



Berkeley Homeless
Services Panel of Experts

REGULAR MEETING AGENDA

March 5, 2025 – 7:00 PM

North Berkeley Senior Center, Poppy Room
1901 Hearst Ave., Berkeley, CA 94709

Mayor Ishii:
Carole Marasovic

Rashi Kesarwani:
Sadie Mae Palmatier

Terry Taplin:
Denah S. Bookstein

Ben Bartlett:
Paul Kealoha-Blake

Igor Tregub:
Mary Ann Meany

Shoshana O’Keefe:
Vacant

Brent Blackaby:
Steven Segal

Cecilia Lunaparra:
Donnell Jones

Mark Humbert:
Vacant

Josh Jacobs, Homeless Services Coordinator, Homeless Services Panel of Experts
Staff Secretary, jjacobs@berkeleyca.gov, 510.225.8035

All items are for discussion and possible action.

1. Roll Call
2. Reading of the Land Acknowledgment
3. Approval of the Agenda
4. Approval of Minutes from February 5, 2025
5. Public Comment on Agenda Items (*up to 2 min. per speaker to make comments or present questions regarding items that will be discussed by the panel later during tonight's meeting. No discussion from the panel is permitted at this time, but concerns presented here can be addressed during discussion of the agenda item*)

Action Items:

6. Development of Homeless Services Panel of Experts’ bylaws
7. Continuing discussion on identifying sites and planning for site visits in 2025
8. Discussion on health care and vaccine access for unsheltered, uninsured or underinsured residents since the sunset of the Bridge Access Program
9. Discussion on the existing barriers to expand operational hours for health and social services

Updates:

10. Public Comment on Non-Agenda Items (*up to 2 minutes per speaker to present concerns or questions regarding items not on the agenda. No discussion permitted*)

A Vibrant and Healthy Berkeley for All

11. Commissioner Reports (*up to 5 minutes allotted to each commissioner to speak about updates, concerns, projects, questions, or to request items to be added to the next meeting's agenda. No discussion permitted*)
12. Chair Report (*up to 5 minutes for chair to provide general updates and relay communication from city council or other committees*)
13. Adjourn

Attachments:

1. March 5, 2025 Minutes.
2. Examples of Commission Bylaws.

Correspondence and Notice of Decision Requests:

Deadlines for Receipt:

- A) Supplemental Materials must be received by 5 PM the day before the meeting.
- B) Supplemental Communications must be received no later than noon the day of the meeting.

Procedures for Distribution:

- A) Staff will compile all Supplemental Materials and Supplemental Communications received by the deadlines above into a Supplemental Packet, and will print 15 copies of this packet for the Commission meeting.
- B) For any Supplemental Material or Communication from a Commissioner received after these deadlines, it is the Commissioner's responsibility to ensure that 15 printed copies are available at the meeting. Commissioners will not be reimbursed for any printing or materials expenses.
- C) Staff will neither print nor distribute Supplemental Communications or Materials for subcommittee meetings.

Procedures for Consideration:

- A) The Commission must make a successful motion to accept and receive all Supplemental Materials and Communications into the record. This includes the Supplemental Packet compiled by staff.
- B) Each additional Supplemental Material or Communication received by or before the meeting that is not included in the Supplemental packet (i.e., those items received after the respective deadlines above) must be individually voted upon to be considered by the full Commission.
- C) Supplemental Materials subject to a Commission vote that are not accepted by motion of the Commission, or for which there are not at least 15 paper copies (9 for each Commission seat, one for staff records, and 5 for the public) available by the scheduled start of the meeting, may not be considered by the Commission.

****Supplemental Materials*** are defined as any items authored by one or more Commissioners, pertaining to an agenda item but available after the agenda and packet for the meeting has been distributed, on which the Commission is asked to take vote at the meeting. This includes any letter to Council, proposed Council report, or other correspondence on behalf of the Commission for which a full vote of the Commission is required.

*****Supplemental Communications*** are defined as written emails or letters from members of the public or from one or more Commissioners, the intended audience of which is the full Commission. Supplemental Communications cannot be acted upon by the Commission, and they may or may not pertain to agenda items.

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Health, Housing & Community Services Department located at 2180 Milvia Street, 2nd Floor.

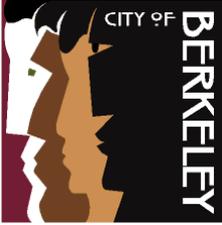
Public Comment Policy:

Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

COMMUNITY ACCESS INFORMATION

ADA Disclaimer "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 ADA Program Coordinator at 510-981-6418 (V) or 510-981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting."

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information. The Health, Housing & Community Services Department does not take a position as to the content.



Berkeley Homeless
Services Panel of Experts

MEETING MINUTES

February 5, 2025

1. **Roll Call:** 7:00 PM

Present: Marasovic, Kealoha-Blake, Jones, Meany, Bookstein, Segal, & Palmatier.

Absent: None.

Staff: Jacobs.

Council: None.

Public: 1.

2. Land acknowledgement.

3. Comments from the Public: 0.

Update/Action Items

4. Approval of the Agenda. Discussion and Possible Action.

Action: M/S/C Marasovic/Meany move to approve the agenda as amended.

Vote: Ayes: Marasovic, Kealoha-Blake, Segal, Meany, Palmatier, Jones, and Bookstein.

Noes: None. *Abstain:* None. *Absent:* None.

5. Approval of Minutes from January 8, 2025. Discussion and Possible Action.

Action: M/S/C Meany/Segal move to approve the minutes as written.

Vote: Ayes: Marasovic, Kealoha-Blake, Segal, Meany, Palmatier, Jones, and Bookstein.

Noes: None. *Abstain:* None. *Absent:* None.

6. Chair Report. Discussion only.

Discussion; no action taken.

7. Staff to report on encampment clearings at Second Street and Harrison; admissions to the Howard Johnson and Capri; RV buy-back program; additional placements of campers from Harrison. Discussion and Possible Action.

Discussion; no action taken.

A Vibrant and Healthy Berkeley for All

8. Possible letter of support for City Restroom Study recommendations. Discussion and Possible Action.

Action: M/S/C Marasovic/Meany move to approve a letter to go to the City Council in support of more public restrooms.

Vote: Ayes: Marasovic, Kealoha-Blake, Meany, Palmatier, and Jones.
Noes: None. *Abstain:* Segal & Bookstein. *Absent:* None.

9. Election of Chair and Vice-Chair. Discussion and possible action.

Action: M/S/F Marasovic/Meany move to nominate Carole Marasovic as chair.

Vote: Ayes: Kealoha-Blake, Meany, and Marasovic.
Noes: Segal, Palmatier, Jones, and Bookstein. *Abstain:* None. *Absent:* None.

Action: M/S/C Bookstein/Jones move to nominate Donnell Jones as chair.

Vote: Ayes: Segal, Palmatier, Jones, and Bookstein.
Noes: Kealoha-Blake, Meany, and Marasovic. *Abstain:* None. *Absent:* None.

Donnell Jones is elected chair.

Action: M/S/C Palmatier/Segal move to nominate Sadie Palmatier as vice chair.

Vote: Ayes: Palmatier, Kealoha-Blake, Jones, and Bookstein.
Noes: Segal, Meany, and Marasovic. *Abstain:* None. *Absent:* None.

Action: M/S/F Marasovic/Segal move to nominate Carole Marasovic as vice chair.

Vote: Ayes: Segal, Meany, and Marasovic.
Noes: Kealoha-Blake, Palmatier, Jones, and Bookstein. *Abstain:* None.
Absent: None.

Sadie Palmatier is elected vice chair.

10. Site visits. Discussion and Possible Action.

Discussion; no action taken.

11. Brief discussion on public filming at meetings, Brown Act, public records, and public comment. Discussion and Possible Action.

Discussion; no action taken.

Public

*Homeless Services Panel of Experts
February 5, 2025*

12. Adjourn.

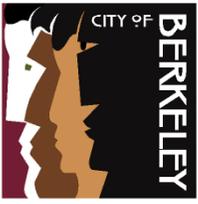
Meeting adjourned at 9:00 PM.

Minutes Approved on: _____

Josh Jacobs, Commission Secretary: _____

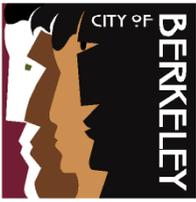
A Vibrant and Healthy Berkeley for All

2180 Milvia Street, 5th Floor, Berkeley, CA 94704 Tel: 510.225.8035 TDD: 510.981.6903 Fax: 510.981.5450
E-mail: hspe@cityofberkeley.info | [Homeless Services Panel of Experts](#)



City of Berkeley
Homelessness Services Panel of Experts
By-laws

DRAFT



Article I. Purpose

Section 1. Overview

The Voters of Berkeley passed Measure P to generate additional General Funds to use to address the crisis of homelessness. The Homeless Services Panel of Experts (“the Panel”) created by the Measure was established to “make recommendations on how and to what extent the City should establish and/or fund programs to end or prevent homelessness in Berkeley and provide humane services and support.”

Section 2. Purpose

Measure P established the Panel to advise the City Council. The Panel consists of nine members with a deep level of expertise in areas relevant to homelessness, including persons with extensive professional and/or lived experience with homelessness. The ordinance calls for the Panel to adopt by-laws and to publish an annual report.

Addressing homelessness is a Strategic Plan Priority Project, advancing the City’s goal to create affordable housing and supportive services for our most vulnerable community members.

Section III. Governance

These by-laws are to supplement the [Commissioners’ Manual](#) and to provide additional structure. The [Commissioners’ Manual](#) can be consulted for all topics not covered by these by-laws. Where there is a conflict with the [Commissioners’ Manual](#), these by-laws will supersede.

