BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING

TUESDAY, OCTOBER 15, 2024

2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Terry Taplin

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

To access the meeting remotely use this URL - https://cityofberkeley-info.zoomgov.com/j/1603237401 . To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 323 7401**. To provide public comment, press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov.

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

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

California Government Code Section 84308 (Levine Act) Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over $250 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $250 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

AGENDA

Roll Call

Public Comment

Review of Agendas

1. **Approval of Minutes: September 30, 2024**
2. **Review and Approve Draft Agenda:**
   a. 10/29/24 – Regular City Council Meeting
3. **Selection of Item for the Berkeley Considers Online Engagement Portal**
4. **Adjournments In Memory**

Scheduling

5. **Council Worksessions Schedule**
6. **Council Referrals to Agenda Committee for Scheduling**
7. **Land Use Calendar**

Referred Items for Review

8. **Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Public Comment Processes**
9. **City Council Legislative Systems Redesign, Including Strengthening the Committee System to Provide More In-Depth Review and Vetting of Major Items**

Unscheduled Items

10. **Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
11. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
12. **Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**
13. **Consideration of Changes to Supplemental Material Timelines (referred by Council at the May 7, 2024 meeting)**

Items for Future Agendas

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

Adjournment – Next Meeting Monday, October 28, 2024

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Additional items may be added to the draft agenda per Council Rules of Procedure.

Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items

Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.

If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.

The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.

Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee in advance of the meeting and retained as part of the official record.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900.



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

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Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@berkeleyca.gov.

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

MONDAY, SEPTEMBER 30, 2024

2:30 P.M.

School District Board Room - 1231 Addison Street, Berkeley, CA 94702

Teleconference Location - 1404 Le Roy Ave, Berkeley, CA 94708

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf

Alternate: Councilmember Terry Taplin

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

To access the meeting remotely use this URL - https://cityofberkeley-info.zoomgov.com/s/1606008910. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 600 8910**. To provide public comment, press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov.

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Roll Call: 2:35 p.m. All present.

Public Comment – 11 speakers

Review of Agendas

1. **Approval of Minutes: September 16, 2024**
   Action: M/S/C (Hahn/Wengraf) to approve the minutes of 9/16/24.
   Vote: All Ayes.

2. **Review and Approve Draft Agenda:**
   a. 10/15/24 – Regular City Council Meeting
   Action: M/S/C (Arreguin/Hahn) to approve the agenda of 10/15/24 with the changes noted below.
   - *Item Added: Naming of Skate Park (Kesarwani) – added to Consent Calendar*
   - *Item 6 Thirdwave (City Manager) – revised recommendation*
   - *Item 9 Railroad Crossing (City Manager) – scheduled for 10/29/24*
   - *Item 20 Cal Sailing Club (Commission) – corrections needed for "four year" provision and vote recorded for Commissioner Diehm*
   - *Item 21 Halloween Festivities (Humbert) – Councilmember Hahn added as a co-sponsor*
   - *Item 23 PAB Report Item (Police Accountability Board) – Item withdrawn by Director of Police Accountability*
   - *Item 25 Tax Exemption (Arreguin) – Moved to Consent Calendar*
   - *Item 26 Sabbatical (Hahn) – Revised item submitted. Referred to the Budget & Finance Committee*
   - *Item 27 Safety Plans (Hahn) – Scheduled for Action Calendar*

   Order of Action Calendar
   Item 22 Building Code
   Item 24 Use of Force
   Item 27 Safety Plans
   Vote: All Ayes.

3. **Selection of Item for the Berkeley Considers Online Engagement Portal –** None Selected

4. **Adjournments In Memory –** None

Scheduling

5. **Council Worksessions Schedule –** Confirmed 10/29 special meeting

6. **Council Referrals to Agenda Committee for Scheduling –** received and filed

7. **Land Use Calendar –** received and filed

Referred Items for Review

8. Discussion and Possible Action on City Council Rules of Decorum, Procedural Rules, and Public Comment Processes

Action: 3 speakers. Discussion of proposed technical changes to Rules of Procedure. M/S/C (Arreguin/Hahn) to recommend the proposed amendments to the City Council, amended to remove the portion on limiting debate and the phrase about votes on the Consent Calendar.
Vote: All Ayes.

9. City Council Legislative Systems Redesign, Including Strengthening the Committee System to Provide More In-Depth Review and Vetting of Major Items

Action: 3 speakers. Discussion of next steps for the legislative process.

Unscheduled Items

10. Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)

11. Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals

12. Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal

13. Consideration of Changes to Supplemental Material Timelines (referred by Council at the May 7, 2024 meeting)

Items for Future Agendas

- **None**

Adjournment

Action: M/S/C (Arreguin/Hahn) to adjourn the meeting.
Vote: All Ayes.

Adjourned at 4:00 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee held on September 30, 20204.

_____
Mark Numainville, City Clerk

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DRAFT AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, October 29, 2024
6:00 PM

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

TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY, CA 94708

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SOPHIE HAHN
DISTRICT 6 – SUSAN WENGRAF
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

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Preliminary Matters

Roll Call:

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

Ceremonial Matters: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Persons will be selected to address matters not on the Council agenda. If five or fewer persons wish to speak, each person selected will be allotted two minutes each. If more than five persons wish to speak, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons attending the meeting in-person and wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting. The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.*

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

Consent Calendar

The Council will first determine whether to move items on the agenda for "Action" or "Information" to the "Consent Calendar", or move "Consent Calendar" items to "Action." Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent".

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. Speakers will be entitled to two minutes each to speak in opposition to or support of Consent Calendar and Information Items. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of September 9, 2024 (closed), September 10, 2024 (regular), September 16, 2024 (closed and special), September 24, 2024 (closed and regular), September 30, 2024 (closed and special).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

2. City Council Rules of Procedure and Order Revisions *(Reviewed by the Agenda & Rules Committee)*
From: City Manager
Recommendation: Adopt a Resolution revising the City Council Rules of Procedure and Order to clarify and reorganize existing language, make technical corrections to account for hybrid meetings; incorporate certain temporary provisions from Appendix C into the main body of the document; and rescinding any preceding amendatory resolutions.
Policy Committee Recommendation: To recommend the proposed amendments to the City Council, amended to remove the portion on limiting debate and the phrase about votes on the Consent Calendar.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

3. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 29, 2024
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

4. Purchase Order: ZOLL Medical Corporation for ECG Monitor/Defibrillators
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a Purchase Order and any amendments with ZOLL Medical Corporation to purchase a new fleet of Advanced Life Support (ALS) Electrocardiogram (ECG) Monitor/Defibrillators, associated equipment and maintenance in an amount not to exceed $2,832,950 for not more than seven (7) years.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

5. Contract: Berkeley Food Network for Berkeley-Based Food Assistance
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute a contract and any amendments or extensions with Berkeley Food Network to provide food assistance to low-income households in Berkeley in an amount not to exceed $400,000 for the period December 2, 2024 through June 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

6. Contract No. 32400176 Amendment: Health Officer Coverage – Dr. Gail Newel
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to amend Contract No. 32400176 with Dr. Gail Newel to increase by $50,000 for a total not to exceed amount (NTE) of $100,000.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

7. Contract No. 32400177 Amendment: Health Officer Coverage – Dr. Lisa B. Hernandez
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to amend Contract No. 32400177 with Dr. Lisa B. Hernandez to increase by $50,000 for a total not to exceed amount (NTE) of $100,000.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

8. Housing Trust Fund Recommendations for the Berkeley Unified School District Workforce Housing Project and the St. Paul Terrace Project
From: City Manager
Recommendation: Adopt a Resolution to: 1. Reserve an additional $2,000,000 for Satellite Affordable Housing Associates (SAHA) and Abode Communities' Berkeley Unified School District (BUSD) Workforce Housing project; and 2. Reserve an additional $3,504,319 for Community Housing Development Corporation of North Richmond (CHDC)'s St. Paul Terrace project with the following conditions: a. Funds shall be reserved for a period of no more than 18 months from the date of Council approval, contingent on the development team obtaining all required land use approvals of the property and securing commitments for project funding that the City Manager or their designee deems sufficient within the reservation period. b. CHDC shall apply to alternative funding sources with the intent of reducing the need for these additional City funds. CHDC shall provide updates to the City on the applications submitted and the outcomes. 3. Authorize the City Manager or their designee to execute all original or amended documents or agreements to effectuate these actions.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

9. Fiscal Year 2025 Meals on Wheels of Alameda County Donations for the Berkeley Meals on Wheels Program
From: City Manager
Recommendation: Adopt a Resolution accepting donations for the Berkeley Meals on Wheels Program from the Meals on Wheels of Alameda County (MOWAC) agency, for Fiscal Year 2025 (FY2025).
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

10. Contract No. 32400104 Amendment: SmartWave for City Facility Managed Wi-Fi
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32400104 with SmartWave Technologies LLC, for managed Wi-Fi and related services increasing the amount by $250,000 for a total not-to-exceed amount of $620,000 from July 25, 2023 to June 30, 2026.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

11. Contract: American Debris Box Service Inc. for Portable Toilet Service
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute a contract and any amendments with American Debris Box Services, Inc. for portable toilet service in an amount not to exceed $360,000 for a period of two years, with an option to extend for three 12-month periods for a total amount not to exceed $900,000.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

12. Contract: Redwood Engineering Construction for Martin Luther King Jr. Civic Center Park - Upper Plaza Improvements Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Martin Luther King Jr. Civic Center Park Upper Plaza Improvements Project; and 2. Accepting the bid of the lowest responsive and responsible bidder, Redwood Engineering Construction; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Redwood Engineering Construction, for the Martin Luther King Jr. Civic Center Park Upper Plaza Improvements Project at 2135 Martin Luther King Jr Way, in an amount not to exceed $1,042,139 which includes a contract amount of $868,449 and a 20% contingency in the amount of $173,690.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

13. Donation from Berkeley Echo Lake Camp Association for Echo Lake Camp Youth Scholarships and Programming
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation of up to $25,000 from the Berkeley Echo Lake Camp Association (BELCA) for Echo Lake Camp youth scholarships and programming.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

14. Council Referral and Contract: Green Pocket Forest for Miyawaki Forest Design and Installation
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to execute a contract with Green Pocket Forest for the design and installation of a Miyawaki forest in an amount not to exceed $142,775.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

15. Agreement Regarding Allocation of Costs for Railroad Crossing Improvements for Berkeley Commons Between Berkeley Commons Owner, LLC, ("Developer") a California limited liability company and the City of Berkeley ("City").
From: City Manager
Recommendation: Adopt a Resolution authorizing City Manager to execute an agreement (Attachment 1 to the report) and any amendments with Berkeley Commons (Developer) for payment for all the improvements to mitigate the impact of Berkeley Commons Development (Project) at the Addison Street and Bancroft Way at-grade railroad crossings.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

16. Contract Amendment: B-Bros Construction Inc. for Temporary Stabilization of Stair Tower Windows at 2180 Milvia Street
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with B Bros to remediate the flaking paint and repaint the interior perimeter walls at 2180 Milvia.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Council Consent Items

17. 2024-2025 Budget Request: Funding for Speed Bump at Russell and Martin Luther King Jr. Way
From: Councilmember Bartlett (Author)
Recommendation: That the Council refers the November AAO#1 Budget Process $7,000 to fund the speed bump installation on Russell Street at King Street or other costs associated with the traffic calming method that City Staff sees fit.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

18. FY25 Budget Request: Funding for Replacement of Six Existing Wrought Iron Barriers for South Adeline Circular Planters
From: Councilmember Bartlett (Author)
Recommendation: That the City Council refer $50,000 to the FY25 AAO1 budget process for the replacement of the existing six wrought iron barriers that protect the circular planters on South Adeline Street in District 3, as requested by community members and identified by city staff. These new artistic barriers will match the ones on Shattuck Avenue in the downtown area, create new seating opportunities, enhance the aesthetic appeal and foster a more positive community atmosphere.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Council Consent Items

19. "Your Rose Garden": Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Wengraf (Author)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Vice Mayor Susan Wengraf to the Living New Deal, earmarked for the completion of the short film, "Your Rose Garden," with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Vice Mayor Wengraf and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Susan Wengraf, Councilmember, District 6, (510) 981-7160

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during one of the Action Calendar public comment periods on the item. Public comment will occur for each Action item (excluding public hearings, appeals, and/or quasi-judicial matters) in one of two comment periods, either 1) before the Action Calendar is discussed; or 2) when the item is taken up by the Council.

A member of the public may only speak at one of the two public comment periods for any single Action item.

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

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

Action Calendar – Scheduled Public Comment Period

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

Action Calendar – New Business

20a. Achieving Goals of 2018 Berkeley Age-Friendly Action Plan *(Reviewed by Budget & Finance Committee)*

From: Commission on Aging

Recommendation: Refer to the City Manager steps to revisit and act on the recommendations of the Berkeley Age-Friendly Action Plan as outlined in the report, by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps by increasing funding for personnel and other services currently being offered, as well as others identified in the Age-Friendly Plan.

The Aging Commission identified as first steps four (4) priority areas and goals for the Action Plan: 1. Housing and Economic Security: Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status. 2. Transportation and Mobility: Advance a network of public and private transportation (including transit, assistive devices, e-bikes and e-scooters and bicycling and walking) that equitably serves residents and connects them to services, social activities, and employment opportunities.

3. Health and Wellness: Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities. 4. Social Participation and Civic Engagement: Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

In the short term, the Commission recommends that these plans should include a budget referral to the City Manager for consideration in the biennial budget process.

Policy Committee Recommendation: To refer the item from the Commission and the City Manager Companion Report item to the City Council with a qualified positive recommendation to consider sending both items to the City Manager for evaluation of the age-friendly action plan and the provision of recommendations.

Financial Implications: See report

Contact: Darleen Bronson, Commission Secretary, (510) 981-5400

Action Calendar – New Business

20b. Companion Report: Achieving Goals of 2018 Berkeley Age-Friendly Action Plan *(Reviewed by Budget & Finance Committee)*
From: City Manager
Recommendation: Refer to the City Manager to review and prioritize the recommendations of the City of Berkeley's Age-Friendly Action Plan, in conjunction with the results of the Community Health Assessment that will be conducted by the Health, Housing, and Community Services Department in the 2024 calendar year. In addition, to consider the following referrals: 1. Refer to the Transportation Commission to collaborate with the Commission on Aging to assess the equitable accessibility of public transportation options for the older adult and disabled community in Berkeley 2. Refer to Housing Advisory Commission to collaborate with staff to assess the level of affordable, accessible housing options for older adults to age in the Berkeley community. 3. Refer the Commission on Aging's request for increased funding to the Budget and Finance Policy Committees for further deliberation.
Policy Committee Recommendation: To refer the item from the Commission and the City Manager Companion Report item to the City Council with a qualified positive recommendation to consider sending both items to the City Manager for evaluation of the age-friendly action plan and the provision of recommendations.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

21a. Measure P Allocations, Fiscal Year 2025-2026 *(Reviewed by Budget & Finance Committee)*
From: Homeless Services Panel of Experts
Recommendation: That Council approve the Homeless Services Panel of Experts recommendations to allocate Measure P revenue providing homeless services as detailed in Attachment 1, Exhibit A to the report.
Policy Committee Recommendation: To refer the item from the Commission and the City Manager Companion Report item to the City Council with a negative recommendation that no further action is required, as the Council has already taken action through the adoption of the 2025-26 Bi-annual Budget.
Financial Implications: See report
Contact: Josh Jacobs, Commission Secretary, (510) 981-5400

Action Calendar – New Business

21b. Companion Report: Measure P Allocations, Fiscal Year 2025-2026 *(Reviewed by Budget & Finance Committee)*
From: City Manager
Recommendation: Approve the Homeless Services Panel of Experts recommendations for Fiscal Years 2025-2026, but continue to partially fund 5150 transports from Measure P until alternative sources can be identified.
Policy Committee Recommendation: To refer the item from the Commission and the City Manager Companion Report item to the City Council with a negative recommendation that no further action is required, as the Council has already taken action through the adoption of the 2025-26 Bi-annual Budget.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000, David Sprague, Fire, (510) 981-3473

22. Renewal of the Solano Avenue BID for Calendar Year 2025
From: Solano Avenue BID Advisory Board
Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2024 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2025; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2025; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for December 3, 2024.
Financial Implications: See report
Contact: Vincent McCoy, Commission Secretary, (510) 981-7530

Council Action Items

23. Budget Referral: Allocate the Existing $900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC *(Reviewed by Budget & Finance Committee)*
From: Councilmember Harrison (Author), Councilmember Taplin (Co-Sponsor)
Recommendation:
Refer to City Manager and the Budget and Finance Committee to consider establishing an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under 3. a-c.
Policy Committee Recommendation: To refer the item to the City Council with a qualified positive recommendation to refer the policy to the 2026 Fiscal Year budget process for consideration alongside other available funds for traffic calming, bike, pedestrian, and transit priority projects.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action Calendar – Policy Committee Track Items

24. First Year Free - Fill Empty Storefronts Act
From: Councilmember Hahn (Author)
Recommendation: Refer to the City Manager to (1) create and implement a First Year Free Program for Berkeley, modeled after San Francisco's successful program, for an initial period of 5 years and (2) study and report back to Council on other strategies to attract new businesses and fill empty storefronts.
Financial Implications: See report
Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

Information Reports

25. Commission on Labor Fiscal Year 2025 Work Plan
From: Commission on Labor
Contact: Margot Ernst, Commission Secretary, (510) 981-5400

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street as well as posted on the City's website at https://berkeleyca.gov/.

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City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:
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To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

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Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

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02a.17

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR
October 29th, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: 2024-2025 Budget Request: Funding for Speed Bump at Russell and Martin Luther King Jr. Way

RECOMMENDATION

That the Council refers the November AAO#1 Budget Process $7,000 to fund the speed bump installation on Russell Street at King Street or other costs associated with the traffic calming method that City Staff sees fit.

CURRENT SITUATION

On May 21st, 2024 Regular Council Meeting, an item was passed approving the Speed Bump Installation on Russell St at King Street (South Berkeley) to improve the public space to increase safety for pedestrians, cyclists, and people living with disabilities, while also meeting the needs of public transit and emergency vehicles.

BACKGROUND:

The intersection at Russell St. and King St. located within District 3, is a regularly crossed street by pedestrians, cyclists, and drivers alike. Both Russell Street and King Street are “Bicycle Boulevards”, and are the main routes as parents/children go to Malcolm X Elementary School, Sylvia Mendez Elementary School, Emerson Elementary School, and Willard Middle School. Right at its corner, Grove Park and the Tarea H. Pittman Berkeley Public Library (South Branch) are walking-distance away, as well as other service centers in the community. Commuters park in the neighborhood, and walk or bike to Ashby BART. Neighborhood residents walk to the retail hubs with Walgreens and Berkeley Bowl. There are home-based daycares and preschools on the same block in question. Community members have expressed a shared interest in maintaining the safety and accessibility of this crucial intersection. While it serves as a hub for community activities and services, there is a growing awareness of safety concerns for all road users. While the Speed Bump Installation on Russell St at King Street (South Berkeley) item was previously passed, City Staff asked our office to write an additional item for a budget request in order to get the speed bump installed. Further, discussions with staff have revealed there are two additional traffic calming requests and an ultimate improvement of a traffic circle contemplated for the area long term via the Bike Plan. This speed bump would serve an immediate traffic calming need identified by neighbors and staff at this intersection until the long term plan is executed.

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR
October 29th, 2024

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS
Video Links:

1. Public YouTube Channel - Over 50 videos demonstrating traffic violations at the intersection.
2. Silver Minivan Ignoring Stop Sign - A recent upload showing a silver minivan blasting through the intersection.
3. SUV Scaring Cyclist - Video of an SUV frightening a cyclist.
4. Cyclist Halting Due to Overtaking Car - A cyclist freezing to a halt upon hearing a car engine accelerating.
5. **Nighttime Violations:**
    - SUV at 9:26 PM
    - SUV at 9:28 PM
    - Clip at Dawn
6. Near-Miss Incident - A minivan almost hitting a cyclist.
7. Family Escaping Potential Collision - Red car blasting through the intersection.
8. Blue Sports Car Ignoring Stop Sign (January 2024)
9. **Garbage Trucks Ignoring Stop Sign (January 31, 2024):**
    - Video 1
    - Video 2

Comments and Anecdotes from Neighbors

1. **PG&E Workers' Account** - Daily observation of drivers ignoring stop signs; anecdotally, around 8 drivers per day were observed blasting through without stopping.
2. **Witness Comment #1 (Jessica and Tao, 1703 Russell Street):** "Daily observation of cars neglecting the stop sign and speeding down Russell Street."
3. **Witness Comment #2 (Cindi Augsjoost, 2906 King St):** "Close call with a car while crossing Russell. Observes daily violations of stop signs by cars. Requests speed bumps for safety."
4. **Witness Comment #3 (Balark):** "Supports the installation of speed bumps due to frequent traffic violations at the intersection."
5. **Witness Comment #4 (Sudhir, 2901 King Street):** "Daily observation of cars speeding through stop signs at all times of the day, impacting safety for all residents."

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

6. **City Council Meeting Anecdote** - Mayor Jesse Arreguín recounts his personal near-miss while cycling through the intersection, echoing community concerns.

Documents and Reference Links:

1. Request for Traffic Calming Study (Jessica Liu, 11/2022)
2. Neighbor Comment/Testimony (Cindi Augsjoost, 11/2023)
3. Correspondence with Public Works (Jessica Liu, 11/2023)
4. Neighbor Comment/Testimony (Sudhir Manandhar, 11/2023)
5. Correspondence with Public Works (Loa Ortiz, 11/2023)
6. Correspondence with Public Works (Jessica Liu, 12/2023)
7. Correspondence with Police Department (Sutapa Mallik, 12/2023)

Additional Reference Links:

1. City of Berkeley Bicycle Plan (2017) - Traffic circle recommendation at Russell St/King St intersection
2. **News Articles About South Berkeley Hit and Run:**
    - Kron4
    - Berkeleyside
    - NBC Bay Area
3. Original Petition for Traffic Safety Measures
4. News Article on Funding for Road Safety Improvements

ACTIONS/ALTERNATIVES CONSIDERED

The neighbors would also be amenable to whatever calming device City Staff sees fit such
as a traffic circle or other effective and permanent traffic calming solution.

FISCAL IMPACT:
Staff time and cost associated with the installation of a speed bump ($7,000) or other effective traffic calming measure (For example $30,000 to fund traffic circle)

ENVIRONMENTAL SUSTAINABILITY:
The proposed traffic calming measures are expected to have no adverse environmental effects. Reducing vehicle speeds and enhancing pedestrian and cyclist safety contributes to a safer and more sustainable urban environment.

RATIONALE FOR RECOMMENDATION:
The implementation of a speed bump at the intersection of Russell St. and King St would reduce consistent vehicle-related violations along the intersection.

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR
October 29th, 2024

CONTACT PERSON
Councilmember Ben Bartlett bbartlett@cityofberkeley.info
Tina R. Posner tposner@cityofberkeley.info
James Chang jchang@cityofberkeley.info

02a.18

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR
October 29, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: FY25 Budget Request: Funding for Replacement of Six Existing Wrought Iron Barriers for South Adeline Circular Planters

RECOMMENDATION

That the City Council refer $50,000 to the FY25 AAO1 budget process for the replacement of the existing six wrought iron barriers that protect the circular planters on South Adeline Street in District 3, as requested by community members and identified by city staff. These new artistic barriers will match the ones on Shattuck Avenue in the downtown area, create new seating opportunities, enhance the aesthetic appeal and foster a more positive community atmosphere.

CURRENT SITUATION

The current planters on South Adeline are surrounded by wrought iron that obstructs seating and creates a negative visual and social atmosphere for the community. This need for replacement was identified by south berkeley neighborhood groups and city staff who have sought help from this office in order to move this forward. Originally, it was thought the city would authorize this payment, but were advised that, in order for this to move forward, this needs to be part of the budget process.

BACKGROUND:

South Berkeley, particularly the Adeline Corridor, has long been a vital yet underserved part of the city. Historically, this area has faced systemic underinvestment in infrastructure and public spaces, which has contributed to a lack of amenities and slower economic growth compared to other parts of Berkeley. South Berkeley, home to a diverse community, including many low-income residents and people of color, has been a focal point for grassroots efforts aimed at revitalization and equitable investment.

In recent years, the city has made efforts to address some of these historical inequities, including improvements to streets and public spaces. However, much work remains to be done to create a welcoming and safe environment that meets the needs of the local community. The South Adeline planters represent one such opportunity for improvement. The current state of the planters, surrounded by obstructive wiring, detracts from the area's potential as a community space. Community members and city staff have identified the need for upgrades, specifically the replacement of the current wiring with decorative rod iron, to enhance both the functionality and aesthetics of these public spaces.

Investing in these small but meaningful improvements is part of a broader commitment to

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR
October 29, 2024

addressing the legacy of neglect in South Berkeley and ensuring that all residents have access to safe, beautiful, and functional public areas that promote community engagement.

Community members and city staff brought the issue of obstructed seating and poor visual appeal surrounding the South Adeline planters to the attention of the Councilmember's office.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS
This request aligns with broader city goals of enhancing public spaces and creating welcoming community environments.

FISCAL IMPACT:
Staff time and cost associated with the installation of the wiring ($50,000)

ENVIRONMENTAL SUSTAINABILITY:
This project supports the city's commitment to creating sustainable and enjoyable public spaces by improving the functionality of existing infrastructure.

RATIONALE FOR RECOMMENDATION:
The replacement of the current wiring with decorative rod iron will enhance the usability of the planters as seating areas, improve the aesthetic appeal of the public space, and create a more welcoming environment for residents and visitors. This improvement aligns with the city's goals of fostering community engagement through well-maintained and attractive public spaces.

CONTACT PERSON
Councilmember Ben Bartlett bbartlett@cityofberkeley.info
Tina R. Posner tposner@cityofberkeley.info
James Chang jchang@cityofberkeley.info

02a.19

Susan Wengraf
Vice Mayor and Councilmember District 6

CONSENT CALENDAR
October 29, 2024

To: Honorable Mayor and Members of the City Council

From: Vice Mayor Wengraf (Author)

Subject: "Your Rose Garden": Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Vice Mayor Susan Wengraf to the Living New Deal, earmarked for the completion of the short film, "Your Rose Garden," with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budgets of Vice Mayor Wengraf and any other Councilmembers who would like to contribute.

FINANCIAL IMPLICATIONS

No General Fund impact: up to $500 is available from contributing Councilmember's Council Office Budget discretionary accounts.

CURRENT SITUATION AND ITS EFFECTS

Your Rose Garden is a short musical film that celebrates the City of Berkeley Rose Garden, built by the Works Progress Administration in the 1930s. The film commemorates its history and continual use as a beautiful and vibrant public community space almost a hundred years after its construction. Berkeley's Rose Garden is part of a complex tapestry of Works Progress Administration (WPA) projects across the nation, whose construction helped pull the U.S. out of the Great Depression. This film will be an important part of a larger project on other WPA projects.

The film's soundtrack is a song written by Berkeley native, Alexis Harte, based on his personal enjoyment and observation of activities at the Rose Garden. "I'm a Berkeley native and, like my kids, I grew up playing in its creeks and parks. I've been to birthdays, keggers, graduations, weddings, and memorials at the Rose Garden. This song is my tribute to the place, and more broadly to the New Deal-era Works Progress Administration (WPA) that built this and so many other gems." Hear the song

The Living New Deal, a California nonprofit, is the fiscal sponsor of the film. Your Rose Garden has received a UC Berkeley Chancellor's grant of $8,000 and many private donations. Contributions from Berkeley City Council discretionary accounts will help to achieve the final budget goal for completion of $29,000.

The community is invited to share photos, videos and anecdotes with the filmmakers for possible inclusion in the film.

For further information: https://www.yourrosegarden.com/

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

Vice Mayor Susan Wengraf Council District 6 510-981-7160

Attachments:
1: Resolution

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO SUPPORT "YOUR ROSE GARDEN"

WHEREAS, **Your Rose Garden** is a short musical film that celebrates the City of Berkeley Rose Garden, built by the Works Progress Administration in the 1930s; and

WHEREAS, the film commemorates the Rose Garden's history and continual use as a beautiful and vibrant public community space almost a hundred years after its construction; and

WHEREAS, Councilmember Wengraf has surplus funds in her office expenditure account and will contribute $500, and invites the Mayor and other Councilmembers to join her in contributing; and

WHEREAS, a California nonprofit tax-exempt corporation, The Living New Deal, serves as the fiscal sponsor of "Your Rose Garden" and will receive funds in an amount up to $500 per contributing Councilmember's discretionary accounts; and

WHEREAS, the provision of such services would support the completion of the short film celebrating the glorious Berkeley Rose Garden.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget, up to $500 per office, shall be granted to The Living New Deal, earmarked for the completion of "Your Rose Garden."

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Commission on Aging

ACTION CALENDAR
October 29, 2024

To: Honorable Mayor and Members of the City Council

From: Commission on Aging

Submitted by: Margot Smith, Chair, Commission on Aging

Subject: Achieving Goals of 2018 Berkeley Age-Friendly Action Plan

RECOMMENDATION
Refer to the City Manager steps to revisit and act on the recommendations of the Berkeley Age-Friendly Action Plan by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps by increasing funding for personnel and other services currently being offered, as well as others identified in the Age-Friendly Plan.

While recommendations are too numerous to list here, the Aging Commission identified as first steps four (4) priority areas and goals for the Action Plan:

1. HOUSING AND ECONOMIC SECURITY: Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.

2. TRANSPORTATION AND MOBILITY: Advance a network of public and private transportation (including transit, assistive devices, e-bikes and e-scooters and bicycling and walking) that equitably serves residents and connects them to services, social activities, and employment opportunities.

3. HEALTH AND WELLNESS: Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities.

4. SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT: Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

In the short term, the Commission recommends that these plans should include a budget referral to the City Manager for consideration in the biennial budget process.

POLICY COMMITTEE RECOMMENDATION

On September 17, 2024, the Budget & Finance Committee adopted the following action: M/S/C (Arreguin/Hahn) to refer the item from the Commission and the City Manager Companion Report item to the City Council with a qualified positive recommendation to consider sending both items to the City Manager for evaluation of the age-friendly action plan and the provision of recommendations. Vote: All Ayes.

These plans should at a *minimum* take into account and address the following:

1. It is important that we continue to track Berkeley's aging population (the original plan was based on earlier data that should be re-evaluated based on the 2020 United States Census, and later American Community Surveys). Berkeley must consider how to increase funding for aging services while our population continues to age (See Attachment 9 Highlights of Census Data on Aging in Berkeley). Also compare the rate of expenditure on services for this population in the Department of Health, Housing and Community Services to the overall size of the City's budget during the same period and to its growth or lack of growth in relation to the growth in the aging population (See Attachment 2 City Departmental Budgets; Attachment 3 HHCS Departmental Summary; Attachment 4 HHCS Division Summary and Attachment 9 Highlights of Census Data on Aging in Berkeley).

2. An examination and evaluation of staffing challenges and key needs in the Division of Aging Services as shown in the agency budget line items and staffing levels, as well as Berkeley's unique way of structuring aging services under the mantle of the Health, Housing and Community Services (one of only three cities in the state to do so), rather than the way most cities do, which is to put it under Parks and Recreation (See Attachment 5 Berkeley's Unique Structure for Aging Services).

There is an immediate need to expand the division from its current level of 21 full-time, and 5 part-time, career positions and 15 hourly positions by making 2 of the part-time positions full-time and adding 1 part-time, bringing the total to 23 full-time and 4 part-time. (The hourly workers assist with many of the face-to-face services offered at the two senior centers, including lunch service, front desk operations, Meals on Wheels deliveries, and facility rentals on nights and weekends. They supplement the work of 5 permanent staff, only 1 of whom is full-time; the Meals on Wheels program currently has no full-time program manager or case manager; they are currently 80% and 75% respectively. The program also needs another full-time senior center staff person; currently it is budgeted for a 50% position, but that is vacant; in order to fulfill the responsibilities of the position and to attract qualified candidates, this position, ideally, would be 100% and permanent.)

3. The dire need for increased outreach. Berkeley residents over 60 currently number approximately 20,000– or 1 in 5 residents. This number doubled in the decade from 2010 to 2020 and is projected to increase at a similar rate well into the future. Given this explosive growth, it is important that all Berkeley households and residences are made aware of the breadth of services available to individuals, their families, and their caregivers. At this time only a very small fraction of those over 60 years of age are receiving materials from the Berkeley Senior Centers and the Division of Aging Services, due to staff and budgetary shortages that have made it difficult to upgrade outreach: for instance, the main communication is via a print newsletter that is mailed to several hundred people, with no way of tracking whether it has been received. We recommend that the City invest in outreach to this growing demographic group.

This could include:

- a city-wide mailing, similar to the citywide mailings by the City Parks and Recreation Department about activities,
- updating and keeping relevant websites current,
- investing in collecting email addresses and disseminating information by email,
- reaching out to civic institutions and groups to seek their help with outreach to the aging community and their families.

SUMMARY

The Commission on Aging recommends that City Council refer to the City Manager steps to revisit and act on the recommendations of the Berkeley Age-Friendly Action Plan by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps by increasing funding for personnel and other services currently being offered, as well as others identified in the Age-Friendly Plan.

The Aging Commission identified as first steps four (4) priority areas and goals for the Action Plan:

1. HOUSING AND ECONOMIC SECURITY: Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.

2. TRANSPORTATION AND MOBILITY: Advance a network of public and private transportation (including transit, assistive devices, e-bikes and e-scooters and bicycling and walking) that equitably serves residents and connects them to services, social activities, and employment opportunities.

3. HEALTH AND WELLNESS: Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities.

4. SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT: Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

The Commission recommends that these plans should include a budget referral to the City Manager for consideration in the biennial budget process.

FISCAL IMPACTS OF RECOMMENDATION
Increased General Fund for to meet staffing needs of the Aging Services Division due to increased community need.

CURRENT SITUATION AND ITS EFFECTS
In December 2018, the Mayor presented the Age-Friendly Berkeley Action Plan. This three-year plan was the result of two years of extensive outreach and engagement. It sought to ensure that older adults remain at the heart of our community and recognized them as a vital part of the fabric of our neighborhoods and civic life.

Among the motivations for the plan was the recognition of our city's rapidly changing demographics: at the time it was written–2017–it projected that by 2030 over 1 in 5 people in Berkeley would be over 65 years of age. (For the purposes of the City of Berkeley's Aging Services programs, the generally accepted age cut-off for determining that someone is a senior is 60 and above. That is the figure used in the rest of this report.) The number of older Berkeley residents was expected to double from 2018, when the plan was finalized. Those numbers have since been validated and expanded on by the 2020 Census and subsequent American Community Surveys. Berkeley residents over 60 currently number approximately 20,000–or 1 in 5 residents. This number doubled in the decade from 2010 to 2020 and is projected to increase at a similar rate well into the future. On behalf of the Commission on Aging, we would call on the Mayor, City Council and all agencies to consider how our aging city should ensure that residents 60 and older can remain a vital and active part of our community. (See Attachment 10 Understanding California's Middle-Income Older Adult Population and Attachment 11 Percent of Households with Seniors Age 65+, 2000 & 2021)

We would be remiss if we didn't seek to build on the investment that the city made in the Age-Friendly Berkeley Report, and allowed the Action Plan to languish. We call on our city's leadership to consider how we move forward and implement the many recommendations in the plan.

The issues of concern identified in the report–high cost of living, lack of affordable housing, limited reliability, coordination, and options for transportation, problems with sidewalks, poor lighting, lack of benches and limited parking, crime, widespread homelessness, insufficient number of affordable, desirable settings for out-of-home assisted living, limited options for subsidized services for moderate-income individuals,

and lack of “human touch” for information, referral and system navigation assistance– are recognizable to many of us who live in Berkeley, and we need to ask ourselves whether we have made progress in addressing these issues.

BACKGROUND

At a regular Commission meeting on February 21, 2024, the Commission on Aging voted as follows:
Approve Council report that recommends Council refer to the City Manager steps to develop plans to revisit and act on the recommendations in the Berkeley Age-Friendly Action Plan by building on what is already occurring in the community, expanding the Plan’s impact, and addressing gaps, by increasing funding for personnel and other services currently being offered as well as others identified in the Age-Friendly Plan.

M/S/C: Chisholm, Cochran, Collins, Evans, Lavault, Orrick, Porter, Smith, Yamaguchi
Noes: None
Abstain: None
Absent: None

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

In December 2018, the Mayor presented the Age-Friendly Berkeley Action Plan. This three-year plan was the result of two years of extensive outreach and engagement. It sought to ensure that older adults remain at the heart of our community and recognized them as a vital part of the fabric of our neighborhoods and civic life.

Among the motivations for the plan was the recognition of our city’s rapidly changing demographics: Berkeley residents over 60 currently number approximately 20,000–or 1 in 5 residents. This number doubled in the decade from 2010 to 2020 and is projected to increase at a similar rate well into the future. On behalf of the Commission on Aging, we would call on. We have identified a handful of small steps in increasing staffing and spending, but these are only the start of this long march toward fulfilling what was promised in the 2018 Plan.

We would be remiss if we didn’t seek to build on the investment that the city made in the Age-Friendly Berkeley Report, and allowed the Action Plan to languish. We call on our city’s leadership to consider how we move forward and implement the many recommendations in the plan.

ALTERNATIVE ACTIONS CONSIDERED
To leave the situation as is would not provide needed services in support of Berkeley's rapidly expanding over-60 population and fall short of the commitment it made when applying for and being awarded the designation of an Age-Friendly City in 2018.

CITY MANAGER
The City Manager refers to the budget process, the content and recommendations of the Commission's Report. See companion report.

CONTACT PERSON
Darlene Bronson, Commission Secretary, HHCS, 510-981-5194

Attachments:
Attachment 1 2018 Berkeley Age-Friendly Action Plan
Attachment 2 City Departmental Budgets
Attachment 3 HHCS Departmental Summary
Attachment 4 HHCS Division Summary
Attachment 5 Berkeley's Unique Structure for Aging Services & Division Activities Summary
Attachment 6 Aging in Alameda County: A Changing Landscape July 2022
Attachment 7 Breakdown of Alameda Area on Aging Funds for Berkeley
Attachment 8 Highlights of Census Data on Aging in Berkeley
Attachment 9 Understanding California's Middle-Income Older Adult Population
Attachment 10 Percent of Households with Seniors Age 65+, 2000 & 2021

Attachment 1

Age-Friendly Berkeley

Action Plan







Berkeley, California • December 2018

Mayor's Letter

On behalf of Berkeley, California and its residents, I am proud to present this three-year Age-Friendly Berkeley Action Plan. This roadmap, developed by residents, community organizations, and the city, demonstrates our commitment to a livable community where all generations are included and are able to thrive.

Older adults are at the heart of our community and a vital part of the fabric of our neighborhoods and civic life. Rapidly changing demographics drive the timing of this effort, with the number of residents 65 and older expected to more than double by 2030 to over 1 in 5 people in the city

In 2016 under former Mayor Tom Bates, Berkeley was accepted into the World Health Organization and AARP's network of Age-Friendly Communities, which now includes over 300 US cities and 37 countries. This Action Plan addresses several areas identified by the World Health Organization as key to ensuring an aging-friendly environment.

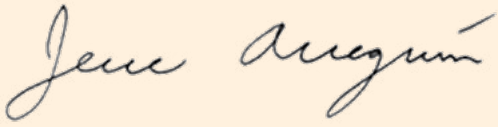
Planning was driven by the community through surveys, focus groups and discussions with community non profits and city departments. Three objectives emerged from this work that inform the recommendations. The action plan is designed to:

- Enable people to remain in their homes and communities as they navigate the transitions of aging
- Maintain and enhance the ethnic and economic diversity of Berkeley
- Ensure that people of all ages and abilities can enjoy the social and cultural assets Berkeley has to offer.

We look forward to forming broad partnerships across all sectors of our community including residents, nonprofit organizations, business leaders, faith communities and others as we move forward with these recommendations. Because services and supports cross city and regional boundaries, we will continue to work with neighboring cities and counties to address common goals.

Berkeley is uniquely positioned to address the needs of our rapidly growing older adult population and maximize the benefits of creating a more inclusive, equitable and accessible city. An extensive 2 year planning process has engaged residents, city officials and staff, nonprofits and community partners. Continued collaboration will be vital as we move forward with our next steps.

Age-Friendly communities benefit all of us and this Action Plan is part of an evolving community process for generations to come. For questions or additional information see agefriendlyberkeley.org or contact Aging Services at (510) 981-5200.



Jesse Arreguin
Mayor, City of Berkeley

Attachment 1

Executive Summary

Background and Context

The population of older adults in Berkeley will double in the next 10 years, resulting in 1 in 5 adults being over 65 years of age. According to a study by AARP and the Age-Friendly Berkeley community survey, the vast majority of older adults want to age in their homes and communities.[1] With this shift in demographics and the desire of people to stay and thrive in their communities, policy makers need to look at how our neighborhoods are designed, including the affordability of places to live, the inclusivity of social activities, the accessibility of infrastructure, and the availability of jobs for older people. This Action Plan builds on the work of the World Health Organization's (WHO) Age-Friendly Cities and Communities Initiative, launched in 2005 in partnership with AARP in the United States. This network has expanded to over 37 countries around the world and to over 300 cities in the United States.

The Age-Friendly Berkeley initiative helps prepare Berkeley for its rapidly aging population by gathering input from the community and pulling together public and private leaders, resources, ideas, and strategies to address the issues raised. Age-Friendly Berkeley is a collective effort whose goal is to ensure that all Berkeley residents are connected, healthy, and engaged in their environments. Planning for Age-Friendly Berkeley was guided by a Leadership Team of individuals and organization representatives who have been key voices in community conversations about aging. It has members from the city, the health sector, and the nonprofit sector (See Appendix A) who worked together to ensure that the recommendations are relevant and feasible.

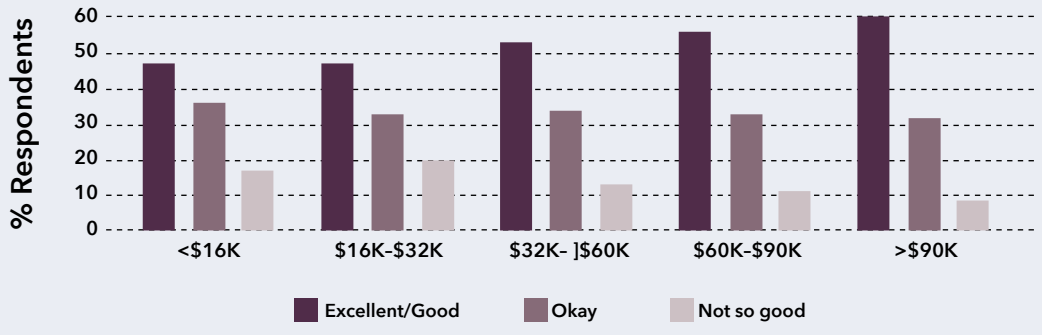
The Age-Friendly Communities movement focuses largely on collaborations with city and county governments to anticipate the wants and needs of their older populations, as well as on the growing demand for and cost of medical and social services. With Berkeley anticipating a doubling of its older adult population and with the support of former Mayor Tom Bates in 2016, the City of Berkeley completed an initial assessment, applied to and was accepted into the World Health Organization (WHO) and AARP's Global Network of Age-Friendly Cities and Communities.

Needs Assessment

Thus began a needs assessment and a 2- year process using the WHO framework to support Age-Friendly planning. The needs assessment included a review of related research and plans from other cities, a survey of over 1400 Berkeley seniors, 5 focus groups, and interviews with 18 city staff and numerous community partners. The findings are summarized in Appendix B and indicate that the needs of older adults in Berkeley are representative of findings across international, national and local studies and surveys. The community responses indicate that residents appreciate the service/activity rich environment of Berkeley, as well its walkability and its diverse people. Strikingly, residents' feelings on whether Berkeley is a good place to age varied significantly depending on income. Those earning less than $32,000 annually were more than twice as likely to rate Berkeley poorly when compared to top earners.

[1] AARP, 2012 and Age-Friendly Community Survey 2018

Rating of Berkeley as a place to age by income group



Common issues raised by community responses included:

- The high cost of living
- Lack of affordable housing, including affordable home modification and in-home supports
- Limited reliability, coordination, and options of transportation
- Problems with sidewalks, poor lighting, lack of benches, and limited parking
- Crime
- Widespread homelessness
- Insufficient number of affordable, desirable settings for out-of-home assisted living
- Limited options for subsidized services for moderate income individuals
- Lack of "human touch" for information, referral and system navigation assistance.

The Age-Friendly planning process also leveraged and incorporated community feedback gathered as part of the city's strategic planning process and the 2018 Health Status Report. The City's strategic planning process includes a focus on affordable housing, improving ADA compatibility, investing in infrastructure and improving access to information. The Health Status Report found many strengths in Berkeley related to life expectancy, but troubling disparities for African Americans and other people of color. This Age-Friendly Plan is presented as a complementary, consistent and collaborative set of recommendations focused on creating a city that is inclusive, equitable, and accessible for people of all ages.



Approach

Several themes cut across the plan's recommendations and actions. These include the need to:

- **create complete neighborhoods** that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy foods, schools, retail, employment, community services, parks and recreation options
- **foster ongoing collaborations** within large organizations, such as municipal entities, and across sectors and community organizations, as these are key to implementing policy and programs
- **leverage existing resources** to support, expand and coordinate a system of services and supports for aging in community
- **capture emergent opportunities** and leverage innovations in both technology and care/service delivery to support community-based living
- **strengthen intergenerational relationships** because while programs abound, they are mostly age-specific
- **work with other regional jurisdictions** and Age-Friendly cities to address overlapping issues and services and to find solutions to common challenges.

"Housing is not affordable."

"It is a lively city with active people."

"Does not have a welcoming downtown."

SURVEY COMMENTS OF BERKELEY SENIORS

Recommendations

The recommendations in this Action Plan are designed to build on what is already occurring in the community, improve impact, and address gaps. While recommendations are too numerous to list in the executive summary (see Appendix B), the leadership team reviewed local results using the 8 domains in the WHO framework and identified 4 priority areas and goals for the Action Plan: [2]

HOUSING AND ECONOMIC SECURITY:

Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.

TRANSPORTATION AND MOBILITY:

Advance a network of public and private transportation that equitably serves residents and connects them to services, social activities, and employment opportunities.

HEALTH AND WELLNESS:

Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities.

SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT:

Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

2 Detailed information for all 8 domains is included in Appendix B where each domain includes relevant resources, current efforts that are in process, survey results and information from focus groups, GIS maps, and information from the 2016 Alameda County Plan for Older Adults and the Berkeley Age-Friendly Continuum needs assessment.

Implementation of the 3-year Action Plan

The prime objective of the Age-Friendly planning process was to develop a 3-year action plan to serve as a road map for collective action. Activities below are paced from Year 1 through Years 2-3, including evaluation and recommendations for continued improvement.

Year 1

- Designate Health, Housing and Community Services as the lead city department and the Aging Services division as the backbone agency to coordinate the initiatives
- Form a leadership team from relevant sectors of the community to work with the city
- Solidify action teams for the priority areas; prioritize recommendations
- Finalize budget and Identify funding opportunities
- Develop shared metrics and begin data collection
- Implement internal and external communication plans, set up a dashboard on the Age-Friendly website
- Catalogue and track efforts already in development.

Years 2-3

- Clarify desired outcomes and implement Year 2-3 recommendations
- Monitor progress and evaluate results using a Results Based Accountability framework
- Use the dashboard on the Age-Friendly website to track progress
- Integrate focus on aging into ongoing operations and partnerships
- Report back to the community on the status of all recommendations and begin to assess the next steps.

Community Profile

Berkeley is located on the east shore of the San Francisco Bay in northern Alameda County, California. The current population is estimated to be 117,385.[3] Berkeley was recently named one of the most livable cities in America based on AARP's Livability Index. Health, Transportation/ Walkability, and access to activities, work and play are among the assets identified in Berkeley.

Cost of living and cost of housing present some of the greatest barriers to livability. Median home sale prices remain dramatically higher than the rest of the nation, now at $1,200,000,[4] fueled by spillover from the San Francisco housing shortage, a local tech boom, and population growth. Local parcel taxes, approved by voters to support important local programs like the public schools, are generous but add to pressures on low and moderate income homeowners and renters. The high cost of living in the Bay Area was raised as a major challenge by older adults in all surveys and focus groups.

Historically, Berkeley has been a city of unexpected diversity and activity in social policy, such as fair housing legislation, voluntary school desegregation, and the independent living movement. However, current challenges threaten the economic and cultural diversity that make Berkeley a vibrant city. Recent gentrification has contributed to a 37% decline in the African American population,[5] especially in some historically African American neighborhoods in South and West Berkeley. The mortality rate for African Americans remains twice as high as the mortality rate of Whites. Berkeley has the highest per capita rate of homelessness in Alameda County.[6] Low and moderate income individuals are finding it difficult to afford to live and work here and there is an increasing divide between income levels. Estimates in 2014 indicated that 23% of those 60+ in Berkeley were living under 200% of the Federal Poverty Level.[7] Significant policy changes are needed locally and regionally as Berkeley continues to tackle these challenges.

Berkeley has a number of assets to support an active, healthy and engaged community. Berkeley is one of three cities in the state of California with its own Public Health Jurisdiction. This distinction enables public health services and initiatives to be focused on and dedicated to a discrete population. Berkeley is also home to a number of educational institutions, including the University of California, Berkeley campus, the Lawrence Berkeley National Laboratory, Berkeley City College, and the Graduate Theological Union. These institutions enhance Berkeley's reputation as an intellectual mecca and are also an economic engine for the City. Thirty percent of local jobs are in education.[8] Berkeley's international reputation plus its active arts and culture scene and a dynamic social center contribute to making it a magnet for inventive people, an incubator for business start-ups, and a science and technology hub.

3 Population number from the(the City of Berkeley based on projections from the 2010 census
4 Median housing price based on information from Zillow.
5 Summary of Our Beloved Community Proposal: Alameda County Anti-Displacement Funding Policy Plan, January 6, 2017 (unpublished), The Dellums Institute using census analysis 2010-2015.
6 City of Berkeley Health Status Report, 2018
7 American Community Survey 2010-2014, US Census Bureau
8 From the City of Berkeley's Economic Profile.

Nancy Rubin

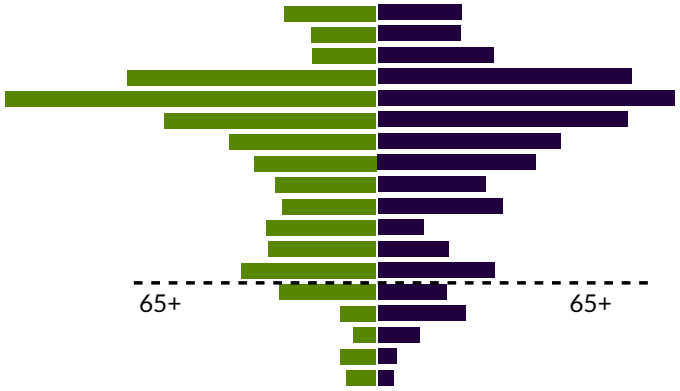


City Demographics

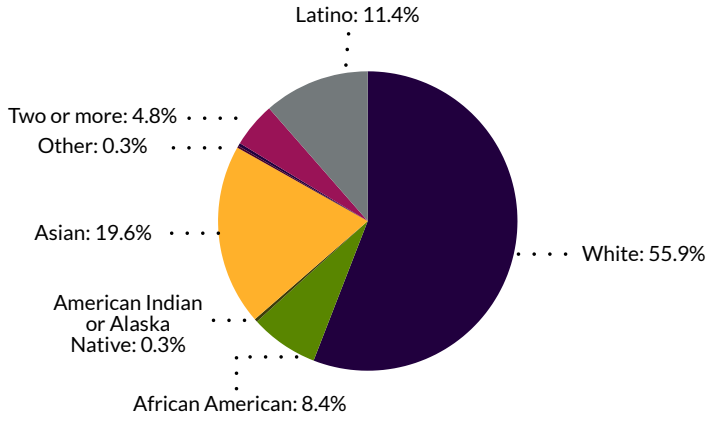
Gender & Age

From American Community Survey 2016 5-year estimates Table **S0101**

Female		Male	
Under 5 years	2,641	Under 5 years	2,365
5 to 9 years	1,856	5 to 9 years	2,339
10 to 14 years	1,828	10 to 14 years	3,285
15 to 19 years	7,202	15 to 19 years	7,200
20 to 24 years	10,712	20 to 24 years	8,424
25 to 29 years	6,108	25 to 29 years	7,072
30 to 34 years	4,231	30 to 34 years	5,188
35 to 39 years	3,532	35 to 39 years	4,488
40 to 44 years	2,903	40 to 44 years	3,057
45 to 49 years	2,693	45 to 49 years	3,544
50 to 54 years	3,159	50 to 54 years	1,300
55 to 59 years	3,114	55 to 59 years	2,011
60 to 64 years	2,931	60 to 64 years	3,300
65 to 69 years	3,903	65 to 69 years	1,952
70 to 74 years	2,799	70 to 74 years	2,486
75 to 79 years	1,036	75 to 79 years	1,187
80 to 84 years	658	80 to 84 years	531
85 years +	847	85 years +	452



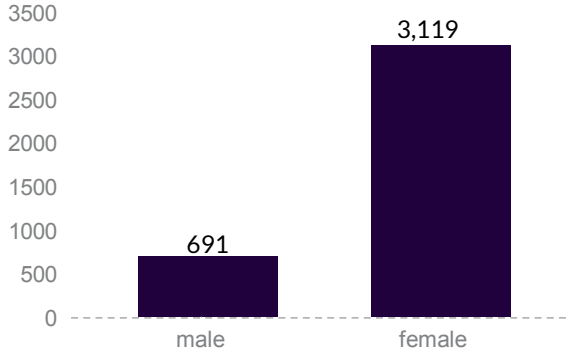
Race & Ethnicity



Race & Ethnicity data from: American Community Survey 2011-2015 5-year estimates Table **B03002**

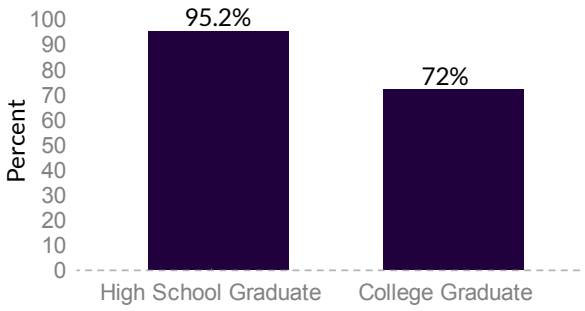
Adults Over 65 Living Alone

From American Community Survey 2017 1-year estimate Table B09020



Education of Population 65+

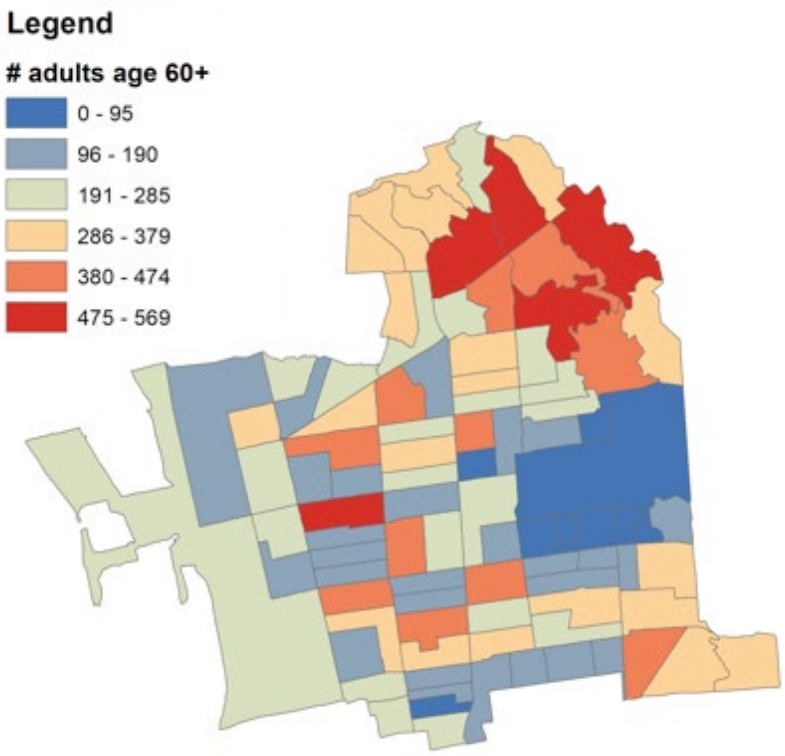
From American Community Survey 2017 1-year estimate Table **S1501**



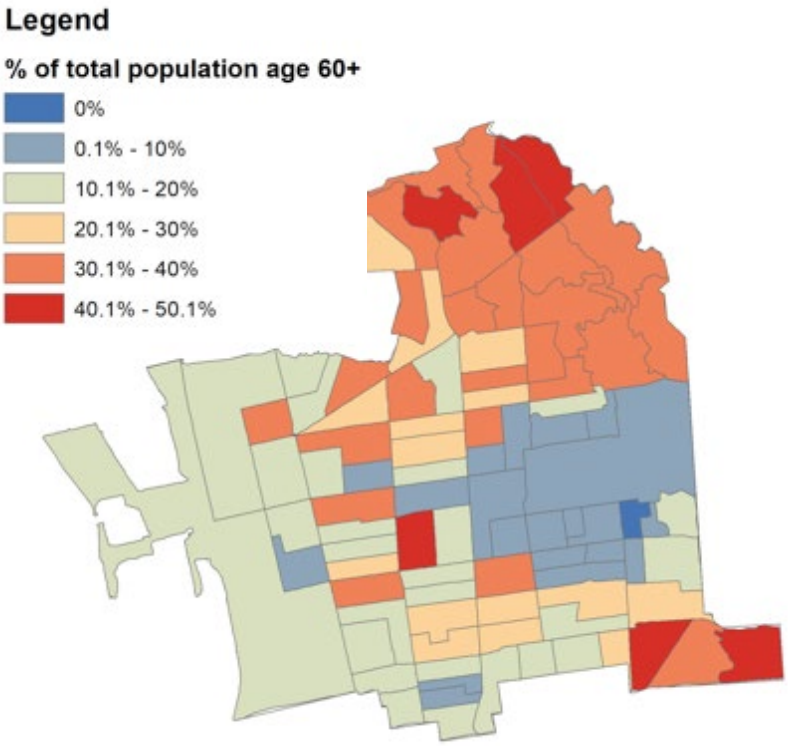
Where do older adults live?

Many older adults live in the Berkeley hills in the north eastern part of the city.[9]

These raw estimates are of people over age 60 living in each block group. Some blocks near the center of the city have high numbers because of the location of high-density affordable senior apartments.



The high concentration of older adults living in the hills becomes even more apparent when looking at the percent of people over age 60 compared to the total population living in each block group.



[9] Data are from the 2017 American Community Survey 5-year estimates table B01001 and were mapped using ArcGIS 10.5.1

Attachment 1

Why Now?

The Census Bureau projects 2030 to be a transformative decade for the US population. Advancements in medicine and public health have led to more people living longer. The Census Bureau estimates that by 2035, older adults will outnumber children for the first time in US history. This rapid increase has major implications and will place un-precedented demands on cities and communities. In response, the World Health Organization's (WHO) Age-Friendly Cities and Communities Initiative was launched in 2005 in partnership with AARP in the United States. This network has expanded to over 37 countries around the world and to over 300 cities in the United States.

The demographic shifts projected nationally will be mirrored in Berkeley. The population of older adults in Berkeley will double in the next 10 years, resulting in 1 in 5 adults being over 65 years of age. Life expectancy in Berkeley is 86.7 years for women and 83 years for men, compared to 78.8 years nationally and 80.8 years in California. Mortality rates in Berkeley are lower than those of surrounding Alameda County and California— reflecting the city's long life expectancy.[10] As with health status, there are great disparities in longevity based on race and class

According to a study by AARP and the Age-Friendly Berkeley community survey, the vast majority of older adults want to age in their homes and communities. An Age-Friendly community promotes policies, enhances services, and creates a built environment that enables a growing population of older adults to age in their community while supporting a more inclusive, equitable and accessible city for all.

Toward an Age-Friendly Berkeley

Age Friendly Berkeley is a collective effort whose goal is to ensure that all Berkeley residents are connected, healthy and engaged in their environments. Enhancing the affordability of places to live, the inclusivity of social activities, the accessibility of infrastructure, the safety of our public spaces and improving communication and access to information are activities that will make Berkeley a better place to grow up and grow old. Addressing the needs of our older population benefits people of all ages.

To realize this vision, the Age-Friendly Berkeley initiative pulls together public and private leadership, resources, ideas, and strategies; it builds on information gleaned from the community. The leadership team for this project has local residents and members from the city, the health sector, and the nonprofit sector (see Appendix A) who have helped build partnerships to ensure the recommendations are relevant and feasible.

The World Health Organization's (WHO) Age-Friendly Cities and Communities Initiative provided a framework and network of similar efforts that supported the development of this Action Plan.



Natalie Ornstein, Berkeleyside

[10] Health Status Report, City of Berkeley, 2018

The Age-Friendly Framework

The World Health Organization and AARP's Global Network of Age-Friendly Cities and Communities fosters the exchange of experiences and initiatives as cities strive to better meet the needs of their older residents. The Age-Friendly Cities Initiative provides guidance for assessing local conditions and identifying areas for change. The Initiative uses a framework with eight domains which identify social and environmental factors that influence how well we age and how long we live. These domains align closely with the social determinants of health as defined in Healthy People 2020.[11] Based on the information gleaned from the local needs assessment, the domains in this report include:

1. Housing:

Public and private housing options, home maintenance, home modification, safety and comfort, proximity to services and community life

2. Health and Community Services:

Promote, maintain and restore health, provide home care services, coordinate service delivery and emergency planning

3. Transportation:

Public and private transit options, reliability, specialized services for people with disabilities, priority seating, traffic flow, roads, driver education, parking

4. Outdoor Spaces and Buildings:

Public areas, green spaces, outdoor and indoor seating, walkways, bike paths, lighting, customer service arrangements, public toilets

5. Social and Civic Participation:

Venues, timing, affordability, events and activities, inclusion on decision-making bodies, fostering diversity and inclusion; combating social isolation

6. Employment and Economic Security:

Volunteer and employment options, job training, age discrimination, entrepreneurship, elder fraud abuse, cost of living

7. Respect and Social Inclusion:

Programs to support cultural and ethnic diversity, public images of aging, intergenerational and family dialogue, public education, recognition of contributions to past and present, economic inclusion

8. Communication and Information:

Distribution of information, person-to-person communication, printed information, media, access to and use of technology and the Internet

[11] https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health

Attachment 1

Our Planning Process[12]

2016

- ✔ Convened leadership team and worked with the Mayor to launch the initiative
- ✔ Completed assessment and was accepted into the national and international Network of Age-Friendly Cities
- ✔ Included "Age-Friendly" planning in the City of Berkeley's strategic plan

2016-2018: Action Planning cycle

- ✔ Researched background information
  - Reviewed WHO guidelines and other cities' Age-Friendly Action Plans
  - Researched Age-Friendly assets and resources in Berkeley.
  - Reviewed Berkeley results from the 2016 Alameda County Plan for Older Adults
  - Collected relevant information from the 2017 Berkeley Age-Friendly Continuum Needs Assessment[13]
- ✔ Collected data from the community using WHO's Global Age-Friendly framework
  - Conducted a community survey both online and by utilizing local organizations to distribute hard copies in English and Spanish
  - Interviewed City staff from all departments to assess how their work could align with Age-Friendly goals, and to assess resources and potential recommendations
  - Evaluated results
- ✔ Gathered additional community feedback from public sessions
  - Added two additional focus groups to the 3 focus groups[14] from the 2017 Berkeley Continuum needs assessment
  - Held several meetings and a public forum with the Commission on Aging
  - Presented progress report and solicited feedback from the Berkeley City Council
- ✔ Synthesized community data and worked with partners to frame recommendations.

December 2018 -January 2021

- ➔ Finalize report and submit to AARP and WHO
- ➔ Implement Action Plan (see page 21)
  - Year 1 Set up action framework, convene work teams and begin data collection
  - Years 2-3: Execute, coordinate, and track progress of action items
    - Conduct an evaluation of the implementation process
    - Determine future needs
    - Update Action Plan

12 The Age-Friendly planning process coincides and aligns with the city's Strategic Planning process, including a focus on affordable housing, improving ADA compatibility, investing in infrastructure and improving access to information.

13 For the detailed Needs Assessment and Strategic Plan of the Berkeley Age-Friendly Continuum's 2017 report, with reference to Alameda County and national trends, go to www.berkeleycontinuum.org.

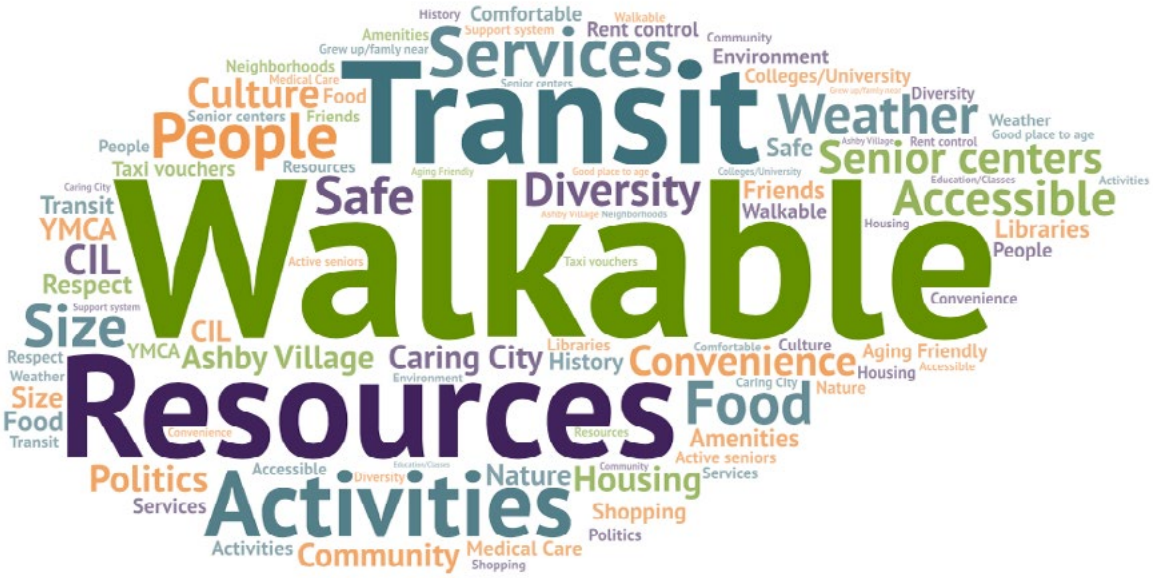
14 Thank you to Beatrice Leyva-Cutler and Faye Combs, community volunteers who organized the focus groups.

Top Findings

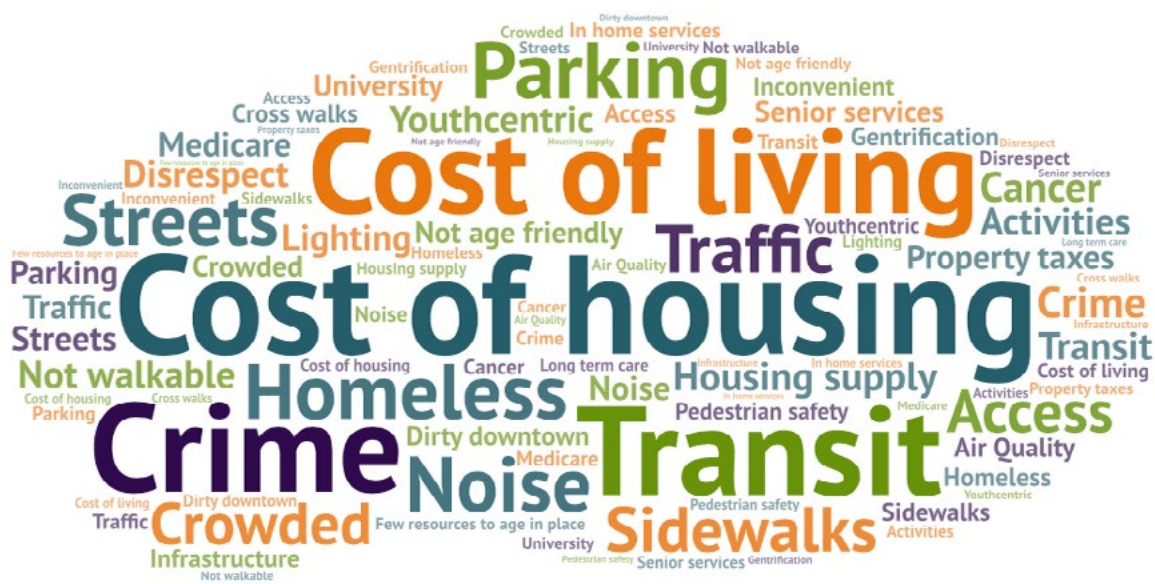
What Older Berkeley Residents Like Best and Least in Berkeley

The 'word clouds' below display words that were used to answer an open-response question on the Age-Friendly Berkeley Community Survey. People responded to what they like best and least about Berkeley as a place to age. The more common the response, the larger the font. Transit is highlighted in both positive and negative comments which is most likely linked to where people live, with people in the Berkeley Hills being most concerned about transit.

Reasons for Positive Views of Berkeley as a Place to Age



Reasons for Negative Views of Berkeley as a Place to Age



Findings and Priority Areas

There are many programs and services in Berkeley that support an active and healthy community for people of all ages. The recommendations from this Action Plan are designed to build on what is already occurring, improve impact, and address gaps. Given the rapidly changing landscape and the pace of developing technology, we see this action plan as a living document, open to enhancement.

Several themes cut across the plan's recommendations and actions. These include the need to:

- **create complete neighborhoods** that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy foods, schools, retail, employment, community services, parks and recreation options
- **foster ongoing collaborations** within large organizations, such as municipal entities, and across sectors and community organizations, as these are key to implementing policy and programs
- **leverage existing resources** to support, expand and coordinate a system of services and supports for aging in community
- **capture emergent opportunities** and leverage innovations in both technology and care/service delivery to support community-based living
- **strengthen intergenerational relationships** because while programs abound, they are mostly age-specific
- **work with other regional jurisdictions** and Age-Friendly cities to address overlapping issues and services and to find solutions to common challenges.

After reviewing community responses and promising local efforts already underway, this Action Plan identified four priority areas: [15]

Housing and Economic Security

Transportation and Mobility

Health and Wellness

Social Participation and Civic Engagement

Within each of these 4 areas, recommendations fell into 3 categories:

Equity and Inclusion

Information

Infrastructure and Policy

These priority areas and recommendations are summarized in the following pages along with local programs and policies already in development. Detailed information for all 8 domains can be found in *Appendix B*.

[15] Detailed information for all 8 domains is included in Appendix B where each domain includes relevant resources,current efforts that are in process, survey results and information from focus groups, GIS maps, and information from the 2016 Alameda County Plan for Older Adults and the Berkeley Age-Friendly Continuum needs assessment.

