

Peace and Justice
Commission

PEACE & JUSTICE COMMISSION MEETING AGENDA
Monday, September 9, 2019 – 7:00 p.m.
Berkeley City Hall,
2180 Milvia, Cypress Room Berkeley, CA

SECTION A. PRELIMINARY MATTERS

1. Roll Call
2. Announcements
3. Comments from the Public (*subject to time limits applicable to all speakers as necessary*)
4. Review and approval of meeting minutes - see attachment 2
5. Commission Updates & Chairperson's Report
6. Secretary's Report (including status of passed items from previous meetings)

SECTION B. ACTION ITEMS

7. Resolution to expropriate private and corporate property to end homelessness for the general welfare of the people (Commissioner Meola) – see attachment 3
8. Send a letter to City Council in support of the proposed council resolution regarding endorsing the United Nations Convention on the Rights of the Child (Commissioner Bohn) –see attachment 4
9. Resolution in relation to the attempted prosecution of non-violent activists who attempt to expose the conditions of animals in factory farms (Chair Tregub) - see attachment 5
10. Meetings process initiatives – Discussion and Possible Action
- 10a. Meetings process initiatives - (Chair Tregub) - see attachment 6
- 10b. Setting an internal commission policy to send all action items and supporting documentation to the commission 10 days in advance of the regular meetings. (Commissioner Gussmann) – see attachment 7

SECTION C. SUBCOMMITTEE REPORTS AND OTHER COMMISSION BUSINESS

11. Subcommittee on The Convention on the Rights of Persons with Disabilities (Commissioner Maran) discussion and potential appointments

12. Subcommittee on Socially Responsible Investments and Procurement (Commissioner Bohn) discussion and potential appointments
13. BUSD subcommittee discussion and potential appointments (Commissioner Pancoast)

SECTION D. COMMUNICATIONS

SECTION E. BACKGROUND INFORMATION

SECTION F. ADJOURNMENT

Attachments:

1. Roster, enabling legislation, and work plan
2. Minutes of July 15, 2019 meeting
3. Resolution to expropriate private and corporate property to end homelessness for the general welfare of the people
4. Letter to council in support of the resolution regarding endorsing the United Nations Convention on the Rights of the Child
5. Resolution in relation to the attempted prosecution of non-violent activists who attempt to expose the conditions of animals in factory farms
6. Meeting process initiatives from Chair Tregub
7. Commission policy attachments from Commissioner Gussmann

The next meeting of the Peace & Justice Commission is scheduled for October 7, 2019. All proposed Commission agenda items should be submitted to the Commission Secretary by or before September 20, 2019. Dates are subject to change, please contact the Commission Secretary by email at bslimick@cityofberkeley.info to confirm receipt of submitted items.

ADA 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 Old City Hall located at 2134 Martin Luther King Jr. Way, Berkeley, CA 94704.

Commission Contact Information

*Breanne Slimick, Secretary
Peace and Justice Commission
City of Berkeley
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
510/981-7018 (voice-mail)
510/981-7099 (fax)
bslimick@cityofberkeley.info (email)*

Peace and Justice Commission Roster		
Name	Appointer	District
Omeed Askary	<i>Levy-Cutler</i>	<i>BUSD</i>
Zo Pancoast	Alper	BUSD
Zaira Rodriguez	Student Director	BUSD
Rachel Pierce	Julie Sinai	BUSD
VACANT		BUSD
Grace Morizawa	Appel	BUSD
Igor Tregub (Chair)	Arreguin	Mayor
Rita Maran	Maio	1
Dr. Hatem al-Bazian	Davila	2
J. George Lippman (Vice Chair)	Bartlett	3
Diana Bohn	Harrison	4
Judith Gussmann	Hahn	5
Robert L Meola	Wengraf	6
Denny Han	Worthington	7
Angie Chen	Droste	8

Chapter 3.68 PEACE AND JUSTICE COMMISSION

Sections:

- [3.68.010](#) Findings.
- [3.68.020](#) Established--Membership--Appointment.
- [3.68.030](#) "Peace and justice" defined.
- [3.68.040](#) Automatic termination of appointment.
- [3.68.050](#) Liaison representative to other City entities.
- [3.68.060](#) Organization, meetings, rules, and procedures.
- [3.68.070](#) Functions.