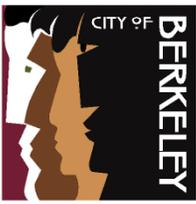
Article II. Council Membership and Officers

Section 1. Membership

In accordance with [Chapter 2.04](#), the Panel shall be composed of nine members appointed by the City Council.

Each member of the Panel must:

1. Have experience in the development, administration, provision and/or evaluation of homeless programs in a government or non-profit capacity; or
2. Have current or past lived experience with homelessness; or
3. Have experience in researching the causes, impacts and solutions to homelessness; or
4. Have experience with state and/or local homeless policy, funding or programs; or



5. Have experience with federal homeless policy and funding administration such as the Continuum of Care Program; or
6. Have experience in the development and financing of affordable housing for formerly homeless persons; or
7. Have experience in the provision of mental health and/or substance use programs for homeless persons.

Section 3. Meetings and Attendance

The Panel will set an annual meeting schedule. The Panel will meet, at a minimum, quarterly.

Two absences, excused or unexcused, from the regularly scheduled Panel meeting in any 12-month period will warrant inquiry from the Secretary as to ability and interest of the individual in continuing as a member. Three unexcused absences within any 12-month period from time of appointment will result in automatic termination from the Panel.

Any Panel member unable to attend a meeting should request an excused absence from their appointing councilmember. If approved, the appointing Councilmember informs the Clerk, who notifies the Secretary of the excused absence. The Secretary will maintain attendance records for the Panel.

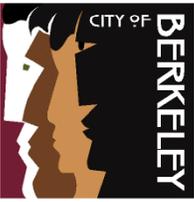
At a minimum, the panel will meet to develop the annual public report. This may include discussions on budget recommendations, reviewing data reports from the panel's secretary, and holding officer elections.

Section 4. Officers

The Panel shall elect one chair and one vice-chair to provide for the operation and conduct of business. The Panel must take action to replace an Officer in an expired or vacated Panel seat. The Chair of the Panel shall provide oversight for the operation of the Panel. The Chair shall preside over meetings of the Panel. The Chair may call for special meetings of the Panel or its committees. The Vice-Chair shall provide oversight for the operations of all sub-committees. If the Chair is absent, or the office is vacant, the Vice-Chair shall assume responsibility for the operation of the Panel.

Section 5. Officer Term Limits

In accordance with Berkeley Municipal Code [Section 3.02.040](#), members of the Panel may be reappointed but shall not serve more than eight consecutive years. Terms for the Officers shall be two years. Officers may serve no more than two consecutive terms in the same appointed seat.



Section 6. Voting Members

A quorum of a majority of the appointed Panel members—minus any member that has obtained an excused absence—is required for the conduct of business. Decisions must be made by an affirmative vote of a majority of Panel members present during a Panel meeting. A proxy or temporary appointment is not permitted for the purposes of voting; all Panel members must be present to vote.

Section 7. Amendment and Review

The Panel will review the By-laws at least every three years—but may review more regularly—and update and approve as needed. Amendment of the Panel’s By-laws requires an affirmative vote of two-thirds majority of current sitting Panel members, provided that notice of the scheduled vote on the amendment was provided at least two weeks prior to that Panel meeting. Amendments must be submitted to the Berkeley City Council for approval, and take effect only upon approval by the Berkeley City Council.

Section 8. Committee Structure and Operations

The Panel may create ad hoc committees as the need arises.

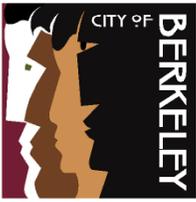
- A. The purpose of the ad hoc committees will be to develop recommended solutions to the specific issue for which they were created. Ad hoc committees may be dissolved upon a vote of the Panel.
- B. Ad hoc committees can be appointed to address any matters within the jurisdiction of the Panel.
- C. Ad hoc committees should appoint a chair whose role is to report back to the full Panel.

Article III. Annual Report

Section 1. Overview

The Panel must provide information, if available, on the impact of funded programs on the residents of the City and recommendations to the Council on how to allocate the City’s general funds to fund homeless services program in Berkeley. To that end, the Panel must publish an annual report that includes the following:

1. Recommendations on how to allocate the City’s general funds to fund homeless services programs in Berkeley;
2. Information, if available, concerning the impact of funded programs on the residents of the City; and
3. Any additional information that the Panel deems appropriate.



Section II. Data Review

The Panel will review pre-approved data sets at least biannually provided by the secretary of the Panel. The Panel will use the information provided to inform their annual report.

DRAFT

Homeless Services Panel of Experts Adopted Mission/Purpose Statement

(adopted in substantially this form August 14, 2019)

The Voters of Berkeley passed Measure P ballot to generate additional General Funds to use and address the crisis of homelessness. The Homeless Services Panel of Experts was created from the Measure to establish and “make recommendations on how and to what extent the City should establish and/or fund programs to end or prevent homelessness in Berkeley and provide humane services and support.”

The HSPE understands the current crisis of homelessness requires investments in prevention, health services and permanent housing, which we know is the solution to homelessness, as well as shelters, supporting services and other temporary measures that get people immediately out of the elements. The Panel seeks to strike a balance between these needs in our recommendations.

The HSPE considers the currently unmet needs, gaps and opportunities, but also take in consideration best practices and currently available data on outcomes. The Panel will make recommendations for increased local investment, including program types, target populations and geographic areas as appropriate. The Panel seeks to consider the best use of these investments into our homeless services in the City of Berkeley, using the context of other available Federal, State and local funding. In general, the Panel will not make recommendations on specific agencies to receive funding, nor run our own proposal process, recognizing this as a role for City staff and the Council. The Panel will request updates on the performance of Measure P investments and the homeless service system overall, including the experience of service users, and use this information to inform future recommendations and provide oversight.

The HSPE recognizes homelessness is a regional issue and requires a regional approach, including recognizing people from Berkeley may live in other places and remain connected to Berkeley services.

The HSPE will ensure Measure P funding recommendations further efforts of creating more housing for people experiencing homelessness in the City of Berkeley. The Panel will coordinate with the Measure O Panel and ensure very low cost housing is connected to services and operating support, so housing programs can more successfully provide service to our Berkeley homeless community.

The HSPE will meet as needed to fulfill this Mission, and make budget recommendations to the City Council at least annually.

PROCEDURES

for the

FAIR CAMPAIGN PRACTICES COMMISSION

July 1998
(Revised July 2014)

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Fair Campaign Practices Commission Procedures

Note: The terms used in these procedures shall have the same meaning as in the Berkeley Election Reform Act of 1974, as amended (hereafter cited as BERA) to the extent they appear in that ordinance.

I. Meetings

A. Regular Meetings

1. A regular meeting of the Commission shall be held on the third Thursday of each month beginning at 7:00 p.m. By majority vote, the Commission may change the date on which a given regular meeting will take place and may schedule regular meetings more or less frequently than once each month.
2. The agenda for each regular meeting shall be established by the Chairperson. Any commissioner may propose to the Commission matters for a future agenda. For matters of a time sensitive nature, a commissioner may submit a request to the Chairperson (through the Secretary) to add an item to the next agenda. For good cause, a majority of the Commission may delete matters from the agenda.
3. When the Chairperson, in consultation with the Secretary, determines that there is presently no business requiring Commission action, he or she may cancel the next regular meeting.

B. Special Meetings

The Chairperson or a majority of commissioners may call a special meeting to occur at any time other than a regular meeting, consistent with the Brown Act. Notice of at least 24 hours must be provided to all commissioners and, to the extent required by law and these procedures, to the public and the press. Only matters contained in the meeting notice may be considered.

C. Executive Session

The Commission may meet in closed session to consider such matters as the law allows. Closed sessions shall generally be scheduled to occur immediately following regular meetings.

D. Meetings in General

1. Unless otherwise specified in these procedures, conduct of all Commission meetings shall be in accordance with the guidelines in the City of Berkeley

Commissioners' Manual (current ed.) and, where that document is silent, the current edition of Robert's Rules of Order.

2. Public participation in all Commission meetings is encouraged. Public comment shall be held in compliance with the Brown Act and the Commissioners' Manual.
 - a. *Public comment-non-agenda items:* At the beginning of each meeting, there will be a public comment period of two minutes per speaker during which members of the public may speak on items within the Commission's jurisdiction but that are not on the agenda. If there more than five speakers on matters not on the agenda, the Chairperson, prior to opening public comment, may limit public comment for all speakers to one minute per speaker.
 - b. *Public comment- agenda items:* The Commission will take public comment on items that are on the agenda prior to or during the Commission's consideration of each item. The time for public comment shall generally be two minutes per speaker. If there more than ten speakers on an issue, the Chairperson, prior to public comment on the agenda item, may limit public comment for all speakers to one minute per speaker.
 - c. When the Commission is considering an investigative report stemming from a Complaint or initiated by the Secretary, the Complainant, if any, and Respondent will each be given up to five minutes to speak to the Commission.
3. The Secretary shall cancel any meeting where he or she has good cause to believe that a quorum will not be present, and shall attempt to notify commissioners and all others previously given notice of that meeting of its cancellation. The Secretary shall also post a cancellation notice. In consultation with the Chairperson, the Secretary may also cancel a regular meeting if there are no items of new or old business before the Commission.

II. Organization and Responsibilities

A. Officers

1. The Commission shall elect a Chairperson and a Vice Chairperson annually at its regular meeting in February. If the Commission does not hold a February meeting, the election shall take place at the first regular meeting thereafter. After receiving written notice of resignation from an officer, the Commission shall promptly elect a successor to serve the balance of that officer's term.