HOUSING AND ECONOMIC SECURITY

Financial and housing worries topped the list of concerns across all income levels. Given housing costs in the San Francisco Bay Area, most housing is no longer affordable; nor, is there a continuum of housing options (including assisted living) available in Berkeley as we age. More affordable housing is needed to prevent further displacement. Should older adults remain in their homes, they need affordable options for safety and accessibility home modifications. While there are several housing programs in Berkeley, and some programs specifically designed to help low income seniors, they are disconnected and it is clear from focus groups that people are unaware of them. Berkeley also needs to work with neighboring communities to expand eligibility criteria for those just above income guidelines who struggle without subsidized programs. Additionally, many residents believed that there are not enough flexible jobs with accommodations for older workers to stay employed. 20% of those who reported that they are retired are, in fact, "gigging" to make ends meet. The scale of these problems requires broad, often regional, policy solutions.

Already In Development

- ✔ Senior and disabled home loan program
- ✔ Accessory Dwelling Unit (ADU) policies
- ✔ Expanded home safety inspection program
- ✔ Several pilot programs: Homeless Coordinated Entry, Berkeley Home Match and the development of a Service Linked Senior Housing/ Community Center model
- ✔ Business Succession Planning

Goal and Recommendations

Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.

➔ Equity and Inclusion:

- Include targets for the older adult population in the City Housing Element.
- Address the need for affordable, accessible housing at all levels of need; expand eligibility criteria for subsidized services to raise access levels to moderate income individuals.
- Expand access to supportive housing for vulnerable populations.

➔ Information:

- Provide an online resource and educational workshops at Senior Centers about renters' rights and strategies to qualify for access to both market and below market rate housing.
- Offer workshops and education on financial planning and elder fraud abuse.
- Assess and map housing options for the public via written materials and the internet.
- Provide broader communication of assistance with local taxes for low income residents.

➔ Infrastructure and Policy:

- Develop a program for housing cost relief for moderate income seniors who do not qualify for income restricted housing.
- Incorporate mixed zoning in all neighborhoods, increasing walkability and access to services and commercial areas.
- Pursue affordable settings for out-of-home assisted living (e.g., CCRC and alternatives).
- Enable increased development of accessory dwelling units (ADU) by streamlining the construction approval process.

HEALTH AND WELLNESS [16]

Berkeley and surrounding cities have abundant healthcare and community service resources; however, most programs do not have the capacity to meet the increasing demand from seniors. Care navigation for accessing resources, affordable in-home care, and memory care are gaps in local resources. Participants in the Berkeley Continuum, Age-Friendly Berkeley and Alameda County planning consistently voiced a desire to bring services and supports to them in their home rather than requiring institutional care. Residents need access to providers and other health and wellness services such as venues for fitness, especially in South and West Berkeley. Berkeley is unique in having its own public health jurisdiction, however, there needs to be more coordination with the County Public Health Department and neighboring cities' Age-Friendly efforts to address and prevent common health issues.

Already In Development

- ✔ Emergency preparedness and resiliency planning
- ✔ Healthy food access and cooking programs
- ✔ Whole Person Care pilot, an Alameda County wrap around program for the homeless
- ✔ Alameda County's Senior Injury Prevention Program (SIPP)

Goal and Recommendations

Develop a more integrated system of services and supports that are person-centered and ensure that all residents have the opportunity to engage in health promoting activities.

➔ **Equity and Inclusion:**

- Implement additional health related programs around nutrition and exercise, with special outreach to underserved groups.
- Broaden outreach for dental care to low income and vulnerable seniors.
- Expand eligibility criteria for subsidized services to raise access levels to moderate income individuals.

➔ **Information:**

- Provide affordable, local navigators to help address basic systems navigation needs, e.g., public benefits, housing, and service referrals.

➔ **Infrastructure and policy:**

- Obtain funding for additional geriatric case managers and navigators.
- Convene a summit on memory care to plan a community response to dementia and related diseases.
- Improve the workforce pipeline of home care workers and create a centralized source of vetted referrals.
- Champion lower costs for in-home services, while ensuring a living wage for home health care workers.

16 In this context "wellness" refers to the social determinants of health, defined by the World Health Organization as "the conditions in which people are born, grow, work, live, and age, and the wider set of forces and systems shaping the conditions of daily life." https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health

TRANSPORTATION AND MOBILITY

Transportation is a major concern for older residents, especially those in isolated areas such as the Berkeley Hills and low-income residents in other areas of the city. Many older adults are unfamiliar with public transportation or do not trust its reliability. Uneven sidewalks and pedestrian safety concerns are also barriers for accessing transportation options. Public transit issues such as the absence of benches or shelter at station stops and inadequate lighting, often prevent people from using services. Better public transportation options can help seniors access needed services and combat feelings of isolation. Safe driving refresher courses are also needed but there are few local options.

Already In Development

- ✔ New street policy and design approaches being used as streets are repaired and developed
- ✔ Master Pedestrian Plan being developed in commercial areas
- ✔ City sidewalks being assessed for repairs
- ✔ Mobility management and travel training being offered to seniors

Goal and Recommendations

Advance a network of public and private transportation that equitably serves residents and connects them to services, social activities, and employment opportunities.

➔ Equity and Inclusion:

- Ensure that popular destinations are accessible via various transportation modes, particularly for those in outlying neighborhoods or with mobility challenges.

➔ Information:

- Extend education programs about transit options.
- Promote older driver safety by linking seniors to low-cost defensive driving workshops.

➔ Infrastructure and policy:

- Continue to develop 'complete streets' design to ensure safe travel and access for users of all ages and abilities regardless of their mode of transportation.
- Collaborate to advance affordability, availability, and reliability of public transportation.
- Improve transportation infrastructure (benches, pavement, shelters).
- Create well marked 'safe routes' to common destinations with smooth sidewalks, large print signs, and good lighting.

"Good public transportation."

"Walkability in 'the flats' "

"Convenient parking in downtown is not easy to find."

"Poor transportation options"

SURVEY COMMENTS OF BERKELEY SENIORS

SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT

While many Berkeley residents participate in local activities, organizers need to outreach broadly across race, immigration status, sexual identity and orientation, income level, and housing status. The population of isolated seniors needs to also be considered. Although there are various websites and newsletters indicating what is available in Berkeley, most residents are unaware of the offerings. Multiple modes of communication need to be used to ensure that older adults stay informed and engaged. The city website is difficult to navigate and needs to be regularly updated to be useful. In addition, many people call the county 2-1-1 information line, but data about why people call and how they manage referrals is not tracked. Being the home of the independent living movement, Berkeley was ahead of other cities in terms of accessibility. However, public buildings and parks need to continue to be updated with evolving standards to ensure residents with mobility challenges can participate. For the same reason, amenities to make parks safer and more accessible, like public bathrooms, lighting, and benches, are needed.

Already In Development

- ✔ Development of a home visit program to isolated seniors
- ✔ Inclusion of older people in public images
- ✔ Intergenerational programming in the schools and community (e.g., active volunteers)
- ✔ Redesign of the city website to make it more accessible and easier to navigate
- ✔ Plans to increase access to broadband internet, up-to-date devices, and training, in partnership with nonprofit organizations
- ✔ Redevelopment of Berkeley's 3-1-1 line, an online service center
- ✔ Improved access to information about the options for social engagement in Berkeley
- ✔ Older adult inclusion in concept planning for the North Berkeley Senior Center
- ✔ Addition of older adult programs in parks and recreation venues and consideration of increased hours at public parks

Goal and Recommendations

Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

➔ Equity and Inclusion:

- Re-frame senior centers and outreach to attract a broader community.
- Promote Age-Friendly business practices through an Age-Friendly Business Certification program.
- Seek older adult input into current municipal planning around resiliency and infrastructure.

➔ Information:

- Create an easier to access and navigate directory of Age-Friendly organizations, activities and engagement opportunities.
- Add a link to activities for older adults to the City of Berkeley website.

➔ Infrastructure and policy:

- Create safe routes to common destinations.
- Improve park bathrooms and facilities.
- Re-open Willard Pool to improve public access to swimming in South-East Berkeley.

Implementation Plan

Year 1

Infrastructure
Designate the City of Berkeley Health, Housing, and Community Services, Aging Services Division as the Backbone Agency and obtain funding to support the Aging Services Manager in coordinating the initiatives

Solidify Action Teams
Use the potential partners list (page 22) to identify regional, city, and community based team members for each priority area

Form a Leadership Team
consisting of 5-7 champions from relevant sectors (the City, local residents, health, transportation, business, etc.) to guide implementation of the action plan

Create Communication Network
Identify City staff to be contacts for work within the City. All City Departments will be responsible for the Action Plan recommendations.

Commit to the Action Plan & Work on Year 1 Goals
Community partners and city staff coordinate Year 1 activities for each priority area
Leadership team finalizes funding needs and plans strategies to support year 2-3 recommendations

Develop Shared Metrics
Action and Leadership team members Identify and agree on high level indicators and set up a framework using Results Based Accountability to measure progress in years 2-3

Communicate Results of Year 1
Develop an online dashboard using the Age Friendly website to inform the public and track progress
Ensure that the Commission on Aging is continually updated and consulted

Year 2-3

Prioritize and begin work
the remaining recommendations in collaboration with City and community partners

Work on Year 2-3 Initiatives
Community partners and City staff work toward Year 2-3 targets

Monitor & Improve
Monitor progress and continually improve processes using the Results Based Accountability framework

Communicate Results of Year 2-3
Use the online dashboard on the Age-Friendly Berkeley website to inform the public and track progress

Potential City & Community Partnerships

A critical goal for Year 1 Implementation (see Plan on page 21) will be to solidify the teams that will address goals in each priority area. Partners come from City of Berkeley departments, local community organizations, county and regional entities, as well as other cities with Age Friendly initiatives. Below is a table with city departments, a partial list of relevant local organizations, and some regional linkages that can help address broad areas such as housing, health and transportation.

	Regional	City of Berkeley	Local Community
Housing & Economic Security	• Housing Authority of Alameda County • BACS (Bay Area Community Services) • SAHA (Satellite Affordable Housing Associates) • RCD (Resources for Community Development) • Covia • Rebuilding Together • Habitat for Humanity • ASSETS • Encore, Inc. • East Bay Works	**Health Housing & Community Services:** Housing Services **City Manager's Office:** Office of Economic Development **Health, Housing, & Community Services:** Community Services & Administration **Planning & Development**	• Ashby Village • BOSS (Building Opportunities for Self Sufficiency) • UC Retirement Center • Legal Assistance for Seniors • Berkeley Chamber of Commerce
Transportation & Mobility	• AC Transit • BART • East Bay Paratransit	**Health, Housing and Community Services** Aging Services Division **Public Works:** Transportation Division	• Senior Center Shuttles • CIL Shuttles • CEI Shuttles • UC Berkeley: SafeTREC • Ride share companies
Health & Wellness	• Alameda County Health Care Services Agency • IHSS (In-Home Supportive Services) • LifeLong Medical Care • CEI (Center for Elders' Independence) • Alzheimer's Services of the East Bay • Alta Bates Medical Center • Sutter Health • Kaiser Permanente • Alameda County IHSS Program • CIL (Center for Independent Living) • Legal assistance for seniors	**Health, Housing, & Community Services:** Public Health Division Community Services & Administration Aging Services Division **CARE Team** **Berkeley Fire Department**	• SIPP (Senior Injury Prevention Program) • Lifelong Over 60 Health Center • YMCA • Jewish Family Services • Berkeley Continuum
Social Participation & Civic Engagement	• California Department of Aging • CEI (Center for Elders' Independence) • CIL (Center for Independent Living) • Covia: Well Connected • Jewish Community Center of the East Bay • University of California Retirement Center • Forget Me Not • Lavender Seniors • Gray Panthers • East Bay Regional Park District • BORP (Bay Area Outreach and Recreation Program) • Eden I & R (2-1-1)	**Health, Housing & Community Services:** Aging Services Division **Public Works:** Disability Compliance Program **Parks, Recreation, & Waterfront Deparment** **Information Technology** **Planning & Development**	• Ashby Village • Alta Bates Tele-Care • UC Botanical Garden • Tilden Regional Park • UC Berkeley: Center for Technology & Aging • Berkeleyside • Berkeley Public Libraries • J-Sei • UC Berkeley Osher LifeLong Learning Institute • UC Berkeley Bears for Elder Welfare • Berkeley Student Co-op • Elder Action



Health & Community Services

Berkeley has numerous health care resources, including Alta Bates Summit Medical Center, part of the Sutter system, and LifeLong Medical Care, a network of community health centers. The ratio of primary care doctors to residents is well above the national average. Berkeley is located between Stanford and UCSF medical schools. Stanford Health Care and John Muir Health recently expanded to Berkeley. However, there remain stark health inequalities across ethnicity, income, and neighborhood that several community programs are addressing. These include access to dental care, especially for vulnerable and underserved populations. Additional care navigation and programs that de-stigmatize seeking help for mental health and other basic needs are necessary to improve the well-being of all residents.

AGE FRIENDLY RESOURCES

Public

Senior Center Programs
City Senior Centers provide recreation, affordable hot meals, health & wellness education and other supportive services.

In-Home Supportive Services (IHHS)
Alameda County, with federal, state, and local funding, provides personal care services that help seniors on Medi-Cal stay safely in their homes as long as possible.

City Public Health Department
The city has its own public health department, allowing a focus on local health issues residents face.

AC Care Connect
AC Care is a county program that provides complete services for those experiencing homelessness, including behavioral and physical health, housing, and legal services.

MSSP
The CA Dept. of Aging Multipurpose Senior Services Program (MSSP) provides healthcare management for seniors who qualify for nursing home care and prefer to remain in their home.

Heart to Heart
A mobile van run by the City and LifeLong Medical Care helps address inequities in treatment for hypertension and heart disease in South Berkeley by connecting residents with programs, resources, and services.

Adult Immunization
Free flu shots and low-cost immunizations are available at the Ann Chandler Public Health Center.

Case Management
Targeted case management for Medi-Cal beneficiaries is available through the city; referrals are also available through City Aging Services, Jewish Family Services, LifeLong Medical Care, and the Public Health clinic.

Senior Injury Prevention
City injury prevention workshops and education about geriatric health concerns are available from the Berkeley Fire Department that often responds to 9-1-1 calls from seniors.

GMOL
Getting the Most Out of Life is an Alameda County Health Care Services Agency program that promotes planning for end-of-life and hospice care before a medical emergency occurs.

Food Assistance
There is meal delivery and food assistance available through Meals on Wheels, CalFresh, Food Bank, and the Area Agency on Aging

CARE Team
Community Accessing Resources Effectively (CARE) is a cross disciplinary team that looks at improving care for high utilizers of emergency services.

Health Status Report
The Health Status report is a regular City report that provides information about residents' health status.

Peer-to-Peer
City community health advocates visit churches, parks, and community centers to let people know about programs.

AGE FRIENDLY RESOURCES

Public

Nurse of the Day
A City public health nurse provides free health information, referrals, and education.

CERT
A Community Emergency Response Team provides education in disaster preparedness and training in basic emergency skills (Fire Department).

Fire Dept. Collaboration
Berkeley Fire refers 'at-risk' seniors to City Aging Services; emergency forms posted in seniors' homes notify EMS of critical health information.

Ombudsman Program
This Alameda County program, with funding from the Older Americans Act through the Area Agency on Aging, ensures residents of long-term care facilities are receiving safe, quality services.

County Veterans Services
This county program helps inform people about veteran services and assists people with claiming and maintaining benefits for which they are eligible.

Nonprofit

Over 60 Health Center
Lifelong Medical Care's Over 60 Health Clinic offers primary care, chronic disease management, social services, and health education specifically for seniors.

BP Drop-in Clinic
There is a drop-in clinic for checking blood pressure at LifeLong's Over 60 Health Center to address health disparity in monitoring hypertension.

Living Well With A Disability
Free peer workshops are organized by CIL and designed for seniors (55+) who have a newly acquired disability.

YMCA classes
The YMCA in Berkeley offers Healthy Living Programs to help manage chronic diseases, as well as several senior aquatics, aerobics, chair exercise, and gentle yoga classes.

Alzheimer's Services of the East Bay
Alzheimer Services is a nonprofit organization that provides care services to people with dementia, support for caregivers, and education about dementia care.

LAS
Legal Assistance for Seniors (LAS), located in Oakland and serving all of Alameda County, is a nonprofit that provides legal advice, representation, and education to residents over 60.

CEI PACE Program
The Center for Elders' Independence is the only wrap-around service provider in Berkeley, offering medical care, transportation, adult day care, exercise classes, nutrition support, and social activities.

Transitions Program
Lifelong Medical Care manages a support program for patients following hospital discharge.

ICR Personal Assistance
Inclusive Community Resources provides mobility training, personal assistance, and attendant management services for adults with developmental disabilities.

Ethiopian Community & Cultural Center
This center is a nonprofit organization that, along with cultural, advocacy, and social activities, offers family caregiver support for Ethiopian-American elders.

Cooking Matters
LifeLong Medical Care offers Cooking Matters classes for patients in West Berkeley along with fresh produce giveaways.

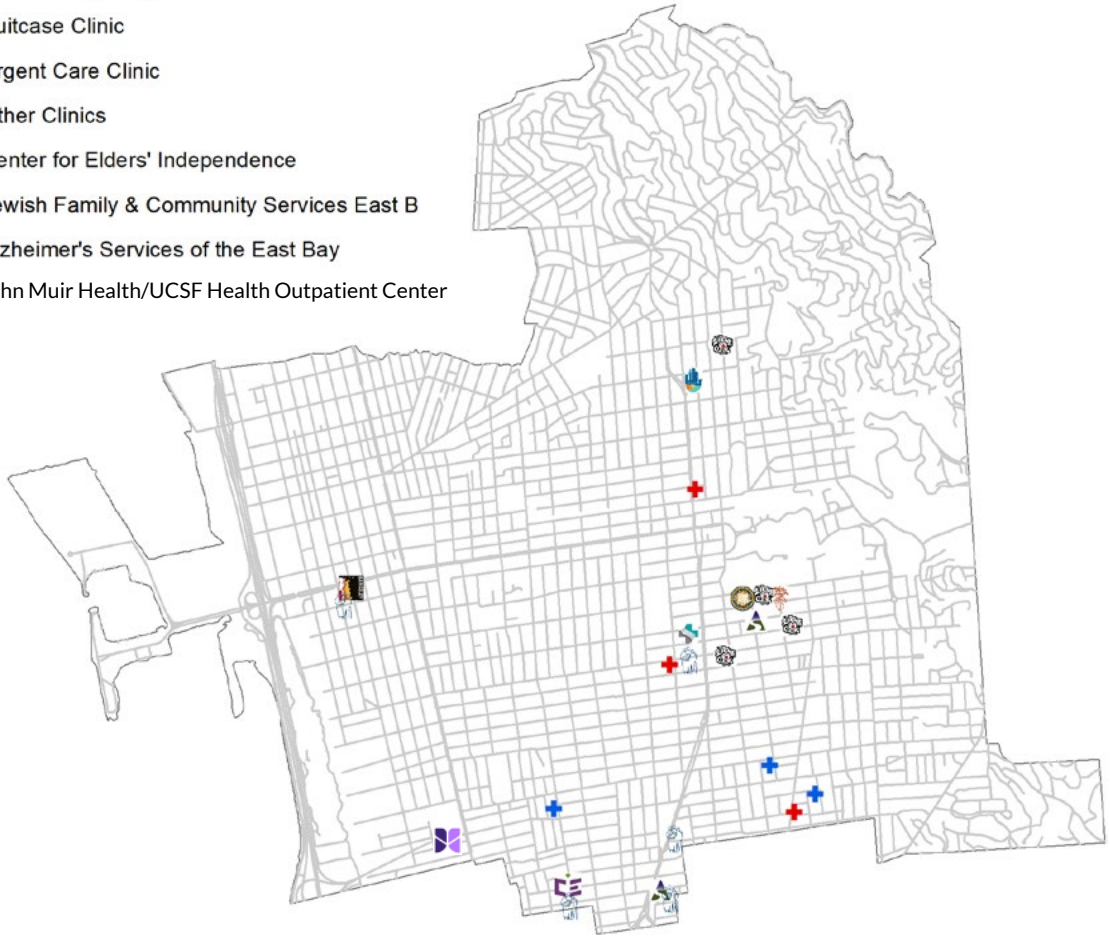
LifeLong Geriatric Dental Program
LifeLong Medical Care offers a Geriatric Dental Program at several locations and with a mobile van.

HEALTH CARE MAP

Legend

- Alta Bates Summit Medical Center
- LifeLong Medical Care
- Ann Chandler Public Health Center
- Berkeley Free Clinic
- UC Berkeley Tang Center
- Suitcase Clinic
- Urgent Care Clinic
- Other Clinics
- Center for Elders' Independence
- Jewish Family & Community Services East B
- Alzheimer's Services of the East Bay
- John Muir Health/UCSF Health Outpatient Center

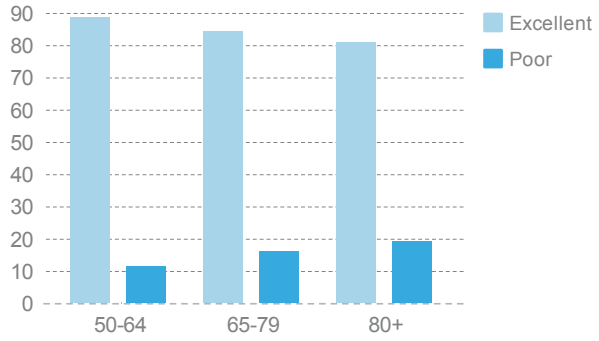
Alameda County is above the 90th percentile for the ratio of primary care doctors to population



There are many healthcare options along the main city corridor which runs through downtown. Stanford and John Muir Health care have both moved into South Berkeley, but there are few options available in West Berkeley. Several service providers such as Alzheimer's Services of the East Bay, CEI, and Jewish Family & Community Services are also concentrated near downtown.

COMMUNITY SURVEY RESULTS

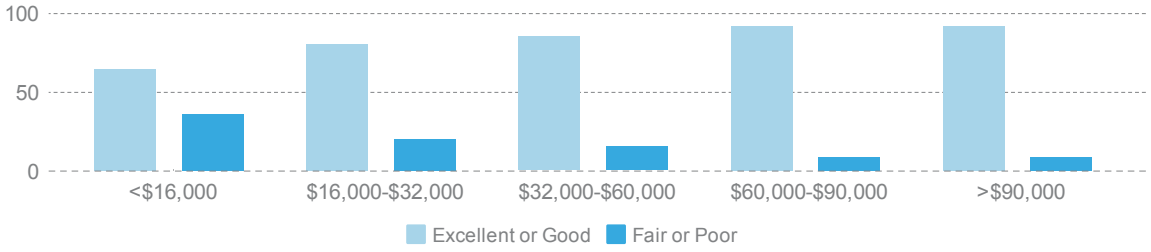
Health by Age Group



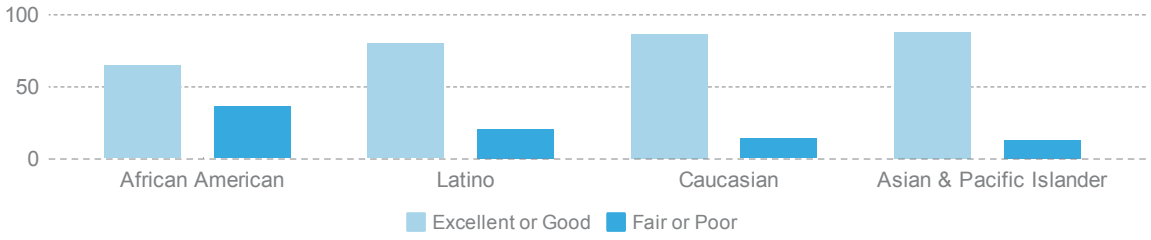
Overall, subjective reports of health are good among older adults in Berkeley who responded to our survey.

However, there are predictable disparities in self-reported health across income and race. The graph below shows a trend similar to what is found in most studies nationally of the relationship between health, race, and financial resources. Berkeley is continuing its work on eliminating disparities.

Health by income



Health by Race



According to the Alameda County Plan for Older Adults 2016-2017,

15.7% of Berkeley residents over 60 have MediCal

48% of Alameda County older residents have avoided needed medical care because of cost

39% of older, low-income Alameda County residents are "very concerned" about being able to prepare healthy food as they get older

TAKE AWAYS

Equity and Inclusion: Most subjective health reports from residents are good to excellent; however, disparities are apparent in Berkeley along socioeconomic and racial lines. Addressing this is a priority of the City and County Public Health Departments, and more is being done. However, this may require expanding current programs, adding new ones, and implementing policy changes.

Information: Even though there are abundant healthcare resources in Berkeley and surrounding cities, care navigation, in-home care and memory care are three areas where there is a gap. Seniors who need support to stay at home often need help finding service providers but may not be able to afford services unless they qualify for Medi-Cal. Those who are just above income guidelines struggle to find affordable services. A clear source of information about these services and their affordability is needed.

Infrastructure and Policy: While Berkeley has many excellent health and community service programs, most are not large or well-funded enough to meet the increasing demand for services. Also, with the planned closure of the local hospital scheduled for 2030, the city will need to continue to work on ensuring residents have access to emergency care.

ACTION PLAN

In Process

Measure GG 

The City continues to work on Measure GG, which focuses on Emergency Preparedness, resilience, & community response capacity. One focus is on utilizing nurses who have relationships with vulnerable community members.

Cooking Classes 

The schools continue to explore creating an inter-generational program that teaches children to cook healthy food at school so they can bring those skills home.

Geriatric Housecalls 

LIfeLong Medical Care provides in-home primary care for homebound seniors and they are expanding this program into Berkeley.

Gateway Program 

The Berkeley Continuum is piloting a prevention/intervention program that helps older adults proactively plan for their aging experience.

Year 1

CalFresh Restaurants 

Encourage Berkeley restaurants to participate in CalFresh so those who are not able to cook can buy prepared meals as an alternative to the grocery program.

SIPP 

Increase awareness of Alameda Country's Senior Injury Prevention Program (SIPP) by educating seniors, healthcare providers, case managers, and emergency responders about fall prevention. Ensure there is equitable access to the program.

Exercise & Nutrition 

Implement additional health related programs in senior centers and in the community, e.g., around nutrition and exercise, and walking groups. with targeted outreach to under served groups.

Memory Care Planning 

Convene a summit on memory care to plan a community response to dementia and related diseases

Year 2-3

Case Managers 

Identify funding for additional geriatric case managers and community health workers for the general population and for people experiencing homelessness.

Affordable Navigators 

Launch a program of affordable navigators (as opposed to comprehensive care managers) to help older adults address basic system navigation needs (public benefits, housing, service referral).

In-home Service Providers 

Develop and implement a plan, including new funding streams, to lower costs and expand access to in-home services.

Trusted Referrals 

Focus efforts to recruit, train, and retain a quality workforce of home care workers and develop a centralized, easily accessible source for vetted referrals for in-home care.



Transportation

Berkeley is connected to the Bay Area by way of several public transportation options. Bay Area Rapid Transit (BART) has three stations in Berkeley and AC Transit, the bus line for the county, has 155 bus lines throughout the region. Currently, the city is working to improve transportation options with strategic plans that address barriers to walkability and transit safety. There need to be additional resources for addressing driving safety and improved collaboration between transportation, technology, and aging organizations in the county to ensure that the public's needs are met across neighborhoods and all modes of transit.

AGE FRIENDLY RESOURCES

Public

Public Transit
AC Transit and BART have a senior discount and have priority seating for seniors.

Travel Vouchers (TAXI)
App ride hailing vouchers and taxi script services are available through the City.

Senior Center Shuttle
The Senior Center shuttle is available to bring people to the center and for organized outings.

Bicycle Boulevards
Bicycle Boulevards are streets with slower, lower traffic volume. Large painted street markers and street signs on each block clearly mark the designated bicycle areas.

Street Safety
City Planning & Development department is addressing transportation and street safety to ensure comfortable, safe environments.

Paratransit
East Bay Paratransit is available for door-to-door transportation services for people with disabilities.

511
511 is the phone number and website to plan travel on fixed-route public transportation throughout the Bay Area.

Nonprofit

Community Connections
Free CIL travel training for people age 55+ and/or with disabilities: One-on-one instruction for accessing fixed route transit, mastering specific trips, and use of mobility device on transit.

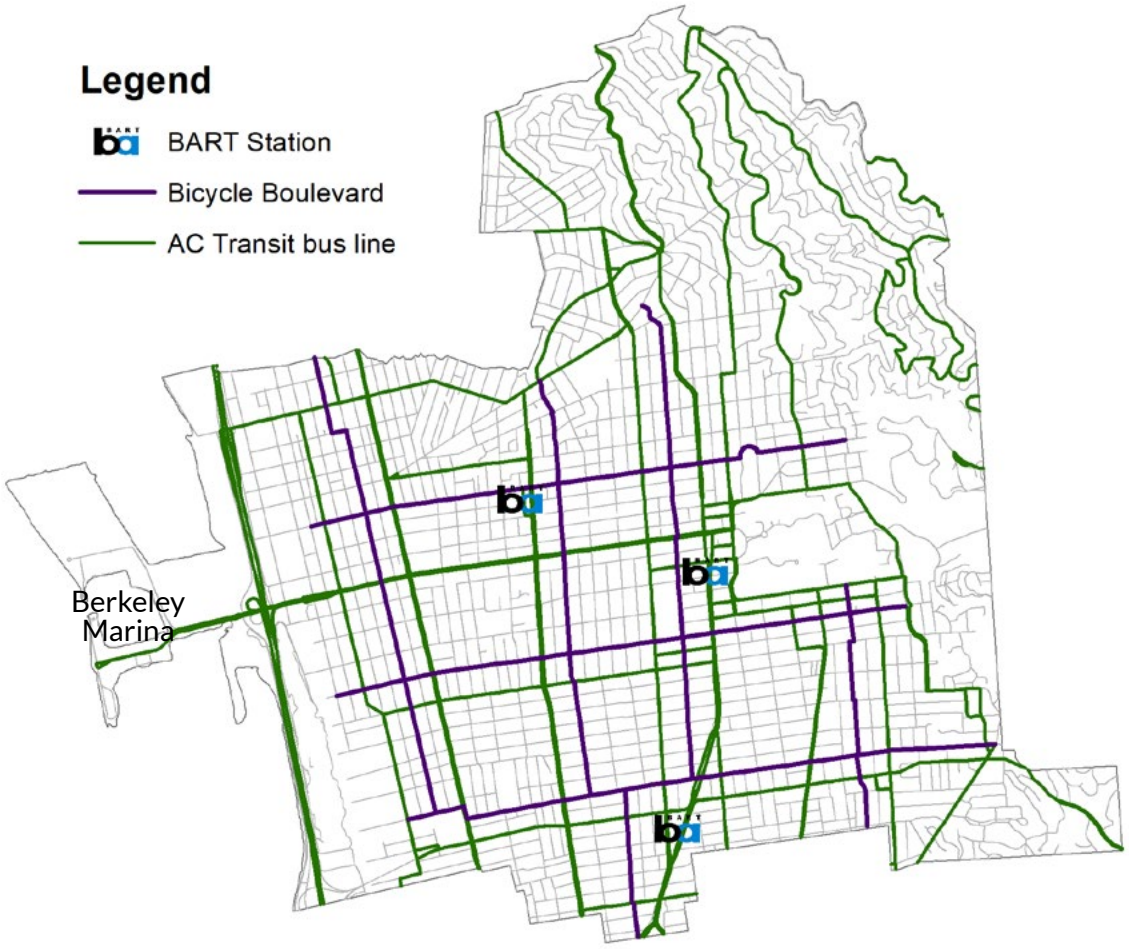
CEI Transit
The Center for Elders' Independence runs a PACE center in Berkeley and has vans that provide transit for their elders to the center, medical appointments, and field trips.

Road to Recovery
This American Cancer Society program provides transportation to appointments for cancer patients.

Private

Ride Sharing
Bay Area companies like Uber, Lyft, SilverRide, and Chariot offer ride sharing services, including new programs that doctors can use to order rides for their patients.

TRANSIT MAP



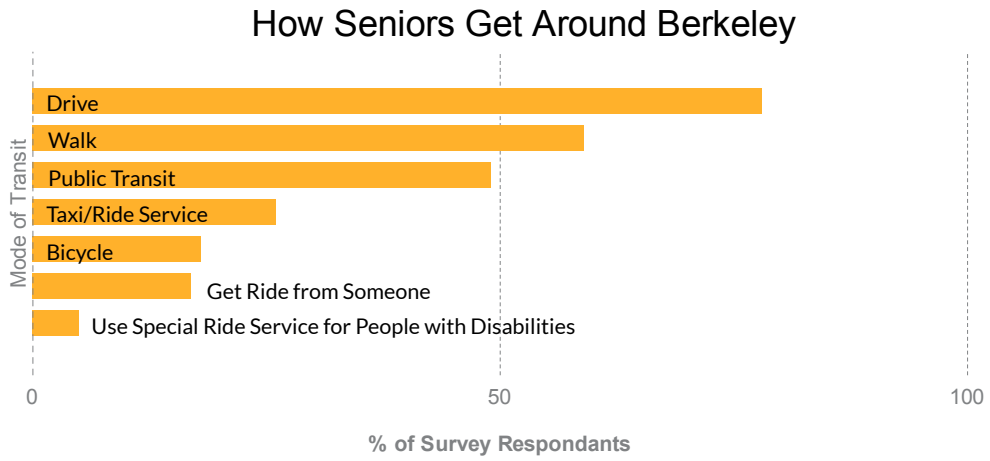
With three BART stations and major AC Transit bus lines, most of Berkeley is well connected by public transportation. However, residents who live in the Berkeley hills have less frequent buses and not all station stops throughout the city are covered or well lit.

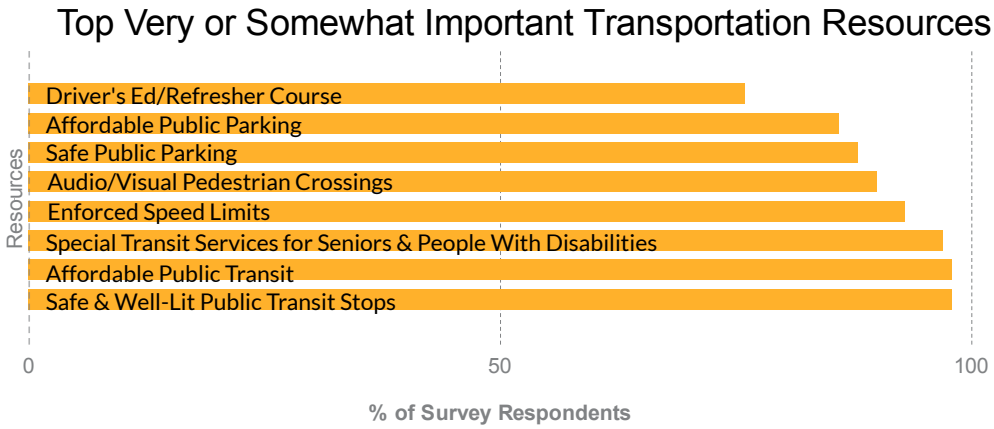
Bicycle Boulevards help make cyclists and pedestrians safer. Plans for additional improvements are underway.

A new ferry boat, Tideline, connects the Berkeley Marina to downtown San Francisco for commuters.

DATA

One of the main reasons Berkeley was rated positively by survey respondents as a place to age was **walkability.** However, sidewalk disrepair and traffic safety are issues raised by many residents. While Berkeley has made an effort to be accessible (curb cuts, etc.), trees often cause sidewalks to become uneven and some survey respondents also reported feeling unsafe crossing the street. Most people who responded to the survey said they drive to get around town, and highlighted parking as a problem. Many people thought driver education for seniors would be an important resource to have.





According to focus groups conducted by the Berkeley Continuum

- Participants felt that the City's taxi voucher system is useful but is too limited by the number of times it can be used and the the purposes for which it can be used. In addition, many people did not know that vouchers were available. Ride sharing apps can be helpful, but they are still too expensive for many people to use regularly.
- Participants said they want public transit to be more frequent and more flexible.

TAKE AWAYS

Infrastructure and Policy: Many survey respondents felt that one of Berkeley's best traits is its walkability. However, sidewalk disrepair and pedestrian safety concerns can be a barrier. The Bicycle Boulevards and some new protected bike lanes are a safety improvement, but there is still more work to do.

Equity and Inclusion: Social activities, volunteer opportunities, and jobs are important, but without thoughtful infrastructure and transit programs that help seniors get where they need to go, these resources will not be utilized to their fullest extent. BART and AC Transit help connect Berkeley to the rest of the Bay Area, but issues like the "last mile," not having benches at station stops, and inadequate lighting can be a problem for some older people and prevent them from using these services.

Information: Even with abundant public transportation options, many people want to maintain the freedom of driving, and want to do so safely. Many people are interested in safe driving refresher courses, but there are limited local options for these courses. Stigma may be an issue and classes should be advertised carefully to prevent promoting stereotypes and to make sure people feel comfortable attending.

ACTION PLAN

In Process

Master Pedestrian Plan — A plan considering safety, walkability, lighting, etc., is in development for commercial areas .

Sidewalk Review — The City is developing a plan to address broken sidewalks throughout the city and working to prevent future problems.

Senior Transit Coordinator — A new Aging Services Transportation Coordinator will oversee paratransit and senior center shuttles, will expand the senior shopper shuttle, and will expand mobility management and travel training.

Senior Shuttle — The City is in the early planning stages for a new senior shuttle, funded with County Measure BB funds, that will address some current public transportation limitations

BeST Plan — Berkeley's Strategic Transportation (BeST) plan strives to allow residents, students, and visitors of any age, background, and ability to have equal access to move throughout the city.

Year 1

Support Safe Driving — Promote older driver safety by linking them to defensive driving classes, such as those offered by AARP and the Safe Driver program promoted in the Berkeley Senior Center.

Transit Training — Help individuals learn how to use public transportation options with educational programs and a pool of volunteers willing to be companions on public transportation trips.

Year 2-3

Partnering & Planning — Improve collaborative planning between City Planning, Aging Services, and local transportation companies to increase public transit access for older adults; partner with carpool and private transportation services .

Transit — Advance the reliability, frequency, and local travel destinations for transit, especially in such areas as the Berkeley hills that have limited access.

Transit Infastructure — Improve citizen experience of transportation infrastructure, e.g., benches, shelters, traffic signals, and pavement on pedestrian sidewalks.

Utilize Shuttles — Partner with community agencies to increase transportation options by better utilizing and organizing shuttles during off-hours



Outdoor Spaces & Buildings

Berkeley values it's green space, with many city parks, parklets, and miles of walking trails. Thanks to Ed Roberts, who led the disability rights movement as a student at UC Berkeley in the 1960's, accessibility of outdoor spaces and public buildings was advanced with nearly universal curb cuts, accessible city-owned buildings, and a robust set of non-profit organizations dedicated to ensuring that the needs of all residents and visitors are considered in the built environment. Improvements that go beyond ADA compliance and additional programs for older adults with varied physical abilities will make the city even more livable for everyone.

AGE FRIENDLY RESOURCES

Public

Parks & Rec Adult Classes
City Parks & Recreation programs include adult classes such as painting, yoga, and Tai Chi.

Accessible Streets
Sidewalks, curb cuts, street lighting, benches, and traffic calming devices are developed in most areas.

ADA Compliant Buildings
New businesses, housing developments and redevelopments are required by the City to be ADA compliant.

Senior Aquatics
City Parks & Recreation organizes several aquatics classes specifically for older adults and people with disabilities.

Parklets
A city ordinance has allowed several 'parklets' to be built, which provide outdoor seating and tables in commercial areas; at least six more are planned.

Customer Service Center
The City's Customer Service Center has been renovated to be more accessible with lower counters, better lighting, and large screens.

EBRPD
East Bay Regional Park District, the largest urban regional park district in the US with about 120,000 acres, has a variety of free and affordable outdoor activities and volunteer opportunities.

Nonprofit & University

Bay Area Outreach & Recreation
BORP provides opportunities for people with disabilities to enjoy the outdoors, including special programs for veterans.

Berkeley Walks
Berkeley Walks organizes 30 minute walks 3 days a week for all levels of UC Berkeley faculty and staff.

UC Botanical Garden
The UC Botanical Garden is 34-acres with over 10,000 different plant species. With paved paths throughout the garden, it is an accessible place to enjoy nature and learn about conservation.

PARK MAP



With parks spread out across the city, there are many opportunities to enjoy the outdoors. However, the quality and availability of amenities such as bathrooms, benches, and lighting vary across parks. There is a bus from downtown directly to the Marina and the Botanical garden, but public transit access to some other parks is limited. It may be necessary to drive to some parks, especially for those traveling from destinations other than downtown.

DATA

One of the top reasons survey respondents rated Berkeley positively as a place to age was walkability.

59% said they walk

18% said they bike

...as a form of transportation for errands and appointments

However, sidewalk disrepair and traffic safety are issues raised by the community. While Berkeley has made an effort to be accessible (e.g., curb cuts), trees often cause sidewalks to become uneven and some survey respondents reported feeling unsafe crossing the street.

TAKE AWAYS

Infrastructure and Policy: While there are many green spaces around the city, amenities to make spaces safer and accessible, like public bathrooms, lighting, and benches, are variable. In addition, while some areas of the city, such as downtown, have various public transportation options, accessing parks from other areas requires a car or multiple bus lines.

Equity and Inclusion: The city started implementing accessibility standards ahead of many other places, but improvements to sidewalks, bus stations, and other outdoor spaces have not continued with the same momentum. The city is aware of these problems and assessing where to invest in additional accessibility efforts.

Information: There are many wonderful parks throughout Berkeley, but information about these parks, their programs, and the accessibility of activities are not easy to find and the city website is not always up to date with information.

ACTION PLAN

In Process

More Classes
City Parks & Recreation staff are considering additional classes and programs for older adults.

ADA Self-Evaluation
The Public Works department is implementing a self-evaluation to review the built environment for ADA compliance, inviting comments from older adults

CPTED
The City Planning Department is using 'Crime Prevention Through Environmental Design' (CPTED) to address safety issues and uncomfortable spaces.

T1 Funds
Funds from local Measure T1 will be used to improve existing infrastructure and facilities in the city.

Year 1

Age-Friendly Parks
Assess needs and secure funding to improve park bathrooms, lighting, parking, and other facilities for the older population; identify and advertise parks that are already Age-Friendly.

Park Access
Ensure that green spaces are accessible by various transportation modes and to those with mobility challenges, including shuttle access, smooth pathways, and room for wheelchairs next to benches.

Signage
Encourage large, easily visible street numbers on businesses and houses.

Web Information
Add a link on the City of Berkeley website to outdoor recreation activities for older adults.

Year 2-3

Extend Park Hours
Open public park exercise areas (James Kenney & Live Oak Parks) during the day in addition to the current 3 nights/week.

Re-Open Pool
Re-open the Willard Pool to improve public access to recreational swimming in South-East Berkeley

Safe Routes
Create safe routes to common destinations that have well maintained sidewalks, large signs, and good lighting,; create safe route maps.

Older Pedestrian Input
Ensure that older adults have opportunities for input into the development of the Master Pedestrian Plan by reviewing meeting times and consulting the Commission on Aging.



Social Participation & Civic Engagement

A variety of social opportunities are available for older adults in Berkeley. These include fitness, art, education, political and and cultural activities. While the vast majority of survey respondents indicated that they participate in social activities at least a few times a week, transportation and affordability of activities were raised as barriers. Making activities more affordable, accessible, and widely advertised would help residents, particularly isolated seniors, participate.

AGE FRIENDLY RESOURCES

Public

Senior Centers — Senior Centers serve hundreds of people daily with group classes and activities including meals, foreign language, memoir writing, music, field trips, dance, and birding. They also have voter registration materials.

City Boards & Commissions — The City's 43 Boards & Commissions attract numerous seniors from across the city, including to the Commission on Aging.

Nonprofit & University

OLLI @ Berkeley — UC Berkeley Osher Lifelong Learning Institute offers a wide variety of classes for adults 50 and older.

J-Sei Activities — J-Sei is a community center that offers a space for inter-generational activities and services that pass on Nikkei values and traditions.

JCC — The Jewish Community Center organizes group "Trips Around Town" for seniors and has adult classes, lunches, clubs, and events.

CEI Social Activities — The Center for Elders' Independence organizes social activities and has an adult day health center as part of their PACE program.

CIL — The Center for Independent Living advocates with and for people of all ages with disabilities and offers organized social activities.

Ashby Village — Ashby Village members organize events, volunteer activities and various interest groups that meet regularly including advocacy, poetry, bridge, movies, and technology.

Lavender Seniors Group — A support and advocacy group for LGBTQ seniors, Lavender Seniors has a 'Friendly Visitor' program and monthly lunches to keep members connected.

UC Retirement Center — As a major local employer, the UC Berkeley retirement center connects 2,245 UC retirees in Berkeley and Albany with volunteer opportunities, book clubs, workshops, and Retirees' Associations.

BLBC — The Berkeley Lawn Bowling Club is a nonprofit outdoor sport club that has been active since 1928. Members offer free classes to the public.

Gray Panthers — The East Bay Gray Panthers are an intergenerational advocacy group fighting for social justice and combating ageism.

Elder-Action Group — A new advocacy and social justice interest group growing out of Ashby Village meets to discuss and plan advocacy efforts.

Berkeley Continuum — The Berkeley Continuum is a non-profit group that is working to ensure that a continuum of services and supports are available for older people to age in their communities.

DATA

One of the top reasons Berkeley was rated positively by survey respondents as a place to age was the availability of many different services and activities. The vast majority of survey respondents said they are actively participating in social activities. However, various surveys indicate that 6-11% of Berkeley seniors socialize less that once week and follow up is needed to identify the needs of these isolated seniors.

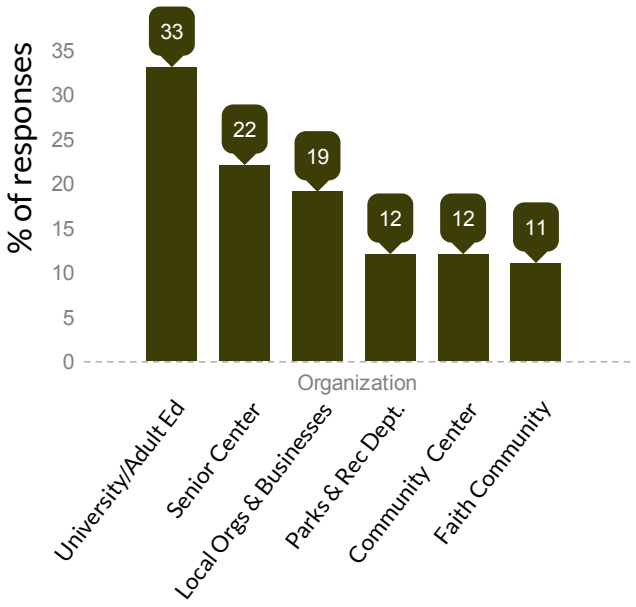
89% said they socialize at least a few times a week

60% said they participate in continuing education or self-improvement classes

91% said it is important for them to have a range of opportunities to volunteer

31% said they have transportation to and from volunteer activities

Where people go for self-improvement or continuing education



According to focus groups moderated by the Berkeley Continuum

- Some people had been to the senior centers and liked them. However, a few people said they did not like the senior center, with some adding that it seemed "depressing".
- Participants who lived in multi-unit housing indicated that they needed more information about what activities were happening in the community.
- Those living in single family homes showed more interest in finding ways to be connected to social activities.

Berkeley has a long history of being at the center of social movements. Older adults in the community are heavily involved in local politics.

54% said it is very important to have opportunities to participate in local government and decision making

80% said it is important for them to have opportunities to participate in local councils and committees

>75% said their community has volunteer and civic engagement opportunities

78.1% of registered Berkeley voters participated in the 2016 election, higher than the county turnout (75.42%)

TAKE AWAYS

Infrastructure and Policy: Transportation to activities, language accommodations, and making activities accessible is especially important for seniors who are at risk of isolation and are not typically included in community events. Reducing barriers to participation with infrastructure and policy improvements will make community events and activities more inclusive.

Equity and Inclusion: Active civic engagement has been a prominent part of Berkeley's history and continues to be important to residents of all ages. Opportunities for older adults with a variety of physical abilities, cultural backgrounds, and languages will help foster a stronger sense of community, both intergenerationally and among older adults in Berkeley.

Information: Having activities available will not be enough to ensure that everyone has a way to participate. We want to also ensure that there are various modes of communicating information about the programs so that those without computer access or who are more isolated will have information about services and activities they can participate in. This will also require communicating information in multiple languages and in written and audio formats.

ACTION PLAN

In Process

Measure GG

Older adults are included in Measure GG (emergency preparedness) outreach and workshops, especially to consider isolated and low-income seniors.

Senior Center Upgrade

The North Berkeley Senior Center building is being upgraded with $5.8 million in local T1 funds to accommodate additional community programs. Input from older adults who use the senior centers was used in developing the plan.

Year 1

Senior Centers

Reframe "senior centers" and modify programming to attract "younger" seniors.

Diversify Activities

Plan additional intergenerational community activities that encourage participation of different ages and cultures.

Meeting Timing

When possible, schedule public meetings when it is convenient for older adults and offer transportation options for people who may not feel comfortable traveling alone at night.

T1 Spending

Consider older adult comments and public input to T1 infrastructure expenditures to ensure public spaces are developed with the needs of older adults in mind.

Year 2-3

Collaborate

Help neighborhood associations, formal and informal groups, and city agencies focus on providing opportunities for older people to participate, especially low-income, isolated and disabled seniors.

Activity Directory

Create an easy to access directory of Age-Friendly organizations, activities and engagement opportunities for older adults.



Employment & Economic Security

Our community survey and focus groups found that the cost of living throughout the Bay Area is a prominent concern among older adults. Many older people are worried they won't be able to afford their property taxes or rent, and the cost of transportation and food continue to rise. Retiring may be a financial impossibility for many people in Berkeley. It is critical to ensure there are local job opportunities for people of all ages and abilities and adequate financial support and advice for those who can no longer work. .

AGE FRIENDLY RESOURCES

Public

Minimum Wage

In October 2018, Berkeley adopted a $15 minimum wage which will help all those who work in Berkeley make a basic wage.

Very Low Income Tax Refund

For seniors 65+ who have a household income less than $46,500, certain city taxes can be refunded, such as Sanitary Sewer fees and the School Maintenance tax.

Clean City Program

The Clean City Program, managed by BOSS, hires people experiencing homelessness for temporary jobs cleaning sidewalks in the City while BOSS helps them navigate their housing and health services.

Nonprofit & University

ASSETS

ASSETS Senior Employment Program provides job training and job search assistance for Alameda County residents age 55+.

Legal Assistance for Seniors

LAS is a nonprofit legal assistance organization that helps senior clients with legal problems such as changes to public benefit payments and elder abuse cases including financial abuse.

UC Retirement Center

The UC Berkeley Retirement Center gathers information about resources for retirees who are looking for part-time work or volunteer opportunities.

East Bay Works

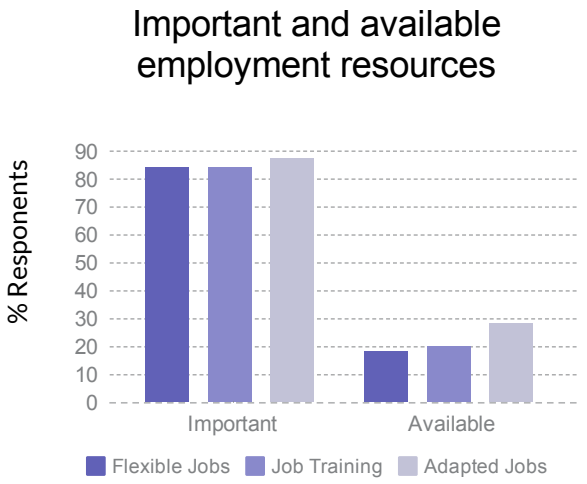
The Berkeley Adult School & Career Center offers workshops, career fairs, computer access for job searching, and one-on-one assistance to help adult job seekers.

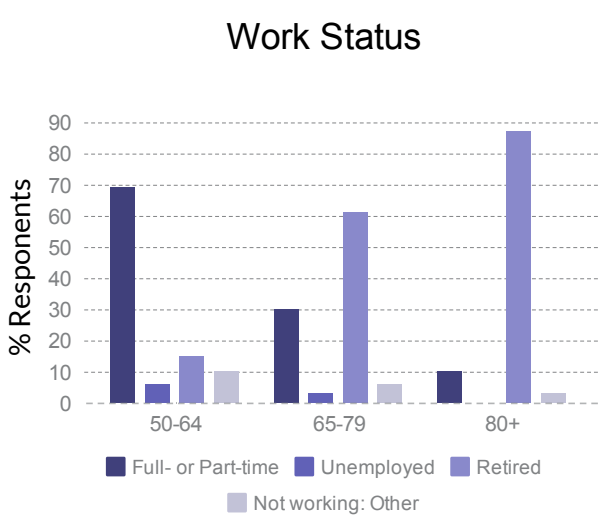
Encore

Encore is a Bay Area company that helps adults 50+ find impactful work in the social sector, mentor younger adults, and participate in advocacy for older adults.

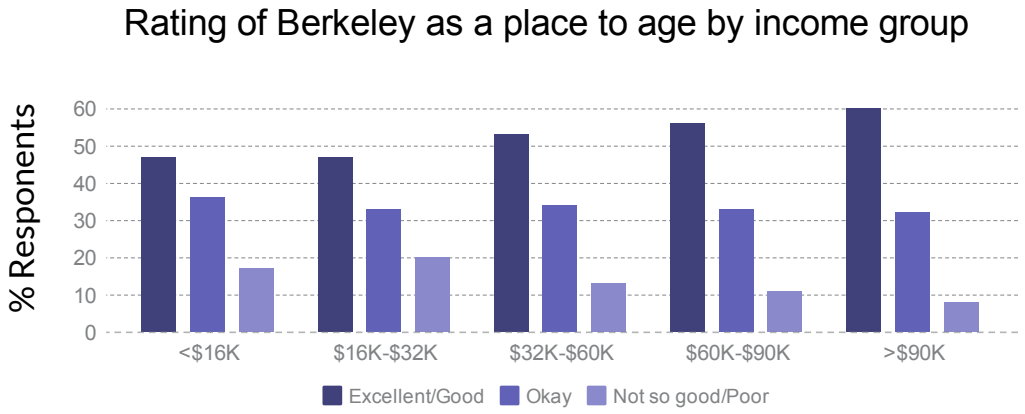
DATA

While many older adults expressed interest in job training, flexible jobs for older people, and jobs that are adapted for older people, few thought these resources were available.





Focus groups and survey respondents consistently named financial security and the cost of living in the Bay Area as their top issues. When looking at how older adults rated Berkeley as a place to age on the survey, answers vary by income group, with higher income groups more likely to rate Berkeley as "Excellent/Good" and less likely to rate it as "Not so Good/Poor"



According to the Alameda County Plan for Older Adults 2016-2017,

51%

of Berkeley residents age 60+ said they were "concerned" or "very concerned" about having enough income to meet their basic needs

"Income for basic needs"

was the top concern among older adults county-wide and in Berkeley

TAKE AWAYS

Infrastructure and Policy: Financial stress is common among older adults in Berkeley. There is a wide range of incomes that are creating a disparity in how residents view the city as a place where they can stay as they age. To prevent further displacement, there needs to be more affordable housing units and other programs to help people stay in their communities.

Equity and Inclusion: There are not enough jobs that offer the flexibility and accommodations that some older workers are looking for. This is a major issue for those who are choosing to work longer and those who need to because of financial concerns. Access to jobs needs to be addressed through policy and business incentives.

Information: Though the city has a number of programs designed to help low-income seniors, it is clear from focus groups that not everyone is aware of these programs. Additionally, there is a need to expand these programs beyond what is considered "low-income" for the purposes of federal benefit programs because the cost of living in the Bay Area is so much higher than the national average.

ACTION PLAN

In Process

Succession Planning



The City Economic Development department is working on outreach and a small business forum regarding succession planning and how to help older adults plan for their next phase.

Year 1

Financial Planning

$

Offer workshops and education on financial planning and elder fraud abuse.

Taxes



Broaden communication of assistance with local taxes for low income residents.

Year 2-3

Age Friendly Business



Consider a program of Elder Friendly business certification (Elders in Action provides this in Portland) which would indicate businesses that accommodate both older workers and customers.



Respect & Social Inclusion

The students at UC Berkeley are an excellent example of a volunteer resource, from student groups specifically created to improve the welfare of older adults to individuals who sign up to volunteer, for example at the Senior Centers, Meals on Wheels and Ashby Village. Seniors in Berkeley are diverse and may have many intersecting identities that make them more or less vulnerable to agism and other forms of discrimination. Volunteer and service programs keep these issues in mind when engaging with local residents.

AGE FRIENDLY RESOURCES

Public

Accessible Documents — Large print materials of public documents are available through the City Clerk's office.

Accessible Customer Service — Counters in all city public service areas are accessible and staff are trained to assist people with disabilities.

Meals on Wheels — Volunteers in the community bring hot meals to isolated and frail seniors and socialize with them.

Nonprofit & University

Bears for Elder Welfare — Bears for Elder Welfare is a student organization at UC Berkeley intended to help improve the well-being of local older adults and to foster respect for elders among Berkeley students.

Berkeley Student Co-Op — Members of UC Berkeley's student Co-Op volunteer to assist Berkeley seniors to remain in their homes as long as possible.

CIL Wellness Program — CIL runs 10 week workshops for older adults with new limitations that helps them gain skills they need to overcome barriers to independent living and so they can continue to participate in their communities.

Forget Me Not — Forget me Not is a phone call program that partners socially isolated older adults with compassionate high school volunteers for conversation and to forge social bonds.

AV Volunteers — Volunteers of all ages help facilitate Ashby Village activities, including support groups.

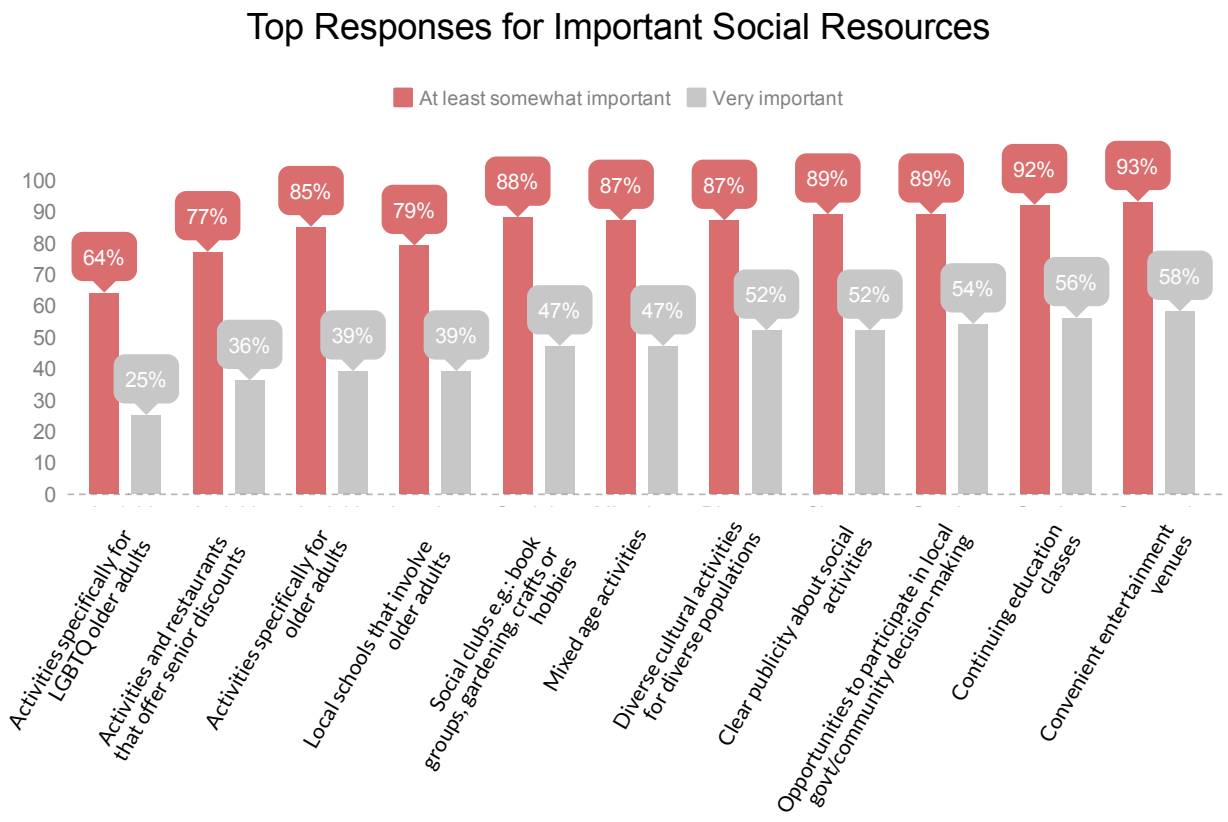
Lavender Seniors — Lavender Seniors give service providers who are LGBTQ allies"The Emblem" which is a marker that states "Safe, Visible and Celebrated."

AltaBates Tele-Care — AltaBates Medical Center runs a program where volunteers call daily to check-in on people who opt-in to the program and alert emergency contacts if unable to reach someone.

Well connected — Covia manages Well Connected, an online and over the phone support for individuals and social groups.

COMMUNITY SURVEY RESULTS

As a "college town", there are many activities and organizations in Berkeley that are focused on attracting the younger generations. Older adults are also active in the community and identified a wide variety of social resources they consider important.



The vast majority of our survey respondents have someone to socialize with at least weekly and have friends or family to turn to when they need help. At least 6% of the respondents, however, socialize less than once a week and the survey did not capture some of the more isolated seniors.

94%
of survey respondents socialize at least once a week

68%
of survey respondents would turn to family, a friend, or a neighbor if they needed information about servies

TAKE AWAYS

Equity and Inclusion: Seniors in Berkeley are a diverse group, some with many intersecting identities. Language, race, immigration status, sexual orientation, gender, income level, housing status, and other factors all play a role in the way seniors experience life in Berkeley and it is important for volunteers and service providers to keep this in mind.

Information: The people who filled out our survey are involved in activities in the community and most are socially connected. However, we know this is not representative of the larger community because our survey relied on community organizations and social networks for distribution. Some of the reasons people don't participate in the community is because they are isolated and/or don't know about the activities or resources that could help them participate. The City and organizations need to communicate information clearly and reach out to people who may be more isolated.

ACTION PLAN

In Process

Prevent Isolation

Working with the Berkeley Continuum and established student groups, home visits are being offered to socially isolated seniors.

Media Campaign

Older adults are included in public imagery of local media campaigns, positively and without stereotypes; community members are consulted as to how best to portray older people.

Public Schools

Inter-generational programming is continuing to be fostered in schools and in the community, such as student interns and volunteers .

Public meetings

Communication devices are available to ensure that seniors with hearing difficulty are able to participate in public meetings.

Year 1

Part of the Family

When "family" events or activities are organized by the City or other organizations, include older adults as part of the target audience, not only children and families.

Year 2-3

Inter-generational Event

Organize an annual inter-generational event that celebrates the value of people of different ages and fosters understanding across generations


Richard Bermack

Communication & Information

While there are a myriad of programs, events, and activities throughout Berkeley, it is often difficult for older adults to find what they want or need. Many older adults have internet access either through their mobile phone or at home, but websites are not intuitive or easy to navigate. Input from older adults about their needs and how they are currently getting information will help tailor existing communication to better meet their needs.

AGE FRIENDLY RESOURCES

Public

3-1-1
3-1-1 is a non-emergency single point of contact for the City that helps direct people to the appropriate department for information or services.

Accessible Documents
Large text and alternate formats of public records are available.

Eden I&R 2-1-1
Alameda County residents have access to a 2-1-1 phone line, managed by the nonprofit Eden I&R, for information and referral services.

My Senior Center App
This App is available in senior centers for information about daily activities and for internal tracking.

The Nugget
The monthly newsletter for Berkeley's senior centers is distributed to 200 seniors via email and is available in hard copy at the centers. It announces class schedules and events.

Public Libraries
There are 5 public libraries in Berkeley. They host the Berkeley Information Network, an online database of local resources that can be accessed on their website and that has a specific section for seniors.

Nonprofit & University

CIL I&R
The Center for Independent Living's (CIL) Information and Referral (I&R) is a program that provides information on free disability-relevant community resources.

CTA
The Center for Technology & Aging (CTA) at UC Berkeley is designed specifically to encourage and enhance the development of new technologies for the aging population.

Private

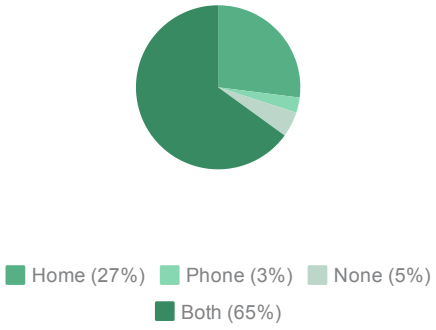
Berkeleyside
Berkeleyside is a local independent news site for Berkeley residents reporting on local events and issues that has an average of 270,000 unique users each month.

Nextdoor
The NextDoor website helps neighbors communicate. Individuals need to verify their address through the mail to use it. Many older people in Berkeley accessed our survey through announcements on this site.

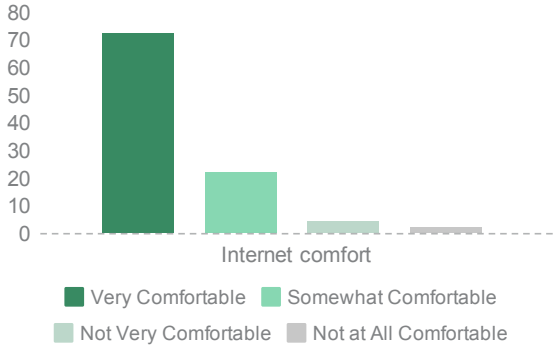
DATA

Some information regarding internet use among seniors emerged from the community survey. Many residents who submitted the survey did so online, making the sample slightly skewed towards more internet savvy people. Even though the majority of respondents said that they were comfortable using the internet, almost half indicated they would be interested in internet/technology classes if they were available.

Internet Access



Comfort Using Internet



An independent needs assessment contracted by the city as part of their Digital Divide project found that some of the barriers for older adults in using technology include:

Basic Training | **Quality Devices** | **Reliable Internet**

46%

of survey respondents would be at least somewhat likely to use Internet/Technology training if it was free or low-cost

270,000

people on average read Berkeleyside each month

3,492

2-1-1 calls were made by Berkeley residents between January and August 2018

5,211

2-1-1 referrals were made between January and August 2018

According to focus groups done by the Berkeley Continuum and the Age-Friendly Berkeley Initiative

- Many older people are concerned about how to navigate different systems in the city, including resources for transportation, housing, and healthcare
- Most people want to be able to call someone or go somewhere to find information about services, but they don't know of any "one stop shop" for different kinds of information.
- While people who are members of an organization like Ashby Village or who live in affordable housing with a service coordinator know where to go for help, this situation does not exist for most people.
- Most people said they prefer getting information from a person, either over the phone or face-to-face, rather than online. However, the number of people who can find information online if they need it is increasing.

TAKE AWAYS

Infrastructure and Policy: The city website is difficult to navigate and needs to be updated more regularly in order to be a useful source of information for residents with varying degrees of comfort using the internet.

Equity and Inclusion: While most survey respondents said they use the internet, this may be a skewed sample because of the many surveys completed online. Focus groups indicated that older people also get information from schools, their children, or their neighbors. Multiple modes of communication, including paper and online formats, should be used to ensure that older adults are able to stay informed, particularly those who are isolated.

Information: While 2-1-1 receives hundreds of calls each month from Berkeley residents and makes referrals to services, it is not clear how many older people use this service and follow through on referrals (the system does not collect this data). This site is also difficult to navigate and does not contain information regarding activities and opportunities for social engagement.

ACTION PLAN

In Process

City Website
The City website is being redesigned to reduce the number of pages (now 18,000 pages), make it more searchable, and address ADA compliance throughout.

Digital Divide
A Master Plan is being created that includes improvement to infrastructure for high speed broadband internet access and technology for seniors; and that includes a collaboration with non-profit groups.

Improving 3-1-1
The 311 line is being redevloped with a new online solution; expected to roll out in 18 months.

Year 1

Monitor 3-1-1
Look at the frequency of 311 calls for different services from older residents in order to better understand and support the resources they are seeking.

Age Friendly Website
Create an Age Friendly website that provides updates on services, news, projects, and activities.

IT Strategy
As part of the City's IT strategic plan, gather input from older adults about how content can be best presented to them .

Year 2-3

Mobile App
Consider developing a City of Berkeley Mobile app, to facilitate how people in the field triage incidents involving older adults.

City Newsletter
Piggyback on the popularity of local newspapers with a Senior Newsletter, similar to the one in Fremont, California, or an Age-Friendly page or link in local newspapers.

Appendix C: Data Collection

A. Survey: The AARP Age-Friendly Community Survey was used with a few minor adjustments

1. Circulation: The survey was available between March 1st and April 10
   - A link to the online version of the survey was posted on NextDoor and sent as an email blast through the following organizations:
     - The Mayor and City Council Member's websites
     - A City website news announcement
     - Ashby Village
     - University of California Retirement Center Newsletter
     - AARP mailing to local members
     - Member organizations of the Senior Services Coalition of Alameda County
   - A press release announcing the survey was sent out by the local paper, Berkeleyside,
   - Hard copies were made available at organizations:
     - All 5 Berkeley Public Library Locations
     - 2 Resources for Community Development senior housing locations
     - 6 Satellite Affordable Housing Associate senior housing locations
     - Both Senior Centers
     - J-Sei
     - Ashby Village
     - Meals on Wheels
     - LifeLong Medical Care Over 60 Health Center
     - Jewish Community Center of the East Bay
2. 1402 residents responded. Analysis provided by Nancy Frank & Associates, Piedmont, CA

B. Supplemental local reports:
   - See www.berkeleycontinuum.org 2017 needs assessment and focus group information used in this report
   - See Alameda County Plan for older adults, May 2016 https://alamedasocialservices.org/public/services/elders_and_disabled_adults/docs/planning_committee/5.2016_County_Area_Plan.pdf

C Interviews with 18 city staff in 9 City of Berkeley departments: April-May 2018

D Additional Focus Groups, Public Forum, City Council Presentation and meetings with the Commission on Aging
   - City Council Presentation and Workshop: July 17, 2018
   - Additional Focus Groups: September 22, 2018, October 24, 2018
   - Public Forum co-hosted with the Commission on Aging: October 27, 2018
   - Several meetings with the Commission on Aging throughout project

FOCUS GROUPS SUMMARY

Latinx Focus Group

Location: Bahia , inc.
Group size: 10
Average age: 59.4
All lived in Berkeley >20 years

Income



What is working well?
- Good Schools
- Living close to work
- Latinx community
- Cultural diversity
- Advocacy for rights & equality
- Neighborhood is safe

What is NOT working well?
- Not informed about resources
- Feel like we're being pushed out
- Growing homelessness issue
- Cost of living; children can't afford to live nearby
- "Low-income" program cut-off doesn't match cost of living
- Neighborhood permit parking
- Homeowner sidewalk responsibility
- High taxes
- Disruption in church community; congregation spread out

Top Concerns

1. Affordable housing
2. Cost of living
3. Affordable health insurance
4. Accessible places to get services

Some Recommendations
- Linguistically/Culturally appropriate assisted living options
- Affordable dental care resources

African American (faith-based) Focus Group

Location: St, Paul's AME Church
Group size: 9
Average age: 59.4

What is working well?
- Feel safe, not threatened: Berkeley is like a "Garden of Eden"
- Diversity
- Church as support system
- Taxi scrip resource through Senior Centers

What is NOT working well?
- Vandalism
- Not enough senior housing
- Lack of community cohesion, support
- Maintaining diversity; many are leaving for more affordable communities
- Cost of living, pressure to sell home
- Family/children live far away

Top Concerns

1. Cost of living
2. Affordable housing
3. Pressure to move out

Some Recommendations
- Centralized information in a senior resource guide
- Fill gaps in public transportation (more bus lines and stops)

Berkeley Continuum Focus Groups

Group size: 57 across 3 groups
Age range: 48-93
53% lived in Berkeley >10 years

See Berkeley Continuum Needs Assessment for details
www.berkeleycontinuum.org

Main concerns:
- Housing cost is too high, fear of having to leave Berkeley, affordable housing waitlists too long
- People want in-home supports, but are worried about where to find them, who to trust, and affordability
- Need more access to face-to-face or personalized over the phone systems for navigation support
- Need more frequent and flexible public transport
- Concerns about sidewalk safety

Income



Berkeley Commission on Aging Forum (2)

Location: St, Paul's AME Church
Group size: 36
Age range: 48-93
53% lived in Berkeley >10 years

Concerns were similar to those heard elsewhere and focused on:
- how older adults can learn about what goes on in the community[housing health care and transportation were mentioned] and needing online and in-person ways to learn that);
- need for affordable housing
- need for sidewalk safety

Location: North Berkeley Senior Center
Group size: 18

Concerns and needs were similar to those heard elsewhere and focused on:
- more employment opportunities
- affordable meals
- community navigators/advocates
- transportation in the hills
- more housing for seniors with different levels of care
- more help for those just above "low-income" level
- access to and knowledge of community events (not just for parents and children)

Focus Group Question Guide

Question 1: Imagine that you are describing to people the experience you are having in Berkeley as you grow older. What do you like best about it? What is working well for you? What has been most challenging for you? What are the "age friendly" characteristics that are most important to you?

