMS LIKELY TO INCREASE THE COMPLEXITY AND WORKLOAD ASSOCIATED WITH ITEMS COMING FROM COUNCIL.

IN ADDITION, BECAUSE ALL MAJOR ITEMS WOULD BE HELD TO THE SAME TIMELINE OR SAME TIMELINES THESE INCREASED NEEDS FOR REVIEW

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HEARINGS, AND ANALYSIS SEEM LIBEL TO EXACERBATE CRUNCH TIMES DURING THE YEAR AND POSSIBLY EVEN CREATE NEW ONES.

I THINK THAT THE HARRISON, TAPLIN, ROBINSON PROPOSAL IS BETTER THAT WOULD REDUCE STAFF EFFORTS AND AVOID GIVING COMMITTEES AN APPROPRIATE VETO POWER OVER COUNCIL REFERRALS.

AGAIN, THAT SAID, I STILL THINK THIS ALTERNATIVE ALSO GIVES SHORT SHIFT TO THE FUNDAMENTAL ISSUE, THE SHEER VOLUME OF COMPLEX AND WORK INTENSIVE POLICY AND PROGRAMS COMING OUT OF COUNCIL.

THIS REMAINS THE NUMBER ONE ISSUE TO ME.

AND THIS FEELS CONSISTENT WITH WHAT WE HEARD FROM THE CITY MANAGER.

I'M NOT GOING TO SUGGEST A MORATORIUM ON NEW MAJOR NONEMERGENCY ITEMS WOULD BE IN ORDER.

I'M SURE I WOULDN'T FIND SUPPORT AND MAYBE IT DOESN'T MAKE SENSE BUT A CAP OF SOME SORTED AND PERHAPS A TEMPORARY NUMERICAL CAP IS WHAT WE SHOULD AIM FOR.

I DON'T FEEL LIKE IN SUPPORT ANY PROPOSAL THAT DOESN'T SET A FIRM LIMIT ON MAJOR COUNCIL ITEMS.

BUT I DO WANT TO THANK EVERYBODY FOR ALL THE REALLY COMPLICATED AND HARD WORK THAT THEY PUT IN ON THIS.

AND I'VE SPENT A LOT OF TIME LOOKING AT THESE PROPOSALS.

AND THANK YOU SO MUCH.

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>> MAYOR J. ARREGUIN: OKAY.

COUNCILMEMBER HAHN WANT TO MAKE A CLARIFYING COMMENT.

AND THEN, ARE THERE ANY OTHER CITY COUNCIL MEMBERS THAT HAVE COMMENTS?

WE NEED TO TAKE PUBLIC COMMENTS AS WELL.

>> S. HAHN: THANK YOU.

COUNCILMEMBER HARRISON, I WANT TO BETTER UNDERSTAND.

I COMPLETELY AGREE WITH YOU THAT CITY MANAGER ITEMS WOULD ALSO BENEFIT FROM THE SAME REVIEW.

BUT I'M TRYING TO UNDERSTAND WHERE THAT COMES UP, BECAUSE MOST OF WHAT THEY BRING TO US ARE REFERRAL RESPONSES.

AND I WAS TRYING TO REMEMBER A TIME WHEN THE CITY MANAGER SORT OF BROUGHT US SOMETHING NEW THAT HADN'T BEEN REFERRED BY THE CITY COUNCIL.

THE ONLY THING I CAN THINK OF WAS THE KIOSKS IS WHEN THE REFERRAL RESPONSE COMES BACK THAT RESPONSE SHOULD THEN BE VETTED BY A COMMITTEE?

IF YOU COULD CLARIFY WHAT YOU MEAN BY THAT.

>> K HARRISON: YES, MANY PAST REFERRALS WERE SO VAGUE THAT WE, AND WE HAD COMPLETELY DIFFERENT PEOPLE ON COUNCIL THAT I WOULD HOPE THEY WOULD COME BACK TO US.

IF WE START DOING A BETTER JOB OF REFERRALS, THE WON'T BE AS BIG AN ISSUE.

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I THINK SOMETIMES STAFFING IN THE DARK TO FIGURE OUT HOW TO RESPOND.

IT MIGHT NOT BE ON POINT WITH WHAT WE WERE THINKING.

I CAN'T THINK OF AN EXAMPLE.

THERE HAVE BEEN EXAMPLES ABOUT HOMELESS POLICY, SHE'S TRYING TO DO SOMETHING REASONABLE BUT MANY THINGS HAVE CHANGED IN THE LEGAL LANDSCAPE THAT HAVE CHANGED WHAT WE MIGHT BE ABLE TO DO OR NOT DO.

FOR EXAMPLE, WE HAD CERTAIN POLICIES ABOUT SLEEPING IN CARS AND THAT CHANGED AS YOU RECALL, THEN IT CAME BACK.

I THINK IF THAT'S GOING TO BE SOMETHING WITH A LOT OF IMPLICATIONS, IT SHOULD GO TO COMMITTEE.

>> S. HAHN: NOT NECESSARILY SOMETHING WRITTEN, A CHANGE IN POLICY.

>> K HARRISON: I THINK SHE WAS COMING BACK WITH CHANGE IN WRITTEN POLICY BASED ON CHANGE IN THE LAW.

>> S. HAHN: I SEE.

>> K HARRISON: SO I THINK AT THAT POINT DEPENDING ON HOW COMPLEX IT IS, CRITERIA, IT WOULD GO TO A COMMITTEE.

MANY THINGS AREN'T THAT COMPLEX.

SO OBUT AND STILL THINK THERE ARE ITEMS --

>> S. HAHN: YEAH.

>> K HARRISON: -- [ MULTIPLE SPEAKERS ]



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>> S. HAHN: I WAS TRYING TO UNDERSTAND EXACTLY WHAT YOU WERE REFERRING TO.

WE'RE JUST TAKING NOTES AND WE'LL TAKE IT BACK TO THE AGENDA AND RULES COMMITTEE.

BUT I WONDERED, I THINK THE CITY MANAGER MIGHT HAVE HAD, MAYOR, IF I MAY, I THOUGHT IT LOOKED THE CITY MANAGER MIGHT HAVE A COMMENT ON THAT.

>> I JUST WANTED TO ECHO YOUR CONCERNS, COUNCILMEMBER HAHN, THAT WE RARELY IN EVER BRING FORWARD OUR OWN MAJOR, I DON'T BRING FORWARD POLICY.

I'M RESPONDING TO THIS BODY'S POLICY.

BUT IF THAT'S THE ROUTE THAT IS BEING RECOMMENDED WE BRING IT BACK TO A POLICY COMMITTEE BEFORE BRINGING IT TO THE FULL COUNCIL FOR ADOPTION, WE'RE OPEN TO THAT AS WELL.

>> S. HAHN: OKAY.

ANYTHING ELSE COUNCILMEMBER HARRISON, FOR US TO FULLY UNDERSTAND YOUR VISION ON THIS?

>> K HARRISON: AS AN EXAMPLE.

I THINK THE RESPONSE TO A.L.P.R.'S IS A GOOD EXAMPLE.

WE HAD A REFERRAL A LONG TIME AGO.

WE HAVE SO MUCH COMPLICATION, THE PARKING L.P.R.'S, THE OTHER CAMERAS THAT DID FINALLY GO TO PUBLIC SAFETY BUT IT WENT TO BUDGET FIRST.

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AND THAT WAS ODD.

SO IT'S REALLY NEED THAT NEEDED THAT PUBLIC SAFETY COMMITTEE REVIEW.

AND YOU GUYS DID A GREAT JOB BUT THAT WAS A BIG DEAL.  
IT IS THINGS LIKE THAT.

I DON'T THINK IT WILL COME UP EVERY DAY.

BUT WE'RE DEALING, YOU ARE DEALING WITH A LOT NOW, CITY MANAGER, MADAM CITY ATTORNEY, COMPLICATED ITEMS, AND I THINK SOMETIMES THEY BENEFIT FROM THAT FORUM.

