



# Human Welfare and Community Action Commission

## AGENDA

Wednesday, March 20, 2019

7:00 PM

South Berkeley Senior Center, 2939 Ellis St.  
Berkeley, CA 94703

### Preliminary Matters

1. Roll Call
2. Public Comment

### Update/Action Items

*The Commission may take action related to any subject listed on the agenda, except where noted.*

### **Berkeley Community Action Agency Board Business**

1. Approve Minutes from the 2/20/2019 Regular Meeting (Attachment A)
2. By-Laws Subcommittee Update – Commissioners Omodele and Kohn (Attachment B)
3. Review City Of Berkeley Funded Agency Program And Financial Reports — Staff (Attachment C)
  - A. Bay Area Outreach and Recreation Program – Recreation Services for Disabled

### **Other Discussion Items**

4. Discuss First Draft Local Hazard Mitigation Plan (LHMP) (<http://www.cityofberkeley.info/mitigation>) – Staff
5. Update on Assessment of Vacant Properties Council Item – Staff
6. Discuss possible advocating effort for “Positive Behavior Support” for Shelter Plus Care Clients – Commissioner Dunner
7. Discuss a report from the Peace and Justice Commission regarding the Case of Mr. Leonard Powell – Commissioner Kohn (Attachment D)
8. Discuss the City of Berkeley’s RV Permit and Parking Policies – Commissioner Kohn
9. Discuss Budget Review Subcommittee Set-Up – Commissioner Sood
10. Update on West Berkeley Air Quality – Commissioner Bookstein
11. Update on the Closure of Alta Bates Hospital – Commissioner Omodele (Attachment E)
12. Review Latest City Council Meeting Agenda

13. Announcements

14. Future Agenda Items

**Adjournment**

**Attachments**

- A. Draft Minutes of the 2/20/2019 Meeting
- B. HWCAC By-Laws
- C. Bay Area Outreach and Recreation Program – Recreation Services for Disabled
- D. Peace and Justice Commission Report: “Recommendation to Bring Justice to Mr. Leonard Powell and to Change Certain Policies that Provide Housing Stability for Homeowners and Tenants”
- E. Draft Council Report on the Closure of Alta Bates Hospital

Review City Council Meeting Agenda at City Clerk Dept. or  
<http://www.cityofberkeley.info/citycouncil>

**Communications**

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. 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 Housing and Community Services Department located at 2180 Milvia Street, 2nd Floor.

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 three business days before the meeting date. **Please refrain from wearing scented products to this meeting.**

**Secretary:**  
Mary-Claire Katz  
Health, Housing & Community Services Department  
510-981-5414  
[mkatz@CityofBerkeley.info](mailto:mkatz@CityofBerkeley.info)

**Mailing Address:**  
Human Welfare and Community Action Commission  
Mary-Claire Katz, Secretary  
2180 Milvia Street, 2<sup>nd</sup> Floor  
Berkeley, CA 94704



## Human Welfare and Community Action Commission

### DRAFT MINUTES

Wednesday, February 20, 2019

7:00 PM

South Berkeley Senior Center, 2939 Ellis St.

Berkeley, CA 94703

### Preliminary Matters

1. Roll Call  
 Roll Call: 7:15PM  
 Present: Dunner, Sood, Kohn, Bookstein, Deyhim, Holman, Romo  
 Absent: Whitson, Vrankovecki, Omodele (excused)  
 Quorum: 6 (Attended: 7)  
 Staff Present: Rhianna Babka, Mary-Claire Katz  
 Public Present: Brianne Imada

2. Public Comment: 0

### Update/Action Items

*The Commission may take action related to any subject listed on the agenda, except where noted.*

### **Berkeley Community Action Agency Board Business**

1. Approve Minutes from the 1/16/2019 Regular Meeting (Attachment A)  
**Action:** M/S/C (Sood/Dunner) to approve the 1/16/19 minutes with an edit.  
**Vote:** Ayes – Dunner, Sood, Kohn, Bookstein, Deyhim, Holman, Romo; Noes – None; Abstain – None; Absent – Whitson, Vrankovecki, Omodele (excused).
2. Election of Chair and Vice Chair  
**Action:** M/S/C (Bookstein/Dunner) to elect Samuel Kohn as Chair.  
**Vote:** Ayes – Dunner, Sood, Kohn, Bookstein, Deyhim, Holman, Romo; Noes – None; Abstain – None; Absent – Whitson, Vrankovecki, Omodele (excused).  
  