3.68.010 Findings.

The council finds as follows:

- A. The intentional destruction of cities in war is the rule and not the exception.
- B. State, national and international governmental bodies have failed to control war and in fact, have in many cases, been responsible for war and the conditions of war.
- C. The wealth that could be spent to help the poor, heal the sick, house the homeless, educate the children, and care for the elderly is now spent on ever more costly weapons of mass destruction.
- D. Peace is not a fictitious tranquil end-state, but the process of solving differences constructively, creatively, and non-violently.
- E. Peace is inseparable from justice.
- F. The present threat of nuclear or biological holocaust is not peace, but a condition of war against all humanity.
- G. Initiatives are needed to reverse the drift toward war and to remove the causes of war.
- H. Our best protection lies in initiating, devising, and promulgating peaceful and just policy alternatives.
- I. Individual citizens, unless organized, are virtually powerless in confronting and influencing larger governmental bodies.

J. It is the responsibility of one and all to labor hard for peace and justice within forums of appropriate scale.

K. The residents of Berkeley have continually demonstrated their concern for peace and justice based on equality among all peoples.

L. The residents of Berkeley have welcomed to our City those who have been forced into exile, and who have come fleeing torture and death.

M. The Berkeley City Council, to act successfully in furthering peace and justice, must have wise counsel, accurate research, vigorous analysis, articulate formulation of issues and proposals for action, and thus the establishment of a Peace and Justice Commission is proper. (Ord. 5705 § 1, 1986)

3.68.020 Established--Membership--Appointment.

A Peace and Justice Commission is hereby established. The commission shall consist of fifteen members. Six members shall be appointed by the Berkeley Unified School District Board and nine members shall be appointed by the Berkeley City Council. Commission members shall have a demonstrated interest in the area of peace and social justice. It is suggested that the commission should have some representation of political refugees and political exiles who are residents of Berkeley and otherwise eligible to serve on the commission. Berkeley City Council appointments to the commission shall be made, and vacancies shall be filled in accordance with the provisions of Sections [2.04.030](#) through [2.04.130](#) of the Berkeley Municipal Code enacted as Ordinance No. 4780-N.S. by the voters of the City. (Ord. 5705-NS § 2, 1986)

3.68.030 "Peace and justice" defined.

For the purpose of this chapter, "peace and social justice" shall refer to the goal of creating a world community in which the relations between people are based on equality, respect for human rights, and the abhorrence of exploitation and all forms of oppression. (Ord. 5705-NS § 3, 1986)

3.68.040 Automatic termination of appointment.

A. The appointment of any member of the commission who has been absent from three consecutive meetings shall automatically terminate as set forth in Berkeley Municipal Code Chapter 3.02 unless: (i) the absence of the commissioner is due to incarceration for acts of conscience or is due to absence from the City for work related to that of the commission, (ii) in the case of absences for reasons stated in item (i) it is strongly urged that in accordance with Section [3.02.030](#) of the Berkeley Municipal Code the appointing councilmember grant a leave of absence for not more than three months, and fill the vacancy with a temporary appointment to the commission.

B. The chairperson of the commission shall report the attendance records of each member of the commission to the City Clerk monthly for each regularly scheduled meeting.

C. Any member absent as noted in items A (i) and A (ii) above shall be recorded as "excused". Any member absent without being recorded as excused from three consecutive regular meetings as reported monthly shall be terminated automatically after the third missed meeting.

D. The City Clerk shall notify any member whose appointment has automatically terminated and report to the appointing City Councilmember or School Board that a vacancy exists on the commission and that an appointment should be made for the unexpired term. (Ord. 5705-NS § 4, 1986)

3.68.050 Liaison representative to other City entities.

The commission may designate one or more of its members to act as a liaison representative to any other board, commission, or committee of the City. The functions of the liaison representative may include:

A. Attendance at meetings of such other boards, commissions or committees;

B. Advising the Peace and Justice Commission on the background behind those recommendations to the City Council of other boards, commissions or committees; and,

C. On request of any member of such other board, commission or committee giving advice to such other board, commission or committee of policies, and procedures and recommendations to the City Council of the Peace and Justice Commission that may bear upon matters under discussion by such other board, commission or committee. (Ord. 5705-NS § 5, 1986)

3.68.060 Organization, meetings, rules, and procedures.

A. The commission shall organize by electing from its members one chairperson and one vice-chairperson and such other officers as may be necessary, who shall hold office for one year and until their successors are elected unless their terms as members of the commission expire sooner. An officer or employee of the City designated by the City Manager shall serve as secretary to the commission.