THE COMMITTEES ARE BETTER FOR HAVING PUBLIC INPUT.

ONE REASON I LOVE THEM, WE REDUCED CONFUSION AT THE COUNCIL ABOUT WHAT THINGS ARE.

IT'S BEEN VERY HELPFUL.

>> THANK YOU.

VERY HELPFUL FOR US TO BETTER UNDERSTAND THE VISION ON THAT.

>> MAYOR J. ARREGUIN: COUNCILMEMBER ROBINSON.

>> R. ROBINSON: SURE.

GOOD AFTERNOON, I'LL TAKE THIS OPPORTUNITY TO JUMP IN.

AND FIRST, THANK YOU TO THE AGENDA COMMITTEE WHO HAVE BEEN ENGAGING WITH THE DISCUSSION AND INCREDIBLY DEEP LEVEL.

THE REST ARE STUCK OUTSIDE WITH OUR FACES PUSHED AGAINST THE WINDOW EAVESDROPPING AND UNABLE TO PARTICIPATE.

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COUNCILMEMBER HAHN, IT IS SO MUCH EASIER FOR THE REST OF US TO POKE AT PROPOSALS AND IDENTIFY THINGS WE'RE CRITICAL OF TO ASSEMBLE FOR CONSIDERATION.

THANK FOR THE HEAVY LIFTING.

MY FEEDBACK IS LARGELY REFLECTED IN THE SERIES OF NOTES WITH COUNCILMEMBER HARRISON.

I'M GLAD THE COMMITTEE WILL BE ABLE TO WEIGH THAT AND CONSIDER ALL PATHS AVAILABLE TO US.

REALLY I THINK COUNCILMEMBER HARRISON, TAPLIN, AND I, IT'S NOT REALLY A PROPOSAL.

IT'S A STRING OF IDEAS AND PRIORITIES REALLY FOR THE PROPOSAL THAT I THINK WILL BE SHAPED BY THE AGENDA COMMITTEE.

I'LL FOCUS MY COMMENTS ON THE TINY HANDFUL OF THOUGHTS IN MY TIME SITTING HERE.

ONE, WHICH I THINK COUNCILMEMBER HUMBERT ALLUDED TO, BUT WE HAVEN'T TALKED TO SUPER DIRECTLY.

THE IDEA OF QUANTITATIVE LIMITS ON THE NUMBER OF PIECES OF LIMITED LEGISLATION THAT COUNCILMEMBERS AND INTRODUCE, THIS HAS BEEN FLOATED BEFORE AND IT'S SOMETHING I THINK CANDIDLY INITIALLY I HAD A BIT MORE HOSTILE OF A REACTION TO.

I THINK IT FELT A LITTLE UNDEMOCRATIC IF YOU WILL.

WE'RE REPRESENTATIVES OF OUR DISTRICTS.

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I THINK WE SHOULD BE ABLE TO INTRODUCE THE VOLUME OF LEGISLATION THAT OUR RESIDENTS EMPOWER US TO.

BUT THAT SAID, WE HAVE A REAL ISSUE HERE.

AND I THINK IF I'M A LITTLE HONEST WITH MYSELF, I THINK THERE IS PROBABLY NUMBERS OUT THERE, MAYBE IT'S FIVE.

A NUMBER OF MAJOR ITEMS THAT ONE COUNCIL MEMBER COULD INTRODUCE THAT IS HIGHER THAN THE NUMBER OF MAJOR ITEMS I OR SOMEONE WAS GOING TO INTRODUCE ANYWAY BUT COULD HAVE AN INTERESTING SELECTIVE AFFECT IN OUR DECISION-MAKING PROCESS, TO EXERCISE JUST A LITTLE BIT MORE HESITATION TO VET AN IDEA JUST A LITTLE BIT MORE BECAUSE YOU KNOW THERE IS AN OPPORTUNITY COST TO INTRODUCING IT.

THAT LEVEL OF ANALYSIS, THAT LEVEL OF PATIENCE, REALLY THAT LEVEL OF HESITATION I THINK IS VALUABLE.

AND COUNCILMEMBER HARRISON, AS YOU SAID, IF THE PROBLEM IS US, IT'S REALLY HARD TO DEFINE RULES THAT WILL SHAPE THAT.

BUT I THINK THERE IS PROMISE THERE.

I THINK THERE ARE LIMITS SO WE COULD PUT IN PLACE THAT REALLY DON'T MEANINGFULLY CURTAIL THE EXTENT TOO MUCH WE CAN BE INNOVATIVE AND PUT THINGS ON THE TABLE AND FORCE US TO ASK OURSELVES BEFORE WE THROW SOMETHING ON THE HOPPER IF IT'S THE HILL WE WANT TO DIE ON.

I'M RUMINATING ON THAT.

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OPEN TO POSSIBILITY SAID THERE.

A LOT OF OTHER THINGS I LIKE THAT ARE IN THE MIX ACROSS PROPOSALS, I THINK REQUIRING THE ITEM GUIDELINES WE HAVE BE IN PLACE WOULD BE VALUABLE.

I'M CERTAINLY NOT ALWAYS THE BEST AT FOLLOWING THEM.

I THINK EXPLICIT CLARITY ABOUT ITEM DEADLINES FOR BUDGETING/IMPLEMENTATION WILL BE VALUABLE.

I THINK IT WILL BE GOOD, REALLY WE'RE DOING THIS CYCLE I THINK IT'S A GOOD PRACTICE TO MAKE PERMANENT TO BE CLEAR ABOUT WHAT THE ROLE OF BUDGET REFERRALS FOR A.A.O. ONE AND TWO SHOULD BE. AS ONE TIME OR SENSITIVE NEEDS.

THAT I THINK WOULD BE REALLY POSITIVE.

AND I CALLED TOGETHER A LIST OF THINGS I WOULDN'T EVEN SAY I'M OPPOSED TO BUT THINGS I WORRY A LITTLE ABOUT.

IN CONTEMPLATING SORT OF THE IDEA OF A SESSION.

OBVIOUSLY THAT WORKS AT A LOT OF OTHER LEVELS OF GOVERNMENTS.

I FIND MYSELF BEING ANXIOUS THE SURGES OF CERTAIN TYPES OF WORKLOAD AT CERTAIN TIMES MIGHT BE UNTENABLE.

I THINK OF THE WORK THAT OUR COMMITTEES ARE DOING RIGHT NOW SOMETIMES THEY EBB AND FLOW, SOMETIMES THEY HAVE SWELLS, SOMETIMES A LITTLE BACK LOG THAT TAKES MONTHS, SOMETIMES I GO FOUR MONTHS WITHOUT A LAND USE MEETING.

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TO DO THAT AT ONCE, TO HAVE PACKED AGENDAS FOR THAT COMMITTEE, WE HAVE A HARD TIME GETTING TO TWO AGENDA ITEMS AT THE COMMITTEE LEVEL.

I THINK AT OUR TUESDAY EVENING COUNCIL MEETINGS THERE IS OFTEN A LOT ON THE AGENDA AND WE HAVE AN INCENTIVE TO BE BRISK AND MAKE SURE WE GET TO WHATEVER ELSE WE HAVE.

I THINK THE BEAUTIFUL THING ABOUT THE POLICY COMMITTEE, WE CAN RUN IN CIRCLES AND ASK ALL SORTS TECHNICAL SMALL QUESTIONS TO REALLY VET SOMETHING AND SPEND THREE HOURS WITH ONE ITEM WORKSHOPPING IT.

AND SO I THINK I HAVE LOGISTICAL WORRIES ABOUT WHAT IT WOULD LOOK LIKE TO PACK THAT STAGE TO HAVE THE POLICY VETTING PROCESS FOR THE WHOLE CYCLE INTO A FEW MONTHS.

I SHARE AND WANT TO RESONATE WITH COMMENTS MADE ABOUT A ROLE FOR COMMITTEES PRIORITIZING OR SCORING ITEMS.