**Action:** M/S/C (Dunner/Deyhim) to elect Denah Bookstein as Vice Chair.  
**Vote:** Ayes – Dunner, Sood, Kohn, Bookstein, Deyhim, Holman, Romo; Noes – None; Abstain – None; Absent – Whitson, Vrankovecki, Omodele (excused).
3. Election of Low-Income Representatives  
 None.  
  
**Action:** M/S/C (Bookstein/Dunner) to modify the agenda and discuss item #6 before item #4.  
**Vote:** Ayes – Dunner, Sood, Kohn, Bookstein, Deyhim, Holman, Romo; Noes – None; Abstain – None; Absent – Whitson, Vrankovecki, Omodele (excused).
4. Review and Discuss Community Agency Applications for FY 2020-2023 Funding – Staff  
**Action:** M/S/C (Dunner/Deyhim) to finalize community agency funding recommendations for FY 2020-2023.

**Vote:** Ayes – Dunner, Sood, Kohn, Bookstein, Deyhim, Holman, Romo; Noes – None; Abstain – None; Absent – Whitson, Vrankovecki, Omodele (excused).

5. By-Laws Subcommittee Update – Commissioners Omodele and Kohn (Attachment B)  
Continued to 3/20/19 meeting.
6. Review City Of Berkeley Funded Agency Program And Financial Reports — Staff (Attachment C)
  - A. East Bay Community Law Center – Consumer Justice Clinic  
Commissioners reviewed and discussed the program and financial reports for East Bay Community Law Center’s Consumer Justice Clinic.

**Action:** M/S/C (Kohn/Holman) to extend the meeting to 9:10PM.

**Vote:** Ayes – Dunner, Sood, Kohn, Bookstein, Deyhim, Holman, Romo; Noes – None; Abstain – None; Absent – Whitson, Vrankovecki, Omodele (excused).

#### Other Discussion Items

7. Discuss First Draft Local Hazard Mitigation Plan (LHMP) (<http://www.cityofberkeley.info/mitigation>) – Staff  
Continued to 3/20/19 meeting.
8. Discuss possible advocating effort for “Positive Behavior Support” for Shelter Plus Care Clients – Commissioner Dunner  
Continued to 3/20/19 meeting.
9. Update on West Berkeley Air Quality – Commissioner Bookstein  
Continued to 3/20/19 meeting.
10. Update on the Closure of Alta Bates Hospital – Commissioner Omodele (Attachment D)  
Continued to 3/20/19 meeting.
11. Discuss Recommendations to City Council on Possible Actions the City Could Take to Protect Immigrants and DACA Students – Commissioner Vrankovecki  
Continued to 3/20/19 meeting.
12. Update on Berkeley Police Commission Initiative ([https://www.cityofberkeley.info/Clerk/Commissions/Commissions\\_Police\\_Review\\_Commission\\_Homepage.aspx](https://www.cityofberkeley.info/Clerk/Commissions/Commissions_Police_Review_Commission_Homepage.aspx)) – Commissioner Vrankovecki  
Continued to 3/20/19 meeting.
13. Review Latest City Council Meeting Agenda  
Continued to 3/20/19 meeting.
14. Announcements  
None.

15. Future Agenda Items  
 Continued to 3/20/19 meeting.

**Adjournment**

**Action:** M/S/C (Romo/Bookstein) to adjourn at 9:15PM.

**Vote:** Ayes – Dunner, Sood, Kohn, Bookstein, Deyhim, Holman, Romo; Noes – None; Abstain – None; Absent – Whitson, Vrankovecki, Omodele (excused).