B. 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.

C. The commission shall establish internal working rules and procedures which do not violate those rules of governance existing in the City Charter, the Commissioner's Handbook, or established through the authority of the City Council. (Ord. 6899-NS § 1, 2006: Ord. 5705-NS § 6, 1986)

3.68.070 Functions.

The commission shall perform the following functions:

A. Advise the Berkeley City Council and the Berkeley Unified School Board on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to the issues of ending the arms race, abolishing nuclear weapons, support for human rights and self-determination throughout the world, and the reallocation of our national resources so that money now spent on war and preparation of war is spent on fulfilling human needs and the promotion of peace.

B. Help create citizen awareness around issues of social justice and develop educational programs for implementation by the City Council and the School Board.

C. Help develop proposals for the City Council and the School Board for actions in furtherance of the goals of peace and justice, and help publicize such actions in the community.

D. Hold public hearings and community forums on issues that fall within the charge of the commission, and call on appropriate witnesses to provide pertinent information.

E. Initiate and encourage research programs to collect and assess information relevant to the functions of the commission including the effect of the arms race and military spending on funding for City and school programs and on the quality of life for citizens of Berkeley.

F. Develop ways to resolve conflict which do not involve violence and which may be applied on a local level as well as a national level.

G. Initiate and develop cultural and educational foreign exchange.

H. Act as a liaison between community groups organizing around issues of peace and social justice and City government.

I. Prepare inventories of City resources, both public and private that are available for furthering the work of promoting international peace and social justice.

J. Provide information to other municipalities and school districts on the work of the commission, and exchange information on actions taken by cities and the School Board in furtherance of the goals of the commission.

K. Assist the Director of Finance in the annual evaluation of financial institutions for qualification of City investments; complete development and assist in the implementation of a linked deposit program; encourage target investments; coordinate with City agencies, appropriate community organizations, public and private investors, and the Governor's Public Investment Task Force; and advise the City Council on matters relating to the responsible investment of public funds in accordance with the responsible investment policy established by Resolution No. 55,141A-NS.

L. Perform such other functions and duties as may be directed by the City Council or prescribed or authorized by any ordinance of the City, and such other functions and duties not prohibited by City Council which the commission should decide are consistent with its overall function of promoting peace and social justice.

M. 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 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 such assistance and advice to such board, commission or department as may be requested. (Ord. 6017-NS § 1, 1990: Ord. 5705-NS § 7, 1986)

Peace and Justice Commission
2018-2019 Annual Work Plan

Mission Statement:

The Peace and Justice Commission advises the Berkeley City Council and the Berkeley Unified School District Board on all matters relating to the City of Berkeley's role in issues of peace and social justice. (BMC Section 3.68.070.A.) Under its mandate, the Commission also helps create citizen awareness around issues of social justice, holds public hearings and community forums, initiates and encourage research programs, develops ways to resolve conflict which do not involve violence, acts as a liaison between community groups organizing around issues of peace and social justice and City government, and assists the Director of Finance in the evaluation of financial institutions for socially responsible investing.

I. Resolutions and communications to Council and the Board of Education.

Address homelessness, racial and gender justice, policing policy (including external BPD relationships such as NCRIC and UASI), protection of Ohlone sacred sites, civil liberties, international peace with justice, and other social issues as they arise throughout the year with proposals and communications as appropriate.

II. Other existing responsibilities and subcommittees.

- a. Continue the established responsibility for Nuclear Free Berkeley Act oversight and waiver process, as proposals are submitted to the Commission by City staff. Continue to collaborate with the international movement against nuclear weapons.
- b. Subcommittee on the Convention on the Rights of Persons with Disabilities (CRPD).

The Subcommittee held a successful forum on the CRPD in 2018, and plans to hold a follow-up forum in 2019.