2. The Chairperson shall perform the following duties in addition to any other duties which are necessary or customary to this office:
 - a. Preside at all Commission meetings;
 - b. Appoint committees and chairpersons of committees;
 - c. Approve the agenda prior to distribution;
 - d. Sign authorized correspondence on behalf of the Commission or, unless expressly prohibited, delegate such responsibility to the Secretary;
 - e. Administer oaths and affirmations to persons testifying before the Commission;
 - f. Provide guidance to the Secretary regarding staff execution of the Commission's business, including, but not limited to, investigation of possible violations of BERA, review of campaign statements and audits of candidates and committees;
 - g. Represent the Commission in dealings with the City Manager, the City Attorney, and other City staff regarding administrative and budgetary matters and the execution of enforcement activities authorized by the Commission;
 - h. Represent the Commission before the City Council on matters authorized by the Commission. No prior authorization is required for budgetary matters consistent with prior Commission action:
 - i. Exercise the authority of the Commission with regard to administrative matters on which prompt action must be taken prior to the next scheduled meeting, provided that (1) the Chairperson shall report fully each action taken pursuant to this authorization at the next meeting and (2) this authority shall not include the power to dismiss a complaint, to make any finding of probable cause or violation, to demand records under BERA Section 2.12.250(d) or to seek judicial relief or remedies on behalf of the Commission.
3. In the event of absence of the Chairperson from a meeting or his or her inability to conduct other duties of that office, the Vice Chairperson shall assume the duties of the Chairperson for the duration of such absence or inability. If both officers should be absent or unable to conduct other duties of the Chairperson, the commissions shall elect one of their members to act as Chairperson pro tem for the duration of such absence or inability.

B. Commissioners

1. Commissioner Attendance/Termination for Absences

- a. Leaves of Absence. The appointing official, or his or successor, may grant a commissioner a leave of absence for up to three months.
- b. Automatic Termination of Appointment for Excessive Absenteeism. Because the Fair Campaign Practices Commission was created as a result of an initiative ordinance adopted by the voters, members of this commission are exempt from the automatic termination provision of BMC Section 3.02.020. However, through the adoption of these Procedures, the Commission agrees that a commissioner's appointment shall be terminated upon his or her unexcused absence from three consecutive regular meetings of the Commission. Absences during an approved leave of absence are considered excused and thus do not count toward the three consecutive absences.
- c. Notice of Absenteeism. If the commissioner's absence from the next meeting will result in termination, the secretary shall so advise that commissioner.

2. Other Grounds for Termination

The following are additional reasons that a commissioner shall be terminated from the Commission:

- a. The non-filing of required Conflict of Interest Disclosure Statements;
- b. Failure to take the Oath of Office within thirty days of the date of the appointment letter; and
- c. Failure to meet the qualifications for membership pursuant to Section 2.12.195 of the Berkeley Election Reform Act.

3. Reappointment

Section 2.12.175 states "Each member of the commission shall serve for the same term as the councilmember appointing them. Members of the commission may not be reappointed by the same councilmember....A member whose term has expired shall serve until his or her successor is appointed." Based on this provision, a commissioner can continue to serve once appointed for the full term of the appointing Councilmember, and cannot be removed by the Councilmember who appointed him or her. If a new Councilmember is elected, that Councilmember may immediately replace the commissioner, or allow the existing commissioner to continue to serve until a new commissioner is

appointed. Pursuant to Section 2.12.175, a terminated commissioner cannot be reappointed by the same Councilmember. This does not preclude a commissioner's reappointment by a different Councilmember for an open seat on the Commission. This means that upon termination for the reasons set forth above, a commissioner cannot be reappointed by his or her appointing Councilmember.

4. Resignation

A Commissioner wishing to resign shall submit a letter of resignation to the City Clerk, the appointing Councilmember and the Commission Secretary. Once submitted to the City Clerk, a letter of resignation cannot be withdrawn.

C. Commission Staff

1. The Secretary of the Commission means the employee of the City designated by the City Manager to act in this capacity:
2. The duties of the Secretary are as follows:
 - a. Assist the Commission in the discharge of its responsibilities, including providing the Commission with advice and recommendations concerning possible violations, enforcement options, procedures and regulations;
 - b. Attend all Commission meetings and, to the extent feasible, meetings of ad hoc subcommittees;
 - c. Obtain and maintain minutes of meetings and records of proceedings, including hearings, and official actions, and all other records and documents relevant to the duties of the Commission;
 - d. Prepare and distribute Commission correspondence and reports, including materials for meetings;
 - e. Notify commissioners of meetings and prepare the agenda as approved by the Chairperson;
 - f. Report on attendance of each commissioner to the City Clerk;
 - g. Provide technical assistance and informal advice to actual or potential candidates and committees active in Berkeley;
 - h. Review each campaign statement filed or required to be filed pursuant to BERA for adherence to the law and Commission regulations and request amendments to correct apparent violations or deficiencies; process all complaints alleging violations of BERA according to procedures below at

section IV and report to the Commission all significant possible violations as provided by these procedures;

- i. Perform or supervise investigations, including audits of possible violations of BERA as provided by these procedures or specifically requested by the Commission, and provide thorough reports to the Commission of the results;
 - j. To the extent authorized by the City Manager or the City Attorney, represent the Commission in civil or criminal proceedings it has instituted pursuant to BERA, and in dealings with judicial or other governmental officials;
 - k. Preserve strict confidentiality with regard to details and documents concerning any matter under investigation for potential violation of law or regulation until it can be fully reported to the Commission and affected parties, or unless it is required to be disclosed pursuant to the California Public Records Act. (All campaign statements and reports, as well as correspondence concerning amendments to such documents, are public records and are not confidential.)
3. Other Commission Staff. Unless otherwise prohibited, the Secretary may delegate to other City staff any matter or duty for which he or she is responsible.

III. Request for Advice and Opinions

A. Requests for Advice

1. Any person may informally request advice from the Commission regarding his or her duties and responsibilities under BERA. Such requests shall present all relevant facts as concisely as possible and shall state the question or questions based on the facts.
2. The Secretary shall provide advice orally if the matter is routine or does not require substantial interpretation of the ordinance.
3. If a request for advice is complex or requires interpretation of the ordinance in an area where there is not a regulation or clear Commission policy, the Secretary shall consult with the Chairperson and may seek the advice of the City Attorney prior to giving any advice, which shall be made in writing. The Secretary may also decide that the matter must be handled only through the formal opinion process.
4. In any proceeding before the Commission, a candidate or committee may present evidence of advice rendered to it only if that entity and its representa-

tive(s) were identified to the Secretary at the time the advice was requested. Advice of the Secretary does not constitute an opinion of the Commission issued pursuant to BERA Section 2.12.220 or a declaration of policy by the Commission, but shall be evidence of good faith conduct in any Commission, civil, or criminal proceeding if the request for advice disclosed truthfully all the material facts, and the requestor acted in reliance on such advice.

B. Requests for Opinions

1. Opinion requests shall present all material facts as concisely as possible and shall state the question or questions based on the facts. They shall be signed by the person requesting the opinion and shall indicate which candidate or organization such person is representing. The good faith reliance protection granted under BERA Section 2.12.220 shall extend only to those persons identified in the request, and only if the request for advice disclosed truthfully all the material facts and the requestor acted in reliance on such advice.

IV. Review of Campaign Reports and Statements

A. Detailed Review and Monitoring

1. The Secretary shall monitor campaign statements for compliance with Section 2.12.440 of BERA.
2. The Secretary shall monitor campaign statements for compliance with BERA Section 2.12.415 regarding transfers between committees and cumulative contributions.
3. The Secretary shall monitor compliance with the late reporting requirement of Sections 2.12.295 and 2.12.297.
4. The Secretary shall review all campaign communications which have been filed with the City Clerk to assure that candidates and committees are complying with the requirements of BERA, including but not limited to 2.12.297, 2.12.325, and 2.12.330.

B. Substantial Compliance

1. A campaign statement is not in substantial compliance with BERA if there is:
 - a. Any internal discrepancies in reporting contributions, expenditures, or cash balance which total \$250 or more;
 - b. Any discrepancy of \$250 or more between the cash position or total contributions and expenditures reported and those reported in prior statements;

- c. Any omission of the address and date of receipt of any single or aggregate contribution of \$100 or more from a single source;
- d. Any omission of any required original signature by the treasurer or by any candidate, including one who controls a committee; or
- e. Any gap in periods of time covered by successive campaign statements, or statements in which the period covered is not in conformance with the law.

C. Reports of Possible Violations

- 1. The Secretary shall report as soon as feasible all possible violations of BERA to the Commission, along with a written preliminary investigative report if the matter involves complex factual or legal issues.

V. Complaints of Alleged Violations

A. Filing Requirements

- 1. Any person who believes that a violation of any portion of this ordinance has occurred or is about to occur may file a complaint with the Secretary. Each complaint shall:
 - a. State the full name and address of the complainant;
 - b. Allege who has committed or is about to commit a violation;
 - c. Clearly, concisely and accurately state the facts which constitute the violation;
 - d. Be accompanied by any documentation supporting the facts alleged. Statements which are not based upon personal knowledge should identify the source of information which gives rise to the complainant's belief in the truth of such statements; and
 - e. Be signed by the complainant under penalty of perjury.
- 2. Complaints which are not signed under penalty of perjury or which do not meet the standards for completeness described above shall be returned to the complainant and shall not be deemed received until such a declaration is made or the complaint is amended to be complete.
- 3. The Secretary may investigate the facts surrounding such a complaint or any oral complaint which he or she receives if it provides reasonable cause to believe a violation has occurred or will occur. Any evidence of violation

discovered in such investigation shall be reported to the Commission at its next meeting.