**Adjournment**

**Adjourned at: 9:15 PM**

**Minutes approved on:** \_\_\_\_\_

**Commission Secretary:** Mary-Claire Katz

**Attachments**

- A. Draft Minutes of the 1/16/2019 Meeting
- B. HWCAC By-Laws
- C. East Bay Community Law Center – Consumer Justice Clinic
- D. Draft Council Report on the Closure of Alta Bates Hospital

Review City Council Meeting Agenda at City Clerk Dept. or  
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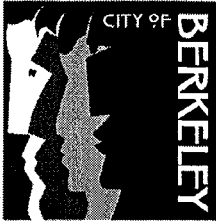
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**Secretary:**  
 Mary-Claire Katz  
 Health, Housing & Community Services Department  
 510-981-5414  
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**Mailing Address:**  
 Human Welfare and Community Action Commission  
 Mary-Claire Katz, Secretary  
 2180 Milvia Street, 2<sup>nd</sup> Floor  
 Berkeley, CA 94704



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

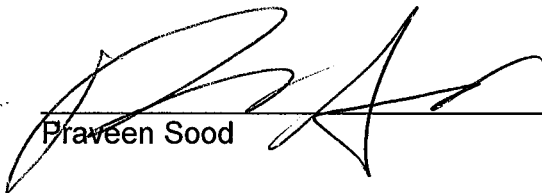
All members of the Community Action Agency Advisory Board shall abide by Section 36 of the Berkeley City Charter, and Berkeley Municipal Code 3.64, which further clarifies Section 36 of the Berkeley City Charter. The City Charter and BMC Chapter 3.64 prohibit a commissioner from having an interest in 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

[Return to Reports Page](#)

**CITY OF BERKELEY  
COMMUNITY AGENCY STATEMENT OF EXPENSE  
10/01/2018 TO 12/31/2018**

Note: Any variation from the Approved Budget exceeding ten percent (10%) requires a Budget Modification Form.

Agency Name: [Bay Area Outreach & Recreation Program](#) Contract #: [010566](#)

Program Name: [Recreational Services for Disabled](#) PO #: [115089](#)

Funding Source : General Fund

Expenditure Category	Staff Name	Approved Budget	Jul-Sep 2018	Oct-Dec 2018	Jan-Mar 2019	Apr-Jun 2019	Total Expenditure	Budget Balance
<a href="#">Administrative Director</a>	<a href="#">Julie Yates</a>	\$6,000.00	\$1,500.00	\$1,500.00			\$3,000.00	\$3,000.00
<a href="#">Program Coordinator 2</a>	<a href="#">Jonathan Newman</a>	\$7,800.00	\$1,950.00	\$1,950.00			\$3,900.00	\$3,900.00
<a href="#">Program Coordinator 3</a>	<a href="#">Lori Gray</a>	\$3,720.00	\$930.00	\$930.00			\$1,860.00	\$1,860.00
<a href="#">Program Coordinator 4</a>	<a href="#">Greg Milano</a>	\$7,200.00	\$2,160.00	\$2,160.00			\$4,320.00	\$2,880.00
<a href="#">Taxes/Benefits</a>		\$6,100.00	\$1,704.42	\$1,464.42			\$3,168.84	\$2,931.16
<a href="#">Office Supplies</a>		\$102.00	\$102.00	\$0.00			\$102.00	\$0.00
<a href="#">Program Expense</a>		\$7,800.00	\$2,588.13	\$925.17			\$3,513.30	\$4,286.70
<a href="#">Rent</a>		\$3,600.00	\$900.00	\$900.00			\$1,800.00	\$1,800.00
<b>TOTAL</b>		\$42,322.00	\$11,834.55	\$9,829.59			\$21,664.14	\$20,657.86

Advances Received [\\$21,161.00](#)  
Underspent/(Overspent) [\(-\\$503.14\)](#)

Explain any staffing changes and/or spending anomalies that do not require a budget modification at this time:

[N/A](#)

Upload of Resumes for New Staff (required): [Go to Document Upload page](#)

- Expenditures reported in this statement are in accordance with our contract agreement and are taken from our books of account which are supported by source documentation.
- All federal and state taxes withheld from employees for this reporting period were remitted to the appropriate government agencies. Furthermore, the employer's share or contributions for Social Security, Medicare, Unemployment and State Disability insurance, and any related government contribution required were remitted as well.