Question 2: Which of the characteristics we just mentioned are strongest or currently lacking in Berkeley?

Question 3: Of all the things we've listed here, what do think are the priorities? Where should we start if we are going to develop new services, supports or conditions?

As time allows and depending on focus of discussion:

Question 5: Do you have concerns about whether you will be able to live out your years in Berkeley? If so, why? Where would you go?

Question 6: How many of you have access to a computer and the internet in your home or building? Do you ever skype? Other uses?

Question 7: How do you want to be able to learn about resources that are available to you as your health and/or everyday needs change? A place (like a center?), a person (like a navigator?) the internet ?

Question 8: If someone offered to come to your home to check it out for fall hazards, talk to you about what is available in the community, needs you might have, help you plan and provide you with referrals and linkages, would that be attractive to you?

Question 9: If you had to move out of your home because you need more help day-to-day than you can get at home, where would you go? What would be your fears about living in assisted living or nursing situation?

Focus Group Survey

1. How old are you? _____

2. What is your zip code? _____

3. Did you participate in any recent survey about aging either from Berkeley or Alameda County?

4. Are you on Medicare or MediCal?

5. Where do you get your medical care?

6. Income: What would you estimate was your income last year from ALL sources (social security, retirement, pension, savings, employment, tenants, other)

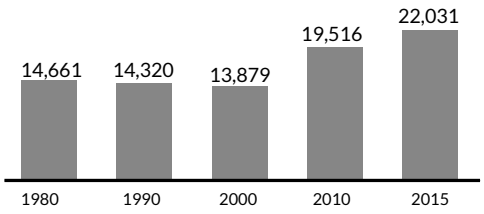
Does that income support: Only you, Yourself and a partner/spouse with no other income, Yourself and a partner/spouse with additional income from them, Includes another dependent

8. What are the biggest challenges you are facing (or anticipating) as you age in Berkeley:

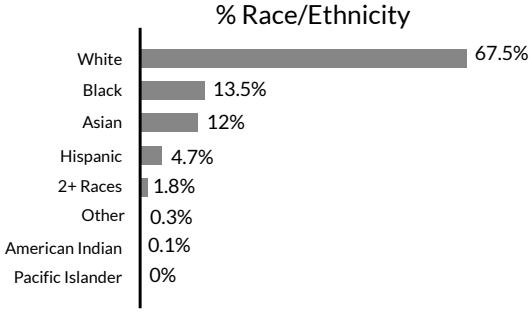
Is there anything else you would like to tell us?

Berkeley Results from the
ALAMEDA COUNTY PLAN FOR OLDER ADULTS 2016-2017

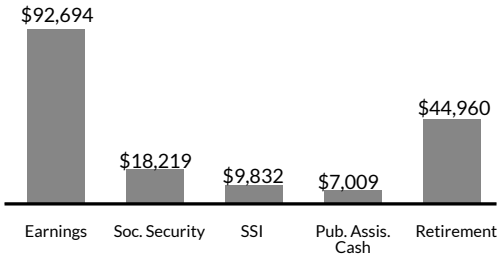
Growth of 60+ population



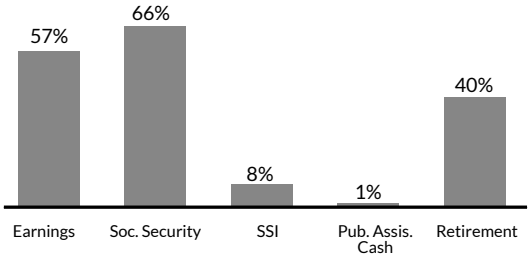
% Race/Ethnicity



Household avg. income by source



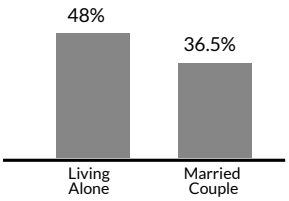
% Households with income source



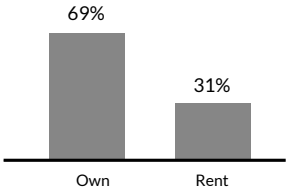
Survey Top 10 Concerns	Rating
1. Income for Basic Needs	3.4
2. Inclusion in Decisions	3.3
3. Housing Affordable	3.3
4. Income for Future	3.3
5. Stay in Home	3.3
6. Maintain Home	3.2
7. Falling	3.0
8. Prepare Healthy Food	2.9
9. Anxiety of Stress	2.7
10. Confusion or Memory	2.6

Survey Top 10 Resources Lacking	% Without
1. Job Opportunities	31.9%
2. Clean & Well-kept Sidewalks	21.3%
3. Affordable Housing	19.9%
4. Safe & Well-lit Streets	16.9%
5. A Computer You FeelComfortable Using	16.1%
6. Housing Suited to Your Needs	15.3%
7. Resources to Feel Safe	14.9%
8. Fresh Vegetables & Fruit I Can Afford	12.2%
9. A Trusted Source to Go for Needs	11.8%
10. Health Services Culturally/Language Appropriate	11.2%

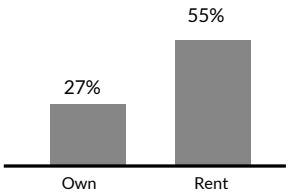
Living Arrangements



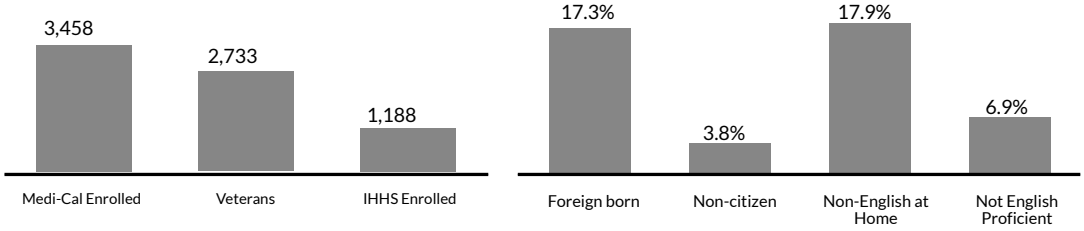
Own vs Rent



>30% Income on Housing



English Proficiency & Citizenship



Notes: Older Adults=60+; Survey Results from AC Older Adults Survey 2015; Concerns rated from high (5) to low (1) with the average of all ratings shown; Bar graphs from the US Census, ACS 2010-2014 Table S0102 and ESRI 2015

This page was copied from the Alameda County Plan for Older Adults 2016-2017 Appendix D

Appendix D: Useful References

AARP Livable Communities

http://www.aarp.org/livable-communities/network-age-friendly-communities/

AARP Livable Communities: Great Places to Age

https://states.aarp.org/aarp-livable-communities-great-places-for-all-ages/

Age-Friendly BusinessCertification Programs

http://www.programsforelderly.com/awareness-elders-in-action-age-friendly-business-certification.php

Age-Friendly Communities,

Grantmakers in Aging https://www.giaging.org/issues/community-development/

Scharlach, Andrew E.; Amanda Lehning, "Creating aging-friendly communities," Generations, vol. 33, no. 2

Aging Survey-*The United States of Aging*; American Association of Retired Persons [AARP] (2012).

https://www.aarp.org/livable-communities/learn/research-trends/info-12-2012/the-united-states-of-aging-2012.html

Alameda County Plan for Older Adults

https://alamedasocialservices.org/public/services/elders_and_disabled_adults/docs/planning_committee/5.2016_County_Area_Plan.pdf

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https://www.census.gov/programs-surveys/acs/

Berkeley Reports

Age-Friendly Berkeley Continuum Executive Summary and Needs Assessment, 2016 www.berkeleycontinuum.org

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https://www.cityofberkeley.info/uploadedFiles/Health_Human_Services/Level_3_-_Public_Health/2018-health-status-report-berkeley.pdf

Berkeley on AARP list of Top Ten "Livable Cities," Streetsblog Cal, June 21, 2018

https://cal.streetsblog.org/2018/06/21/san-francisco-berkeley-on-aarp-list-of-top-ten-livable-cities/

Broadband Equity Research Report, May 1, 2018, Nutter Consulting

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Community Need Assessment

Alta Bates Summit Medical Center Community Health Needs Assessment 2016 https://www.sutterhealth.org/pdf/for-patients/chna/absmc-2016-chna.pdf

Fall Prevention

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https://www.ncoa.org/healthy-aging/falls-prevention/preventing-falls-tips-for-older-adults-and-caregivers/

Food Assistance

http://www.alamedasocialservices.org/public/services/food_assistance/index.cfm

Global Age-Friendly Cities: A Guide

http://www.who.int/ageing/publications/Global_age_friendly_cities_Guide_English.pdf

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Kushel, MD, Margot. "Growing Older, Getting Poor." New American Media, April, 2015, San Francisco

Senior Center Transformation

https://www.aarp.org/livable-communities/act/civic-community/info-12-2012/transforming-senior-center-into-21st-century-wellness-centers.html

Senior Center without Walls

http://www.seniorcenterwithoutwalls.org/about/

Social Determinants of Health

https://www.kff.org/disparities-policy/issue-brief/beyond-health-care-the-role-of-social-determinants-in-promoting-health-and-health-equity/

https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health

Technology, David Lindeman, MPH

https://citris-uc.org/technology-older-adults-new-era-connected-aging/

Transportation Needs in an Aging Friendly Community

https://www.aarp.org/livable-communities/learn/transportation-mobility/info-12-2012/meeting-transportation-needs-in-an-aging-friendly-community.html

Attachment 2

City Departmental Budgets

SUMMARY OF EXPENDITURES BY DEPARTMENTS – ALL FUNDS

SUMMARY OF EXPENDITURES BY DEPARTMENTS – ALL FUNDS						
	FY 2020 Actual	FY 2021 Actual	FY 2022 Adopted	FY 2022 Est Actual	FY 2023 Adopted	FY 2024 Adopted
Mayor & Council	2,525,920	2,708,844	3,096,559	3,334,707	4,785,155	4,835,380
Auditor	2,527,125	2,526,081	2,805,883	2,688,657	3,101,376	3,124,862
Police Review Commission[a]	775,701	744,950				
Office of the Director of Police Accountability	-	-	1,114,235	815,258	1,422,432	1,374,911
City Manager	8,104,984	8,432,572	8,770,554	9,733,300	11,732,034	11,763,275
Office of Economic Development	8,951,152	4,966,525	5,082,163	8,668,166	7,555,553	6,380,895
Information Technology	15,495,905	16,552,132	20,423,888	16,448,551	22,287,156	22,500,474
City Attorney	4,555,976	6,214,367	7,278,096	6,200,455	8,562,688	8,553,021
City Clerk	2,069,740	3,194,204	2,901,739	2,402,842	3,501,282	3,190,547
Finance	8,362,334	8,146,012	9,431,102	8,722,333	11,444,157	11,669,774
Human Resources	3,924,687	4,078,091	4,438,053	3,711,625	5,009,883	5,124,741
Health, Housing & Community Services	60,608,060	81,811,330	84,514,926	91,734,085	95,182,974	93,913,527
Police	79,762,713	79,395,632	77,807,443	82,704,040	87,444,720	88,658,439
Fire	48,213,947	49,891,701	60,351,430	58,014,192	63,377,259	63,450,868
Public Works	140,021,855	125,907,423	147,438,656	140,757,036	203,608,562	190,276,318
Parks, Recreation & Waterfront	43,593,445	60,795,051	52,979,556	63,569,334	53,378,913	53,954,977
Planning	21,595,429	21,687,691	25,252,729	22,485,141	29,022,035	27,993,361
Library	18,865,464	20,255,244	25,566,341	18,476,577	24,918,604	25,182,279
Rent Board	5,755,222	5,517,190	6,825,535	5,803,127	7,247,755	7,406,431
Non-Departmental[b]	60,402,889	95,581,042	127,522,399	106,147,842	110,594,086	96,618,910
Total All Funds	**536,112,550**	**598,406,081**	**673,601,287**	**652,417,270**	**754,176,624**	**725,972,990**

(a) Police Review Commission has become the Office of the Director of Police Accountability in FY 2022
(b) Non-Departmental consists of operational overhead costs such as Property Insurance and School Board Salaries, General Fund allocation for Community Based Organizations, Workers' Compensation costs, Debt Service, and Interfund Transfers.

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Attachment 3

HHCS Departmental Summary

DEPARTMENT OF HEALTH, HOUSING AND COMMUNITY SERVICES FINANCIAL SUMMARY

	FY 2020 Actual	FY 2021 Actual	FY 2022 Adopted	FY 2022 Est. Actual	FY 2023 Adopted	FY 2024 Adopted
EXPENDITURES						
By Type:						
Salaries and Benefits	29,297,601	29,612,569	38,009,426	31,488,654	43,694,077	44,664,508
Services and Materials	27,154,559	48,761,541	42,113,206	56,211,016	44,814,001	42,713,357
Capital Outlay	665,935	20,652	247,062	63,054	137,062	247,062
Internal Services	3,471,744	3,380,540	3,956,417	3,917,790	3,851,576	4,001,576
Indirect Cost Transfer	18,221	36,028	188,815	53,571	51,882	52,648
Adopted Tier 1 Funding *	-	-	-	-	2,634,376	2,234,376
	60,608,059	**81,811,330**	**84,514,926**	**91,734,085**	**95,182,974**	**93,913,527**
By Division:						
Office of the Director	4,785,842	7,149,835	8,386,513	10,242,281	10,224,323	10,716,725
Aging Services	4,019,360	3,935,411	5,246,576	4,121,581	5,708,535	5,768,626
Environmental Health	1,804,421	1,845,027	2,423,328	1,980,543	2,634,129	2,659,881
Housing & Community Services	19,528,452	39,861,365	38,447,750	46,486,427	39,149,783	39,356,464
Mental Health	14,579,581	15,441,645	19,746,135	14,949,664	23,438,326	22,821,837
Public Health	7,859,736	6,550,238	10,264,624	7,603,083	11,393,502	10,355,619
Community Funding	8,030,668	7,027,809	-	6,350,507	-	-
Adopted Tier 1 Funding *	-	-	-	-	2,634,376	2,234,376
	60,608,060	**81,811,330**	**84,514,926**	**91,734,085**	**95,182,974**	**93,913,527**
By Fund:						
General Fund	27,809,295	25,566,360	23,455,690	32,520,546	27,130,179	27,412,701
U1 - Housing	1,071	1,181,981	5,510,572	3,860,232	5,781,330	5,501,451
Capital Improv. Fund	74,145	80,887	74,170	80,769	75,424	76,240
Federal Funds	7,877,758	14,062,593	12,422,667	14,741,039	12,553,811	12,388,043
State Funds	14,793,788	17,935,905	23,002,415	19,116,703	27,963,550	26,817,359
County Grants	1,845,459	1,975,663	2,587,122	2,406,856	2,910,438	2,959,842
Local and Foundation Grants	4,148,734	3,104,535	3,275,813	3,178,294	3,797,526	4,138,539
Rental Housing Safety	-	-	-	57	-	-
Measure E Disabled Tax	1,297,768	1,341,961	1,432,011	1,482,011	1,569,911	1,601,060
Measure B Paratransit	455,244	527,845	525,433	370,307	36,797	36,797
Measure BB Paratransit	142,168	49,074	447,741	296,138	934,031	940,629
Measure GG Fire Prep	137,856	204,136	242,527	78,912	256,28	260,632
Measure O	0	14,923,810	6,445,567	9,683,661	6,445,567	6,445,567
Sewer Fund	184,481	343,797	437,189	235,598	503,102	509,045
Other Funds	1,840,293	512,783	4,656,009	3,682,963	5,225,020	4,825,622

Attachment 4

HHCS Division Summary

	FY 2020 Actual	FY 2021 Actual	FY 2022 Adopted	FY 2022 Est Actual	FY 2023 Adopted	FY 2024 Adopted
DIVISION/ACTIVITY SUMMARY						
Office of the Director						
Administration	3,690,597	3,792,938	3,421,380	4,603,860	4,054,641	3,462,354
Fiscal & Administration	1,083,552	1,163,556	1,483,505	1,412,982	1,787,464	1,822,239
Health Officer Unit	11,694	2,193,340	3,481,628	4,225,439	4,382,218	5,432,132
Division Total	**4,785,842**	**7,149,835**	**8,386,513**	**10,242,281**	**10,224,323**	**10,716,725**
Environmental Health						
Admin	1,607,288	956,478	2,099,820	417,107	887,854	944,893
Health Protection	196,001	858,707	323,508	1,545,322	1,746,274	1,714,987
Policy Development	1,132	29,843	-	18,114	-	-
Division Total	**1,804,421**	**1,845,027**	**2,423,328**	**1,980,543**	**2,634,129**	**2,659,881**
Mental Health						
Administration	2,590,957	2,175,382	2,680,054	2,254,541	2,717,965	2,751,871
Adult Services	4,833,608	4,820,148	7,343,041	2,848,316	7,017,024	7,137,623
Medical	1,113,480	721,094	2,036,694	423,638	923,427	934,216
Family &Youth Services	207,236	783,936	97,787	1,173,048	1,067,770	1,098,405
Access	1,370,356	1,131,770	1,583,108	903,406	1,451,534	1,625,284
Crisis Services	2,396,419	926,332	4,769,438	102,077	2,610,183	2,611,707
MHSA	2,067,525	4,577,114	-	6,241,976	6,173,375	5,480,862
Homeless Services	-	305,868	1,236,013	1,002,661	1,477,048	1,181,868
Division Total	**14,579,581**	**15,441,645**	**19,746,135**	**14,949,664**	**23,438,326**	**22,821,837**
Housing & Community Services						
Administration	4,786,372	8,522,191	6,227,155	11,125,863	6,084,232	6,159,656
Community Services	112,146	1,306,734	1,245,846	386,157	1,280,903	1,286,011
Employment Services	1,130,033	421,451	63,734	61,502	123,727	129,955
Housing Development & Rehabilitation	4,248,745	19,855,131	18,016,647	22,839,516	18,786,949	18,849,692
Homeless Services	9,251,157	9,755,858	12,894,368	12,073,389	12,873,972	12,931,150
Division Total	**19,528,452**	**39,861,365**	**38,447,750**	**46,486,427**	**39,149,783**	**39,356,464**
Aging Services						
Administration	555,462	456,293	450,368	463,354	455,029	453,220
North BSC**	740,300	682,381	990,399	647,703	913,211	919,455
North BSC – Transportation**	685,594	698,955	1,129,864	751,677	1,125,731	1,129,609
South BSC**	411,481	396,519	471,750	399,782	534,844	547,747
West BS - Case Management**	1,005,102	1,024,535	1,220,913	1,143,840	1,690,341	1,734,436
West BSC – Nutrition**	577,080	638,383	805,613	649,233	809,216	802,551
Division Total	**4,019,360**	**3,935,411**	**5,246,576**	**4,121,581**	**5,708,535**	**5,768,626**

**Berkeley Senior Center (BSC)

Attachment 5

Berkeley's Unique Structure for Aging Services

The Mission of the Health, Housing, and Community Services Department is to enhance community life and support housing, health, and wellness for all.

ORGANIZATIONAL CHART



HEALTH, HOUSING & COMMUNITY SERVICES OVERVIEW

The Department of Health, Housing and Community Services (HHCS) is organized in an Office of the Director and five divisions which support the Department's mission: Aging Services, Housing and Community Services, Environmental Health, Mental Health, and Public Health. Together these divisions provide a wide array of services to the community, including Meals on Wheels for seniors, affordable housing development loans for nonprofit organizations, restaurant health inspections, mental health services for people with high level needs, health services at Berkeley High School, and much more. In addition, the Department currently staffs seven commissions, and also works closely with the Homeless Services Panel of Experts, now staffed in the City Manager's Office. Baseline activities of each division are described in more detail below.

Aging Division Activities Summary

- **Aging Services**: The Aging Services Division enhances the well-being and independence of older adults by offering social connections, activities, and lifelong learning. The Division operates two vibrant senior centers that offer thousands of classes, events, workshops and day trips as well as a nutritious weekday lunch for older community members. The Meals on Wheels program provides nutritious meals to home-bound seniors. Case managers provide consultation, referral, and linkage to community resources. Additionally, Aging Services provides taxi and van trips for older adults and disabled Berkeley residents to improve quality of life and access to community resources.

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

Aging in Alameda County: A Changing Landscape

July 2022

1

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

The Senior Services Coalition represents 45 nonprofit and public community-based organizations that provide health and supportive services to over 85,000 older adults in Alameda County.

Our Mission is to strengthen and improve the network of support for older people in Alameda County, especially those disproportionately impacted or at risk because of fragile health, cognitive impairment, disability, language, culture, race, financial status, sexual orientation or gender identity.

We do that by advancing county and state policy change and facilitating collaborative solutions that bridge silos and sectors.

2

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

The Shifting Landscape of Needs and the Ecosystem of Supports...

- We are aging
- Increasing economic insecurity
- Medical and LTC increasingly out of reach
- High preventable use of ER and hospital
- Social isolation
- The pandemic toll
- From housing insecurity to homelessness

3

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

We are Aging

- Older adults are the fastest growing segment in Alameda County
- By 2030, older adults will make up 20% of the population
- Number of people with Alzheimer's Disease and Related Dementias (ADRD) is expected to triple among Alameda County residents over the age of 65, from 26,480 in 2020 to 89,792 in 2060

https://agefriendly.acgov.org/aging-in-ac/aging-in-ac-overview.page

4

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

Population Over Age 65 (Count)

County: Alameda ▼ Measurement Period: 2016-2020 ▼

County: Alameda

231,186

people

Source: American Community Survey

Measurement period: 2016-2020
Maintained by: Conduent Healthy Communities Institute
Last update: April 2022
Filter(s) for this location: State: California

Elder Index (Elderly Household Below Income Threshold)

County: Alameda ▼ Measurement Period: 2019-2020 ▼

County: Alameda

36.2%

Source: California Health Interview Survey

Measurement period: 2019-2020
Maintained by: Conduent Healthy Communities Institute
Last update: December 2021
Filter(s) for this location: State: California

https://www.healthyalamedacounty.org/

5

group due to increased physical limitations, medical needs, and social isolation. Seniors often live on a fixed income from pensions or other retirement plans and social security. If this income is insufficient in the face of increasing prescription costs and other costs of living, most seniors have no way to supplement their income. Retirement plans may be vulnerable to fluctuations in the stock market as well; the increasing reliance of retirees on stock market based retirement plans may explain why more seniors nationwide are now slipping into

People 65+ Living Below Poverty Level

County: Alameda ▼ Measurement Period: 2016-2020 ▼

Filter: none (all Counties)

9.8%

Source: American Community Survey
Measurement period: 2016-2020
Maintained by: Conduent Healthy Communities Institute
Last update: April 2022
Filter(s) for this location: State: California

COMPARED TO

CA Counties	U.S. Counties	CA Value (10.3%)	US Value (9.3%)	Prior Value (9.5%)	Trend

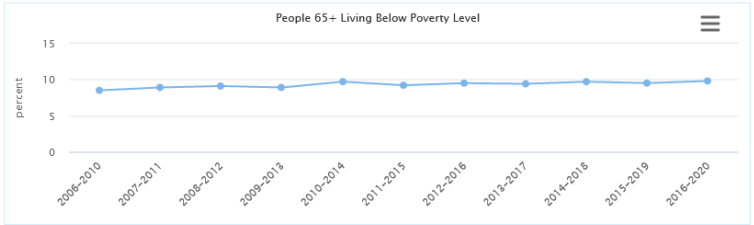
Graph Selections

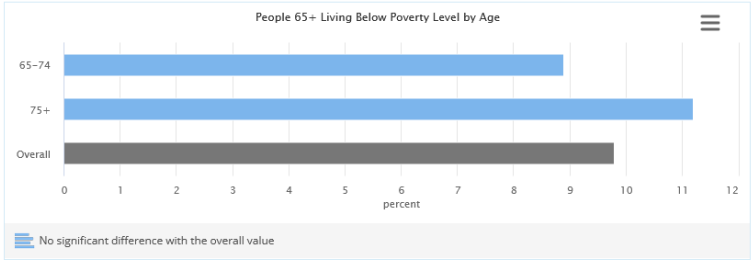
INDICATOR VALUES

- [x] Change over Time

VIEW BY SUBGROUP

- [x] Age
- [ ] Gender
- [ ] Race/Ethnicity





6

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

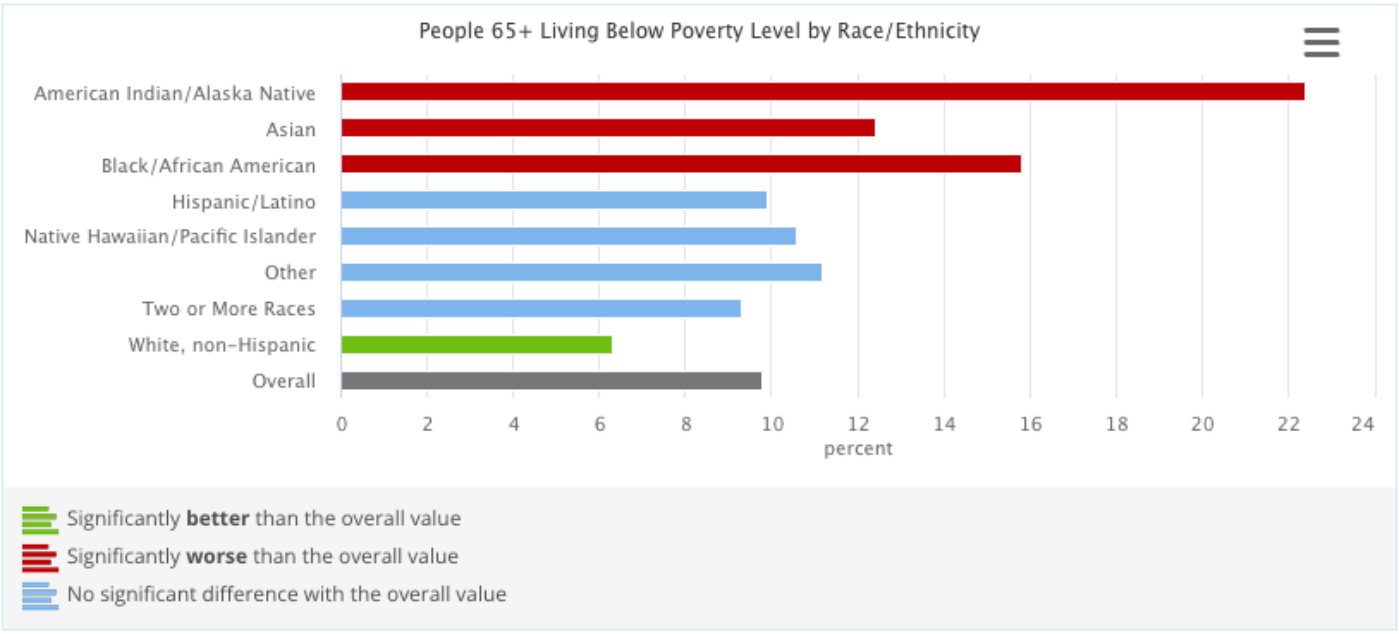
Increasing Economic Insecurity

- Cost of Living & Inflation are outpacing income
- Half of single older adults in Alameda County can't cover basic living expenses
- One in six older adults in California lacks reliable access to enough affordable, nutritious food
- Income, wealth & savings at retirement all characterized by disparities

> *"There is a disproportionate burden on people of color, women and LGBTQ individuals. These groups have less retirement savings and face a greater likelihood of aging into poverty."*
>
> - Report on Employment & Older Adults in Alameda County; Kakama, Chaudhuri; Alameda County Age-Friendly Council, July 27, 2020

7

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY



8

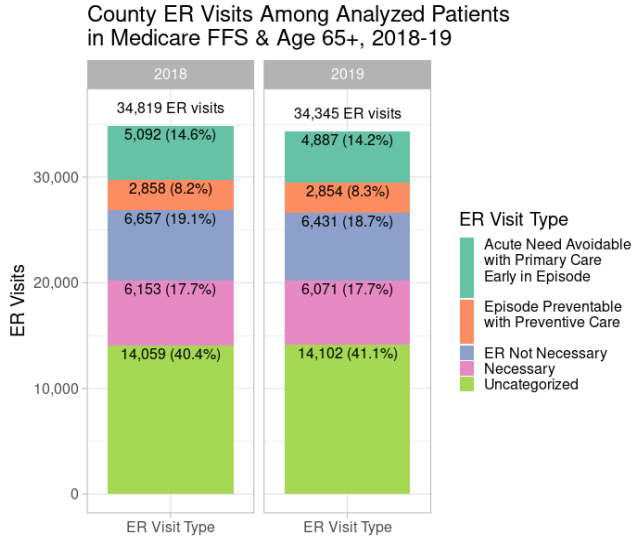
SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

Medical & Long-Term Care Increasingly out of Reach

- For those of modest income who have Medicare coverage:
  - Out-of-pocket costs (copays & deductible) are unaffordable for many
  - Nursing Home covered first 90 days but a qualifying hospital stay is the entry point and copays apply after day 20
  - Assisted Living, Board & Care, and Adult Day Care are not covered
  - In-home support and care are not covered by Medicare
  - Those who are immigrants or who didn't work enough quarters may have to pay for Part A as well as Part B and D
- Medi-Cal Share of Cost
  - Older adults might be $1 over the threshold to qualify for full-scope (free) Medi-Cal, and if so they must pay more than half their income towards health care in order to access Medi-Cal coverage in any given month
- Long-term care is unaffordable for the 83,000 seniors in the county with incomes below the Elder Index (Insight Center, 2017 HCBS LTC Costs).

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

Preventable is the Theme in ER & Hospital use



Of the total 34,819 people age 65 visiting ERs in 2018:

- 25.9% (9,017) had two or more ADL deficits;
- 34.2% (11,897 people) had both two or more ADL deficits and cognitive impairment.
- A very small percentage (1.87% had cognitive impairment but no ADL deficits

https://eldercare.shinyapps.io/eldercaredata_shinyapps/

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

Living Alone at Risk of Social Isolation

Population Over Age 65 (Count)
County: Alameda Measurement Period: 2016-2020

County: Alameda

231,186

people

Source: American Community Survey
Measurement period: 2016-2020
Maintained by: Conduent Healthy Communities Institute
Last update: April 2022
Filter(s) for this location: State: California

People 65+ Living Alone (Count)
County: Alameda Measurement Period: 2016-2020

County: Alameda

52,635

people

Source: American Community Survey
Measurement period: 2016-2020
Maintained by: Conduent Healthy Communities Institute
Last update: April 2022
Filter(s) for this location: State: California

Individuals 65 and older have the highest rate of suicide deaths: 1 in 4 older adults who attempt suicide die, versus 1 in 200 younger persons

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

The Pandemic Toll

- Social and Health Impacts
  - Social Isolation
  - Deconditioning
  - Deferred health care
  - Family support networks destabilized
- Stark disproportionate impacts reflect historic disparities and structures of racism
  - Infection and death rates
  - Vaccination rates
  - Economic impacts
  - Need for and access to government aid
  - Use of virtual/telemedicine opportunities

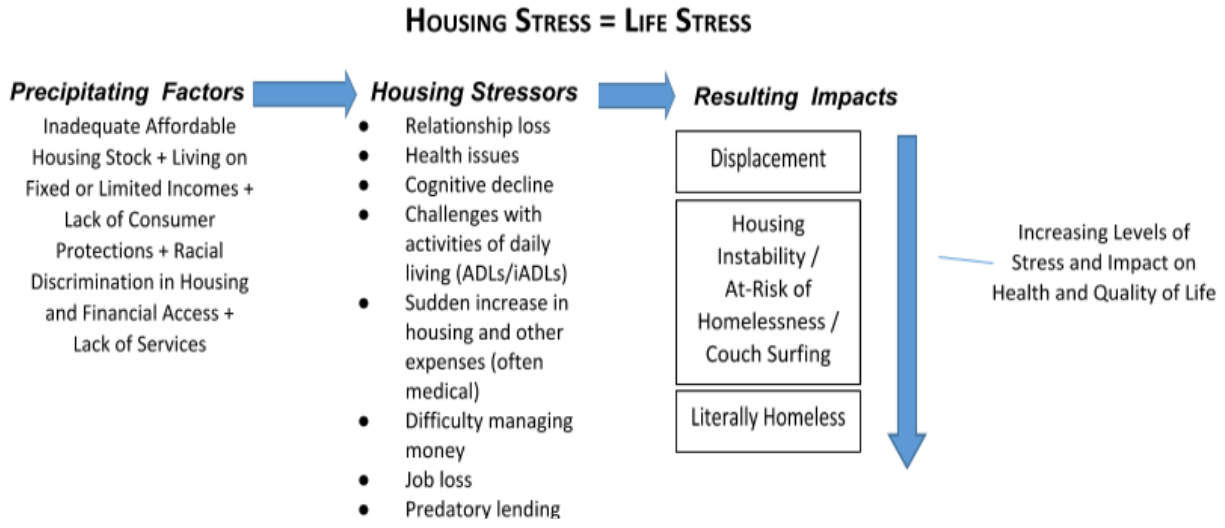
SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

From Housing Insecurity to Homelessness

- In 2019, 47.6% of senior renters in Alameda County are "housing cost burdened" (over 30% of their income goes to housing); 30% spend over half their income on housing.
- Of the 4,209 complete applications for COVID Rent Relief (2021/22 ERAP) from Oaklanders, 9.64% were from people between age 61 and 80; 71.2% were from people of color
- Financial, medical or other emergencies later in life can push those who were already struggling to make ends meet into homelessness.
- People over 50 now account for over half of the unhoused population in Oakland; People 65+ were over 10% of homeless Point In Time count.
- 2022 Point In Time count - Oakland's unhoused population increased by 25% from 2019 (data re older adult component not yet available)

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SENIOR SERVICES COALITION
OF ALAMEDA COUNTY



https://agefriendly.acgov.org/aging-in-ac/housing.page?

14

SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

The shifting ecosystem of supports:

- Capacity is not adequate across the continuum
- Workforce needs to grow
- Caregivers need support

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SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

State and Local Funding for Older Adults and Aging Services:

- State funding opportunities
- Potential state funding opportunities
- Local funding

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SENIOR SERVICES COALITION
OF ALAMEDA COUNTY

Questions?

Wendy Peterson
wendy@seniorservicescoalition.org
(510) 332-4669

Breakdown of Alameda Area on Aging Funds for Berkeley

Amounts below indicate FY2024 amounts; the percentages indicate the general breakdown overall, every year:

- Congregate Nutrition (dine-in lunch service): $73,381 (15%)
- Home-Delivered Meals: $140,192 (25%)
- Family Caregiver Support: $99,528 (20%)
- Information Assistance: $156,803 (30%)
- Senior Center Activities: $47,363 (10%)

Attachment 8

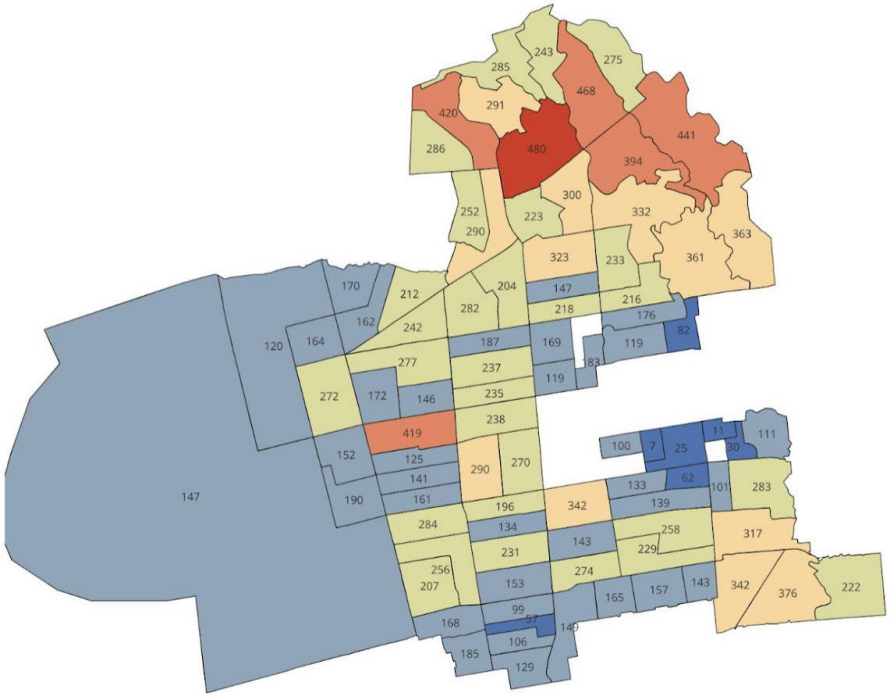
Highlights of Census Data on Aging in Berkeley

Changes in >60 Population 2010 and 2020

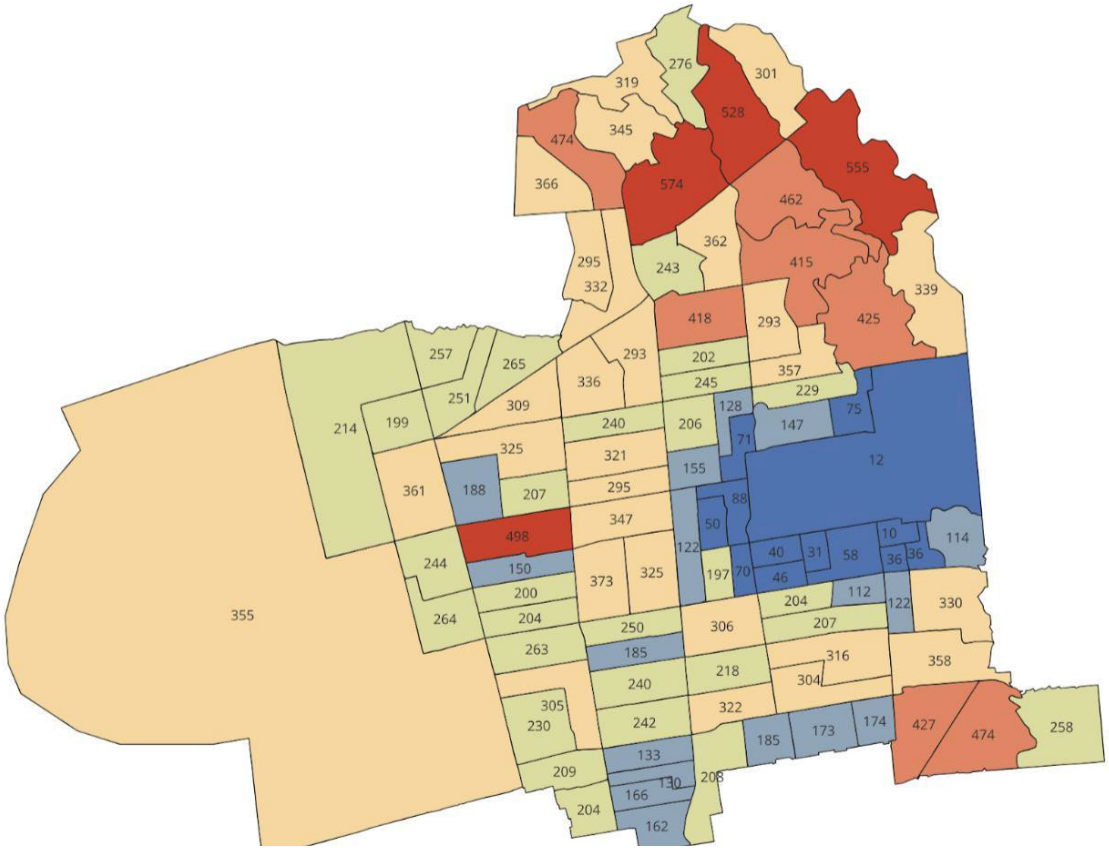
Red-orange high; blue low.

First two figures show absolute numbers. Second two are percentages of population.

Change In Senior Population



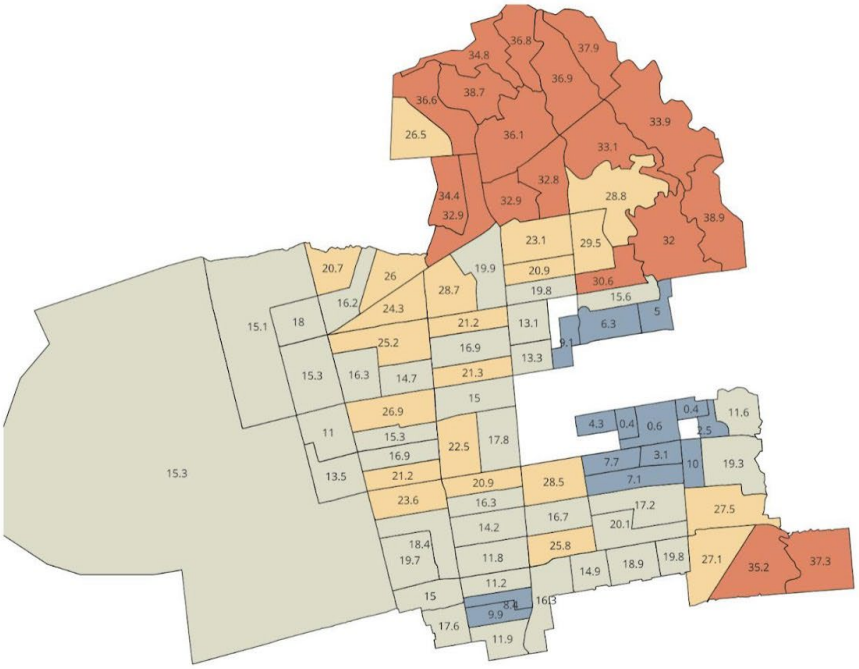
2020 Age 60+ Population By Block Group



◄ Gmail 11:34 AM Fri Jan 12

Change In Senior Population

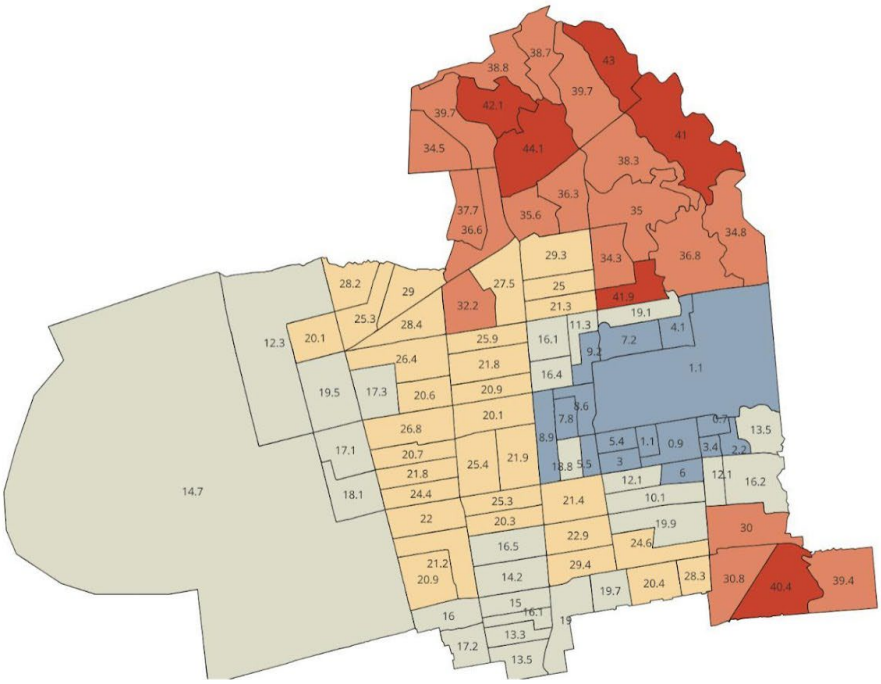
2010 60+ Population As A Percent Of Population

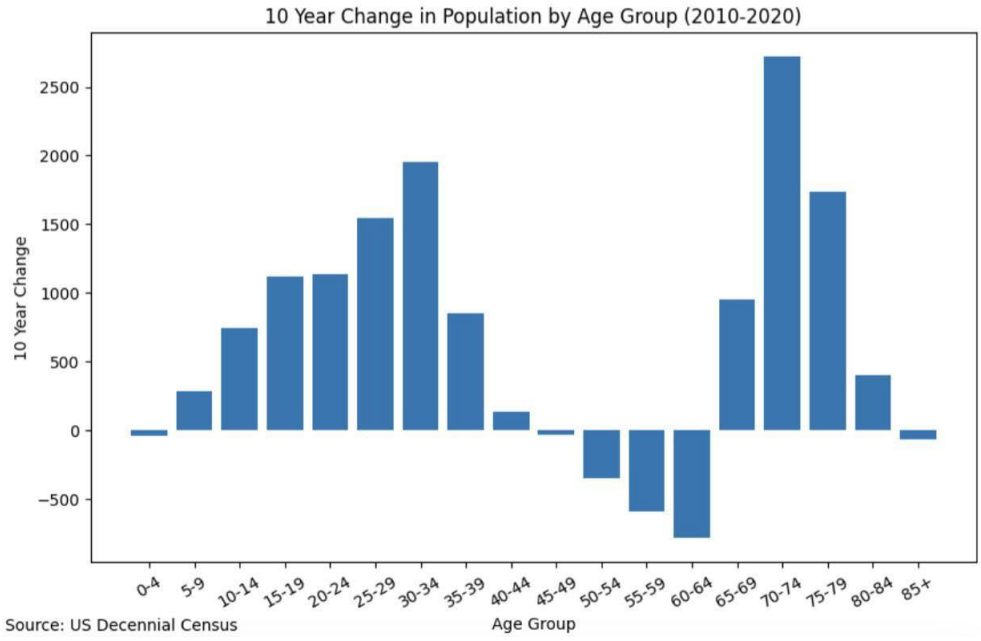


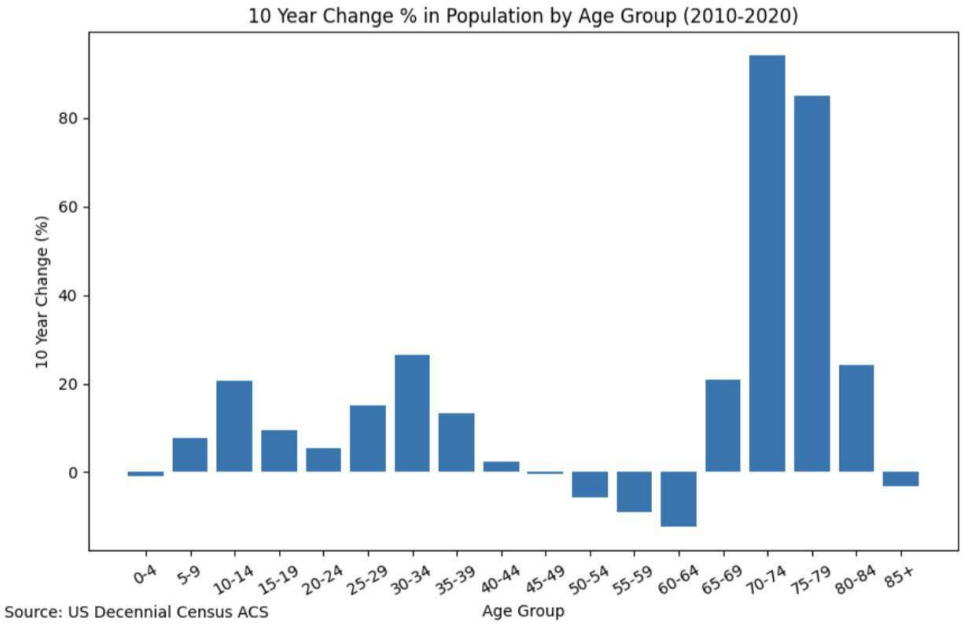
◀ Gmail 11:33 AM Fri Jan 12

Change In Senior Population

2020 60+ Population As A Percent Of Population







Some narratives about the figures:

- About 8% of residents > 65 years either without a computer at home or internet access, ~1500 people
- About 2000 people > 60 below the poverty line in the last 12 months
- About 4000 people 65 years and older below 200% of the poverty line, ~20% of Berkeley's seniors
- About 700 kids living with "a grandparent householder" which I take to mean being raised by their grandparent
- About 5500 people over 65 who live alone
- About 4500 people > 65 work. Only 1900ish drive alone. 400 take transit, 200 carpool, 350 walk, 1500 work from home. Only 150 take a taxicab, motorcycle, bicycle, or other means
- Median household income in $93,000
- About 2000 are on medicaid or other means tested public health insurance
- About 3000 > 65 with an ambulatory difficulty
- About 1200 with a cognitive difficulty

Margins of error on all these estimates are around 10-20%

Attachment 9

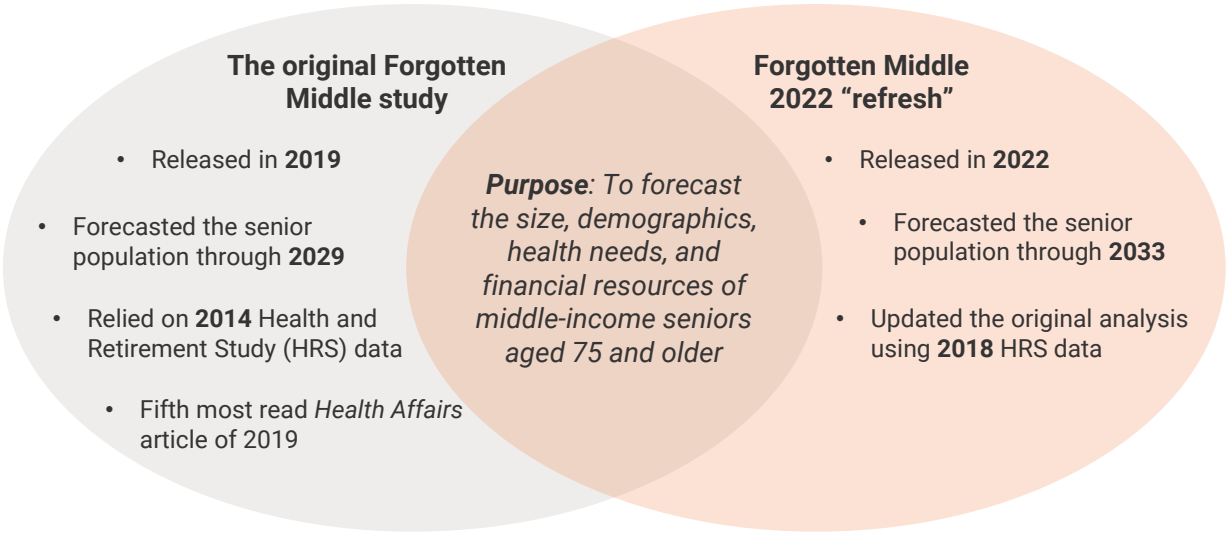
Understanding California's Middle-Income Older Adult Population

NORC | The SCAN Foundation | West Health Institute

October 3, 2022

NORC at the University of Chicago

The first Forgotten Middle studies brought national attention to the unmet needs of future middle-income seniors



Within California's near duals group, 57% will have mobility limitations and nearly half will have 3+ chronic conditions in 2033

Health or Functional Limitations	All Seniors 75+	75-84	85+
3+ Chronic Conditions	48%	49%	47%
3+ Limits in Activities of Daily Living	11%	7%	16%
High Needs*	16%	12%	22%
Cognitive Impairment	31%	20%	46%
Mobility Limitations	57%	50%	67%

*High-needs is defined as those with three or more chronic conditions and one or more limitations in ADLs. Not mutually exclusive with other categories.

Over two-thirds of near duals over the age of 85 will have mobility limitations in 2033

The 2022 Forgotten Middle model uses the 2018 HRS to forecast characteristics of seniors in 2033

	2018		2033
Age Cohort	60-69; 70+	Increase age by 15 years	75-84; 85+
Life Expectancy	Entire Cohort	Mortality model based on sociodemographics, health, and mobility	Those predicted to still be alive
Health	Chronic conditions, mobility limitations, and cognitive impairments	Assume consistent prevalence by sociodemographic group	Projected rates of underlying conditions
Financial Resources	Actual income and annuitized assets for each individual	Grow based on recent rate of change by resource category	Projected financial resources

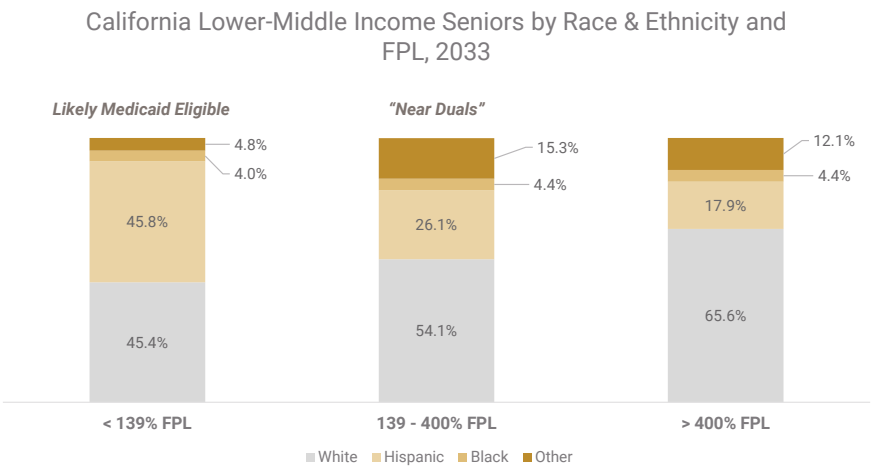
Summary of findings from the 2022 Forgotten Middle update

Over the next decade, the number of middle-income seniors will almost double by 2033—reaching 16M adults ages 75+ by 2033

Many older adults will have health needs, like mobility limitations and cognitive impairments, that make it hard to live independently

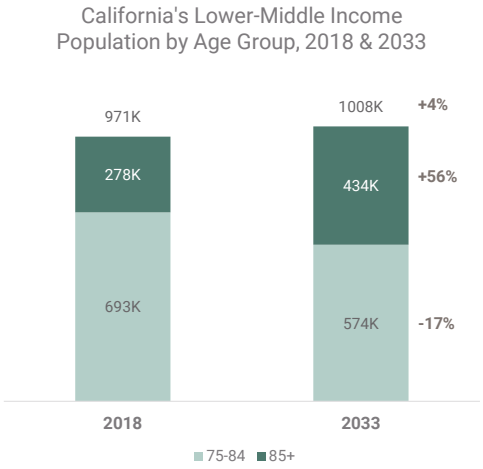
Without selling their homes, three-quarters (11.5M) of middle-income seniors have insufficient resources to pay for private assisted living

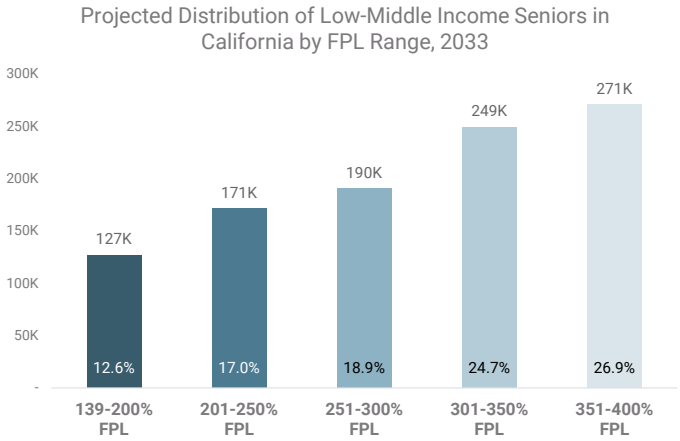
Nearly 46% of California's near duals cohort will consist of people of color in 2033



The lower-middle income cohort in California will have the highest percentage of "Other" races and ethnicities, compared to the <139% FPL and >400% FPL groups

By 2033, over 1M seniors in California are projected to have incomes within 139% to 400% of FPL



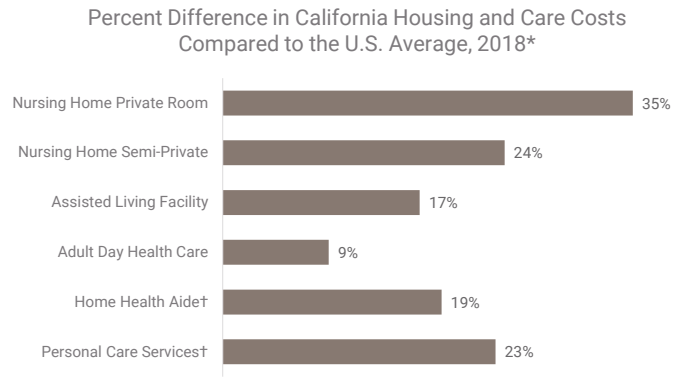


Why create a California-specific model?

The sociodemographics and senior housing costs in California are meaningfully different from national averages

- Significantly more racially and ethnically diverse than the U.S. overall
- Higher percentage of individuals with less than a high school education and those with a college degree
- More likely to not have children living within 10 miles
- Average assisted living cost is 17% more expensive in California

Senior housing and care costs are higher in California.



* Utilizes the 2021 Genworth Cost of Care Survey data converted to 2018 dollars
† Based on 44 hours of care per week

Key Findings from California

NORC at the University of Chicago

NORC also examined California's "near duals" cohort, which includes seniors with income-only resources close to Medicaid eligibility

- NORC's national "Forgotten Middle" was designed to focus on individuals who are unlikely to qualify for Medicaid
- To understand the population at risk of spending down to Medicaid eligibility, NORC took an additional step to analyze the size California's "near dual eligible" seniors in 2033
- Income thresholds for California's near duals:

Lower: 139% FPL – Ineligible for Medi-Cal Aged & Disabled Program (138% FPL)

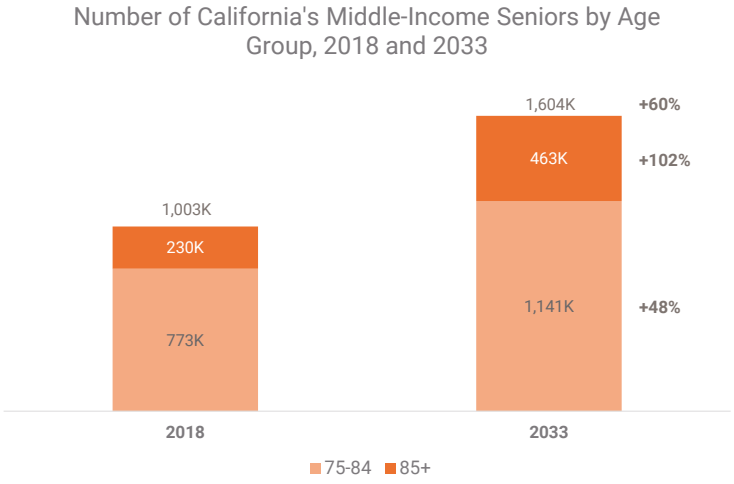
Upper: 400% FPL – Eligibility cutoff for federal marketplace exchange subsidies

To align with Medi-Cal rules, this analysis only considers sources of income, not other assets or housing equity.

California Near Dual Eligibles

NORC at the University of Chicago

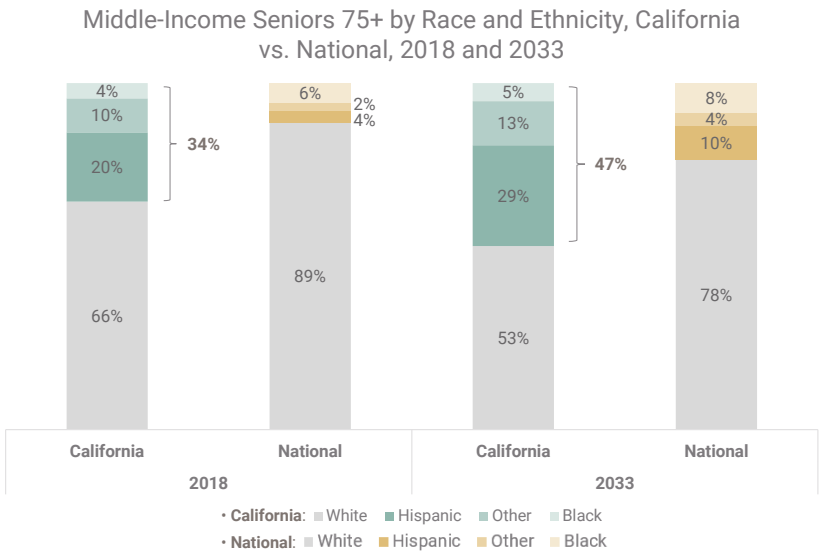
California is estimated to have 1.6M middle-income seniors age 75 and above in 2033



The size of California's middle-income senior population will increase by 60% (601K) by 2033

The number of California's middle-income seniors aged 85+ is expected to more than double (increasing by 233K)

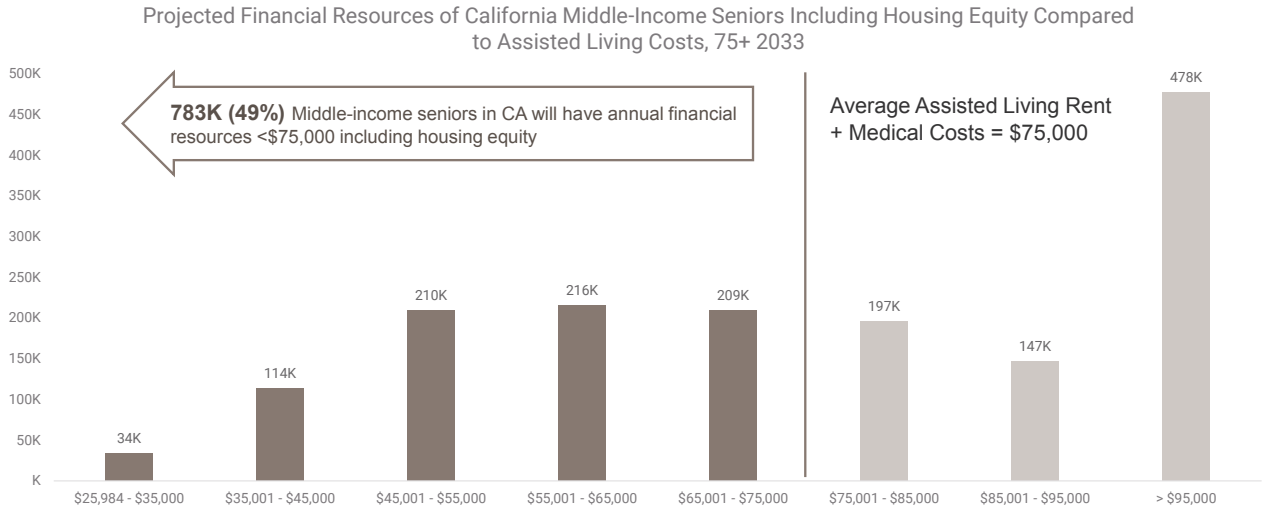
California's middle-income seniors will be more diverse in 2033, with people of color making up 47% of the population



California remains significantly more racially and ethnically diverse than the U.S. overall

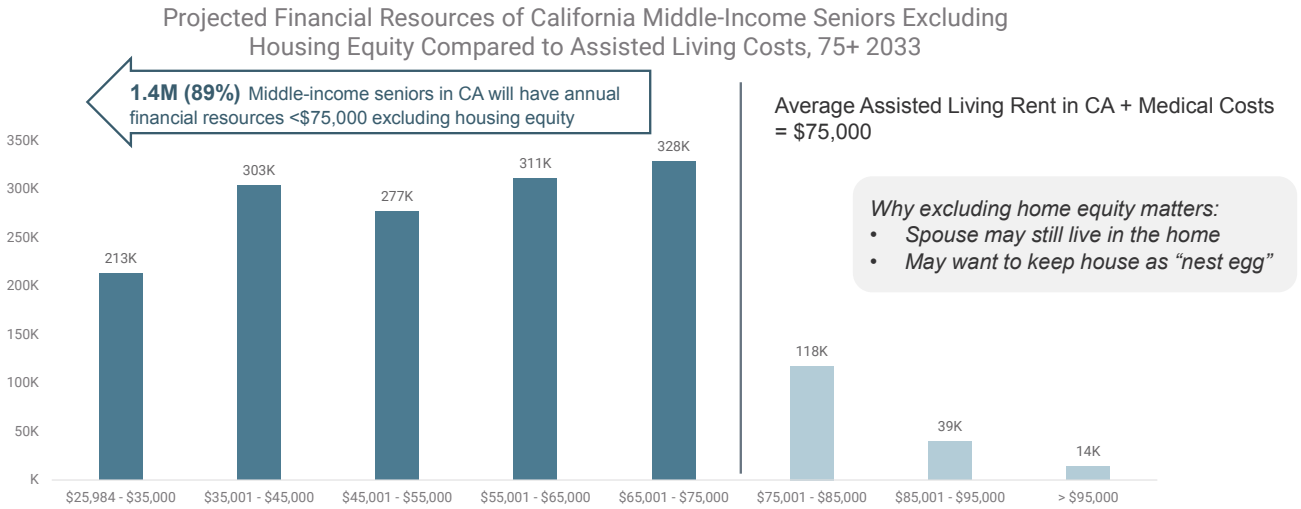
Policymaking will require high levels of cultural sensitivity to meet the needs of all older adults

Even if they sold their homes, half of California's middle-income seniors still will not have sufficient resources to pay for private assisted living



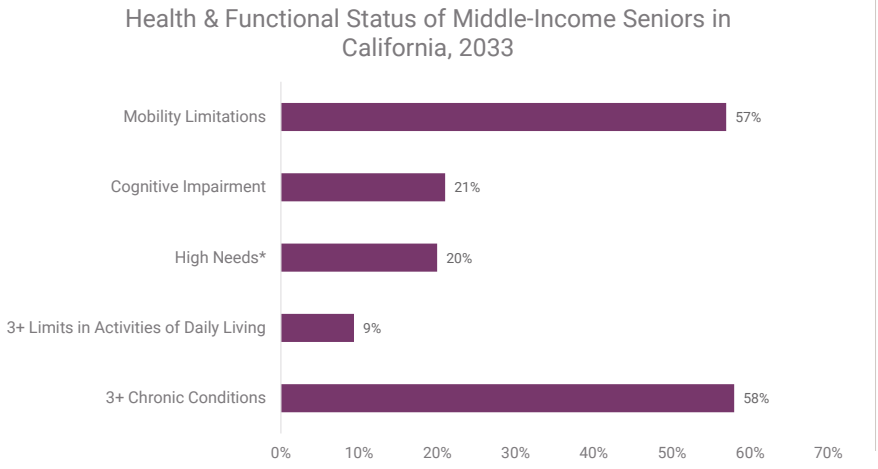
Average private-pay assisted living rent for California generated by applying the percent difference between national and California costs of assisted living in the 2021 Genworth Cost of Care Survey (17%) to the 2018 average cost of assisted living provided by the National Investment Center for Seniors Housing & Care. Average out-of-pocket medical costs and premiums from Kaiser Family Foundation.

Excluding home equity, 89% of California's middle-income seniors will have insufficient resources for private-pay assisted living



Average private-pay assisted living rent for California generated by applying the percent difference between national and California costs of assisted living in the 2021 Genworth Cost of Care Survey (17%) to the 2018 average cost of assisted living provided by the National Investment Center for Seniors Housing & Care. Average out-of-pocket medical costs and premiums from Kaiser Family Foundation.

By 2033, the majority of California middle-income seniors 75+ will have 3+ chronic conditions and mobility limitations

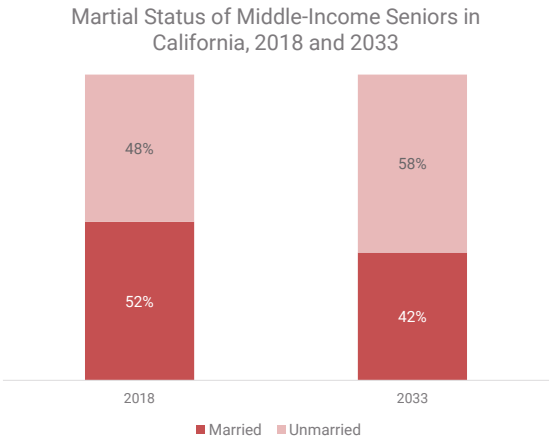


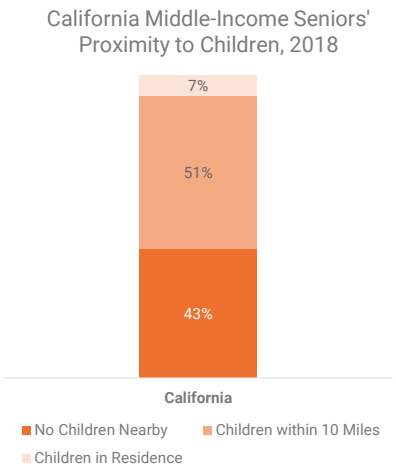
Those over 85 are even more likely to have limitations in activities of daily living

Many seniors will need additional caregiving support and may not be able to continue living independently

*"High-needs" is defined as those with three or more chronic conditions and one or more limitations in ADLs. Not mutually exclusive with other categories.