4. The Secretary may conduct an initial review of the complaint to ascertain whether the complaint alleges a violation of BERA or instead falls outside of the Commission's purview. If the Secretary believes the complaint to fall outside of the Commission's purview, the complaint shall be presented as an information item to the Commission, and will only be referred back to the Secretary for investigation if the Commission determines, by a vote of a majority of appointed members, that the complaint falls within the Commission's purview.

B. Processing of Complaints

1. For purposes of the seven day requirement for Commission response, a complaint shall not be deemed received by the Commission until the first regular Commission meeting following the Secretary's receipt of the complaint, provided that it is received in time to provide copies to the Commission and to the subject of the complaint (respondent) prior to the meeting, and to be placed on the agenda consistent with the Brown Act.
2. At the first regular Commission meeting following the Secretary's verification that the complaint meets the above-specified filing requirements, the Commission shall decide: (a) whether to direct the Secretary to investigate the complaint, to the extent the Secretary has not already done so; (b) whether to dismiss the complaint; or (c) whether to find probable cause to believe a provision of the BERA has been violated.
 - a. If the Commission dismisses the complaint, the Secretary shall notify the complainant, and the complainant may then take any other action as provided in the BERA.
 - b. If the Commission decides to investigate the complaint, to the extent not already done so by the Secretary, the Secretary shall investigate the complaint to the extent feasible as authorized by these procedures and to make inquiry of the parties to establish facts and to make a report to the Commission at its next meeting. Notice of the date the complaint will be considered, along with a copy of the complaint and pertinent portions of Commission procedures shall be transmitted to the subject of the complaint as soon as possible. The complainant shall also receive a notice of the date the matter has been scheduled along with a copy of pertinent portions of Commission procedures.
 - c. The Commission shall not make a finding of probable cause except as provided in Parts VI (A) and (B).

3. Consideration of the complaint by the Commission shall proceed according to Parts VI and VII.
4. Upon conclusion of its consideration of the complaint, the Commission shall decide what further actions it intends to take, if any, and shall inform the complainant of the reasons for its decision.

C. Restrictions on Investigation/Consideration by Individual Commissioners

1. Individual commissioners shall not receive complaints. Individual commissioners may not investigate complaints or discuss pending complaints with persons other than commissioners during a noticed meeting, or the Secretary.
2. Each commissioner has an obligation, as to every item before the Commission, to consider whether he or she has a financial conflict of interest as defined by law or a political conflict of interest as set forth in Section 2.12.196, and if a conflict exists, to recuse himself or herself from participating in the item.
3. Any commissioner absent from a meeting where substantial information is presented in connection with a complaint shall disqualify himself or herself from voting on the merits of the complaint at a subsequent meeting, unless he or she has reviewed all relevant information.

D. Conduct of Investigations

1. The Secretary is authorized to conduct investigations on behalf of the Commission. Investigations will be commenced either based on information discovered by the Secretary in the commission of his or her duties or based on a Complaint.
2. The Secretary may request records to which the Commission is entitled pursuant to BERA when he or she has reason to believe that a violation has occurred.
3. Failure to respond to written inquiries and requests for interviews or records by reasonable deadlines established by the Secretary shall be considered evidence of bad faith and shall be cause for the Commission to demand records or to initiate an audit unless the party or parties involved come forward with an explanation satisfactory to the Commission. A deadline may be extended if sufficient progress is made toward answering inquiries and the candidate or committee agrees to fully answer questions within a time established by mutual agreement between the Secretary and the parties involved.

4. If the Secretary has been unable to obtain voluntary access to such documents which the Secretary reasonably believes to be relevant to the investigation and/or the Commission's proceedings, then, upon majority vote, the Commission may issue a demand for campaign records pursuant to Section 2.12.250(e) of BERA.
5. The Secretary may request, and the Chairperson may appoint from time to time an investigative committee to assist the Secretary in carrying out an investigation, auditing financial records, and preparing a report with specific recommendations to the Commission. In such cases, members of the investigative committee shall be bound by the same rules of confidentiality as the Secretary.
6. The Secretary shall present a written investigative report to the full Commission at the earliest opportunity. An investigative report shall include the following information: a description of alleged violation(s); the identification of the respondent(s); summary of evidence; discussion of applicable law and precedents from FCPC and, to the extent applicable, FPPC and FEC; statement by respondent(s) or other affected parties; any aggravating or mitigating circumstances; and recommendation for action.

VI. Disposition of Alleged Violations

A. Report by Secretary

1. The Secretary shall submit a memorandum outlining the Secretary's investigation before any probable cause determination or violation hearing.
2. Whenever a person files a complaint with the Commission alleging a violation of BERA, in addition to the above, the Secretary's report shall include a copy of that complaint, an analysis of its merits, and an analysis of the harm done by the alleged violation.

B. Proceeding After Presentation of Secretary's Report

1. The Commission may dismiss the matter (by majority vote) and proceed no further if evidence of any violation is insufficient or unreliable or if the possible violation has only a slight impact on the administration of BERA and/or the outcome of any election that further proceeding would be an inefficient use of resources.
2. The Commission may determine that probable cause exists to believe that the BERA has been violated. Probable cause exists when based on the circumstances presented there is a reasonable basis on which to believe that a violation of the BERA has occurred.

C. Proceeding after a Determination of Probable Cause

1. Upon making a determination of probable cause, the Commission shall consider what course of action to take. When deciding upon appropriate action, the Commission may take into consideration:
 - a. Its policies, procedures, regulations, and past actions in similar situations.
 - b. The amount of experience of the candidate, if any, and treasurer in campaign reporting, the history or absence of other campaign violations, and the degree to which these persons made good faith efforts to correct any relevant reporting deficiencies.
 - c. The presence, if any, of an apparent intent to conceal, deceive or mislead.
 - d. Whether the probable violation appears deliberate, negligent or inadvertent.
 - e. The effect of the probable violation upon the election or upon the administration of BERA
2. The Commission may take any of the following courses of action:
 - a. Dismiss the complaint, where appropriate, and take no further action.
 - b. Request the Secretary conduct further investigation, including an audit of campaign records;
 - c. Require the timely filing of campaign statements and/or amendments to campaign statements if the probable violation involves an error and/or an omission on a campaign statement that has been filed, or if it involves the failure to file a campaign statement as required;
 - d. Invite the respondents to participate in settlement negotiations. The Commission may request that the Secretary participate in negotiations on behalf of the Commission. Alternatively, the Chairperson may appoint a negotiating committee, which shall be guided by the Commission regarding the desired outcome of the settlement. Any settlement reached by the Secretary or negotiating committee and respondent(s) shall be presented to the commission for approval. Negotiations between the designated negotiator or negotiating committee and the respondent shall be confidential. Only the negotiated draft settlement agreement, or the fact of an impasse, shall be shared with the Commission.
 - e. Schedule and conduct a hearing pursuant to Section 2.12.230 of BERA. The hearing shall be conducted in accordance with Part VII below after

the Secretary has completed his or her report. However, the hearing must be conducted within a reasonable time after a determination of probable cause.

f. Ask the City Attorney or the District Attorney to seek legal remedies.

g. Seek any other remedy within its authority.

3. After making a probable cause determination, the Commission shall promptly inform the parties of the determination and of the course(s) of action it intends to pursue.

VII. Hearings

A. Parties

1. The parties to any hearing are (a) the Secretary or his or her designee, and (b) the candidate(s), committee(s) and other persons who are the alleged violators of BERA (respondents).
2. Each candidate or committee who is a party shall be represented by its treasurer or assistant treasurer or the committee's attorney of record.

B. Scheduling and Notices

1. All hearings shall be scheduled by the Chairperson in consultation with the Secretary. The Chairperson may, if requested by a party, reschedule such a hearing upon a showing of good cause.
2. The Secretary shall provide notice of the hearing to all parties either by deposit in the U.S. Mail or delivery to that party's representative or to the address of that party's representative on file with the Commission.
3. Before the Commission undertakes a hearing it shall provide each party with reasonable notice. Reasonable notice shall be considered fourteen (14) calendar days, unless a finding of probable cause is made within the four (4) weeks prior to an election, in which case seventy-two (72) hours notice will be sufficient.

C. Rules Regarding Written and Oral Submissions

1. Memoranda of argument and authorities may be submitted before the hearing by any party. The submitting party shall furnish copies to the Commission and to all other parties. Memoranda may be up to 15 pages. For good cause, the Chairperson may extend these limits.

2. Evidence, oral and documentary, may be presented to the Commission. The formal rules of evidence do not apply. All testimony offered shall be under oath. The Chair shall administer the oath or affirmation.

Any party or commissioner, including the Chairperson, may challenge the admissibility of evidence offered to the Commission at the time it is offered. The Chairperson shall rule on its admissibility, subject to being overruled by a majority of the Commission.

D. Conduct of Hearing

1. All hearings shall be audio recorded by the Secretary.
2. Order of presentation:
 - a. Secretary;
 - b. Each respondent; and
 - c. Questions by commissioners.
3. The hearing may be continued upon a majority vote of the Commission.

E. Commission Deliberations

1. Following the hearing, the Commission shall deliberate and decide whether a violation has occurred.
2. A commissioner who has not been present at the hearing in regard to the alleged violation(s) shall not take any part in any deliberations in such proceedings.

F. Remedies

Upon making a finding of violation or willful violation, the Commission shall determine what remedy should be pursued. The Commission shall consider the factors set forth in Part VI, Section C.1. above and may pursue the following remedies:

1. A stipulated agreement between itself and the party or parties found to have violated BERA. A stipulated agreement may include any of the following provisions:
 - a. The history of Commission activity regarding the matter and a statement of violation.