- c. Socially Responsible Investing and Procurement Subcommittee (SRIP).
 - i. Improve and institutionalize the City's commitment to Socially Responsible investing, banking, and procurement.¹

¹ BMC Section 3.68.070.K: "The [Peace and Justice] Commission shall perform the following functions...K. Assist the Director of Finance in the annual evaluation of financial institutions for qualification of City investments...and advise the City Council on matters relating to the responsible

Develop a resolution to propose a mechanism to fulfill the Commission's mandated advisory role.

- ii. Work with the Mayor's Task Force on Banking to strengthen and make effective the SRIP program, especially with regard to Procurement
- iii. Work with the BUSD School Board Policy Committee to establish an effective Sweatfree Berkeley Schools Policy.

III. Proposed expansions of responsibility.

The Commission has proposed two areas in which it could assist the Council in support of its Sanctuary City/City of Refuge declaration. As Berkeley has no Immigrant Rights Commission, Peace and Justice functions in that capacity on a de facto basis.

- a. Regional Sanctuary Community Working Group. The Commission offered to take on coordination with other Sanctuary communities (cities and counties) in a resolution passed July 9, 2018. Mayor Arreguin asked the Commission to do this work through the Mayor's Sanctuary City Task Force.
- b. Sanctuary City Contracting Ordinance — Ban ICE data brokers from city contracting. The Commission reviewed the ordinance referred to it by Council, and responded with suggested language giving the Commission a role in vetting contracts, patterned after its role in the Nuclear Free Berkeley Act. The Commission's letter appeared in a subsequent Council agenda packet as a communication and is pending Council action.

- IV. Cooperate with the school board and the BUSD community on social issues of mutual interest affecting students and youth, with special consideration to the problem of the educational opportunity gap and sexual harassment in the schools, in the context of Title IX. Success of this initiative depends on School Board members fully appointing membership of the Peace and Justice Commission (to its statutory number of six BUSD-appointed commissioners from the present two).

investment of public funds in accordance with the responsible investment policy established by Resolution No. 55,141A-NS.”)

The Commission will support the development of the African American Holistic Resource Center.

Background:

CRPD

The Peace & Justice Commission established the Subcommittee on the Convention on the Rights of Persons with Disabilities (the Subcommittee) in 2014, in order to institutionalize the City of Berkeley's long-standing focus on promoting and protecting the legal rights of persons with disabilities. The City has held a leading position in the field of disability rights for many years, and is well-known nationally and internationally as an unusually fruitful breeding ground for grassroots non-profit organizations working in that field.

Together with representatives from four other City of Berkeley Commissions: the Commission on the Status of Women, the Commission on Disability, the Commission on Mental Health, and the Commission on Aging, the Subcommittee published its Mission Statement; requested the Peace & Justice Commission to ask the City Council to write to the U.S. Senate urging ratification of the Convention on the Rights of Persons with Disabilities (duly done in 2015); and held a public Forum at the Ed Roberts Campus in May 2018.

The Subcommittee is working on plans to hold another public Forum in 2019.

The Honorable Jesse Arreguin, Mayor of the City of Berkeley, welcomed the Forum participants at this successful Subcommittee initiative that extended knowledge and applicability of the international treaty in Berkeley.

Nuclear-Free Berkeley

The Nuclear Free Berkeley Act came into force in 1986 (Chapter 12.90.070 Section 030D). The Peace & Justice Commission established the Subcommittee on The Nuclear Free Berkeley Act (NFBA) to oversee and reinforce compliance with the terms of the Act. The Subcommittee's activities have included:

- recommendation against a waiver for continuation of the Berkeley Public Library's contracts with 3M (2009-2010);
- consideration of a waiver for the City of Berkeley Public Health Division's proposal on medical supplies (2012);
- recommendation of a waiver for the SkyDeck Business Incubator-Accelerator Contract (2012);
- recommendation (February 7, 2013) to the Regents of the University of California that it phase out responsibility for operating the Nuclear Weapons Laboratories in Livermore and Los Alamos;

- a letter from the City of Berkeley to President Obama in 2014 urging support of a ban on nuclear weapons.

