

Commission on the
Status of Women

Commission on the Status of Women

Wednesday, April 16, 2025 – 7:00pm

North Berkeley Senior Center

1901 Hearst Ave, Berkeley, CA 94709

REGULAR MEETING AGENDA

Mayor Adena Ishii:

Rashi Kersarwani:

Terry Taplin:

Ben Bartlett:

Kameka Goodwin

Igor Tregub

Shirley Posey

Shoshana O'Keefe

Kera Binns

Brent Blackaby:

Dianna Mullins

Cecilia Lunaparra:

Najuna Kiggundu

Mark Humbert

Peggy Scott

All items are for discussion and possible action.

1. Roll Call.
2. Reading of Land Acknowledgment.
3. Public Comments for Items not on the Agenda.
4. Approval of the Agenda. Discussion Only.
5. Approval of the March 19, 2025 minutes. Discussion and Action.
6. Presenter: Jasmina Viteskic (District Title IX Coordinator/Compliance Officer) Discussion and Possible on Action Creating a Safe and Supportive Environment: Title IX and Student Safety in BUSD.
7. Chair Update Discussion Only.
8. Presenter: Carole Marasovic (Discussion and Possible Action/Update on Sexual Harassment Prevention Training Recommendation.
9. Leaders Provide Update on the Work Plan Focus Areas and Goals. Discussion Only.
10. Discussion and Possible Actions on Commission on the Status of Women Bylaws.
11. Adjourn.

 **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 Disability Services Specialist at 981-6418 (V) or 981-6347 (TDD) at least five business days before the meeting date. Please refrain from wearing scented products to this meeting.”

Communications Disclaimer

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SB 343 Disclaimer

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 the City Manager’s Office located at 2180 Milvia Street, 5th Floor.

Commission Contact Information

*Okeya Vance-Dozier, Secretary
Commission on the Status of Women
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510/981-7239 (Office)
510/529-5376 (Cell)
Ovance-dozier@berkeleyca.gov (email)*

Land Acknowledgement Statement

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



Commission on the Status of Women

Commission on the Status of Women
March 19, 2025

DRAFT MINUTES

The meeting convened at 7:00 pm with Kera Binns (Chair) presiding. Okeya Vance-Dozier, Secretary.

SECTION A. PRELIMINARY MATTERS

1. **Roll Call**

Present: Binns, Mullins, Kiggundu, Posey, Scott, Goodwin

Absent: Gray

Excused:

Leave of Absence:

2. **Announcements**

None

3. **Comments from the Public**

Public Attendance: 4

Public Comments: 2

4. **Review and approval of meeting minutes**

Approved minutes from 02/19/25.

M/S/C: Scott, Binns

Ayes: Binns, Goodwin, Mullins, Kiggundu, Posey, Scott

Noes:

Abstain:

Absent: Gray

Excused:

5. **Commission Updates & Chairperson's Report (No Action Taken):**

6. **Secretary's Report (No Action Taken)**

SECTION B. DISCUSSION/ACTION ITEMS

4. **Presentation: 1st Round Council Recommendation related to Intimate Partner, Domestic, and Gender-based Violence by Sasha Gayle-Schneider. Discussion Only.**

No Action Taken.

M/S/C:

Ayes:

Noes:

Abstain:

Absent:

Excused:

5. **Discussion and Action on the 2025 COSOW Work Plan.**

Commission on the Status approved to send the formalized work plan to council, with the understanding that it is a living document and changes will be made as needed.

M/S/C: Scott, Mullins

Ayes: Binns, Goodwin, Mullins, Kiggundu, Posey, Scott

Noes:

Abstain:

Absent: Gray

Excused:

6. **Leaders Provide Update on the Work Plan Focus Areas and Goals. Discussion Only.**

No Action Taken.