- b. An admission of violation by the party or parties.
 - c. A monetary penalty to be paid to the City's General Fund.
 - d. A promise by the violating party or parties to comply with BERA.
 - e. Any other terms or conditions within the scope of the Commission's power (for example, nonmonetary settlement terms, such as attending a treasurer training, agreement to file or amend statements).
2. A monetary penalty.
 - a. The Commission may seek a monetary penalty pursuant to Section 2.12.231 or Section 2.12.435 of BERA.
 - b. If the candidate or committee found to have violated BERA may have similarly violated the California Political Reform Act of 1974 as amended, the Commission may recommend that the City seek monetary penalties as prescribed in the Political Reform Act, on behalf of the State.
 3. Seek authorization from the City Council to file an action at law or equity to enforce and compel compliance with the provisions of the BERA.
 4. Referral of willful violations to the District Attorney for criminal prosecution under Section 2.12.460 of BERA.
 5. A written press release setting forth the Commission's finding of violation.

G. Reconsideration

Within 60 days of any final Commission action (dismissing or suspending a matter, approving a stipulated agreement, initiating legal proceedings or otherwise concluding all deliberations and decisions) a party may request the Commission to reconsider its action by reopening the evidentiary phase of the proceedings. The only ground for reconsideration is an offer of admissible evidence capable of affecting the outcome of Commission action, provided that the requesting party also shows good cause why such evidence could not have been presented earlier.

VIII. Communications with City Council

A. Periodic Reports

Periodic reports to Council, other than those accompanying proposed ordinance amendments, shall be submitted in accordance with the City Council agenda process in the Commissioners' Manual. Proposed Ordinance amendments must

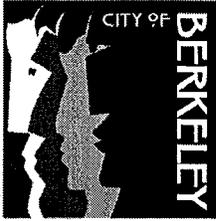
be submitted to Council in compliance with Berkeley Municipal Code Section 2.12.051.

B. Spokesperson for Commission

The Chairperson shall speak on behalf of the Commission or shall direct the preparation of written memoranda, correspondence and reports for the Commission. The Chairperson may delegate this responsibility to other Commissioner(s), to the Secretary, or to a subcommittee of the Commission as circumstances dictate.

IX. Communications With The Press

- A. Notice of meeting and agendas shall be sent to media. Minutes shall be sent out to media or other persons upon request.
- B. Copies of written press releases authorized by the Commission on various matters shall be sent to the City Manager's office pursuant to the Commissioner's Manual.



Human Welfare and
Community Action Commission

By-Laws Berkeley Community Action Agency

ARTICLE I

AGENCY NAME: The name of the agency shall be the Berkeley Community Action Agency ("Agency") a component of the City of Berkeley government to be administered through the Housing and Community Services ("HCS") Department and recognized by various funding sources to carry out the purposes and functions set forth in these By-laws. Official books and records of the Agency are on file at the HCS Department and are open to public inspection upon request to the Executive Director.

ARTICLE II

PURPOSE OF AGENCY: The mission of the Housing & Community Services Department is to produce, preserve and support affordable housing, especially for those residents who are low-income, homeless, seniors, disabled or have special needs and to provide community services disadvantaged residents need in order to fully participate in community life. This is achieved through the Department's rehabilitation programs, enforcement of the Berkeley Housing Code in housing units, ongoing investigation of new housing and community development programs and financial opportunities, provision of weatherization services, provision of job training and employment opportunities, and operation of senior centers and nutrition programs. The Department promotes community development through administration of city contracts with a wide range of neighborhood based organizations that help people overcome poverty through housing, employment and training, childcare and youth, health, homeless and other needed services. The Department administers a supportive housing program for disabled homeless individuals and families and also administers a subsidized transportation program for seniors and disabled persons.

ARTICLE III

COMMUNITY ACTION AGENCY ADVISORY BOARD DEFINITION: The Berkeley Community Action Agency Advisory Board is an advisory board to the Berkeley City Council, established by resolution of the City Council and defined as the Human Welfare and Community Action Commission ("HWAC") in City Ordinance 3.78, and may be amended from time to time, and shall hold such powers as delegated by the City Council and the rules and regulations of the various funding sources.

ARTICLE IV

FUNCTIONS OF THE COMMUNITY ACTION AGENCY ADVISORY BOARD: The functions of the HWCAC as prescribed by City ordinance are:

A. The commission shall function as the Board of the Community Action Agency as set forth in California Government Code Sections 12754 and 12756, the terms of which are incorporated herein by reference;

B. Identify social welfare needs of the community and create a citizen awareness of these needs;

C. Encourage improved standards of social welfare services, both public and private, and in so doing, encourage coordination and provide advice and assistance to organizations in the field of social welfare in the City; cooperate with regional organizations; encourage the development of programs designed to improve the social welfare of the community; within staff limitations, collect, maintain and interpret social welfare information and statistics for the use of citizen and organizations in the City;

D. Identify social welfare standards made available by other social welfare agencies, provide public information with reference to such services, and within staff limitations, render a referral service;

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

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

G. Identify and study existing and potential areas of interracial friction and tension which are detrimental to the general welfare of the community, and to recommend corrective measures; to encourage and offer conferences and conciliation among groups and elements of the community who are seeking to arrive at voluntary solutions to such problems;

H. Prepare such publications and results of study and research which will tend to promote good will and minimize or eliminate discrimination based on race, color, religion, national origin or ancestry. Such publications and results of study and research shall be issued and disseminated only after approval by the City Council;

I. Receive private donations and administer any trust declared or created for any charitable or social welfare purpose, and supervise and direct the disbursement of any public funds which may be set apart or acquired all in the manner provided by the City Council;

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

K. In prescribing the above duties and functions of the commission, it is not the intent of the council to duplicate or overlap the functions, duties or responsibilities heretofore or hereafter assigned to any other City board or commission or to a City board or commission or to a City department. As to such functions or responsibilities above set forth which are partially or wholly the responsibilities of another board or commission or of a department of the City, the commission will render assistance and advice to such board, commission or department as may be requested. (Ord. 6011-NS § 7, 1990)

ARTICLE V

BOARD COMPOSITION: The Community Action Agency Advisory Board of the Berkeley Community Action Agency as established by the City of Berkeley City Council shall be comprised as follows:

A. Nine of the members shall be appointed by Berkeley City Council members, in accordance with the Fair Representation Ordinance.

B. Six of the members shall be representatives of the poor, to be elected two from each of three districts as established by the City Council and shown on the map attached hereto, made a part hereof and marked "Exhibit A" (see Ch. 3.999).

C. The community service block grant (CSBG) target area shall comprise the total area from which three election districts are drawn. Each district will have approximately equal numbers of poverty families utilizing data from the 1980 Census.

1. Four of the nine members of the commission appointed by the council shall be members or officials of business, industry, labor, religious, welfare, education, or major groups and interests in the community, as required by California Government Code Sections 12736(e), 12750(a)(2), and 12751, the language of which is incorporated herein by reference.

2. Representatives of private sector organizations shall be empowered to speak and act on behalf of the organizations he/she represents in connection with the board's business. (Ord. 6011-NS § 1, 1990)

ARTICLE VI

ELECTIONS FOR REPRESENTATIVES OF THE POOR.

SECTION 1: Elections for representatives of the poor shall be held biennially in the month of November in the even numbered years. Said election shall be in accordance with procedures as may be adopted by the City Council.

SECTION 2: Elections for representatives of the poor shall not be held on the day of general elections.

SECTION 3: If there are no qualified candidates in a district, the remaining representatives of the poor, acting alone, shall select a person to fill the vacancy until the next election, at which time the vacancy shall appear on the ballot to fill any existing and remaining unexpired term. The name of the selected representative shall be submitted to the City Council for confirmation. Qualification for candidacy for representatives of the poor shall be in accordance with federal and state guidelines, and include residency within the district from which the representative is elected or selected.

SECTION 4: For all elections beginning with 1990, the persons receiving the highest number of votes in each district will serve as that district's representative, and the person receiving the second highest number of votes as that district's alternate, both serving in such respective capacities for four year terms. An alternate will serve only in the absence of the principal and shall have full voting rights when serving in such capacity. (Ord. 6011-NS § 8, 1990)

ARTICLE VII

RESPONSIBILITY OF COMMUNITY ACTION AGENCY ADVISORY BOARD:

The HWCAC shall have the responsibility to implement all provisions of these By-laws and further make recommendations to the Berkeley City Council in accordance with its functions as outlined in Article IV. Specifically, the Board shall:

- Approve Amendments to By-laws;
- Support Agency compliance with conditions of relevant grants;
- Select Officers of the Board;
- Ensure that composition of the Board Committees fairly reflects the composition of the Board;
- Any other powers as delegated by the Berkeley City Council.

ARTICLE VIII

TERMS OF OFFICE AND COMPENSATION FOR BOARD MEMBERS:

SECTION 1: The term of office of each elected member, other than specifically provided herein, shall be four years from the date of the elections; no person shall serve for more than two full elected terms, or eight years.

The term of office of each appointed member shall be as provided in B.M.C. 2.04.075. (Ord. 6225-NS § 1, 1993; Ord. 6011-NS § 2, 1990)

SECTION 2: Regular compensation for board members is not allowed. Those eligible members whose family income as filed jointly for Federal Income Tax purposes is below \$20,000 per year shall be entitled to receive stipend payments for compensation of expenses as set forth in City Council Resolution 64,745.

ARTICLE IX

ELECTION OF OFFICERS, TERM OF OFFICE:

SECTION 1: Officers. Unless otherwise provided by ordinance, officers are elected by the majority of the commission for a one-year term and hold office until their successors are elected or until their terms as members of the commission expire. No commissioner shall serve as chairperson for more than two consecutive years. The annual election of commission officers should occur during the month of February. The results of the vote should be publicly announced and the vote recorded in the minutes. Officers are:

- Chair
- Vice Chair

SECTION 2: Election of Officers. The chairperson and vice-chairperson shall be elected during the first quarter of each calendar year. An alternate may not serve as an officer of the board. New officers will take office in the following meeting.