Prepared By: [Julie Yates](#)

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Date: [01/30/2019](#)

Authorized By: [Rick Smith](#)

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Name of Authorized Signatory with Signature on File

Approved By:	Examined By:	Approved By:
<a href="#">Mary-Claire Katz</a> <a href="#">01/31/2019</a>	_____	_____
Project Manager Date	CSA Fiscal Unit Date	CSA Fiscal Unit Date

Initially submitted: Jan 30, 2019 - 13:01:45



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**City of Berkeley  
Community Agency  
CLIENT CHARACTERISTICS REPORT**

Contract No: 010566

Agency:	<a href="#">Bay Area Outreach &amp; Recreation Program</a>	Period of:	<b>1st Half 2019</b>
Program:	<a href="#">Recreational Services for Disabled</a>	Report Prepared By:	<a href="#">Julie Yates</a>
Phone:	<a href="#">510-849-4663 ext 1303</a>	E-mail:	<a href="mailto:jay@borp.org">jay@borp.org</a> , <a href="mailto:rick@borp.org">rick@borp.org</a>

**1. CLIENT SUMMARY - 1st Half**

	1st Half	YTD
A. Total New Clients Served by the Program (Berkeley and Non-Berkeley)	328	328
B. Total New Berkeley Clients Served for Whom You Were Able to Gather Statistics on Age, Race/Ethnicity, and Income:	69	69
C. Total New Berkeley Clients Served for Whom You Were <b>NOT</b> Able to Gather Statistics on Age, Race/Ethnicity, and Income:	5	5
D. Total New Berkeley Clients Served:	74	74

**2. DEMOGRAPHIC DATA**

RACE - Unduplicated Count	Previous Periods		Report Period		Year-To-Date	
	Non-Hispanic	Hispanic Ethnicity	Non-Hispanic	Hispanic Ethnicity	Non-Hispanic	Hispanic Ethnicity
<b>Single Race Categories</b>						
American Indian/Alaskan Native	0	0	0	2	0	2
Asian	0	0	4	0	4	0
Black/African American	0	0	6	0	6	0
Native Hawaiian/Pacific Islander	0	0	0	0	0	0
White	0	0	50	5	50	5
<b>Combined Race Categories</b>						
American Indian/Alaskan Native & White	0	0	1	0	1	0
Asian & White	0	0			0	0
Black/African American & White	0	0			0	0
American Indian/Alaskan Native & Black/African American	0	0			0	0
Other Combined Race Categories	0	0	1	0	1	0
<b>TOTALS</b>	0	0	62	7	62	7
<b>TOTAL SERVED</b>			69		69	

**3. INCOME LEVEL**

Income Level - Unduplicated Count	Previous Periods	This Period	YTD
Poverty	0	8	8
Poverty to 30% of AMI (Ex. Low)	0	5	5
31-50% of AMI (Low)	0	40	40
51-80% of AMI (Moderate)	0	10	10
Above 80% of AMI	0	6	6
<b>TOTALS</b>	0	69	69

**4. AGE**

Age - Unduplicated Count	Previous Periods	This Period	YTD
0-5	0	0	0
6-11	0	2	2
12-17	0	3	3
18-24	0	3	3
25-44	0	20	20
45-54	0	7	7

55-61	0	12	12
62 and Over	0	22	22
Unknown	0	0	0
TOTALS	0	69	69

**5. OTHER CHARACTERISTICS**

Other Characteristics - Unduplicated Count	Previous Periods	This Period	YTD
Female	0	42	42
Male	0	27	27
Other			
Disabled	0	69	69
Homeless	0		0
Chronically Homeless	0		0