More recently, in light of the Award of the Nobel Peace Prize in 2017 to the International Campaign to Abolish Nuclear Weapons (ICAN), whose goal is international adherence to and full implementation of the Treaty on the Prohibition of Nuclear Weapons (the Treaty), the Peace and Justice Commission will seek to collaborate further with ICAN on activities of mutual concern. We would note that the California State Senate and the California State Assembly voted affirmatively on a bill in September 2018 to urge U.S. Senate adoption of the Treaty. Strong support comes also from the International Red Cross Red Crescent Movement; NuclearBan.US, The City of Los Angeles, California; the City of Takoma Park, Maryland; Physicians for Social Responsibility; and the U.S. Conference of Mayors, among others.

Indigenous Peoples:

Between December 2015 and January 2016, the Berkeley City Council, upon the recommendation of the Peace and Justice Commission, adopted five important resolutions supporting the treaty rights of indigenous people in Berkeley. The resolutions included: recognition of the Ohlone people as the original inhabitants of Berkeley and the Bay Area, pledging to work in good faith with Ohlone representatives; implementing the UN Declaration on the Rights of Indigenous Peoples as municipal policy; endorsing the upgrading of the Declaration to a Convention; honoring the Berkeley Shellmound indigenous site; and urging the East Bay Regional Parks District to protect the Ohlone place of origin sacred site.

The resolution on the Berkeley Shellmound mandated that “free, prior, and informed consent of the Ohlone and other indigenous peoples of the region should be integral to any alteration planning for the Berkeley Shellmound site, in accordance with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.”

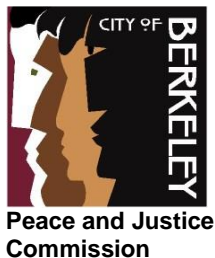
In 2018-2019 the Peace and Justice Commission will support the implementation of these resolutions with particular attention to proposed development of the Berkeley Shellmound site.

Sweatshop-Free Berkeley:

The Sweatshop-free Berkeley Policy now has a zero dollar threshold per supplier per year for textile products purchased by the City. This threshold is an improvement over the previous minimum of \$1,000 purchase per supplier for the Policy to apply. However, the policy is complaint-driven, so the burden is on community members to research the supply chain for each supplier. The SRIP Subcommittee proposes to establish a mechanism for suppliers to show that they are using Sweatshop Free products for City purchases.

The Policy governs textile purchases only. The goal is to identify sweat-free alternatives for technology purchases so tech can be covered as well.

The BUSD, through the School Board Policy Committee, is in the process of establishing a Sweatfree Schools Policy for athletic supplies. The SRIP Subcommittee and the Commission are supporting the BUSD to ensure the development of an effective policy.



**Peace and Justice Commission Meeting
 Regular Meeting – Monday, July 15, 2019
 City of Berkeley City Hall, 2180 Milvia, Berkeley CA, Cypress Room**

DRAFT MINUTES

The meeting convened at 7:10 pm with Chair Lippman presiding.

1. Roll Call

Present: Askary, al-Bazian, Bohn, Gussmann, Lippman, Maran, Meola, Morizawa, Tregub (9:15 PM)

Absent: Han, Rodriguez

Excused: Pancoast, Pierce

2. Announcements

3. Comments from the Public

Public Attendance:

Public Comments:

Action Items

4. Review and Approval of Meeting Minutes

The Peace and Justice Commission adopted minutes for June 3, 2019 meeting.

M/S/C: Meola, Maran

Ayes: Askary, Gussman, Lippman, Maran, Meola, Morizawa

Noes: None

Abstain: al-Bazian, Bohn

Absent: Han, Tregub, Rodriguez

Excused: Pancoast, Pierce

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5. Commission Updates and Chairperson’s Report (No Action Taken)

6. Secretary’s Report (No Action Taken)

7. Resolution in support of protections from deportation and a path to permanent residency for beneficiaries of DACA, TPS, and DED

(Commissioner Bohn)

M/S/C: Bohn, al-Bazian

Ayes: Askary, al-Bazian, Bohn, Gussman, Lippman, Maran, Meola, Morizawa

Noes: None

Abstain: None

Absent: Han, Rodriguez, Tregub

Excused: Pancoast, Pierce

8. Discussion and possible action on non-citizen voting initiative (No Action Taken)

9. Discussion and possible action on scheduling the African American Holistic Resource Center Presentation (Commissioner Lippman)

The Peace and Justice Commission approved a 6:00 PM meeting time for the September 9th meeting to accommodate the African American Holistic Resource Presentation.