Nearly 60% of California's middle-income seniors will be unmarried in 2033 and 43% may not have children living within 10 miles

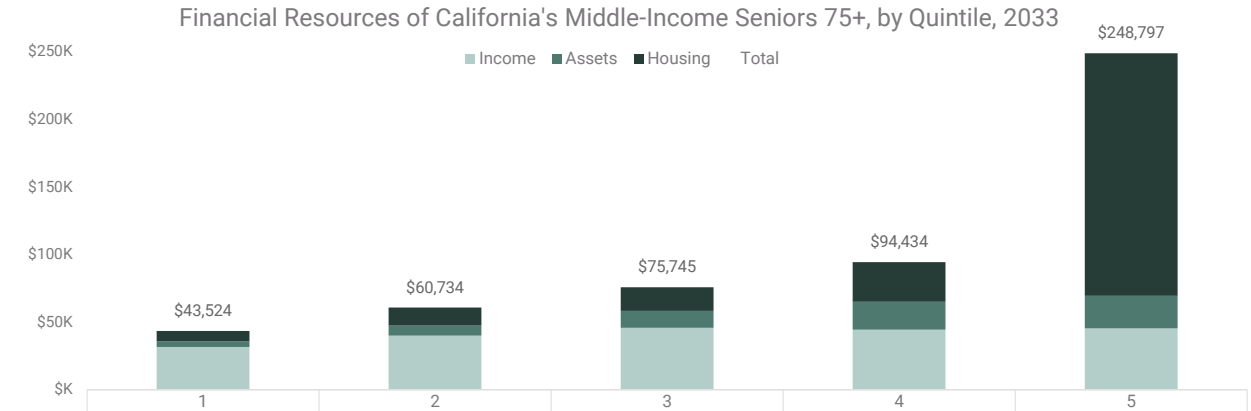




Family members, including spouses and adult children, provide most caregiving for older adults

Seniors who are unmarried (divorced or widowed) and those without children nearby may not have unpaid sources of care

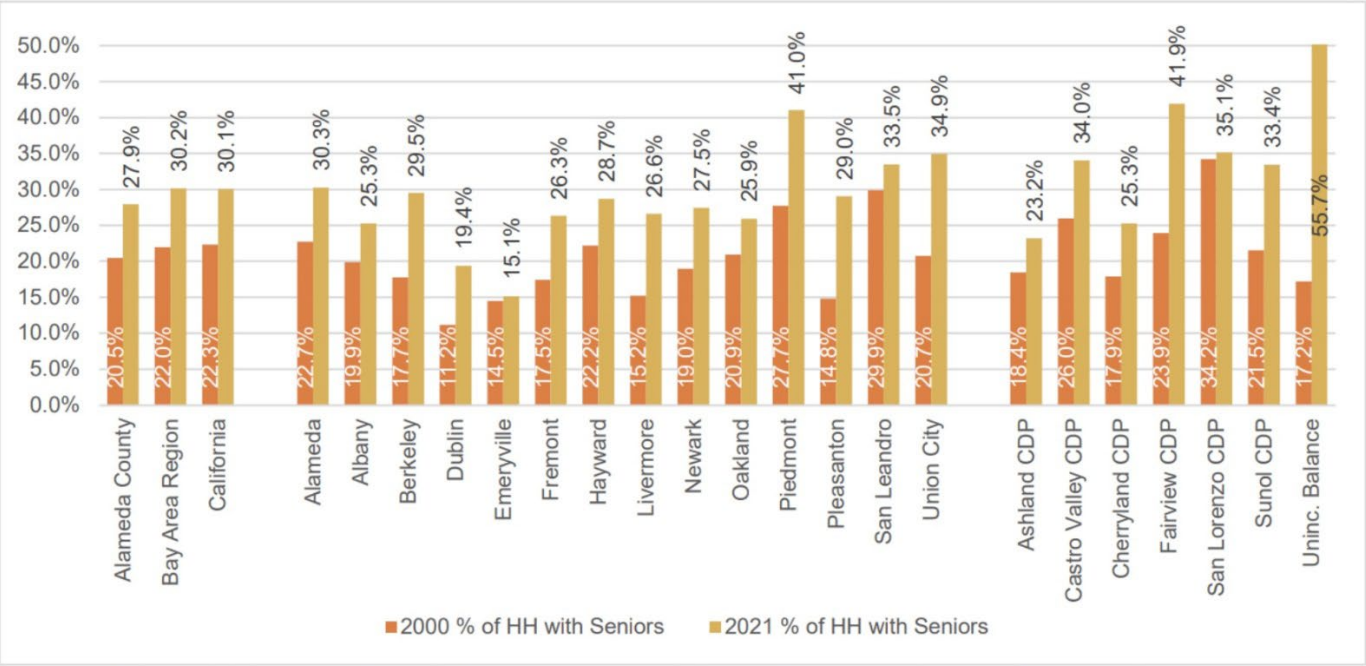
For California's forgotten middle, income is the most important financial resource; 1 in 5 have significant housing equity



	1	2	3	4	5
Housing	$7,817	$13,287	$17,485	$29,431	$179,306
Assets	$4,057	$7,478	$12,490	$20,511	$24,157
Income	$31,650	$39,969	$45,769	$44,492	$45,335
Total	$43,524	$60,734	$75,745	$94,434	$248,797

Attachment 10

Figure 10: Percent of Households with Seniors Age 65+, 2000 & 2021



Sources: US Census 2000 Summary File 1 (SFQ1), US Census 2010 Summary File 1 (SF1), American Community Survey 2017-2021; The Housing Workshop 2023.

02a.21a

Homeless Services Panel of Experts

ACTION CALENDAR
October 29, 2024

To: Honorable Mayor and Members of the City Council

From: Homeless Services Panel of Experts

Submitted by: Carole Marasovic, Chair, Homeless Services Panel of Experts

Subject: Measure P Allocations, Fiscal Year 2025-2026

RECOMMENDATION

That Council approve the Homeless Services Panel of Experts recommendations to allocate Measure P revenue providing homeless services as detailed in Attachment 1, Exhibit A.

POLICY COMMITTEE RECOMMENDATION

On September 17, 2024, the Budget & Finance Committee adopted the following action: M/S/C (Arreguin/Kesarwani) to refer the item from the Commission and the City Manager Companion Report item to the City Council with a negative recommendation that no further action is required, as the Council has already taken action through the adoption of the 2025-26 Bi-annual Budget. Vote: All Ayes.

SUMMARY

The Homeless Services Panel of Experts (HSPE) reviewed P funding requests for programs, and City staff personnel costs associated with Measure P, for the current annual funding cycle. This review directly followed 3 meetings associated with reviewing community agency allocation funding, a process that considers community agency allocation funding requests every 4 years (the current cycle last considered in 2019, 5 years ago, due to the pandemic), and made recommendations under that process.

During the community agency allocation funding process, HSPE commissioners independently reviewed and scored funding proposals and as a whole, made recommendations. HSPE recommendations were directed to the City Manager who considered them, the City Manager returning with her own recommendations. HSPE found that the earlier recommendations that they had made closely aligned with the City Manager's recommendations and made minor adjustments in some cases to almost perfectly align with the exception of one additional proposed new program.

While it was hoped that other funding gaps for homeless services needs could be addressed through Measure P monies, upon learning that the steep decline in projected Measure P revenue available had substantially decreased from $10,189,500 to

$6,500,000, HSPE commissioners acknowledged that P revenue was in dire straits limiting funding for homeless services.

With one critical exception, HSPE commissioners aligned with the City Manager's recommendations for P monies with a caveat. That caveat was that there should be further discussion regarding the effectiveness and accountability of programs. However, rather than decreasing funding to providers, HSPE believed that funding for those programs should be sustained and that following the current funding process, discussion was merited so that HSPE commissioners could receive additional information about the contract monitoring process, possibly making recommendations.

The one exception to the City Manager's recommendations for the use of P monies, where HSPE held steadfast, as it has in previous Measure P funding cycles, was that 5150 transports should not be funded under Measure P monies. While HSPE is fully aware that the language of Measure P provides that transportation can be funded with P revenue, the commissioners did not perceive 5150 transports as a wise use for over 1.3 million in P monies particularly with less monies currently available for needed homeless services.

In other annual P funding cycles, 40%-50% of unhoused persons, were identified as utilizers of 5150 transports. Also in those cycles, the City committed to identifying an alternative source of funding, other than Measure P, to fund 5150 transports.

Historically, funding for 5150 transports had been funded by the County until recent years following the County's decision that the City of Berkeley should fund its own 5150 transports given that the City of Berkeley has an independent mental health division with its own funding.

FISCAL IMPACTS OF RECOMMENDATION

As earlier stated, the current Measure P property tax revenue is projected as a substantial decrease from $10,189,500 to $6,500,000. The City's budget director issued a report on March 28. 2024 as follows:

Measure P-Property Transfer Tax (-$5,523,564 less than FY 2023 Actual)

Measure P taxes totaling $2,840,259 was collected during the first half of FY 2024, which was $5,523,564 or 66.0% less than the $8,363,823 collected during the same period of FY 2023. This decrease resulted primarily from the following: (1) A decrease of 61.0% in the dollar value of property sales amount in the first half of FY 2024 versus those in the first half of FY 2023 as reflected in Table 3; (2) The number of property sales transactions decreased by 131 or 60.9% during the first half of FY 2024, as illustrated in the table below; and,(3) There were only four property sales of $10 million or more totaling $75 million during this six-month period in FY 2024, compared to 9 transactions with total property sales of $401 million for the same period in FY 2023. The Measure P1 Property Transfer Tax Revenue projection is being decreased from $10,189,500 to $6,500,000.

Property Sales $1.5 million+ **In Million $**

	July	Aug	Sept	Oct	Nov	Dec	Total
FY 2024	$62.8	$87.2	$48.5	$51.9	$33.6	$42.5	$326.5
FY 2023	114.4	271.1	84.1	63.3	203.7	99.8	836.4
Change	- 51.6	-183.9	-35.6	-11.4	-170.1	-57.3	-509.9
% Change	-45.1%	-67.8%	-42.3%	-18.0%	-83.5%	-57.4%	-61.0%

Property Transactions $1.5 Million and Above

	July	Aug	Sept	Oct	Nov	Dec	Total
FY 2024	18	17	12	15	12	10	84
FY 2023	52	41	48	31	24	19	215
Change	-34	-24	-36	-16	-12	-9	-131
% Change	-65.4%	-58.5%	-75.0%	-51.6%	-50.0%	-47.4%	-60.9%

CURRENT SITUATION AND ITS EFFECTS

With Measure P revenue diminished by over one-third, HSPE aligned with the City Manager to preserve the current homeless service programs, providing necessary services, as best could be done with the exception of recommending the 1,321,605 million in 5150 transports, continuing to contend that another source of funding for this purpose should be identified.

BACKGROUND

The Homeless Services Panel of Experts reviewed Measure P recommendations at its April 10, 2024 meeting and made the following recommendations as follows:

Action: M/S/C Jones/Meany HSPE does not recommend funding the 5150 transport out of Measure P monies.

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

Action: M/S/C Marasovic/Meany the HSPE align with all of the city manager's recommendations except for the $1.3 million for 5150 transport.

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

Action: M/S/C Marasovic/Jones HSPE will incorporate in the report that the reasoning behind not recommending the allocation for the $1.3 million in 5150 transport is that the city should look towards alternative methods for funding and Measure P monies should be used for homeless services. This rationale is due to the diminished revenue needed for homeless services which do not make 5150 transport a priority for this stream of funding.

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

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts excepting that whenever unhoused persons are housed in Berkeley, it leads to a better, healthier environment for all whether that be formerly homeless persons or the general community.

RATIONALE FOR RECOMMENDATION

The Homeless Services Panel of Experts generally concurred with the City Manager's recommendations as they were thoughtfully made with attention to the current budgetary limitations. HSPE could not concur with the proposed 1.3 million allocation for 5150 transports which is 20% of the total projected 6.5 million in this year's P revenue. Another source of funding needs to be identified so that Measure P monies can be used to fund homeless services.

ALTERNATIVE ACTIONS CONSIDERED

The Homeless Services Panel of Experts could have concurred on the 5150 transports but was uncomfortable in doing so given the standing objection to Measure P monies used for 5150 transports when there are so many other needed homeless services and less P revenue available.

CITY MANAGER

See City Manager companion report.

CONTACT PERSON

Josh Jacobs, Homeless Services Coordinator, (510) 225-8035

Attachments:

1. Exhibit A: HSPE and City Manager Recommendations for P Funding.
2. City of Berkeley Budget Director report, March 26, 2024.

Attachment 1

HSPE TRANSFER TAX -- MEASURE P PROGRAM LONG-TERM FORECAST-----DRAFT

	Category of Spending	FY 2024 Adopted	FY 2024 Adopted Mid-Biennial	FY 2024 Preliminary Estimate	FY 2025 Estimate	FY 2026 Estimate	FY 2027 Estimate	FY 2028 Estimate	FY 2029 Estimate
Revenues									
Beginning Fund Balance		**$ 19,887,422**	**$ 19,887,422**	**$ 19,887,422**	**$ 5,391,019**	**$ 3,142,708**	**$ (1,877,883)**	**$ (6,645,169)**	**$ (6,722,411)**
*Measure P Revenues**		$ 14,073,750	$ 10,189,500	$ 6,500,000	$ 8,199,580	$ 8,609,559	$ 9,040,037	$ 9,492,039	$ 4,746,020
Total Revenues and Balance of Funds		**$ 33,961,172**	**$ 30,076,922**	**$ 26,387,422**	**$ 13,590,599**	**$ 11,752,267**	**$ 7,162,154**	**$ 2,846,870**	**$ (1,976,392)**
LESS: Total Expenses		**$ 14,045,913**	**$ 19,160,846**	**$ 20,996,403**	**$ 10,447,891**	**$ 13,630,150**	**$ 13,807,322**	**$ 9,569,282**	**$ 10,077,605**
Personnel Costs (1)		*$ 722,413*	*$ 722,413*	*$ 722,413*	*$ 780,206*	*$ 842,623*	*$ 910,032*	*$ 982,835*	*$ 1,061,462*
CMO: Homeless Services Coordinator	Staffing/Infrastructure	$ 202,899	$ 202,899	$ 202,899	$ 219,131	$ 236,661	$ 255,594	$ 276,042	$ 298,125
Finance: Accountant II	Staffing/Infrastructure	$ 193,441	$ 193,441	$ 193,441	$ 208,916	$ 225,630	$ 243,680	$ 263,174	$ 284,228
HHCS: 50% Senior Management Analyst	Staffing/Infrastructure	$ 116,560	$ 116,560	$ 116,560	$ 125,885	$ 135,956	$ 146,832	$ 158,579	$ 171,265
HHCS: 2 Year Limited Term Community Services Specialist II	Staffing/Infrastructure	$ 209,513	$ 209,513	$ 209,513	$ 226,274	$ 244,376	$ 263,926	$ 285,040	$ 307,843
Non-Personnel Costs/ Program Expenses		*$ 13,323,500*	*$ 18,438,433*	*$ 20,273,990*	*$ 9,667,685*	*$ 12,787,528*	*$ 12,897,290*	*$ 8,586,447*	*$ 9,016,143*
Fire: 5150 Response & Transport - Measure P portion of contract	Immediate Street Conditions and Hygiene	$ 1,556,857	$ 1,321,605	$ 1,321,605	$ -	$ -	$ -	$ -	$ -
Dorothy Day House Shelter	Emergency Shelter	$ 566,000	$ 566,000	$ 566,000	$ 580,150	$ 594,654	$ 609,520	$ 624,758	$ 640,377
Dorothy Day House Drop In	Immediate Street Conditions and Hygiene	$ 182,000	$ 182,000	$ 182,000					$ 205,916
BACS Pathways STAIR Center	Emergency Shelter	$ 2,499,525	$ 2,499,525	$ 2,499,525	$ 2,002,768	$ 2,499,527	$ 2,499,528	$ 2,499,529	$ 2,499,530
BACS Coordinated Entry System (BACS HRC & Shallow Subsidies)	Immediate Street Conditions and Hygiene	$ 1,000,000	$ 829,498	$ 829,498	$1,371,411	$1,371,411	$ 1,371,411	$ 1,371,411	$ 1,371,411
BACS Permanent Housing Subsidies / Shallow Subsidies	Permanent Housing								
No Place Like Home - Scattered Unit Supportive Services	Permanent Housing	$ 105,000						$ 105,000	$ 105,000
No Place Like Home - Scattered Unit Supportive Services					$ 138,800	$ 138,800	$ 138,800	$ 138,800	$ 43,800
LifeLong Medical - Maudelle Shirek Affordable Housing (NPLH)			$ 105,000	$ 15,300	$ 61,200	$ 61,200	$ 61,200	$ 61,200	$ 61,200
Insight Housing Hope Center (NPLH)	Permanent Housing	$ 95,000	$ 95,000	$ 95,000					$ 95,000
Insight Housing - Men's Housing Program	Emergency Shelter	$ -	$ 170,502	$ 170,502					$ 170,502
COVID-19 Emergency Housing Assistance - Housing Retention Program (EDC)	Homelessness Prevention	$ -	$ -	$ -		$ -	$ -	$ -	$ -
Anti-Displacement Programs (Legal Assistance, Housing Retention Program, Flexible Housing Funds) (100k to BACS HRC; 275K to EDC and remaining to EBCLC) - to be funded by U1 in FY 24	Homelessness Prevention	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
BDIC Locker Program	Immediate Street Conditions and Hygiene	$ 50,000	$ 50,000	$ 50,000		$ 50,000	$ 50,000	$ 50,000	$ 50,000
LifeLong Medical - Street Medicine	Immediate Street Conditions and Hygiene	$ 525,000	$ 525,000	$ 525,001	$ 525,000	$ 525,000	$ 525,000	$ 525,000	$ 525,000
YSA Tiny Home	Emergency Shelter	$ 78,000	$ 78,000	$ 78,000	$ -				
DBA- Homeless Outreach Worker	Immediate Street Conditions and Hygiene	$ 40,000	$ 40,000	$ 40,000	$ 40,000	$ 40,000	$ 40,000	$ 40,000	$ 40,000
Downtown Streets Team	Immediate Street Conditions and Hygiene	$ 225,000	$ 225,000	$ 225,000	$ 225,000	$ 225,000	$ 225,000	$ 225,000	$ 225,000
Shelter at 742 Grayson Street	Emergency Shelter		$ -	$ -	$ -	$ -	$ -	$ -	$ -
Shelter at 1720 San Pablo Ave Lease	Emergency Shelter	$ 908,796	$ 908,796	$ 908,796	$ 935,160	$ 962,315	$ 990,284	$ -	$ -
Dorothy Day House Berkeley Emergency Storm Shelter (Winter Shelter)	Emergency Shelter	$ 350,000	$ 350,000	$ 350,000	$ 358,750	$ 367,719	$ 376,912	$ 386,335	$ 395,993
Dorothy Day House - Inclement Weather Shelter	Emergency Shelter	$ -	$ 412,185	$ 412,185	$ 290,000	$ 290,000	$ 290,000	$ 290,000	$ 290,000
Dorothy Day House Beyond Horizon - 1720 San Pablo Avenue - Supportive Services	Emergency Shelter	$ 950,000	$ 950,000	$ 950,000	$ 950,000	$ 950,000	$ 950,000	$ -	$ -
1367 University Avenue Step Up Housing Project*	Permanent Housing				1,040,027	1,066,027	1,092,678	1,119,995	1,147,995
Russell Street Residence Acquisition	Permanent Housing	$ -	$ 4,500,000	$ 4,500,000	$ -	$ -	$ -	$ -	$ -
HHCS: Square One Hotel Vouchers	Emergency Shelter	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Training and Evaluation	Staffing/Infrastructure	$ 133,334	$ 133,334	$ 133,334	$ 133,334	$ 133,334	$ 133,334	$ 133,334	$ 133,334
Homeless Response Team	Immediate Street Conditions and Hygiene	$ 920,085	$ 920,085	$ 920,085	$ 920,085	$ 920,085	$ 920,085	$ 920,085	$ 920,085
Berkeley Relief Fund	Homelessness Prevention	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Portable Toilets	Immediate Street Conditions and Hygiene	$ 96,000	$ 96,000	$ 96,000	$ 96,000	$ 96,000	$ 96,000	$ 96,000	$ 96,000
Old City Hall Sprinkler system	Emergency Shelter	$ -	$ 400,000	$ 400,000					
One-Time Use of Measure P for Nexus Community Programs	Permanent Housing	$ 578,164	$ 578,164	$ 578,164	$ -	$ -	$ -	$ -	$ -
One-Time Use of Measure P for Nexus Community Programs	Immediate Street Conditions and Hygiene	$ 976,207	$ 976,207	$ 976,207	$ -	$ -	$ -	$ -	$ -
One-Time Use of Measure P for Nexus Community Programs	Emergency Shelter	$ 882,480	$ 882,480	$ 882,480	$ -	$ -	$ -	$ -	$ -
One-Time Use of Measure P for Nexus Community Programs	Staffing/Infrastructure	$ 23,837	$ 23,837	$ 23,837	$ -	$ -	$ -	$ -	$ -
One-Time Use of Measure P for Nexus Community Programs	Homelessness Prevention	$ 262,215	$ 262,215	$ 262,215	$ -	$ -	$ -	$ -	$ -
Reimagining Public Safety-Expand Downtown Streets Teams as placement for low-level violations	Immediate Street Conditions and Hygiene	$ 50,000			$ -	$ -	$ -	$ -	$ -
Equitable Clean Streets	Immediate Street Conditions and Hygiene	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Expand the scope of services for the Downtown Streets Team to address the need for enhanced services around commercial and industrial areas in the Gilman District twice weekly	Immediate Street Conditions and Hygiene	$ 50,000	$ 50,000	$ 50,000	$ -	$ -	$ -	$ -	$ -
Reimagining Public Safety: Conduct a service needs assessment based on 911 and non-911 calls for service, dispatch, and response and capacity assessment of crisis response and crisis-related services	Staffing/Infrastructure	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Reimagining Public Safety: Funding to organizations for Respite from Gender/Domestic Violence	Emergency Shelter	$ 220,000	$ 220,000	$ 220,000	$ -	$ -	$ -	$ -	$ -
1654 5th Street Operations	Emergency Shelter	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
701 Harrison Transition - Site Security	Emergency Shelter	$ -	$ 88,000	$ 88,000	$ -	$ -	$ -	$ -	$ -
Public facilities improvement	Staffing/Infrastructure	$ -			$ -	$ -	$ -	$ -	$ -
Encampment Resolution Fund 2 Awarded Grant Match- Rodeway Inn	Emergency Shelter	$ -	$ -	$ -	$ -	$ 2,496,456	$ 2,527,538	$ -	$ -
HCEB Contract- Interim Housing at Rodeway Inn				$ 1,925,256					
Encampment Resolution Fund 3 Tentative Grant Match									
Fiscal Year Surplus (Shortfall)		**$ 27,837**	**$ (8,971,346)**	**$ (14,496,403)**	**$ (2,248,311)**	**$ (5,020,591)**	**$ (4,767,285)**	**$ (77,243)**	**$ (5,331,585)**
Ending Fund Balance		**$ 19,915,259**	**$ 10,916,076**	**$ 5,391,019**	**$ 3,142,708**	**$ (1,877,883)**	**$ (6,645,169)**	**$ (6,722,411)**	**$ (12,053,997)**

Attachment 1

STAFF TRANSFER TAX -- MEASURE P PROGRAM LONG-TERM FORECAST-----DRAFT

	Category of Spending	FY 2024 Adopted	FY 2024 Adopted Mid-Biennial	FY 2024 Preliminary Estimate	FY 2025 Estimate	FY 2026 Estimate	FY 2027 Estimate	FY 2028 Estimate	FY 2029 Estimate
Revenues									
Beginning Fund Balance		**$ 19,887,422**	**$ 19,887,422**	**$ 19,887,422**	**$ 5,391,019**	**$ 1,957,103**	**$ (4,249,093)**	**$ (10,201,984)**	**$ (11,464,831)**
*Measure P Revenues**		$ 14,073,750	$ 10,189,500	$ 6,500,000	$ 8,199,580	$ 8,609,559	$ 9,040,037	$ 9,492,039	$ 4,746,020
Total Revenues and Balance of Funds		**$ 33,961,172**	**$ 30,076,922**	**$ 26,387,422**	**$ 13,590,599**	**$ 10,566,662**	**$ 4,790,944**	**$ (709,945)**	**$ (6,718,812)**
LESS: Total Expenses		**$ 14,045,913**	**$ 19,160,846**	**$ 20,996,403**	**$ 11,633,496**	**$ 14,815,755**	**$ 14,992,927**	**$ 10,754,887**	**$ 11,263,210**
Personnel Costs (1)		*$ 722,413*	*$ 722,413*	*$ 722,413*	*$ 780,206*	*$ 842,623*	*$ 910,032*	*$ 982,835*	*$ 1,061,462*
CMO: Homeless Services Coordinator	Staffing/Infrastructure	$ 202,899	$ 202,899	$ 202,899	$ 219,131	$ 236,661	$ 255,594	$ 276,042	$ 298,125
Finance: Accountant II	Staffing/Infrastructure	$ 193,441	$ 193,441	$ 193,441	$ 208,916	$ 225,630	$ 243,680	$ 263,174	$ 284,228
HHCS: 50% Senior Management Analyst	Staffing/Infrastructure	$ 116,560	$ 116,560	$ 116,560	$ 125,885	$ 135,956	$ 146,832	$ 158,579	$ 171,265
HHCS: 2 Year Limited Term Community Services Specialist II	Staffing/Infrastructure	$ 209,513	$ 209,513	$ 209,513	$ 226,274	$ 244,376	$ 263,926	$ 285,040	$ 307,843
Non-Personnel Costs/ Program Expenses		*$ 13,323,500*	*$ 18,438,433*	*$ 20,273,990*	*$ 10,853,290*	*$ 13,973,133*	*$ 14,082,895*	*$ 9,772,052*	*$ 10,201,748*
Fire: 5150 Response & Transport - Measure P portion of contract	Immediate Street Conditions and Hygiene	$ 1,556,857	$ 1,321,605	$ 1,321,605	$ 1,321,605	$ 1,321,605	$ 1,321,605	$ 1,321,605	$ 1,321,605
Dorothy Day House Shelter	Emergency Shelter	$ 566,000	$ 566,000	$ 566,000	$ 580,150	$ 594,654	$ 609,520	$ 624,758	$ 640,377
Dorothy Day House Drop In	Immediate Street Conditions and Hygiene	$ 182,000	$ 182,000	$ 182,000					$ 205,916
BACS Pathways STAIR Center	Emergency Shelter	$ 2,499,525	$ 2,499,525	$ 2,499,525	$ 2,002,768	$ 2,499,527	$ 2,499,528	$ 2,499,529	$ 2,499,530
BACS Coordinated Entry System (BACS HRC & Shallow Subsidies)	Immediate Street Conditions and Hygiene	$ 1,000,000	$ 829,498	$ 829,498	$1,235,411	$1,235,411	$ 1,235,411	$ 1,235,411	$ 1,235,411
BACS Permanent Housing Subsidies / Shallow Subsidies	Permanent Housing								
No Place Like Home - Scattered Unit Supportive Services	Permanent Housing	$ 105,000						$ 105,000	$ 105,000
No Place Like Home - Scattered Unit Supportive Services					$ 138,800	$ 138,800	$ 138,800	$ 138,800	$ 43,800
LifeLong Medical - Maudelle Shirek Affordable Housing (NPLH)			$ 105,000	$ 15,300	$ 61,200	$ 61,200	$ 61,200	$ 61,200	$ 61,200
Insight Housing Hope Center (NPLH)	Permanent Housing	$ 95,000	$ 95,000	$ 95,000					$ 95,000
Insight Housing - Men's Housing Program	Emergency Shelter	$ -	$ 170,502	$ 170,502					$ 170,502
COVID-19 Emergency Housing Assistance - Housing Retention Program (EDC)	Homelessness Prevention	$ -	$ -	$ -		$ -	$ -	$ -	$ -
Anti-Displacement Programs (Legal Assistance, Housing Retention Program, Flexible Housing Funds) (100k to BACS HRC; 275K to EDC and remaining to EBCLC) - to be funded by U1 in FY 24	Homelessness Prevention	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
BDIC Locker Program	Immediate Street Conditions and Hygiene	$ 50,000	$ 50,000	$ 50,000		$ 50,000	$ 50,000	$ 50,000	$ 50,000
LifeLong Medical - Street Medicine	Immediate Street Conditions and Hygiene	$ 525,000	$ 525,000	$ 525,001	$ 525,000	$ 525,000	$ 525,000	$ 525,000	$ 525,000
YSA Tiny Home	Emergency Shelter	$ 78,000	$ 78,000	$ 78,000	$ -				
DBA- Homeless Outreach Worker	Immediate Street Conditions and Hygiene	$ 40,000	$ 40,000	$ 40,000	$ 40,000	$ 40,000	$ 40,000	$ 40,000	$ 40,000
Downtown Streets Team	Immediate Street Conditions and Hygiene	$ 225,000	$ 225,000	$ 225,000	$ 225,000	$ 225,000	$ 225,000	$ 225,000	$ 225,000
Shelter at 742 Grayson Street	Emergency Shelter		$ -	$ -	$ -	$ -	$ -	$ -	$ -
Shelter at 1720 San Pablo Ave Lease	Emergency Shelter	$ 908,796	$ 908,796	$ 908,796	$ 935,160	$ 962,315	$ 990,284	$ -	$ -
Dorothy Day House Berkeley Emergency Storm Shelter (Winter Shelter)	Emergency Shelter	$ 350,000	$ 350,000	$ 350,000	$ 358,750	$ 367,719	$ 376,912	$ 386,335	$ 395,993
Dorothy Day House - Inclement Weather Shelter	Emergency Shelter	$ -	$ 412,185	$ 412,185	$ 290,000	$ 290,000	$ 290,000	$ 290,000	$ 290,000
Dorothy Day House Beyond Horizon - 1720 San Pablo Avenue - Supportive Services	Emergency Shelter	$ 950,000	$ 950,000	$ 950,000	$ 950,000	$ 950,000	$ 950,000	$ -	$ -
1367 University Avenue Step Up Housing Project*	Permanent Housing				1,040,027	1,066,027	1,092,678	1,119,995	1,147,995
Russell Street Residence Acquisition	Permanent Housing	$ -	$ 4,500,000	$ 4,500,000	$ -	$ -	$ -	$ -	$ -
HHCS: Square One Hotel Vouchers	Emergency Shelter	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Training and Evaluation	Staffing/Infrastructure	$ 133,334	$ 133,334	$ 133,334	$ 133,334	$ 133,334	$ 133,334	$ 133,334	$ 133,334
Homeless Response Team	Immediate Street Conditions and Hygiene	$ 920,085	$ 920,085	$ 920,085	$ 920,085	$ 920,085	$ 920,085	$ 920,085	$ 920,085
Berkeley Relief Fund	Homelessness Prevention	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Portable Toilets	Immediate Street Conditions and Hygiene	$ 96,000	$ 96,000	$ 96,000	$ 96,000	$ 96,000	$ 96,000	$ 96,000	$ 96,000
Old City Hall Sprinkler system	Emergency Shelter	$ -	$ 400,000	$ 400,000					
One-Time Use of Measure P for Nexus Community Programs	Permanent Housing	$ 578,164	$ 578,164	$ 578,164	$ -	$ -	$ -	$ -	$ -
One-Time Use of Measure P for Nexus Community Programs	Immediate Street Conditions and Hygiene	$ 976,207	$ 976,207	$ 976,207	$ -	$ -	$ -	$ -	$ -
One-Time Use of Measure P for Nexus Community Programs	Emergency Shelter	$ 882,480	$ 882,480	$ 882,480	$ -	$ -	$ -	$ -	$ -
One-Time Use of Measure P for Nexus Community Programs	Staffing/Infrastructure	$ 23,837	$ 23,837	$ 23,837	$ -	$ -	$ -	$ -	$ -
One-Time Use of Measure P for Nexus Community Programs	Homelessness Prevention	$ 262,215	$ 262,215	$ 262,215	$ -	$ -	$ -	$ -	$ -
Reimagining Public Safety-Expand Downtown Streets Teams as placement for low-level violations	Immediate Street Conditions and Hygiene	$ 50,000			$ -	$ -	$ -	$ -	$ -
Equitable Clean Streets	Immediate Street Conditions and Hygiene	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Expand the scope of services for the Downtown Streets Team to address the need for enhanced services around commercial and industrial areas in the Gilman District twice weekly	Immediate Street Conditions and Hygiene	$ 50,000	$ 50,000	$ 50,000	$ -	$ -	$ -	$ -	$ -
Reimagining Public Safety: Conduct a service needs assessment based on 911 and non-911 calls for service, dispatch, and response and capacity assessment of crisis response and crisis-related services	Staffing/Infrastructure	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Reimagining Public Safety: Funding to organizations for Respite from Gender/Domestic Violence	Emergency Shelter	$ 220,000	$ 220,000	$ 220,000	$ -	$ -	$ -	$ -	$ -
1654 5th Street Operations	Emergency Shelter	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
701 Harrison Transition - Site Security	Emergency Shelter	$ -	$ 88,000	$ 88,000	$ -	$ -	$ -	$ -	$ -
Public facilities improvement	Staffing/Infrastructure	$ -			$ -	$ -	$ -	$ -	$ -
Encampment Resolution Fund 2 Awarded Grant Match- Rodeway Inn	Emergency Shelter	$ -	$ -	$ -	$ -	$ 2,496,456	$ 2,527,538	$ -	$ -
HCEB Contract- Interim Housing at Rodeway Inn				$ 1,925,256					
Encampment Resolution Fund 3 Tentative Grant Match									
Fiscal Year Surplus (Shortfall)		**$ 27,837**	**$ (8,971,346)**	**$ (14,496,403)**	**$ (3,433,916)**	**$ (6,206,196)**	**$ (5,952,890)**	**$ (1,262,848)**	**$ (6,517,190)**
Ending Fund Balance		**$ 19,915,259**	**$ 10,916,076**	**$ 5,391,019**	**$ 1,957,103**	**$ (4,249,093)**	**$ (10,201,984)**	**$ (11,464,831)**	**$ (17,982,022)**

Attachment 2

Office of the City Manager

INFORMATION CALENDAR
March 26, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Sharon Friedrichsen, Budget Manager
Henry Oyekanmi, Finance Director

Subject: Fiscal Year 2024 Mid-Year Budget Update

RECOMMENDATION
Council receive and file the Fiscal Year 2024 Mid-Year Budget Update.

INTRODUCTION
This report presents the Fiscal Year 2024 ("FY 2024") Mid-Year Budget Update including actual General Fund and Special Fund expenditures incurred from July 1, 2023 to December 31, 2023. It also provides an estimate of anticipated General Fund revenues and expenditures by June 30, 2024 and projected expenditures for All Funds by department for FY 2024.

CURRENT SITUATION AND ITS EFFECTS
The City of Berkeley is currently in FY 2024, which covers the period of July 1, 2023 to June 30, 2024. On June 27, 2023 the City Council adopted the FY 2024 Budget, authorizing gross appropriations of $728,631,293 and net appropriations of $621,229,929 (net of dual appropriations). The General Fund portion of this appropriation is $276,548,969.

As depicted on the next page, the *FY 2024 Mid-Year General Budget at a Glance*, shows that, as of December 31, 2023, General Fund revenues actuals are at 45.32% of the revised budget projection. Revenues received are less than 50% with half of the fiscal year elapsed, although the timing of the receipt of revenues varies through the course of the fiscal year. The year-end projected revenue is expected at $1.67 million less than the Adopted and Revised revenue.

General Fund expenses are at 55.54%, compared to the projected 50%, halfway through the fiscal year. Based on the mid-year trend, expenditures are projected to end over the revised budget by approximately $2.4 million. The FY 2024 mid-year projected ending shortfall is mostly due to increased personnel costs based upon approved labor agreements and public safety overtime offset by salary savings related to vacancies in other departments. However, the projections do not reflect all expenditures approved on January 16, 2024 by Council in the Amendment to the Annual Appropriation Ordinance (AAO#1).

FY 2024 Mid-Year General Budget at a Glance

$'s in Millions	Revenues	Expenditures
FY 2024 Adopted Budget	$266.42	($276.55)
FY 2024 Revised Budget	$266.42	($307.53)
FY 2024 Mid-Year Actuals	$120.73	($170.81)
Percentage of Revenue Received/ Expended and Encumbered compared to Revised Budget	45.32%	55.54%
FY 2024 Year-End Projected	$264.75	($309.96)
Variance between Revised and Projected	($1.67)	($2.43)

FY 2024 Mid-Year Summary

General Fund Revenues

General Fund Revenue and Transfer In FY 2024 Mid-Year vs FY 2023 Mid-Year Comparison, on the next page, shows FY 2024 General Fund Revenues through the first six months of the current fiscal year and compares the year-to-date revenues received to the first six months of FY 2023. General Fund revenue and transfers decreased $7,143,655 or 5.59%, from $127,875,604 in the first half of FY 2023, to $120,731,949 for the same period in FY 2024.

Notable declines during the first half of FY 2024 were the following:

1. Property Transfer Taxes $ 6,619,374
2. Measure P Property Transfer Taxes 5,523,564
3. Transfers In 2,411,463
4. Sales Taxes 382,339

As staff indicated in the FY 2023 General Fund Revenue report to Council, the City General Fund has, for the near term, lost at least two of its three primary drivers of annual growth (Property Transfer Taxes and Measure P Property Transfer Taxes). These drivers of annual growth are experiencing negative growth that will eventually lower growth for Secured Property Taxes as they have continued to decline sharply in the first half of FY 2024. As a result, the General Fund revenue and transfers projection for FY 2024 has been reduced by $1,672,971 or .6% from $266,418,342 to $264,745,371.

The City's Sales Tax Consultant has noted softening in sales activity in several sales tax categories since the Adopted Budget was passed, resulting in a reduction in the Sales Tax revenue projection of $1,278,425, from $19,654,225 to $18,375,800. The decline in Transfers In was due to a decline of $4,507,934 in transfers from the American Rescue Plan Fund.

Three notable increases during the first half of FY 2024 were Unsecured Property Taxes (+$729,509), Ambulance Fees (+$1,335,904) and Interest Income (+$2,580,861), which resulted in increases in the revenue projections for those revenue categories. Excluding Transfers, General Fund revenue decreased $4,327,473 or 3.55%, from $121,916,745 in the first half of FY 2023, to $116,589,272 in the first half of FY 2024.

General Fund Revenue and Transfer In FY 2024 Mid-Year vs FY 2023 Mid-Year Comparison

	FY 2024				FY 2023				Comparision FY24 vs FY23	
Revenue Categories	**Adopted**	**Actual**	**Variance**	**% Received**	**Adopted**	**Actual**	**Variance**	**% Received**	**Amount**	**%**
Secured Property	$84,725,717	$42,904,620	($41,821,097)	50.64%	$75,664,920	$40,237,811	($35,427,109)	53.18%	2,666,809	6.63%
Redemptions -Regular	831,441	524,404	(307,037)	63.07%	831,441	461,026	-370,415	55.45%	63,378	13.75%
Supplemental Taxes	3,400,000	1,197,265	(2,202,735)	35.21%	2,000,000	1,229,929	-770,071	61.50%	(32,664)	-2.66%
Unsecured Property Taxes	3,806,995	3,881,280	74,285	101.95%	3,516,000	3,151,771	-364,229	89.64%	729,509	23.15%
Property Transfer Tax	22,873,786	10,056,934	(12,816,852)	43.97%	34,462,172	16,676,308	-17,785,864	48.39%	(6,619,374)	-39.69%
Property Transfer Tax-Measure P (New December 21, 2018)	10,189,500	2,840,259	(7,349,241)	27.87%	14,073,750	8,363,823	-5,709,927	59.43%	(5,523,564)	-66.04%
Sales Taxes	19,654,225	9,305,556	(10,348,669)	47.35%	19,016,546	9,687,895	-9,328,651	50.94%	(382,339)	-3.95%
Soda Taxes	1,147,387	581,705	(565,682)	50.70%	990,210	642,874	-347,336	64.92%	(61,169)	-9.51%
Utility Users Taxes	17,454,320	7,801,328	(9,652,992)	44.70%	13,800,000	7,638,612	-6,161,388	55.35%	162,716	2.13%
Transient Occupancy Taxes	8,374,588	4,393,772	(3,980,816)	52.47%	5,000,000	4,785,735	-214,265	95.71%	(391,963)	-8.19%
Less: TOT rebates owed (3)		(546,224)				(498,566)			(47,658)	9.56%
Short-term Rentals	1,400,000	687,271	(712,729)	49.09%	1,000,000	712,661	-287,339	1,000,000	(25,390)	-3.56%
Business License Tax	21,560,783	1,592,902	(19,967,881)	7.39%	19,000,000	1,010,143	-17,989,857	5.32%	582,759	57.69%
Recreational Cannabis	1,000,000	76,512	(923,488)	7.65%	1,400,000	237,669	-1,162,331	16.98%	(161,157)	-67.81%
U1 Revenues	5,900,000	181,607	(5,718,393)	3.08%	4,900,000	113,893	-4,786,107	2.32%	67,714	59.45%
Other Taxes (excluding Redemptions-Regular)	2,593,129	1,899,156	(693,973)	73.24%	1,800,000	1,500,099	-299,901	83.34%	399,057	26.60%
Vehicle In-Lieu Taxes	17,811,134	8,937,911	(8,873,223)	50.18%	15,926,168	8,329,833	-7,596,335	52.30%	608,078	7.30%
Parking Fines-Regular Collections	5,800,000	3,253,087	(2,546,913)	56.09%	4,326,450	3,104,161	-1,222,289	71.75%	148,926	4.80%
Moving Violations	132,600	96,254	(36,346)	72.59%	132,600	71,415	-61,185	53.86%	24,839	34.78%
Ambulance Fees	5,350,779	3,815,272	(1,535,507)	71.30%	3,880,779	2,479,368	-1,401,411	63.89%	1,335,904	53.88%
Interest Income	8,826,211	6,619,791	(2,206,420)	75.00%	6,000,000	4,038,930	-1,961,070	67.32%	2,580,861	63.90%
Franchise Fees	1,720,056	307,634	(1,412,422)	17.89%	1,613,283	335,043	-1,278,240	20.77%	(27,409)	-8.18%
Other Revenue	7,668,797	3,018,612	(4,650,185)	39.36%	6,729,977	3,902,132	-2,827,845	57.98%	(883,520)	-22.64%
IDC Reimbursement	6,104,970	3,259,079	(2,845,891)	53.38%	5,490,000	3,205,614	-2,284,386	58.39%	53,465	1.67%
Transfers	8,091,924	4,045,962	(4,045,962)	50.00%	17,096,148	6,457,425	-10,638,723	37.77%	(2,411,463)	-37.34%
Total Revenue:	**$266,418,342**	**$120,731,949**	**-$145,686,393**	**45.32%**	**$258,650,444**	**$127,875,604**	**-$130,774,840**	**49.44%**	**($7,143,655)**	**-5.59%**

Notes: This statement is presented on a budgetary basis (i.e., cash).

Before getting into the FY 2024 General Fund revenue details, staff also want to point out that the City's General Fund revenue challenges have not ended now that the Feds have apparently stopped raising short-term rates, for the following reasons:

1.The Fed's monetary tightening includes a program to sell $95 billion/month (or $1.14 trillion per year) of Agency and Mortgage-Backed securities from its Balance Sheet, which increases the supply of these securities and puts additional upward pressure on long-term rates, including mortgage rates. Prior to the monetary policy change, as the Feds was the major purchaser of these long-term securities;

2. The proposed $1.8 trillion federal budget deficit for the upcoming fiscal year will require the issuance of an additional $1.8 trillion in Treasury Bonds to fund the deficit; and,

3. The Personal Consumption Expenditures (PCE) index (the Fed's favored inflation index) has declined from almost 9% during the pandemic to 2.93% in December 2023, close to the Fed's 2.0% target.

Despite that, the Feds is reluctant to lower short-term interest rates as soon as the market expected. The Fed Chairman indicated at the January 31, 2024 meeting that it will not start lowering interest rates until it is certain that inflation is on a sustainable path to the Fed's 2% goal.

The additional huge supply of bonds from these macroeconomic factors will probably overwhelm demand for long-term bonds and continue to put pressure on long-term interest rates, including mortgage rates. In addition to reducing consumer spending and slowing down the economy, it will keep mortgage rates high.

FY 2024 FIRST HALF GENERAL FUND REVENUE DETAILS

Supplemental Taxes (-$32,664 less than FY 2023 Actual)

During the first half of FY 2024, Supplemental Taxes totaled $1,197,265, which was $32,664 or 2.7% less than the $1,229,929 received for the same period in FY 2023

Secured Property Tax (+$2,666,809 more than FY 2023 Actual)

During the first half of FY 2024, Secured Property Tax revenues totaled $42,904,620, which was $2,666,809 or 6.63% more than the $40,237,811 received for the same period in FY 2023.
This result was consistent with the County's Certification of Assessed Valuation (received from the County in August 2023), which reflects growth of 7.256%. However, the FY 2024 Adopted Budget assumed a 6.895% increase for FY 2024, so actual Secured Property Taxes are expected to be $286,128 or .361% more than the Adopted Budget amount of $84,725,717. The Secured Property Tax Revenue projection is being increased from $84,725,717 to $85,011,845.

Unsecured Property Tax (+$729,509 more than FY 2023 Actual)

During the first half of FY 2024, Unsecured Property Tax revenues totaled $3,881,280, which was $729,509 or 23.2% more than the amount of $3,151,771 received for the same period in FY 2023. This amount is greater than the County's Certification of Assessed Valuation growth of 9.1% for FY 2024. The Unsecured Property Tax Revenue projection is being increased from $3,806,995 to $3,881,280.

Property Transfer Tax (-$6,619,374 less than FY 2023 Actual)

During the first half of FY 2024, Property Transfer Tax totaled $10,056,934, which was $6,619,374 or 39.7% less than the $16,676,308 received for the same period in FY 2023.

The primary reasons for the $6,619,374 decrease in Property Transfer Tax were the following:

(1) The dollar value of property sales decreased by $487.2 billion or 42.2%, from $1.154.7 billion in the first half of FY 2023 to $667.5 million during the same period of FY 2024, as illustrated in Table 1 below.

(2) There were ten property sales of $10 million or more, with total sales of $411 million in the first half of FY 2023 compared to 4 property sales of $10 million or more, with total sales of $74.9 million in the first half of FY 2024; and,

(3) The number of property sales transactions decreased by 126 or 23.7% from 532 in the first half of FY 2023 to 406 during the same period of FY 2024, as illustrated in the Table 3 below.

This decline in real estate activity is generally attributed to high and increasing mortgage rates and a slowing economy resulting from the Federal Reserve Board's aggressive attempt to reduce the money supply and slowing down the US economy in order to reduce inflation, by sharply raising interest rates and selling $95 billion/month of Agency and Mortgage-Backed securities from its Balance Sheet. The Property Transfer Tax Revenue projection is being decreased from $22,873,786 to $16,873,786.

Property Sales In Million $

	July	Aug	Sept	Oct	Nov	Dec	Total
FY 2024	$129.2	$152.5	$99.9	$95.7	$95.8	$94.4	$667.5
FY 2023	188.9	320.0	134.6	113.9	254.9	142.4	1,154.7
Change	-59.7	-167.5	-34.7	-18.2	159.1	-48.0	-487.2
% Change	-31.6%	-52.3%	-25.8%	-16.0%	-62.4%	-33.7%	-42.2%

Number of Property Sales Transactions

	July	Aug	Sept	Oct	Nov	Dec	Total
FY 2024	79	73	64	61	67	62	406
FY 2023	113	101	108	79	74	57	532
Change	-34	-28	-44	-18	-7	5	-126
% Change	-.30.1%	-27.7%	40.7%	-22.8%	-9.5%	8.8%	**-23.7%**

Measure P-Property Transfer Tax (-$5,523,564 less than FY 2023 Actual)

Measure P taxes totaling $2,840,259 was collected during the first half of FY 2024, which was $5,523,564 or 66.0% less than the $8,363,823 collected during the same period of FY 2023. This decrease resulted primarily from the following: (1) A decrease of 61.0% in the dollar value of property sales amount in the first half of FY 2024 versus those in the first half of FY 2023 as reflected in Table 3; (2) The number of property sales transactions decreased by 131 or 60.9% during the first half of FY 2024, as illustrated in the table below; and,(3) There were only four property sales of $10 million or more totaling $75 million during this six-month period in FY 2024, compared to 9 transactions with total property sales of $401 million for the same period in FY 2023. The Measure P1 Property Transfer Tax Revenue projection is being decreased from $10,189,500 to $6,500,000.

Property Sales $1.5 million+ In Million $

	July	Aug	Sept	Oct	Nov	Dec	Total
FY 2024	$62.8	$87.2	$48.5	$51.9	$33.6	$42.5	$326.5
FY 2023	114.4	271.1	84.1	63.3	203.7	99.8	836.4
Change	- 51.6	-183.9	-35.6	-11.4	-170.1	-57.3	-509.9
% Change	-45.1%	-67.8%	-42.3%	-18.0%	-83.5%	-57.4%	-61.0%

Property Transactions $1.5 Million and Above

	July	Aug	Sept	Oct	Nov	Dec	Total
FY 2024	18	17	12	15	12	10	84
FY 2023	52	41	48	31	24	19	215
Change	-34	-24	-36	-16	-12	-9	-131
% Change	-65.4%	-58.5%	-75.0%	-51.6%	-50.0%	-47.4%	-60.9%

Sales Tax (-$382,339 less than FY 2023 Actual)

For the first half of FY 2024, Sales Tax revenue totaled $9,305,556, which was $382,339 or 3.95% less than the $9,687,895 received for the same period in FY 2023. The City's Sales Tax Consultant has noticed a significant softening of sales in several categories since the Adopted Budget was passed and has revised revenue projections in the following categories:

Category	Adopted Budget Amount	Revised Projection	Difference
General Retail	$ 4,514,430	$ 4,037,541	($ 476,889)
Food Products	5,584,993	5,332,044	(252,949)
Transportation	3,060,135	2,566,985	(493,150)
Construction	1,697,060	1,430,481	(266,579)
Business to Business	1,692,394	1,729,113	36,719
Miscellaneous	211,692	563,185	351,493
County Pool	4,091,330	3,437,856	(653,474)
State Pool	9,402	8,989	(413)
County Sharing	(1,043,072)	(955,310)	87,762
CDTFA Administration	(164,139)	(137,311)	26,828
Total	$19,654,225	$ 18,013,573	($1,640,652)

As a result, the FY 2024 Sales Tax Revenue projection is being decreased from $19,654,225 to $18,375,800.

Utility Users Taxes (+$162,716 more than FY 2023 Actual)

Utility Users Tax revenue for the first half of FY 2024 totaled $7,801,328, which was $162,716 or 2.13% more than the $7,638,612 received for FY 2023. This increase of $162,716 resulted from increases/decreases in the following categories:

FY 2024 Actual Revenues Compared to FY 2023 Actual Revenues				
	FY2024	FY 2023	$ Change	% Change
Telephone	$ 515,199	$ 545,243	$ -30,044	-5.96%
Cable	475,793	503,785	- 27,992	-5.56%
Cellular	881,338	898,459	-17,121	-1.91%
Electric	4,792,052	4,346,334	445,718	10.26%
Gas	1,136,946	1,344,791	-207,845	-15.46%
Total	$7,801,328	$7,638,612	$162,716	2.13%

PG&E received an 8% increase in electricity rates in January 2022, another increase of 8.9% in March 2023, and another ranging between 1%-4.1% effective September 1, 2023. The UUT Revenue projection is being increased from $17,454,320 to $17,700,000.

Transient Occupancy Tax (-$391,963 less than FY 2023 Actual)

The total gross Transient Occupancy Tax (TOT) revenue reported for the first half of FY 2024 totaled $4,393,772 (before deducting $546,224 in TOT rebates owed), which was $391,963 or 8.2% less than the $4,785,735 (before deducting $498,566 in TOT rebates owed) received for the same period in 2023. The decline reported was $439,621 or 10.3% after deducting the TOT rebates owed for the respective period.

However, four hotels with a total of $293,467 in TOT and $92,312 in TOT rebates owed were not reported in the period ending December 31, 2023. After considering these transactions, gross TOT revenue in the first half of FY 2024 declined $98,496 or 2.1% and net TOT (after deducting TOT rebates owed) declined $238,466 or 5.6%.

The revised decrease in the first half of FY 2024 was primarily attributable to a gross decrease of 3.7% and a net decrease of .2% at the six largest hotels in Berkeley.

Short-Term Rentals *(-$25,390 less than FY 2023 Actual)*

Short-Term Rentals revenue for the first half of FY 2024 totaled $687,271, which was $25,390 or 3.6% less than the $712,661 received for the same period in FY 2023.

Business License Taxes (+$582,759 more than FY 2023 Actual)

Business license Taxes (BLT) revenue for the first half of FY 2024 totaled $1,592,902, which was $582,759 or 57.7% more than the $1,010,143 received for the same period in FY 2023.

It is too soon to determine if this increase is due to growth or due to the timing of the processing of the Business License Tax receipts, as these taxes are not delinquent until March 1st.

U1 Revenues (+$67*,714 more than FY 2023 Actual)*

U1 revenues for the first half of FY 2024 totaled $181,607, which was $67,714 or 59.5% more than the $113,893 received for the same period in FY 2023.

It is too soon to determine if this increase is due to growth or due to the timing of the processing of the U1 receipts, as these taxes are not delinquent until March 1st.

Vehicle In Lieu Taxes (+$608,078 more than FY 2023 Actual)

Vehicle in Lieu Taxes (VLF) for the first half of FY 2024 totaled $8,937,911, which was $608,078 or 7.30% more than the $8,329,833 received for the same period in FY 2023. This result was consistent with the County's Certification of Assessed Valuation (received in August 2022), which reflects growth of 7.256%. Changes in VLF revenues are based on the growth in assessed values. However, the Adopted Budget reflects growth of 6.912%, so actual Vehicle In Lieu Taxes are expected to be $57,356 or .3443% more than the Adopted Budget amount of $17,811,134. The FY 2024 Vehicle In Lieu Tax projection is being increased from $17,811,134 to $17,868,490.

Other Taxes (+$399,057 more than FY 2023 Actual)

Other Taxes (excluding Redemptions-Regular) for the first half of FY 2024 totaled $1,899,156 which was $399,047 or 26.6% more than the $1,500,099 received for the same period in FY 2023. The primary reason for the increase was (1) an increase of $199,570 in Parking Lot Taxes; (2) a decline of $191,035 in BLT penalties; (3) a decline of $97,637 in BLT interest; and, (4) $406,213 in Transportation Network Company User Tax (i.e., a tax on ride sharing companies enacted during the height of the COVID-19 pandemic) was recorded as Other Revenue, instead of Other Taxes in FY 2023. After including Transportation Network Company User Taxes as Other Taxes, instead of Other Income, the FY 2024 Other Taxes projection is being increased from $2,593,129 to $4,621,618.

Parking Fines (+$148,926 more than FY 2023 Actual)

Parking Fines revenue for the first half of FY 2024 totaled $3,253,087, which was $148,926 or 4.8% more than the $3,104,161 received for the same period in FY 2023. The primary reason for the increase was the continued increase in ticket writing. For the first half of FY 2024, ticket writing increased by 4,986 or 7.06% from 70,592 in the first half of FY 2023 to 75,578 in the same period in FY 2024, as follows:

	July	Aug	Sept	Oct	Nov	Dec	Total
FY 2024	12,318	13,865	12,931	12,819	12,213	11,432	75,578
FY 2023	10,881	11,414	12,984	12,419	12,369	10,525	70,592
Difference	1,437	2,451	-53	400	-156	907	4,986
% Difference	13.2%	21.5%	-.4%	12.6%	-1.26%	8.62%	7.06%

Ambulance Fees *(+$1,335,904 more than FY 2023 Actual)*

Ambulance Fees revenue for the first half of FY 2024 totaled $3,815,272, which was $1,335,904 or 53.9% more than the $3,833,730 received for the same period in FY 2023. This increase was primarily due to (1) an increase in the number of transports, which increased by 205 or 7% in the first half of FY 2024, from 2,941 to 3,146; and (2) the Public Provider Ground Emergency Medical Transportation (PPGEMT) program replacing the Quality Assurance Fee Program (QAF); The MEDI-CAL and MCAL HMO reimbursement rate increased to $1,062 under the PPGEMT Program from $339 under the QAF Program. As a result, the FY 2024 Ambulance Fee revenue projection is being increased from $5,350,779 to $6,944,117 in FY 2024.

Interest Income (+$2,580,861 more than FY 2023 Actual)

For the first half of FY 2024, Interest Income totaled $6,619,791, which was $2,580,861 or 63.9% more than the total of $4,038,930 received for the same period in FY 2023.This increase was primarily attributable to a significant increase in average interest rates earned after the Federal Reserve reversed course and started raising interest rates on March 17, 2022. Primarily as a result of the Fed's actions, the net interest rate earned by the City increased from a range of 1.837%-2.616% during the first half of FY 2023, to a range of 2.84%-3.10% during the first half of FY 2024, as follows:

Monthly Net Interest Rate Earned						
	July	Aug	Sept	Oct	Nov	Dec
FY 2024	3.10%	3.02%	2.95%	2.95%	2.88%	2.84%
FY 2023	1.837%	2.025%	1.972%	2.258%	2.390%	2.616%

The FY 2024 Interest Income projection is being increased from $8,826,211 to $12,615,354.

Indirect Cost Reimbursements (+$53,465 more than FY 2023 Actual)

Indirect Cost Reimbursements (IDC) for the first half of FY 2024 totaled $3,259,079, which was $53,465 or 1.67% more than the $3,205,614 received for the same period in FY 2023. This increase was primarily accounted for by an increase in the indirect cost allocation base (total direct salaries and wages) from $14,360,779 in the first half of FY 2023 to $14,846,041 in FY 2024. The FY 2024 IDC revenue projection is being increased from $6,104,970 to $6,800,000.

Transfers (-$2,411,463 less than FY 2023 Actual)

Transfers from other funds for the first half of FY 2024 totaled $4,045,962 which was $2,411,463 or 37.3% less than the $6,457,425 received for the same period in FY 2023. This was primarily attributable to the Transfer of $1,627,872 from the American Rescue Plan Fund to recover from the impact of the COVID-19 pandemic in FY 2024, compared to the Transfer of $6,135,806 from the American Rescue Plan Fund for the same period in FY 2023.

Other Revenues (-$883,520 less than FY 2023 Actual)

Other Revenues primarily consists of licenses and permits; grants; preferential parking fees; general government charges for services; public safety charges for services; health charges for services; culture and recreation charges for services; rents and royalties; and other miscellaneous revenues that are not considered major.

Other Revenues for the first half of FY 2024 totaled $3,018,612 which was $883,520 or 22.6% less than the $3,902,132 received for the same period in FY 2023. This decrease of $883,520 was primarily attributable to (1) the inclusion of $406,213 in TNC User Taxes to Other Income, rather than Other Taxes in the first half of FY 2023; and (2) A premium of $687,680 on the issuance of the Tax and Revenue Anticipation Notes (TRAN) in FY 2023 versus $457,283 in FY 2024. The premium paid to the City was not actually revenue; it was a liability that was paid by the purchaser of the City's Notes when the coupon interest rate was higher than the market rate when the Notes were issued. It will be used to offset the interest expense paid by the City on the Notes.

The FY 2023 total for Other Revenue was $9,043,937, while the Adopted Budget total was $7,668,797. The FY 2024 Other Revenue projection is being increased from $7,668,797 to $8,468,797.

Based on the FY 2024 Mid-Year, the revised projection for the FY 2024 General Fund Revenues are $264.75 million.

General Fund Expenditures

On June 27, 2023 the City Council adopted the FY 2024 Budget, which authorized General Fund expenditures in FY 2024 of $276.55 million. Subsequently, on December 12, 2023, the City Council approved General Fund recommended encumbered rollovers, unencumbered carryovers, and adjustments totaling $50.04 million in the Amendment to the FY 2024 Annual Appropriations Ordinance (AAO#1) as shown in the table below:

FY 2024 General Fund Revised Budget

FY 2024 Adopted Budget	Encumbered Recommended	Unencumbered Recommended	Other Adjustments	FY 2024 Revised Budget
$ 276,548,969	$ 16,752,951	$ 12,523,938	$ 20,763,498	$ 326,589,356

*FY 24 Revised Budget at mid-year totaled $307.5 million. With AAO#1 amendment approved in January 2024, revised budget increases to $326.6 million.

The encumbered rollovers of $16.75 million reflect contractual obligations entered in FY 2023, which had not been paid as of June 30, 2023. Unencumbered carryovers of $12.52 million are approved by Council for specific purposes that had not been completed by the end of FY 2023. Funding for these commitments is brought forward into the current fiscal year to provide for payment of these obligations. Adjustments are new allocations for projects and Council priorities as detailed in the AAO. Included in the other adjustments of $20.76 million are Council authorized allocations approved through the adoption of the Amendment to the AAO on December 12, 2023 (first reading) and January 16, 2024 (second reading).

General Fund expenditures incurred by department as of December 31, 2023 are shown in the following chart along with projections regarding the expenditures likely to be incurred through June 30, 2024. The two projected savings/deficit columns in the chart below are an estimate of whether the department will be under or over the revised budget and their respective appropriation limit based upon the first six months of the year. Not all of the adopted AAO#1 funding is reflected in the FY 2024 Revised Budget as of December 31, 2023.

The General Fund expenditure is projected to be over original revised budget of $3.08 million by $2.43 million at the end of FY 2024 (Revised Budget minus Projected Expenses). The planned expenditures reflect increased personnel costs based upon approved labor agreements, and public safety overtime offset by salary savings related to vacancies in other departments and adjustments approved by Council on January 16, 2024 in the Amendment to the Annual Appropriation Ordinance (AAO#1). Projected expenditures will also fluctuate as departments (1) fill vacant positions; (2) increase overtime spending to provide critical public safety services; (3) spend more on consultants and other professional services (“non-personnel costs”) to mitigate vacant staff positions and/or respond to unanticipated events and (4) implementation of projects.

FY 2024 Mid-Year General Fund Expenditures (as of December 21, 2023)

DEPARTMENT	FY 2024 ADOPTED BUDGET	FY 2024 REVISED BUDGET*	YEAR TO DATE EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PERSONNEL PERCENTAGE USED	NON-PERSONNEL PERCENTAGE USED	TOTAL PERCENTAGE USED	FY 2024 PROJECTED EXPENDITURES	FY 2024 PROJECTED ENDING BALANCE/(DEFICIT)
MAYOR AND COUNCIL	4,772,190	4,849,542	1,923,297	62,410	2,863,835	40.5%	44.7%	40.9%	4,849,542	-
CITY AUDITOR	3,136,323	3,221,934	1,391,210	102,047	1,728,678	43.9%	63.1%	46.3%	3,089,758	132,177
RENT STABILIZATION BOARD	550,000	651,588	302,231	349,356	1	0.0%	100.0%	100.0%	651,588	-
POLICE ACCOUNTABILITY	1,142,593	1,310,290	515,732	159,357	635,201	34.4%	77.3%	51.5%	1,597,102	(286,812)
CITY MANAGER'S OFFICE	13,150,234	16,294,107	7,458,276	2,303,030	6,532,801	45.4%	81.4%	59.9%	15,758,044	536,063
CITY ATTORNEY	4,304,039	5,003,419	2,038,057	395,637	2,569,725	39.6%	77.3%	48.6%	5,273,499	(270,080)
CITY CLERK	2,547,276	2,759,548	972,288	325,627	1,461,633	48.0%	45.7%	47.0%	2,886,744	(127,196)
FINANCE	8,179,370	9,110,602	3,281,701	1,063,527	4,765,374	39.6%	71.4%	47.7%	8,047,068	1,063,534
HUMAN RESOURCES	3,467,541	4,127,222	1,728,648	142,944	2,255,629	45.6%	44.8%	45.3%	4,125,275	1,947
INFORMATION TECHNOLOGY	1,526,760	2,233,165	891,132	308,646	1,033,388	0.0%	53.7%	53.7%	1,702,432	530,733
HEALTH, HSG & COMMUNITY SVC	31,429,102	47,457,711	16,578,721	9,486,685	21,392,304	40.7%	60.9%	54.9%	45,656,435	1,801,276
PARKS, RECREATION & WATERFRONT	9,359,349	11,766,832	5,828,846	997,780	4,940,206	49.7%	66.8%	58.0%	16,256,832	(4,490,000)
PLANNING & DEVELOPMENT	3,277,246	6,494,510	1,469,787	171,732	4,852,991	43.4%	12.2%	25.3%	6,132,221	362,289
PUBLIC WORKS	6,558,529	12,160,727	3,144,927	1,972,562	7,043,238	30.8%	49.4%	42.1%	9,264,376	2,896,351
POLICE	83,606,570	81,617,830	41,085,284	1,081,010	39,451,536	49.5%	70.3%	51.7%	85,155,524	(3,537,694)
FIRE & EMERGENCY SERVICES	39,546,063	43,205,216	22,830,487	4,951,735	15,422,994	62.6%	67.8%	64.3%	49,455,394	(6,250,178)
NON DEPARTMENTAL	59,995,782	55,262,131	35,120,397	378,568	19,763,166	1564.8%	64.1%	64.2%	50,055,826	5,206,305
GRAND TOTAL	**276,548,969**	**307,526,375**	**146,561,021**	**24,252,653**	**136,712,701**	**49.1%**	**62.7%**	**55.5%**	**309,957,660**	**(2,431,285)**

**FY 2024 Revised does not reflect as of December 31, 2023 all Council approved allocations included in the FY 2024 AAO #1.*

Explanations for significant projected savings and overages are as follows:

- City Auditor's Office, $132,177: The projected balance is mostly due to salary savings by underfilled positions and a vacancy.
- Office of the Director of Police Accountability, (-$46,237): The projected deficit results from expenditure patterns driven by one-time investments in office infrastructure, which were funded as part of AAO1, but not reflected at this point in time.

- City Manager's Office, $536,063: Projected balance from vacancies during the first half of the fiscal year as well as timing-related delays in implementing new programs.
- City Attorney's Office, (-$270,080): Projected deficit is timing related as the report does not reflect Council approved increases in funding in the AAO#1. Based upon AAO#1, the department is projecting a positive balance due to not incremental filling of vacancies and the possible partial use of funding for outside legal counsel.
- City Clerk, (-$127,196): Projected deficit is due to unplanned special elections costs.
- Finance, $1,063,534: Projected balance due to vacancies and challenges in finding qualified candidates to fill specialized positions funded by the General Fund.
- Information Technology, $530,733: Projected balance is due to various projects that will not be completed in FY 2024.
- Health, Housing & Community Services, $1,801,276: Projected balance due to vacancies and challenges in hiring for specialized positions.
- Parks, Recreation, and Waterfront, (-$4,490,000): Projected deficit is timing-related as the report does not include Council approved AAO#1 funding. Once the additional funding is accounted for, the department is expecting to be on budget. The projection includes projections for predictability pay, $4.05M of General Fund FY 2024 contribution to the Workers Compensation Fund redirected to fill the T1 funding gap, $300,000 for Dreamland design and $140,000 for the Miyawaki Forest.
- Planning, $362,289: Projected balance is primarily comprised of $284,000 in salary savings due to vacancies.
- Public Works, $2,896,351: Projected savings is primarily due to Facilities and Transportation projects that are expected to not be completed by FY 2024.
- Police, (-$3,537,694): Projected deficit based on mid-year numbers do not reflect the Council approved funding in AAO#1 of $4.3 million for the Berkeley Police Association Memorandum of Understanding (MOU). Once adjusted, the projected year-end is positive due to savings from vacant positions. It also consists of cost overruns related to Police fleet replacement fund contributions and fuel and maintenance costs.
- Fire, (-$6,250.178): Projected deficit of $6.25 million compared to the FY 2024 revised budget as of mid-year. This is expected to decrease once the $1.89 million of approved AAO#1 funding for the Berkeley Fire Fighters Association's new MOU is entered into the financial system. However, the Fire department is still expected to end the fiscal year with a deficit due to challenges in staffing and increases in overtime cost and fringe benefits.
- Non-Departmental, $5,206,305: Projected balance due to timing of implementation of various projects and programs.
- In addition, the Rent Board and Human Resources, are expected to finish the year either on budget or very slightly under budget.

Projected General Fund Budget Summary

The FY 2024 Adopted Budget anticipated the use of $10.13 million in fund balance to support increased expenditures that exceeded revenue projections, recognizing that revenues had not fully returned to pre-pandemic levels, the use of one-time federal funds from the American Rescue Plan Act would be exhausted, and that Measure P fund balance within the General Fund would be required to fund related programs and one-time expenditures such as the reservation for Project Homekey. Based on the projected decrease in General Fund revenue, and various assumptions related to non-personnel expenses incurred before June 30, 20024, the FY 2024 mid-year projection estimates an annual shortfall between $18.2-45.21 million, with the latter upward projection assuming all non-personnel expenditures authorized within the revised budget are fully spent by June 30, 2024. However, it is important to emphasize that the revenue and expenditure projections provided are the best estimates staff has at this time for how the General Fund is projected to close in FY 2024. Between now and the end of the fiscal year, a number of assumptions could change that will impact projections, including, but not limited to, changes in economic conditions that may impact revenue, status of vacant positions, any increased operational costs, as well as the likely underspending in non-personnel costs related to timing delays in implementing projects and programs that would significantly reduce the projected shortfall. The actual FY 2024 year-end status will be known sometime in late December 2024 after the completion of the financial audit. Any General Fund shortfall will be absorbed by existing fund balance and will impact recommendations regarding carryover and encumbrances requests in FY 2025.

All Funds Expenditures

The General Funds comprises about 32 percent of the total revised budget. The rest of the budget consists of various Special Funds. Special Funds are collected for a specific purpose; therefore, the projected balances are not considered to be discretionary and available to be re-allocated toward other programs, projects, and services. Included in the *FY 2024 Mid-Year All Funds Expenditures by Department* chart on the next page are both the General Fund and the Special Funds expenditures as of December 31, 2023. On an All Funds basis, the City is tracking on budget at 49.2 percent at mid-year and projected to close FY 2024 with a balance of $75.51 million using the revised budget as of December 31, 2023.

FY 2023 Mid-Year All Funds Expenditures (as of December 31, 2023)

DEPARTMENT	FY 2024 ADOPTED BUDGET	FY 2024 REVISED BUDGET* (as of 12/31/23)	FY 2024 EXPENDED (as of 12/31/23)	ENCUMBRANCES (as of 12/31/23)	AVAILABLE BUDGET (as of 12/31/23)	TOTAL PERCENTAGE USED	FY 2024 PROJECTED EXPENDITURES	FY 2024 PROJECTED ENDING BALANCE/(DEFICIT)
MAYOR AND COUNCIL	4,772,190	4,852,642	1,923,297	62,410	$2,866,935	40.9%	4,852,642	-
CITY AUDITOR	3,231,099	3,316,710	1,436,197	102,047	$1,778,466	46.4%	3,185,336	131,374
RENT STABILIZATION BOARD	8,056,460	8,878,430	3,321,869	1,177,159	$4,379,402	50.7%	8,878,430	-
POLICE ACCOUNTABILITY	1,142,593	1,310,290	515,732	159,357	$635,201	51.5%	1,597,102	(286,812)
CITY MANAGER'S OFFICE	16,889,184	24,460,343	10,369,281	3,308,613	$10,782,449	55.9%	23,849,537	610,806
BERKELEY PUBLIC LIBRARY	25,024,425	26,408,346	11,707,927	2,974,567	$11,725,852	55.6%	31,726,777	(5,318,431)
CITY ATTORNEY	8,106,984	9,855,499	3,859,904	848,178	$5,147,417	47.8%	10,253,763	(398,264)
CITY CLERK	3,159,486	3,371,758	1,137,760	325,627	$1,908,371	43.4%	3,257,393	114,365
FINANCE	10,607,143	11,608,386	4,108,986	1,214,803	$6,284,597	45.9%	10,240,391	1,367,995
HUMAN RESOURCES	5,442,688	6,133,364	2,524,897	168,619	$3,439,848	43.9%	6,098,578	34,786
INFORMATION TECHNOLOGY	22,237,720	29,316,274	7,944,446	3,165,053	$18,206,775	37.9%	25,820,790	3,495,484
HEALTH, HSG & COMMUNITY SVC	99,683,536	163,577,083	39,384,181	38,369,815	$85,823,087	47.5%	132,358,390	31,218,693
PARKS, RECREATION & WF	53,688,581	89,082,692	24,402,344	9,740,801	$54,939,546	38.3%	69,503,725	19,578,967
PLANNING & DEVELOPMENT	31,267,162	36,767,666	12,207,816	1,955,917	$22,603,933	38.5%	32,394,732	4,372,934
PUBLIC WORKS	188,326,163	292,296,250	71,665,023	67,247,968	$153,383,259	47.5%	267,668,149	24,628,101
POLICE	88,188,161	88,587,883	43,419,654	1,496,074	$43,672,155	50.7%	91,106,786	(2,518,903)
FIRE & EMERGENCY SERVICES	62,316,809	69,373,228	31,462,153	7,817,721	$30,093,354	56.6%	75,998,874	(6,625,646)
NON DEPARTMENTAL	101,173,999	100,604,624	65,445,388	520,846	$34,638,390	65.6%	95,504,624	5,100,000
GRAND TOTAL	**733,314,383**	**969,801,468**	**336,836,857**	**140,655,573**	**492,309,038**	**49.2%**	**894,296,021**	**75,505,447**

*FY 2024 Revised does not reflect as of December 31, 2023 all Council approved allocations included in the FY 2024 AAO #1.