I THINK IT'S VERY VALUABLE THAT IS COMING FROM THE FULL COUNCIL. AND ALSO, WANTS US TO STIR AWAY FROM BEING LIMITED TO ONLY HAVING AUTHORS NOT CO-SPONSORS AT THE PRE-SUBMISSION STAGE.

I FLOAT AROUND A LOT OF IDEAS WITH COLLEAGUES AND I THINK HAVING THE OPPORTUNITY TO BRAINSTORM AND VET SOMETHING WITH OTHER COUNCILMEMBERS BEFORE I BRING IT FORWARD IS VALUABLE AND OFTEN RESULTS IN ME NOT INTRODUCING THINGS BECAUSE THERE IS A BETTER WAY TO GO ABOUT IT OR SOMETHING I DIDN'T KNOW.

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THAT IS VALUABLE AND I DON'T WANT TO MAKE THAT HARDER TO DO.

IN SUMMATION, THANK YOU TO EVERYONE WHO PUT ITEMS ON THE TABLE.

I DO NOT ENVY THE COMMITTEE TO FIGURE OUT A PATH FORWARD.

THANK YOU.

>> MAYOR J. ARREGUIN: COUNCIL WENGRAF.

>> S. WENGRAF: YEAH, THANK YOU VERY MUCH.

FIRST, I WANT TO THANK COUNCILMEMBER HAHN FOR DOING ALL OF THE HARD WORK.

AND TAKING ON THE BURDEN OF FORMULATING THIS WITH THE CLERK, CITY MANAGER AND PRESENTING IT TO US.

I THINK IT WAS A HUGE TASK.

AND I'M VERY GRATEFUL TO HER FOR DOING IT.

AND AS SHE EXPLAINED, THE MAYOR AND I COULD NOT PARTICIPATE BECAUSE OF THE BROWN ACT.

SO THANK YOU VERY MUCH, COUNCILMEMBER HAHN.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON FOR PUTTING FORWARD AN ALTERNATIVE.

BUT THESE ARE NOT THE ONLY TWO THINGS THAT ARE BEFORE US.

WE CAN, BOTH OF THESE THINGS I CONSIDER JUMPING OFF POINTS FOR THE DISCUSSION.

AND I WOULD LIKE TO SUGGEST WE TAKE A STEP BACK AND THINK ABOUT WHAT OUR GOAL IS.

IT'S BEEN YEARS YOU KNOW, WE'VE HAD SO MANY PROPOSALS.

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WHAT IS THE PROBLEM WE'RE TRYING TO SOLVE.

AND BOTH PROPOSALS BEFORE US ARE PRETTY COMPLEX.

I'M NOT SURE THAT LEVEL OF COMPLEXITY IS NECESSARY.

I THINK IT WAS COUNCIL HUMBERT WHO BROUGHT UP THE IDEA OF  
LIMITING THE NUMBER OF ITEMS.

ORIGINALLY, YOU KNOW, I REMEMBER THE CITY MANAGER COMING TO US  
AND BASICALLY BEGGING US TO STOP DOING MAJOR ITEMS BECAUSE STAFF  
WAS SO OVERWHELMED.

AND I THINK THERE IS STILL A BACKLOG.

I DON'T KNOW WHAT IT IS.

BUT MAYBE 90 ITEMS OR SOMETHING LIKE THAT.

YOU KNOW, GIVEN THE STAFFING SITUATION MAYBE WHAT WE DECIDE TO  
DO WILL BE TEMPORARY.

MAYBE WE CAN LINK IT TO STAFFING.

BUT I THINK THERE IS AN URGENCY IN US DOING SOMETHING RIGHT NOW  
TO ALLEVIATE THE PROBLEM THAT STAFF IS FACING, WHICH IS THAT  
THEY JUST CAN'T DEAL WITH EVERYTHING WE'RE GIVING THEM.

SO I WOULD LIKE TO AT OUR NEXT, WHEN WE DISCUSS THIS AGAIN, I  
DON'T THINK WE'RE GOING TO BE ABLE TO MAKE A DECISION TONIGHT,  
ARE WE MAYOR?

>> MAYOR J. ARREGUIN: WE'RE NOT MAKING A DECISION TONIGHT.

>> S. WENGRAF: YEAH, OKAY.

SO I WOULD LIKE TO REVISIT THE GOAL.



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AND REVISIT THE PROBLEM THAT WE'RE TRYING TO SOLVE.

BECAUSE I CERTAINLY DON'T WANT TO REPLACE A NEW BUNCH OF  
BUREAUCRATIC AND VERY COMPLICATED PROCEDURES WITH WHAT WE HAVE  
NOW.

I'M NOT SURE THAT IS GOING TO FIX ANYTHING.

SO THAT'S MY SUGGESTION FOR TONIGHT.

THANK YOU.

>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH.

VICE MAYOR BARTLETT.

>> B. BARTLETT: THANK YOU, MR. MAYOR.

I WANT TO THANK COUNCILMEMBER HAHN FOR YOUR DILIGENT WORK.

DEEP, DEEP WORK HERE.

SCHEMATICS OF A MICROCHIP.

[ LAUGHTER ]

>> B. BARTLETT: AND THANK YOU, AS WELL, COUNCILMEMBER HARRISON  
FOR YOUR APPROACH, COUNCILMEMBER ROBINSON, COAUTHORING.

WE TALKED ABOUT THIS THROUGH THERE YEARS.

AND YOU KNOW, A COUPLE OF THINGS COME TO MIND.

ONE, YOU KNOW, I THINK JUST A KNEE JERK I HAVE A KNEE JERK  
RESPONSE WHEN I FUNDAMENTALLY TEND NOT TO SUPPORT LIMITATIONS ON  
DEMOCRACY AND REPRESENTATION.

BUT YOU HAVE ANSWERS SOME OF THE ISSUES WITH THE EXCEPTIONS YOU  
PROVIDE TO TIME CRITICAL MEASURES.

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BUT I GUESS THE REAL QUESTION IS, AND IT'S THIS KIND OF HARKENS TO WHAT COUNCILMEMBER WENGRAF JUST MENTIONED.

DOES ANYONE KNOW HOW MANY MAJOR ITEMS THE COUNCIL PRODUCED IN THE LAST YEAR?

I CAN'T THINK OF TOO MANY.

THERE ANY DATA ON THAT?

>> I'LL SAY I THINK JUST GOING OFF OF THE FLOW THROUGH THE AGENDA COMMITTEE, OBVIOUSLY NOTHING SCIENTIFIC, BUT I THINK DURING THE PANDEMIC WE SORT OF HAD A UNSPOKEN AGREEMENT. THAT WE WERE GOING TO LEAVE THE

>> S. HAHN: CITY MANAGER TO ADDRESS THE PANDEMIC.

SO THE FLOW WENT DOWN.

AND SINCE THAT IS LIFTED I WOULD SAY THE FLOW OF MAJOR ITEMS IS LOWER THAN IT WAS BEFORE THE PANDEMIC.

MAYOR, WOULD THAT?

I MEAN, IF YOU LOOK AT FOR EXAMPLE OUR AGENDA TONIGHT, I THINK IT'S THE FIRST TIME IN MY TIME ON THE AGENDA COMMITTEE THAT WE ACTUALLY DON'T HAVE AN ACTION ITEM EITHER FROM STAFF OR FROM THE COUNCIL --

I THINK PEOPLE ARE BEING MORE I DON'T KNOW, RESTRAINED.

>> B. BARTLETT: THAT WAS MY ANECDOTAL OBSERVATION AS WELL.

IT SEEMS WE UNDERSTAND THE STAFF IS OVERWHELMED.

WE LOST MANY MEMBERS OF OUR TRANSPORTATION DIVISION.

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I SEE US WITHHOLDING AND WAITING FOR THINGS TO NORMALIZE.

I FOR ONE HAVE TAKEN MUCH TIME TO WORK WITH CITY STAFF ON MAJOR ITEMS THAT ARE IN DEVELOPMENT.