**6. SERVICE MEASURES**

Service Measures	Annual Goal		1st Half		2nd Half		Served YTD		% Served	
	UOS	New Clients	UOS	New Clients	UOS	New Clients	UOS	New Clients	UOS	New Clients
***** Disability Services *****										
1 Client Sessions	1,500	120	732	69			732	69	49%	58%

**1st Half Narrative**

BORP provided 270 sports and recreation activities for people with disabilities during the report period, including 44 Youth Sports activities (Wheelchair Basketball, Sled Hockey), 79 Adult Sports activities (Wheelchair Basketball, Goalball, Power Soccer), 77 Adaptive Cycling activities, 53 Adventures & Outings trips, 15 tournaments and adaptive sports clinics, and 2 Community Events and Exhibitions. We served a total of 74 Berkeley participants during the report period including 69 individuals with disabilities and 5 family members, providing a total of 732 client sessions to Berkeley residents. Several outdoor activity sessions had to be cancelled in this reporting period due to poor air quality during the fires and rain outs.

**7. OUTCOMES**

Outcomes	Annual Goal	1st Half Achieved Outcome	2nd Half Achieved Outcome	Achieved Outcome YTD	% Achieved Outcome of Annual Goal	% Achieved Outcome of Total Served
1 Clients accessed previously inaccessible services	100	0		0	0%	0%
1 Clients demonstrate improved functioning	60	0		0	0%	0%
1 Participants achieved enhanced skills or knowledge	60	0		0	0%	0%

**1st Half Narrative**

We will be conducting client surveys at the end of the year and will report on outcomes in the 2nd Half Report in July.

Date Signed 01/31/2019

Approved By Mary-Claire Katz

Date Signed 02/25/2019

Initially submitted: Jan 31, 2019 - 15:00:40



Peace and Justice Commission

To: Members of the Peace and Justice Commission  
From: Chair Igor Tregub  
Subject: Recommendation to Bring Justice to Mr. Leonard Powell and to Change Certain Policies that Provide Housing Stability for Homeowners and Tenants

### RECOMMENDATION

The Peace and Justice Commission (PJC) recommends that the City Council send a letter to the Superior Court Judge overseeing Mr. Leonard Powell's receivership case that implores him to, in light of the full history of the circumstances which befell him and in the spirit of fairness and justice, to rule in a way that allows Mr. Powell to retain possession of his home in a manner that is affordable and attainable to him.

PJC also recommends to the Berkeley City Council that it set in place the following policies that would provide housing stability for homeowners. In particular, when legal action is being attempted by the City as a result of code enforcement violations, the following practices should be put into place:

- 1) Punitive actions that result in the displacement of a homeowner presently occupying their home or renting it out (i.e., not intentionally leaving it vacant for an extended period of time) is the very last resort that city staff should take; should only be conducted if all other attempts to resolve the situation have been unsuccessful; and should only be a response to severe code enforcement violations that cause immediate danger to life safety or have been determined by a quasi-judicial body (e.g., Zoning Adjustments Board, City Council) to cause a nuisance to the public;
- 2) The Mayor, Councilmember representing the district of the address in question, and HAC are notified of the address, the nature of the alleged code violations, and a report detailing the status of the matter and any past, ongoing, and anticipated future attempts to resolve the matter; and
- 3) Should the homeowner cite a financial hardship to their ability to on their own bring his or her property into compliance with applicable code, the City shall explore the use of anti-displacement funds to assist the homeowner and/or tenant residing on the premises with legal matters, relocation expenses, and/or other needs as applicable and appropriate.