- City Auditor, City Manager's Office, City Clerk, Finance, Human Resources, Information Technology, Health, Housing, & Community Services, Parks, Recreation & Waterfront, Planning, Public Works, and Non-Departmental are anticipated to finish FY 2024 with balances compared to the Mid-Year FY 2024 Revised budget. The underspending is related to salary savings due to vacancies, as well as projects and grants that are not expected to be finished by the end of the fiscal year.

- The Office of the Director of Police Accountability, City Attorney, and Police Department anticipates an ending shortfall from the FY 2024 Revised Budget. However, after accounting for all of the approved AAO#1 funding, anticipated shortfalls will be less or end with a balance.
- The Fire Department is expected to end FY 2024 with a deficit due to high vacancy rate causing an increase in overtime expenses and underfunded fringe benefit costs
- The Berkeley Public Library shows a projected deficit of over $5.0 million. This is mostly due to increasing 0.5 Part Time employees to 0.75 Part Time employees. The Library plans to reconcile this late third quarter in FY 2024 and going forward.

Next Steps:

Staff is continuously monitoring the FY 2024 General Fund budget to make sure the City stays within budget and is also reviewing and analyzing data to make sure that the City remains agile should additional operating and capital needs arise in the fiscal year. Final FY 2024 year-end General Fund revenues and expenditures information will be included in the "FY 2024 Year-End Report and FY 2025 First Quarter Update" that will be presented to Council in December 2024.

The City's annual Mid-Year Budget Update is a Strategic Plan Priority, advancing our goal to provide an efficient and financially-healthy City government.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

CONTACT PERSON

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Henry Oyekanmi, Finance Director, Department of Finance, 981-7300
Maricar Dupaya, Senior Management Analyst, City Manager's Office, 981-7000

Attachments:

1. Table: General Fund Revenue and Transfer In FY 2024 Mid-Year vs FY 2023 Mid-Year Comparison
2. Table: FY 2024 Mid-Year General Fund Expenditures (as of December 31, 2023)
3. Table: FY 2024 Mid-Year All Funds Expenditures (as of December 31, 2023)

Attachment 2

General Fund Revenue and Transfer Mid Year FY 2024 vs Mid Year FY 2023 Comparison **Attachment 1**

Revenue Categories	FY 2024				FY 2023				Comparision FY24 vs FY23	
	Adopted	Actual	Variance	% Received	Adopted	Actual	Variance	% Received	Amount	%
	(a)	(b)	c=(b) - (a)	(d) = (b)/(a)	(e)	(f)	g=(f) - (e)	(h) = (f)/(g)	(i) = (b) - (f)	(j) = (i)/(f)
Secured Property	$84,725,717	$42,904,620	($41,821,097)	50.64%	$75,664,920	$40,237,811	($35,427,109)	53.18%	2,666,809	6.63%
Redemptions -Regular	831,441	524,404	(307,037)	63.07%	831,441	461,026	-370,415	55.45%	63,378	13.75%
Supplemental Taxes	3,400,000	1,197,265	(2,202,735)	35.21%	2,000,000	1,229,929	-770,071	61.50%	(32,664)	-2.66%
Unsecured Property Taxes	3,806,995	3,881,280	74,285	101.95%	3,516,000	3,151,771	-364,229	89.64%	729,509	23.15%
Property Transfer Tax	22,873,786	10,056,934	(12,816,852)	43.97%	34,462,172	16,676,308	-17,785,864	48.39%	(6,619,374)	-39.69%
Property Transfer Tax-Measure P (New December 21, 2018)	10,189,500	2,840,259	(7,349,241)	27.87%	14,073,750	8,363,823	-5,709,927	59.43%	(5,523,564)	-66.04%
Sales Taxes	19,654,225	9,305,556	(10,348,669)	47.35%	19,016,546	9,687,895	-9,328,651	50.94%	(382,339)	-3.95%
Soda Taxes	1,147,387	581,705	(565,682)	50.70%	990,210	642,874	-347,336	64.92%	(61,169)	-9.51%
Utility Users Taxes	17,454,320	7,801,328	(9,652,992)	44.70%	13,800,000	7,638,612	-6,161,388	55.35%	162,716	2.13%
Transient Occupancy Taxes	8,374,588	4,393,772	(3,980,816)	52.47%	5,000,000	4,785,735	-214,265	95.71%	(391,963)	-8.19%
Less: TOT rebates owed (3)		(546,224)				(498,566)			(47,658)	9.56%
Short-term Rentals	1,400,000	687,271	(712,729)	49.09%	1,000,000	712,661	-287,339	1,000,000	(25,390)	-3.56%
Business License Tax	21,560,783	1,592,902	(19,967,881)	7.39%	19,000,000	1,010,143	-17,989,857	5.32%	582,759	57.69%
Recreational Cannabis	1,000,000	76,512	(923,488)	7.65%	1,400,000	237,669	-1,162,331	16.98%	(161,157)	-67.81%
U1 Revenues	5,900,000	181,607	(5,718,393)	3.08%	4,900,000	113,893	-4,786,107	2.32%	67,714	59.45%
Other Taxes (excluding Redemptions-Regular)	2,593,129	1,899,156	(693,973)	73.24%	1,800,000	1,500,099	-299,901	83.34%	399,057	26.60%
Vehicle In-Lieu Taxes	17,811,134	8,937,911	(8,873,223)	50.18%	15,926,168	8,329,833	-7,596,335	52.30%	608,078	7.30%
Parking Fines-Regular Collections	5,800,000	3,253,087	(2,546,913)	56.09%	4,326,450	3,104,161	-1,222,289	71.75%	148,926	4.80%
Moving Violations	132,600	96,254	(36,346)	72.59%	132,600	71,415	-61,185	53.86%	24,839	34.78%
Ambulance Fees	5,350,779	3,815,272	(1,535,507)	71.30%	3,880,779	2,479,368	-1,401,411	63.89%	1,335,904	53.88%
Interest Income	8,826,211	6,619,791	(2,206,420)	75.00%	6,000,000	4,038,930	-1,961,070	67.32%	2,580,861	63.90%
Franchise Fees	1,720,056	307,634	(1,412,422)	17.89%	1,613,283	335,043	-1,278,240	20.77%	(27,409)	-8.18%
Other Revenue	7,668,797	3,018,612	(4,650,185)	39.36%	6,729,977	3,902,132	-2,827,845	57.98%	(883,520)	-22.64%
IDC Reimbursement	6,104,970	3,259,079	(2,845,891)	53.38%	5,490,000	3,205,614	-2,284,386	58.39%	53,465	1.67%
Transfers	8,091,924	4,045,962	(4,045,962)	50.00%	17,096,148	6,457,425	-10,638,723	37.77%	(2,411,463)	-37.34%
			-				0		-	
Total Revenue:	**$266,418,342**	**$120,731,949**	**-$145,686,393**	**45.32%**	**$258,650,444**	**$127,875,604**	**-$130,774,840**	**49.44%**	**($7,143,655)**	**-5.59%**

Notes: (1) This statement is presented on a budgetary basis (i.e., cash).

(2) Current vendor no longer breaks out Regular and Booting Parking Fines Collections

(3) Includes the amount of TOT rebates owed for the period

(4) Total Other Taxes includes Redemptions-Regular

Attachment 2

FY 2024 MID-YEAR GENERAL FUND EXPENDITURES (AS OF DECEMBER 31, 2023)									Attachment 2	
DEPARTMENT	**FY 2024 ADOPTED BUDGET**	**FY 2024 REVISED BUDGET***	**YEAR TO DATE EXPENDED**	**ENCUMBRANCES**	**AVAILABLE BUDGET**	**PERSONNEL PERCENTAGE USED**	**NON-PERSONNEL PERCENTAGE USED**	**TOTAL PERCENTAGE USED**	**FY 2024 PROJECTED EXPENDITURES**	**FY 2024 PROJECTED ENDING BALANCE/(DEFICIT)**
MAYOR AND COUNCIL	4,772,190	4,849,542	1,923,297	62,410	2,863,835	40.5%	44.7%	40.9%	4,849,542	-
CITY AUDITOR	3,136,323	3,221,934	1,391,210	102,047	1,728,678	43.9%	63.1%	46.3%	3,089,758	132,177
RENT STABILIZATION BOARD	550,000	651,588	302,231	349,356	1	0.0%	100.0%	100.0%	651,588	-
POLICE ACCOUNTABILITY	1,142,593	1,310,290	515,732	159,357	635,201	34.4%	77.3%	51.5%	1,597,102	(286,812)
CITY MANAGER'S OFFICE	13,150,234	16,294,107	7,458,276	2,303,030	6,532,801	45.4%	81.4%	59.9%	15,758,044	536,063
CITY ATTORNEY	4,304,039	5,003,419	2,038,057	395,637	2,569,725	39.6%	77.3%	48.6%	5,273,499	(270,080)
CITY CLERK	2,547,276	2,759,548	972,288	325,627	1,461,633	48.0%	45.7%	47.0%	2,886,744	(127,196)
FINANCE	8,179,370	9,110,602	3,281,701	1,063,527	4,765,374	39.6%	71.4%	47.7%	8,047,068	1,063,534
HUMAN RESOURCES	3,467,541	4,127,222	1,728,648	142,944	2,255,629	45.6%	44.8%	45.3%	4,125,275	1,947
INFORMATION TECHNOLOGY	1,526,760	2,233,165	891,132	308,646	1,033,388	0.0%	53.7%	53.7%	1,702,432	530,733
HEALTH, HSG & COMMUNITY SVC	31,429,102	47,457,711	16,578,721	9,486,685	21,392,304	40.7%	60.9%	54.9%	45,656,435	1,801,276
PARKS, RECREATION & WATERFRONT	9,359,349	11,766,832	5,828,846	997,780	4,940,206	49.7%	66.8%	58.0%	16,256,832	(4,490,000)
PLANNING & DEVELOPMENT	3,277,246	6,494,510	1,469,787	171,732	4,852,991	43.4%	12.2%	25.3%	6,132,221	362,289
PUBLIC WORKS	6,558,529	12,160,727	3,144,927	1,972,562	7,043,238	30.8%	49.4%	42.1%	9,264,376	2,896,351
POLICE	83,606,570	81,617,830	41,085,284	1,081,010	39,451,536	49.5%	70.3%	51.7%	85,155,524	(3,537,694)
FIRE & EMERGENCY SERVICES	39,546,063	43,205,216	22,830,487	4,951,735	15,422,994	62.6%	67.8%	64.3%	49,455,394	(6,250,178)
NON DEPARTMENTAL	59,995,782	55,262,131	35,120,397	378,568	19,763,166	1564.8%	64.1%	64.2%	50,055,826	5,206,305
GRAND TOTAL	**276,548,969**	**307,526,375**	**146,561,021**	**24,252,653**	**136,712,701**	**49.1%**	**62.7%**	**55.5%**	**309,957,660**	**(2,431,285)**

**FY 2024 Revised does not reflect as of December 31, 2023 all Council approved allocations included in the FY 2024 AAO #1.*

Attachment 2

FY 2024 MID-YEAR ALL FUNDS EXPENDITURES (AS OF DECEMBER 31, 2023) **Attachment 3**

DEPARTMENT	FY 2024 ADOPTED BUDGET	FY 2024 REVISED BUDGET* (as of 12/31/23)	FY 2024 EXPENDED (as of 12/31/23)	ENCUMBRANCES (as of 12/31/23)	AVAILABLE BUDGET (as of 12/31/23)	TOTAL PERCENTAGE USED	FY 2024 PROJECTED EXPENDITURES	FY 2024 PROJECTED ENDING BALANCE/(DEFICIT)
MAYOR AND COUNCIL	4,772,190	4,852,642	1,923,297	62,410	$2,866,935	40.9%	4,852,642	-
CITY AUDITOR	3,231,099	3,316,710	1,436,197	102,047	$1,778,466	46.4%	3,185,336	131,374
RENT STABILIZATION BOARD	8,056,460	8,878,430	3,321,869	1,177,159	$4,379,402	50.7%	8,878,430	-
POLICE ACCOUNTABILITY	1,142,593	1,310,290	515,732	159,357	$635,201	51.5%	1,597,102	(286,812)
CITY MANAGER'S OFFICE	16,889,184	24,460,343	10,369,281	3,308,613	$10,782,449	55.9%	23,849,537	610,806
BERKELEY PUBLIC LIBRARY	25,024,425	26,408,346	11,707,927	2,974,567	$11,725,852	55.6%	31,726,777	(5,318,431)
CITY ATTORNEY	8,106,984	9,855,499	3,859,904	848,178	$5,147,417	47.8%	10,253,763	(398,264)
CITY CLERK	3,159,486	3,371,758	1,137,760	325,627	$1,908,371	43.4%	3,257,393	114,365
FINANCE	10,607,143	11,608,386	4,108,986	1,214,803	$6,284,597	45.9%	10,240,391	1,367,995
HUMAN RESOURCES	5,442,688	6,133,364	2,524,897	168,619	$3,439,848	43.9%	6,098,578	34,786
INFORMATION TECHNOLOGY	22,237,720	29,316,274	7,944,446	3,165,053	$18,206,775	37.9%	25,820,790	3,495,484
HEALTH, HSG & COMMUNITY SVC	99,683,536	163,577,083	39,384,181	38,369,815	$85,823,087	47.5%	132,358,390	31,218,693
PARKS, RECREATION & WF	53,688,581	89,082,692	24,402,344	9,740,801	$54,939,546	38.3%	69,503,725	19,578,967
PLANNING & DEVELOPMENT	31,267,162	36,767,666	12,207,816	1,955,917	$22,603,933	38.5%	32,394,732	4,372,934
PUBLIC WORKS	188,326,163	292,296,250	71,665,023	67,247,968	$153,383,259	47.5%	267,668,149	24,628,101
POLICE	88,188,161	88,587,883	43,419,654	1,496,074	$43,672,155	50.7%	91,106,786	(2,518,903)
FIRE & EMERGENCY SERVICES	62,316,809	69,373,228	31,462,153	7,817,721	$30,093,354	56.6%	75,998,874	(6,625,646)
NON DEPARTMENTAL	101,173,999	100,604,624	65,445,388	520,846	$34,638,390	65.6%	95,504,624	5,100,000
GRAND TOTAL	**733,314,383**	**969,801,468**	**336,836,857**	**140,655,573**	**492,309,038**	**49.2%**	**894,296,021**	**75,505,447**

**FY 2024 Revised does not reflect as of December 31, 2023 all Council approved allocations included in the FY 2024 AAO #1.*

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Office of the City Manager

CONSENT CALENDAR
October 29, 2024

To: Honorable Mayor and Members of the City Council

From: Solano Avenue BID Advisory Board

Submitted by: Todd Andrew, Chair, Solano Avenue BID Advisory Board

Subject: Renewal of the Solano Avenue BID for Calendar Year 2025

RECOMMENDATION

Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2024 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2025; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2025; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for December 3, 2024.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately $30,000 will be deposited into the Solano Avenue BID Fund, revenue budget code 783-21-208-251-0000-000-000-412110- and expensed from budget code 783-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Solano BID Advisory Board. To the extent that the work of the Solano BID enhances the economic development of Solano Avenue and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Renewal of the Solano BID is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy. Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et.seq.) the City Council must approve an Annual Report prepared by the Solano BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of September 24, 2024, the Solano BID Advisory Board voted to recommend that the City Council approve the Report for the Solano Avenue Business Improvement District for 2024-25 and adopt a Resolution of Intention to renew the assessment 2025. The Resolution of Intention also sets a public hearing date for December 3, 2024 where affected Solano businesses can express support or opposition to renewal of the BID for calendar year 2025. If written and/or oral protests are received from businesses proposed to pay a

majority of the assessment, Council cannot vote to levy assessments for 2025. If no majority protest is received the Council may renew the assessment.

BACKGROUND

Since its revival in May 2012, the Solano BID Advisory Board has used Solano BID revenues to finance three programs: 1) a tree watering contract to ensure the health of 48 young street trees on Solano; 2) installing a program of 40 hanging planter baskets on light poles; and 3) sponsorship of events that attract customers to the district and improvements that enhance the pedestrian experience. In recent years, the BID program has focused on sponsoring activities and improvements intended to market and promote the Solano Avenue business district. In the wintertime, the BID in conjunction with the Solano Avenue Association (which represents both Albany and Berkeley businesses along Solano Avenue) pays a contractor to erect holiday lights and decorations on City street light poles. This will continue for the upcoming winter season. Due to expenditures in prior years, the Solano BID will use less of its funds on the holiday décor program, and, instead, explore expanded landscaping services to better maintain existing tree wells and water existing hanging flower baskets. BID expenditures are to be made through an established fiscal agency contract with Telegraph Property and Business Management Corporation (Telegraph PBMC).

ENVIRONMENTAL SUSTAINABILITY

By maintaining and enhancing the district, the Solano BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The environmental enhancements such as the added street trees, hanging planters, parklet, and holiday decorations contribute to making Solano a more pleasant walking destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation modes to decrease carbon emissions.

RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Solano BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Vincent McCoy, Secretary to the Solano BID Advisory Board, (510) 981-7043.

Attachments:
1: Resolution
- Exhibit A: Report for the Solano Avenue Business Improvement District 2024
- Exhibit A1: Map of the Solano BID
- Exhibit A2: Assessment Rates

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

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT FOR 2024-25; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2025; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 3, 2024 TO CONSIDER LEVYING A RENEWED ASSESSMENT FOR 2025.

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on December 9, 2003 the Berkeley City Council established such an area known as the Solano Avenue Business Improvement District (the "District"); and

WHEREAS, the City Council established a Solano Avenue Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2025 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Solano Avenue assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley as follows:

Section 1. The City Council hereby approves the Solano Avenue Business Improvement District Annual Report 2024 and Budget for the year 2025 (Exhibit A) as submitted to the City Clerk by the Solano Avenue Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual assessment for the parking and business improvement area known as the Solano Avenue Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the 2024-25 Annual Report which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and budget (Exhibit A) and appended hereto.

Council intends that these funds be used for designated activities and improvements in the Solano Avenue commercial area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on December 3, 2024. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Solano Avenue Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Solano Avenue Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on December 3, 2024 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscripting the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation seven days prior to the public hearing.

Exhibits
A: Report for the Solano Avenue Business Improvement District 2024-25
A1: Map of the Solano BID
A2: Assessment Rates

Exhibit A

Report for the Solano Avenue Business Improvement District for 2024 and Budget for 2025

Background

The first version of the Solano Business Improvement District (BID) operated from 2002-2007, with administration of the BID headed by the Solano Avenue Association (SAA). In 2012, the Council appointed the Solano BID Advisory Board to administer the Solano Avenue BID, to fund physical improvements to the street and dedicate marketing and promotion efforts towards the businesses on the portion of Solano Avenue that lies in Berkeley. This Annual report and budget updates the most recent year of operational programs of the Solano BID.

Landscape Program

In 2013, the Solano BID financed a tree watering program for young street trees along upper Solano Avenue. In 2016, per the City of Berkeley arborist, the trees were mature enough to not require additional water services. In early 2016, the board voted to enhance Solano's landscape by installing 41 hanging planter baskets on light poles distributed throughout the district, utilizing the Downtown Berkeley Association's (DBA) services. The DBA watered and maintained the baskets though the end of calendar year 2018. From 2019 to 2021, rainwater alone supported the baskets, and in 2022 the Solano BID entered into a contract with The Peralta Services Corporation to supplement other efforts to clean, weed, and level the tree wells through the district, and to develop an ongoing watering and maintenance system for the hanging flower baskets. Peralta's services began in July of 2022 and, per Peralta, the latest contract is renewed on a quarterly basis with regularly scheduled landscaping in tree wells, including porous pavement on a weekly basis. Additional services have been considered and further options and changes will be discussed in the context of the 2025 Work Plan.

In 2020, funds were approved and a selection process was conducted for a revitalization & public realm plan study on Solano. The BID was supportive of the process and was deeply committed to involving both local merchants and local residents in the effort to re-imagine Solano Avenue in a way that brings more vitality to the Avenue in concert with the efforts of the City of Albany, with the intention of strengthening the Solano Avenue brand overall.

Marketing and Promotion of Solano

Marketing and promotion of Solano Avenue constitutes a second priority of the Solano BID. The commission has engaged with Solano Avenue Association for the purpose of increased marketing to member businesses, improved online presence, and higher visibility during events, minor and major, along Solano Avenue. Since 2018, the board approved funding for a new vendor under the direction of the SAA, with BID reimbursement to the SAA, which covered more poles and provided greater decoration coordination opportunities with neighboring Albany, all at a lower cost than previous seasons. The BID used the same vendor and process last season and plans to do the

same in the 2024-2025 season. This partnership underscores the leverage the BID obtains in working with the SAA to provide support for BID priorities for the Berkeley portion of Solano Avenue. In the remainder of 2024, the Advisory Board may again decide to participate in the development of holiday campaigns and activities (e.g., supporting the SAA in producing the 'Santa on Solano' event or similar).

The details of the 2025 Work Plan, to be developed over the remainder of the year include engaging with the City regarding traffic safety improvements, increased marketing of the Berkeley portion of Solano Avenue, and improvement programs to deploy merchant fees effectively and equitably.

Commissioner Recruitment

In the spirit of vibrant and effective service to the merchants of the Solano BID, the Advisory Board continues to recruit new board members. In June of 2024 the board increased from three to four members and ongoing recruitment is a focus for the remainder of 2024 and 2025. Merchant owners are often busy operating, and sometimes expanding, their businesses. The Advisory Board reminds merchants that they can assign a proxy, from inside or outside their organization, to represent them on the Board. City of Berkeley residence is not required for Board membership.

Solano BID Administration

The Solano BID has contracted with a fiscal agent, the Telegraph Property and Business Management Corporation (Telegraph PBMC), which charges a 5% fiscal agent fee on new BID revenue annually. For example, the anticipated new Solano BID revenue for 2025 is $30,000 so the fiscal agent fee is estimated to be $1,500.

FINANCIAL STATUS OF THE SOLANO BID, AUGUST 2024	
Solano BID Balance, as of 8/31/2024	$40,681
Accounts Receivable - Remaining 2024 Carryover from City of Berkeley	$13,582
Less fall and winter payments remaining for Solano Ave Assn Contract, for 2024-25 holiday-related events	($10,000)
Less payments for holiday decor installation, removal and storage, Nov '24 to Jan '25	($2,875)
Less fall and winter payments for Peralta Svcs Corp sidewalk/tree maintenance	($3,080)
Allocated Expenditures	($15,955)
Unallocated as of 8/31/2024	**$38,308**

BUDGET FOR THE SOLANO BID FOR 2025 (Calendar Year)	
Estimated new revenue 2025	$30,000
Carryover from 2024 (estimated)	$38,308
Estimated SAA Events Payments	($20,000)
Estimated Holiday Decorations Payments	($6,000)
Estimated Peralta Svcs Corp sidewalk/tree maintenance	($6,500)
Less fiscal agent fee to Telegraph PBMC (5%) - of estimated new revenue	($1,500)
Total additional available for expenditure in 2025	**$34,308**

RECOMMENDATIONS

The Advisory Board recommends that Council:

- Approve the 2024 Annual Report and 2025 Budget.
- Make no changes in the boundaries of the Solano Business Improvement District or in the two Benefit Zones, A & B, as shown in Exhibit A1.
- Make no changes in the method and basis for merchant assessments, as shown in Exhibit A2.
- Carry over to 2025 the estimated surplus revenues from 2024, as stated in the 2025 Budget.

Exhibit A1

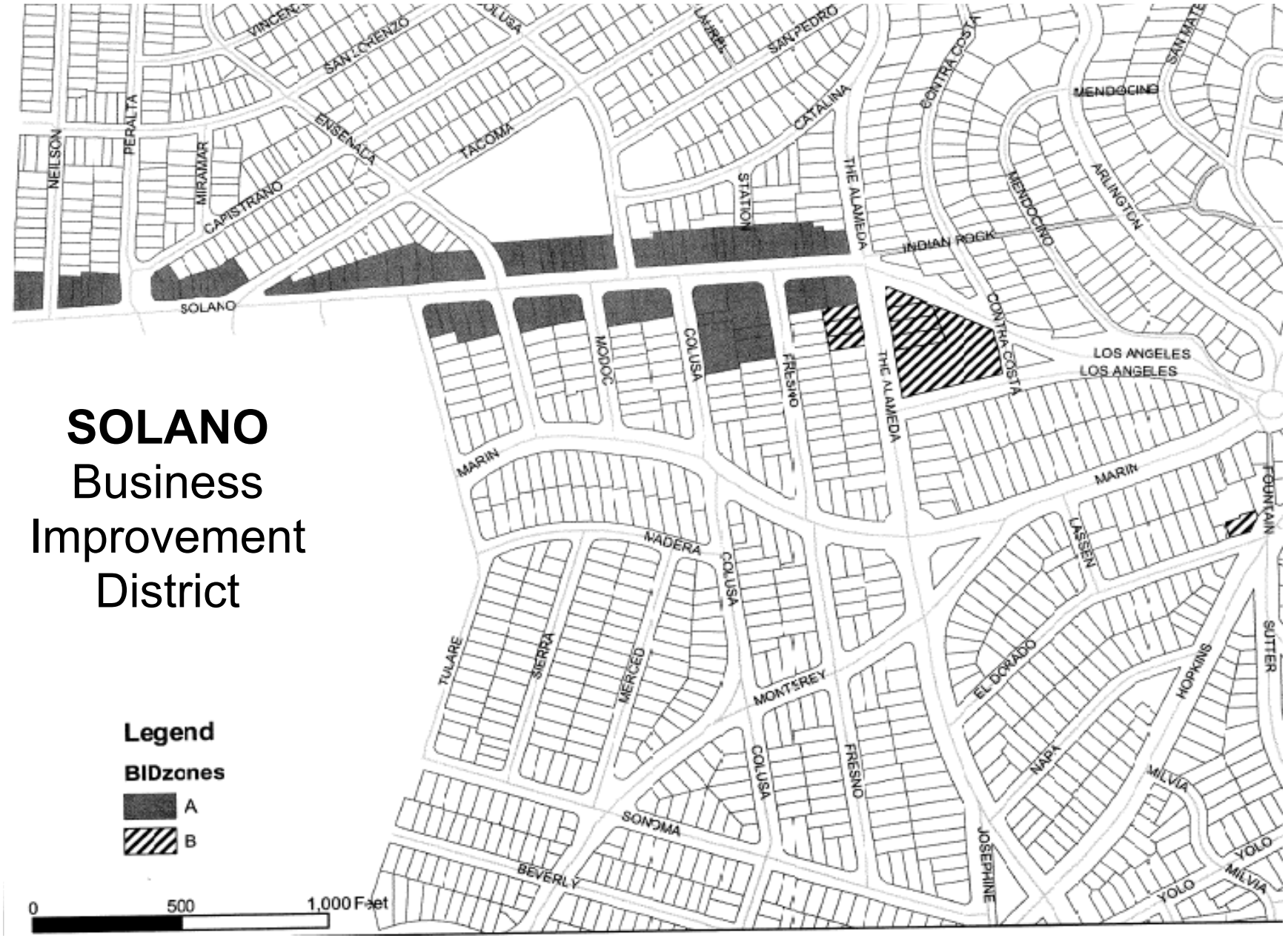

SOLANO
Business
Improvement
District
Legend
BIDzones
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SOLANO
NEILSON
PERALTA
MIRAMAR
CAPISTRANO
ENSENADA
TACOMA
SAN LORENZO
SAN PEDRO
CATALINA
STATION
THE ALAMEDA
CONTRA COSTA
MENDOCINO
ARLINGTON
INDIAN ROCK
MODOC
COLUSA
FRESNO
LOS ANGELES
MARIN
MADERA
TULARE
SIERRA
MERCED
MONTEREY
SONOMA
BEVERLY
JOSEPHINE
LASSEN
FOUNTAIN
EL DORADO
NAPA
HOPKINS
SUTTER
MILVIA
YOLO

Exhibit A2

Berkeley Solano Avenue Business Improvement District Annual Assessment Formula

		Annual Assessments	
Type of Business		***Zone A***	***Zone B***
a. Retailers and Restaurants	1-5 employees	$200	$125
	6-9 employees	$300	$175
	10+ employees	$400	$225
b. Service Businesses		$175	$100
c. Professional Services		$100	$65
d. Financial Institutions		$500	$500

02a.23

On December 5, 2023, the City Council adopted recommendation A in this revised report, and referred recommendation B to the Budget and Finance Policy Committee.

Councilmember Kate Harrison
Councilmember District 4

REVISED
AGENDA MATERIAL
for Supplemental Packet 1

Meeting Date: **December 5, 2023**

Item Number: **12**

Item Description: **Budget Referral: Allocate the Existing $900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC**

Submitted by: **Councilmember Harrison**

- Revised the budget referral pursuant to the advice from the Agenda and Rules Committee to specify that recommendation #5 includes a referral to the Budget and Finance Committee.
- Clarified the item to highlight that the Council already budgeted $900,000 as part of the FY 2024 budget, and that the allocations suggested by this item in Recommendations A. 1-4 do not require any new budget outlays and do not have any impact on the General Fund.
- Clarified that the City's Budget Office reports that the $900,000 in TNC funds budgeted in FY 2024 are not encumbered at this time. However, Public Works is actively planning to allocate $200k for traffic signal detection upgrades from analog to video detection at high priority bike/ped/high-injury intersections.

Kate Harrison
Councilmember, District 4

~~CONSENT~~ ACTION CALENDAR
December 5, 2023

To: Honorable Members of the City Council

From: Councilmembers Harrison (Author) and Taplin (Co-sponsor)

Subject: Budget Referral: Allocate the Existing $900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC

RECOMMENDATION

A. Designate existing (already budgeted and not requiring new outlays) $900,000 in FY 2024 Transportation Network Company (TNC) Tax allocation as follows:

1. $100,000 in short, medium, and long-term traffic calming measures in the vicinity of 2023 Halloween Derby St. hit-and-run incident involving a minor to include speed tables, highlighting designation of crosswalks, and consideration of a stop sign on Mabel at Carleton and Derby.
2. $25,000 to purchase five additional portable speed radar trailers bringing the City's total to seven for targeted traffic calming; and
3. $325,000 to increase the citywide Traffic Calming Budget on a one-time basis to $400,000 (up from the current $75,000); and
4. $450,000 ~~to~~ citywide to fund:
    a. tier 1 protected bicycle lanes and crossings identified in the 2017 Bicycle Plan, including but not limited to quick-build projects; and
    b. priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and
    c. priority quick-build public transit projects under the Street Repair Program; and

~~5.~~ B. Refer to City Manager and the Budget and Finance Committee ~~staff~~ to consider establishing an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under 3. a-c.

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BACKGROUND

A child was hit by a speeding car Halloween night 2023 while trick-or-treating on Derby Street in southwest Berkeley, resulting in serious injuries. The driver did not stop.

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-7140 ● TDD: (510) 981-6903 ● Fax: (510) 644-1174
E-Mail: KHarrison@cityofberkeley.info

Miraculously, the child survived and is expected to make a full recovery, but not without significant trauma for the victim, family, and community. The hit-and-run suspect is still at large.

The family of the victim of this horrifying traffic violence incident started a petition to address the lack of adequate traffic safety measures, specifically the absence of speed bumps, daylighted crosswalks, and stop signs.

As Chair of the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee, Councilmember Harrison scheduled a hearing on November 15, 2023 to provide the family with an opportunity to speak about their experience and petition, and to provide Transportation Division and Berkeley Police Department staff with an opportunity to respond and consider traffic calming measures.

Specifically, the petition, which now includes more than 16,000 signatures, requests that the Mayor, Council, the Berkeley Police Department and the Berkeley Department of Public Works:

1. install **speed bumps** on all streets running east to west between Sacramento and San Pablo, and from Dwight Way to Ashby. These include Dwight, Blake, Parker, Carleton, Derby, Ward, Stuart, Oregon, Russell and Julia streets. Speed bumps have been proven effective in reducing vehicle speeds by 20-25% (source: Federal Highway Administration), making our roads safer.

2. establish **brightly marked crosswalks at key intersections.** Pedestrian fatalities are twice as likely to occur at unmarked crossings compared to those with crosswalks (source: National Highway Traffic Safety Administration).

3. add **stop signs at critical locations**, specifically on Mabel at Carleton and at Derby. Stop signs not only regulate traffic flow but also prioritize pedestrian safety by forcing drivers to come to a complete halt.

This budget referral seeks to revise already allocated funds from FY 2024. In June 2023, the Council approved Councilmember Harrison's budget referral, submitted in January 2022, to allocate up to $2 million in TNC revenues to tier 1 bike/pedestrian/mobility/transit projects.[1] Councilmember Harrison had previously proposed allocating TNC revenues to such purposes in early 2021.[2]

[1]"Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects," January 18, 2022, https://records.cityofberkeley.info/PublicAccess/api/Document/AYihhfv5w8HzhLOFURtCVnuIzC%C3%89L08MaMb7h8yezajQQXCe8nTt4CrnqA1hlk9fBiQvytqZyp9gxr22wMc75S00%3D/

[2]"Budget Referral: Allocate Transportation Network Companies User's Tax Proceeds and other General Fund Revenues to Support Priority Protected Bicycle Boulevards and the Street Repair Program," March 9,

Berkeley voters overwhelmingly passed the TNC User's Tax (Measure GG) in 2020 with a 50-cent fee per rideshare trip specifically in order to generate "at least $900,000 annually to support general municipal services like paving streets and improving pedestrian and bicycle infrastructure."[3] City staff estimate that the tax will bring in approximately $1-1.5 million per year. As the legislative record demonstrates, it is difficult to budget on periodic basis based on revenues. Rather, as included in this item, the Council should establish a general fund revenue policy to ensure that the funding is allocated automatically.

Of the total $900,000 FY 2024 TNC allocation, this budget referral would designate $100,000 to short, medium and long-term traffic calming upgrades in the vicinity of the neighborhood where the traffic violence occurred. This includes $100,000 in dedicated funding for speed tables, daylighting and consideration of a stop sign and $25,000 for purchasing approximately five additional speed trailers that can be deployed across the City to calm traffic (bringing the City's total to seven). All of these measures were discussed in detail during the November 15, 2023 FITES Committee meeting.

In addition, in recognition of the FITES discussion, the petition, and historic citywide concerns about the City's woefully underfunded traffic calming budget, this item increases the citywide budget from $75,000 to $400,000.

Consistent with Council's action in adopting Councilmember Harrison's 2022 budget referral as part of the FY 2024 budget, this item allocates the remaining $450,000 to citywide priority bike/pedestrian/mobility/transit projects.

The City's Budget Office reports that the $900,000 in TNC funds budgeted in FY 2024 are not encumbered at this time. However, Public Works is actively planning to program $200k for traffic signal detection upgrades from analog to video detection at six high priority bike/ped/high-injury intersections. Public Works has also been considering replacing existing analog detection at some intersections and adding leading pedestrian intervals and to support existing Bicycle and Pedestrian safety project(s) that have budget gaps. All of these measures are consistent with either A. 3 and A. 4 of the item's recommendation.

Finally, this budget referral refers to the City Manager and Budget staff to establish an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a

2021,https://records.cityofberkeley.info/PublicAccess/api/Document/ARkxRrGkx0%C3%89GGtZtKu8TUcvBWPF1qgSC4d8o5Waq20km4RcyQp4H%C3%89q5seu%C3%8130xYc5NRj2NaGiW3uaJStC%C3%89NLo%C3%89k%3D/

[3] "Argument in Favor of Measure GG," Berkeley City Clerk, August 2020, https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/GG%20-%20Primary%20in%20Favor%20-%20FINAL.pdf

citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under recommendation 3. a-c.

It is in the public interest to immediately allocate these funds to protect children and other community members from traffic violence in West Berkeley, expand the historically underfunded traffic calming budget, and establish an ongoing policy of allocating TNC revenues consistent with voter intent to enhance low-carbon transportation infrastructure and mitigate for increase car traffic.

FISCAL IMPACTS OF RECOMMENDATION
No impact on the general fund as the Council already allocated $900,000 from TNC tax revenues as part of the FY 2024 budget.

ENVIRONMENTAL SUSTAINABILITY
Traffic calming measures enhance community safety and can enhance usage of low-carbon pedestrian/bike/mobility/transit trips consistent with the City's Climate Action Plan goals.

CONTACT PERSON
Councilmember Kate Harrison, (510) 981-7140

Kate Harrison
Councilmember, District 4

ACTION CALENDAR
October 29, 2024

To: Honorable Members of the City Council

From: Councilmembers Harrison (Author) and Taplin (Co-sponsor)

Subject: Budget Referral: Allocate the Existing $900,000 Transportation Network Company (TNC) Tax to Calm Traffic in Vicinity of Derby St., Increase Citywide Traffic Calming Budget, and Establish Ongoing General Fund Allocation Policy for the TNC

RECOMMENDATION

Designate existing $900,000 FY 2024 Transportation Network Company (TNC) Tax allocation as follows:

1. $100,000 in short, medium, and long-term traffic calming measures in the vicinity of 2023 Halloween Derby St. hit-and-run incident involving a minor to include speed tables, highlighting designation of crosswalks, and consideration of a stop sign on Mabel at Carleton and Derby.
2. $25,000 to purchase five additional portable speed radar trailers bringing the City's total to seven for targeted traffic calming; and
3. $325,000 to increase the citywide Traffic Calming Budget on a one-time basis to $400,000 (up from the current $75,000); and
4. $450,000 to citywide to fund:
    a. tier 1 protected bicycle lanes and crossings identified in the 2017 Bicycle Plan, including but not limited to quick-build projects; and
    b. priority pedestrian street crossings identified in the 2020 pedestrian plan, including but not limited to quick-build projects; and
    c. priority quick-build public transit projects under the Street Repair Program; and
5. Refer to City Manager and Budget staff to establish an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under 3. a-c.

POLICY COMMITTEE RECOMMENDATION

On September 17, 2024, the Budget & Finance Committee adopted the following action: M/S/C (Hahn/Arreguin) to refer the item to the City Council with a qualified positive recommendation to refer the policy to the 2026 Fiscal Year budget process for

consideration alongside other available funds for traffic calming, bike, pedestrian, and transit priority projects. Vote: All Ayes.

BACKGROUND

A child was hit by a speeding car Halloween night 2023 while trick-or-treating on Derby Street in southwest Berkeley, resulting in serious injuries. The driver did not stop. Miraculously, the child survived and is expected to make a full recovery, but not without significant trauma for the victim, family, and community. The hit-and-run suspect is still at large.

The family of the victim of this horrifying traffic violence incident started a petition to address the lack of adequate traffic safety measures, specifically the absence of speed bumps, daylighted crosswalks, and stop signs.

As Chair of the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee, Councilmember Harrison scheduled a hearing on November 15, 2023 to provide the family with an opportunity to speak about their experience and petition, and to provide Transportation Division and Berkeley Police Department staff with an opportunity to respond and consider traffic calming measures.

Specifically, the petition, which now includes more than 16,000 signatures, requests that the Mayor, Council, the Berkeley Police Department and the Berkeley Department of Public Works:

1. install **speed bumps** on all streets running east to west between Sacramento and San Pablo, and from Dwight Way to Ashby. These include Dwight, Blake, Parker, Carleton, Derby, Ward, Stuart, Oregon, Russell and Julia streets. Speed bumps have been proven effective in reducing vehicle speeds by 20-25% (source: Federal Highway Administration), making our roads safer.

2. establish **brightly marked crosswalks at key intersections.** Pedestrian fatalities are twice as likely to occur at unmarked crossings compared to those with crosswalks (source: National Highway Traffic Safety Administration).

3. add **stop signs at critical locations**, specifically on Mabel at Carleton and at Derby. Stop signs not only regulate traffic flow but also prioritize pedestrian safety by forcing drivers to come to a complete halt.

This budget referral seeks to revise already allocated funds from FY 2024. In June 2023, the Council approved Councilmember Harrison's budget referral, submitted in January 2022, to allocate up to $2 million in TNC revenues to tier 1 bike/pedestrian/mobility/transit projects.[1] Councilmember Harrison had previously

[1]"Budget Referral: Allocate Projected Revenues from Voter-approved Transportation Network Company User Tax to Support Priority Mobility Infrastructure, Including Tier 1 Protected Bicycle Lanes and Crossings, Pedestrian Street Crossings, and Quick-build Public Transit Projects," January 18, 2022,

proposed allocating TNC revenues to such purposes in early 2021.[2]

Berkeley voters overwhelmingly passed the TNC User's Tax (Measure GG) in 2020 with a 50-cent fee per rideshare trip specifically in order to generate "at least $900,000 annually to support general municipal services like paving streets and improving pedestrian and bicycle infrastructure."[3] City staff estimate that the tax will bring in approximately $1-1.5 million per year. As the legislative record demonstrates, it is difficult to budget on periodic basis based on revenues. Rather, as included in this item, the Council should establish a general fund revenue policy to ensure that the funding is allocated automatically.

Of the total $900,000 FY 2024 TNC allocation, this budget referral would designate $100,000 to short, medium and long-term traffic calming upgrades in the vicinity of the neighborhood where the traffic violence occurred. This includes $100,000 in dedicated funding for speed tables, daylighting and consideration of a stop sign and $25,000 for purchasing approximately five additional speed trailers that can be deployed across the City to calm traffic (bringing the City's total to seven). All of these measures were discussed in detail during the November 15, 2023 FITES Committee meeting.

In addition, in recognition of the FITES discussion, the petition, and historic citywide concerns about the City's woefully underfunded traffic calming budget, this item increases the citywide budget from $75,000 to $400,000.

Consistent with Council's action in adopting Councilmember Harrison's 2022 budget referral as part of the FY 2024 budget, this item allocates the remaining $450,000 to citywide priority bike/pedestrian/mobility/transit projects.

Finally, this budget referral refers to the City Manager and Budget staff to establish an ongoing General Fund policy of allocating 50% of annual TNC Tax revenues to a citywide traffic calming budget and the remaining 50% to tier 1 bike/pedestrian/transit priority projects as specified under recommendation 3. a-c.

It is in the public interest to immediately allocate these funds to protect children and other community members from traffic violence in West Berkeley, expand the historically underfunded traffic calming budget, and establish an ongoing policy of

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https://records.cityofberkeley.info/PublicAccess/api/Document/AYihhfv5w8HzhLOFURtCVnuIzC%C3%89L08MaMb7h8yezajQQXCe8nTt4CrnqA1hlk9fBiQvytqZyp9gxr22wMc75S00%3D/

[2] "Budget Referral: Allocate Transportation Network Companies User's Tax Proceeds and other General Fund Revenues to Support Priority Protected Bicycle Boulevards and the Street Repair Program," March 9, 2021,https://records.cityofberkeley.info/PublicAccess/api/Document/ARkxRrGkx0%C3%89GGtZtKu8TUcvBWPF1qgSC4d8o5Waq20km4RcyQp4H%C3%89q5seu%C3%8130xYc5NRj2NaGiW3uaJStC%C3%89NLo%C3%89k%3D/

[3] "Argument in Favor of Measure GG," Berkeley City Clerk, August 2020, https://www.cityofberkeley.info/uploadedFiles/Clerk/Elections/GG%20-%20Primary%20in%20Favor%20-%20FINAL.pdf

allocating TNC revenues consistent with voter intent to enhance low-carbon transportation infrastructure and mitigate for increase car traffic.

FISCAL IMPACTS OF RECOMMENDATION
No impact on the general fund as the Council already allocated $900,000 from TNC tax revenues as part of the FY 2024 budget.

ENVIRONMENTAL SUSTAINABILITY
Traffic calming measures enhance community safety and can enhance usage of low-carbon pedestrian/bike/mobility/transit trips consistent with the City's Climate Action Plan goals.

CONTACT PERSON
Councilmember Kate Harrison, (510) 981-7140

Internal

02a.24

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Councilmember, District 5
City of Berkeley
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CONSENT CALENDAR
October 29, 2024

To: Honorable Mayor and Members of the City Council
From: Councilmember Sophie Hahn (Author)
Subject: First Year Free - Fill Empty Storefronts Act

RECOMMENDATION

Refer to the City Manager to (1) create and implement a First Year Free Program for Berkeley, modeled after San Francisco's successful program, for an initial period of 5 years and (2) study and report back to Council on other strategies to attract new businesses and fill empty storefronts.

SUMMARY STATEMENT

The COVID-19 pandemic had an unprecedented impact on Berkeley's small and local businesses. While Berkeley's business sector has progressed toward recovery, commercial vacancy rates remain high. To address similar challenges in San Francisco, a First Year Free program was established in 2021 to waive the cost of initial registration fees, license fees, first-year permits, and other fees for qualifying local businesses. More than 4,000 new businesses have already opened and taken advantage of the program.

To help fill empty storefronts and attract new, small businesses in Berkeley, this item directs the City Manager to create and implement a First Year Free program, modeled after San Francisco's successful 2021 program – for a period of 5 years – and study, implement, and/or recommend to the City Council other strategies to fill empty storefronts and foster a thriving small business environment in Berkeley.

BACKGROUND

America's small business sector has been struggling for several decades, decimated by the rise of Big Box, Chains, and e-commerce. Berkeley, which has been fortunate to retain many small businesses, has nevertheless been impacted by these trends. The arrival of big retail has thrown local economies into turmoil, leaving smaller and local businesses unable to compete with the scale of giant retail chains. The global shut down of commerce during the COVID-19 pandemic was another huge blow to small and locally owned retail and restaurants, precipitating enormous stress, and widespread closures.

The economic impacts of the pandemic have been significant and widespread. While businesses of all sizes were impacted, small businesses – which are more likely to struggle with financially fragility – faced the most uncertainty.

The public health crisis, lockdowns, and social distancing measures resulted in economic challenges that forced many owners to reckon with supply chain delays, loss of revenue, and closure. While the Small Business Association (SBA) did provide financial assistance including the Paycheck Protection Program (PPP), and various loan and grant programs, many small businesses were unable to access state and federal aid. Businesses in California also benefited from various state-level programs but a survey of small businesses in California found that women and minority-owned businesses struggled more during the recovery because they may not have received assistance in proportion to their acute need, loss of revenues, and impacts on business operations.[1]

During COVID's time of acute uncertainty, and following feedback from small business owners, conversations with the Director of Economic Development, the Chamber of Commerce, and various Business Improvement District leaders, Councilmember (then Vice Mayor) Hahn introduced an item to begin regular small business listening sessions, so Berkeley's small enterprises could more easily communicate with the Council, City, and Mayor.[2]

In March 2020, when the regional stay at home order was enacted, Berkeley took immediate steps to protect businesses impacted by the sharp decline in patronage, including a ban on evictions for both residential and commercial tenants. Council also established the Berkeley Relief Fund, which provided a down payment of $3 million from the City in concert with a fundraising campaign from private donors and community members that raised $1.5 million. *Through this generous local funding, 700 businesses received grants to pay rent, payroll, and other expenditures.*[3]

In April, the Berkeley City Council approved the creation of the Save Our Small (SOS) Business Loan Fund, introduced by Councilmember Hahn and based on an innovative proposal by faculty and students at the Haas School of Business at UC Berkeley to create a public-private partnership that could provide a supplemental source of capital for small businesses impacted by the COVID-19 emergency. Thanks to the City's leadership, and with the expert guidance and advocacy of Haas School faculty, including Professors Adair Morse and Laura D. Tyson, the SOS Business Loan Fund was transformed to a statewide initiative announced as the California Rebuilding Fund.

For Berkeley's small businesses, nonprofits, and other eligible enterprises to take advantage of this now statewide opportunity, Councilmember Hahn referred to the City Manager to immediately engage in a robust outreach effort throughout Berkeley, focusing particularly on underserved small businesses and nonprofits, entrepreneurs in historically disenfranchised

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[1] Dani, L., Earle, J. S., & Min Lee, K. (2022, January). *Small Business in the time of COVID-19: A Survey of California's Small Businesses*. Economic Development Collaborative . https://edcollaborative.com/wp-content/uploads/2022/01/COVID-19-Impact-on-California-Entrepreneurs-v2.pdf

[2] Hahn, S. (2020, January 21). *Small Business Listening Sessions*. City of Berkeley. https://berkeleyca.gov/sites/default/files/documents/2020-01-21%20Item%2035%20Small%20Business%20Listening%20Sessions.pdf

[3] Arreguin, J. (2022, August 10). *The Big Impact of Berkeley's Small Businesses*. Mayor Jesse Arreguín. https://www.jessearreguin.com/newsletters-2/2022/8/10/the-big-impact-of-berkeleys-small-businesses

communities, and enterprises serving children.[4] Technical assistance from the City helped many businesses successfully apply for support as soon as the California Rebuilding Fund portal opened.

While Berkeley is fortunate to be home to some 5,000 small businesses and took many steps to support and protect local businesses during the pandemic, commercial spaces remain vacant at higher than pre-pandemic levels.[5] According to the 2023 Economic Dashboard, the citywide average vacancy rate was 8.1% as compared to the pre-pandemic rate of 5.4%.[6] Certain neighborhoods struggle more than others, with several Berkeley neighborhoods having vacancy rates in the double digits including South Berkeley, University, San Pablo, and the Downtown.

Vacancy Rates by District, Calculated by Square Footage, 2018-2023

District	2018	2019	2020	2021	2022	2023
Downtown	3.1%	5.1%	9.9%	15.7%	11.9%	10.8%
Elmwood	7.3%	7.3%	10.9%	10.9%	7.7%	6.2%
North Shattuck	1.7%	0.7%	4.3%	4.3%	4.3%	1.9%
San Pablo	4.9%	4.6%	4.8%	7.9%	10.8%	15.5%
Solano	4.1%	2.6%	6.7%	4.4%	3.7%	2.6%
South Berkeley	9.7%	7.6%	10.1%	8.8%	11.8%	19.2%
Telegraph	7.9%	4.4%	17.2%	12.6%	8.5%	9.3%
University	11.0%	7.8%	11.0%	9.1%	12.8%	17.7%
Neighborhood Commercial (C-N)			7.3%	3.2%	2.3%	2.6%
West Berkeley	3.7%	5.8%	3.7%	4.7%	5.2%	2.2%
Citywide Avg.	**5.0%**	**5.4%**	**6.9%**	**8.3%**	**8.4%**	**8.1%**

Source: Berkeley OED

Even though the City worked diligently to provide small and local businesses with financial and technical support during the pandemic, many still struggle to recover and empty storefronts have proliferated; the First Year Free program directly addresses this challenge.

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[4] Hahn, S. (2020, September 15). *Outreach and Technical Assistance for Berkeley Small Businesses Eligible to Participate in the California Rebuilding Fund.* City of Berkeley. https://berkeleyca.gov/sites/default/files/documents/2020-09-15%20Item%2027%20Outreach%20and%20Technical%20Assistance.pdf

[5] Arreguin, J. (2022, August 10). *The Big Impact of Berkeley's Small Businesses*. Mayor Jesse Arreguín. https://www.jessearreguin.com/newsletters-2/2022/8/10/the-big-impact-of-berkeleys-small-businesses

[6] Berkeley Office of Economic Development. (2024, February 1). *2023 Economic Dashboard*. City of Berkeley. https://berkeleyca.gov/sites/default/files/documents/Economic%20Dashboard%202023.pdf

First Year Free

The First Year Free Program was created by San Francisco's Board of Supervisors and the Mayor to support and revive San Francisco's small businesses as the City recovered from the pandemic. The program waives the cost of initial registration fees, initial license fees, first-year permit, and other applicable fees for qualifying businesses. There is no paperwork to apply, as enrollment is automatic with the registration of a new business or location within the City. Since its inception, 8,349 businesses have enrolled and $3.7 million in fees have been waived.[7]

Earlier this year, San Francisco decided to renew the program for a third year due to its popularity and success, with some 4,000 new businesses opening in the City as a result of the program.

To qualify for San Francisco's First Year Free program, the applicant must be a new business, or new location of a business, that begins on or after July 1, 2023 and:

- Have $5,000,000 or less in estimated (or reported) San Francisco gross receipts; and
- Have a registered location that is for commercial use; and
- Not be a home-based business or a short-term rental

Only small businesses are eligible for the program; the program is not applicable to Formula Retail (chain store) locations. For qualifying businesses, the program waives: 1) the initial business registration fee (for new businesses only), 2) application, inspection and one-time permit fees, 3) initial license fees.

Andrea Becerra, who fell in love with cooking during the pandemic as she grieved the death of her father, is one of those new business owners. Once her small business outgrew her kitchen, the First Year Free program made it possible for her to open her first restaurant in the Mission – El Mil Amores.[8]

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[7] Sos, Z. (2024, September 21). *New Castro business touted as Success Story of SF's First Year Free Program*. KTVU FOX 2 San Francisco. https://www.ktvu.com/news/new-castro-business-touted-success-story-sfs-first-year-free-program

[8] Pena, L. (2024, February 16). *SF extends program that waived $2.5M in fees to new businesses and ones struggling to stay open*. ABC7 San Francisco. https://abc7news.com/sf-extends-first-year-free-program-small-business-permit-registration/14430751/




Photo credit: Astrid Kane/The Standard[9]

As a result of the program, Ismel Deluna opened a new wellness center – Healing Cuts – providing haircuts and wellness services for the disability and LGBT community, operating out of the Castro.[10] Hailed as a success story, the owner explained that the First Year Free program played a significant role by allowing his small business to build a base while saving money on fees and permits, giving businesses a boost to start.



Photo credit: San Francisco Business Times[11]

[9] Kane, A. (2023a, June 25). *Mexican breakfast gets an upgrade at this restaurant in San Francisco's Mission District*. The San Francisco Standard. https://sfstandard.com/2023/06/25/mexican-breakfast-gets-an-upgrade-at-this-restaurant-in-san-franciscos-mission-district/

[10] Sos, Z. (2024, September 21). *New Castro business touted as Success Story of SF's First Year Free Program*. KTVU FOX 2 San Francisco. https://www.ktvu.com/news/new-castro-business-touted-success-story-sfs-first-year-free-program

[11] Bloomberg, S. (2024, June 6). *How the SF LGBT Center is empowering entrepreneurs*. San Francisco Business Times. https://www.bizjournals.com/sanfrancisco/news/2024/06/06/business-of-pride-lgbt-center.html

Small businesses often represent and reflect the communities they serve, filling gaps left behind by big business. They help foster stronger community relations, providing a place for people to not only shop but gather. They are unique, one of a kind, and important to a community's identity. Small businesses keep money in the local economy, create job opportunities, and can provide environmental benefits. They are an asset to our City and we should continue to create and support opportunities to expand and support the small and local business landscape.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

In addition to Berkeley's various pandemic-related programs, Berkeley's Office of Economic Development (OED) has helped finance small businesses through the Revolving Loan Fund and Resiliency Loan Program, lending a total of $2,744,987 to 45 small businesses.[12] Berkeley's OED also provides assistance to businesses, entrepreneurs, artists, and community organizations to access services and resources available to them. This includes connecting with local leaders, finding a business location, going green, navigating Berkeley's codes, receiving financing, recruiting talent, and more.[13]

The City has also developed a Business Resource Guide which includes information on starting and sustaining a successful business in Berkeley. The guide walks potential business owners through the key steps of launching a new business including creating a business plan, exploring financing options, establishing as a legal entity, and obtaining a business license and permits.

Furthermore, Berkeley's Strategic Plan includes the goal of fostering a dynamic, sustainable, and locally-based economy. Berkeley has taken many steps to cultivate a thriving local economy and a thriving small business sector, and this item supports those goals.

ACTIONS/ALTERNATIVES CONSIDERED

The City Manager should study San Francisco's program, consider what adjustments might need to be made for the Berkeley context, and implement a version of First Year Free that is supportive of the goal of attracting new businesses to Berkeley storefronts.

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Councilmember Hahn discussed strategies for filling empty storefronts with the City Manager, who expressed interest in the First Year Free program. Staff also contacted the Berkeley Chamber of Commerce and the Downtown Berkeley Association for input.

RATIONALE FOR RECOMMENDATION

Berkeley's unique character is owed in large part to the presence of small and local businesses and not for profits and arts organizations. These enterprises are indispensable, contributing significantly to our economic and cultural vitality, stimulating the local economy, attracting tourism, and most importantly, fostering a sense of community.

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[12] Berkeley Office of Economic Development. (2024, February 1). *2023 Economic Dashboard*. City of Berkeley. https://berkeleyca.gov/sites/default/files/documents/Economic%20Dashboard%202023.pdf

[13] Berkeley Office of Economic Development. (2022, January). *Office of Economic Development Services.* City of Berkeley. https://berkeleyca.gov/sites/default/files/2022-01/OED-Services-Brochure.pdf

However, Berkeley's small and local businesses continue to face significant challenges due to inflation and rising costs, space constraints, and growing competition from online stores and chain retailers.

IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

The City Manager should review studies and consult experts on best strategies to fill empty storefronts. Additionally, staff should consult with the City of San Francisco to better understand the program, details around implementation, marketing, and success. Consider how much revenue the City generates and stands to lose from waiving initial business registration fees, application, inspection and one-time permit fees, and initial license fees, as well as the short and long-term benefits in waiving those fees to get new businesses in place that will generate increased tax revenues over the long run.

ENVIRONMENTAL SUSTAINABILITY

While virtually all businesses have a carbon footprint, small and local businesses tend to have a much smaller impact on the climate than large corporations. According to TIME Magazine, while small and mid-sized businesses make up roughly 90% of businesses worldwide, most global emissions can be tracked to a small number of the world's largest companies.[14]

FISCAL IMPACTS

The First Year Free program will result in the City "not receiving" fees and taxes it would otherwise receive - if a new small business were to establish itself. Without that new business, however, there will be no fees and taxes at all. Backfilling of fees and taxes may be required if a tax or fee isn't part of the general fund; the City Manager will need to understand the "back end" implications of the policy and ensure departments collecting special/enterprise fees and taxes, if any, are made whole.

On the other side of the equation, the successful establishment of new businesses will generate additional tax revenues every year they are in business, and filling one empty storefront can have the beneficial impact of attracting additional businesses to nearby empty storefronts, creating a positive cycle of business health for areas particularly hard hit by vacancies.

It is exactly this positive feedback loop that First Year Free is trying to jump-start, with the cost of waiving fees and taxes in the first year to be offset by the benefits, including direct financial benefits to the City, of adding new businesses to our tax rolls and encouraging business health overall.

[14] Kane, A. (2023a, June 25). *Mexican breakfast gets an upgrade at this restaurant in San Francisco's Mission District*. The San Francisco Standard. https://sfstandard.com/2023/06/25/mexican-breakfast-gets-an-upgrade-at-this-restaurant-in-san-franciscos-mission-district/

OUTCOMES AND EVALUATION

It is suggested that two years after the program is established, the City Manager undertakes a review – including but not limited to quantifying the number of new businesses established under the program, the costs of waiving taxes and fees, and the benefits to the City of the additional tax revenue from those new businesses. Other appropriate metrics can be used to further inform the study, and adjustments to the program considered for implementation by the City Manager.

CONTACT

Councilmember Hahn, (510) 981-7150

02a.25

Commission on Labor

INFORMATION CALENDAR
October 29, 2024

To: Honorable Mayor and Members of the City Council

From: Commission on Labor

Submitted by: Andy Katz, Chairperson, Commission on Labor

Subject: Commission on Labor Fiscal Year 2025 Work Plan

INTRODUCTION
The City of Berkeley Commission on Labor hereby submits a work plan for Fiscal Year 2025, which was adopted at the August 21, 2024 Commission on Labor meeting.

CURRENT SITUATION AND ITS EFFECTS
On August 21, 2024, the Commission on Labor adopted the attached work plan through the action detailed:

M/S/C (Arbaugh/ Bowen) Motion to adopt the Fiscal Year 2025 work plan formed by the commission during a public meeting.

PASSED

Ayes: Arbaugh, Bowen, Flegel-Mishlove, Katz, and Scantlebury; Noes: None; Abstentions: None; Absent: None

BACKGROUND
In 2016, the City Council adopted direction to commissioners to submit a work plan annually.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There is no identifiable environmental sustainability or climate impact associated with the adoption of this work plan.

POSSIBLE FUTURE ACTION
None.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION
None.

CONTACT PERSON
Emily Rose, Commission Secretary, HHCS, 510-981-7551

Attachments:
1: FY 2025 Commission on Labor Workplan

Commission on Labor

Attachment 1

WORK PLAN for Fiscal Year 2025
Commission on Labor for the City of Berkeley

Research and gather information to report to City Council and support Commission's recommendations to City Council:

a. Develop policies for recommendation to City Council in formal coordination with other City of Berkeley commissions to maximize the availability of subject matter experts and identify connections between labor and other relevant issues including, but not limited to, economic development and human rights.
b. Examine City's policies and practices regarding workplace sexual harassment, and other forms of discrimination and harassment.
c. Examine the University of California at Berkeley's policies and practices regarding workplace sexual harassment.
d. Review and monitor Fair Workweek Ordinance implementation.
e. Review the Community Workforce Agreement with the Alameda County Building and Construction Trades Council and examine opportunities for local workforce development
f. Examine workforce development opportunities and the First Source Program
g. Review and recommend updates to the Labor Bill of Rights.
h. Examine development of the City of Berkeley Just Transition Residential Electrification Pilot Project.
i. Examine and develop policies to promote employee ownership models of business.

Education:

a. Facilitate education of workers in Berkeley about their rights and the process for addressing workplace sexual harassment.
b. Facilitate education of children and young adults in Berkeley about the benefits and opportunities of organized labor.
c. Facilitate workforce development pre-apprenticeship opportunities working with Berkeley Unified School District.

Local labor disputes:

a. Hold public hearings on labor disputes as requested/required
b. Submit recommendations to Council based on information gathered from both sides of disputing parties.

Upcoming Worksessions and Special Meetings *start time is 6:00 p.m. unless otherwise noted*	
Scheduled Dates	
Oct 29 (3:30pm)	1. Re-Imagining Public Safety Update
Nov 18	1. Draft Waterfront Specific Plan

Unscheduled Workshops and Special Meetings

1. Feasibility Study Follow Up Session (Fall 2024)
2. Police Department Annual Report (March 2025)

Unscheduled Presentations (City Manager)

1. Economic Dashboards Update (January 2025)
2. Evacuation Study (Winter 2024/2025)
3. Unfunded Liabilities

	City Council Referrals to the Agenda & Rules Committee and Unfinished Business for Scheduling
	None

CITY CLERK DEPARTMENT
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL

Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
Public Hearings Scheduled			
3000 Shattuck Avenue (construct 10-story mixed-use building)	**ZAB**		**TBD**
2708 Prince St.	**ZAB**		**1/21/2025**
Remanded to ZAB or LPC			
Notes			

10/3/2024

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

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

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

Highlights

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

Specifics

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

BERKELEY

On Agenda

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

Council Rules of Procedure

V. Procedural Matters

B. Decorum

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

C. Enforcement of Decorum

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

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

EL CERRITO

Agenda

Conduct: This meeting shall be conducted pursuant to the El Cerrito City Council Rules
of Order and Procedure, including adjourning by 11:00 PM unless extended to a specific
time determined by a majority of the Council

Council Rules of Order and Procedure

XI. PROCEDURAL MATTERS

Y. Decorum

… No person shall disrupt the orderly conduct of the City Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, approaching the City Council dais or speaker podium without consent, or refusing to obey the orders of the Mayor or Council. Any message to or contact with any member of the City Council while the City Council is in session shall be through the City Clerk. Neither Councilmembers nor any persons addressing the City Council shall make personal, slanderous, or profane remarks to any member of the Council, staff or the general public. Noise emanating from the audience within the City Council Chamber or lobby area

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

Z. Enforcement of Decorum

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

Instructions for Submitting Public Comments – For Hybrid City Council Meetings

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

WALNUT CREEK

Agenda

Nothing about Rules and Procedures or Decorum on their agenda.

Council Handbook

9.5. Public Comment

1. Opportunity to Speak

… Speakers may not assign unused time to other speakers.

9.7. Additional Protocol and Decorum

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

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

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

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

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

MOUNTAIN VIEW

Agenda

Nothing about Rules and Procedures or Decorum on their agendas.

Council Code of Conduct

6.8 Decorum

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

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

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

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

SANTA MONICA

Agenda

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

STANDARDS OF BEHAVIOR THAT PROMOTE CIVILITY AT ALL PUBLIC MEETINGS:

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

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

RULE 16. RULES OF CONDUCT AND SAFETY.

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

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

SANTA CRUZ

Agenda

Nothing about Rules and Procedures or Decorum on their agendas.

Councilmembers' Handbook

RULES OF PROCEDURE FOR CONDUCT OF CITY COUNCIL BUSINESS

COUNCIL INTERACTIONS

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

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

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

DECORUM IN COUNCIL MEETINGS

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

CONCORD

Agenda

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

Rules and Procedures

Didn't find one.

SAN FRANCISCO

Agenda

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

Rules of Order

1. Public Participation

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

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

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

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

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

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

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

Rashi Kesarwani
Councilmember, District 1

REVISED
AGENDA MATERIAL

Meeting Date: **September 24, 2024**

Item Number: **Item #11**

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

Submitted by: **Rashi Kesarwani**

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

Rashi Kesarwani
Councilmember, District 1

ACTION CALENDAR
September 24, 2024

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

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Council Rules and Procedures Amendments

Summary of Recommendation:
Amend the Council Rules and Procedure in the following areas:

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

Issue #1: Rationale for Amendment to II.D. Council Meeting Conduct of Business
This new rule, which requires that a Consent item is automatically moved to the Action calendar simply when three Councilmembers wish to record a no vote or abstention is a poor use of limited meeting time. Under a different rule, if at least three Council members wish to have discussion about an item on Consent, then it is moved to the Action calendar for consideration.

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

Recommendation:

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

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

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

Recommendation

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

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

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

Recommendation

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

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

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

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

1. The Standards for Agenda Items are overly prescriptive. Strike the unnecessary and superfluous standards. Consolidate “Review of Existing Plans, Programs, Policies and Laws and Consultation/Outreach Overview and Results” into “Background.”

2. Strike Implementation, Administration and Enforcement. This is for the City Manager to address, not City Council.

3. Since this is the *City Council’s* Rules and Procedures, reference to city contracts is unnecessary.

Recommendation

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

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

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

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

d. **Summary Statement/Current Situation and its effects**
   i. A short resume of the circumstances that give rise to the need for the recommended actions.

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

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

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

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

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

~~j. **Implementation, Administration and Enforcement**~~
   ~~i. A discussion of how the recommended action would be implemented, administered and enforced by the City of Berkeley.~~

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

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

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

n. **Contact Information**

o. **Attachments/Supporting Materials**

Issue #5: Rationale for Amendments to III.5.c Submission of Supplemental and Revised Agenda Material

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

Recommendation

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

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

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

Recommendation

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

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

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

Recommendation

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

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

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

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

Recommendation

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

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

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

Recommendation

Agenda Items Authored by Former Mayors and Councilmembers

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

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

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

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

Recommendation

~~For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.~~

Issue #11: Rationale for Amendments to V.G "Procedural Matters: Debate Limited"

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

Recommendation

G. Debate Limited

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

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

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

Recommendation

Delete Appendix B (p.44-47).

CONTACT PERSON

Rashi Kesarwani (510) 981-7110

Office of the City Manager

11

ACTION CALENDAR
September 24, 2024
(Continued from the September 10, 2024 meeting)

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted By: Mark Numainville, City Clerk

Subject: City Council Rules of Procedure and Order Revisions

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

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

FISCAL IMPACTS OF RECOMMENDATION
None.

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

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

(Continued from the September 10, 2024 meeting)

- Add new amendments to the legislative process related to “Major Items” submitted by Councilmembers, the authority of the Agenda & Rules Committee with regards to items submitted by the Mayor and Council, and process improvements for policy committees.

- Incorporate the recommendations from the OGC that Council adopted on May 7, 2024 related to public comments, consideration of consent calendar items, and meeting/agenda management.

- Modify the noticing procedures for ad hoc committees to align with the rules in the Brown Act, and for consistency with City boards and commissions.

- Update the legislative process rules to account for the new Charter Offices of City Attorney and Director of Police Accountability, and properly account for the role of the Auditor in the process.

- Update public comment procedures to account for speakers participating both remotely and in-person under the hybrid meeting model.

- Remove Appendix C, specific to all-remote pandemic meetings, and incorporate certain successful provisions into the main body regarding moving items to the Action Calendar, public comments, and Council debate procedures.

BACKGROUND

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

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

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

ALTERNATIVE ACTIONS CONSIDERED

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

CONTACT PERSON

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

Attachments:
1: Resolution
    Exhibit A: City Council Rules of Procedure and Order
2: Track Changes Version - City Council Rules of Procedure and Order

Office of the City Manager

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

RE-ADOPTING THE CITY COUNCIL RULES OF PROCEDURE

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

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

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

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

Exhibit A: City Council Rules of Procedure and Order

Exhibit A

The Berkeley City Council
Rules of Procedure and Order

Adopted by Resolution No. ##,###–N.S.

Effective [Date]

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I. DUTIES

A. Duties of Mayor

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

B. Duties of Councilmembers

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

C. Motions to be Stated by Chair

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

D. Decorum by Councilmembers

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

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

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

E. Voting Disqualification

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

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

F. Requests for Technical Assistance and/or Reports

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

II. MEETINGS

A. Call to Order - Presiding Officer

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

B. Roll Call

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

C. Quorum Call

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

D. Council Meeting Conduct of Business

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

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

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

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

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

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

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

E. Adjournment

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

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

F. Unfinished Business

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

G. City Council Schedule and Recess Periods

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

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

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

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

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

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

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

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

H. Pledge of Allegiance to the Flag

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the Ceremonial Calendar will be the Pledge of Allegiance.

I. Ad Hoc Subcommittees

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from residents, related commissions, and other groups, as appropriate to the charge or responsibilities of such subcommittee. Ad hoc subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

III. AGENDA

A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the Agenda of the meeting and posted in accordance with Section III.E.2. Exceptions to this rule are limited to circumstances listed in Section III.E.4.b and items continued from a previous meeting and published on a revised Agenda.