SECTION 3: Term of Office. Elected Officers shall hold office for one year or unless their terms as members of the commission shall expire sooner and until their successors are elected. No commissioner shall serve as chairperson for more than two consecutive years.

ARTICLE X

DUTIES OF OFFICERS:

SECTION 1: Chair.

The chairperson performs the following duties:

- Presides at all meetings of the commission and ensures that the work of the commission is accomplished. To this end the chairperson must exert sufficient control of the meeting to eliminate irrelevant, repetitious or otherwise unproductive discussion. At the same time the chairperson must ensure that all viewpoints are heard and are considered in a fair and impartial manner.
- Appoints commission members to temporary subcommittees subject to the approval of the commission.

- Approves the agenda prior to distribution.
- Signs correspondence on behalf of the commission.
- Represents the commission before the City Council with the approval of the commission.
- Approves and signs commission reports to Council as prepared by the secretary.
- Performs other duties necessary or customary to the office.

SECTION 2: Vice Chair. In the absence of the chairperson or his/her inability to act, the vice chairperson presides in place of the chairperson.

ARTICLE XI

VACANCIES.

SECTION 1: Vacancies on said commission shall be filled in accordance with the provisions outlined in Article V herein. Vacancies on the board shall result when a member notifies the City Clerk of his/her resignation, or when an elected board member moves and establishes residence outside of his/her election district.

SECTION 2: When the position of an appointed board member is vacant, the original appointing councilmember shall fill the vacancy, the new appointee serving to finish the unexpired term of the appointment. Vacancies in any elected commission position shall be filled by an appropriate elected alternate; when no alternate is available, the vacancy shall be filled by the remaining elected commission members, who shall recommend to the council the person to fill out the term of the appointment.

SECTION 3: An elected member of the commission shall also be removed when he/she is absent from three consecutive regular meetings of the commission. After a member has been absent from two consecutive regular meetings, the secretary advises the member that absence from three consecutive meetings of the commission will result in automatic termination. There is no provision for excused absences. Within one week of the third consecutive absence the commission secretary notifies the City Clerk of the three absences. The appointment expires on the date the fact of the third absence is reported to the City Clerk. Within one week the City Clerk notifies the commission member that his/her term has expired and the councilmember or council, as appropriate, that a vacancy exists on the board and that an appointment should be made to fill such vacancy. (Ord. 6011-NS § 3, 1990)

SECTION 4: A member of the commission may take a temporary leave of absence of up to three months in duration, during which time a temporary vacancy shall exist.

During the period of such temporary vacancy in an elected position, the elected alternate shall serve in the place of the regular representative. If there is no alternate for the commission member, a temporary appointment shall be made by the remaining representatives of the poor. During the period of such temporary vacancy in an appointed position, the appointing councilmember upon proper notice may make a temporary appointment leave of absence, the member shall automatically resume full membership on the board to the end of his/her term. (Ord. 6011-NS § 4, 1990)

ARTICLE XII

QUORUM:

SECTION 1: A quorum shall be one member more than fifty percent of the non-vacant seats on the commission.

SECTION 2: If it is known that a quorum will not be achieved in advance of the meeting, the secretary will notify all members that the meeting will be canceled. No absence will be recorded against any member.

SECTION 3: If at any meeting of the Board, there should be less than a quorum present after thirty (30) minutes of the scheduled starting time, the meeting may be adjourned. Any rescheduled meeting date must meet the Brown Act requirements for public notice of meeting.

SECTION 4: Per Resolution No. 63,949-N.S., the Board Secretary shall submit an information report to the City Council whenever a commission cancels two consecutive meetings for lack of quorum.

ARTICLE XIII

MEETINGS AND ATTENDANCE.

SECTION 1: The commission shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of meetings shall be as determined by City Council resolution. The scheduling of special meetings in addition to those established by City Council resolution, except special meetings that take the place of cancelled regular meetings, shall be subject to approval by the City Council. A request for a special meeting shall include the reason for the proposed meeting and should be expedited on the City Council's agenda, or in the alternative, placed before the Agenda Committee for approval.

SECTION 2: If a member has been absent from two consecutive regular meetings, the secretary advises the member that absence from three consecutive regular meetings of the body will result in automatic termination.

SECTION 3: The secretary of each commission shall report the full attendance record of each member to the City Clerk at the end of each six-month period (June 30 and December 31) on a form available from the City Clerk. If a commission member has been absent from 50% or more of all regular meetings held within the reporting period, the secretary shall note this on the attendance report, and the appointment of the commissioner shall expire on the date the attendance is reported to the City Clerk. Within one week after receiving such attendance report, the City Clerk shall notify any commissioner whose appointment has been terminated and report to the appointing Councilmember, or Council, that a vacancy exists and that an appointment should be made to fill the vacancy.

SECTION 4: Where it appears that there will be sufficient members to hold a meeting but at the actual time of the meeting a quorum cannot be assembled and the meeting is canceled, those members who are absent will have an absence counted against them. Commissions may adopt a rule establishing a maximum time those present will wait for a quorum, prior to canceling the meeting.

SECTION 5: Minutes shall be recorded for all meetings and include a record of votes on all motions.

SECTION 6: Agenda, board minutes and notice of date, time and place of meeting must be mailed and/or e-mailed to board five (5) calendar days prior to scheduled board meeting.

SECTION 7: Rules of Order. The rules of order in Robert's Rules of Order, Revised, shall govern all Board meetings and committee meetings, except in instances of conflict between Robert's Rules of Order and the By-laws of the Board, the By-laws shall take precedence.

ARTICLE XIV

COMMITTEES

SECTION 1: All committees and subcommittees of this commission shall fairly reflect the composition of the commission. (Ord. 6901-NS § 1, 2006: Ord. 6011-NS § 5, 1990)

SECTION 2: The Commission or Chairperson, with the confirmation of the commission, may appoint several of its members but fewer than the existing quorum of the present body to serve as a temporary subcommittee. Only commission members may become members of the subcommittee, however, the commission may seek input and advice from the community. Subcommittees must be reviewed annually by the commission to determine if the subcommittee is to continue.

SECTION 2: Subcommittees make recommendations only to the parent commission. Subcommittee recommendations must be adopted by the parent commission before they can be forwarded to Council. A subcommittee may not represent the parent commission before the Council or other bodies unless it has first received the authorization of the parent commission to do so.

SECTION 3: Subcommittees shall conduct their meetings in public and in accessible locations except where the City Manager has determined that such a meeting would be authorized by law to be held in closed session. Agendas for subcommittee meetings are required by the Brown Act to be posted the same as the agendas for commission meetings; Agency Staff, including the appointed secretary, are not required to attend or take minutes at meetings of subcommittees.

ARTICLE XV

RECOMMENDATIONS OF THE COMMUNITY ACTION AGENCY ADVISORY BOARD. The Agency Executive Director shall appoint a Secretary to the Community Action Agency Advisory Board who shall be responsible for forwarding, in writing, all recommendations and other such communications as directed by the Board, which may require action by the Berkeley City Council.

ARTICLE XVI

CONFLICT OF INTEREST

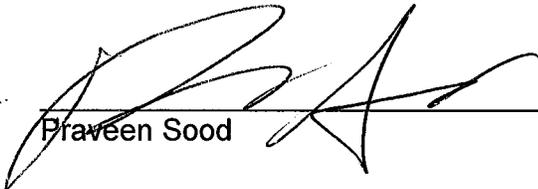
All members of the Community Action Agency Advisory Board shall abide by Section 36 of the Berkeley City Charter, and Berkeley Municipal Code 3.64, which further clarifies Section 36 of the Berkeley City Charter. The City Charter and BMC Chapter 3.64 prohibit a commissioner from having an interest in any work or business of the City if the commission of which he/she is a member has had any role in influencing the making of the contract. The commissioner must disclose his/her interest, the minutes of the commission must reflect this disclosure, and the individual commissioner must disqualify himself/herself from participating in any manner either directly or indirectly in making or influencing any decision related to the contract.

ARTICLE XVII

AMENDMENTS

These Bylaws may be amended when necessary by a two-thirds majority of the Board of Directors. Proposed amendments must be submitted to the Secretary to be sent out with regular Board announcements.

These Bylaws were approved at a meeting of the Board of Directors of the Berkeley Community Action Agency (the Human Welfare and Community Action Commission) on July 21, 2010.


Praveen Sood HWCAC Chair

BYLAWS

MENTAL HEALTH COMMISSION for the CITIES FOR BERKELEY and ALBANY

ARTICLE I NAME

The name of the Commission shall be the Mental Health Commission of the City of Berkeley.

ARTICLE II AUTHORITY

Pursuant to Section 5604 of the Welfare and Institutions Code of the State of California and Resolution No. 65,945-N.S., a Mental Health Commission of the City of Berkeley is hereby established.

ARTICLE III POWERS and DUTIES MENTAL HEALTH COMMISSION

The Commission shall exercise its powers and duties according to the Welfare and Institutions Code § 5650 and City of Berkeley, Resolution No. 65,945-N.S.:

1. Review and evaluate the community's mental health needs, services, facilities and special problems including as to Berkeley Mental Health.
2. Review any City agreements entered into pursuant to WIC § 5650, if submission of a performance contract is required by the State.
3. Advise the governing body and the local mental health director as to any aspect of the local mental health program.
4. Review and approve the procedures used to ensure citizen and professional involvement at all states of the planning process.
5. Submit an annual report to the governing body on the needs and performance of the City's mental health system.
6. Review and make recommendations on applicants for the appointment of a local director of mental health services. The commission shall be included in the selection process prior to the vote of the governing body.
7. Review and comment on the City's performance outcome data and communicate its findings to the State Mental Health Planning Council.