AND MAYBE DO ONE THIS YEAR.

WHICH SHOULD BE AMAZING TOO.

I CAN'T WAIT TO SHARE WITH YOU ALL.

[ LAUGHTER ]

>> B. BARTLETT: YOU KNOW, BUT THE YOU KNOW, THE LEANING INTO LEGISLATION THAT IS, AND THIS IS WHAT WE DO THROUGH THE PROCESS, THROUGH THE COMMITTEE PROCESS, WHICH I'M A FAN OF, IT HELPS YOU THINK IT THROUGH.

WE HELP OTHERS COME WITH THEIR -- WE LEND OUR EXPERTISE AND GROUP KNOWLEDGE AND HELP AUTHOR REFINE THEIR WORK.

WE HELP THEM SIMPLIFY THEIR WORK.

AND SO I THINK THIS MEASURE WE'RE TALKING ABOUT TO UNDERSTAND IS PRIORITIZATIONS, THEY KIND OF NEED THE SAME PROCESS, THEY NEED TO BECOME SIMPLIFIED.

THIS IS TOO COMPLEX.

THERE IS A MORE ELEGANT WAY.

PARTICULARLY IN THE LIGHT OF THE FACT THAT THE COUNCIL APPEARS TO BE RESPONSIVE TO THE NEEDS OF THE BUREAUCRACY.

BUT NOT GIVING THEM ANYTHING TO DO.

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IT SEEMS LIKE WE MAY NOT NEED TO OVERLAY THIS MUCH BUREAUCRATIC TO SOMETHING THAT IS NOT EXISTING RIGHT NOW.

WITH ALSO ANOTHER QUESTION, DOES THIS KEEP THE R.V. V. PROCESS AS WELL OR SUPPLANT IT?

>> S. HAHN: I THINK THE IDEA WAS THAT WHEN YOU DON'T HAVE A BIG BACK LOG OF OLD ITEMS THAT HAVEN'T BEEN IMPLEMENTED AND YOU HAVE A RESTRICTED FLOW BASICALLY MORE BASED ON QUALITY THEN ON QUOTAS, BY RAISING OUR STANDARDS, THE IDEA WOULD BE THAT LESS WOULD BE GOING FORWARD.

THEN THE PRIORITIZATION BECOMES MUCH EASIER.

YOU ARE NOT PRIORITIZING 100 ITEMS, MAYBE 15 OR 20.

AND MAYBE YOU USE R.R.V. OR MAYBE THERE IS ANOTHER PROCESS.

IT DEFINITELY DID NOT RECOMMEND GETTING RID OF IT.

BUT THE IDEA WAS THAT IT WOULD ESSENTIALLY BECOME LARGELY MOOT.

>> B. BARTLETT: IF UNDER THIS PROPOSAL YOU HAVE TO WAIT 16 MONTHS TO SUBMIT SOMETHING OR THEN YOU GET R.R.V.ED TO THE BOTTOM OF THE LIST, YOU EFFECTIVELY DENIED THE RESIDENTS WHO PAY EXORBITANT PROPERTY TAXES AND RENTED, THE OPPORTUNITY TO HAVE SOMETHING THEY CARE ABOUT SEEN BY THE COUNCIL.

FOR NEXT, THAT PERSON IS OUT OF OFFICE.

IT'S OVER.

YOU ARE TALKING SEVEN YEARS LATER.

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AND TRUST ME, I LIVED HERE SEVEN YEARS CYCLES OF LEGISLATION AND IT TAKES DILIGENCE TO SEE IT THROUGH.

AGAIN, I DON'T THINK -- I DON'T SEE THE NEED TO KEEP ADDING SO MUCH TIME AND DISTANCE BETWEEN PEOPLE AND THEIR ASPIRATIONS.

AND THEN, THE CO-SPONSOR'S MEASURE, COUNCILMEMBER ROBINSON BROUGHT IT UP.

I THINK IT'S IMPORTANT FOR COLLEAGUES AND COUNCILMEMBERS TO THINK THROUGH THE STRATEGIES AND YOU KNOW, IT'S PART OF THE KEY TO SUCCESS.

YOU KNOW, NEWER COUNCILMEMBERS COME ON AND TEAM UP WITH OTHERS AND FIGURE OUT HOW TO WIN THE RIGHT COMBINATIONS, I THINK IT'S A GOOD PROVING GROUND FOR LEGISLATION BECAUSE IN THE DAY THE AUTHORS GOAL IS TO GET IT PASSED ON BEHALF OF THE CONSTITUENTS WHO REQUESTED IT OR BENEFIT FROM THEM.

SO I THINK WE NEED TO BAN THEIR ABILITY TO STRATEGIZE ESSENTIALLY.

RIGHT?

AND GET HELP TOO. RIGHT?

AND THEN, LASTLY, I DO SUPPORT ATTACKING THE BACKLOG QUEUE.

SPECIAL TOPIC NUMBER FOUR.

I THINK THAT'S IMPORTANT.

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SITTING ON THIS DEEP BENCH OF MATERIALS THAT IS RAPIDLY TURNING FROM COAL INTO DIAMONDS AS IT SITS THE TECTONIC PRESSURE OF BUREAUCRATIC TIME, RIGHT?

YES, ABSOLUTELY, I THINK THAT'S IMPORTANT.

WE SHOULD GO THROUGH THIS AND GET THESE THINGS DEALT WITH.

THOSE ARE MY POINTS.

THAT'S ALL.

I THINK ULTIMATELY, I DON'T THINK ANY OF THIS IS NECESSARY.

>> MAYOR J. ARREGUIN: COUNCILMEMBER HARRISON, AGAIN.

>> K HARRISON: I WANT TO ANSWER COUNCILMEMBER BARTLETT'S

QUESTION ABOUT MY PROPOSAL DOES NOT GET RID OF R.R.V.

IT'S STILL THERE.

I DON'T THINK WE SHOULD DO IT AT THE COMMITTEE LEVEL.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU.

ARE THERE ANY OTHER CITY COUNCIL MEMBERS THAT HAVE COMMENTS?

COUNCILMEMBER WENGRAF?

>> S. WENGRAF: YES.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

>> S. WENGRAF: YEAH, I JUST WANT TO SAY THAT YOU KNOW, THE STAFF ISN'T JUST WORKING ON OUR ITEMS.

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I MEAN, THEY HAVE TO WORK ON ALL KINDS OF OTHER STUFF AS WELL.  
AND THEY HAVE PARTNERS, THE SCHOOL BOARD, THE RENT BOARD, YOU  
KNOW, ALL OF THESE STATE AGENCIES THAT THEY HAVE TO WORK WITH.  
SO I THINK WE'RE BEING A LITTLE NEAR SIGHTED WHEN WE THINK THAT  
STAFF ONLY WORKS WITH OUR ITEMS.

I THINK THEIR WORKLOAD IS HUGE.

AND WE'RE ONLY THINKING OF A LITTLE PART OF IT.

SO MAYBE IT WOULD BE ACTUALLY HELPFUL FOR US TO KNOW MORE ABOUT  
WHAT THE DEMANDS ARE ON THE DEPARTMENTS FROM ALL OF OUR  
PARTNERING AGENCIES.

SO THAT WE WOULD HAVE A BETTER UNDERSTANDING AND A BETTER  
PERSPECTIVE ON THE WORKLOAD.

THANK YOU.

>> MAYOR J. ARREGUIN: THANK YOU.

SO FOLLOWING UP ON THAT POINT, I RECALL I THINK IT WAS THE LAST  
BIENNIAL BUDGET PROCESS, WE GOT A COMPREHENSIVE LIST OF  
OUTSTANDING COUNCIL REFERRALS THAT HAD NOT BEEN PRIORITIZED I  
BELIEVE.

AND WE DO GET STATUS UPDATES FROM THE CITY MANAGER ON THE  
IMPLEMENTATION OF COUNCIL REFERRALS, SHORT TERM AND LONG TERM.  
AND WE HAD THAT DATABASE.