M/S/C:

Ayes:

Noes:

Abstain:

Absent:

Excused:

7. **Formally Create Sub-Committee Groups per the Work Plan. Discussion and Possible Action.**

Approval to create the sub-committees established in the work plan.

M/S/C: Posey, Goodwin

Ayes: Binns, Goodwin, Mullins, Kiggundu, Posey, Scott

Noes:

Abstain:

Absent: Gray

Excused:

SECTION C. COMMUNICATIONS

8. No communications received prior to meeting.

SECTION D. ADJOURNMENT

The meeting was adjourned at 9:15 PM.

M/S/C: Binns, Mullins

Ayes: Binns, Goodwin, Mullins, Kiggundu, Posey, Scott

Noes:

Abstain:

Absent: Gray

Excused:

Respectfully Submitted,

Okeya Vance-Dozier, Secretary
Peace and Justice Commission

To: Mayor and Members of the Berkeley City Council

From: Commission on the Status of Women

Submitted by: Carole Marasovic, Chair, Commission on Status of Women

Subject: Notice, tracking and enforcement of California SB 1343 sexual harassment prevention training for Berkeley private, public and non-profit employers and employees.

RECOMMENDATION: That Council refer to the City Manager to develop a procedure for all employers and employees doing business in Berkeley, whether public, private or nonprofit, to take the sexual harassment prevention online training as posted on the California Civil Rights Department website, conducted by a qualified trainer, as required by California SB 1343, on City premises and to provide certification of completion of training to be filed with the City.

That all employers doing business in Berkeley with 5 or more employees be provided with notice of the SB 1343 requirement to take sexual harassment prevention training every 2 years; the availability of free online training on the California Civil Rights Department website (formerly known as the California Department of Fair Employment and Housing) and the availability of the City of Berkeley online trainings if the employee is otherwise unable to access the online trainings.

That the City of Berkeley notice also advise each employer of the SB 1343 requirement to post a poster, in a prominent and accessible location, on discrimination in employment which includes the illegality of sexual harassment. That the notice advise employers that they can secure posters through the California Civil Rights Department or through the City of Berkeley.

That the City of Berkeley notice advise each employer that SB 1343 also requires that a poster on transgender rights, available through the California Civil Rights Department, also be posted in a prominent and accessible location in the workplace.

That the City of Berkeley secure sufficient copies of the California Civil Rights Department posters on sexual harassment and transgender rights and make them available upon request to employers requesting them.

That the City of Berkeley notice advise employers that the City of Berkeley requires them to produce documentation to the City of having otherwise taken and provided the training to employees by submitting written certification that they have taken the training as well as providing written certification from each employee who has taken the training as required by SB 1343.

That written certification provided by employers and employees who have otherwise taken the training must include the date the employer and employee took the training as required by SB 1343; the location where the training was otherwise taken; the mode of the training (live or video); and the name, address, phone number and e-mail address of the qualified trainer, under SB 1343, who provided the training. Each certification must be signed.

That the City of Berkeley maintain an online database of employer and employee compliance with SB 1343 with all the data as stated above recorded on the data base.

That the City of Berkeley send out notices to employers and employees if they are out of compliance with the SB 1343 requirement of taking initial sexual harassment trainings or periodic trainings after they have completed the initial training.

That the SB 1343 online training, provided by the City of Berkeley, be available in all the languages that the California Civil Rights Department free online training provides, that being Chinese, English, Korean, Spanish, Tagalog and Vietnamese.

That the City Manager refer to the City Attorney to develop a procedure as to how employer non-compliance should be addressed.

That the City Manager report back to Council with a progress report of the implementation of this notice and enforcement procedure, under SB 1343, no later than the first Council meeting to be held in January, 2025 and continue to provide reports to Council until this procedure is fully implemented.

FISCAL IMPACTS: There are costs associated with the cost of sending out notices to all Berkeley employers with 5 employees or more. There are also costs associated with using premises and staffing. Staff are best informed as to advise of these costs.