## FISCAL IMPACTS OF RECOMMENDATION

Staff time and the possible use of available anti-displacement funds

## CURRENT SITUATION AND EFFECTS

The first recommendation above is being proposed to bring fairness and justice to the case of Mr. Leonard Powell. The next three recommendations above are being simultaneously sent to the Housing Advisory Commission and are proposed to in the future prevent displacements such as the one that has befallen a 76-year-old black veteran and 44-year owner of a South Berkeley residence. According to news sources such as the Oakland Post, “[his] family has lived there for 44 years and owned the house free and clear. By a legal process called receivership, the city has succeeded in placing Mr. Powell in a financial position beyond his means, in order for him to lose the house to foreclosure or sale. Receivership means that the house, after it is found to be in violation of the city’s housing code, is placed under the control of a ‘receiver,’ who then takes over the job of repairing the house.”<sup>1</sup>

According to sources, “at no time did Mr. Powell object to doing the repairs on his house. He simply asked the city for assistance and negotiation, which the city subtly declined.”<sup>2</sup> Following an allegedly no-notice city inspection which found 23 code violations, all of which related to housing maintenance, and with alleged knowledge of Mr. Powell’s precarious financial situation, city staff nonetheless allegedly refused negotiations on city-imposed deadlines, which in turn led to the declaration of the property as a public nuisance.

The home is currently under receivership. Allegedly “the court-appointed receiver ... violated his mandate by having his contractor reconstruct the house rather than simply repair the code violations.”<sup>3</sup> According to the Oakland Post, “this is what tripled his expenses, and tripled the debt placed on Mr. Powell. The receiver admitted, in a report that in shifting the work on the house from repairs to reconstruction, he was following city directions.”<sup>4</sup>

The recommendations above, if adopted, would lead to changes in city policy so that the situation that befell Mr. Powell is avoided in the future.

<sup>1</sup> <http://www.oaklandpost.org/2018/12/15/city-agency-set-seize-black-veterans-home/>

<sup>2</sup> *ibid.*

<sup>3</sup> *ibid.*

<sup>4</sup> *ibid.*

ENVIRONMENTAL SUSTAINABILITY

Efforts that prevent displacement have been found to contribute to reductions in vehicle miles traveled and greenhouse gas emission reductions.

RATIONALE FOR RECOMMENDATION

These recommendations are an important complement to ongoing local, regional, and statewide efforts to prevent displacement and keep individuals and families in their homes.

ALTERNATIVE ACTIONS CONSIDERED

None



Human Welfare and Community  
Action Commission

January 2018  
ACTION CALENDAR

To: Denah Bookstein, Chairperson, HWCAC & Human Welfare and Community Action  
Commissioners

From: Remi Omodele

Submitted by:

Subject: Imminent Closure of the Alta Bates Summit Hospital

### **RECOMMENDATION**

Direct Council to:

Seek alternative ways to keep the hospital functioning fully. Running the hospital as a City or County or Teaching hospital or all three should be weighed seriously.

Berkeley citizens' full awareness of the state of Alta Bates is critical. As such, actively and rigorously engage the citizens to mount a robust opposition to Summit Organization's proposed closure of the hospital.

Device effective means to inform each district about the full implications of such closure, and ultimately, rally Berkeley districts against the closure.

### **RATIONALE FOR RECOMMENDATION**

Berkeley citizens need to be adequately informed, and in a timely manner, of crucial developments in matters as critical as the closure of the only major hospital in the City.

If you were one of the few visitors to Sen. Nancy Skinner's website as SB 00687\Health facilities awaited Governor Brown's signature, you were asked to "send a message to let Brown know how you feel..." One wonders now how many visited or responded.

Perhaps more egregious is Berkeley's overall obliviousness to the developments at the Alta Bates. A shocked neighbor sent out the following memoranda in October, 2017: "We were surprised when the BFD paramedics said they had to take [x] to either Summit or Kaiser in Oakland. Alta Bates is much closer. So why not there?"

Shorter commute to care center and easier access to care when most needed can save lives. Berkeley, with a huge population of college students and elderly citizens, needs a hospital.

From 1996 to 2009, according to Sen Skinner, California experienced a 12% reduction in hospital emergency departments despite a 27% increase in visits. According to Interim Fire

Chief, Dave Brannigan, "Sutter Health closed the heart catheter lab at Alta Bates many years ago, and they allowed their "Stroke Center" qualification to expire about two years ago." Why does Berkeley tend to stand by helplessly as these events unfold?