BUT I DO THINK, YOU KNOW, AT SOME POINT YOU KNOW PROBABLY  
LEADING UP TO THE NEXT BUDGET DEVELOPMENT, I THINK GOING OVER

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THAT LIST AGAIN WOULD BE HELPFUL BECAUSE THINGS MAYBE OBSOLETE OR REDUNDANT.

I SEEM TO RECALL MULTIPLE REFERRALS ABOUT ADU POLICY OR HOUSING POLICY, MULTIPLE FIRE SAFETY RECOMMENDATIONS.

AND YOU KNOW, WE MAY BE ABLE TO FIND A WAY TO CONSOLIDATE OR ELIMINATE REDUNDANT OR OBSOLETE COUNCIL REFERS SO WE CAN FOCUS ON THE THINGS WE THINK ARE RELEVANT AND WE WANT TO HAVE STAFF DEDICATE TIME TO ADDRESS.

SO I HEAR THAT AS AN OVERARCHING AGREEMENT AMONGST COUNCIL WE NEED TO LOOK AT DEALING WITH THE QUOTE, BACK LOG.

I HOPE WE CAN WHETHER IT'S THROUGH NEW PROCESS OR JUST LEADING UP TO THE BUDGET ADOPTION, WE CAN DO THAT.

I THOUGHT THAT WAS VERY HELPFUL.

SO MAYBE IN ALIGNMENT WITH THE R.R.V. PROCESS THAT MAYBE ONE WAY TO DO IT BEFORE THE R.R.V. PROCESS.

I'M SURE ASSOCIATION WITH THE APPRECIATE IF WE CAN CLARIFY AND REDUCE THE OUTSTANDING NUMBER OF ITEMS.

SO WITH THAT, WHY DON'T WE PROCEED TO PUBLIC COMMENT.

ANY MEMBER HERE THAT WOULD LIKE TO SPEAK TO THE ITEM ON OUR 4:00 P.M. SPECIAL CITY COUNCIL MEETING AGENDA, THE CITY COUNCIL LEGISLATIVE SYSTEMS REDESIGN?

YES, MISS MOROSOVIC.

>> THANK YOU.



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I ATTENDED THE JUNE 29TH RETREAT.

AND I HEARD THE CITY MANAGER'S FRUSTRATION, AND TOTALLY UNDERSTOOD IT.

HOW THERE WERE TOO MANY ITEMS THAT WERE POSSIBLE FOR STAFF TO POSSIBLY IMPLEMENT PROPERLY.

AND IT SEEMED AS IF SOME ITEMS COULD BE CONSOLIDATED AS THE MAYOR JUST MENTIONED AND SOME COULD BE FOLDED INTO ONE ANOTHER.

I UNDERSTAND THAT'S CHANGED THAT THERE AROUND AS MANY ITEMS COMING BEFORE COUNCIL BUT THERE ARE STILL OUTSTANDING ITEMS THAT ARE OUT THERE.

THERE IS A NEED FOR TIME CRITICAL ITEMS FOR OBVIOUS REASONS, STATE LAWS CHANGE, FEDERAL LAWS CHANGE, AND FUNDING CHANGES THAT COMES IN.

AND SO YOU ARE GOING TO HAVE TO HAVE TIME CRITICAL ITEMS THAT CANNOT BE LIMITED IN NUMBER IF THEY ARE GENERALLY TIME CRITICAL ITEMS.

THERE IS A NEED TO WORK WITH COMMISSIONS.

NOT ONLY HAS TO REFERRALS TO THEM, BUT ALSO REFERRALS FROM THEM. NOW, THIS IS PERHAPS A SEPARATE ITEM.

BUT I BELIEVE IT'S IMPORTANT TO HAVE TRANSPARENCY TO THE PUBLIC SO THE PUBLIC NEEDS TO SEE WHAT STAFF IS DOING.

OR RATHER WHAT COUNCIL IS DOING, BUT ALSO WHAT STAFF IS DOING IN TERMS OF IMPLEMENTATION OF THE ITEMS THAT PASSED BEFORE YOU.

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I'M GOING TO RAISE THAT THE AGENDA, HOMELESS COMMISSION BROUGHT AN ITEM BEFORE THE AGENDA COMMITTEE THAT WAS PASSED IN EARLY 2020.

AND IT SOMEHOW STAYED AT THE AGENDA COMMITTEE LEVEL.

AND THAT WAS THAT ALL THE COMMISSION RECOMMENDATIONS FROM VARIOUS COMMISSIONS BECOME COMPILED ONLINE AND IN A BINDER SO THEY COULD BE TRACKED HOW THEY GO TO COUNCIL.

AND ALSO, IN TERMS OF IMPLEMENTATION.

AND THIS IS IMPORTANT, NOT ONLY FOR INFORMATION SHARING BETWEEN COMMISSIONS BUT ALSO FOR COUNCIL TO KNOW WHAT COMMISSIONS IS DOING, FOR STAFF TO FOLLOW IT, AND ALSO FOR TRANSPARENCY TO THE PUBLIC.

AND I HOPE THAT THIS IS ACTED ON.

EDIS GOING TO GIVE ME HIS TWO MINUTES, RIGHT?

THANK YOU. SO LET ME GIVE YOU AN EXAMPLE HOW DIFFICULT IT IS TO RESEARCH AN ITEM.

AND I THINK THE SAME THING HAPPENS WITH COUNCIL ITEMS THAT, AGAIN, THERE HAS TO BE THIS TRANSPARENCY TO THE PUBLIC.

ON THE COMMISSION OF STATUS OF WOMEN, I WANTED TO RESEARCH WHAT IS HAPPENING WITH PREVIOUS ITEMS THAT I WOULD NOT HAVE EVEN KNOWN THESE ITEMS EXISTED EXCEPT I'VE BEEN ATTENDING COUNCIL MEETINGS GENERALLY FOR THE LAST 17 YEARS.

SO I RECALLED SOMETHING ABOUT SMALL BUSINESSES AND WOMEN.

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I RECALLED IT PASSED BEFORE COUNCIL SEVERAL YEARS AGO.

I RECALLED OVER 10 YEARS AGO, THIS WAS SOMETHING ON SEX

TRAFFICKING THAT CAME FROM THE STATUS OF WOMEN.

I WOULDN'T HAVE KNOWN HAD I NOT ATTENDED THOSE ITEMS.

I WENT TO THE CITY CLERK'S OFFICE, WHO IS EXCELLENT AT DOING THE RESEARCH.

BUT I AM VERY RESPONSIVE.

HAD TO KEEP GOING BACK AND SAY WHAT HAPPENED TO THAT AFTER THAT.

WHERE IS SETTING, DID IT JUST DIE?

AND IT'S REALLY IMPORTANT WE HAVE THIS INFORMATION, AGAIN, FOR COMMISSIONS, FOR COUNCIL, FOR STAFF, AND FOR THE PUBLIC.

WE HAVE TO BE TRANSPARENT ABOUT WHAT HAPPENS.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU VERY MUCH.

ARE THERE ANY OTHER MEMBERS OF THE PUBLIC HERE IN THE BOARDROOM AT 1231 ADDISON THAT WOULD LIKE TO SPEAK TO ITEM ONE, THE COUNCIL'S REDESIGN.

I'LL ASK ARE THERE SPEAKERS ON ZOOM, PLEASE RAISE YOUR HAND.

MONI LAW.

>> GOOD EVENING, MAYOR AND COUNCIL AND COMMUNITY.

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I AM JUST VERY THANKFUL FOR EVERYONE'S HARD WORK AND MY COUNCILMEMBER, KATE HARRISON AND OTHERS WHO MAY HAVE PROPOSED AMENDMENTS.

I UNDERSTAND THIS IS GOING BACK TO AGENDA COMMITTEE FOR REVIEW.

I WANTED TO MAKE A QUICK REFLECTION AND IMPORTANCE OF THE OPENNESS OF CONTINUED DEMOCRACY.