B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the Agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember, a Charter Officer, the Auditor, or any board/commission/committee created by the City Council or City Charter, or any Report For Information which may be acted upon if the Mayor or a Councilmember so requests. For purposes of this section, appeals shall be considered action items. All information from a Charter Officer concerning any item to be acted upon by the Council shall be submitted as a report on the Agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney-client communication concerning a litigation matter. Council Agenda Items are limited to a maximum of four Authors and Co-Sponsors, in any combination that includes at least one Author.

   Authors must be listed in the original item as submitted by the Primary Author. Co-Sponsors may only be added by the Primary Author (1) at the Agenda Committee meeting where the item is placed on a Council Agenda; or (2) after the item has been placed on a Council Agenda, through the Supplemental process, or (3) at the Council meeting where the item appears on the Agenda.

2. “Author” means the Mayor or other Councilmembers who actually authored an item by contributing to the ideas, research, writing or other material elements.

3. “Primary Author” means the Mayor or Councilmember listed first on the item. The Primary Author is the sole contact for the City Manager with respect to the item. Communication with other Authors and Co-Sponsors, if any, is the responsibility of the Primary Author.

4. “Co-Sponsor" means the Mayor or other Councilmembers who wish to indicate their strong support for the item, but are not Authors, and are designated by the Primary Author to be Co-Sponsors of the Council Agenda Item.

5. "Agenda" means the compilation of the descriptive titles of Agenda Items submitted to the City Clerk, arranged in the sequence established in Section III.F hereof.

6. "Packet" means the Agenda plus all of its corresponding Agenda Items.

7. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:

    a) A work stoppage or other activity which severely impairs public health, safety, or both exists;

    b) A crippling disaster, which severely impairs public health, safety or both exists.

    c) Notice of the Council's proposed consideration of any such Emergency Matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.

8. “Continued Business” means Items carried over from a prior Agenda of a meeting occurring 11 or fewer days earlier.

9. "Old Business" means Items carried over from a prior Agenda of a meeting occurring more than 11 days earlier.

10. “Charter Officer” means the City Manager, City Attorney, and the Director of Police Accountability.

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

12. “Regular Item” means any Agenda Item not classified as a Major Item.

C. Standards for Agenda Items

1. Agenda Items, other than Major Items submitted by the Mayor or any Councilmember, shall contain all relevant documentation, including the information listed below:

    i. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;

    ii. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;

    iii. Recommendation of the report’s author that describes the action to be taken on the item, if applicable;

    iv. Fiscal impacts of the recommendation;

    v. A description of the current situation and its effects;

    vi. Background information as needed;

    vii. Rationale for recommendation;

viii. Alternative actions considered;

ix. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);

x. Person or persons to contact for further information, with telephone number;

xi. Additional information and analysis as may be required.

xii. Environmental sustainability and climate impacts.

It is recommended that Regular Item reports also include, to the extend relevant, the points of analysis in Major Council Item Standards in Section C.2.

2. Major Items submitted by the Mayor or any Councilmember shall contain all relevant documentation, including the information listed below and more fully described in Appendix B, Guidelines for City Councilmember/Mayor Major Items:

i. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

ii. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

iii. Recommendation

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

iv. Summary Statement/Current Situation and its effects

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

v. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

vi. Review of Existing Plans, Programs, Policies and Laws

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

vii. Actions/Alternatives Considered

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

viii. Consultation/Outreach Overview and Results

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

ix. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that (a) conform to, clarify or extend, (b) make major or minor changes/amendments, (c) create an exception, or (d) reverse/go contrary to existing City of Berkeley Plans, Programs, Policies and Laws, or (e) create largely or entirely new Plans, Programs, Policies or Laws.

x. Implementation, Administration and Enforcement

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

xi. Environmental Sustainability and Climate Impacts

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

xii. Fiscal Impacts

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

xiii. Outcomes and Evaluation

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

xiv. Contact Information

xv. Attachments/Supporting Materials

D. Procedure for Bringing Matters Before City Council

1. Persons Who Can Place Matters on the Agenda.

Matters may be placed on the Agenda by the Mayor or any Councilmember, the Auditor, Charter Officers, or any board/commission/committee created by the City Council, ballot measure, or the City Charter. All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules

and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council.

The Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the Agenda of that City Council meeting. Pursuant to BMC Section 1.04.080, if the 15th day prior to the Council meeting falls on a holiday, the Committee will meet the next business day. The Agenda & Rules Committee Packet, including a draft Agenda and reports from the Mayor and Councilmembers, the Auditor, and Commission shall be distributed by 5:00 p.m. four days before the Agenda & Rules Committee meeting.

The Agenda & Rules Committee shall have the powers set forth below.

a) Regular Items Authored by the Mayor or a Councilmember.
As to Regular Items authored by the Mayor or a Councilmember, the Agenda & Rules Committee shall review the item and may take the following actions:

i. Refer the item to a commission for further analysis (Primary Author may decline and request Policy Committee assignment).

ii. Refer the item to the City Manager for further analysis (Primary Author may decline and request Policy Committee assignment).

iii. Refer the item back to the Primary Author for requested amendments, adherence to required form, or for additional analysis, as required in Section III.C.1 (Primary Author may decline and request Policy Committee assignment).

iv. Refer the item to a Policy Committee.

v. Schedule the item for the Agenda under consideration or one of the next three regular Council Agendas.

b) Major Items.
The Agenda & Rules Committee retains the authority to designate which Agenda Items are classified as Major Items. With regards to Major Items, the Agenda & Rules Committee shall review the item and may take the following actions:

i. Return the item to the Author if the committee determines that the item is not substantially compliant with Chapter III.C.2 and the guidelines in Appendix B.

ii. Refer the item to a policy committee and send a notice to the Budget & Finance Committee if the item contains a budget referral.

iii. Schedule the item for the Council Agenda under consideration.

iv. Schedule the item for one of the susequent three Council Agendas or a special meeting.

v. Refer the item to a commission with the consent of the Primary Author.

c) For referrals of Regular Items under Chapter III.D.1.a.i, ii, or iii, the Primary Author must inform the City Clerk within 24 hours of the adjournment of the Agenda & Rules Committee meeting whether they prefer to:

1) re-submit the item for a future meeting with modifications as suggested by the Agenda & Rules Committee; or

2) withdraw the item completely; or

3) re-submit the item with revisions as requested by the Agenda & Rules Committee within 24 hours of the adjournment of the Agenda & Rules Committee meeting for the Council Agenda under consideration; or

4) accept the referral of the Agenda & Rules Committee in sub paragraphs III.D.1.a. i, ii, or iii, or request Policy Committee assignment.

If the Primary Author requests a Policy Committee assignment, the item will appear on the next draft Agenda presented to the Agenda & Rules Committee for assignment.

In the event that the City Clerk does not receive guidance from the Primary Author of the referred item within 24 hours of the Agenda & Rules Committee's adjournment, the item will appear on the next draft Agenda for consideration by the Agenda & Rules Committee.

Items being resubmitted for a future meeting to allow for modifications will be placed on the next available Council meeting Agenda at the time that the revised version is submitted to the City Clerk.

d) Items Authored by Charter Officers and the Auditor.
The Agenda & Rules Committee shall review agenda descriptions of items authored by Charter Officers and the Auditor. The Committee can recommend that the matter be referred to a commission, to a Policy Committee, or back to the Charter Officer or the Auditor for adherence to required form, additional analysis as required in Section III.C.1, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the Charter Officer or the Auditor determines that their item should proceed notwithstanding the Agenda & Rules Committee's recommendation, it will be placed on the Agenda as directed by the Charter Officer or the Auditor. All Charter Officer and Auditor items placed on the Council Agenda against the recommendation of the Agenda & Rules Committee will automatically be placed on the Action Calendar.

e) Items Authored by Boards and Commissions.
Agenda Items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners' Manual. The content of commission items is not subject to review by the Agenda & Rules Committee unless referred for policy review to the Agenda & Rules Committee.

i) For a commission item that does not require a companion report from the City Manager, the Agenda & Rules Committee may act on an agendized commission item in the following manner:

1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.

2. Re-schedule the commission report to appear on one of the next three regular Council meeting Agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling.

3. Refer the item to a Policy Committee for review.

4. Allow the item to proceed as submitted.

ii) For any commission report that requires a City Manager companion report, the Agenda & Rules Committee may schedule the item on a Council Agenda. The Committee must schedule the commission item for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the Agenda & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph e.i. above.

f) The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section F.

2. Removal of Agenda Items from the Legislative Process
A Primary Author may withdraw their Agenda Item from the legislative process as follows: 1) during the time it is pending at a policy committee by sending written notification to the City Clerk or verbally at the meeting; 2) verbally at the Agenda & Rules Committee meeting when the item appears on a draft Council Agenda; or 3) verbally at the City Council meeting when the item appears on the Council Agenda or in writing through the supplemental process.

3. **Scheduling Public Hearings Mandated by State, Federal, or Local Statute.** The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

4. **Submission of Agenda Items.**
   a) **Charter Officer Items.** Except for Continued Business and Old Business, as a condition to placing an item on the Agenda, Agenda Items from departments, including Agenda Items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.

   b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and Councilmembers is 5:00 p.m. on Monday, 22 days before each regular Council meeting.

   c) **Time Critical Items.** A Time Critical item is defined as a matter that is considered urgent by the Author and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by a Charter Officer, the Auditor, Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published Agenda.

      The Primary Author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

   d) **Timelines.** The City Clerk may not accept any Agenda Item after the adjournment of the Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring 11 or fewer days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

5. **Submission of Supplemental and Revised Agenda Material.** Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an Agenda Item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

   a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council

meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for public review or City Councilmember evaluation.

b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for public review or City Council evaluation.

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

6. Submission of Late Urgency Items Pursuant to Government Code Section 54954.2(b)

Late Urgency Items are items proposed for submission to the Council Agenda pursuant to Government Code Section 54954.2(b)

All items to be submitted for consideration for addition to an Agenda as Late Urgency Items shall be accompanied by a cover sheet that includes 1) boxes to check for the Author to affirm whether the item is submitted under the Emergency or Immediate Action Rule (and a short explanation of what is required to meet each rule, as well as the vote threshold required for the item to be placed onto the Agenda by the City Council); 2) a disclaimer in BOLD 14pt. CAPS stating that the item is not yet agendized and may or may not be accepted for the Agenda as a

Late Urgency Item, at the City Council's discretion according to Brown Act rules; 3) a prompt requiring the Author to list the facts which support consideration of the item for addition to the Agenda as either an Emergency or Immediate Action item; and 4) a copy of the City Attorney memo on Late Urgency Items.

Late Items must be submitted to the City Clerk no later than 12:00 p.m. (noon) the day prior to the meeting.

All complete Late Items submitted by the deadline will be distributed with Supplemental Communication Packet #2 by 5:00 p.m. the day before the Council meeting. A Late Item is not considered "complete" and will not be distributed unless submitted with the required cover sheet, filled out in a complete manner.

Very Late Urgency Items of an extremely urgent nature (e.g., earthquake, severe wildfire, pandemic) may be submitted for addition to the Agenda after the deadline of 12:00 p.m. the day before the meeting to accommodate unforeseeable, extreme and unusual circumstances. A Very Late Urgency Item will be distributed at the Council meeting prior to any vote to add it to the Agenda and the Presiding Officer may provide an appropriate break to allow Councilmembers and the public to review the item before voting on whether to add it to the Agenda and possibly again, at the Presiding Officer's discretion, before the item is voted on.

The required cover sheet should be included with the Very Late Urgency Item unless extremely exigent circumstances underlie the Very Late Urgency Item submission and a written cover sheet could not be prepared (for example, power is out and printing or emailing is not possible), in which case the individual "walking in" the item should be ready to provide all required information verbally at the meeting before a vote is taken to add or not add the item to the Agenda.

7. Scheduling a Presentation.
Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda. The Agenda & Rules Committee may request a presentation by staff in consultation with the City Manager.

E. Packet Preparation and Posting

1. **Preparation of the Packet.**
Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the Packet, which shall include the Agenda plus all its corresponding Agenda Items. No item shall be considered if not included in the Packet, except as provided for in Section III.D.5. and Section III.E.4.

2. **Distribution and Posting of Agenda.**
   a) The City Clerk shall post each Agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each Agenda of a special meeting at least 24 hours prior to the meeting on the official bulletin

board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each Agenda.

b) The City Clerk shall also post Agendas and annotated Agendas of all City Council meetings and notices of public hearings on the City's website.

c) No later than 11 days prior to a regular meeting, copies of the Agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

3. **Distribution of the Agenda Packet.**
The Agenda Packet shall consist of the Agenda and all supporting documents for Agenda Items. No later than 11 days prior to a regular meeting, the City Clerk shall:

a) distribute the Agenda Packet to each member of the City Council;

b) post the Agenda Packet to the City's website;

c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and

d) make the Agenda Packet available to members of the press.

4. **Failure to Meet Deadlines.**
a) The City Clerk shall not accept any Agenda Item or revised Agenda Item after the deadlines established.

b) Matters not included on the published Agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:

- A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.7.

- Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the Agenda as required by law.

c) Matters listed on the printed Agenda but for which supporting materials are not received by the City Council on the eleventh day prior to said meeting as part of the Agenda Packet, shall not be discussed or acted upon.

F. Agenda Sequence and Order of Business

The Council Agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Land Acknowledgement Statement, Comments from the City Manager, Comments from the City Auditor [if requested], Non-Agenda Public Comment, Public Comment by Employee Unions)
    a) The Land Acknowledgement Statement and Public Comment from Employee Unions are regularly agendized only for the first regular meeting of each month.
2. Consent Calendar
3. Action Calendar
    a) Appeals
    b) Public Hearings
    c) Continued Business
    d) Old Business
    e) New Business
4. Information Reports
5. Non-Agenda Public Comment
6. Adjournment
7. Communications

Action items may be reordered at the discretion of the Chair.

The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

G. Closed Session Documents

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and members of the City Council.

1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.

2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.

3. Removal of confidential materials from a binder is prohibited.
4. Duplication of the contents of a binder by any means is prohibited.
5. Confidential materials shall be retained in the binders for at least two years.
6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

H. Regulations Governing City Council Policy Committees

1. Legislative Item Process

All Agenda Items begin with submission to the Agenda & Rules Committee.

Exempt Items
Regular Items under this category submitted by the Mayor or Councilmembers are exempt from Agenda & Rules Committee discretion to refer them to a Policy Committee. Items in this category may be submitted for the Agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of Exempt Items are listed below.

a. Position Letters and Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
b. Donations from the Mayor and Councilmember District Office Budgets
c. Referrals to the Budget Process that are not related to a Major Item
d. Proclamations
e. Sponsorship of Events
f. Information Reports
g. Presentations from Outside Agencies and Organizations
h. Ceremonial Items
i. Committee and Regional Body Appointments

The Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember is classified as an Exempt Item or if the item is subject to Policy Committee review

Major Items
Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council Agenda.

The Agenda & Rules Committee must take action on an item as prescribed in Chapter III.D. at the first meeting that the item appears before the Agenda & Rules Committee. The Agenda & Rules Committee may only assign the item to a single Policy Committee, except that an item meeting the definition of a Major Item that also includes a budget referral may be referred to both the Budget & Finance Committee

in the form of a notice that a budget referral is under consideration at another Committee, and one other Policy Committee for subject matter review.

Time Critical Items

A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published Agenda.

The Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

Time Critical items that would otherwise be assigned to a Policy Committee, may bypass Policy Committee review if determined to be time critical. If such an item is deemed not to be time critical, it may be referred to a Policy Committee.

Time Critical items that are submitted at a meeting of the Agenda & Rules Committee may go directly on a Council Agenda if determined to be time critical.

2. Council Referrals to Policy Committees

The full Council may refer any Agenda Item to a Policy Committee by majority vote.

3. Participation Rules for Policy Committees Pursuant to the Brown Act

a. The quorum of a three-member Policy Committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.

b. Two Policy Committee members may not discuss any item that has been referred to the Policy Committee outside of an open and noticed meeting.

c. Notwithstanding paragraph (b) above, two members of a Policy Committee may be listed as Authors or Co-Sponsors on an item provided that one of the Authors or Co-Sponsors will not serve as a committee member for consideration of the item, and shall not participate in the committee's discussion of, or action on the item. For purposes of the item, the appointed alternate, who also cannot be an Author or Co-Sponsor, will serve as a committee member in place of the non-participating Author or Co-Sponsor.

d. All three members of a Policy Committee may not be Authors or Co-Sponsors of an item that will be heard by the committee.

e. Only one Author or Co-Sponsor who is not a member of the Policy Committee may attend the committee meeting to participate in discussion of the item.

f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an Author who is not a member of the committee

is present to participate in the discussion of their item, no other non-committee member Councilmembers, nor the Mayor, may attend as observers.

g. An item may be considered by only one Policy Committee before it goes to the full Council.

4. Functions of the Policy Committees

Committees shall have the following qualities/components:

a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting Agendas will be posted at least 72 hours in advance of the meeting.

b. Minutes shall be available online.

c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.

d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.

e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.

f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.

g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.

h. Committees will review items for completeness in accordance with Section III.C.1 and III.C.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.

i. Reports leaving a Policy Committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.

j. Per Brown Act regulations, any revised or supplemental materials must be direct revisions or supplements to the item that was published in the Agenda Packet.

Items referred to a Policy Committee from the Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, either (1) the committee Chair may accept the Primary Author's request, either in writing, or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item

to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below. The Committee Chair shall report any extension granted outside of a meeting to the Committee and the City Clerk by email or verbally at the next Committee meeting.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's recommendation will be included in a separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a City board or commission.

The Primary Author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate City staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and recommendations originating from the Policy Committee are submitted to the City Clerk by the members of the committee.

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council Agenda. The Agenda & Rules Committee may leave the item on the Agenda under consideration or place it on the next Council Agenda. Items appearing on a City Council Agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council Agenda for consideration.

Policy Committees may add discussion topics that are within their purview to their Agenda with the concurrence of a majority of the Committee. These items are not subject to the 120-day deadline for action.

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available Agenda. The Agenda & Rules Committee may leave the item on the Agenda under consideration or place it on the following Council Agenda. The Agenda & Rules Committee may agendize the item on the Consent Calendar or Action Calendar.

The Primary Author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the committee approves expedited review.

5. Number and Make-up of Policy Committees

Six committees are authorized, each comprised of three Councilmembers, with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee. The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The Agenda & Rules Committee shall establish the Policy Committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing Policy Committees of the City Council are considered “legislative bodies” under the Brown Act and must conduct all business in accordance with the Brown Act.

6. Role of City Staff at Committee Meetings

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

I. Agenda Items Authored by Former Mayors and Councilmembers

Upon the date that the elected official leaves office, all Agenda Items in the legislative process for which the former official is the Primary Author shall be placed on the next available draft Council Agenda to be reviewed by the Agenda & Rules Committee. The Agenda & Rules Committee shall then place the items on the Council Agenda under consideration or the next Council Agenda.

At the Council meeting where the items appear on the Agenda, the Mayor or any Councilmember may assume primary authorship of any item authored by the former official. The Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure.

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

IV. CONDUCT OF MEETING

A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.

- At the first regular meeting of the month, a period of public comment reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.

- Public comment on the Consent and Information Calendars.

- Public comment on the Action Calendar at the onset of the Action calendar with the exception of appeals, public hearings, and quasi-judicial matters requiring public comment for due process purposes (if invoked by the Presiding Officer).

- Public comment on Action items by those who did not speak in the earlier Action Calendar public comment period, any appeals, public hearings, and/or other quasi-judicial matters requiring extended public comment for due process purposes as they are taken up under procedures set forth in the sections governing each below.

- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Except in the case of public comment by employee unions, speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

With respect to public comment by employee unions, each union's allocated time may be shared between more than one representative, and representatives and other members of unions may speak during other public comment periods in the same manner as members of the public.

If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking on an item, the Presiding Officer may limit the public comment for all speakers on the item to one minute per speaker.

This procedure also applies to public hearings except those types of public hearings specifically provided for in this chapter.

The Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council.

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry, or unless the individual is speaking with respect to a public hearing, a quasi-judicial matter, and/or any other item requiring extended public comment as a matter of due process.

1. **Public Comment on Non-Agenda Matters.**
   Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions, up to ten persons will be selected to address matters not on the Council Agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council Agenda, each person selected will be allotted one minute each.

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

   The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the Agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

   Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

   For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized or raise their hand on the videoconference application to determine the number of persons interested in speaking at that time. Each speaker will be

entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate.

If the meeting is automatically adjourned at 11:00 p.m., or the expiration of any extension after 11:00 p.m., the meeting shall be automatically extended for up to fifteen minutes to hear public comment on non-agenda items.

2. **Public Comment on Consent Calendar and Information Items.**
The Council will first determine whether to move items on the Agenda for "Action" or "Information" to the "Consent Calendar," or move "Consent Calendar" items to "Action." Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent."

   The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. No additional items can be moved onto the Consent Calendar once public comment has commenced.

   At any time during, or immediately after, public comment on Information and Consent items, the Mayor or any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

   For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

3. **Public Comment on Action Items.**
After the initial ten minutes of public comment on non-agenda items, reserved public comment by employee unions, public comment on Consent and Information items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the Agenda for action as the item is taken up.

   At the discretion of the Presiding Officer, with the consent of the Council, there may be a public comment period for one or several of the Action Calendar items at the beginning of the Action Calendar. Speaking time during this comment period is subject to the standard rules for public comments in Chapter IV.A. Speakers may speak to multiple items, but may only speak once during this period. This provision is not applicable to public hearings, appeals, and/or quasi-judicial matters. Attendees that speak on an action item at the scheduled public comment period may not speak again when the action item is taken up by the Council.

   During the public comment period for each Action Item, the Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and raise their hand on the videoconference application to determine the number of persons interested in speaking on that item.

4. Appeals Appearing on Action Calendar.

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of a proposed lien (nuisance abatement/special assessment) lien, the appellant shall have seven minutes to comment.

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council Agenda.

5. Ralph M. Brown Act Pertaining to Public Comments.

The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the Agenda. However, the Council may refer a matter to the City Manager.

B. Consent Calendar

There shall be a Consent Calendar on all regular meeting Agendas on which shall be included those matters which the Mayor, Councilmembers, boards, commissions, City Auditor, and Charter Officers deem to be of such nature that no debate, prolonged discussion, or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of Consent Calendar items can be minimized.

C. Information Reports Called Up for Discussion

Reports for Information designated for discussion at the request of the Mayor or any Councilmember shall be added to the appropriate section of the Action Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The Agenda will indicate that at the request of the Mayor or any Councilmember a Report for Information may be acted upon by the Council.

D. Written Communications

Written communications from the public will not appear on the Council Agenda as individual matters for discussion but will be distributed as part of the Council Agenda Packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the Agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council Agenda to the Council to be reproduced in the "Communications" section of the Council Packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. The Mayor or a Councilmember may refer a communication to the City Manager for action, if appropriate, or prepare a Consent or Action item for placement on a future Agenda.

Communications related to an item on the Agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.D.5.

E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, and prior to opening the public hearing, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date, place, and content of the contact. Written reports shall be available for public review in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by first the appellant and then the applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons

supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

The Presiding Officer will request that persons wishing to speak line up at the podium to be recognized or raise their hand on the videoconference platform, to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

F. Work Sessions

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent Agenda under the Action portion of the Council Agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak line up at the podium or raise their hand on the videoconference to be recognized and to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

G. Protocol

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.

V. PROCEDURAL MATTERS

A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

B. Decorum

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

C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the Presiding Officer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

D. Precedence of Motions

When a question or motion is before the Council, no motion shall be entertained except:

1. To adjourn;
2. To fix the hour of adjournment;
3. To lay on the table;
4. For the previous question;
5. To postpone to a certain day;
6. To refer;
7. To amend;
8. To substitute; and
9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to amend or substitute, shall be put to a vote without debate.

E. Robert's Rules of Order

Robert's Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall supersede.

F. Rules of Debate

1. **Presiding Officer May Debate.**
   The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

2. **Getting the Floor - Improper References to be avoided.**
   Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themself to the question under debate.

3. **Interruptions.**
   A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

4. **Privilege of Closing Debate.**
   The Mayor or Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Mayor or Councilmember moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

5. **Motion to Reconsider.**
   A motion to reconsider any action taken by the Council may be made only during the same session such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by a member on the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

6. **Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.**
   Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

G. Debate Limited

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

For non-Consent items, the Mayor and Councilmembers will have five minutes each to make initial comments on an Agenda Item. After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

H. Motion to Lay on Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

I. Division of Question

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

J. Addressing the Council

Under the following headings of business, unless the presiding officer rules otherwise, any interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

1. **Written Communications.**
   Interested parties or their authorized representatives may address the Council in the form of written communications in regard to matters of concern to them by submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.D.5.

2. **Public Hearings.**
   Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

3. **Public Comment.**
   Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

K. Addressing the Council After Motion Made

When a motion is pending before the Council, no person other than the Mayor or a Councilmember shall address the Council without first securing the permission of the presiding officer or Council to do so.

L. Use of Cellular Phones and Electronic Devices

The use of cell phones during City Council meetings is discouraged for the Mayor and Councilmembers. While communications regarding Council items should be minimized, personal communications between family members and/or caregivers can be taken outside in the case of emergencies. In order to acknowledge differences in learning styles and support tactile learners, note-taking can continue to be facilitated both with a pen and paper and/or on electronic devices such as laptop computers and tablets.

The use of cell phones during Closed Session Meetings is explicitly prohibited for the Mayor and Councilmembers.

VI. FACILITIES

A. Meeting Location Capacity

Attendance at Council meetings shall be limited to the posted seating capacity of the meeting location. Entrance to the meeting location will be appropriately regulated by the City Manager on occasions when capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the meeting room except to address the Council, and sitting on the floor shall not be permitted.

B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the Board Room.

C. Amplified Sound, Signs, Objects, and Symbolic Materials

Amplified sound devices such as bullhorns, megaphones, portable sound systems, and similar devices are prohibited within the meeting location during Council meetings.

Objects and symbolic materials such as signs and banners are permitted in the meeting location provided that they do not interfere with the cameras that broadcast the meeting, obstruct the view of other attendees, or create a fire or safety hazard.

Any type of stick, pole, or similar object is prohibited in the meeting location during Council meetings.

D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the meeting location has reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

F. Format of Meetings

The City Council may conduct regular meetings or special meetings held at the School District Boardroom in the hybrid format with both in-person and virtual participation as provided for in the Brown Act, and as noticed on the meeting Agenda. Council meetings at other locations may be conducted in the hybrid format if technologically feasible.

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

Purpose
To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

Objective
A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

Section 1 – Lead Commission
The City Council designates the following commissions as the 'Lead Commissions' in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

Board of Library Trustees

Parks, Recreation & Waterfront Commission – Parks, recreation centers, camps, plazas, public open spaces, and public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

Transportation and Infrastructure Commission – Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

Section 2 – General Policy
A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.

B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.

C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.

D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.

E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an established park), or, the renaming of an existing public facility the following criteria shall be applied:

A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.

B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.

C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.

D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.

E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.

F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.

B. The honoree has a record of outstanding service to their community.

C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

Section 5 –Procedures for Naming or Renaming of Public Facilities

A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
    1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.

B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
    1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.

C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
    1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination.

D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.
    1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.

E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

APPENDIX B. GUIDELINES FOR CITY COUNCILMEMBER/MAYOR MAJOR ITEMS

Requirements for City Councilmember/Mayor Major Items are provided in Chapter III.C.2 of the City Council Rules of Procedure and Order. These guidelines further explain the requirements and are intended to assist in the preparation of fully researched and documented items that are likely to be eligible to move forward in the legislative process as determined by the Agenda & Rules Committee.

_____

1. **Title**
   A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. **Consent/Action/Information Calendar**
   Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. **Recommendation**
   Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

   Common action options include:
   - Adopt first reading of ordinance
   - Adopt a resolution
   - Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
   - Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
   - Referral to a Commission or to a Standing or Ad Hoc Council Committee
   - Referral to the budget process
   - Send letter of support
   - Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
   - Designate members of the Council to perform some action

4. **Summary Statement/ "Current situation and its effects"**
   A short resume of the circumstances that give rise to the need for the recommended action(s).
   - Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
   - Example (fictional):
     Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season,

hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process $40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan
Review of similar legislation previously introduced/passed by Council
Review of County, State and Federal laws/policies/programs/plans, if applicable

7. **Actions/Alternatives Considered**
    - What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
    - What solutions/measures are recommended by **advocates, experts, organizations**?
    - What is the range of actions considered, and what are some of their major pros and cons?
    - Why were other solutions not as feasible/advisable?

8. **Consultation/Outreach Overview and Results**
    - Review/list external and internal stakeholders that were consulted
        - **External**: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
        - **Internal**: staff who would implement policies, the City Manager and/or Deputy CM, Department Heads, City Attorney, City Clerk, etc.
    - What reports, articles, books, websites and other materials were consulted?
    - What was learned from these sources?
    - What changes or approaches did they advocate for that were accepted or rejected?

9. **Rationale for Recommendation**

    A clear and concise statement as to whether the item proposes actions that:
    - Conform to, clarify or extend existing Plans, Programs, Policies and Laws
    - Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
    - Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
    - Create an exception to existing Plans, Programs, Policies and Laws
    - Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

    Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. **Implementation, Administration and Enforcement**

    Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. Environmental Sustainability and Climate Impacts

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Impacts

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

13. Outcomes and Evaluation

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

14. Contact Information

15. Attachments/Supporting Materials

Attachment 2

The Berkeley City Council
Rules of Procedure and Order

Adopted by Resolution No. ~~71,174~~##,###–N.S.

Effective ~~January 22, 2024~~[Date]

2180 Milvia Street, Berkeley, CA 94704 ● Tel: (510) 981-6900 ● TDD: (510) 981-6903 ● Fax: (510) 981-6901
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I. DUTIES

A. Duties of Mayor

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

B. Duties of Councilmembers

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

C. Motions to be Stated by Chair

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

D. Decorum by Councilmembers

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

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

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

E. Voting Disqualification

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

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

F. Requests for Technical Assistance and/or Reports

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

II. MEETINGS

A. Call to Order - Presiding Officer

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

B. Roll Call

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

C. Quorum Call

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

D. Council Meeting Conduct of Business

The ~~agenda~~Agenda for the regular business meetings shall include the Order of Business described in Chapter III.F. ~~following: Ceremonial Items (including comments from the City Auditor if requested); Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, Old Business, New Business); Information Reports; and Communication from the Public.~~ Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) on Action will be heard. ~~with the consent of Council.~~

Three ~~(3)~~ or more members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent at least three members concurring, the item will stay on the Consent or Information Calendar.

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

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

~~Upon request by the Mayor or any Councilmember, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by the Mayor or any Councilmember, the Council may also move an item from the Action Calendar to the Consent Calendar.~~

Commented [NML1]: Eliminates redundancy within the document. Chapter III.F. is more detailed.

Commented [NML2]: Per Council action on 5/7/24.

Commented [NML3]: Process moved here from Appendix C

Commented [NML4]: Per Council action on 5/7/24.

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

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

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

Commented [NML5]: Per Council action on 5/7/24.

E. Adjournment

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

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

F. Unfinished Business

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

G. City Council Schedule and Recess Periods

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

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

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

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

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

The City Manager shall have the aforementioned authority beginning the day after the Agenda & Rules Committee meeting for the last regular meeting before a Council recess and this authority shall extend up to the date of the Agenda & Rules Committee meeting for the first regular meeting after the Council recess.

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

H. Pledge of Allegiance to the Flag

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the Ceremonial Calendar will be the Pledge of Allegiance.

I. Ad Hoc Subcommittees

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from residents, related commissions, and other groups, as appropriate to the charge or responsibilities of such subcommittee. Ad hoc subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

~~Subcommittees shall conduct their meetings in locations that are open to the public and meet accessibility requirements under the Americans with Disabilities Act. Meetings may be held at privately owned facilities provided that the location is open to all that wish to attend and that there is no requirement for purchase to attend. Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular Council meetings except that subcommittee agendas may be posted with 24-hour notice. The public will be permitted to comment on agenda items~~

Commented [NML6]: Ad hoc committees are not legislative bodies under the Brown Act. These requirements have been repealed for commissions and need to be repealed for the Council for consistency.

~~but public comments may be limited to one minute if deemed necessary by the Committee Chair. Agendas and minutes of the meetings must be maintained and made available upon request.~~

Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

~~Ad hoc subcommittees may convene a closed session meeting pursuant to the conditions and regulations imposed by the Brown Act.~~

III. AGENDA

A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the ~~agenda~~Agenda of the meeting and posted in accordance with Section III.E~~D~~.2. Exceptions to this rule are limited to circumstances listed in Section III.E~~D~~.4.b and items continued from a previous meeting and published on a revised ~~agenda~~Agenda.

B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the ~~agenda~~Agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember, ~~the City Manager~~a Charter Officer, the Auditor, or any board/commission/committee created by the City Council or City Charter, or any Report For Information which may be acted upon if the Mayor or a Councilmember so requests. For purposes of this section, appeals shall be considered action items. All information from ~~the City Manager~~a Charter Officer concerning any item to be acted upon by the Council shall be submitted as a report on the ~~agenda~~Agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney~~-~~-client communication concerning a litigation matter. Council Aagenda litems are limited to a maximum of four Authors and Co-Sponsors, in any combination that includes at least one Author.

   Authors must be listed in the original item as submitted by the Primary Author. Co-Sponsors may only be added ~~in the following manner:~~ by the Primary Author (1) at the Agenda Committee meeting where the item is placed on a Council ~~agenda~~Agenda; or (2) after the item has been placed on a Council ~~agenda~~Agenda, through the Supplemental process, or (3) at the Council meeting where the item appears on the Agenda~~. for action.~~

   - ~~In the original item as submitted by the Primary Author~~
   - ~~In a revised item submitted by the Primary Author at the Agenda & Rules Committee~~
   - ~~By verbal request of the Primary Author at the Agenda & Rules Committee~~
   - ~~In a revised item submitted by the Primary Author in Supplemental Reports and Communications Packet #1 or #2~~
   - ~~By verbal or written request of the Mayor or any Councilmember at the Policy Committee meeting or meeting of the full Council at which the item is considered~~

2. ~~Agenda items shall contain all relevant documentation, including the information listed below:~~

   a) ~~A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;~~

Commented [NML7]: Per discussion at Agenda & Rules on 7/8/24; replaces text immediately below

Commented [NML8]: Moved to C. below

~~b) Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~

~~c) Recommendation of the report's Primary Author that describes the action to be taken on the item, if applicable;~~

~~d) Fiscal impacts of the recommendation;~~

~~e) A description of the current situation and its effects;~~

~~f) Background information as needed;~~

~~g) Rationale for recommendation;~~

~~h) Alternative actions considered;~~

~~i) For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);~~

~~j) Person or persons to contact for further information, with telephone number;~~

~~k) Additional information and analysis as required. It is recommended that reports include the points of analysis in Appendix B - Guidelines for Developing and Writing Council Agenda Items.~~

2. "Author" means the Mayor or other Councilmembers who actually authored an item by contributing to the ideas, research, writing or other material elements.

3. "Primary Author" means the Mayor or Councilmember listed first on the item. The Primary Author is the sole contact for the City Manager with respect to the item. Communication with other Authors and Co-Sponsors, if any, is the responsibility of the Primary Author.

4. "Co-Sponsor" means the Mayor or other Councilmembers who wish to indicate their strong support for the item, but are not Authors, and are designated by the Primary Author to be ~~co-sponsor~~Co-Sponsors of the Ccouncil ~~agenda item~~Agenda Item.

5. "Agenda" means the compilation of the descriptive titles of Aagenda ~~i~~items submitted to the City Clerk, arranged in the sequence established in Section III.F~~E~~ hereof.

6. "Packet" means the ~~agenda~~Agenda plus all of its corresponding ~~agenda item~~Agenda Items.

7. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:

a) A work stoppage or other activity which severely impairs public health, safety, or both exists;

b) A crippling disaster, which severely impairs public health, safety or both exists.

b)c) Notice of the Council's proposed consideration of any such ~~emergency matter~~Emergency Matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.

8. "Continued Business" means Items carried over from a prior ~~agenda~~Agenda of a meeting occurring ~~less than~~ 11 or fewer days earlier.

9. "Old Business" means Items carried over from a prior ~~agenda~~Agenda of a meeting occurring more than 11 days earlier.

10. "Charter Officer" means the City Manager, City Attorney, and the Director of Police Accountability.

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

9.12. "Regular Item" means any Agenda Item not classified as a Major Item.

C. Standards for Agenda ~~i~~Items

1. ~~Agenda item~~Agenda Items, other than Major Items submitted by the Mayor or any Councilmember, shall contain all relevant documentation, including the information listed below:

i. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;

ii. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;

iii. Recommendation of the report's ~~Primary A~~author that describes the action to be taken on the item, if applicable;

iv. Fiscal impacts of the recommendation;

v. A description of the current situation and its effects;

vi. Background information as needed;

vii. Rationale for recommendation;

viii. Alternative actions considered;

Commented [NML9]: Per discussion at Agenda & Rules on 7/8/24

Commented [NML10]: Moved here from above

ix. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);

x. Person or persons to contact for further information, with telephone number;

xi. Additional information and analysis as may be required.

xii. Environmental sustainability and climate impacts.

It is recommended that Regular Item reports also include, to the extend relevant, the points of analysis in Major Council Item Standards ~~at~~in Section C.~~ (~~2~~).~~

2. Major Items submitted by the Mayor or any Councilmember shall contain all relevant documentation, including the information listed below and more fully described in Appendix B, Guidelines for City Councilmember/Mayor Major Items:

Commented [NML11]: Moved here from Appendix B

i. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

ii. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

iii. Recommendation

A c~~C~~lear, succinct statement of actions to be taken. More lengthy/detailed actions can be detailed within the item and incorporated by reference.

iv. Summary Statement/Current Situation and its effects

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

v. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

vi. Review of Existing Plans, Programs, Policies and Laws

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

vii. Actions/Alternatives Considered

A listing of solutions/measures that other jurisdictions, ~~or~~ advocates, experts, or organizations have studied or adopted to address the same or similar subject

matter, the range of actions considered, and the reasons why those solutions/measures are proposed to be adopted, modified, or rejected.

viii. Consultation/Outreach Overview and Results

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

ix. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that (a) conform to, clarify or extend, (b) make major or minor changes/amendments, (c) create an exception, or (d) reverse/go contrary to existing City of Berkeley Plans, Programs, Policies and Laws, or (e) create largely or entirely new Plans, Programs, Policies or Laws.

x. Implementation, Administration and Enforcement

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

xi. Environmental Sustainability and Climate Impacts

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

xii. Fiscal Impacts

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

xiii. Outcomes and Evaluation

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

xiv. Contact Information

xv. Attachments/Supporting Materials

D. Procedure for Bringing Matters Before City Council

1. **Persons Who Can Place Matters on the Agenda.**
   Matters may be placed on the ~~agenda~~Agenda by the Mayor or any Councilmember, ~~the City Manager,~~ the Auditor, Charter Officers, or any board/commission/committee created by the City Council, ballot measure, or the City Charter. All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council.

The Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the ~~agenda~~Agenda of that City Council meeting. Pursuant to BMC Section 1.04.080, if the 15th day prior to the Council meeting falls on a holiday, the Committee will meet the next business day. The Agenda & Rules Committee ~~packet~~Packet, including a draft ~~agenda~~Agenda and reports from the Mayor and Councilmembers, the Auditor, and Commission ~~reports~~ shall be distributed by 5:00 p.m. four days before the Agenda & Rules Committee meeting.

The Agenda & Rules Committee shall have the powers set forth below.

a) **Regular Items Authored by the Mayor, or a Councilmember~~, or the Auditor~~.**

Commented [NML12]: Auditor moved to paragraph (c) below with the consent of the Auditor

As to ~~item~~Regular Items authored by the Mayor~~,~~ or a Councilmember~~, or the Auditor~~, the Agenda & Rules Committee shall review the item and may take the following actions:

i. Refer the item to a commission for further analysis (Primary Author may decline and request Policy Committee assignment).

ii. Refer the item to the City Manager for further analysis (Primary Author may decline and request Policy Committee assignment).

iii. Refer the item back to the Primary Author for requested amendments, adherence to required form, or for additional analysis, as required in Section III.C~~B~~.1~~2~~ (Primary Author may decline and request Policy Committee assignment).

iv. Refer the item to a Policy Committee.

v. Schedule the item for the ~~agenda~~Agenda under consideration or one of the next three ~~full~~regular Council ~~agenda~~Agendas.

b) Major Items ~~Authored by the Mayor, a Councilmember, or the Auditor.~~

The Agenda & Rules Committee retains the authority to designate which Agenda Items are classified as Major Items. With regards to Major Items, the Agenda & Rules Committee shall review the item and may take the following actions:

~~vi.~~i. Return the item to the Author if the committee determines that the item is not substantially compliant with Chapter III.C.2 and the guidelines in Appendix B.

ii. Refer the item to a policy committee and send a notice to the Budget & Finance Committee if the item contains a budget referral.

iii. Schedule the item for the Council Agenda under consideration.

iv. Schedule the item for one of the susequent three Council Agendas or a special meeting.

v. Refer the item to a commission with the consent of the Primary Author.

Commented [NML13]: Per discussion at Agenda & Rules on 7/8/24 to create a process for the new category of "Major Items"

c) For referrals of Regular Items under Chapter III.D~~C~~.1.a.i, ii, or iii, the Primary Author must inform the City Clerk within 24 hours of the adjournment of the Agenda & Rules Committee meeting whether they prefer to:

1) re-submit the item for a future meeting with modifications as suggested by the Agenda & Rules Committee; or

2) withdraw~~pull~~ the item completely; or

3) re-submit the item with revisions as requested by the Agenda & Rules Committee within 24 hours of the adjournment of the Agenda & Rules Committee meeting for the Council ~~agenda~~Agenda under consideration; or

4) accept the referral of the Agenda & Rules Committee in sub paragraphs III.~~C~~D.1.a. i, ii, or iii, or request Policy Committee assignment.

If the Primary Author requests a Policy Committee assignment, the item will appear on the next draft ~~agenda~~Agenda presented to the Agenda & Rules Committee for assignment.

In the event that the City Clerk does not receive guidance from the Primary Author of the referred item within 24 hours of the Agenda & Rules Committee's adjournment, the item will appear on the next draft ~~agenda~~Agenda for consideration by the Agenda & Rules Committee.

Items ~~held~~ being resubmitted for a future meeting to allow for modifications will be placed on the next available Council meeting ~~agenda~~Agenda at the time that the revised version is submitted to the City Clerk.

~~c)~~d) **Items Authored by ~~the City Manager~~Charter Officers and the Auditor.**

The Agenda & Rules Committee shall review agenda descriptions of items authored by ~~the City Manager~~Charter Officers and the Auditor. The Committee can recommend that the matter be referred to a commission, to a Policy Committee, or back to the ~~City Manager~~Charter Officer or the Auditor for adherence to required form, additional analysis as required in Section III.C.1~~B.2~~, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the ~~City Manager~~Charter Officer or the Auditor determines that their item ~~matter~~ should proceed notwithstanding the Agenda & Rules Committee's recommendation~~action~~, it will be placed on the ~~agenda~~Agenda as directed by the ~~Manager~~Charter Officer or the Auditor. All Charter Officer and Auditor ~~City Manager~~items placed on the Council ~~agenda~~Agenda against the recommendation of the Agenda & Rules Committee will automatically be placed on the Action Calendar.

d)e) **Items Authored by Boards and Commissions.**

Agenda ItemsCouncil items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners' Manual. The content of commission items is not subject to review by the Agenda & Rules Committee unless referred for policy review to the Agenda & Rules Committee.

i) For a commission item that does not require a companion report from the City Manager, the Agenda & Rules Committee may act on an agendized commission itemreport in the following manner:

1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.

2. Re-schedule the commission report to appear on one of the next three regular Council meeting agendaAgendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling.

3. Refer the item to a Policy Committee for review.

4. Allow the item to proceed as submitted.

ii) For any commission report that requires a City Manager companion report, the Agenda & Rules Committee may schedule the item on a Council agendaAgenda. The Committee must schedule the commission item for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the Agenda & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph ec.i. above.

f) The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section FE.

2. Removal of Agenda Items from the Legislative Process

A Primary Author may withdraw their Agenda Item from the legislative process as follows: 1) during the time it is pending at a policy committee by sending written notification to the City Clerk or verbally at the meeting; 2) verbally at the Agenda & Rules Committee meeting when the item appears on a draft Council Agenda; or 3) verbally at the City Council meeting when the item appears on the Council Agenda or in writing through the supplemental process.

Commented [NML14]: Per discussion at Agenda & Rules on 7/8/24

2.3. **Scheduling Public Hearings Mandated by State, Federal, or Local Statute.**

The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

3.4. **Submission of Agenda Items.**

a) **~~City Manager~~Charter Officer Items.** Except for Continued Business and Old Business, as a condition to placing an item on the ~~agenda~~Agenda, ~~agenda item~~Agenda Items from departments, including ~~agenda item~~Agenda Items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.

b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and ~~City~~ Councilmembers is 5:00 p.m. on Monday, 22 days before each regular Council meeting.

c) **Time Critical Items.** A Time Critical item is defined as a matter that is considered urgent by the Author~~sponsor~~ and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by ~~the City Manager~~a Charter Officer, the Auditor, Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published ~~agenda~~Agenda.

The Primary Author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

d) **Timelines.** The City Clerk may not accept any ~~agenda item~~Agenda Item after the adjournment of the Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring ~~less than~~ 11 or fewer days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

4.5. **Submission of Supplemental and Revised Agenda Material.**

Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an ~~agenda item~~Agenda Item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for publiccitizen review or City Councilmember evaluation.

b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for publiccitizen review or City Council evaluation.

c) After 12:00 p.m. one calendar day prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 4240 copies of the supplemental/revised material to the City Clerk for distribution at the meeting and submitting the material electronically to the City Clerk. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for publiccitizen review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the agenda itemAgenda Item in order for the material to be considered.

Commented [NML15]: For web posting so that virtual attendees have access

5.6. Submission of Late Urgency Items Pursuant to Government Code Section 54954.2(b)

Late Urgency Items are items proposed for submission to the Council Agenda pursuant to Government Code Section 54954.2(b)

All items to be submitted for consideration for addition to an agendaAgenda as Late Urgency Items shall be accompanied by a cover sheet that includes 1) boxes to check for the Author to affirm whether the item is submitted under the Emergency or Immediate Action Rule (and a short explanation of what is required to meet each rule, as well as the vote threshold required for the item to be placed onto the agendaAgenda by the City

Council); 2) a disclaimer in BOLD 14pt. CAPS stating that the item is not yet agendized and may or may not be accepted for the ~~agenda~~Agenda as a Late Urgency Item, at the City Council's discretion according to Brown Act rules; 3) a prompt requiring the ~~author~~Author to list the facts which support consideration of the item for addition to the ~~agenda~~Agenda as either an Emergency or Immediate Action item; and 4) a copy of the City Attorney memo on Late Urgency Items.

Late Items must be submitted to the City Clerk no later than 12:00 p.m. (noon) the day prior to the meeting.

All complete Late Items submitted by the deadline will be distributed with Supplemental Communication Packet #2 by 5:00 p.m. the day before the Council meeting. A Late Item is not considered "complete" and will not be distributed unless submitted with the required cover sheet, filled out in a complete manner.

Very Late Urgency Items of an extremely urgent nature (e.g., earthquake, severe wildfire, pandemic) may be submitted for addition to the ~~agenda~~Agenda after the deadline of 12:00 p.m. the day before the meeting to accommodate unforeseeable, extreme and unusual circumstances. A Very Late Urgency Item will be distributed at the Council meeting prior to any vote to add it to the ~~agenda~~Agenda and the Presiding Officer may provide an appropriate break to allow Councilmembers and the public to review the item before voting on whether to add it to the ~~agenda~~Agenda and possibly again, at the Presiding Officer's discretion, before the item is voted on.

The required cover sheet should be included with the Very Late Urgency Item unless extremely exigent circumstances underlie the Very Late Urgency Item submission and a written cover sheet could not be prepared (for example, power is out and printing or emailing is not possible), in which case the individual "walking in" the item should be ready to provide all required information verbally at the meeting before a vote is taken to add or not add the item to the Agenda.

6.7. **Scheduling a Presentation.**
Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda. The Agenda & Rules Committee may request a presentation by staff in consultation with the City Manager.

E. Packet Preparation and Posting

1. **Preparation of the Packet.**
Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the ~~packet~~Packet, which shall include the ~~agenda~~Agenda plus all its corresponding ~~agenda item~~Agenda Items. No item shall be considered if not included in the ~~packet~~Packet, except as provided for in Section III.D.5.~~C.~~4 and Section III.~~D~~E.4.

2. **Distribution and Posting of Agenda.**

a) The City Clerk shall post each ~~agenda~~Agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each ~~agenda~~Agenda of a special meeting at least 24 hours prior to~~in advance of~~ the meeting ~~in~~on the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each ~~agenda~~Agenda.

b) The City Clerk shall also post ~~agenda~~Agendas and annotated ~~agenda~~Agendas of all City Council meetings and notices of public hearings on the City's website.

c) No later than 11 days prior to a regular meeting, copies of the ~~agenda~~Agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

3. **Distribution of the Agenda Packet.**
The Agenda Packet shall consist of the Agenda and all supporting documents for ~~agenda item~~Agenda Items. No later than 11 days prior to a regular meeting, the City Clerk shall:

a) distribute the Agenda Packet to each member of the City Council;

b) post the Agenda Packet to the City's website;

c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and

d) make the Agenda Packet available to members of the press.

4. **Failure to Meet Deadlines.**
a) The City Clerk shall not accept any ~~agenda item~~Agenda Item or revised ~~agenda item~~Agenda Item after the deadlines established.

b) Matters not included on the published ~~agenda~~Agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:

- A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.7~~8~~.

- Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the ~~agenda~~Agenda as required by law.

c) Matters listed on the printed ~~agenda~~Agenda but for which supporting materials are not received by the City Council on the eleventh day prior to said meeting as part of the ~~agenda~~Agenda ~~packet~~Packet, shall not be discussed or acted upon.

~~E.~~F. Agenda Sequence and Order of Business

The Council ~~agenda~~Agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Land Acknowledgement Statement, Comments from the City Manager, Comments from the City Auditor [if requested], Non-Agenda Public Comment, Public Comment by Employee Unions)
    a) The Land Acknowledgement Statement and Public Comment from Employee Unions are regularly agendized only for the first regular meeting of each month.

~~1.~~2. Consent Calendar

~~2.~~3. Action Calendar
    a) Appeals
    b) Public Hearings
    c) Continued Business
    d) Old Business
    e) New Business

~~3.~~4. Information Reports

~~4.~~5. Non-Agenda Public Comment

~~5.~~6. Adjournment

~~6.~~7. Communications

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

The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

Commented [NML16]: Per discussionn at Agenda & Rules on 7/8/24 – for clarity.

~~F.~~G. Closed Session Documents

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and members of the City Council.

1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.

2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session

meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.

3. Removal of confidential materials from a binder is prohibited.

4. Duplication of the contents of a binder by any means is prohibited.

5. Confidential materials shall be retained in the binders for at least two years.

6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

~~G.~~H. Regulations Governing City Council Policy Committees

1. Legislative Item Process

All ~~agenda item~~Agenda Items begin with submission to the Agenda & Rules Committee.

~~Full Council~~Exempt Items ~~Track~~

Regular Items under this category submitted by the Mayor or Councilmembers are exempt from Agenda & Rules Committee discretion to refer them to a Policy Committee. Items in this category may be submitted for the ~~agenda~~Agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of ~~Full Council Track~~Exempt Iitems are listed below.

a. ~~Items submitted by the City Manager and City Auditor~~
b. ~~Items submitted by Boards and Commissions~~
c. Position Letters and Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
~~d. Position Letters and/or Resolutions of Support/Opposition~~
~~e.~~d. Donations from the Mayor and Councilmember District Office Budgets
~~f.~~e. Referrals to the Budget Process that are not related to a Major Item
~~g.~~f. Proclamations
~~h.~~g. Sponsorship of Events
~~i.~~h. Information Reports
~~j.~~i. Presentations from Outside Agencies and Organizations
~~k.~~j. Ceremonial Items
~~l.~~k. Committee and Regional Body Appointments

The Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember ~~falls under a Full Council~~ is classified as an Exempt Item ~~Track exception or if it will be processed as a Policy Committee~~ or if the item is subject to Policy Committee review ~~Track item.~~

~~Policy Committee Track~~ Major Items ~~Track~~

Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council ~~agenda~~Agenda.

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

Commented [NML17]: Changes in this section are primarly related to the new definitaiton of Major Items and Regular Items as well as the amended process for the Agenda & Rules Committee in Chapter III.D.

Commented [NML18]: This is already covered in Chapter III.D.1.c.

Commented [NML19]: This is not covered in Chapter III.D.1.d.

Commented [NML20]: No change in process, just reworded with new terms

consideration at another Committee, and one other Policy Committee for subject matter review.

~~For a Major Item Policy Committee Track item, the Agenda & Rules Committee, at its discretion, may either route item directly to 1) the Council Aagenda currently under consideration, 2) one of the next subsequent three full Council Agendas for a Regular Meeting of the City Council (based on completeness of the item, lack of potential controversy, minimal impacts, etc.), or 3) to a Policy Committee.~~

Commented [NML21]: These actions are now enshrined in Chapter III.D.1.b.

Time Critical ~~Track~~Items
A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published ~~agenda~~Agenda.

The Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

Time Critical items ~~submitted on the Full Council Track deadlines,~~ that would otherwise be assigned to a ~~the~~ Policy Committee ~~Track~~, may bypass Policy Committee review if determined to be time critical. If such an item is deemed not to be time critical, it may be referred to a Policy Committee.

Time Critical items ~~on the Full Council Track or Policy Committee Track~~ that are submitted at a meeting of the Agenda & Rules Committee may go directly on a C~~c~~ouncil ~~agenda~~Agenda if determined to be time critical.

2. Council Referrals to Policy Committees
The full Council may refer any ~~agenda item~~Agenda Item to a Policy Committee by majority vote.

3. Participation Rules for Policy Committees Pursuant to the Brown Act

a. The quorum of a three-member Policy Committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.

b. Two Policy Committee members may not discuss any item that has been referred to the Policy Committee outside of an open and noticed meeting.

c. Notwithstanding paragraph (b) above, two members of a Policy Committee may be listed as Authors or Co-Sponsors on an item provided that one of the Authors or Co-Sponsors will not serve as a committee member for consideration of the item, and shall not participate in the committee's

discussion of, or action on the item. For purposes of the item, the appointed alternate, who also cannot be an Author or Co-Sponsor, will serve as a committee member in place of the non-participating Author or Co-Sponsor.

d. All three members of a Policy Committee may not be Authors or Co-Sponsors of an item that will be heard by the committee.

e. Only one Author or Co-Sponsor who is not a member of the Policy Committee may attend the committee meeting to participate in discussion of the item.

f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an Author who is not a member of the committee is present to participate in the discussion of their item, no other non-committee member Councilmembers, nor the Mayor, may attend as observers.

g. An item may be considered by only one Policy Committee before it goes to the full Council.

4. Functions of the Policy Committees

Committees shall have the following qualities/components:

a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting ~~agenda~~Agendas will be posted at least 72 hours in advance of the meeting.
b. Minutes shall be available online.
c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.
e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.
f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.
g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.

h. Committees will review items for completeness in accordance with Section III.C.1 and III.C.2~~B.2~~ of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.
i. Reports leaving a Policy Committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.
j. Per Brown Act regulations, any revised or supplemental materials must be direct revisions or supplements to the item that was published in the ~~agenda~~Agenda ~~packet~~Packet.

Items referred to a Policy Committee from the Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, either (1) the committee Chair may accept the Primary Author's request, either in writing, or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below. The Committee Chair shall report any extension granted outside of a meeting to the Committee and the City Clerk by email or verbally at the next Committee meeting.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's recommendation will be included in a separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a C~~c~~ity board or commission.

The Primary Author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate C~~c~~ity staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and recommendations originating from the Policy Committee are submitted to the City Clerk by the members of the committee.

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council ~~agenda~~Agenda. The Agenda & Rules Committee may leave the item on the ~~agenda~~Agenda under consideration or place it on the next Council ~~agenda~~Agenda. Items appearing on a City Council ~~agenda~~Agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council ~~agenda~~Agenda for consideration.

Policy Committees may add discussion topics that are within their purview to their ~~agenda~~Agenda with the concurrence of a majority of the Committee. These items are not subject to the 120-day deadline for action.

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available ~~agenda~~Agenda. The Agenda & Rules Committee may leave the item on the ~~agenda~~Agenda under consideration or place it on the following Council ~~agenda~~Agenda. The Agenda & Rules Committee may agendize the item on the Consent Calendar or Action Calendar.~~Only items that receive a Positive Recommendation can be placed on the Consent Calendar.~~

Commented [NML22]: Per discussion at Agenda & Rules on 7/8/24 to allow for more discretion to place items returning from committee on Consent

The Primary Author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the committee approves expedited review.

5. Number and Make-up of Policy Committees

Six committees are authorized, each comprised of three Councilmembers, with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee. The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The Agenda & Rules Committee shall establish the Policy Committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing Policy Committees of the City Council are considered "legislative bodies" under the Brown Act and must conduct all business in accordance with the Brown Act.

6. Role of City Staff at Committee Meetings

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

I. Agenda Items Authored by Former Mayors and Councilmembers

Upon the date that the elected official leaves office, all Agenda Items in the legislative process for which the former official is the Primary Author shall be placed on the next available draft Council Agenda to be reviewed by the Agenda & Rules Committee. The Agenda & Rules Committee shall then place the items on the Council Agenda under consideration or the next Council Agenda.

At the Council meeting where the items appear on the Agenda, the Mayor or any Councilmember may assume primary authorship of any item authored by the former official. The Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure.

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

Commented [NML23]: New policy based on discussion at Agenda & Rules on 7/8/24

Commented [NML24]: From discussion at Agenda & Rules on 8/26/24

IV. CONDUCT OF MEETING

A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- At the first regular meeting of the month, a period of public comment reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.
- Public comment on the Consent and Information Calendars.
- Public comment on the Action Calendar at the onset of the Action calendar with the exception of appeals, public hearings, and quasi-judicial matters requiring public comment for due process purposes (if invoked by the Presiding Officer).
- Public comment on Aaction items by those who did not speak in the earlier Action Calendar public comment period, any appeals, public hearings, and/or other quasi-judicial matters requiring extended public comment for due process purposes as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Except in the case of public comment by employee unions, speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

With respect to public comment by employee unions, each union's allocated time may be shared between more than one representative, and representatives and other members of unions may speak during other public comment periods in the same manner as members of the public.

If ten or fewer persons are interested in speaking on an individual Actionagenda Iitem, each speaker may speak for two minutes. If there are more than ten persons interested in speaking on an item, the Presiding Officer may limit the public comment for all speakers on the item to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Commented [NML25]: Moved here as these rules are intended to cover all types of public comments

Commented [NML26]: Stated above, no need to repeat.

This procedure also applies to public hearings except those types of public hearings specifically provided for in this chapter.~~section, below.~~

The Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council.

Commented [NML27]: From Appendix C

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

Commented [NML28]: From Appendix C

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry, or unless the individual is speaking with respect to a public hearing, a quasi-judicial matter, and/or any other item requiring extended public comment as a matter of due process.

1. Public Comment on Non-Agenda Matters.

Commented [NML29]: This section moved here to mirror the order of business on the agenda

Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions, up to ten persons will be selected ~~by lottery~~ to address matters not on the Council A~~a~~genda. If five or fewer persons ~~submit speaker cards for the lottery~~are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons ~~submit speaker cards for the lottery, up to ten persons will be~~are selected to address matters not on the Council ~~agenda~~Agenda, ~~and~~ each person selected will be allotted one minute each.

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

Commented [NML30]: Revised to account for hybrid meetings.

Commented [NML31]: Per discussion at Agenda & Rules on 7/8/24 to facilitate public participation

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the ~~agenda~~Agenda. Speaker cards are not required for this second round of public comment on non-agenda matters. Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers. ~~by subject~~. The Presiding Officer will generally request that persons wishing to speak, line up at

Commented [NML32]: Per discussion at Agenda & Rules on 7/8/24 – not current or even recent practice

the podium to be recognized or raise their hand on the videoconference application to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate. ~~given the number of speakers.~~

~~Pursuant~~ ~~to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agendized business remains unfinished at 11:00 p.m.~~ If the meeting is automatically adjourned at 11:00 p.m., or the expiration of any extension after 11:00 p.m., ~~it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event,~~ the meeting shall be automatically extended for up to fifteen ~~(15)~~ minutes ~~for~~to hear public comment on non-agenda items.

Commented [NML33]: Per discussion at Agenda & Rules on 7/8/24

Commented [NML34]: Language is simplified and removed repition from other sections.

2. **Public Comment on Consent Calendar and Information Items.**
The Council will first determine whether to move items on the ~~agenda~~Agenda for "Action" or "Information" to the "Consent Calendar," or move "Consent Calendar" items to "Action." Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent."

   The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. No additional items can be moved onto the Consent Calendar once public comment has commenced.

   At any time during, or immediately after, public comment on Information and Consent items, the Mayor or any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

   For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

3. **Public Comment on Action Items.**
After the initial ten minutes of public comment on non-agenda items, reserved public comment by employee unions, public comment on Cconsent and iInformation items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the Agenda for action as the item is taken up.

At the discretion of the Presiding Officer, with the consent of the Council, there may be a public comment period for one or several of the Action Calendar items at the beginning of the Action Calendar. Speaking time during this comment period is subject to the standard rules for public comments in Chapter IV.A. Speakers may speak to multiple items, but may only speak once during this period. This provision is not applicable to ~~the public may comment on each remaining item listed on the agenda for action. Public comment will occur for each Action item—excluding~~ public hearings, appeals, and/or quasi-judicial matters. Attendees that speak on an action item at the scheduled public comment period may not speak again when the action item is taken up by the Council.~~—in separate but consecutive public comment periods before the Action Calendar is discussed by Council and staff and as the item is taken up. The Presiding Officer will open and close the public comment period for each Action Item, and each period will occur based on the order of the items on the agenda, or based on the discretion of the Presiding Officer.~~

Commented [NML35]: Per discussion at Agenda & Rules Committee this is a re-working of the previous language adopted by Council in 2023.

During the public comment period for each Action Item, the Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and raise their hand on the videoconference application to determine the number of persons interested in speaking onat that item.~~time.~~

~~If ten or fewer persons are interested in speaking on an individual Action Item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking on an item, the Presiding Officer may limit the public comment for all speakers on the item to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.~~

~~This procedure also applies to public hearings except those types of public hearings specifically provided for in this section, below.~~

4. **Appeals Appearing on Action Calendar.**
With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of a proposed lien (nuisance abatement/special assessment) lien, the appellant shall have seven minutes to comment.

Commented [NML36]: Clarification based on BMC language

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council ~~agenda~~Agenda.

~~5. **Public Comment on Non-Agenda Matters.**~~
~~Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions, persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting.~~

Commented [NML37]: Moved above

~~The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.~~

~~Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.~~

~~For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers by subject. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate given the number of speakers.~~

~~Pursuant to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agendized business remains unfinished at 11:00 p.m. or the expiration of any extension after 11:00 p.m., it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for public comment on non-agenda items.~~

6. **Ralph M. Brown Act Pertaining to Public Comments.**
   The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the ~~agenda~~Agenda. However, the Council may refer a matter to the City Manager.

B. Consent Calendar

There shall be a Consent Calendar on all regular meeting ~~agenda~~Agendas on which shall be included those matters which the Mayor, Councilmembers, boards, commissions, City Auditor, and Charter Officers~~City Manager~~ deem to be of such nature that no debate, prolonged discussion, or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of ~~c~~Consent ~~c~~Calendar items can be minimized.

~~Consent Calendar items may be moved to the Action Calendar by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.~~

Commented [NML38]: Moved to Chapter II.D.

C. Information Reports Called Up for Discussion

Reports for Information designated for discussion at the request of the Mayor or any Councilmember shall be added to the appropriate section of the Action Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The ~~agenda~~Agenda will indicate that at the request of the Mayor or any Councilmember a Report for Information may be acted upon by the Council.

D. Written Communications

Written communications from the public will not appear on the Council ~~agenda~~Agenda as individual matters for discussion but will be distributed as part of the Council ~~agenda~~Agenda ~~packet~~Packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the ~~agenda~~Agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council ~~agenda~~Agenda to the Council to be reproduced in the "Communications" section of the Council ~~packet~~Packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. The Mayor or a Councilmember may refer a communication to the City Manager for action, if appropriate, or prepare a ~~c~~Consent or ~~a~~Action item for placement on a future ~~agenda~~Agenda.

Communications related to an item on the ~~agenda~~Agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.DC.54.

E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, and prior to opening the public hearing, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date, place, and content of the contact. Written reports shall be available for public review in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by first the appellant and then the applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a

Commented [NML39]: Codifies long-standing practice

public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

The Presiding Officer will request that persons wishing to speak~~,~~ line up at the podium to be recognized or raise their hand on the videoconference platform,~~and~~ to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

F. Work Sessions

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent ~~agenda~~Agenda under the Action portion of the Council ~~agenda~~Agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak~~,~~ line up at the podium or raise their hand on the videoconference to be recognized and to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

G. Protocol

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.

V. PROCEDURAL MATTERS

A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

B. Decorum

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

C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the Ppresiding Oofficer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

D. Precedence of Motions

When a question or motion is before the Council, no motion shall be entertained except:

1. To adjourn;
2. To fix the hour of adjournment;
3. To lay on the table;
4. For the previous question;
5. To postpone to a certain day;
6. To refer;
7. To amend;
8. To substitute; and
9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to amend or substitute, shall be put to a vote without debate.

E. Robert's Rules of Order

Robert's Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall supersede.

F. Rules of Debate

1. **Presiding Officer May Debate.**
   The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

2. **Getting the Floor - Improper References to be avoided.**
   Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themself to the question under debate.

3. **Interruptions.**
   A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

4. **Privilege of Closing Debate.**
   The Mayor or Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Mayor or Councilmember moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

5. **Motion to Reconsider.**
   A motion to reconsider any action taken by the Council may be made only during the same session such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by a member on the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

6. **Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.**
   Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

G. Debate Limited

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

For non-Consent items, the Mayor and Councilmembers will have five~~two~~ minutes each to make initial comments on an ~~agenda item~~Agenda Item., ~~except for the author of an agenda item who will have five minutes to initially present the item.~~ After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

~~1. Consideration of each matter coming before the Council shall be limited to 20 minutes from the time the matter is first taken up, at the end of which period consideration of such matter shall terminate and the matter shall be dropped to the foot of the agenda, immediately ahead of Information Reports; provided that either of the following two not debatable motions shall be in order:~~

~~a) A motion to extend consideration which, if passed, shall commence a new twenty-minute period for consideration; or~~

~~b) If there are one or more motions on the floor, a motion for the previous question, which, if passed by a 2/3 vote, shall require an immediate vote on pending motions.~~

~~2. The time limit set forth in subparagraph 1 hereof shall not be applicable to any public hearing, public discussion, Council discussion or other especially set matter for which a period of time has been specified (in which case such specially set time shall be the limit for consideration) or which by applicable law (e.g. hearings of appeals, etc.), the matter must proceed to its conclusion.~~

~~3. In the interest of expediting the business of the City, failure by the Chair or any Councilmember to call attention to the expiration of the time allowed for consideration of a matter, by point of order or otherwise, shall constitute unanimous consent to the continuation of consideration of the matter beyond the allowed time; provided, however, that the Chair or any Councilmember may at any time thereafter call attention to the expiration of the time allowed, in which case the Council shall proceed to the next item of business, unless one of the motions referred to in Section D hereof is made and is passed.~~

H. Motion to Lay on Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may

Commented [NML40]: Per Council direction on 5/7/24

Commented [NML41]: Per discussion at Agenda & Rules on 7/8/24 – eliminates redundancy in this paragraph.

Commented [NML42]: This obsolete "20-minute rule" language is replaced with the language immediately above from Appendix C

be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

I. Division of Question

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

J. Addressing the Council

Under the following headings of business, unless the presiding officer rules otherwise, any interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

1. **Written Communications.**
   Interested parties or their authorized representatives may address the Council in the form of written communications in regard to matters of concern to them by submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.D.5.~~C.4.~~

2. **Public Hearings.**
   Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

3. **Public Comment.**
   Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

K. Addressing the Council After Motion Made

When a motion is pending before the Council, no person other than the Mayor or a Councilmember shall address the Council without first securing the permission of the presiding officer or Council to do so.

L. Use of Cellular Phones and Electronic Devices

The use of cell phones during City Council meetings is discouraged for the Mayor and Councilmembers. While communications regarding Council items should be minimized, personal communications between family members and/or caregivers can be taken outside in the case of emergencies. In order to acknowledge differences in learning styles and support tactile learners, note-taking can continue to be facilitated both with a pen and paper and/or on electronic devices such as laptop computers and tablets.

The use of cell phones during Closed Session Meetings is explicitly prohibited for the Mayor and Councilmembers.

VI. FACILITIES

A. Meeting Location Capacity

Attendance at Ccouncil meetings shall be limited to the posted seating capacity of the meeting location. Entrance to the meeting location will be appropriately regulated by the City Manager on occasions when capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the meeting room except to address the Council, and sitting on the floor shall not be permitted.

B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the Board Room.

C. Amplified Sound, Signs, Objects, and Symbolic Materials

Amplified sound devices such as bullhorns, megaphones, portable sound systems, and similar devices are prohibited within the meeting location during Council meetings.

Objects and symbolic materials such as signs and banners are permitted in the meeting location provided that they do not interfere with the cameras that broadcast the meeting, obstruct the view of other attendees, or create a fire or safety hazard.

Any type of stick, pole, or similar object is prohibited in the meeting location during Council meetings.

D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the meeting location has reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

F. Format of Meetings

Commented [NML43]: Per Council direction on 5/7/24

The City Council may conduct regular meetings or special meetings held at the School District Boardroom in the hybrid format with both in-person and virtual participation as provided for in the Brown Act, and as noticed on the meeting Agenda. Council meetings at other locations may be conducted in the hybrid format if technologically feasible.