8. Pursuant to WIC § 5604.2(a)(8), the City Council may transfer additional duties or authority with the Commission.
9. Develop By-Laws, in accordance with § 5604.5 and approved by City Council, including at the discretion of the Commission, the creation of an Executive Subcommittee.

ARTICLE IV
STATE REQUIREMENTS for
COMMISSION MEMBERSHIP

The Commission shall be composed of thirteen (13) members, appointed by the City Council of the City of Berkeley, except as set forth in Section 2(1). The membership shall conform to the following:

1. One (1) member of the Commission shall be the Mayor of the City of Berkeley. The City of the City of Berkeley may designate a person of its choice to serve instead of the Mayor as a member of the Commission.
2. Two (2) members of the Commission shall be residents of the City of Albany. The remaining members shall be residents of the City of Berkeley. At least one (1) of the two (2) Albany members shall be representative of the Special Public Interest, as defined below.
3. Members of the Commission shall be persons representative of the public interest in mental health as follows:
 - a. Special Public Interest: Not less than seven (7) of the members representing the Public Interest and shall be persons or parents, spouses, siblings, or adult children of persons who are receiving or have received mental health services.
 - i. At least three (3) of the members representing the special public interest shall be persons who are receiving or have received mental health services.
 - ii. At least three (3) of the members representing the special public interest shall be parents, spouses, sibling, or adult children of persons who are receiving or have received mental health services.
 - b. General Public Interest: The remaining five (5) members shall be designated as General Public Interest and shall be person representing a broad range of disciplines, professions, and fields of knowledge.
4. No Member of the Commission or his or her spouse shall be a full-time or part-time employee dealing with mental health services of the City of Berkeley, the County of

Alameda and/or the State of California. No Member shall be a paid member of the governing body of a mental health contract agency.

ARTICLE V
COMPOSITION OF THE COMMISSION

The composition of the Commission shall reflect the membership requirements, the demographics of the minority populations in the Cities of Berkeley and Albany and the overall demographics of these Cities (the last as feasible). The composition shall reflect the diversity of the client population of the Division of Mental Health for the Cities of Berkeley and Albany as required by applicable law, policy and procedure.

ARTICLE VI
APPOINTMENT PROCESS FOR
MENTAL HEALTH COMMISSION MEMBERS

Whenever a vacancy occurs on the Mental Health Commission, the following steps shall be taken:

1. The Berkeley City Clerk will announce the existence of the vacancy on the City of Berkeley website. When the vacancy is a seat previously held by an Albany resident, the Secretary will forward the announcement in a timely manner to the Albany City Clerk.
2. The Mental Health Commission shall publicize the vacancy and solicit applications for appointment. The announcement shall be distributed based on the priorities set by the Mental Health Commission. Depending on the specific category to be filled, announcements may also be sent to special interest organizations.
3. Albany Applicants only: Applications from Albany residents for either of the two Albany seats shall be forwarded to the Albany City Clerk.
 - a. The Albany City Council will review the Albany applicants and make recommendations for appointment to the Commission.
 - b. The Albany City Council is responsible for communicating its recommendations in a timely manner to the Berkeley City Clerk for submission to the Commission Secretary.
 - c. While the Commission makes the recommendation to the Berkeley City Council for Commission appointments, the Albany City Council's recommendations have priority in the selection process.
4. When an application is submitted, the Secretary will first review the application for eligibility pursuant to the criteria stated in these bylaws. The Secretary will then distribute applications from qualified applicants to the Commissioners and place them in the Communications binder for public reviewing prior to the next Mental

Health Commission meeting. Applicants are encouraged to attend Commission meetings prior to appointment so that they may become familiar with the work of the Commission.

5. The Commission shall conduct interviews of qualified applicants. After the interview, the Commission shall decide whether to recommend the applicant to the City Council for appointment. If the Commission decides to recommend the appointment, the Secretary will send a Consent Item to Council on behalf of the Commission.
6. All members of commissions shall sign an Affidavit of Residency of the Cities of Berkeley or Albany, take an Oath of Office and file a Statement of Economic Interest with the Berkeley City Clerk within 30 days of appointment. These documents shall be filed directly through the City Clerk, or by Secretaries of Commissions

ARTICLE VI **TERMS OF OFFICE OF MEMBERS**

The term of each member of the Commission shall be for three (3) years. Commissioners shall serve not more than eight consecutive years on a Commission. Commissioners that have served the maximum of eight years on a certain Commission shall not be eligible to serve on that same Commission until a two year break in service has occurred.

ARTICLE VII **ABSENCES**

Members of the Commission must be present at least one hour, or 50% of the entire meeting, whichever is less, to be counted as present for the purposes of attendance. Commissioners shall be terminated for failure to attend three consecutive meetings or to attend 50% of all regular meetings during a 6 month reporting period.

ARTICLE VIII **ELECTION AND TERMS OF OFFICERS**

The majority of the Commissioners shall elect a Chair and Vice-Chair for a one-year term and hold office until their successors are elected, or until their terms as members of the Commission expire. Elections should occur during the month of February. The election of new officers must be listed as an agenda item.

New officers shall take office at the following meeting. No Commissioner shall serve as Chair for more than two consecutive years. The results of the vote shall be publicly announced and the vote recorded in the Commission meeting minutes.

ARTICLE IX
DUTIES OF THE OFFICERS

The Chair, or in her or his absence the Vice-Chair, shall perform the following duties pursuant to the Commissioner's Manual:

1. The Chair presides at all meetings of the Commission and ensures that the work of the Commission is accomplished. To this end the Chair must exert sufficient control of the meeting to eliminate irrelevant, repetitious or otherwise unproductive discussion.
2. The Chair must ensure that all viewpoints are heard and are considered in a fair and impartial manner.
3. The Chair ensures that Commission bylaws, if any, and procedures are followed. The Chair cannot make rules related to the conduct of meetings; only the full Commission may do so.
4. The Chair appoints Commission members to temporary subcommittees subject to the approval of the full Commission.
5. The Chair approves the agenda prior to distribution. This approval is limited to the structure and order of the agenda and does not grant the Chair the authority to remove items submitted by Commissioners or staff if submitted by the established deadline.
6. The Chair signs correspondence on behalf of the Commission.
7. The Chair represents the Commission before the City Council. Other Commissioners may be the representative with the formal approval of the Commission by motion and vote.
8. The Chair approves Commission reports to Council.
9. The Chair or a quorum of the Commission may call a special meeting. The Chair may also cancel a regular meeting.
10. The Chair and Vice-Chair have full rights to vote and to make or second motions.

ARTICLE X
MEETINGS

The Commission shall meet up to ten times per year at a regularly scheduled day and time. Additional meetings may be held with approval of the City Council. Regular meetings shall be held on the last Thursday of each month at 7:00 pm.

ARTICLE XI
QUORUM

The Commissioners shall have a quorum in order to take action on any business. A quorum is the minimum number of Commissioners or subcommittee members who must be present for the valid transaction of business.

If a quorum of the Commission is not present at a scheduled Commission meeting, the members who are present can adjourn the meeting to a set time and place or they can continue the meeting as a committee pursuant to § Section 54955 of the Brown Act.

ARTICLE XII
TEMPORARY SUBCOMMITTEES

The Commission or the Chair, with the confirmation of the Commission, may appoint several of its members but fewer than the quorum of the present body to serve as a temporary subcommittee. Subcommittees must be comprised of at least two members. These subcommittees are defined by all of the following characteristics:

1. Composed of less than a quorum of the parent body.
2. Composed of only members of the parent body.
3. Have a finite purview established by the parent body.
4. Have a set target date to report back to the parent body.
5. Have a set target ate to report back to the parent body.
6. Terminate within one year, unless the parent body reviews and extends the timeline.
7. Have no regular meeting schedule set by the parent body.
8. Have no alternate Commissioner assigned to attend meetings, even as an observer, if his or her presence would create a quorum of the parent body.

Subcommittees are advisory only to the parent commission, not to Council. They are tasked with making a recommendation to the parent Commission.

ARTICLE XIII
ADVISORY DUTIES TO THE
BERKELEY CITY COUNCIL

The Mental Health Commissions shall submit reports as mandated by the Berkeley City Council, including to ensure that a wide variety of viewpoints are provided from Commissioners and the public and the Commission's recommendations.

ARTICLE XIV
ANNUAL COMMISSION WORK PLAN

The Mental Health Commission shall establish an annual work plan at the start of each fiscal year pursuant to the City Council’s formal action in 2016. The work plan should contain the Commission’s mission statement, goals, resources, activities, outputs and desired outcomes.

ARTICLE XV
CONFLICTS OF INTEREST

Commissioners shall not engage in conflicts of interest. Commissioners as public officers, acting in their official capacity, are prohibited from making contracts in which they have a person, including financial, interested under Government Code § 1090.

There is an exception if the Commissioner is an officer, member, director or employee of a non-profit corporation which is to receive a contract in question and the law does not prohibit the contract itself.

The Commissioner must disclose his or her interest, the minutes of the commission must reflect this disclosure, and the individual commissioner must disqualify himself or herself from participating in any manner, either directly or indirectly, in making or influencing any decision related to the contract.

ARTICLE XVI
COMPENSATION FOR ELIGIBLE COMMISSIONERS

The City Council provides a \$40 stipend payment for meeting attendance in order to remove barriers from “citizen participation” on Commissions. Commissioners whose annual federal income tax filed jointly is below \$20,000 per year shall be entitled to receive stipend payments for compensation of expenses as set forth in the Commissioner’s Manual.