AND I APPRECIATE COUNCILMEMBER BARTLETT'S COMMENT ABOUT NOT DISTANCING THE PEOPLE FROM THE PROCESS.

AND TO ENSURE THIS OPEN SPACE FOR OUR ASPIRATIONS TO GROW.

WITH THAT IN MIND, I'M THINKING OF THE MAYOR'S FAIR AND IMPARTIAL POLICING WORK GROUP THAT I'M THANKFUL FOR THE MAYOR HAVE APPOINTED ME TO THAT.

AND ALL THE WORK THAT PEOPLE ON THE REIMAGINING TASK FORCE FOR CONSTRUCTIVE IDEAS, POLICIES AND PROGRAMS TO PREVENT VIOLENCE AND KEEP US SAFE IN ALL WAYS FROM EDUCATION, ECONOMIC SECURITY, AND POLICE ACCOUNTABILITY.

THOSE PROPOSALS ARE IMPORTANT AND TIME SENSITIVE AND SHOULDN'T BE CONSTRAINED OR PUSHED OUT TO A YEAR LATER.

OR YEAR AND A HALF LATER.

SO TIME LOST IS -- JUSTICE AND GOOD POLICY AND BASIC GOVERNANCE AS DELAYED.

AND SO WE REALLY HAVE A BEAUTIFUL COMMUNITY IN BERKELEY.

I DON'T WANT IT PUT TO THE SIDE AND TOO MANY BITS AND PIECES.

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WE SHOULD HAVE A HOLISTIC CONSTRUCTIVE PROCESS THAT IS OPEN AND OTHERS SAID, TRANSPARENT AND AVAILABLE.

FINALLY, I WANT TO KIND OF SAY THAT WITH REGARD TO BUDGETS AND ALL THE OTHER THINGS THAT WAS SAID, SHE WOULD POINT OUT TO THE BUDGET AND FINANCING ISSUES THAT COME UP.

AND FINALLY, THERE ARE SO MANY THINGS WE HAD AN EXHIBIT "D" WAS CALLED, PART OF THE CITY MANAGER'S ATTACHMENT, AS I RECALL OF THE THINGS THAT HAD NOT BEEN COMPLETED.

I THINK WE COULD HAVE CONTINUED TO CHISEL ON THAT.

I BELIEVE IT'S WORKED ON I HOPE BECAUSE THERE ARE A NUMBER OF IMPORTANT PARTS OF GOVERNANCE AND COMMUNITY ACTIVITIES THAT NEED TO BE COMPLETED IN THAT EXHIBIT "D" AS I BELIEVE IT WAS REFERENCED FOR ALL OF THE BACK UP WORK THAT NEEDED TO BE DONE STILL.

I HOPE AS A CITY WORKER MYSELF, WE DO WORK HARD BUT WE ALSO WANTED TO MAKE THE BEST CITY WE CAN.

THANK YOU SO MUCH.

>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH.

ARE THERE ANY OTHER MEMBERS OF THE PUBLIC ON ZOOM WHO WOULD LIKE TO SPEAK TO ITEM ONE, THE CITY COUNCIL LEGISLATIVE SYSTEMS REDESIGN?

ANY OTHER MEMBERS OF THE PUBLIC?

THIS IS THE LAST CALL.

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OKAY.

THANK YOU.

WE'LL CLOSE PUBLIC COMMENT.

AND COLLEAGUES, I'LL ASK ARE THERE ADDITIONAL QUESTIONS OR COMMENTS?

COUNCILMEMBER KESARWANI.

>> R. KESARWANI: THANK YOU VERY MUCH, MR. MAYOR.

AND THANK YOU, COUNCILMEMBER HAHN, FOR YOUR PROPOSAL.

AND COUNCILMEMBERS HARRISON, ROBINSON, AND TAPLIN, FOR YOUR PROPOSAL AS WELL.

I DID WANT TO JUST TURN TO THE CITY MANAGER.

BECAUSE I WAS LOOKING BACK AT THE AUDITOR'S RECORD REPORT ON THE STAFFING.

SHE DID NOTE WORKLOAD ISSUES.

DRIVEN IN PART BY COUNCIL ITEMS BUT ALSO BY UNDERSTAFFING AND VACANCIES AS WELL.

AND SO I WANTED TO ASK THE CITY MANAGER FROM WHERE YOU SIT TODAY, COULD YOU HELP US JUST HONE IN ON WHAT YOU SEE AS THE MAJOR PROBLEMS IN TERMS OF MANAGING WORKLOAD IN TERMS OF WHAT IS RECEIVED BY COUNCIL.

>> THANK YOU, COUNCILMEMBER KESARWANI.

THERE ARE A NUMBER OF THE THINGS THAT INFLUENCE HOW QUICKLY WE CAN IMPLEMENT TURN AROUND LEGISLATION AND PRODUCT.

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THERE ARE LOTS OF THINGS.

BUT I THINK HALL MARK TO WHAT WE DO HERE AT THE CITY IS THE MATH  
WE WANT TO BE THOUGHTFUL ABOUT THE WORK WE'RE DOING FOR YOU ALL  
AND FOR THE COMMUNITY.

SO THERE IS A BIG COMMUNITY PIECE THAT IS THERE FOR US AS WELL.

I THINK THAT DRIVES US LOTS OF WHAT WE DO AS IN TERMS OF STAFF  
AND HOW WE PROCESS INFORMATION AND GATHER INFORMATION.

STAFFING, WE ARE IN A STAFFING CRISIS.

WE'VE KNOWN THAT FOR QUITE SOME TIME.

WE'RE CHIPPING AWAY AT IT AND DOING WELL AT CHIPPING AWAY AT  
GETTING NEW HIRES ONBOARD.

ADDRESSING ISSUES WHERE WE HAVE DIFFICULT TO FILL POSITIONS.

WE'RE DOING A GREAT JOB IN THAT REGARD.

WHEN IT COMES TO THE NUMBER, THIS IS ABOUT VOLUME FOR US TRULY.

WE MAKE OUR OWN WORK TOO.

SO LET'S TALK ABOUT THAT A LITTLE BIT.

BECAUSE WE DEVELOP A STRATEGIC PLAN.

WHERE DEPARTMENTS PUT IN 30 OR 40 TYPES OF PROGRAMS THEY WANTED  
TO DO TO IMPROVE COMMUNITY SERVICE, AND TO WORK HARDER, WHETHER  
THAT IS ABOUT HOW WE DEVELOP ADMINISTRATIVE REGULATIONS, TO HIRE  
THE BEST EMPLOYEES, TO TRAINING, TO WHATEVER IT IS, WE HAD OUR  
OWN SET OF INITIATIVES COMING THROUGH THE STRATEGIC PLAN AS  
WELL.

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ON TOP OF THAT WE HAD REFERRALS.

SO WE AT ONE POINT WE HAD OVER 300 REFERRALS.

AND I WOULD PROBABLY REDUCE THAT TO ABOUT 250.

NOW WE'RE DOWN TO 80 TO 90 REFERRALS.

I THINK THE OTHER THING THAT KIND OF CHALLENGED US IS THAT THESE THINGS WOULD COME IN AT VARIOUS TIMES THROUGH THE YEAR AND IT WILL BE A START STOP FOR US.

WE WOULD START THE WORK ON A PROJECT.

AND THEN WE WOULD GET TWO OR THREE NEW PROJECTS THAT WOULD REQUIRE US TO STOP AND RESTART.

SO THAT CREATED BACK LOG FOR THOSE PRIOR AS WE START LIFTING UP NEW.

WE WERE UNABLE TO SHIFT AND BE AS FLEXIBILITY AS WE WOULD LIKE TO BE IN TERMS OF ADDRESSING AND IMPLEMENTING THAT POLICY.