CURRENT SITUATION and ITS EFFECTS: On January 1, 2019, California SB 1343 went into effect. SB 1343 requires that all California employers with 5 or more employees provide sexual harassment prevention training to their employees every 2 years. Both supervisors and non-supervisors receive training with supervisors receiving 2 hours of training and non-supervisors receiving 1 hour of training. Each employee must be retrained every 2 years. Employees who must be trained include full-time, part-time, and temporary employees. Migrant and seasonal agricultural workers must be trained. Temporary workers supplied through a temp agency must be trained by that agency.

Employees must receive sexual harassment prevention training within 6 months of the hire. Seasonal employees, temporary employees not hired through a temp agency, and employees who work for less than 6 months must be trained within 30 days of hire, or within 100 hours worked, whichever comes first.

The California Civil Rights Department (formerly the California Department of Fair Employment and Housing) has oversight over SB 1343. However, enforcement only transpires if complaint triggered, frequently when a major sexual harassment violation has occurred. In consultation with administration at the California Civil Rights Department, the Commission Chair was advised that the agency was aware of that gap and that a local jurisdiction could choose to establish an enforcement procedure to insure compliance with SB 1343.

The California Civil Rights Department posts free online training. However, smaller employers may not have a location for employees to watch the online training on their premises. Some employees,

particularly lower wage workers, may not have access to a computer at home to watch the online training.

BACKGROUND: On April 17, 2024, the Commission on the Status of Women voted as follows:

The Commission on the Status of Women moves to submit the recommendation for City of Berkeley enforcement of sexual harassment training, under SB 1343, as incorporated in this report.

M/S: Marasovic/ Yes: Goodwin, Marasovic, Oliver, Ortiz-Cedeno, Posey, Seshagari

Noes: None

Abstentions: None

Absent: Aora

Leaves of Absence: Boyd, Plasse

ENVIRONMENTAL SUSTAINABILITY: There are no known identifiable environmental effects.

RATIONALE for RECOMMENDATION: The intent of SB 1343 is to avoid workplace sexual harassment before it happens. Risk management through prevention is always preferable for employers and employees. When enforcement exclusively transpires based on the triggering of a complaint, a serious violation is likely to have already occurred.

A local jurisdiction can enact procedures that comply with state law. Advising employers of their obligations under state law and providing the required training protects the employer as well as the employee.

Requiring employers and employees to take the sexual harassment prevention training on City premises and certifying that they have taken it insures that the training transpired. The City frequently uses premises such as offices on Center Street, the Berkeley Adult School, and Senior Centers for exams, meetings and events. These settings can as easily be used for training videos.

Although there are a large number of employers with 5 employees or more in Berkeley, those employers who have already provided the training and who they and their employees can certify that they have taken the training and opt out of the training provided on City premises. This will serve to greatly reduce the number of employers and employees who must take the training on City premises.

Larger employers will generally, only be impacted by the written certification process, necessary to show that SB 1343 has been honored in Berkeley.

Smaller employers, where sexual harassment violations frequently take place and are less likely to have provided the training, will benefit from the free online training on City premises. These smaller employers may not have accessibility to a computer for their employees and may have employees who do not have online access at home.

Written certification with specified information works to guarantee compliance. A City online data base insures transparency.

Sexual harassment prevention is an important issue in workplace rights. Laws unenforced are laws that are meaningless. Berkeley can be the leader in insuring that SB 1343 is fully enforced in its community. That can only be done by monitoring that the online training has been taken.

Within SB1343 is also the legally required posting of a poster regarding transgender rights. The online training provided by the California Civil Rights Department includes training based on gender identity, gender expression and sexual orientation. The monitoring for compliance extends to these basic rights.

ALTERNATIVE ACTIONS CONSIDERED: The alternative would be only to provide the written certification process.

However, that would lead to less employers and employees, particularly smaller employers and lower wage workers, not taking the required sexual harassment training and a higher likelihood of sexual harassment in Berkeley workplaces.