Alta Bates Hospital has been in Berkeley for many decades. Named for a female nurse, it started out as a stand-alone non-profit hospital. How and why did Sutter acquire this institution apparently without our City's intervention? Why did Berkeley allow Sutter--an absentee purchaser with a history of closing down hospitals it deems unprofitable--to take over this vital resource so effortlessly? Why do the citizens of Berkeley tend to be ill-informed or uninformed--even now--about these circumstances? Is it actually true that Sutter--which is rumoured to have accumulated about \$2 billion from the Alta Bates deal--cannot afford to finance the retrofit mandated by the State of California? Is the closure of Alta Bates really the best solution available or inevitable?

### **FISCAL IMPACTS OF RECOMMENDATION**

Taxation (in addition to grants from philanthropists and departments of education)

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

It is encouraging to see that Ms Kate Harrison recently rallied her district and other Berkeley citizens to a "Stroller Brigade" to help stop the closure of the Alta Bates Medical Center. Similarly, the California Nurses Association deserves credit. These are some of the forms of activism that may save the hospital.

For a while, many believed that Senator Nancy Skinner's SB 687 would be signed into law by Governor Edmund G. Brown. If signed, the law would have directed the Attorney General to consider the impacts the closure would have on the accessibility of necessary health care services. Such consideration or intervention would most likely have deterred the closure, but (although it passed both houses) the Governor declined (on Oct 14, 2017) to sign the bill.

So the risks feared by the Mayor, Council and the citizens of Berkeley remain. According to Senator Skinner, "studies evaluating the impacts of hospital closures show that loss of hospital emergency departments increase the risk of death by 15% for patients who suffer a stroke or heart attack. The farther you live from an emergency room the more your life is at risk." As Jon Fischer (President of Berkeley Firefighters Association, IAFF Local 1227) states, "California already has the fewest emergency room services per capita in the nation. Further emergency room closures put patients and first responders at needless risk," Similarly, Sen Skinner adds: "The 2015 closure of San Pablo's Doctors Medical left over 200,000 residents in West Contra Costa County with only one full service hospital, the 50 bed Kaiser Richmond facility. While northern Alameda County residents fare better, Berkeley's Alta Bates hospital closure in 2030 will leave residents along the I-80 corridor from Rodeo to Emeryville in a virtual hospital desert". Dr. Larry Stock MD FACEP (President of the California Chapter of American College of Emergency Physicians) also states, based on his and his colleagues' experience, that "As emergency physicians, we know the people we care for are in serious need of our services. It's not just our day-to-day experience, research confirms higher mortality for people when an ER closes and that those who are most at-risk are those who are most vulnerable – the poor, the underinsured, the very sick".



**BACKGROUND**

Even as SB 687 moved to the desk of Governor Brown, the Summit Organization continued to wind down Alta Bates. According to our Interim Fire Chief, Dave Brannigan, "Sutter Health closed the heart catheter lab at Alta Bates many years ago and they allowed their "Stroke Center" qualification to expire about two years ago."

Although it is true that many patients with significant physical trauma have always gone to Highland, Eden, St. Francis in San Francisco, Kaiser or Children's in Oakland, for proximity and quality care, Alta Bates has been Berkeley's hospital of choice. Even for neonatal emergencies for both the newborn and mother, Alta Bates is overwhelmingly considered by most Berkeley citizens as the City's first choice.

**ENVIRONMENTAL SUSTAINABILITY**

Alta Bates has existed in its current location since the early 1900s with no environmental sustainability issues.

**ALTERNATIVE ACTIONS CONSIDERED**

Council should seriously consider other methods to keep the hospital in Berkeley. San Francisco's Chinese Hospital--a hospital in San Francisco's Chinatown and perhaps the only Chinese hospital in the US--provides a solid model. Operating the Chinese Community Health Plan which serves the elderly, poor and immigrants from China in the San Francisco area, the hospital staff render services to a diverse body of patients who use Mandarin, Cantonese, Taishanese and other Asian languages. In these ways, it provides an alternative to San Francisco General Hospital particularly for patients with socio-economic and language barriers, thus proving that any town can use more, not fewer, hospitals.

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