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

Purpose
To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

Objective
A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

Section 1 – Lead Commission
The City Council designates the following commissions as the 'Lead Commissions' in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

Board of Library Trustees

Parks, ~~and~~ Recreation & Waterfront Commission – Parks, recreation centers, camps, plazas, ~~and~~ public open spaces, and public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

Transportation and Infrastructure ~~Public Works~~ Commission – Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

~~Waterfront Commission – Public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.~~

Commented [NML44]: Moved above due to commission consolidation

Section 2 – General Policy
A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

Section 3 – Criteria for Naming of Public Facilities
When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an

established park), or, the renaming of an existing public facility the following criteria shall be applied:

A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.
B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.
D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.
E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.
F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.
B. The honoree has a record of outstanding service to their community
C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

Section 5 –Procedures for Naming or Renaming of Public Facilities

A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
    1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.
B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
    1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.
C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
    1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination

D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.
    1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

APPENDIX B. GUIDELINES FOR ~~DEVELOPING AND WRITING~~ CITY COUNCIL~~MEMBER~~/~~MAYOR MAJOR AGENDA~~ ITEMS

~~These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."~~

~~These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.~~

~~Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:~~

~~2. Agenda items shall contain all relevant documentation, including the following as Applicable:~~

~~a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;~~
~~b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~
~~c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);~~
~~d. Fiscal impacts of the recommendation;~~
~~e. A description of the current situation and its effects;~~
~~f. Background information as needed;~~
~~g. Rationale for recommendation;~~
~~h. Alternative actions considered;~~
~~i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);~~
~~j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.~~

Commented [NML45]: Eliminated here – redundant with text in the body of the ROP

~~Guidelines for City Council Items:~~ Requirements for City Council~~member~~/Mayor Major Items are provided in ~~Section [XXX]~~Chapter III.C.2 of the City Council Rules of Procedure and Order. These guidelines further explain the requirements and are intended to assist in the preparation of fully researched and documented items that are likely to be eligible to move forward in the legislative process as determined ~~deemed complete~~ by the Agenda ~~and~~& Rules Committee~~. in [process].~~

~~1. Title~~
~~2. Consent/Action/Information Calendar~~
~~3. Recommendation~~
~~4. Summary Statement/Current situation and its effects~~
~~5. Background~~
~~6. Review of Existing Plans, Programs, Policies and Laws~~
~~7. Actions/Alternatives Considered~~
~~8. Consultation/Outreach Overview and Results~~
~~9. Rationale for Recommendation~~
~~10. Implementation, Administration and Enforcement~~
~~11. Environmental Sustainability~~
~~12. Fiscal Impacts~~
~~13. Outcomes and Evaluation~~
~~14. Contact Information~~
~~15. Attachments/Supporting Materials~~

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1. **Title**
   A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. **Consent/Action/Information Calendar**
   Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. **Recommendation**
   Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

   Common action options include:
   - Adopt first reading of ordinance
   - Adopt a resolution
   - Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
   - Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
   - Referral to a Commission or to a Standing or Ad Hoc Council Committee
   - Referral to the budget process

- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. **Summary Statement/ "Current situation and its effects"**
   A short resume of the circumstances that give rise to the need for the recommended action(s).
   - Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
   - Example (fictional):
     Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process $40,000 to cover costs of an additional two months of shelter operations.

5. **Background**
   A full discussion of the history, circumstances and concerns to be addressed by the item.
   - For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. **Review of Existing Plans, Programs, Policies and Laws**
   Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

   Review of all pertinent/applicable sections of:
   - The City Charter
   - Berkeley Municipal Code
   - Administrative Regulations
   - Council Resolutions
   - Staff training manuals

   Review of all applicable City Plans:
   - The General Plan

- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan
Review of similar legislation previously introduced/passed by Council
Review of County, State and Federal laws/policies/programs/plans, if applicable

7. **Actions/Alternatives Considered**
   - What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
   - What solutions/measures are recommended by **advocates, experts, organizations**?
   - What is the range of actions considered, and what are some of their major pros and cons?
   - Why were other solutions not as feasible/advisable?

8. **Consultation/Outreach Overview and Results**
   - Review/list external and internal stakeholders that were consulted
     - **External**: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
     - **Internal**: staff who would implement policies, the City Manager and/or ~~d~~Deputy CM, Department Heads, City Attorney, City Clerk, etc.
   - What reports, articles, books, websites and other materials were consulted?
   - What was learned from these sources?
   - What changes or approaches did they advocate for that were accepted or rejected?

9. **Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:
- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws

- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. **Implementation, Administration and Enforcement**
    Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. **Environmental Sustainability and Climate Impacts**
    Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. **Fiscal Impacts**
    Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

13. **Outcomes and Evaluation**
    State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

14. **Contact Information**

15. **Attachments/Supporting Materials**

APPENDIX C. TEMPORARY RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS THROUGH VIDEO CONFERENCE DURING THE COVID-19 EMERGENCY

Commented [NML46]: Relevant portions have been moved to the body of the document.

Mayor and Councilmember Speaking Time on Agenda Items

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

For non-Consent items, the Mayor and Councilmembers will have two minutes each to make initial comments on an agenda item, except for the author of an agenda item who will have five minutes to initially present the item. After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

Procedure for Pulling Items from Consent or Information Calendar

Three (3) members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent three members concurring, the item will stay on Consent or Information Calendar and, with respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar.

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

Public Comment Speaking Time

Commented [NML47]: Relevant portions have been moved to the body for the Rules of Procedure.

With the exception of prescribed times in the Rules of Procedure for public hearings and public comment by employee unions, the amount of time for each speaker during public comment is limited to two minutes maximum and that speakers can only address an agenda item once, however the Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council. Speakers may yield their time for a maximum of four minutes per individual. If a speaker wishes to yield their time, they must indicate so when called on by the Presiding Officer and state who they are yielding their speaker time to. The Presiding Officer will keep a list with the names and amount of time yielded to individuals.

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

Public Comment on Non-Agenda Matters will be conducted in the order of hands raised on the Zoom platform, and will be limited to either the first 10 speakers during the initial round of Non-Agenda public comment, as well as all hands raised during the closing round of Non-Agenda public comment at the conclusion to the meeting, until such time that the

Commented [NML48]: This paragraph is only applicable to virtual-only meetings, which are currently not permitted under the Brown Act.

~~meeting adjourns. If there are five or fewer speakers with hands raised for Public Comment on Non-Agenda Matters, each speaker will have two minutes to address the City Council. If there are more than five speakers with their hands raised then speaker time will be limited to one minute per person. The procedure for selection of Non-Agenda speakers prescribed in the Rules of Procedure by random draw is suspended for videoconference meetings where there is no physical meeting location.~~

Item 11
City Council Rules of Procedure Amendments

SEPTEMBER 24, 2024

Sources of Amendments

- Planned Technical Revisions from Fall 2023
- Council Direction on May 7, 2024
- Agenda & Rules Committee Recommendations

Planned Technical Revisions

- Eliminate Appendix C (Emergency Procedure from Pandemic) and incorporate useful provisions in the body of the Rules
- Account for Hybrid Meeting Format
- Ad Hoc Committee policy alignment with Brown Act and City Commissions
- Charter Officer Definition and associated revisions
- Clarification of Public Comment rules in Chapter IV
- Update Commissions in Naming Policy (Appdx A) per commission reorganization

Council Direction on May 7, 2024

- Proposed changes from Open Government Commission; reviewed by Agenda & Rules Committee; Council adopted committee recommendation
- Chair can reorder agenda without consent of the full Council
- If three members abstain or vote no on a Consent item, it moves to Action
- Five-minute time limit on initial Council comments on Action Items
- Officially specify hybrid format for Council meetings if feasible

Agenda & Rules Recommendations

- Definition of a “Major Item”
- Recommended guidelines for Major Items now mandatory
- Spells out authority of Agenda & Rules with regards to Major Items
- Clarifies process for Author to remove an item from the legislative process
- Allows for Budget & Finance committee to receive notice of Major Items at other committees
- Adds new process for disposition of items from former Councilmembers and former Mayor
- Revises the previous Rules change adding a general public comment period on Action items

Requested Action

- Approve the Rules amendments as proposed
- If further discussion is required on certain amendments, Council may adopt some/most of the proposed amendments and continue discussion on other amendments.

Office of the Mayor

Jesse Arreguín
Mayor

February 21, 2019

To: City Council Land Use, Housing and Economic Development Committee

From: Mayor Jesse Arreguin

Subject: Purposes, Procedures and Requirements for Policy Committees

As this is the first meeting of the new Land Use Policy Committee, I wanted to remind Committee members about the purposes of our committee system, the procedures adopted by the Council on December 11, 2018, and requirements for reviewing and recommending legislation to the City Council.

In thinking about a rational review process, I also wish to propose some new procedures which I hope we will adopt by unanimous consent to guide our future deliberations.

Purposes of Policy Committees:

As described in Resolution No. 68,726-N.S. which established our new Policy Committee system the purposes are to:

Ensure "*an efficient and standardized structure for public policy development and consideration*"; and

"*Provide the community and the City Council with adequate opportunity for detailed policy discussions outside of a meeting of the full City Council*"

As stated in the Governing Policies and Procedures for City Council Policy Committees adopted on December 11, 2018, items with moderate to significant administrative, operational, budgetary, resource or programmatic impacts should be referred to a Policy Committee.

Committees will review items for completeness in accordance with Section III.B.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.

Committees are also designed to allow a fuller review and discussion of City Council items, to allow Councilmembers to engage with authors and ask questions, to afford citizens and commissions an opportunity to comment on proposals before they come to Council and allow for recommended changes based on discussion with the Committee and the authors.

In addition, to assist in Committee and full Council review, staff will undertake a high-level, preliminary analysis of potential costs, timelines, and staffing demands associated with the item.

Procedures Adopted by Council for Committee review:
Items must appear on a Committee agenda within 60 days of referral by either the Agenda Committee or Council.

Within 120 days of the referral date, the Committee must vote to either (1) accept the author's request that the item remain in committee until a date certain (2) send the item to the Agenda Committee to be placed on a Council agenda with a Committee recommendation.

The Committee shall review items for completeness in accordance with Section III.B.2 and use the "Guidelines for Developing and Writing Council Agenda Items" in their analysis of items for completeness.

In addition, the Committee will engage with the author to understand the purposes, costs, and impacts and feasibility of implementation and may propose amendments to the author for consideration.

After preliminary discussion, the Committee will request that staff provide the "high-level, preliminary analysis of potential costs, timelines and staffing demands associated with the item".

After substantive policy discussion and review for completeness, the Committee will make one of the four recommendations to the City Council:

- "Positive Recommendation": Recommending Council pass the item as proposed originally by the author;

- "Qualified Positive Recommendation": Recommending Council pass the item with some changes;

- "Qualified Negative Recommendation": Recommending that Council reject the item unless certain changes are made;

- "Negative Recommendation": Recommending that the item not be approved.

If a Committee does not take final action by the 120-day deadline the item is automatically returned to the Agenda Committee and appears on the next Council agenda.

Issue Focus of Land Use Committee:

- Land Use
- Preservation
- Development standards
- Housing and Affordable Housing
- Disability/Universal Access
- Business and economic growth
- Business retention, attraction and development
- Civic arts and culture

Proposed New Procedures for Committee Review:

Public Comment: Public comment at the beginning of the Committee meeting should be for non-agenda items within the purview of the policy committee.

The Committee will allow public comment when each agenda item is taken up.

Order of Committee Discussion of Items:

1. When an item is called, the Chair will permit the author of the referred item 5 minutes to introduce the item.

2. Then the Committee will ask initial questions of the author on the proposal.

3. After initial questions, the Committee will then take public comment on the item. The Committee will follow the established time limits in the Council Rules of Procedure, 2 minutes, and if 10 or more speakers 1 minute, with time yielded for a maximum of 4 minutes per speaker.

4. After public comment, the Committee will return to discussion and possible action. Items will likely take two or more meetings to complete Committee discussion and review.

The Committee will request the financial, legal, administrative high-level analysis from staff to be presented at the next Committee meeting.

The Committee after review for completeness and discussion of policy merits, can make a Positive Recommendation to Council, or a Qualified Recommendation.

Focus of Committee Process:

The Policy Committee process should not just be limited to review of referred items. If time permits, the Committee should allow for hearings on policy matters within the jurisdiction of the Committee, allowing open forums to solicit input from community members or experts on relevant policy issues, and initiate policy proposals for Council consideration.

Along these lines, I am specifically proposing that the Land Use, Housing and Economic Development Committee have an open forum of 30 minutes (or more if Committee wishes to extend time) to invite representatives of Business Associations and other small business owners to speak and engage with the Committee on issues impacting businesses.

Agenda Committee 1/16/2024
Item 10 - City Council Legislative Systems Redesign
Discussion Items - Part 1

Background:

The Agenda Committee presented materials and solicited input from the City Council during fall of 2023 regarding possible Legislative Systems Redesign options. The goal of Systems Redesign is to improve processes for developing, introducing, vetting, passing, funding, and implementation of Major Council Items and initiatives. Based on City Council input, the Agenda Committee has been tasked with proposing a new set of improvements to:

1. Consider possible refinements to the definition of Major Items
2. Make the Council Item Guidelines mandatory for Major Items (formerly referred to as “Policy Track Items”)
3. Establish transparent deadlines for budget processes and clarity about what kind of “asks” can be submitted/considered at each budget cycle
4. Strengthen the Committee System to provide more in-depth review and vetting of Major Items
5. Clarify levels of input from Staff and City Attorney at all stages, from development to implementation
6. Clarify processes and timelines for implementation of items once passed and funded
7. Establish protocols for one-time vetting/disposition of currently backlogged items
8. Consider yearly prioritization processes in light of the intended outcome of fewer, more fully considered Major Items in the queue

To facilitate focused discussion, this memo only addresses proposals related to items 1, 2, and 3, above. Additional considerations will be discussed at subsequent meetings.

1. **<u>Consider possible refinements to the definition of Major Items</u>**
   “Major Items” are items meeting the current definition of *Policy Committee Track Items*:

   > *“Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts.”*

   Some Councilmembers expressed that the definition might be further clarified. After discussing a variety of options, and considering times when the definition might have

proved problematic, it was decided that no changes should be proposed; the definition appears to provide good guidance to members of the Agenda & Rules Committee and has not been a source of controversy to date.

Consideration was given to potentially require all Ordinance changes to be labeled Major Items, but on further discussion, it was concluded that only Ordinance changes/new Ordinances with "moderate to significant administrative, operations, budgetary, resources, or programmatic impacts" would be worthy of being considered as Major Items - thus reinforcing the appropriateness of the existing definition.

One possible improvement could be to add examples of items that may be considered Major Items, rather than to amend the rule:

> *"Examples may include, but are not limited to Items that:*
> - *Clarify or extend existing Plans, Programs, Policies and Laws in moderate to significantly impactful ways*
> - *Change/Amend existing Plans, Programs, Policies and Laws in moderate to major ways*
> - *Create a new and meaningful exception to existing Plans, Programs, Policies and Laws*
> - *Reverse/change existing Plans, Programs, Policies and Laws in moderate to significant ways*
> - *May require moderate to significant increases in funding or additional FTE for start-up and/or ongoing operations"*

Recommendation: Keep existing definition, add examples, and revisit should controversies occur.

2. **Make the Council Item Guidelines mandatory for Major Items (formerly referred to as "Policy Track Items")**

In discussing this seemingly straightforward concept, a number of considerations arose that are addressed in the following proposed path forward.

The Council Rules of Procedure and Order already include an outline of what is "required" for Council items, in Section XXX of the Rules. The Guidelines – suggested but not required and included in an Appendix to the Rules – were built from the Rules, providing more elaboration and specificity.

As suggested but not required, the Guidelines have not been "in conflict" with the Rules. However, adopting the Guidelines as requirements changes this equation; *the existing Rules and the Guidelines cannot both be simultaneously required*. The proposed path forward addresses the potential conflict that arises when the Guidelines are adopted as mandatory for Major Items.

In addition, if the Guidelines are mandatory only for Major Items, we must consider what will be mandatory for "all other" items – hereinafter referred to as "Standard Items." The proposed path forward thus addresses both Major Item and Standard Item requirements.

Another consideration is how the Agenda Committee will evaluate whether an item - Major or Standard - is in compliance with mandatory requirements, and what the Agenda Committee must or may do if it finds an item falls short of the requirements. The following proposal addresses these issues as well.

Finally, the Guidelines were reviewed to identify any possible edits that might be suggested prior to adoption of the Guidelines as mandatory.

Proposal:

1. Make Edits to Guidelines:
    a. Remove "preamble" language
    b. Make light changes to the Guidelines and expand illustrative examples
    c. See Edited Version of the Guidelines

2. Remove/eliminate existing Rules about how to present/write Items and adopt a two-tiered set of Rules for **Standard Items** and **Major Items**, based on the Guidelines.
    a. For **Major Items**, make the full Guidelines MANDATORY
    b. For **Standard Items**, make elements **1, 2, 3, 4, 5, 14 and 15** of the Guidelines MANDATORY, with other elements RECOMMENDED.
    c. **Drafting Consideration** - Keep the Guidelines as an Appendix – incorporated by reference into the Rules – rather than "pasting" the full Guidelines directly into the Rules.

d. **Clerk Templates** - the Clerk's Office will create updated, more user-friendly and easily accessible templates for Major and Standard Items, as well as for Supplemental, Late, and other Submissions.
e. For "**Speciality Items**" such as D13 Account grants, letters and resolutions in support of State or Federal Legislation, and other "special" Item types, the Clerk's Office will provide updated RECOMMENDED templates.

3. **For MANDATORY elements of *both Major and Standard Items***, suggest adopting the following (or similar) standard for review by the Agenda Committee:

   If a Major or Standard Item, as submitted by the Primary Author, does not substantially and materially meet reasonably applicable Mandatory Elements of the Guidelines, the Agenda & Rules Committee shall request, and may require, that the Primary Author provide additional analysis and/or consultation to fulfill Guideline requirements.

   If the Agenda & Rules Committee requests or requires the Primary Author to provide additional analysis or consultation, the Item may or shall be referred back to the Primary Author and may be resubmitted for a future Agenda.

4. **For RECOMMENDED elements of Standard Items and Speciality Items**, authorize the Agenda Committee to do what it currently has the power to do under Rules Section (C)(1) (with some edits):

   Refer the item back to the Primary Author for adherence to ~~required~~ recommended form or for additional analysis as ~~required~~ recommended in Section III.B.2 (Primary Author may decline and request Policy Committee assignment).

5. **For Emergency/Time Sensitive Items**, Items can bypass mandatory Guidelines requirements if the Agenda Committee makes the findings for a Time Critical Track Item (existing definition).

   Proposed Standard for allowing Emergency/Time Sensitive Items to go forward without fulfilling the Mandatory Guidelines:

The Agenda Committee may make an exception to Mandatory Guidelines requirements for a Major or Standard Item if the Item meets the definition of a Time Critical Track Item, as provided in Section (3)(g)(1) of the Rules, in which case the Item may go forward as submitted on the Action Calendar for the Agenda under consideration with a notation, added by the Clerk's Office, that additional materials have been requested by the Agenda Committee. The Primary Author shall submit such additional materials as a Supplemental 1 filing.

Time Critical Track Item Definition (existing, Section (3)(g)(1)):
A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council.

6. **Appeals - provide a mechanism to appeal Agenda Committee decisions to the full Council?**
   May be advisable to have a bypass mechanism - or not?

3. **Establish transparent deadlines for budget processes and clarity about what kind of "asks" can be submitted/considered at each budget cycle**

The Council did not support a single, yearly cycle for submitting Council items, but expressed a desire for clear deadlines to be established for submission/ consideration of items for various budget processes. In addition, questions have arisen regarding what kinds of requests can/should be submitted for consideration at various junctures in the yearly/biennial budget cycle.

Overall, it was determined that *the Agenda Committee should formally ask the Budget Committee for guidance on these questions*, as they fall more squarely into the Budget Committee's purview.

- By when should Standard and Major Items with budgetary considerations be passed out from Council to be considered in the June budget adoption/update?
- Working back from that date, by when should a Major Item or Standard Item be submitted, to allow time for consideration by the appropriate

Policy Committee and/or the City Council? (This may be a question for Agenda & Rules Committee to determine, once B&F sets the deadline)

- What kinds of budget requests are allowed/appropriate for the June budget?
- Consider establishing deadlines for the City Manager to bring Budget Updates (Fall and Spring) to the City Council.
- With established deadlines for Budget Updates, work back to establish deadlines for Major and Standard items to be submitted for consideration at each Budget Update. (This may be a question for Agenda & Rules Committee to determine, once B&F sets the deadline)
- What kinds of budget requests will be considered at Fall and Spring updates - from both Council and from the City Manager/Staff?
- If only emergency/time sensitive requests will be considered (or, for example, expansions of existing programs but not new programs, etc.), how will excess funds, if any, be rolled over and made available for Council priorities at the next June budget?

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

~~These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."~~

~~These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item.~~ These ~~g~~Guidelines are mandatory for all Major Items and strongly recommended for ~~all other council reports~~Standard Items. While not all elements ~~would be~~are applicable to every type of ~~A~~agenda item, the Guidelines~~y are intended to~~ prompt Authors to consider important elements of a complete item and to present ~~presenting~~ items with as much relevant information and analysis as possible.~~–~~

~~Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:~~

~~2. Agenda items shall contain all relevant documentation, including the following as Applicable:~~

~~a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;~~

~~b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~

~~c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);~~

~~d. Fiscal impacts of the recommendation;~~

~~e. A description of the current situation and its effects;~~

~~f. Background information as needed;~~

~~g. Rationale for recommendation;~~

~~h. Alternative actions considered;~~

~~i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);~~

~~j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be~~

~~duplicated. In such case the agenda item distributed with the packet shall so indicate.~~

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal ~~Impacts~~Considerations
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

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1. **Title**
   A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. **Consent/Action/Information Calendar**
   Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. **Recommendation**
   Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

   Common action options, ~~-~~that can be presented singularly or in combination with others, include:
   - Adopt first reading of ordinance
   - Adopt a resolution
   - Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
   - Direction to the City Manager (City Manager is directed to execute the recommendation right away~~,~~; it is not placed on any referral list)
   - Referral to a Commission, ~~or to a Standing or Ad Hoc~~ Council Policy Committee, or other Legislative Body

- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. **Summary Statement~~/ "Current situation and its effects"~~**
   A short resume of the circumstances that give rise to the need for the recommended action(s).
   - Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
   - Example (fictional):
     Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process $40,000 to cover costs of an additional two months of shelter operations.

5. **Background**
   A full discussion of the history, circumstances and concerns to be addressed by the item.
   - For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. **Review of Existing Plans, Programs, Policies and Laws**
   Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

   Review of all pertinent/applicable sections of:
   - The City Charter
   - Berkeley Municipal Code
   - Administrative Regulations
   - Council Resolutions
   - Staff training manuals

   Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan
Review of similar legislation previously introduced/passed by Council
Review of County, State and Federal laws/policies/programs/plans, if applicable

7. **Actions/Alternatives Considered**
   - What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
   - What solutions/measures are recommended by **advocates, experts, organizations**?
   - What is the range of actions considered, and what are some of their major pros and cons?
   - Why were other solutions not as feasible/advisable?

8. **Consultation/Outreach Overview and Results**
   - Review/list external and internal stakeholders that were consulted, as relevant.
     - **External**: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
     - **Internal**: staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, City Clerk, etc.
     - **Commissions**: what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?
   - What reports, articles, books, websites and other materials were consulted?
   - What was learned from these sources?
   - What changes or approaches did they advocate for that were accepted or rejected?

9. **Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:
- Conform to, clarify or extend existing Plans, Programs, Policies and Laws

- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. ~~Plus~~In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- Example: *Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.*

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal ~~Impacts~~Considerations

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs and benefits. Initial, high-level consultation with the City Manager and/or the City Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

13. Outcomes and Evaluation

State the specific outcomes expected, if any.

- ~~(i.e.,~~Example: *"it is expected that ~~100~~ 300 homeless people will be ~~referred to housing every year~~able to access dry and warm shelter during the 3-month extension of the winter shelter program"*~~)~~

Also state~~and~~ what reporting or evaluation is recommended.

- Example: *The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).*

14. Contact Information

15. Attachments/Supporting Materials

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These Guidelines are mandatory for all Major Items and strongly recommended for Standard Items. While not all elements are applicable to every type of agenda item, the Guidelines prompt Authors to consider important elements of a complete item and to present items with as much relevant information and analysis as possible.

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1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

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Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

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- Direction to the City Manager (City Manager is directed to execute the recommendation right away; it is not placed on any referral list)
- Referral to a Commission, Council Policy Committee, or other Legislative Body
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. Summary Statement

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):
  Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process $40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:
- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:
- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan
Review of similar legislation previously introduced/passed by Council
Review of County, State and Federal laws/policies/programs/plans, if applicable

7. **Actions/Alternatives Considered**
   - What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
   - What solutions/measures are recommended by **advocates, experts, organizations**?
   - What is the range of actions considered, and what are some of their major pros and cons?
   - Why were other solutions not as feasible/advisable?

8. **Consultation/Outreach Overview and Results**
   - Review/list external and internal stakeholders that were consulted, as relevant.
     - **External**: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
     - **Internal**: staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, City Clerk, etc.
     - **Commissions**: what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?
   - What reports, articles, books, websites and other materials were consulted?

- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- Example: *Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.*

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Considerations

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs and benefits. Initial, high-level consultation with the City Manager and/or the City

Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

13. Outcomes and Evaluation

State the specific outcomes expected, if any.

- Example: *"It is expected that 300 homeless people will be able to access dry and warm shelter during the 3-month extension of the winter shelter program."*

Also state what reporting or evaluation is recommended.

- Example: "*The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).*"

14. Contact Information

15. Attachments/Supporting Materials

Kate Harrison
Councilmember District 4

SUPPLEMENTAL AGENDA MATERIAL
for Supplemental Packet

Meeting Date: **October 10, 2023**

Item Number: **1**

Item Description: **City Council Legislative Systems Redesign**

Submitted by: **Councilmembers Harrison, Robinson, and Taplin**

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described in the background section.

Kate Harrison
Councilmember District 4

ACTION CALENDAR
October 10, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author), Councilmember Robinson (Co-Sponsor), and Councilmember Taplin (Co-Sponsor)

Subject: Alternative Council Legislative Process

RECOMMENDATION

Refer to the Agenda Committee the elements contained in the "Alternative Legislative Alignment Process" as described below in the background section:

1. Incorporate positive elements of the Councilmember Hahn proposal, including mandatory Council memo guidelines, a formal process for City staff to provide conceptual input to authors, re-evaluating backlogged items for potential removal, and policy committees' using a checklist to guide their analysis;[1]
2. Establish objective definitions and provide for comprehensive consideration of significant items;
3. Require referrals and budget requests over a given threshold to be considered first by a policy committee.
4. Preserve and formalize rolling deadlines for significant item submission;
5. Retain policy/budget judgement and prioritization to Council as a whole rather than policy committees, while tasking committees with role of ensuring items are drafted to form and sufficiently inform Council and the public's consideration.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

At the October 2019 Council retreat, the Council and the City Manager discussed approaches to better align the legislative process to the budget and ensure implementation was feasible. In particular, many referrals to the City Manager were not well drafted and were not reviewed by policy committees before being referred. Many budget referrals were also not considered by policy committees despite their potential to have outsized impacts on staff and budgetary resources. Even with the referral ranking system, there remain a sizeable backlog of items that are not necessarily funded or considerate of staff resources. Councilmembers have not identified a sufficient number of lower-ranked items for removal from the list and may remain there for years.

[1] Councilmember Hahn, Draft Proposal, p. 44., https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-09-18%20Agenda%20Packet%20-%20Agenda%20Committee.pdf

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These considerations merit Council consideration and possible action. At the same time, proposals dictating how often Council can submit legislation and overly complex rules for policy committees risks veering into limiting councilmembers' legislative authority, fails to respond to emerging circumstances, is unprecedented in comparable cities and risks violating the spirit if not the letter of the City Charter. This item finds that (1) policy committee system created in 2018 is fundamentally sound with certain enhancements, and (2) that the problem that needs to be addressed is ending the practice of allowing significant policy and budget referrals to bypass the policy committee system.

Before Council could consider the issue in depth, the COVID-19 pandemic occurred. During the first year of the COVID-19 pandemic, the Mayor and Council briefly suspended consideration of nearly all non-emergency Council legislation and meetings of committees and commissions. As the pandemic wore on, the reality of governing and the needs of the people, including the pressing need for street improvements, responses to our affordable housing crisis, the murder of George Floyd and socio-economic factors – some related and some not to the pandemic – made introducing no new policy infeasible, and Council began legislating anew.

On June 15, 2021 City Management proffered its "Systems Alignment Proposal" proposal to Council. The proposal recommended restricting the time period for submitting Council items (exempting Departments and the City Manager) to only four months per year, among other details, citing the need for more in depth budgetary and implementation analysis. However, the Council's policy committees, created shortly before this time, were tasked with vetting items for any staffing impacts in light of vacancies and considering budget impacts Current rules provide that the policy committees are to:

- review items for completeness and alignment with Strategic Plan goals;
- ensure Council items include adequate discussion of budget implications, administrative feasibility, basic legal concerns, and staff resource demands to allow for informed consideration by the full Council;
- include a positive, qualified, or negative "Committee recommendation" based on these criteria. [2]

Many items improved significantly through the committee process.

Questions about the impact of the city management proposal on the City Charter were outlined in an alternative Council item submitted by Councilmember Harrison in June 2021.[3] Ultimately the City Manager's proposal was not adopted by Council, and was

[2] Berkeley City Council Rules of Procedure, https://berkeleyca.gov/sites/default/files/documents/City%20Council%20Rules%20of%20Procedure%20-%20July%2011%202023%20-%20FINAL.pdf.

[3] Councilmember Harrison, "Comments and Alternative Systems Alignment Proposal," June 15, 2021, https://records.cityofberkeley.info/PublicAccess/api/Document/AemaKwyWOMW%C3%89OLzGWGj2m%C3%81pnQxBkfMC7W2S7PsoYWkE%C3%81c3kNbNXoWpsj%C3%891iLPosUUV90e0sL0rH3HFNV2BEtmCo%3D/.

instead referred to the Agenda Committee for consideration alongside alternative proposals. The City Manager has indicated that it would be inappropriate for the City Manager under the Charter to be recommending or determining how the Council makes policy decisions. Indeed, the policy and legislative function is firmly lodged under the Council per the Charter as was noted in Councilmember Harrison's 2021 alternative item.

Some of the elements of the City Manager's 2021 proposal have reemerged as part of a new proposal led by Councilmember Hahn through the Agenda Committee. According to the Agenda Committee record, Councilmember Hahn indicated that her proposal represents an understanding between the City Manager and City Clerk's office. The City Manager noted that "there are characteristics of my [the City Manager's] proposal woven into what you [Councilmember Hahn] will be providing [the Council]" but has indicated this is clearly a matter for Council to determine.

The Council's process is not fundamentally flawed, and does not require measures such as a nearly 300-day legislative process for "major items." The Council's Policy Committee and budget process systems are sound, and among other updates the main task before Council is to close outstanding loopholes to the committee process.

This alternative item builds upon the proposal submitted by Councilmember Harrison in 2021, comments directly to the positive and less positive elements of Councilmember Hahn's proposal, and offers an updated alternative proposal that better aligns the legislative process to the budget and staff implementation process without sacrificing Berkeley's democratic process, and directly deals with referrals and budget requests submitted without sufficient budget and implementation analysis.

Certain elements of the legislative processes that have largely bypassed the policy committee process include: (1) referrals to the City Manager, (2) departmental, City Manager, including some major policy items, and (3) departmental, City Manager and Council budget referrals. All of these can have an outsized impact on limited budget resources and staff time and should be incorporated in the policy committee process ahead of the respective budget process. The policy committees are where—before passing out an item—significant budgetary impacts and feasibility, in addition to the proposals merits, ought to be determined.

We can fix the process without stripping the people's representatives of their Charter responsibility to respond to the public's needs and of due process to propose, debate, and consider legislation.

BACKGROUND

Positive Aspects of the Councilmember Hahn Proposal

- Council items are required to follow the guidelines already promulgated rather than leaving these guidelines as recommended only;[4]
- Formal process for City staff to provide high level conceptual input to authors before they submit proposals;[5]
- Process for addressing or re-prioritizing the "backlog" of unfunded items;[6]
- Major Items passed by Council but not funded are automatically rolled-over to future funding opportunities (this has already been implemented to a certain extent).[7]
- Policy Committees' analysis is enhanced using a checklist (excluding Hahn proposal to rate items).[8]

Concerns about the Councilmember Hahn Proposal

- Does not clearly articulate the specific legislative problems it is trying to solve, or provide examples of how the current system is "[in]consistent[]," how it "overwhelm[s]" City staff, and how the current system fails to "[s]uccessfully implement state of the art and/or innovative programs and policies."[9]
- Severely limits the public's access to the democratic process and extends the legislative process for "Major Items" to nearly 300-days (September to July and beyond). This compares to the current expected 120-day timeline. Items can that quickly become stale or inadequate by the time they are finally implemented.[10] The proposal does not appreciate the September deadline artificially circumscribes Council's ability to be responsive to public.[11] For example, if a Councilmember develops a non-time critical but nonetheless important piece of major legislation in October, the public will have to wait 11 months until September plus another nine months (July of the next year) before the item can be budgeted and implemented.
- Does not align with the fall budget process in which "excess equity" is considered and most council budget referrals are funded.
- Does not subject City Management's "Major Items" to the same review. Neighboring cities such as Oakland require all non-time critical staff policy items to be routed through Policy Committees so all budgetary decisions (the purview of Council) are made against the same criteria.[12]
- Provides Agenda Committee with too much power to determine pick 'winners and losers' as to what constitutes a "Major Item" or time critical. Existing and proposed definition of "Major Item" and "Time Critical" are overly subjective.[13]
- Provides Policy Committees inappropriate authority to prioritize/score items they review. Currently, Policy Committees provide recommendations about individual

[4] Councilmember Hahn Draft Proposal, p. 44.
[5] Id., p. 43.
[6] Id., p. 47.
[7] Id., p. 44.
[8] Id., p. 36.
[9] Id., p. 24.
[10] Id., p. 43.
[11] Id. p. 27.
[12] Oakland City Council Rules of Procedure, March 8, 2023, https://www.oaklandcityattorney.org/wp-content/city-council/89588%20CMS.pdf. See also Councilmember Hahn Draft Proposal, p. 27.
[13] Id., p. 44.

policies, and Council as a whole is rightly tasked with prioritizing and scoring items in terms of approval and budgeting.[14]

- Asserts that Policy Committees are a burden on staff and the Council, when in fact they have been shown to benefit the legislative process and reduce discussion at full Council. The Council's policy committees would only be allowed to meet to consider major legislation during less than six months of the year (down from the current nine months).[15]
- Requires Council to score items as part of the budget process through opaque and non-public processes, rather than through the current deliberative Council meeting process, Budget Committee, and Mayoral budget process provided for in Charter.[16]
- Creates an implementation team that includes the Councilmember author after it is passed by a policy committee. The stated goal is to "establish clarity of intentions, sketch timelines, discuss opportunities, ideas, challenges, etc." These are functions that the policy committees are tasked to do. The role for the Councilmember should be circumscribed as to prevent inappropriate meddling in administrative matters that are assigned to the City Manager under the Charter.[17]

Alternative Council Legislation Alignment Proposal

From the perspective of the authors of this item, a workable and sensible democratic process proposal should include the following:

Incorporate Positive Elements of Councilmember Hahn Proposal

- The positive elements listed above under "Positive Aspects of the Councilmember Hahn Proposal."

Establish Objective Definitions and Comprehensive Consideration of Significant Items

- Establish *objective* definitions for items with "significant" or "insignificant" budgetary or staffing implications, e.g., a dollar figure threshold, number of FTE needed, or requirement for consultant work. The current system fails to define "moderate to significant" and leaves subjective discretion to the Agenda Committee. This would ensure fairness amongst all Councilmembers. Alternatively, items could be referred directly to Policy Committees for such determination bypassing the Agenda Committee, unless deemed time critical.

  Under this proposal, significant items would be subject to the normal maximum 120-day Policy Committee review timeline and include some of the enhancements offered by Councilmember Hahn. Items with insignificant impacts could be routed directly to Council or be provided a more streamlined maximum 90-day timeline and a less intensive review. In the case that items referred under

[14] Id.
[15] Id., p. 26.
[16] Id.
[17] Id., p. 45

the 90-day timeline are found by the Policy Committee to have more significant impacts, a committee would be empowered to extend the item to 120 days for enhanced review.

- Ensure that all items submitted as referrals to the City Manager or budget referrals over the threshold are thoroughly vetted by Policy Committees and include estimates of all budget and staffing implications before coming out of the committee process so that they can be properly routed to the budget process.

- Ensure that policy items from City Management and Departments (other than time critical contracts and strictly administrative matters) are routed to policy committees as in Oakland and San Francisco.

Preserve and Formalizing Rolling Deadlines for Significant Item Submission

- Provide rolling submission deadlines ahead of applicable biennial (July), annual adjustment (July), and annual appropriation ordinance budget processes (fall/spring). The Council and City Manager may strive to encourage Councilmembers to submit the bulk of their items to the biennial and AAO #1 processes, but circumstances and community demands may warrant submission and consideration at other budget process periods. The Council, Mayor, and Budget Committee should, as in the past, continue to defer items or not fund items with significant budgetary or staffing implications as appropriate. There does not need to be an artificial deadline imposed on items.

Retain Policy/Budget Judgement and Prioritization to Council as a Body, While Tasking Committees with Ensuring Items Are Drafted to Form and Sufficiently Inform Council and Public Consideration

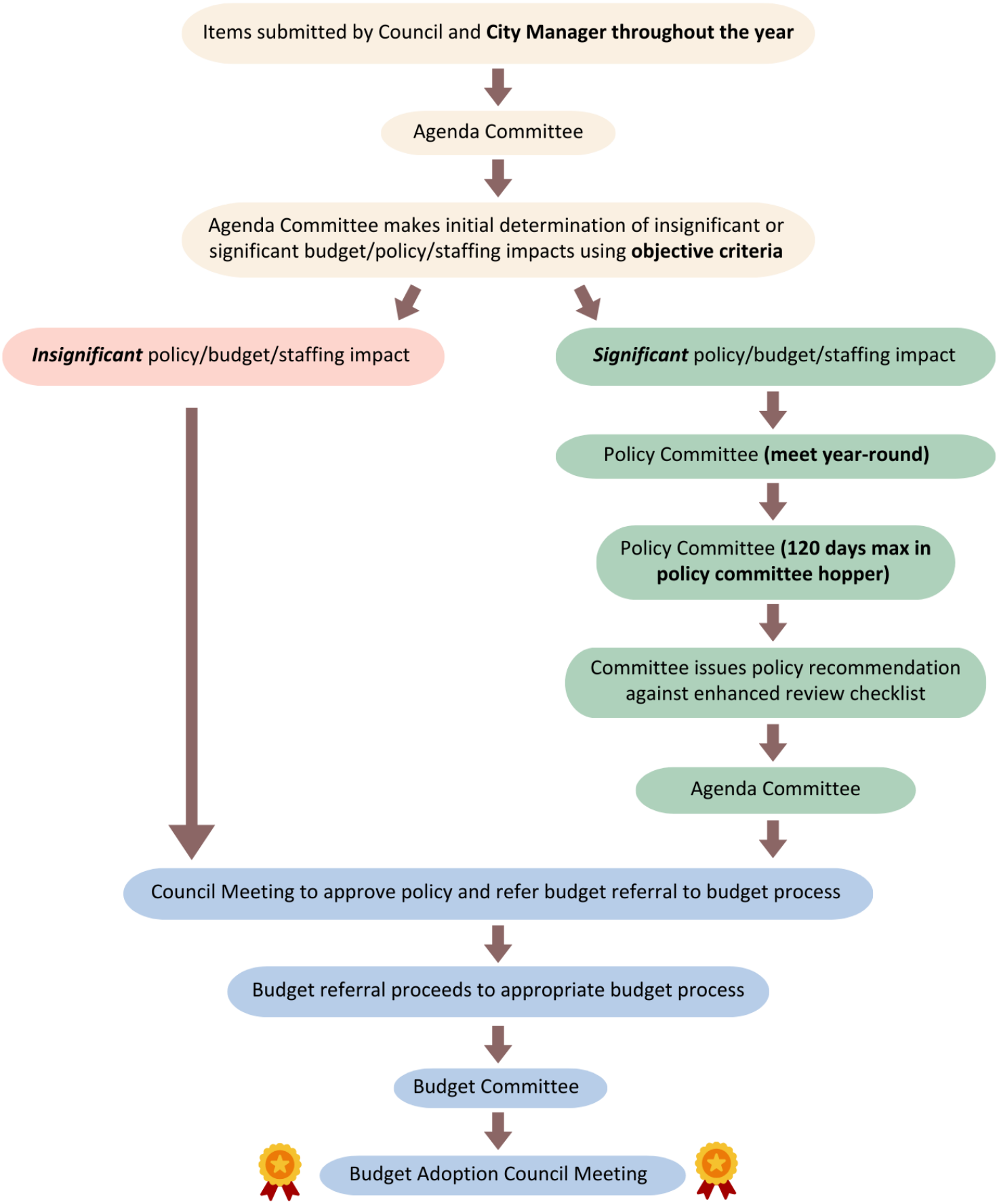
- Pursuant to the Council's historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not Committees.

This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter and the public's right to representative democracy.

CONTACT
Councilmember Kate Harrison
kharrison@cityofberkeley.info | 510-981-7140

ATTACHMENTS:
1. Flowchart of Alternative Systems Alignment Proposal

Alternative Council Legislative Process Proposal



Office of the Mayor

WORKSESSION
October 10, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: City Council Legislative Systems Redesign

BACKGROUND
On February 8, 2021, at the direction of City Council during a retreat, the City Manager presented a Systems Alignment Proposal to the Agenda and Rules Committee. Following discussion, the Systems Alignment proposal was calendared for a future Council meeting.

On April 26, 2021 the Systems Alignment proposal was presented to All Council.

Councilmember Droste submitted a response to the Systems Alignment proposal at the May 18, 2021 meeting followed by Councilmembers Hahn and Harrison at the June 15, 2021 meeting. During the June 15, 2023 Council engaged in discussion and referred the Systems Alignment proposal to the Agenda and Rules Committee for further consideration.

On March 14, 2023, Councilmembers Robinson and Wengraf presented Reforms to Public Comment Procedures at meetings of the City Council for discussion and action.

At the Agenda & Rules Committee Councilmember Hahn, in collaboration with the City Clerk and other staff, presented “Major Item Legislative, Budgeting & Implementation Systems Redesign”. Upon deliberation, the Agenda & Rules Committee set a worksession for full council discussion on October 10, 2023.

In order to assist Council in understanding the various recommendations from previous meetings, Mayor Arreguin directed his staff, with assistance from Councilmember Wengraf’s staff, to create a matrix of all the proposals and responses from City Councilmembers at the relevant meetings which was reviewed at the September 26, 2023 Agenda and Rules Committee meeting.

CONTACT PERSON
Mayor Jesse Arreguín 510-981-7100

Attachments:
1: PowerPoint Presentation
2: Council Rules of Procedure – Appendix B
3: Comparison Matrix
4: Background Materials

MAJOR ITEM

Submission, Review, Approval, Funding, & Implementation

PROCESS SKETCH FOR DISCUSSION

Presented to Berkeley City Council
by the Agenda & Rules Committee

October ##, 2023

TERMINOLOGY

MAJOR ITEM

Is an Item meeting the *current/existing* definition of a **Policy Committee Track Item**:

Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts

BIG IDEAS

COUNCIL/MAYOR - **Successfully develop and implement State of The Art/ Innovative Programs and Policies to serve Berkeley, and to model best practices**

CITY CLERK - **Consistency in process for Major Item Development, Budgeting and implementation**

CITY ATTORNEY **– Ensure legal and drafting compliance**

CITY MANAGER - **Help the Organization deliver without overwhelm; help staff be successful in their work**

YEARLY CYCLE

Built around JUNE 30 Budget Adoption/Update

July – September

COUNCIL
Finalize Y2 Items

CITY MANAGER
Implement Y1 Items

October – March

COMMITTEE SEASON

April – June

COUNCIL + BUDGET SEASON

LEGISLATIVE SESSION

One Cycle – Benefits

- **Every Year, opportunity to submit** and have Council review/vote on and fund Major Items
- **Four Subject Matter Committees** only meet during a Committee Season (except if emergency or special circumstance)
- Staff can **focus on implementation** during the “off season,” and Councilmembers can finalize the next year’s items
- Significantly **reduce gap between approval and implementation**

MAJOR ITEM DEVELOPMENT & SUBMISSION

All Year → End of September

- Must use **Major Item Guidelines** format (Appendix B to Council Rules of Procedure & Order)
- September 30 **Submission Deadline**
- Major Items **can be submitted prior** to September 30 and reviewed by Agenda & Rules for **compliance with guidelines**
- Timeline allows for Councilmembers to **work all year** on items, with **concentrated opportunity** July-September
- **Staff input** at Pre-submission = high level/conceptual; early vetting of concepts with **City Attorney** to identify legal & drafting inputs

AGENDA COMMITEE

OCTOBER

Review & Assign Major Items to Committees

- Early October **Special Meeting(s)**
- Review Major Items for **compliance with Guidelines**
- Assign *compliant* Major Items to Policy Committees
- Send *non-compliant* Major Items back to Authors for resubmission by End of October

POLICY COMMITTEES

OCTOBER – MARCH

- Organizing Meeting(s) Mid-October – Plan Committee Session/Schedule Hearings
- Major Items reviewed by Committee and move out on Rolling Basis, November - March
- [Committees may also prioritize/score items they review]
- All Major Items OUT of Policy Committees by March 30

CITY COUNCIL
APRIL

- Vote on all Major Items by **April 30**
- May require special meeting(s) in April
- **City Attorney** sign-off on **drafting and legal conformity** of Ordinances, Resolutions, and Formal Policies
- Approved items sent to **Budget Committee**

PRIORITIZATION OF MAJOR ITEMS*

EARLY MAY

- All **Major Items** that have been passed by Council, both NEW and PENDING/previously unfunded, to be prioritized by Councilmembers
- Prioritization due Second Friday in May (process TBD)

** Not the same as All-Item prioritization*

BUDGET COMMITTEE

MAY - JUNE

- Council [and Committee?] Prioritizations provided to Budget Committee as guides, but **not binding**
- Budget Committee makes **Recommendations** to Full Council
- Budget passed; Major Items funded move forward to **Implementation**
- ROLLOVER: Major Items passed by Council but not funded get **automatically rolled-over** to future funding opportunities

IMPLEMENTATION

JULY +

- **Implementation Lead** assigned by **City Manager**
- **Implementation Team** assembled by **Lead + CM**
- Meet with **Author(s)** to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- **Implementation Team** prepares
  - **Launch Plan**
  - **Operating Plan**
- Program/Policy is **Launched + Implemented**

SPECIAL TOPIC # 1

OVERRIDE

for Time Critical Items

- Rules of Procedure and Order already provide Override:

  An item that would otherwise be assigned to a Policy Committee may bypass Policy Review if the Agenda Committee deems it Time Critical. Agenda & Rules Committee retains discretion to decide the Time Critical nature of an item

- Time Critical definition - may need to be reviewed/amended
- May still go to a Policy Committee or directly to Council, per A&R
- [**Possible Add**: Council-level override/appeal if Author doesn't agree with the A&R decision on Time Critical nature of a Major Item].

SPECIAL TOPIC # 2

PRE-SUBMISSION DETAILS

- **Guidelines Format Mandatory** for all Major Items
- **Only Authors (no Co-Sponsors) allowed** at Pre-Submission and Committee stages, to reduce Brown Act issues
- Available: **Pre-Submission Consult with City Manager** to recommend internal subject matter experts for high-level input
- Required: **Pre-Submission Consult with City Attorney** to identify legal and drafting considerations
- ***Consider role for COMMISSIONS*** *in Pre-Submission Phase*

STRENGTHEN COMMITTEE REVIEW

SPECIAL TOPIC # 3

DEVELOP STANDARDS for review of Major Items:

- Relevance to Strategic Priorities or current needs/events
- Added value of program/policy
- Potential benefits/costs of program/policy to Community and COB
- Alternative means to achieve same or similar goals
- Phasing/timelines for implementation
- Staffing and Resources needed to Launch and Operate
- Evaluation/Metrics/Enforcement
- [Rate/Rank Major Items at end of Committee Session?]
- [Increase options re: positive and negative recommendations?]
- Other?

STRENGTHEN COMMITTEE REVIEW

SPECIAL TOPIC # 3

Public, Staff, City Attorney, Commission Inputs

- Active Outreach to all identifiable Stakeholders
- Multiple Hearings to allow for robust community, Staff, and City Attorney inputs + Discussion
- ENHANCE/EMPOWER City Attorney & Staff participation to ensure meaningful input, without requirement for formal reports
- Committee Schedule (set early October) will help ensure the right staff/attorneys are present for each item
- *Consider how to obtain/integrate input from Commissions*

PRIORITIZATION – SPECIAL *BACKLOGGED QUEUE*

SPECIAL TOPIC # 4

Need a one-time process to "clear the backlog" of Major Items *currently* in queue. Suggest sending all pending (but not initiated) items to Policy Committees for review to suggest:

- Merging items and/or Updating Referrals
- Re-approval of items "as is"
- Recommendation to Sunset/Remove moot items
- Recommend disposition of all items, ranked By Lead Department
- Council reviews and approves Committee recommendations for consolidation, removal, restatement, and re-support of items
- May need some criteria - to ensure all council members get at least some of their priorities addressed
- May also include consideration of an RRV- or other kind of prioritization by full Council, organized by Lead Department and/or holistically

SPECIAL TOPIC # 5

PRIORITIZATION – REGULAR

YEARLY QUEUE

- Enhanced Committee process should result in fewer or no backlogs and items implemented in a reasonable timeframe
- Prioritization becomes less of a BIG ISSUE

Prioritization in a rationalized system:

- More fully conceived and vetted items
- Committee scoring and/or ranking of items at end of Committee Season
- Council Ranking of items by Lead Department and Overall

SPECIAL TOPIC # 6

Need Process & Criteria for funding Items at AA01 and AA02

High Level Suggestions – need input from Budget & Finance

- Only Time Critical and Rollover (previously approved but unfunded) items considered - *same rule for Council and City Manager items*
- Not all extra funds (if any) get allocated - reservation for the annual budget process so funds are available for Council initiatives going through yearly legislative process
- AA01 and 02 only for one-time and/or time sensitive needs, except special circumstances

IMPLEMENTATION

SPECIAL TOPIC # 7

Once Major Item is passed + funded, move to Implementation

- **Implementation Lead** is assigned by City Manager – *Single Individual* Responsible for managing and ensuring implementation
- **Implementation Team** assembled by Lead + City Manager
- **Consult with Author**(s) to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- Implementation Team prepares **LAUNCH** and **OPERATING** Plans
  - **LAUNCH** elements + Timeline
  - **OPERATING** Plan
- Long term/ongoing operation of program/policy

DISCUSSION + QUESTIONS

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
   a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
   b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
   c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
   d. Fiscal impacts of the recommendation;
   e. A description of the current situation and its effects;
   f. Background information as needed;
   g. Rationale for recommendation;
   h. Alternative actions considered;
   i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
   j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal Impacts
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

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1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. **Summary Statement/ "Current situation and its effects"**

   A short resume of the circumstances that give rise to the need for the recommended action(s).

   - Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
   - Example (fictional):
     Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process $40,000 to cover costs of an additional two months of shelter operations.

5. **Background**

   A full discussion of the history, circumstances and concerns to be addressed by the item.

   - For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. **Review of Existing Plans, Programs, Policies and Laws**

   Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

   Review of all pertinent/applicable sections of:

   - The City Charter
   - Berkeley Municipal Code
   - Administrative Regulations
   - Council Resolutions
   - Staff training manuals

   Review of all applicable City Plans:

   - The General Plan
   - Area Plans
   - The Climate Action Plan
   - Resilience Plan
   - Equity Plan

- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan
Review of similar legislation previously introduced/passed by Council
Review of County, State and Federal laws/policies/programs/plans, if applicable

7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
  - **External**: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal**: staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Impacts

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

13. Outcomes and Evaluation

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

14. Contact Information

15. Attachments/Supporting Materials

Attachment 3

Systems Realignment Matrix - Updated 10-3-2023

	Item	JM City Manager's System's Realignment Proposal	LM Droste Response	LM Council Feedback from Work Session	JM Hahn Proposal	LM Harrison Proposal	LM 2021 Council Feedback	JM Droste BERIPE Plan	JM Hahn/City Clerk Proposal to A & R
	Date	4/26/2021	5/18/2021	5/18/2021	6/15/2021	6/15/2021	6/15/2021	3/14/2023	10/10/2023
Item Summary	Decisions/ Actions Taken	Thesis: Councilmembers to return with thoughts/proposals	Thesis: Supports CM Proposal. Recommends template adjustments to increase effectiveness and clarify reason for proposal and its recomendations and increase effectiveness.	Thesis: Mayor proposed and Council approved continuing the item to the June 15, 2021 regular meeting to allow Councilmembers to submit written comments for the public record.	Thesis: Legislative process should support Council in passing legislation of important local concerns and value-based issues with impact locally and more broadly. New legislation should be thoroughly reseached, revised and vetted with input from stakeholders, the public, City Staff and Council collegues. City staff contribute with increased levels of input and participation as the legislation moves forward.	Thesis: Does not support CM Proposal. Major items only put forward Jan - April to conincide with budget process limits public and Council voices. Harrison's proposal operates continuously with deadlines for each step of review.	Thesis: Council recommendation was to review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption. Sent back to A&R to prepare a new proposal No Councilmembers commented on the Consent Item during the meeting.		Thesis: Align with budget process, create consistency in process and proposal writing; ramp-up staff engagement as proposal moves through process. Create "seasons" (specific annual timeframes for development, policy committee, council and budget approval)
	Process for Council Items	A & R determines if Major Item If not major, agendized for Council meeting	Council Agenda Item Template recommended adjustments: - add: Define the Problem -Include Criteria Considered & -Rationale for Recommendatio -Make Equity its own category Sample red-lined template in item	Some Councilmembers expressed concern about the yearly April deadline for Major items because it would create stale items and/or limit ability to respond to the concerns of the moment. CM reminded public and Council that this process is just for the 15 -20 Major items drafted each year.	Guideline Format drives development of Council, City Manager or Commission proposals All Major Items, regardless of where originated follow the prescribed process Council is encouraged to consult with staff during proposal development but may wait until during the Committee process CAO must provide preliminary review prior to initial submittal	Council Streamlines Existing Backlog of staff involved items through Policy Committees' review and recommendations to Council.	N/A		Built around June Budget Adoption Divided into Seasons with deadlines for each phase
	Major Item Definition	- Cannot be operationalized over time with existing resources - Displaces an existing prioritzed item - Not implementable with existing resources - Unable to sustain enforcement activities - Subject to legal challenge and/or pre-emption - Additional/new FTE on a temporary or permanent basis - Additional or new infrastructure or technology costs			Any law, program, or policy that represents a significant change or addition to existing law, program, or policy and/or is likely to call for or elicit significant study, analysis, or input from the community, staff or Council colleagues, and/or is likely to require significant new resources or staffing to implement.		N/A		Definition required
	Major Item Determination	A & R in consultation with CM EXCEPTIONS: - Grant deadlines - Public Safety Issues - Declared local emergencies If exceptions granted, projects "in process" must be identified and delayed	Major Item Determination Checklist recommended adjustments: Define "smaller" and "less impactful" and state how that is determined.		(see definition above) Can originate from Coucilmembers, City Manager (often as referral responses) or Commissions A & R makes determination if a submittal is a Major Item - can be sent back to originator for more information and compliance with Guildelines	Should be determined by Policy Committees, not Agenda Committee, via objective determination. No determination criteria given.	N/A	N/A	Submittal Season: Year round submittal September 30 cut off for consideration through process Submittals reviewed by A & R for Major Item Determination and compliance with Guidelines
	Major Item Deadline	A & R agenda prior to April 30 to be considered in legislative year Agendized at A & R on rolling basis	none provided		none provided	120 days maximum, which includes the Implementation Conference.	N/A	LIMITS NUMBER OF MAYOR ITEM SUBMITTALS Councilmember limited to submitting 1 major legislative item or set of amendments to existing ordinances/yr Mayor limited to submitting 2 major legislative items or set of amendments to existing ordinances/yr DEADLINE TBD	September 30 for next fiscal year consideration

Systems Realignment Matrix - Updated 10-3-2023

		JM	LM	LM	JM	LM	LM	JM	JM
	Item	City Manager's System's Realignment Proposal	Droste Response	Council Feedback from Work Session	Hahn Proposal	Harrison Proposal	2021 Council Feedback	Droste BERIPE Plan	Hahn/City Clerk Proposal to A & R
	Date	4/26/2021	5/18/2021	5/18/2021	6/15/2021	6/15/2021	6/15/2021	3/14/2023	10/10/2023
Item Distinction/ Process	Policy Committee Review	Referred by A & R Reviewed for completeness and alignment with Strategic Plan goals. Commission review. Once approved for consideration moves to Implementation Conference	Policy Committee Ranking Form recommended adjustments: -Use score rather than rank NOTE: CM presentation no longer recommends using the Ranking Form	See Implementation Conference	A & R makes determination if a proposal meets information in Guidelines prior to sending on to Committees - Author has right to appeal Committees plan a timeline for hearing over multiple meetings and identify stakeholders and experts to provide input. Committee meetings to discuss proposal should be taken in order of the required components of the Guidelines Staff agendized to engage in every discussion and provides budget resources needs for Launch and	Policy Committees send their recommendation and finalized Implementation report to A & R for scheduling at Council.	N/A	N/A	Committee Season: October 1 - March 1 A & R - October: will require special meetings. determines completeness based on Major Items Guildelines edits must be completed by 3rd Friday in October in order to move to Committees Committees determine order of hearings, create calendar, group like items together, understand staffing impacts, follow Enhanced Review Process
	Implementation Conference	CM or designee, CAO, Department Head or designee Collaborate with author to detail fiscal and operational impacts. Implementation Conference outcomes to be incorporated into Concil Report (see detail in 4.26.21 proposal, p3)	Implementation Conference Worksheet recommended adjustments: -Reduce amount of redundant components and specify what impact means. -Include similar additions as Council Item Template. -See sample redlined template in the item	Timing for conference: Earlier timing, perhaps just after referred to policy committee, before the Committee takes it up. Staff analysis: Former Auditor in her 2018 presentation talked about importance of Council needing a staff analysis, resource analysis and opportunity costs in their items. Councilmember noted incredible importance for Council to have this info before passing items. At the same time, don't want staff to spend too much time on an item that doesn't pass. Tension here. Definitions: Council needs to be comfortable with them.		The Policy Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report. This happens during the Policy Committee Review.	N/A	N/A	N/A
	Implementation Conference Deadline	August 31	No calendar deadline		No calendar deadline	No calendar deadline. Rolling basis.	N/A	N/A	N/A
	Initial Prioritization	July 31. Policy Committees make recs Submitted to City Council	Sunset current RRV process Committee to "score" each proposal			Prioritized on rolling basis. Upon Council adoption, the budget aspect of the item would proceed to either the June or November budget process.	N/A	N/A	ONE TIME clearing of backlog on current list of projects
	Council Approval and Final Prioritization	October Council Calendar Council approval, prioritization, assign fiscal year for implementation, identify removal of items that new initiatives will replace If Council does not approve, item can be reintroduced the following year November 30 deadline for all major item actions	Sunset current RRV process Committee to "score" each proposal		Author revises proposal to include required changes/clarifications and resources required for Launch and Implemention	Council approves before item goes through budget process.	N/A	Council prioritizes all new legislative submittals through RRV process. Year 1 ONLY: Combine new legislative submittals and outstanding/incomplete items for prioritization through RRV process. Council and staff should determine what can be reasonably accomplished by staff based on RRV outcome and delete those projects that did not rise to top of priorities and cannot be accomplished. Year 2 and ongoing: Only new legislative submittals will be prioritized	Council Season: Feb 1 - April 30 CAO must confirm compliance with Ordinances Prioritization: Council and Committee prioritize and send to Budget Commitee

Systems Realignment Matrix - Updated 10-3-2023

Item	JM City Manager's System's Realignment Proposal	LM Droste Response	LM Council Feedback from Work Session	JM Hahn Proposal	LM Harrison Proposal	LM 2021 Council Feedback	JM Droste BERIPE Plan	JM Hahn/City Clerk Proposal to A & R
Date	4/26/2021	5/18/2021	5/18/2021	6/15/2021	6/15/2021	6/15/2021	3/14/2023	10/10/2023
Budget & Strategic Planning	**December/January** Staff to incorporate approved items into Budget/workplan ranked by priority **January - March** Council and Staff revise the budget based on department presentations to BC **May/June** Budget hearings, adjustments and adoption			Budget Implementation Conference: approves moving toward implementation or implementation is declined to proceed	Council approved items go through the next budget process.	N/A	(see note above) Budget referrals and allocations must be explicitly tied to previously established or approved policy program, planning/strategy document and/or external funding opportunity related to one of these. No budget referral can directly fund a specific organization or event. Organizations recieving City funding must submit application that includes civic goals/purposes, previous funding history and quantitative/qualitative results/outcomes. Funding greater than $20,000 must include data on number of persons served and other outcomes.	Budget Season: May 1 - June 30 Council prioritization to Budget committee not binding. Budget Committee makes recommendations to full Council Funded Council approved items move to Implementation Unfunded Council approved items rollover to future funding opportunities
Implementation						N/A		July (Month 1 of new fiscal year) Implementation Lead and Team assigned Meeting with Authors for clarity, timelines, challenges Implementation Team prepared Launch and Operational Plans
Tools	Council Item template outlining required information Major Item checklist Implementation Conference Worksheet	Major Item Determination Checklist	Policy Committee Ranking Form	Guildelines for Proposals/Council Items	Alternateive Systems Alignment Proposal flowchart.	N/A		Major Items Guidelines Format Enhanced Review Process
Consolidated Yearly Cycle	**Major Item Deadline:** April 30 **Implementation Conference Deadline:** August 31 **Council Prioritization Deadline:** July 31 **Council Approval Deadline:** November 30 **Budget Cycle:** January -	none addressed	N/A	none addressed	Rolling basis rather than yearly cycle.	N/A	Based on "to be established" deadline to align with RRV process	**Submittal Season:** Year round with August 1 deadline for next fiscal year consideration **Committee Season:** Sept 1 - January 30 A & R and council committee review **Coucil Season:** Feb 1 - April 30 **Budget Season:** May 1 - June 30
Recomm **Consensus**	1 - Staff input in legislative drafting is important							
Variable Differences	1 - Different timelines for different types of items (some staggered, some ongoing)							
Outstanding Questions	1 - What impact does this have on the RPP process? What needs to change? What limits revisions to a systems redesign process?							

Office of the City Manager

BACKGROUND MATERIAL

The following documents were previously submitted to the City Council for consideration, and are being provided with this item as background material.

The City Manager has removed staff's Systems Alignment Proposal from consideration. It is included in this attachment for reference and context.

Attachments:

March 14, 2023 Council Meeting
1. Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)
    a. Report – Submitted by Councilmember Droste

June 15, 2021 Council Meeting
2. Systems Alignment Proposal
    a. Supplemental Material – Submitted by Councilmember Hahn
    b. Supplemental Material – Submitted by Councilmember Harrison
    c. Report – Submitted by City Manager

May 18, 2021 Council Meeting
3. Systems Alignment Proposal
    a. Supplemental Material – Submitted by Councilmember Droste
    b. Presentation – Submitted by City Manager
    c. Report – Submitted by City Manager

Lori Droste
Councilmember, District 8

Action Calendar
March 14, 2023

To: Honorable Mayor Jesse Arreguín and Members of the City Council

From: Councilmember Lori Droste

Subject: Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)

Recommendation

In order to ensure that the City focuses on high-priority issues, projects, and goals and affords them the resources and funding such civic efforts deserve, the City Council should consult with the City Manager's Office to develop and adopt a suite of revisions to the City Council Rules of Procedure and Order that would implement the following provisions:

1. Beginning in 2023, Councilmembers shall submit no more than one major legislative proposal or set of amendments to any existing ordinance per year, with the Mayor permitted to submit two major proposals, for a maximum of ten major Council items per year.
2. In 2023 and all future years, Councilmembers shall be required to submit major items before an established deadline. Council shall then prioritize any new legislative items as well as any incomplete major items from the previous year using the Reweighted Range Voting (RRV) process. This will help establish clear priorities for staff time, funding, and scheduling Council work sessions and meetings. For 2023 alone, the RRV process should include outstanding/incomplete Council items from all previous years. In 2024 and thereafter, the RRV process should only incorporate outstanding/incomplete major items from the prior year. However, Councilmembers may choose to renominate an incomplete major policy item from an earlier year as their single major item.
3. During deliberations at a special worksession, Council retreat, and/or departmental budget presentations, Council and the City Manager should develop a work plan that establishes reasonable expectations about what can be accomplished by staff given the list of priorities as ranked by RRV. Council should also consult with the City Manager and department heads, particularly the City Attorney's office, Planning Department, and Public Works Department on workload challenges (mandates outside Council priorities, etc.), impacts, reasonable staff output expectations, and potential corrective actions to ensure that mandated deadlines are met, basic services are provided, and policy proposals are effectively implemented.
4. Budget referrals and allocations from City Council must be explicitly related to a previously established or passed policy/program, planning/strategy document, and/or an external funding opportunity related to one of these. As a good government practice, councilmembers and the Mayor may **not** submit budget referrals which direct funds to a

specific organization or event. Organizations which receive City funding must submit at least annually an application detailing, at a minimum: the civic goal(s)/purpose(s) for which City funds are used, the amount of City funding received for each of the preceding five years, and quantitative or qualitative accounting of the results/outcomes for the projects that made use of those City funds. Organizations receiving more than $20,000 in City funds should be required to provide quantitative data regarding the number of individuals served and other outcomes.

5. Ensuring that any exceptions to these provisions are designed to ensure flexibility in the face of an emergency, disaster, or urgent legal issue/liability and narrowly tailored to be consistent with the goals of enhanced efficiency, effectiveness, fairness, and focus.

Policy Committee Recommendation

On February 14, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the item to the City Council with a Qualified Positive Recommendation to refer the relevant concepts of the original item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process. Vote: All Ayes.

Current Situation and Its Effects

Over the past few years (excluding the COVID-19 state of emergency), City Council has grappled with potential options to reduce the legislative workload on the City of Berkeley staff. While a significant portion of this workload is generated from non-legislative matters and staffing vacancies, it is important to recognize that staff also continue to struggle to keep up with Council directives while still accomplishing the City's core mission or providing high quality public infrastructure and services.

Background and Rationale

Berkeley faces an enormous staffing crisis due in part to workload concerns; as such, Council should take steps to hone its focus on legislative priorities. November 2022's Public Works Off-Agenda Memo offers a benchmark for problems faced by City departments. Public Works staff struggles to complete its top strategic plan projects, respond to audit findings, and provide basic services, in addition to fulfilling legislative priorities by Council. While the "Top Goals and Priorities" outlined by Public Works is tied to 130+ directives by the City Council, it is not reasonable to assume that all will be implemented.

The challenges faced by the Public Works department are not an anomaly. Other departments share the same challenges. In addition to needing to ensure that the City can adopt a compliant state-mandated Housing Element, process permits, secure new grant funding, mitigate seismic risks, and advance our Climate Action Plan, Planning Department staff have been tasked with addressing multiple policy proposals from the City Council. The sheer number of referrals also impacts the ability of staff in the City Attorney's office to vet all ordinances, protect the City's interests, participate in litigation, and address the City's other various legal needs.

Best Practices

A number of nearby, similarly-sized cities were contacted to request information about how these cities approach Councilmember referrals and prioritizations processes. Cities contacted

included Richmond, Vallejo, Santa Clara, Concord, and Sunnyvale. Of these cities, Santa Clara, Concord, and Sunnyvale replied.

Santa Clara
Overall, Santa Clara staff indicated that—similar to Berkeley—the Council referrals and prioritization process is not especially formalized, with additional referrals being made outside of the prioritization process.

Each year, the Council holds an annual priority setting session at which the Council examines and updates priorities from the previous year and considers what progress was made toward those priorities. The prioritization process takes place in February so that any priorities that rise to the top may be considered for funding ahead of the budget process. In any given year, some priorities may go unfunded and even holding those priorities over to a second year is not necessarily a guarantee of funding.

Despite conducting this annual prioritization exercise, Councilmembers in Santa Clara often still do bring forward additional referrals outside of this process. Part of this less restricted approach in Santa Clara's 030 ("zero thirty") policy, which allows members of the the City Council to add items to the Council agenda with sufficient notice and even allows members of the public to petition to have items added to a special section of the Council agenda.

Despite the overally looseness of Santa Clara's approach. Council members still rely upon staff to provide direction with respect to what priorities are or are not feasible based upon available funding and staff bandwidth.

Concord
According to Concord City staff, although Concord—like Berkeley and Santa Clara—does have a process for Councilmembers to request items be added to Council agendas, Councilmembers generally agree not to add referrals outside of the formal priority-setting process.

Concord City staff only work on "new" items/policies that are mandated by law, recommended by the City Manager, and have been recommended for review/work of some kind by a majority (three of the five members) of the City Council.

In general, Councilmembers agree to not add work items outside of the Council's formal priority setting process. The Concord City Council has a once-a-year goal setting workshop each spring where the City plans its Tier 1 and Tier 2 priorities for the year (or sometimes for a 2-year cycle). Most Councilmembers abide by this process and refrain from bringing forward additional items. However any Councilmember may put forward a referral outside of the process and use the method outlined below.

Outside of the prioritization process, Councilmembers can request that their colleagues (under Council reports at any Council meeting) support placing an item on a future Council meeting agenda for a discussion. The Concord City Attorney has advised councilmembers that they can make a three sentence statement, e.g. "I would like my colleagues' support to agendize [insert item]" or "to send [insert item] to a Council standing committee for discussion." Followed by: "This is an important item to me or a timely item for the Council because [insert reasoning]. Do I have your support?" The other Councilmembers then cannot engage in any detailed discussion or follow up, but may only vote yes or no to agendizing the item.

If two of the Councilmember's colleagues (for a total of 3 out of 5) agree to the request to have the item agendized for a more detailed discussion by Council, then the item will be added to a future agenda for fuller consideration. An additional referral outside the prioritization process is suggested perhaps once every month in Concord, but the Concord City Council usually does not provide the majority vote to agendize these additional items.

Sunnyvale

Of all the cities surveyed, Sunnyvale has the most structured approach for selecting, rating, and focusing on City Council priorities. "Study issues" require support from multiple councilmembers before being included in the annual priority setting, and then must go through a relatively rigorous process to rise to the top as Council priorities. And, perhaps most importantly, policy changes *must* go through the priority setting process to be considered. The Sunnyvale City Council's Policy 7.3.26 Study Issues reads, in part:

> *Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).*
>
> *Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.*

If a study issue receives the support of at least two Councilmembers, the issue will go to staff for the preparation of a study issue paper. Council-generated study issues must be submitted to staff at least three weeks ahead of the priority-setting session, with an exception for study issues raised by the public and carried by at least two Councilmembers, if the study issues hearing takes place less than three weeks before the priority setting.

At the Annual Study Issues Workshop, the Council votes whether to rank, defer, or drop study issues. If a majority votes to drop the issue, it may not return the following year; if the issue is deferred, it returns at the following year's workshop; and if a majority votes to rank an issue, it proceeds to the ranking process. Sunnyvale's process uses "forced ranking" for "departments" with ten or fewer issues and "choice ranking" for departments with eleven or more issues. (The meaning of "departments" and the process for determining the number of issues per department are not elucidated within the policy.) Forced ranking involves assigning a ranking to every policy within a given subset, while choice ranking only assigns a ranking to a third of policies within a given subset, with the others going unranked.

After the Council determines which study issues will be moving forward for the year based on the rankings, the City Manager advises Council of staff's capacity for completing ranked issues. However, if the Council provides additional funding, the number of study issues addressed may be increased.

In 2022, Sunnyvale had 24 study issues (including 17 from previous years and only 7 new ones) and **zero** budget proposals. Although Sunnyvale does consider urgency items outside the prioritization process, this generally happens only 1 to 3 times per year and usually pertains to highly urgent items, such as gun violence.