WHOLE STAFFING HAS BEEN AN ISSUE FOR US, I THINK PRIORITIES KNOWING WHAT THEY ARE FOR THE CITY HAS BEEN SOMETHING I'VE BEEN CHALLENGED WITH IN TRYING TO ADDRESS WHAT ARE OUR TRUE PRIORITIES ACROSS-THE-BOARD AND HOW DO I GET TO WHAT IS MOST IMPORTANT TO THIS COUNCIL FIRST, SECOND AND THIRD SO I HAVE THAT IN MY QUEUE.

SO WE'VE USED R.R.V. TO TRY AND GATHER THAT AS A PRIORITY BASE FOR US TO LAUNCH AND COMPLETE INITIATIVES AND WORK.

I THINK WE'VE DONE WELL WITH THAT.



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WE'VE NOT ALWAYS BEEN ABLE TO ADDRESS THE NUMBER-ONE PRIORITY BECAUSE BEEN, REMEMBER THE YEAR PRIOR WE WORKED ON NEW INITIATIVE SAID.

THOSE ARE EITHER UNDERWAY OR NOT STARTED. ESPECIALLY IF YOU ARE A DEPARTMENT WITH FIVE OR 10 REFERRALS THAT COME TO YOU.

SO IT'S NOT ONLY THE AMOUNT AND NUMBERS.

WE ALSO GET LOTS OF PROJECTS FROM STATE AGENCIES, OUR LOCAL PARTNERS, OUR COMMISSIONS, AND OF COURSER, WITH POLICY COMMITTEES WE'RE DOING WORK WITH THEM AS WELL.

OUR PLATES ARE EXTREMELY FULL GENERALLY.

BUT WHAT I THINK IS HELPFUL FOR US IS NOT GOING TO BE THE A CONVOLUTED OR COMPLEX PROCESS.

I AGREE.

I THINK WE DON'T WANT TO PUT IN SOME COMPLICATED OR YOU KNOW, PROCESS THAT IS GOING TO RENDER US PARALLELIZED IN TERMS OF INITIATIVES I'M NOT SAYING THESE ARE DOING THAT.

MY POINT IS WE DON'T WANT TO PUT TOO MUCH IN THERE.

WHAT IS HELPFUL FOR ME AS THE CITY MANAGER WHICH I SHARED BEFORE IS HAVING CORE PRIORITIES.

EVERYTHING CAN'T BE AN EMERGENCY OR AT THE SAME LEVEL OF PRIORITY AS -- THEY ALL CAN'T HAVE EQUAL PRIORITY FOR US.

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BECAUSE AND WE DON'T WANT TO SHIFT EVERY TIME THERE IS A NEW THING.

BUT WE'RE SHIFTING AND WE PUT SOMETHING ON THE BACK BURNER, WE START ANEW.

WHAT IS HELP IF ME, IF WE TRULY HAVE A PROCESS, WE CAN LEAN IN AND SAY, YOU GOT THESE 30 MAJOR INITIATIVES OR THINGS YOU ARE WORKING ON, THESE 20 WE WANT YOU TO PUT ON HOLD SO YOU CAN GET THEM DONE AND COME BACK TO THESE.

WE KNOW WHAT WE'RE PUTTING ON HOLD, WE KNOW WHAT IS STOPPED OR YIELDED.

RIGHT NOW WE TRY TO PECK AT ALL OF THEM AND NEVER GET ALL YOU HAVE THEM DONE.

IT WOULD BE GOOD TO KNOW IF WE HAVE A PROCESS TO ALLOW US TO COME TO YOU AND SAY, WE'VE GOT THIS SIX YOU HAVE GIVEN US TO WORK ON, WE NEED TO MOVE THESE FIVE TO THE BACK BURNER.

THAT IS HELPFUL SO EXPECTATIONS FOR THE COMMUNITY AND COUNCIL AND STAFF ARE CLEAR.

SO WHENEVER WE HAVE NEW THINGS THAT ARE GOING TO IMPACT OLD THINGS, WE NEED TO PUT SOMETHING ON HOLD.

AND I THINK A CLEAR PROCESS TO DO SO WOULD BE HELPFUL.

I THINK THE COMPLEXITY OF THE WORK THAT WE DO IS SOMETIMES NOT SEEN.

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THE WORK THAT COMES FROM NOT ONLY THE COUNCIL BUT OUR DEPARTMENTS AS WELL, OUR COMMISSIONS AND PARTNERS OUT THERE, STATE AGENCIES, THAT WORK IS COMPLICATED, DETAILED AND IT'S HARD.

SO AS WE'RE TRYING TO CHALLENGE OUR WAY THROUGH ALL OF THAT IT TAKES TIME.

TO ME THOSE ARE THE THINGS THAT KIND OF IMPACT THIS WORK. AND THE WORKLOAD FOR ME AS CITY MANAGER.

THANK YOU FOR GIVING ME A MOMENT TO SAY ALL OF THAT.

I APPRECIATE IT.

>> R. KESARWANI: THANK YOU, MADAM CITY MANAGER.

I APPRECIATE HEARING THAT.

I THINK IT'S NOT ALWAYS CLEAR TO ME AND PERHAPS NOT TO MY COLLEAGUES WHAT EXACTLY IS ON YOUR PLATE.

AND I DO KNOW SOME OF THE MY COLLEAGUES TALKED ABOUT EXAMPLES, THINKING ABOUT THE ACCESSORY DWELLING ORDINANCE THE OTHER NIGHT. WE DID ADD TWO REFERRAL SAID AND PART OF WHAT I UNDERSTOOD FROM THE PLANNING DIRECTOR WAS DOING THAT SURVEY YOU KNOW THAT'S ADDITIONAL STAFF TIME POTENTIALLY, MAYBE NOT SO MUCH IF WE USE PUBLICLY AVAILABLE DATA.

I WAS THINKING ABOUT STATE MANDATES AS IT RELATES TO THE HOUSING ELEMENT AND DEADLINES WE HAVE TO ATTEMPT TO LIVE UP TO.

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AND SO I THINK THAT'S AN EXAMPLE WHERE WE HAVE GIVEN MORE REFERRALS NOW TO THAT DEPARTMENT BUT THAT DOESN'T TAKE AWAY THE STATE MANDATES AND THINGS THAT ARE CURRENTLY IN PROCESS THAT HAVE TO BE COMPLETED.

SO I KNOW OUR AGENDAS IS GOING TO TAKE THIS BACK.

AND SOLVE IT ALL IN THE NEXT MEETING PROBABLY IN SHORT ORDER.

SO IN ANY CASE, I WANT TO THANK THOSE WHO THOUGHT ABOUT THIS AND YEAH, I DO, I JUST WANT TO SAY GENERALLY AM A LITTLE BIT CONCERNED ABOUT A LENGTHY BUREAUCRATIC PROCESS.

BUT I DO THINK WE HAVE TO GIVE OUR CITY STAFF CLEAR PRIORITIES THAT ARE ACHIEVABLE SO THAT MEANS THERE DOES HAVE TO BE SOME KIND OF LIMIT TO IT THAT WE DO HAVE THINK ABOUT.

AND I THINK THE BIGGEST CONCERN THAT I HAVE AS A MEMBER OF THIS BODY IS WHEN WE GET A LARGE NEW PROGRAM THAT THE CITY HAS NEVER DONE BEFORE THAT WOULD REQUIRE YOU KNOW NEW STAFF, NEW SIGNIFICANT BUDGET ON AN ONGOING BASIS.

THOSE ARE THE THINGS THAT YOU KNOW, I JUST WANT US TO BE AWARE OF THOSE COMMITMENTS WHEN WE MAKE THEM.

BECAUSE THOSE ARE THINGS WE HAVE TO PLAN FOR ON AN ONGOING BASIS.

SO THERE IS SOME WAY, YOU KNOW, IF WE'RE GOING TO TAKE THOSE THINGS ON, WE HAVE TO THINK ABOUT WHAT ARE WE NOT GOING TO DO. IN SOME CASES I THINK ABOUT DEPARTMENTS LIKE H.H.C.S.

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HOUSING HEALTH AND COMMUNITY SERVICES, A LOT OF WHAT THEY DO IS MANDATED.