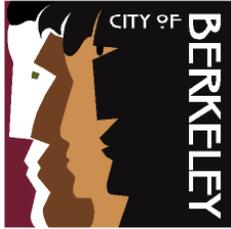
These laws could be left to the State which only acts upon a complaint triggered and a violation investigated. Prevention is better for employers and employees in Berkeley.

CITY MANAGER:

CONTACT: Okeya Vance-Dozier, Community Services Specialist II, (510) 981-
Carole Marasovic, Chair (510) 225-5060

Attachments: SB 1343

California Civil Rights Department, Sexual Harassment Prevention Training for Employees



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”) Division 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 Division and are open to public inspection upon request to the Executive Director.

ARTICLE II

PURPOSE OF AGENCY: The mission of the Housing & Community Services Division 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 Division 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 Division 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 (“HWCAC”) 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 12750 - 12763 and its successors;
- B. Review and accept the Community Action Plan and the accompanying Community Needs Assessment as outlined in the Community Service Block Grant Organizational Standards and create a citizen awareness of these needs;
- C. Fulfill all duties and meet all requirements as detailed in the annual Community Service Block Grant Organizational Standards report;
- D. Identify social welfare needs of the Berkeley community and create awareness of these needs among residents;
- E. Identify social welfare standards made available by other social welfare agencies and provide the public information with reference to such services;
- F. Encourage the development of programs designed to improve the social welfare of the Berkeley community;
- G. Render advice and assistance to other City boards and commissions, to City departments and to private agencies on matters of social welfare;
- H. Advise the City Council on all matters affecting the social welfare of the community and its citizens;
- I. Perform such other functions and duties as may be directed by the City Council or prescribed or authorized by any ordinance of the City;
- J. In prescribing the above duties and functions of the commission, it is not the intent of the council to duplicate or overlap the functions, duties or responsibilities heretofore or hereafter assigned to any other City board or commission or to a City 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. Three of the members shall be appointed by the Berkeley City Council by majority vote.

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

- i. An individual who is at or below the federal poverty line, and who resides within the City of Berkeley; or
- ii. An individual from a group(s) or organization(s) composed primarily of low-income persons and representing the interest of the low-income population in the City of Berkeley, whose membership duly select a representative chosen in accordance with a democratic selection procedure.

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

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

ARTICLE VI

ELECTIONS FOR LOW-INCOME REPRESENTATIVES.

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

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

TERM OF OFFICE FOR BOARD MEMBERS:

The term of office of each elected member, other than specifically provided herein, shall be four years from the date of the elections; no person shall serve for more than two full elected terms, or eight years. The term of office of each appointed member shall be as provided in B.M.C. Section 3.02.040.

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

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 their resignation, or when an elected board member moves and establishes residence outside of the eligible geographic area. Elected members of the commission are subject to the same membership and attendance requirements as appointed members except as otherwise provided in these bylaws.

SECTION 2: An elected member of the commission may take a temporary leave of absence of up to three months in duration by notifying the City Clerk and the commission secretary in writing in advance of the absence, during which time a temporary vacancy shall exist. During the period of such temporary vacancy in an

elected position, a temporary appointment shall be made by the remaining low-income representatives subject to the eligibility requirements of Section 3.78.020.C.

ARTICLE XII

QUORUM:

SECTION 1: A majority of the members appointed or elected to the commission shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

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 had an unexcused absence 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: 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 have an unexcused absence 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 4: The secretary of the 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 Council that a vacancy exists and that the applicable appointment process should be initiated to fill the vacancy.

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

SECTION 6: Agenda, commission 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 commission meeting.

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

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. 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 director 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 they are a member has had any role in influencing the making of the contract. The commissioner must disclose their interest, the minutes of the commission must reflect this disclosure, and the individual commissioner must disqualify themselves 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 **DATE**.

NAME

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.