ARTICLE XVII
PUBLIC COMMENT

The Mental Health Commission welcomes and invites public comment at its meetings according to the following:

1. Members of the public must be allowed to speak on any item under the Commission’s purview, even if it is not on the agenda (generally two to three minutes per speaker).
2. No member of the public shall be required to provide their name at a Commission meeting.
3. Public comment cannot be used to start a discussion between Commissioners or to take action in response to comments.

4. For items on the agenda, the Brown Act requires that public comment be permitted prior to the Commission voting on the item.
5. The Brown Act allows a Commission to adopt reasonable regulations to govern public comments.

ARTICLE XVIII
BROWN ACT - MEETINGS

The Commission shall further comply with the Brown Act including:

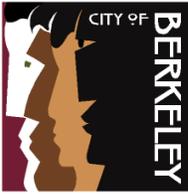
1. All “meetings” shall be conducted in compliance with the Brown Act, Gov. Code §§ 54950, *et seq.*
2. “Meetings” constitute any contact between a quorum of the Mental Health Commission, directly or through intermediaries to hear, discuss, deliberate, or take action “on any matter within the subject matter jurisdiction” of the City or Commission.
3. “Meetings” include retreats, forums, workshops, and similar types of events.
4. “Meetings” can be in-person, by telephonic or other electronic medium, or through intermediaries.
5. With a few narrow exceptions not applicable to most Commissioners, all meetings of legislative bodies must be open to the public.

ARTICLE XIV
COMMISSIONERS’ MANUAL

The Commission shall conduct its business in accordance with Commissioner’s Manual for the City of Berkeley

ARTICLE XV
ROBERT’S RULES OF ORDER

The Commission shall conduct its business in accordance with Robert’s Rules of Order.



Police Review Commission Standing Rules

(As of 10.26.2016)

A. PURPOSE

These Standing Rules are established by the Police Review Commission to ensure transparency and efficiency of our operations.

B. AMENDMENTS AND REVISIONS

Amendments and revisions to these Standing Rules shall be adopted by a majority vote of the Police Review Commission, except that the Commission may not adopt rules that conflict with the enabling Ordinance, Commissioners' Manual, or Regulations for Handling Complaints Against Members of the Police Department.

C. AGENDA ITEMS – REGULAR MEETINGS

Individual commissioners shall submit agenda items to the commission secretary by 12:00 noon one week before the meeting date. (This will almost always be a Wednesday.)

D. COMMUNICATIONS

Individual commissioners shall submit communications to be included in the agenda packet to the commission secretary by 12:00 noon one week before the meeting date to ensure inclusion in the packet. Communications received after this deadline and before 3:00 p.m. on the meeting day will be distributed in hard copy at the meeting, and may also be distributed to commissioners via email. If communications are received after 3:00 p.m. on the meeting day, the commission secretary will make every effort, but cannot guarantee, to have hard copies available at the meeting.

E. MEETING PROCEDURES

1. Agenda items shall be introduced by the commission member or staff member who proposed the item. The Chair shall allow an initial period for discussion. When a motion is introduced and seconded, the Chair may set a time limit of no less than two minutes for each commissioner for additional comments before putting the matter to a vote.
2. A pending motion may be modified by a “friendly amendment”; that is, by a proposed amendment that is accepted by the maker and seconder of the motion.

3. During discussion of a motion, the Chair shall make every attempt to allow alternating positions to be heard.
4. Action on a motion may be by either voice or general consent. In either case, the Chair shall ask the commission secretary to repeat the motion before the action.
5. Guest speakers who are not on the agenda may address the commission only by general consent, or upon a formal motion.
6. None of these procedural rules shall supersede the procedures set forth in Robert's Rules of Order.

F. PUBLIC COMMENT

1. The Chair, subject to the consent of the commission, may determine the time limit for each speaker and the total number of speakers.
2. Before an agenda item is heard, the Chair or Vice-Chair may poll members of the public present to determine if a significant number of them wish to speak on a particular agenda item. If so, the Chair or Vice-Chair may move that public comment on that item can be heard just before the item.

G. POLICY COMPLAINTS AND REVIEWS

1. An inquiry into a policy, when initiated by a civilian filing a policy complaint form, is a "policy complaint."
 - a) The procedures for handling a policy complaint are set forth in Section II.A.4.b. of the Regulations for Handling Complaints Against Members of the Police Department.
 - b) Additionally, a public comment period shall be agendized immediately preceding consideration of the policy complaint, limited to comments on that complaint. Policy complainants will be allowed to speak for five minutes. Other members of the public will be allowed up to three minutes; the time allotted is subject to the discretion of the Chair, who will consider the number of persons wishing to speak. Commissioners may ask policy complainants brief questions. The BPD will be given an opportunity to respond to the commission.
2. A commission-initiated policy review may commence upon a majority vote of the commissioners.
 - a) Commissioners shall then determine how to proceed. Possible actions include, but are not limited to: considering the issue as whole commission, assigning a commissioner to research the issue, asking staff to investigate or research, or establishing a subcommittee. If a subcommittee is created it will seek BPD involvement in its policy review

and, upon completing its review, will present its conclusions and recommendations to the full commission.

- b) The full commission may recommend to the BPD, City Manager, or City Council that the BPD adopt a new policy, revise an existing policy, or take no action.

H. REGULAR MEETINGS

Regular meetings shall be held on the second and fourth Wednesday of the month, except in the months of August, November, and December. The commission shall not meet in August, and shall meet only on one Wednesday of the month in November and December. Exceptions shall be made when a meeting day falls on a religious holiday.

Regular meetings shall commence at 7:00 p.m., and shall be held at the South Berkeley Senior Center and other locations as may be determined by the commission.

I. ELECTIONS

1. Annual elections for PRC Chair and Vice-Chair will be agendaized for the first regular meeting in January and, whenever possible, this item will be agendaized as the final item under New Business.
2. The election of the Chair will precede the election of the Vice-Chair, and the following nomination and election process will be followed for each office:
 - a) The presiding Chair declares the nomination process open.
 - b) A commissioner nominates another commissioner (no commissioner may nominate him/herself).
 - c) The nomination is seconded (the nomination fails if there is no second)
 - d) The presiding Chair declares the nomination process closed, when there are no further nominations.
 - e) Each nominee is allowed two (2) minutes to express their reason for seeking the position. A nominee may decline this opportunity.
 - f) Commissioners pose questions to each candidate.
 - g) The presiding Chair calls for a roll vote and then announces the winner, except in the following circumstances:
 - i. If there is only one nominee for a position, the presiding Chair may seek or move a vote by acclamation.
 - ii. If a tie occurs among nominees, the presiding Chair will conduct a second round of voting, including any additional nominations.

- iii. If a clear winner is still not identified after a second round of voting, the presiding Chair will conduct a coin toss to break the tie and determine a winner. The PRC Secretary will assign “heads” and “tails.”
3. The PRC Secretary will record the maker and the second of the nomination motion as well as the total votes and results per office.
4. The outgoing Chair and Vice-Chair will be given the opportunity to make 2-minute departing statements after the election process takes place. The newly-elected Chair and Vice-Chair will assume their positions at the end of the meeting.

J. APPOINTMENT OF MEMBERS OF THE PUBLIC TO SUBCOMMITTEES

1. In accordance with the PRC Ordinance, the Chair may appoint members of the public to subcommittees in which they have expressed an interest, subject to approval of the commission. Members of the public seeking to serve on a subcommittee must present themselves at a commission meeting before or at the time of the appointment and speak on the public record on intent to serve and what they will bring to the subcommittee work and deliberations.
2. Members of the public appointed to subcommittees shall enjoy the same voting rights and privileges on the subcommittee, as that of PRC commissioners appointed to the subcommittee, except that public members may not be selected to be the subcommittee Chair.
3. Commission members must constitute a majority of the membership of any subcommittee, but a subcommittee may convene and conduct business even if commissioners are not a majority of subcommittee members present.
4. The term of appointment for members of the public appointed to subcommittees shall not exceed the life of the subcommittee. If a subcommittee must be reauthorized, any members of the public serving on the subcommittee must be reappointed by the Chair, subject to the approval of the commission.
5. A public member of a subcommittee who is absent from two consecutive subcommittee meetings is automatically removed from the subcommittee, but may be reinstated by the Chair if good cause for the absences is shown.
6. The Chair, subject to the approval of the commission, may remove a member of the public from a subcommittee for good cause. Examples of good cause are: failure to work cooperatively with subcommittee members; unruly or disruptive behavior at meetings; or failure to participate in the work of the subcommittee.

7. All actions by the Chair to appoint, reappoint, or remove a member of a public to or from a subcommittee shall occur at a commission meeting.

K. MUTUAL AID AGREEMENTS

The commission shall constitute a mutual aid subcommittee no later than the first meeting in February of each year to review the pacts between the BPD and other law enforcement entities.

L. ANNUAL REPORT

The commission secretary shall endeavor to present the annual report for the commission's approval no later than June 1 of each year. The Foreword shall be written by the commissioner who served as Chair in the year of the report.

M. FAMILIARITY WITH BERKELEY POLICE DEPARTMENT

Within the first 6 months of their appointment, newly-appointed commissioners shall endeavor to:

- 1) complete a ride-along with a sworn police officer, and
- 2) meet with Chief of Police and his/her command staff.

N. KNOWLEDGE OF APPLICABLE LAWS AND RULES

Commissioners should be generally knowledgeable of the Police Review Commission's enabling Ordinance (Ordinance No. 4644-N.S.; B.M.C. Chapter 3.32), the Regulations for Handling Complaints Against Members of the Police Department, and these Standing Rules. They should also bring copies of these documents to all commission meetings.