M/S/C: Meola, al-Bazian

Ayes: Askary, al-Bazian, Bohn, Gussman, Lippman, Maran, Meola, Morizawa

Noes: None

Abstain: None

Absent: Han, Rodrigeuz, Tregub

Excused: Pancoast, Pierce

10. Discuss and adopt annual commission work plan (Chair Tregub)

M/S/C: Tregub, Askary

Ayes: Askary, al-Bazian, Bohn, Gussman, Lippman, Maran, Meola, Morizawa, Tregub

Noes: None

Abstain: None

Absent: Han, Rodrigeuz

Excused: Pancoast, Pierce

11. Meetings process initiatives – Discussion and Possible Action (No Action Taken)

11a. Meetings process initiatives (Chair Tregub)

11b. Setting an internal commission policy to send all action items and supporting documentation to the commission 10 days in advance of the regular meetings. (No Action Taken)

12. Subcommittee on The Convention on the Rights of Persons with Disabilities (No Action Taken)

**13. Subcommittee on Socially Responsible Investments and Procurement
(No Action Taken)**

**14. BUSD subcommittee discussion and potential appointments (No Action
Taken)**

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The meeting was adjourned at 10:00 PM.

Respectfully Submitted,

Breanne Slimick, Secretary
Peace and Justice Commission

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Peace and Justice Commission

DRAFT

RESOLUTION TO EXPROPRIATE PRIVATE AND CORPORATE PROPERTY TO END HOMELESSNESS FOR THE GENERAL WELFARE OF THE PEOPLE

From Commissioner Meola, September 9, 2019

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley’s role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 3.68.070); and

WHEREAS, EMINENT DOMAIN is the right of a government or its agent to expropriate private property for public use, with payment of just compensation, per the 5th Amendment to the Constitution of the United States¹; and

WHEREAS, private property, commonly, has often been expropriated under the theory and practice of eminent domain, for the purposes of providing freeways and other conveniences for the public; and

WHEREAS, when, in the course of human events, it becomes necessary, to expropriate land or buildings, to house the homeless, for the general welfare of those homeless people, and thus, for the benefit and the general welfare of all of the people in general, i.e., for the benefit of all of the people;

THEREFORE, BE IT RESOLVED that land and/or buildings, in the City of Berkeley, shall be expropriated under the theory and practice of eminent domain and the landowner/s shall be paid fair market value, by the City of Berkeley, for the property taken, when the community deems it necessary for the general welfare of the people.; and

BE IT FURTHER RESOLVED, that the current use and type of use or nonuse of such property will be taken into consideration when choosing property for expropriation.

¹ “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

DRAFT

Peace and Justice Commission letter to Berkeley City Council:
Endorse Ratification of U.N. Convention on the Rights of the Child

Hon. Mayor Arreguin and members of the Berkeley City Council:

Subject: Endorsing ratification of the United Nations Convention on the Rights of the Child

The Peace and Justice Commission advises the City Council and Board of Education on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 3.68.070).

Berkeley is a human rights city. The City of Berkeley adopted Ordinance 5985 N.S., the "City of Berkeley Human Rights Ordinance, 1990, Adopting a Human Rights Policy Based on Articles 55 and 56 of the United Nations Charter;" and

The Peace and Justice Commission fully supports the resolution "Endorsing the United Nations Convention on the Rights of the Child (CRC)," which is currently on your September 10 consent calendar.

As the resolution states, "The CRC outlines the civil, political, economic, social, health and cultural rights of children. It includes, but is not limited to, the right to an adequate standard of living (such as food, water, and healthcare), the right to education, freedom from discrimination and bigotry, and protections in the justice system."

Ratification of the CRC would bind this and future national, state, and local governments to ensuring the human rights of the child. The current national administration's hypocrisy stands in fullest view shedding its crocodile tears for unborn children and the sanctity of the family, while promoting the separation of families and the caging of children on the southern border, and promoting a greatly extended "public charge" rule that will put documented and undocumented children at risk of economic and health perils. The administration's threats to the country's

33 youth are existential as well; they refuse to support the brave call of the youth movement to
34 restrict the availability of weapons used in mass murders in the nation's schools. And the
35 president's climate change denial is rightly viewed as a death sentence for the planet our children
36 are inheriting.