THESE ARE REQUIRED PROGRAMS THAT WE'RE ADMINISTERING, WE RUN A PUBLIC HEALTH DEPARTMENT, WE HAVE A MENTAL HEALTH DIVISION, WE HAVE TO RUN THESE PROGRAMS.

AND SO, YOU KNOW, WE HAVE TO FIGURE OUT WHAT DOES IT MEAN WHEN WE GIVE THAT DEPARTMENT A WHOLE NEW PROGRAM TO LIFT UP AND HOW IS THAT GOING TO HAPPEN WITH A STAFFING SITUATION WE'RE IN.

AND YOU KNOW, I THINK IT MAY BE A NEW NORMAL BECAUSE I'M HEARING A LOT ABOUT GOVERNMENT AGENCIES THAT HAVE HIGH VACANCY AND YOU KNOW, IT'S A CHALLENGE BECAUSE ALL OF THESE ENTITIES ARE RECRUITING AND IT'S A CHALLENGING LABOR SITUATION RIGHT NOW.

SO IN ANY CASE, I WILL LEAVE IT AT THAT AND THANK EVERYONE FOR THE THEIR CONTRIBUTIONS TO THIS ITEM.

THANK YOU.

>> MAYOR J. ARREGUIN: COUNCILMEMBER HARRISON, THEN WRAP IT UP.

>> K HARRISON: MADAM CITY MANAGER, THAT WAS HELPFUL.

I THINK WE INSTITUTE THE R. R.V. TO DO WHAT YOU ARE TALKING ABOUT.

I WOULD LOVE FOR YOU TO DISCUSS WITH THE AGENDA COMMITTEE WHY THAT DOESN'T FUNCTION THAT WAY.

I THOUGHT THAT'S WHY WE HAD IT.

THERE IS SOMETHING MISSING WE NEED TO DEAL WITH.

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I WANTED TO MAKE SURE ALL OF US RECOGNIZE THERE IS SOMETHING NOT  
QUITE RIGHT ABOUT THE R.R.V. AND IT'S NOT GETTING THE CITY  
MANAGER WHAT SHE NEEDS.

HOWEVER WE CAN GET THAT RESOLVED WOULD BE GREAT.  
THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU VERY MUCH.

I THINK THIS WAS A GOOD DISCUSSION.

I APPRECIATE WE HAD THIS FORUM TO HEAR EVERYONE'S INPUT.

SO WE'LL TAKE ALL THIS FEEDBACK BACK TO THE COMMITTEE.

AND TRY TO IDENTIFY THE AREAS WHERE THERE IS CONSENSUS.

FIRST AND FOREMOST, I HEARD CONSENSUS THAT STAFF INPUT INTO THE  
PROCESS OF DRAFTING LEGISLATION IS IMPORTANT EARLIER IN THE  
PROCESS.

I THINK EVERYONE IS IN AGREEMENT ON THAT.

THAT WE NEED TO DEVELOP SOME CLEAR CRITERION FOR DETERMINING  
WHAT IS A MAJOR ITEM.

I THINK- AND THE CITY MANAGER ACTUALLY PROVIDED SOME SUGGESTED  
LANGUAGE FOR DEFINITION CANNOT BE OPERATIONALIZED OVER TIME, NOT  
IMPLEMENTABLE WITH EXISTING RESOURCES.

ADDITIONAL AND NEW FTE NEEDED.

ADDITIONAL COSTS.

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SOME METRIC BY WHICH THIS CAN'T BE ABSORBED BY EXISTING RESOURCES WE NEED TO DEDICATE NEW RESOURCES AND THAT IS NOT A PROBLEM.

AND I HAVE TO SAY THAT, YOU KNOW, WE'RE BERKELEY. YOU KNOW, WE'RE ALWAYS AT THE CUTTING EDGE.

YES WE HAVE TO PROVIDE BASELINE SERVICES BUT WE ALSO ARE REALLY AT THE FOREFRONT OF INNOVATIVE PUBLIC POLICY.

AND RESPONDING TO A LARGE MACRO ISSUES.

THAT ARE FACING THIS COUNTRY AND THIS REGION.

AND THAT WE'RE RESPONDING TO AND PROGRESS WE'RE MAKING IN BERKELEY TO ADDRESS THE HOUSING CRISIS, HOMELESSNESS, PUBLIC SAFETY.

AND MODELING BEST PRACTICES THAT OTHER CITIES CAN FOLLOW IN THE STATE.

AND THAT DOES MEAN WE HAVE TO THINK OUTSIDE THE BOX AND DO NEW THINGS.

AND TAKE ON NEW LEVELS OF RESPONSIBILITY AND ADAPT AND EVOLVE IN THE WAY WE SERVE THE COMMUNITY.

THERE IS ONLY SO MUCH STAFF AND BUDGET.

HAVING A CLEAR PROCESS AND WAY TO PRIORITIZE, AND MAKING SURE WE HAVE FLEXIBILITY TO BE RESPONSIVE TO WHAT IS HAPPENING IN THE COMMUNITY AND WHAT THE COMMUNITY WANTS.

THAT'S WHAT THE PEOPLE OF BERKELEY WANT FROM US.

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GOING BACK TO A FEW OTHER THINGS.

WE NEED TO DEAL WITH THE BACKLOG.

I THINK AS WE GO BACK TO THE AGENDA COMMITTEE, DEFINITELY LOVE TO HEAR MORE FROM THE CITY MANAGER, CITY CLERK AND OTHER STAFF ABOUT YOUR THOUGHTS TOXIC THIS INPUT INTO CONSIDERATION.

WE'LL TRYING TO SUMMARIZE THE FEEDBACK AND NOTES TO THE COMMITTEE THAT WILL BE IN THE PACKET.

SO I THINK THERE IS AREAS OF AGREEMENT.

LOOKING AT USING A TEMPLATE WITH MORE REQUIRING MORE SPECIFIC INFORMATION ABOUT WHAT SHOULD BE IN AN ITEM TO MAKE SURE WE HAVE THE RELEVANT INFORMATION AND MAKE A DECISION THAT WE SHOULD TRY TO ALIGN IT WITH THE BUDGET PROCESS.

WE NEED TO FIGURE OUT THE TIMING OF THAT.

IS IT ONE TIME LINE, IS IT A ROLLING TIMELINE, WHAT IS THE TIMELINE FOR WHERE THE INPUTS ARE COMING IN AND OUTPUTS ARE COMING OUT.

AND REALLY SORT OF HELPING STRENGTHEN THE ROLE OF THE POLICY COMMITTEE TO REVIEW ITEMS IS ONE THING I HEARD AS WELL AND MAKING SURE WE HAVE CITY ATTORNEY REVIEW AND WE'RE ABLE TO HAVE THINGS OUT OF THE PROCESS IN ORDER FOR US TO BUDGET FOR THEM AND IMPLEMENT THEM.



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SO I THINK WE HAVE SOME COMMONALITY FROM THE FEEDBACK WE'VE  
GOTTEN AND WE'LL TRY TO CONSOLIDATE THIS INPUT AND COME BACK  
WITH A FRAMEWORK FOR THE COUNCIL TO CONSIDER.

WE DO NEED TO MOVE ON.

WE'RE PAST DUE FOR OUR 6:00 MEETING.

UNLESS IT IS CRITICAL, I WOULD LIKE TO WRAP UP THE DISCUSSION.

THANK YOU FOR YOUR COMMENTS.

I MAKE A MOTION TO ADJOURN THE 4:00 P.M. MEETING.

>> SECOND.

>> MAYOR J. ARREGUIN: IF WE CAN PLEASE CALL THE ROLL.

[ROLL CALL]

>> R. KESARWANI: YES.

>> T. TAPLIN: YES.

>> B. BARTLETT: YES.

>> K HARRISON: YES.

>> S. HAHN: YES.

>> S. WENGRAF: YES.

>> R. ROBINSON: YES.

>> M. HUMBERT: YES.

>> MAYOR J. ARREGUIN: YES.





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