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38 Failing our children is not confined to the national administration. There are country-wide and
39 local reverberations of the lack of care for children and youth. The City of Berkeley's self-
40 examination on compliance with the International Covenant on Civil and Political Rights,
41 approved by Council in 2014 and prepared by the Peace and Justice Commission, highlighted
42 several conditions of life that violate international law.¹ These include a high and growing rate
43 of asthma hospitalization among young children as well as African Americans, a high level of
44 African American (30%) and Latino (19%) children living below the poverty level, and a
45 stubborn level of racial achievement or opportunity gap in the BUSD. Uneven application of law
46 enforcement has a disproportionate effect on children of color.

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48 The Commission urges Council to pass the resolution to endorse ratification of the Convention
49 on the Rights of the Child. We also call on Council to look inward at conditions of life for its
50 own children. Council can begin by declaring the CRC the law of the City of Berkeley as you
51 have done with the Convention on the Elimination of all Forms of Discrimination Against
52 Women (CEDAW), another treaty not ratified by the U.S. Senate. Council can move beyond the
53 symbolic by also working with commissions, staff, and community organizations to study and
54 propose remediations that will bring conditions of life for Berkeley's children up to international
55 standards.

¹ "Report to the UN Human Rights Committee: Compliance with International Covenant on Civil and Political Rights," Berkeley City Council, October 7, 2014, https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Commissions/Commission_for_Peace_and_Justice/PJC%20ICCP%2010072014%20APPROVED%20FINAL.pdf

Resolution in Relation to the Attempted Prosecution of Non-Violent Activists Who Attempt to Expose the Conditions of Animals in Factory Farms

- Whereas, it is a well-established scientific fact, as supported by 2,500 studies exploring animal cognition, that nonhuman animals have emotions, personalities, and the ability to feel pain, fear, and stress;[1] and

- Whereas, an international group of prominent neurological scientists issued the Cambridge Declaration of Consciousness in 2012, stating that nonhuman animals are conscious beings capable of feeling emotional states such as pain, stating:

“The weight of evidence indicates that humans are not unique in possessing the neurological substrates that generate consciousness. Nonhuman animals, including all mammals and birds, and many other creatures, including octopuses, also possess these neurological substrates.”[2]; and

- Whereas, the public in California cares deeply about nonhuman animals raised in commercial operations, as evidenced by, among other things, the overwhelming passage of Proposition 12 in 2018, which established new standards for confinement of farm animals and banned noncomplying products; and

- Whereas, California’s animal cruelty statute, California Penal Code Section 597 et seq., does not contain an animal husbandry exemption and thus covers cruelty inflicted on nonhuman animals raised in commercial operations (“factory farms”); and

- Whereas, California Penal Code Section 597e makes it a crime to hold a domestic animal in confinement without providing the animal with sufficient food and water, and also provides a legal defense against the claim of trespass to anyone who enters the area where the domestic animal is confined for the purpose of providing food and water; and

- Whereas, factory farms routinely violate California’s animal cruelty statute in numerous ways, including forcing nonhuman animals to live their whole lives in dirty, overcrowded sheds, and allowing them to die of thirst or hunger when they are too sick or injured to reach food or water; and

- Whereas, factory farms pose a significant threat to human health, including by cultivating antibiotic-resistant bacteria that contaminate the food supply; and

- Whereas, factory farms pose a significant threat to the environment, including by emitting significant quantities of greenhouse gases and producing large amounts of manure that seep into waterways and threaten ecosystems; and
- Whereas, consumers care deeply about nonhuman animals and are often willing to pay a significant premium to purchase animal products from suppliers they believe have treated animals humanely; and
- Whereas, companies that supply animal products routinely portray their treatment of nonhuman animals in a substantially more favorable light than the reality; and
- Whereas, little or no enforcement of California’s animal cruelty statute occurs with respect to nonhuman animals raised in commercial operations; and
- Whereas, peaceful activists have attempted to bring violations by factory farms of California’s animal cruelty statute to the attention of the public as well as law and regulatory enforcement agencies, including video and photographic evidence of animals caught in wire cages and left with large, untreated sores; and
- Whereas, those activists have been arrested while trying to document the conditions of factory farms and rescue nonhuman animals therein from disease, thirst, and starvation; and
- Whereas, six activists, including five Berkeley residents, presently face felony charges in Sonoma County in connection with those investigations and rescues; and
- Whereas, investigating the conditions of factory farms and exposing abuses to the public and to law enforcement, and rescuing nonhuman animals who are diseased, starving, and thirsty, raises consciousness regarding the plight of nonhuman animals as well as the impact of factory farms on human health and the environment;

Now, therefore, be it resolved, that the Berkeley City Council

- (1) holds that the six individuals being prosecuted in Sonoma County are non-violent activists who were investigating and attempting to expose the abuses of nonhuman animals in factory farms;
- (2) encourages the Sonoma County District Attorney to dismiss such prosecution or exercise leniency, and to devote the resources that could be saved from these actions

to instead investigate and prosecute animal cruelty in commercial animal operations in Sonoma County;

- (3) encourages law and regulatory enforcement agencies in California, including the California Attorney General and the California Department of Food and Agriculture, to investigate and prosecute animal cruelty in commercial animal operations that supply stores throughout California;
- (4) urges the California State Legislature to pass laws expanding the protection of nonhuman animals raised in commercial operations from abuse; and
- (5) affirms the commitment of the Berkeley City Council to the protection from all suffering and harm of all animals both within Berkeley and around the world.

[1] <https://www.livescience.com/39481-time-to-declare-animal-sentience.html>

[2] <http://fcmconference.org/img/CambridgeDeclarationOnConsciousness.pdf>

To: Members of the Peace and Justice Commission
From: Chair Igor Tregub
Subject: Recommendation to Adopt Process Guidance for the Peace and Justice Commission

RECOMMENDATION

The Peace and Justice Commission (PJC) has multiple demands on commissioners' time under its mandate. Adopting the following guidance, in addition to other elements that may be suggested by other commissioners, would help achieve the striking of an optimal balance between the need to duly deliberate on items submitted to the PJC and ensure that the PJC efficiently, effectively, and expeditiously weighs in on all such items.

1. Deadlines to submit information prior to each meeting should be respected. Commissioners should make a good-faith effort to submit a level of detail in describing their items (particularly if they are scheduled for possible action) that is of sufficient depth and breadth to give PJC commissioners a baseline understanding of the item, subject to questions and discussion at the meeting.
2. Should PJC commissioners choose to submit additional information to supplement their items following the deadline for publication of a PJC agenda packet, the PJC shall first vote on accepting this additional information at the meeting for which it is presented. Note: this guidance shall apply only to items scheduled for possible action at a PJC meeting. No late (post-agenda publication) submissions of new items will be entertained.
3. When discussing items that are agendized for possible action, a motion should be introduced as soon as possible for further discussion.
4. When there are multiple items scheduled for discussion during the course of an agenda, the presiding officer may have the discretion to introduce a time limit on each commissioner's comments. The presenter of the item would have four minutes. The question and answer segment following the presentation of the item would have no time limit. In the first round of comments, each commissioner would receive three minutes. In the subsequent round for rebuttals and responses, each commissioner would receive two minutes.

5. Prior to continuing a PJC meeting past 9:30 p.m. and 10:00 p.m., respectively, the PJC would entertain a motion, subject to passage by a simple majority vote, to do so. No PJC meeting should go beyond 10:30 p.m.
6. While the PJC Chairperson (or Acting Chairperson), per applicable Commission Guidelines, is responsible for finalizing any Council recommendations that are approved by the PJC, the PJC commissioner who introduced the item should provide an initial draft to the Chairperson for their review and approval, subject to the vote taken by the full PJC.

Rationale: Effective decision making calls for data from a variety of alternative perspectives and time to digest and weigh that data before a vote is taken. The University of Massachusetts lists the steps as follows:

Decision-making process

- **Step 1:** Identify the **decision**. You realize that you need to make a **decision**. ...
- **Step 2:** Gather relevant information. ...
- **Step 3:** Identify the alternatives. ...
- **Step 4:** Weigh the evidence. ...
- **Step 5:** Choose among alternatives. ...
- **Step 6:** Take action. ...
- **Step 7:** Review your **decision** & its consequences.