Status Quo and Its Effects
Council currently uses a reweighted range proportional representation voting method to determine which priorities represent both a) a consensus and b) district/neighborhood concerns. This process allows Council to coalesce around a particular common area of concern; but if there is a specific neighborhood or district issue that is not addressed by Council consensus, it also allows for that district's councilmember's top priority to be elevated in the ratings even without broad consensus, so long as there are not multiple items designated as that councilmember's "top" item. More information about this process can be found here. This system was established in 2016 due to the sheer amount of referrals by Council and the lack of cohesive direction on which of the 100+ referrals the City Manager should act upon.

Subsequent to this effort, Council created a "short-term referral" pool which was intended to be light-lift referrals that could be accomplished in less than 90 days. However, that designation was always intended to be determined by the City Manager, not Council, with respect to what was operationally feasible in terms of the 90 day window. The challenge with Council determining what is a short-term referral is that it is not always realistic given other duties that the staff has to attend to and inappropriate determinations can stymy work on other long term priorities if staff have to drop everything they are doing to attend to an "short-term" or "emergency" referral.

An added challenge is that the City Auditor reported in 2018 that the City of Berkeley's Code Enforcement Unit (CEU) had insufficient capacity to enforce various Municipal Code provisions. This was due to multiple factors, including understaffing—some of which have since improved. Nevertheless, the City Auditor wrote,

> *"Council passes some ordinances without fully analyzing the resources needed for enforcement and without understanding current staffing capacity. In order to enforce new ordinances, the CEU must take time away from other enforcement areas. This increases the risk of significant health and safety code violations going unaddressed. It also leads to disgruntled community members who believe that the City is failing to meet its obligations. This does not suggest that the new ordinances are not of value and needed. Council passes policy to address community concerns. However, it does mean that the City Council routinely approves policy that may never result in the intended change or protections."*

Subsequent to that report, an update was published in September of 2022. A staffing and resource analysis for Code Enforcement is still needed to ensure that the laws Council passes can be implemented.

Fiscal Impacts
These reforms are likely to result in significant direct savings related to reduced staff time/overtime as well as potential decreases to costs associated with the recruitment/retention of staff.

Alternatives Considered
Alternatives were considered using effectiveness and efficiency as the evaluative criteria for referrals. One missing criterion that will be necessary in developing this process will be operational considerations so the City of Berkeley can continue to deliver basic services in an efficient manner.

All-Council determination
Council could vote *as a body* on the top 10 legislative priorities. The drawback of this method is that it, by default, eliminates any remaining priorities that have been passed by Council. It also eliminates "minority" voices which may disproportionately impact neighborhood-specific concerns as the remainder of the Council may not value district-specific concerns outside of their council district.

Councilmember parameters
Councilmembers could select their top two legislative priorities (as a primary author) for the year and the Mayor could select four legislative priorities for the year for a total of 10 legislative priorities per year. These "legislative priorities" would not include resolutions of support, budget referrals for infrastructure or traffic mitigations or other non-substantive policy items…..

Status Quo Sans Short-Term Referrals
The status quo of rating referrals is the fairest and most equitable if Council wishes to continue to pass the same quantity of referrals; however, it does not address the overall volume and that certain legislative items skip the prioritization queue due to popularity or perceived community support. Council enacts ordinances that fall outside of the priority setting process and designates items as short-term referrals. This loophole has made this process a bit more challenging. One potential option is to continue the prioritization process but eliminate the short-term referral option unless it is undeniably and categorically an emergency or time-sensitive issue.

Contact Person
Councilmember Lori Droste (legislative aide Eric Panzer)
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Attachments
Update on Public Works' Goals, Projects, Measures, and Challenges

Office of the City Manager

November 15, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

This memo shares an update on the department's *Performance Measures* and *FY 2023 Top Goals and Projects*, and identifies the department's highest priority challenge. I am proud of this department's work, its efforts to align its work with City Council's goals, and the department's dedication to improving project and program delivery.

Performance Measures
The department's performance measures were first placed on the department's website (https://berkeleyca.gov/your-government/about-us/departments/public-works) in 2020. They are updated annually in April. Progress continues in preventing trash from reaching the Bay, reducing waste, increasing bike lane miles, reducing the City fleet's reliance on gas, increasing City-owned electric chargers, expanding acres treated by green infrastructure, and reducing the sidewalk repair backlog. Challenges remain with the City's street condition and safety.

Top Goals and Projects
Public Works' top goals and projects are also on the department's website (https://berkeleyca.gov/your-government/about-us/departments/public-works). Department goals are developed annually. This year, after reviewing the 130+ directives from open City Council referrals, FY 2023 adopted budget referrals, audit findings, and strategic plan projects, staff matched existing resources with City Council's direction and the ability to deliver on this direction while ensuring continuity in baseline services.

The *FY 2023 Top Goals and Projects* is staff's projection of the work that the department has the capacity to advance this fiscal year. This list is intended to be both realistic and a stretch to achieve. More than tthree-quartersof the work on the *FY 2023 Top Goals and Projects* is tied to the existing 130+ directives from City Council referrals, budget referrals, audit findings, and strategic plan projects. The remainder are initiatives internal to the department aimed at increasing effectiveness and/or improving baseline services.

Public Works conducts quarterly monitoring of progress on the goals and projects, and status updates are shared on the department's website using a simple status reporting

procedure. Each goal or project is coded green, yellow, or red. A project coded green is either already completed or is on track and on budget. A project in yellow is at risk of being off track or over budget. A project in red either will not meet its milestone for this fiscal year or is significantly off track or off-budget. Where a project or goal has multiple sub-parts, an overall status is color-coded for the numbered goal and/or project, and exceptions within the subparts are identified by color-coding. Quarter 1's status update is here. The 2nd, 3rd, and 4th quarter results will be posted at the same location.

Challenge
Besides the volume of direction, the most significant challenge in delivering on City Council's directions is the department's high vacancy rate. The Public Works Department is responsible for staff retention and serves as the hiring manager in the recruitment and selection process. Both retention and hiring contribute to the department's vacancy rate, and the department collaborates closely with the Human Resources Department to reduce the rate. Over the last year, the vacancy rate has ranged from 12% to 18%, and some divisions, such as Equipment Maintenance (Fleet), Transportation,[1] and Engineering, have exceeded 20%. While the overall vacancy rate is lower than in Oakland and San Francisco, it is higher than in Public Works Departments in Alameda, Albany, Emeryville, and San Leandro.

The high vacancy rate obviously reduces the number of services and projects that staff can deliver. It leaves little room for new direction through the course of the fiscal year and can lead to delays and diminished quality. It also detracts from staff morale as existing staff are left to juggle multiple job responsibilities over long periods with little relief. The department's last two annual staff surveys show that employee morale is in the lowest quarter of comparable public agencies and the vacancy rate is a key driver of morale.

Attachment 1 offers an excerpted list of programs and projects that the department is unable to complete or address in this fiscal year due to the elevated vacancy rate and/or the volume of directives.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

cc: Paul Buddenhagen, Deputy City Manager
LaTanya Bellow, Deputy City Manager
Jenny Wong, City Auditor
Mark Numainville, City Clerk
Matthai Chakko, Assistant to the City Manager

[1] Three of the City's five transportation planner positions will be vacant by December 3. Before January 1, 2023, the City Manager will share an off agenda memo that explains the impact of transportation-specific vacancies on existing projects and programs.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

Project and Program Impacts

- Major infrastructure planning processes are 6+ months behind schedule, including comprehensive planning related to the City's Zero Waste goal, bicycle, stormwater/watershed, sewer, and streetlight infrastructure.
- Some flashing beacon installations have been delayed for more than 18 months, new traffic maintenance requests can take 2+ months to resolve, and the backlog of neighborhood traffic calming requests stretches to 2019.
- The City may lose its accreditation status by the American Public Works Association because of a lack of capacity to gain re-accreditation.
- Some regular inspections and enforcement of traffic control plans for the City's and others' work in the right of way are missed.
- Residents experience missed waste and compost pickups as drivers and workers cover unfamiliar routes and temporary assignments.
- Illegal dumping, ongoing encampment, and RV-related cleanups are sometimes missed or delayed.
- The backlog of parking citation appeals has increased.
- Invoice and contracting approvals can face months-long delays.
- The Janitorial Unit has reduced service levels and increased complaints.
- Maintenance of the City's fleet has declined, with preventative maintenance happening infrequently, longer repair response times, and key vehicles being unavailable during significant weather events.

Prior Direction Deferred or Delayed

- Referral: Expansion of Paid Parking (DMND0003994)
- Referral: Long-Term Zero Waste Strategy (DMND0001282)
- Referral: Residential Permit Parking (PRJ0016358)
- Referral: Parking Benefits District at Marina (DMND0003997)
- Referral: Prioritizing pedestrians at intersections (DMND0002584)
- Referral: Parking Districts on Lorin and Gilman (DMND0003998)
- Budget Referral: Durant/Telegraph Plaza, 12/14/2021
- Referral: Traffic Calming Policy Revision (PRJ0012444)
- Referral: Public Realm Pedestrianization Opportunities (PRJ0019832)
- Referral: Long-Term Resurfacing Plan (PRJ0033877)
- Referral: Street Sweeping Improvement Plan (DMND0002583)
- Audit: Leases: Conflicting Directives Hinder Contract Oversight (2009)
- Audit: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal (2014)
- Audit: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity (2016)

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SUPPLEMENTAL AGENDA MATERIAL

for Supplemental Packet 2

Meeting Date: **June 15, 2021**

Item Number: **3**

Item Description: **Systems Alignment Proposal**

Submitted by: **Councilmember Sophie Hahn**

This Supplemental offers suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guildelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.

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CONSENT CALENDAR
June 15, 2021

To: Honorable Mayor and Members of the City Council
From: Councilmember Sophie Hahn (Author)
Subject: Systems Alignment Proposal

COMMENTS ON SYSTEMS REALIGNMENT

My Frame for Systems Realignment: *Systems Aligned to Support Change*

We are in a time of rapid change both locally and globally. The impacts of climate change, globalization, and inequality; growing threats to democracy; and the rise of a new generation of leaders illustrate that change is both a fact and an imperative.

Berkeley has been and should continue to be on the cutting edge of that change, and our legislative processes as well as our City organization must be designed to do more than just manage the status quo, with change viewed as a threat, cost, or nuisance. *Our systems must be aligned to stimulate, support, and implement meaningful change across all sectors - quickly.*

With that framing in mind, I believe the legislative process in Berkeley should be designed to support Councilmembers and the Mayor in producing and passing legislation that addresses important local concerns as well as value-based issues with both local and broader impact. Some legislation may simply strengthen the City of Berkeley as an organization - improving the basic functions and services we provide to our community. Other legislation is designed to address city, community, regional, national, and sometimes global needs, values and priorities.

Because of the City's commitment to progressive and democratic principles and its role as a leader and innovator across many sectors, legislation will often push the envelope, which I believe requires a nimble, can-do City organization. While logistics, staffing, costs and other elements of feasibility and implementation are key to the ultimate success of any new policy or program, I view the exploration of these questions as a supporting rather than driving force for legislation; internal feasibility under the status quo should not be an end unto itself.

Systems Aligned to Support Excellence and Effectiveness in Change:
While I believe change is an imperative and innovation should be core to our City systems, I also know that not every idea brought forward is ultimately optimal, relevant, or feasible. We are much more than an incubator for ideas and concepts - we serve a real community and must balance a wide variety of needs and viewpoints with every decision we make. I believe our systems must therefore be aligned to ensure new programs and policies are thoroughly researched, revised, and vetted for Berkeley - to meet the needs of our community without overwhelming the City organization. If the Council has priorities for which funds or capacity are not currently available, we must identify resources to build capacity.

To achieve these goals in this frame, I envision a process wherein major items of legislation that begin with the well-researched and articulated proposals of one or a few councilmember/mayor-authors are progressively reviewed and improved with input from stakeholders, members of the public, City staff and Council colleagues.

The end result should be high quality, relevant, thoughtfully tailored and right-sized programs and policies accompanied by realistic assessments of the resources required for successful launch and implementation. City staff, with their subject matter expertise and knowledge of operations play a uniquely important role in contributing to legislative success, and should actively partner throughout the process, *with progressively increased levels of input and participation as legislation is moved forward.*

The adoption of Guidelines for legislative items and the implementation of the Committee system provide a good foundation. By clarifying expectations and improving the value we derive from our existing processes we can avoid bogging things down with too many steps.

The following are my suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guildelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.

Proposed Systems Alignment Improvements for Major Items:

PROCESS ELEMENT	CONTENT	NOTES
MAJOR ITEM SUBMISSION	***Strongly encourage Authors to present Major Items in the full Guidelines format, which prompts for deep research, analysis and consultation***	
Define Major Item	Any law, program, or policy that represents a significant change or addition to existing law, program, or policy, and/or is likely to call for or elicit significant study, analysis, or input from the community, staff, or Council colleagues, and/or is likely to require significant new resources or staffing to implement .	Major items are, essentially, "Policy Committee Track" items (see Rules) that are routed to a Policy Committee because they are substantial. *The adoption of a definition for Major Items clarifies a practice that is already in place*. Some items are not "Major" because they propose less significant changes or additions to existing law, programs or policies. In addition, some Major Items may be routed directly to the City Council due to urgency ("Time Critical Track"). *All of this is already reflected in the Rules governing Policy Committees.*
Major Item Routing	Major items may originate with Councilmembers, the City Manager (often as referral responses), or Commissions. Major Items generally should be routed to a Committee to be reviewed by Committee members and, if necessary, revised, with input from stakeholders, the public, and City staff.	Currently, only Councilmember/Mayor items are subject to review by Policy Committees. *The Rules should be amended to require all Major Items, regardless of where they originated, to be reviewed in Committee* unless they fall under the Time Critical Track or another exception.
Make **Guidelines Mandatory** for presentation of Major Items for review	Council/Mayor and Commission authors of Major Items should present their items in accordance with the Guidelines at Appendix B of the City Council Rules of Procedure and Order. Authors should make a good faith effort to undertake the research, analysis and consultation necessary to complete all sections in substance.	Need to specify format for "non-Major" items.
Staff Consultation is encouraged, but not required at the initial	Councilmembers and the Mayor are encouraged to consult with Staff before presenting Major Items, but may choose to engage with staff later, through the Committee process.	Staff should keep confidential and seek to support the positive development of ideas and initiatives of electeds who reach out for initial

development of a legislative item.		input. Concerns, if any, should be addressed with a problem-solving lens.
City Attorney Consultation	Authors should submit Major Items for preliminary review by the City Attorney to determine if there are any legal implications - which may need to be addressed before the item is submitted or could be developed/addressed later. The author should state in the section on consultation that the City Attorney has been consulted.	Not all items have legal implications. The City Attorney's role at this juncture would be to identify whether there are legal considerations, or not. If there are, the Author can work with the City Attorney's office to determine if the issues can be avoided/addressed, or if the legislation may not be possible/advisable.
Agenda Committee makes an initial determination of whether an Item is "Major" and will be referred to a Committee, with input from the Author(s).	*This tracks the current practice* - except that with an adopted definition of a Major Item the determination to send an item to Committee will be made according to more clearly articulated, objective standards.	Per the existing rules, proclamations, sponsorships, ceremonial and similar items; Time Critical Items; and "Policy Track" items that are complete and have minimal impacts are currently *not* referred to Committees. *This practice will be unchanged.*
The Agenda Committee may **require a Major Item not presented and/or fully rendered according to the Guidelines to be more amply developed** before being sent to Committee.	Authors of Major Items should do substantial research, analysis, and consultation before sending them to a Committee for further input and development. The Agenda Committee should be authorized to request that a major item not presented according to the Guidelines, or not substantially meeting the requirements, be further developed by the Author(s) before being sent to Committee.	Analysis should go beyond diagnosing the problem to be solved and focus on explaining and understanding the specific solutions/policies/programs being proposed, as well as alternatives considered.
Appeal/Override of Agenda Committee recommendation to revise Major Item before submission to a Committee	Authors should be offered the opportunity to discuss an Agenda Committee recommendation to rework a Major Item at the time the recommendation is made. If, after discussion, the lead author disagrees with the Agenda Committee's request for further elaboration according to the Guidelines, the item may be referred to a Committee "as is" with a note that the Agenda Committee had requested the item be revised.	Authors should have a means to appeal a decision of the Agenda Committee to send an item back to the author for revision/expanded research, analysis or consultation and still move their items forward if they disagree with the request.
Major Items that are Complete go to Committee (or items that are incomplete but subject to an override)	*Per existing rules*, Major Items will be routed to a policy committee unless an exception applies.	Exceptions are already listed in the Rules.

MAJOR ITEM COMMITTEE REVIEW	*Clarify and significantly improve process and substance of Major Item review @ Committee, including development of a preliminary launch and implementation plan and associated costs*	
Committee hears Major Item more than once - First hearing includes development of a plan for review	As a general matter, Committees should plan to schedule Major Items to be heard more than once. At the first hearing, the Committee should discuss the level of analysis and consultation envisioned, identify specific stakeholders and questions Commitee members would like to explore, and sketch a process for moving the item forward over several Committee meetings.	Depending on how complex and significant the Major Item appears to be, the Committee can plan out its process of review and consultation.
Committee reviews specific elements of the proposed Major Item	The Guidelines require, under bullets 5-9, (5) full background on the problem/issue to be addressed, (6) the existing regulatory/legal framework, (7) potential alternative solutions to address the identified concern, (8) consultation with stakeholders, and (9) a rationale for the recommendation. Each of these sections should be specifically agendized for discussion (can all be same day, but should be individually considered) to ensure robust consideration of the legislation as proposed.	By requiring the Committee to focus on each of these elements as a baseline review, Committee members are encouraged to do a deep dive into the basis, rationales and alternatives for the Major Item.
Committee identifies and does specific outreach to Stakeholders and Experts	The “public” is always welcome at Committee Meetings. In addition to general public notice, the Committee in its first meeting to review a Major Item should identify stakeholders and experts who may have valuable input. If needed, those individuals/groups should be invited by the Committee to share their perspectives. Staff can support outreach to ensure identified stakeholders and experts are aware of the opportunity to comment.	Sectors/individuals that are supported or otherwise impacted by new policies and programs are well positioned to provide useful comments and input for the Committee. Subject matter experts may also be helpful to hear from.
Staff input is agendized and includes preliminary review of Launch and Implementation	Staff is encouraged to provide input and answer questions throughout the Committee process. Staff should be encouraged to volunteer comments and Committee Chairs should call on staff to ensure time is provided for their comments throughout the process. *In addition, a specific time for staff input should be agendized.* The Staff presentation should include *preliminary review of staffing and budget/resource needs for both Launch and Implementation.*	Launching a new program or policy and running it are two different undertakings. Staff should specify what will need to be in place to LAUNCH (development of regulations, preparation of informational mailings, website updates, back-end systems, funding, etc.) and to RUN/IMPLEMENT new programs and policies over the long run.

Manage/reduce **Staffing of Committees**	With a better articulated “plan” for Committee review of Major Items, staffing of meetings can be more closely managed to reduce waiting time for staff members/City Attorney when not needed for one or another matter.	Only need Clerk + Staff Lead - Chair can work with Staff Lead to bring other Staff into discussions on as-needed basis. The City Attorney may be able to be on standby for advice when presence is not required.
Major Item moves forward to Council (all recommendations)	Lead Author must revise/update item to include information about resources required for Launch and Implementation of the Major Item, and to reflect any other changes, before submission to City Council.	
Major Item gets **passed by Council**	Goes to Budget Implementation Conference, or vote no and it’s over	

Background Material
Attachment 2b

Kate Harrison
Councilmember District 4

REVISED AGENDA MATERIAL
for Supplemental Packet 2

Meeting Date: **June 15, 2021**

Item Number: **3**

Item Description: **Systems Alignment Proposal**

Submitted by: **Councilmember Harrison**

The attached item includes Councilmember Harrison's comments about the proposed Systems Alignment Proposal as well as an alternative proposal.

It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.

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Kate Harrison
Councilmember District 4

CONSENT CALENDAR
June 15, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison

Subject: Comments and Alternative Systems Alignment Proposal

COMMENTS AND ALTERNATIVE PROPOSAL

At the October 2019 Council retreat, the Council and the City Manager discussed various approaches to better align the legislative process to budget and implementation resources. These considerations are important and merit Council consideration and possible action. However, the proposed solution from the City Manager would also limit the voice of the public and the Council by restricting the time period for Council referrals to only four months per year.

At a Worksession on May 18, 2021 dedicated to the Systems Alignment proposal, the Council heard overwhelming public comment strongly opposed to such an approach.

A better solution lies in reexamining and modifying certain elements of the Policy Committee process as opposed to overhauling fundamental elements of Council duties.

This Supplemental discusses the shortcomings of the proposal in greater detail and advances an alternative and simpler approach to “Systems Alignment” achieving the original objective of the October 2019 retreat without sacrificing and abdicating fundamental values and responsibilities.

A. The Proposed Systems Alignment Proposal Unduly Limits Council Duties and Responsibilities Under the City Charter

The City Charter provides that the City Council is the “governing body of the municipality” and “shall exercise the corporate powers of the City, and… be vested with all powers of legislation in municipal affairs adequate to a complete system of local government.”

However, the proposal subjects “new significant legislation” to a labyrinth of new bureaucratic processes that will invariably and unduly limit the democratic organ of city government—the City Council—which is directly answerable to the will of the people.

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The following list provides a non-comprehensive overview/discussion of the ways the current Systems Alignment Proposal could violate the letter and spirit of the Charter:

- The proposal limits Council from submitting "new significant legislation" to four months out of the year, effectively making the Council only responsive to the people's "significant" needs on a part-time basis as any legislation that misses the deadline is inactive for the remainder of the year. Not only does this violate the necessity of providing the Council with "all powers of legislation in municipal affairs," but it appears to contradict the voter's will pursuant to Measure JJ, wherein they reaffirmed the scope and appropriate renumeration of Council's myriad legislative and oversight responsibilities.

- The determination of which legislation will be subject to additional scrutiny and processes is based on *subjective* findings by the Agenda Committee in consultation with the City Manager. This is in contrast to alternative approaches, such as those adopted in other cities, which rely upon *objective* measures such as the consideration of a piece of legislation's budgetary or staffing implications informed by thorough discussion and investigation by Policy Committees. Furthermore, pursuant to the Council's historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not subcommittees. The current proposal adopts an inherently conservative and subjective framework that judges all legislation by whether it "represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff." Legislation meeting that definition is then subjected to lengthy bureaucratic processes of more than a year.

  In short, the proposed framework stands in contrast to the current Policy Committee system, whereby subcommittees are tasked with improving the quality, thoroughness and comprehension of legislation, as opposed to a subjective consideration and determination of whether a given policy change is merited largely within the narrow confines of considering limited budget and staff resources.

- Under the Charter, the Council is responsible for adopting a biannual budget. However, the proposal limits Council's ability to adopt significant new legislation with budget implications at only one of the two primary budget processes per year.

- Legislative consultation with City staff is absolutely necessary. But the proposal encourages authors to "initially consult[] with the City Manager or city staff regarding their proposed Major Item and [note] the substance of those conversations, and initial staff input" before the item is even introduced. This system could potentially create an inappropriate layer of staff power over Council legislative prerogative, a division that the Charter is very clear about.

- The proposal requires that items align with Strategic Plan goals. While these goals are important and represent a snapshot of Council and City Staff's vision for the city, they do not necessarily represent the totality of the people's will as expressed

through their elected representatives at any given time.

- The Council is artificially constrained from acting upon legislation receiving an unfavorable review at the Policy Committee level. Council is reduced to a choice between proceeding through the next phase, or to vetoing a matter for the remainder of the legislative calendar if a policy committee forwards a negative recommendation. Currently, under the committee system, items not acted upon in committee withing 120 days are forwarded to the Council. In this way, the proposal violates the Charter by imposing unreasonable hurdles to the exercise of "all powers of legislation in municipal affairs adequate to a complete system of local government."

- The proposal states that all significant legislation must be submitted by April 30, and City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year. This raises the question of what the Council is engaged in for the majority of the year?

- Implementation Conferences, while a good idea, are currently crafted in a way that they will delay items unnecessarily and remove discussion of budgetary impacts from the substantive discussion by policy committees. Furthermore, the proposal imposes an artificial limit with respect to holding Implementation Conferences to once per year, which will further constrain the Council's legislative obligations.

- After the implementation conference, Policy Committees are required to provide an additional subjective consideration of major items through prioritization. This is late in the life of an item. Additionally, under this proposal, the Council is expected to once again rank significant items as part of the RRV process (behind closed doors), despite the items having already endured the lengthy Systems Alignment process and final Council approval.

- When an item fails to receive Council approval, the author is barred from resubmitting it until the following year.

B. Alternative Systems Alignment Proposal

This item presents a simpler and less disruptive Systems Alignment proposal that conforms to the existing Council and Policy Committee processes and prioritizes research and investigation of items with significant budgetary and staff implications in order to better inform Council's decision-making process as opposed to hard limits on legislation:

1. To address the backlog of outstanding items that may impact staff resources and availability to implement Council and other citywide priorities, the Council should immediately direct Policy Committees to review all such referrals and items in staff's queue for which implementation work has not yet begun.

Upon this review, Policy Committees would be tasked with making a recommendation to the full Council to modify or reconsider certain items in the queue.

Next, the Council should schedule worksessions (outside of the RRV process) to consider Policy Committee recommendations in a public forum and prepare a Resolution potentially dispensing with and/or reprioritizing items in the queue.

In totality, this process would contribute to streamlining the existing queue, and facilitate staff resources for implementation and development of other new and existing legislative items. In sum, through revisiting the existing queue, Council can continue to conduct substantial legislative work throughout the year.

2. The Council should revise Policy Committee process with respect to the budget and legislative implementation.

   Specifically, to address potential incongruity between Council items with significant budget implications, the Council should modify its Rules of Procedure to task Policy Committees (not the Agenda Committee) with making an initial and objective determination of whether a prospective item has significant budget and/or staffing impacts (**See Attachment 1** for a detailed flowchart of the Alternative Proposal):

   - Upon an insignificant budget determination, the item and any related budget referral would proceed through the normal Policy Committee track process on a maximum 90-day timeline.

   - Upon a significant determination, the item would be placed on a different Policy Committee track such that the Policy Committee would have a maximum of 120 days to research and investigate the budget and staffing implications of the item, any related budget referral, and policy implications, in order to *inform* Council's ultimate consideration. As part of the 120 day process, the Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report.

   - Once the Committee has made its policy recommendation and finalized its Implementation Report, the item would proceed to the Agenda Committee for scheduling at Council.

   - Upon Council adoption of items with either significant or insignificant budget/staffing implications, the budget aspect of the item would proceed to either the June or November budget process pursuant to Council-established deadlines for consideration of budget items. For example, the

Council could establish deadlines of May and October for the respective budget processes. Therefore, the Budget Committee would only consider budget items that were passed ahead of the respective deadlines. Those that miss the deadline or are ultimately unfunded would be automatically carried over to the next budget process.

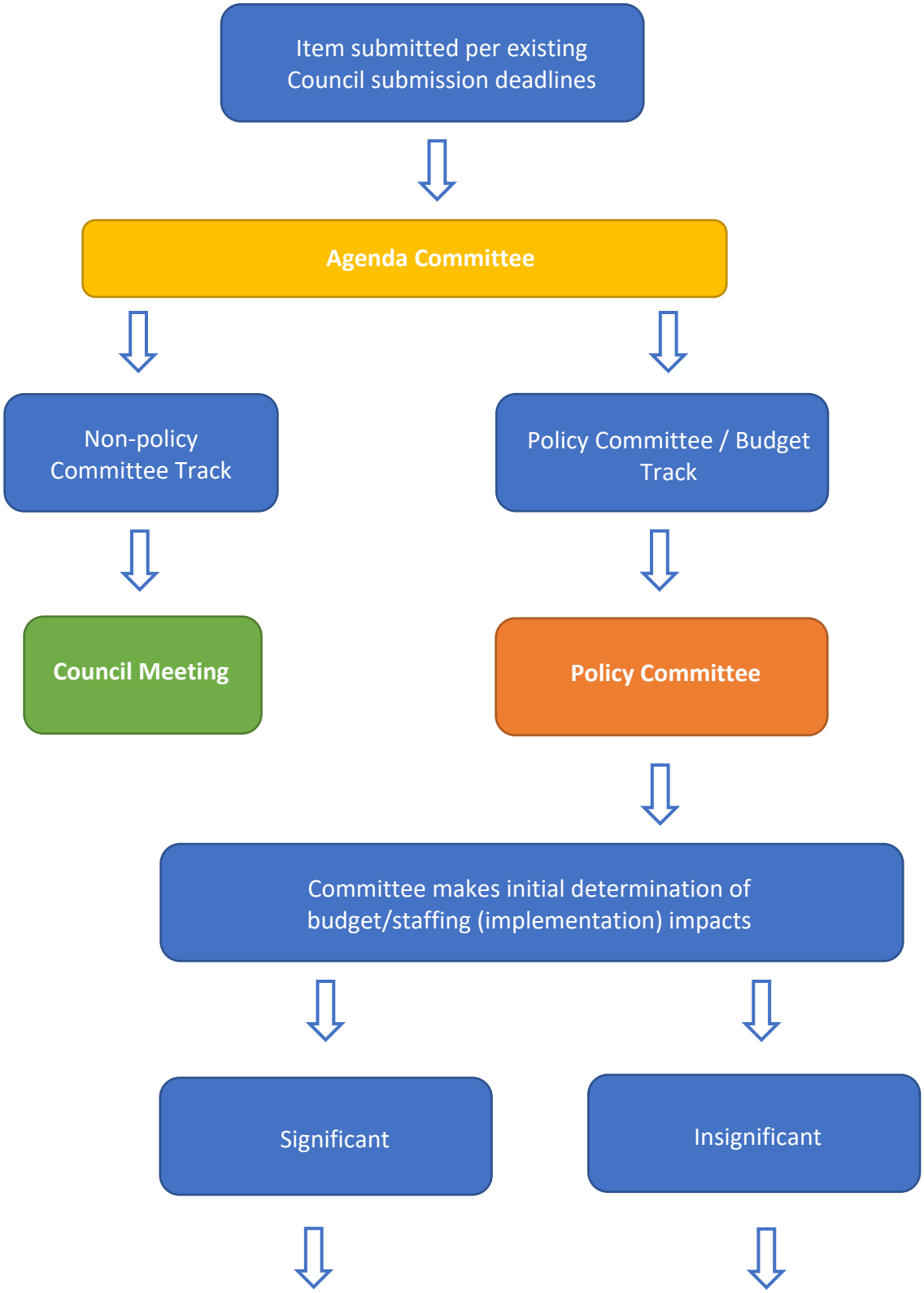
This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter.

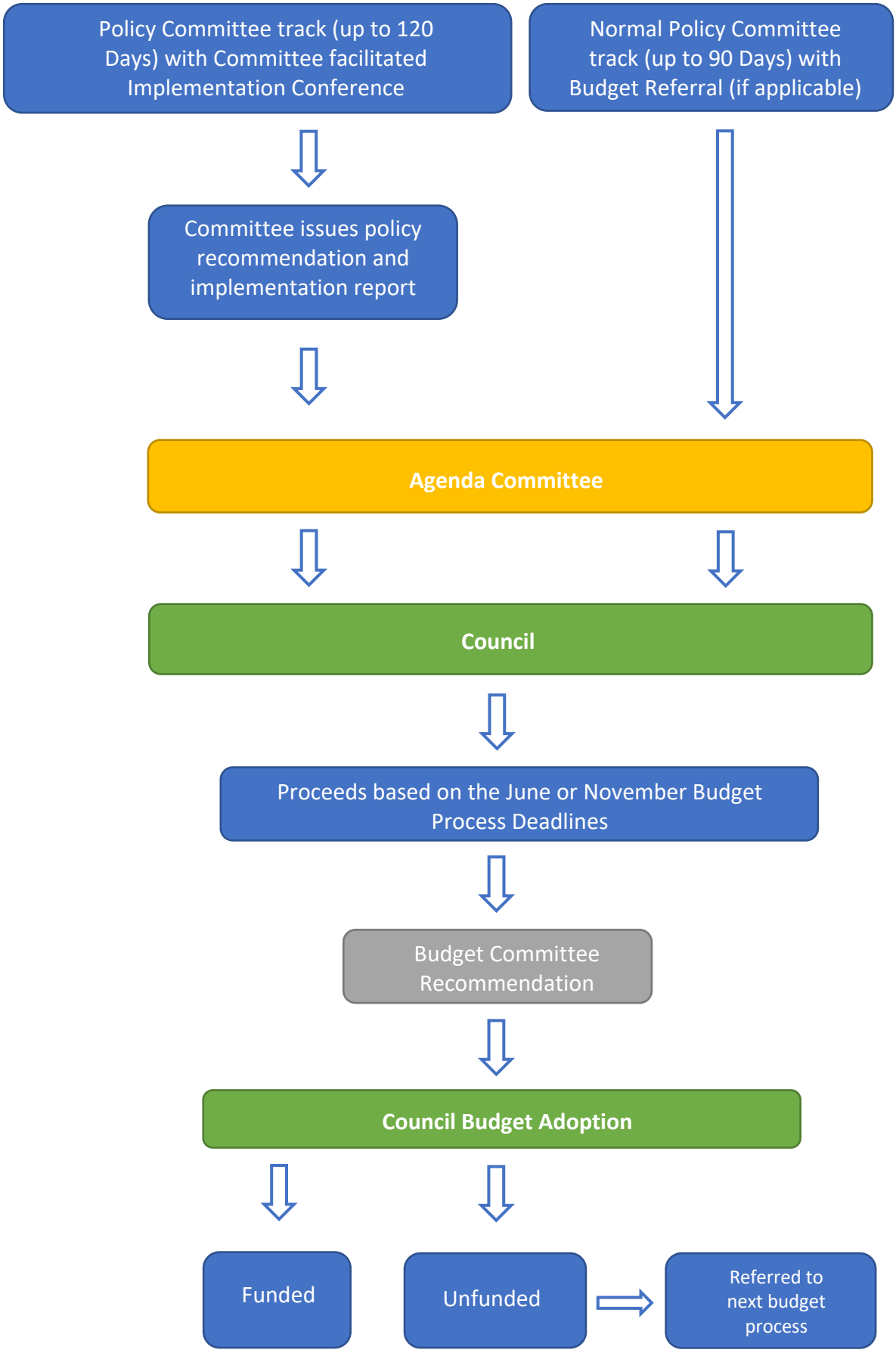
It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.

CONTACT
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ATTACHMENTS:
1. Flowchart of Alternative Systems Alignment Proposal

Alternative Systems Alignment Proposal




Policy Committee track (up to 120 Days) with Committee facilitated Implementation Conference
Normal Policy Committee track (up to 90 Days) with Budget Referral (if applicable)
Committee issues policy recommendation and implementation report
Agenda Committee
Council
Proceeds based on the June or November Budget Process Deadlines
Budget Committee Recommendation
Council Budget Adoption
Funded
Unfunded
Referred to next budget process

Office of the City Manager

CONSENT CALENDAR
June 15, 2021
(continued from May 18, 2021)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION
Review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption.

SUMMARY
The City Council discussed the Systems Alignment proposal at a Worksession on May 18, 2021. The item was continued to June 15 to allow Councilmembers to submit suggestions and changes to the original plan. The Mayor will consolidate the input from the Council and the public and return with a revised proposal for discussion and adoption at a later date.

FISCAL IMPACTS OF RECOMMENDATION
While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation[1] (Major Item).

CURRENT SITUATION AND ITS EFFECTS
This report proposes a process to integrate various systems (e.g., budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve

[1] New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf.

vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

PROPOSED PROCESS

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of "type" or origin will be subject to this process.

Step 1: Major Item Determination

The systems alignment proposal outlines a process for Major Items.

Defined in Council Rules of Procedure

Major Items are "new significant legislation" as defined in Appendix D of the City Council Rules of Procedure:

> Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

> New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response[2], including but not limited to health and

[2] If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

Required Conformance and Consultation
All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

Required Submission Date
A Major Item must be submitted in time to appear on the agenda of an Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year's legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis.

Step 2: Policy Committee Review
A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the *Council Rules of Procedure*,[3] the Policy

[3] https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf

Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year.

Step 3: Implementation Conference (Vetting and Costing)
At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and the City Attorney or designee.

Identifying Fiscal, Operational and Implementation Impacts
The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
    - Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
    - Summarizes and confirms what was learned from consultation,
    - Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,[4]
- *Implementation, Administration, and Enforcement*, which
    - Identifies internal and external benefits and impacts, and

[4] While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

    - Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
    - Summarizes any operational impacts,
    - Identifies necessary resources, including specific staff resources needed and costs.[5]

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

Revising the Major Item

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

Step 4: Initial Prioritization

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and Strategic Plan process.

Step 5: City Council Approval and Final Prioritization

Under this proposal, all Major Items that the City Council considers for approved prioritization must have:

1. Received a City Council Policy Committee review and recommendation,
2. Received a City Council Policy Committee prioritization,
3. Completed the Implementation Conference, and
4. Been placed on the Agenda for a regular of special Council meeting in October for approval and inclusion in the RRV process.

[5] Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

If a Major Item *does not receive the endorsement* of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its Major Items approval, and RRV process no later than the final meeting in December of each year.[6] This ensures that staff is able to develop the budget starting from and based on Council priorities.

Step 6: Budget & Strategic Plan Process

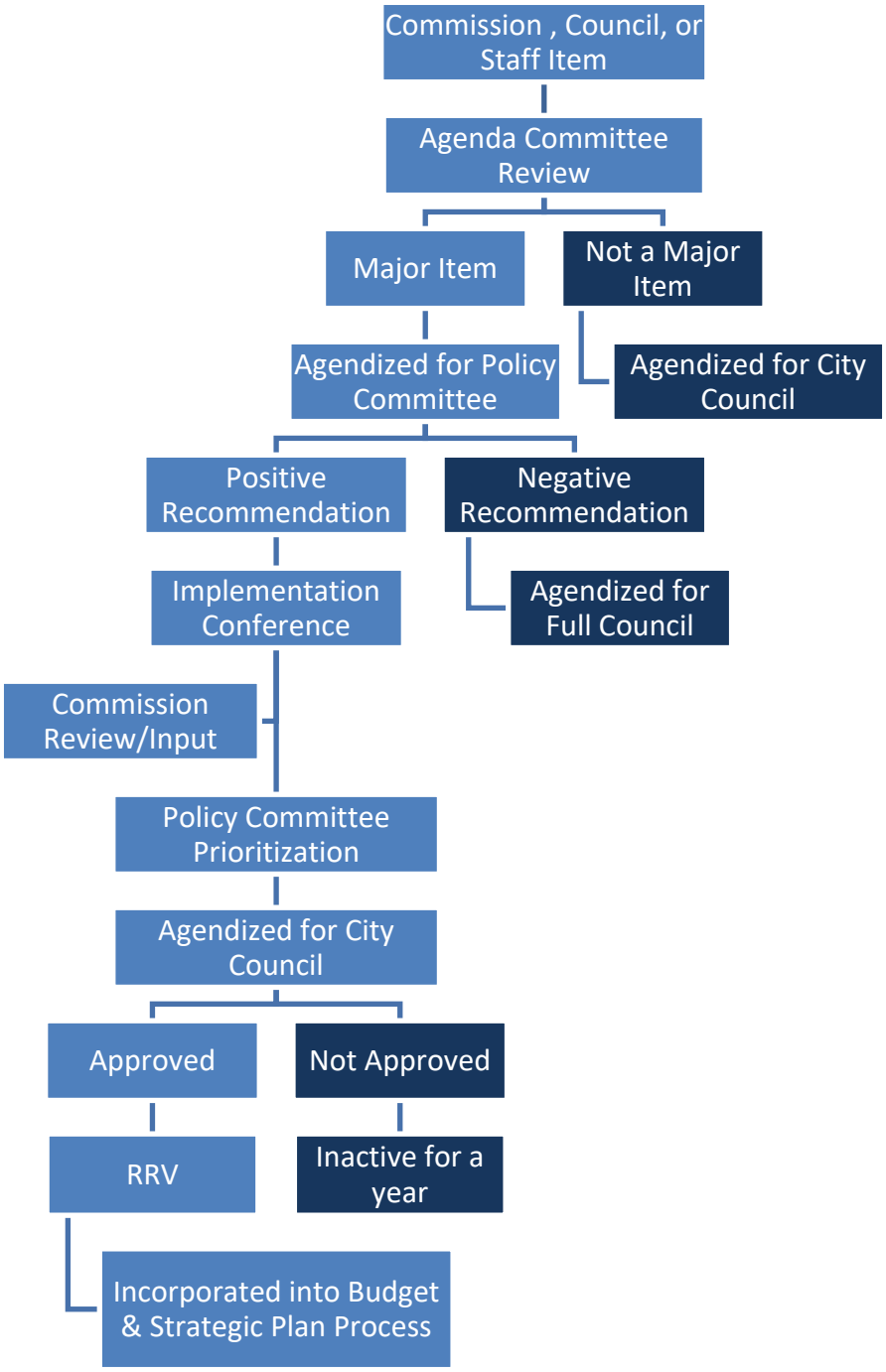
The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain biennual. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

[6] Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

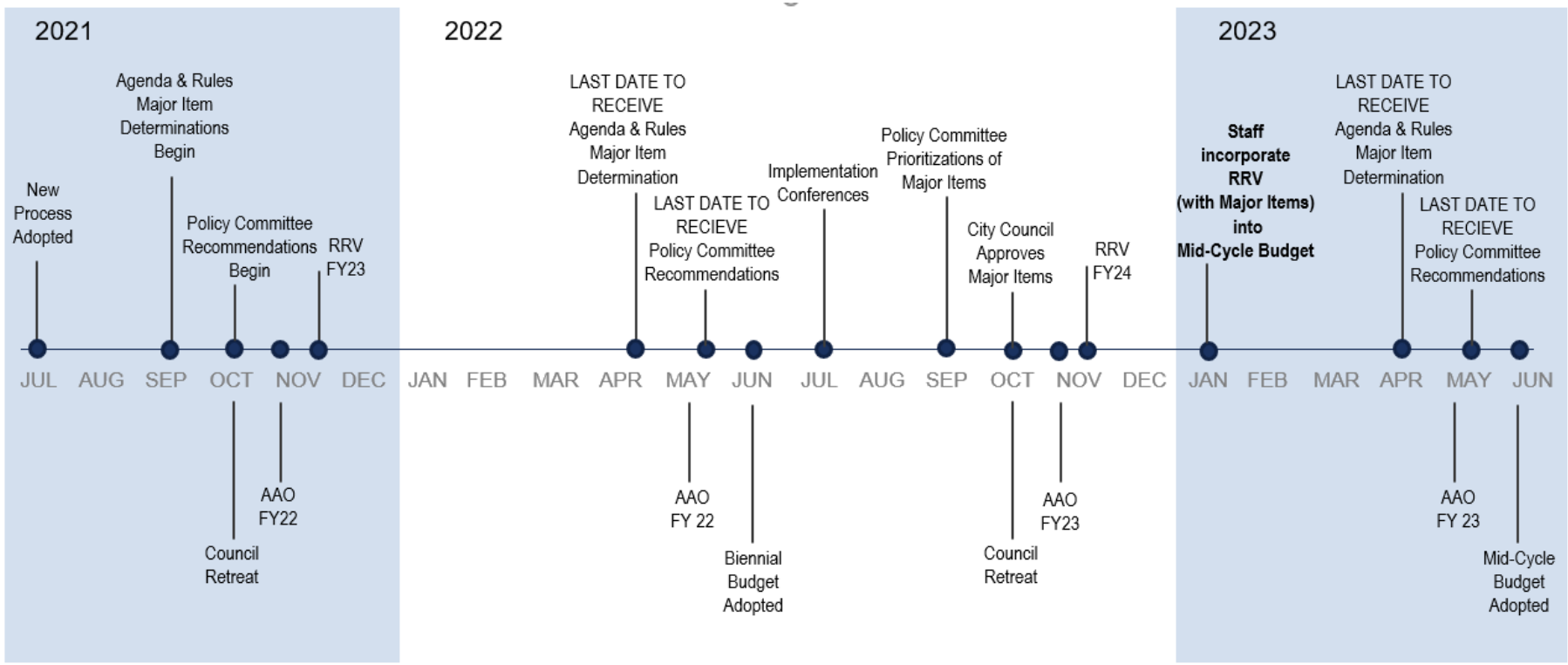
Figure 1, Proposed Process[7]



[7] Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.

Office of the City Manager

Figure 2, Proposed Launch



Office of the City Manager

Next Steps
Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input< into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

Benefits
The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. Finally, since implementation only occurs after operational considerations are reported, and funds are

allocated, the resulting Major Item should move more quickly from idea to successful completion.

BACKGROUND
In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

ENVIRONMENTAL SUSTAINABILITY
By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

RATIONALE FOR RECOMMENDATION
The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

ALTERNATIVE ACTIONS CONSIDERED
At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

CONTACT PERSON
David White, Deputy City Manager, (510) 981-7012

Attachments:
1: Major Item Determination Checklist
2: Council Report Template and Implementation Conference Worksheet
3: Policy Committee Ranking Form
4: Vice Mayor Droste Supplemental

Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

Yes	No	
☐	☐	Item represents a significant change to existing law, program, or policy.
☐	☐	Item represents a significant addition to existing law, program, or policy.
☐	☐	Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public

Is this eligible for an Exemption?

Yes	No	
☐	☐	Item is related the City's COVID-19 response.
☐	☐	Item is related to the City Budget process.
☐	☐	Item is related to essential or ongoing City processes or business.
☐	☐	Item is urgent.
☐	☐	Item is time-sensitive.
☐	☐	Item is smaller.
☐	☐	Item is less impactful.

Agenda Committee Determination:

☐ Major Item ☐ Exempted

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

Policy Committee Confirmation:

☐ Determination Confirmed ☐ Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

DRAFT

[First Lastname]
Councilmember District [District No.]

[CONSENT *OR* ACTION]
CALENDAR
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution…
or Support …
or write a letter to ___ in support of _____…
or other recommendation….

~~FINANCIAL~~ FISCAL & OPERATIONAL IMPACTS ~~IMPLICATIONS~~

This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.

CURRENT SITUATION AND ITS EFFECTS

For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:
[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

DRAFT

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.

BACKGROUND

INITIAL CONSULTATION

This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]
1: Resolution
Exhibit A: [Title or Description of Exhibit]
Exhibit B: [Title or Description of Exhibit]
2: [Title or Description of Attachment]
3: [Title or Description of Attachment]

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

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.).

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.).

Exhibits **[Delete if there are NO exhibits]**
A: Title of the Exhibit
B: Title of the Exhibit

Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

Descriptive title:
Is this for Consent, Action, or Information Calendar?
Recommendation:
Summary statement:
Background (history, circumstances and concerns to be addressed by the item):
Plans, programs, policies and/or laws were taken into consideration:
Actions/alternatives considered:
Internal stakeholders consulted:
Name/date of Commission(s) item submitted to for input:
List of external stakeholders consulted:

DRAFT

Summary of what was learned from consulting stakeholders:
Rationale for recommendation:
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Equity Considerations:
Launch and Implementation Milestones (see staff section)
Environmental Impacts:
Operational Impacts:
Staff Resources Needed: Number of FTE/hours: Type of staff resource needed:
Costs: Amount(s): Funding Source:

DRAFT

STAFF SECTION

Staff may complete section to provide required information for the report.

Estimated Launch/implementation Deliverables/Dates:	
Month/Year	*Deliverable*
Estimated Administration Deliverables/Dates:	
Month/Year	*Deliverable*

Legal Consultation:

☐ Confirmed

Name/Date _____

Staff Consultation:

☐ Confirmed

Name(s)/Date(s) _____

DRAFT

Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M) or low (L). Then rank the list of priorities. The highest priority would be "1", the next highest "2" and so on.

Priority 1 is highest	**Major Item Name**	**Major Item Author**	**Considerations** H high M medium L low		
			Staff Resources	**Cost**	**Benefits/ Savings**

Policy Committee Determination:

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

DRAFT

Lori Droste
Vice Mayor District 8

SUPPLEMENTAL AGENDA MATERIAL
for Supplemental Packet 3

Meeting Date: May 18, 2021

Item Number: 2

Item Description: Systems Realignment

Submitted by: Vice Mayor Lori Droste

Subject: Comments on Systems Realignment

Lori Droste
Vice Mayor District 8

To: Mayor and Council
From: Vice Mayor Lori Droste
Subject: Comments on the Systems Realignment

P. 13- what is “smaller” and “less impactful” and how is that determined?

P. 14- the council item template should include a problem definition and frontload the evidence (background, consultation, review) and include criteria considered. Strategic plan alignment, fiscal and operational impacts, environmental sustainability can be embedded under this heading. I would also argue that “Benefit” or “Effectiveness” should be included in Criteria Considered. Also, equity and administrative feasibility are separate criteria to be considered. Council is not involved in enforcement so I recommend that it be eliminated. Furthermore, as currently written the Current Situation and Its Effects describes the Strategic Plan goals and not the status quo situation.

General Template Outline:

1) Recommendation
2) Problem Statement
3) Background and Consultation
4) Current Situation and Its Effects
5) Criteria Considered (*new heading*)
    a) Benefit or Effectiveness (*new*)
    b) Fiscal Considerations
    c) Strategic Plan Alignment (pick a goal)
    d) Environmental Sustainability
    e) Equity
    f) Operational and Administrative Considerations *(moved operational considerations to a separate category)*
6) Rationale for Recommendation (*new)*

P. 15 Implementation Conference Worksheet
I recommend reducing the amount of redundant components in the implementation conference worksheet and specifying what “impact” means. Does it mean benefit? Does it mean tradeoff? In either case, I believe it is covered by other elements of this worksheet.

P. 19- There is no description of *how* policy committee members' rankings will be aggregated. Furthermore, the "ranking" is orthogonal and could be completely contradictory to the staffing, benefit, and costs. Scoring legislative items instead of ranking them will allow for easier prioritization. A cardinal voting system like this is more expressive, accurate and easier to understand. It also lessens vote splitting.

[CONSENT OR ACTION] CALENDAR [Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION Adopt a Resolution… or Support … or write a letter to ___ in support of _____… or other recommendation….

PROBLEM STATEMENT

This section should identify the problem with specifics and enough context to explain why it merits public amelioriation.

(Background and Evidence Should be Provided At the Beginning)

BACKGROUND **AND** INITIAL CONSULTATION This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

CURRENT SITUATION AND ITS EFFECTS

This section should explain the status quo and how it attempts to address the defined problem.

CRITERIA CONSIDERED

- FINANCIAL FISCAL & OPERATIONAL IMPACTS IMPLICATIONS This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

~~IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.~~ *Equity should be a standalone category separate from administrative feasibility. Rename this section Operational and Administrative Considerations*

- ~~CURRENT SITUATION AND ITS EFFECTS For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section: [Insert project name] is a~~ Strategic Plan **Alignment**~~Priority Project~~, advancing our goal to [pick one:]
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    - attract and retain a talented and diverse City government workforce.
- ENVIRONMENTAL SUSTAINABILITY

RATIONALE FOR RECOMMENDATION

This section should describe how the author landed on the recommendation using the criteria considered. This section can also describe other alternatives considered.

CONTACT PERSON
Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]
Attachments: [Delete if there are NO Attachments]
1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]
2: [Title or Description of Attachment]
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Implementation Conference Worksheet

Descriptive Title
Consent Action or Information
Recommendation
Problem Statement
Background, etc
Plans, etc.
Current Situation and Its Effects
Actions/Alternatives Considered
Stakeholders Consultation and Results
~~Internal Stakeholders Consulted~~
~~Name/date of Commission(s) item submitted to for input~~
~~List of external stakeholders consulted~~
~~Summary of what was learned from consulting stakeholders~~
~~Rationale for Recommendation~~ *should go at the end after evaluative criteria*
Policy Benefit
~~Internal Benefits of Implementation:~~
~~Internal Impacts of Implementation:~~
~~External Benefits of Implementation:~~
~~External Impacts of Implementation:~~
Equity Considerations
Environmental Considerations
Operational Impacts
Strategic Plan Goal Alignment
Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):
Costs (Amount(s), Funding Source):
Rationale for Recommendation *(after analysis)*

Lori Droste
Vice Mayor District 8

SUPPLEMENTAL AGENDA MATERIAL
for Supplemental Packet 3

Meeting Date: May 18, 2021

Item Number: 2

Item Description: Systems Realignment

Submitted by: Vice Mayor Lori Droste

Subject: Comments on Systems Realignment

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Vice Mayor District 8

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[CONSENT OR ACTION] CALENDAR [Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

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(Background and Evidence Should be Provided At the Beginning)
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CONTACT PERSON
Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]
Attachments: [Delete if there are NO Attachments]
1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]
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Recommendation
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Background, etc
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~~External Benefits of Implementation:~~
~~External Impacts of Implementation:~~
Equity Considerations
Environmental Considerations
Operational Impacts
Strategic Plan Goal Alignment
Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):
Costs (Amount(s), Funding Source):
Rationale for Recommendation *(after analysis)*

SYSTEMS ALIGNMENT

PROCESS PROPOSAL FOR VETTING & PRIORITIZING MAJOR ITEMS

THE TEAM

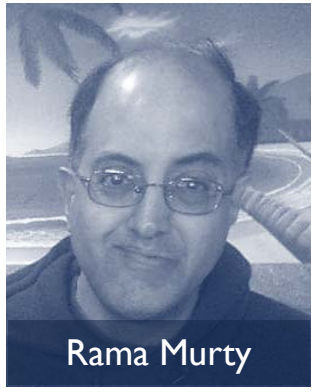

Dee Williams-Ridley


Dave White


Paul Buddenhagen

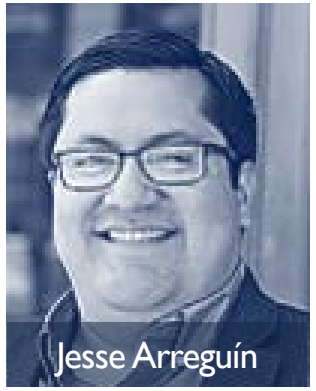

Farimah Faiz Brown


Mark Numainville


Rama Murty


Melissa McDonough

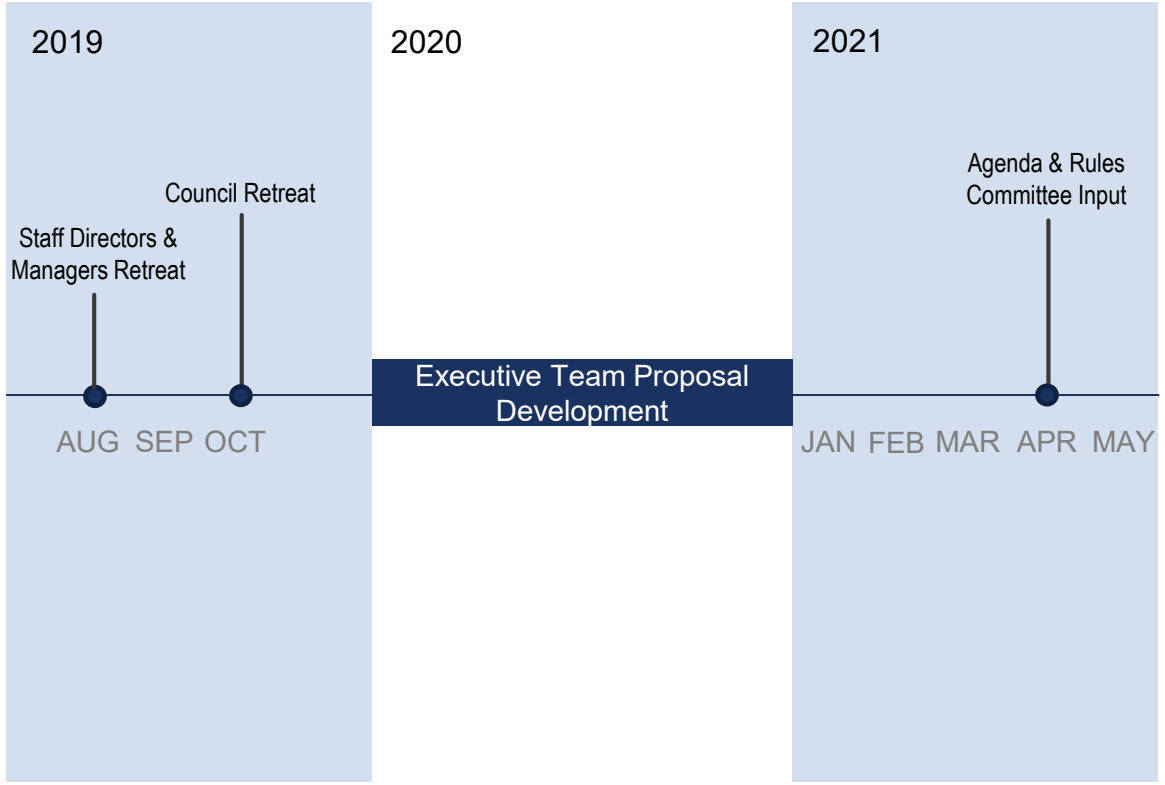
AGENDA & RULES COMMITTEE

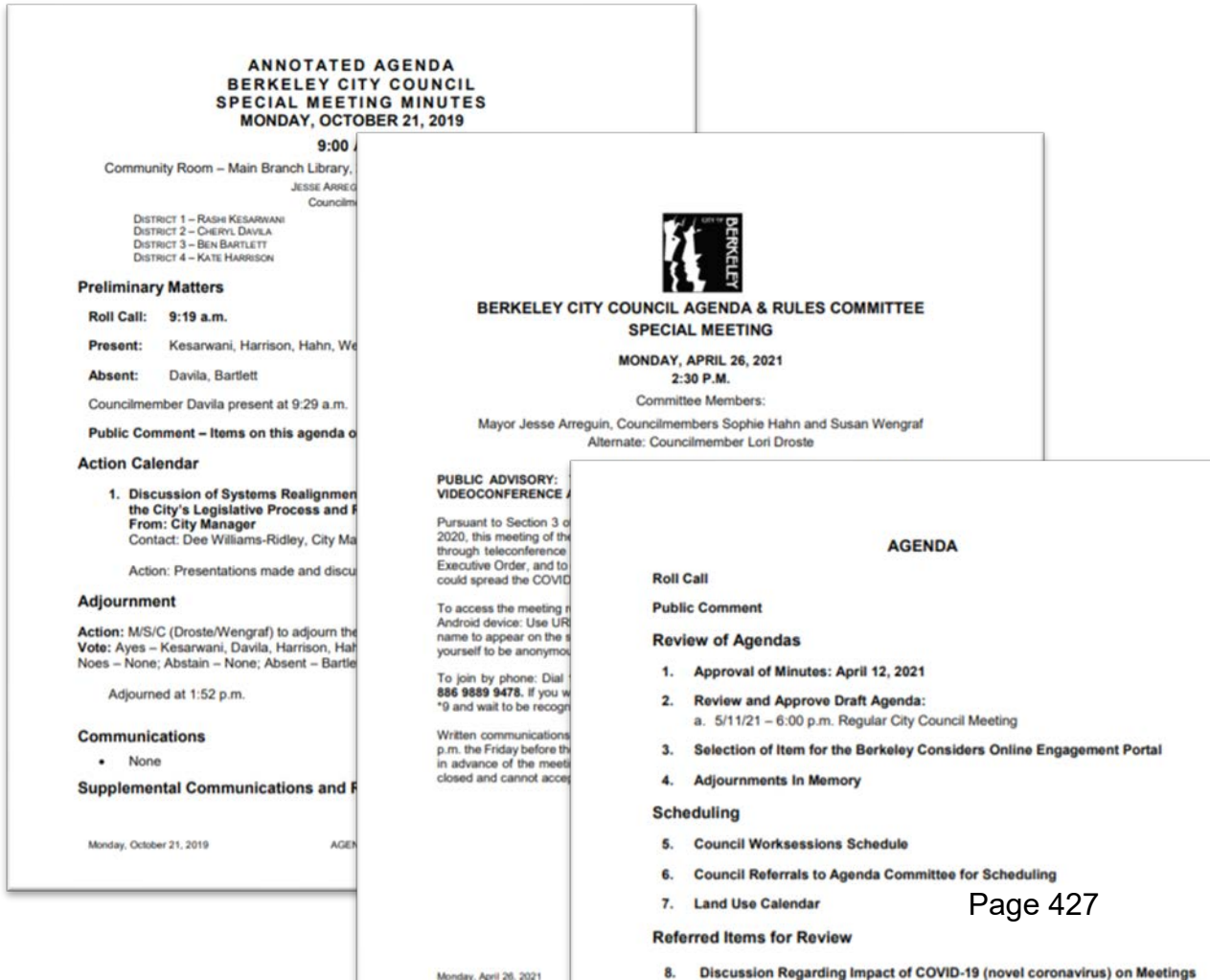

Jesse Arreguín


Sophie Hahn


Susan Wengraf

BACKGROUND





ANNOTATED AGENDA
BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES
MONDAY, OCTOBER 21, 2019

Preliminary Matters

Action Calendar

Adjournment

Communications

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

MONDAY, APRIL 26, 2021
2:30 P.M.

Committee Members:
Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf
Alternate: Councilmember Lori Droste

AGENDA

Roll Call

Public Comment

Review of Agendas

1. Approval of Minutes: April 12, 2021
2. Review and Approve Draft Agenda:
   a. 5/11/21 – 6:00 p.m. Regular City Council Meeting
3. Selection of Item for the Berkeley Considers Online Engagement Portal
4. Adjournments In Memory

Scheduling

5. Council Worksessions Schedule
6. Council Referrals to Agenda Committee for Scheduling
7. Land Use Calendar

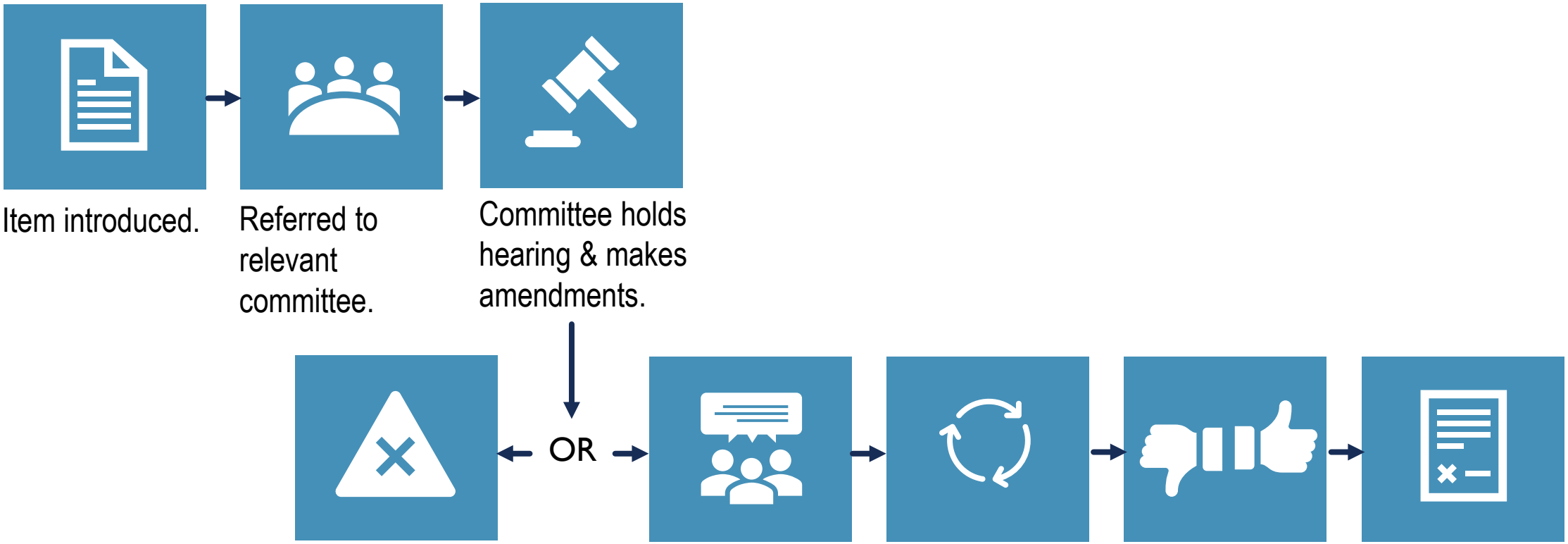
Referred Items for Review

8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings

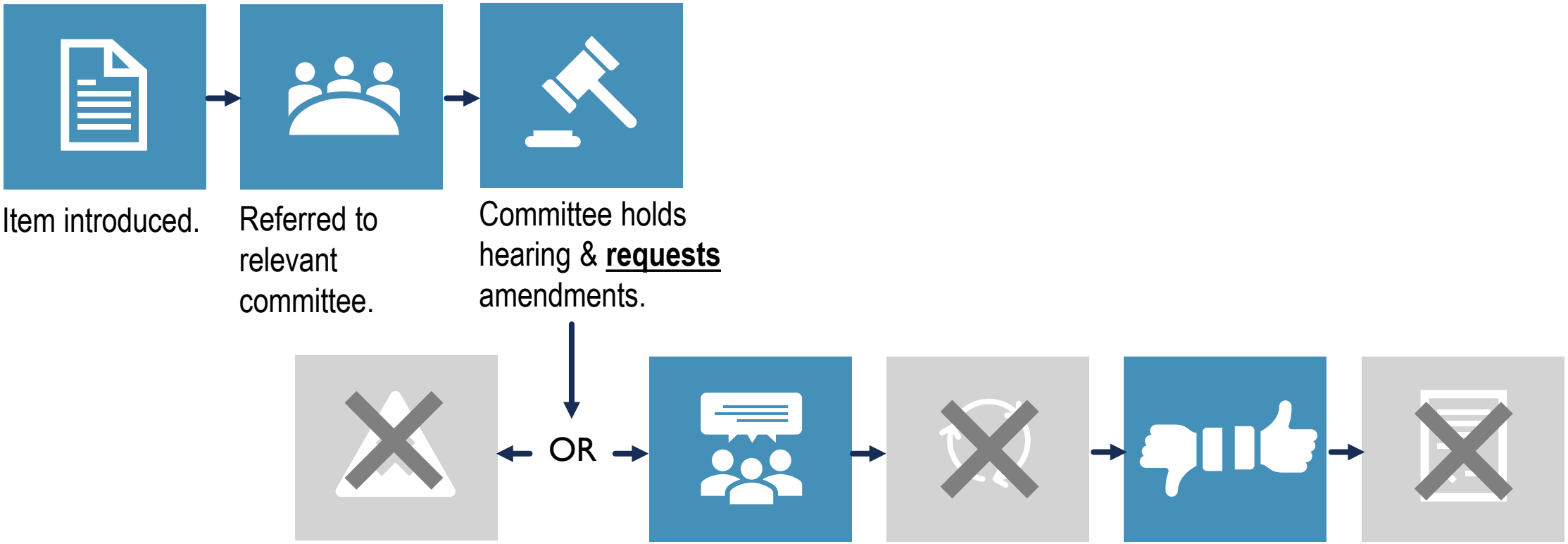
OBJECTIVES

- Align timing of Council approval and resource (budget) allocation
- Communicate resource needs (and any tradeoffs) well
- Ensure Council priorities are resourced and implemented

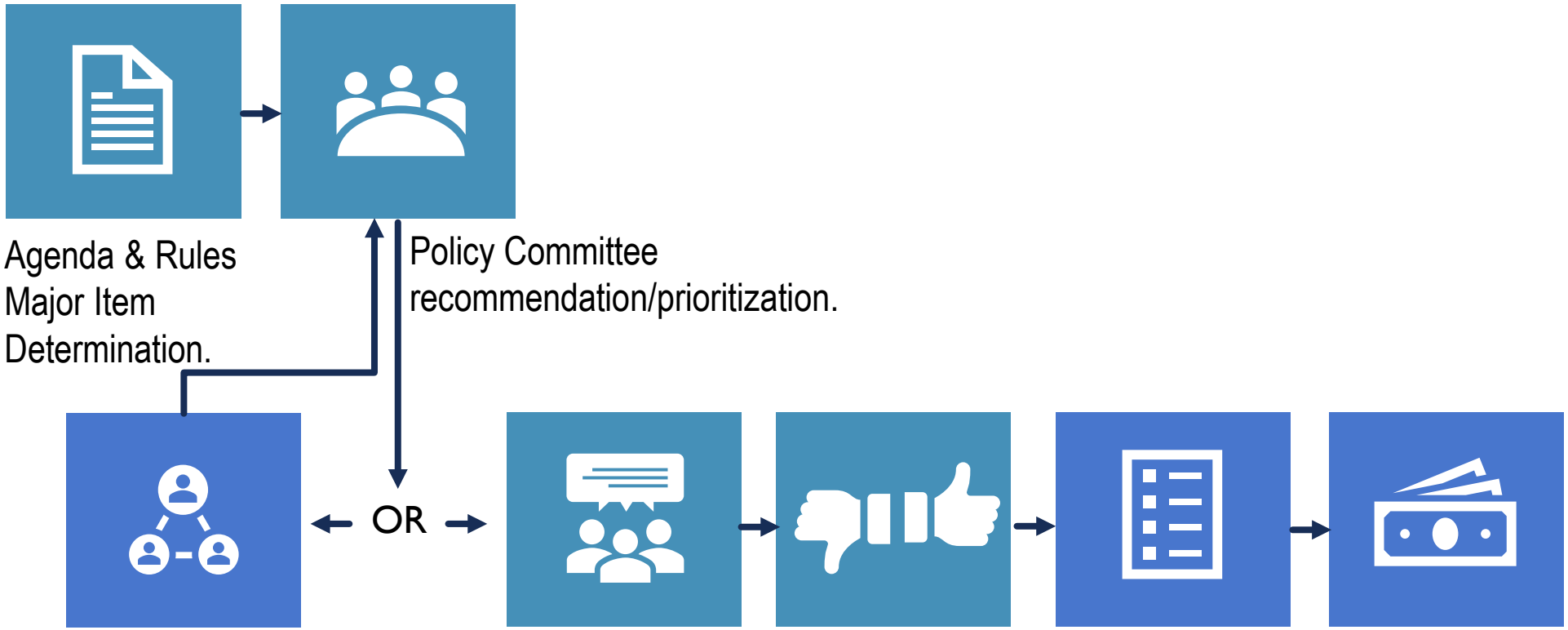
STATE OR FEDERAL MODEL



HYBRID MODEL



PROPOSED MODEL



IMPLEMENTATION CONFERENCE?

- What: Strong analysis and collaborative consultation
  - Identify costs\benefits
  - Identify resource needs
  - Outline high level work plan
- Who:
  - Commission Input (e,g, Chair or Vice Chair)
  - Staff & Legal
  - External Stakeholders
- How:
  - Ensure you've done your due diligence with the above
  - Meet with staff/legal



VETTING IS TIME WELL SPENT!

Cousin Janice

- Researched online, in magazines
- Talked to friends, designer, contractor
- Obtained supplies
- Contractor starts work
- Moved out for **weeks**
- **Loves** the result

Friend Cathy

- Talked to contractor
- Contractor starts work
- Waited for supplies→Contractor stops work
- Supplies arrive→Contractor restarts work
- Moved out for **months**
- **Still refining** the result

WHY PRIORITIZE AT POLICY COMMITTE

NOT RECOMMENDED

- Agenda & Rules Committee
  - **Appointees:**
    Jesse Arreguin, Mayor
    Sophie Hahn, Councilmember, District 5
    Susan Wengraf, Councilmember, District 6
  - **Alternate:** Lori Droste, Councilmem
- Budget & Finance Committee
  - **Appointees:**
    Jesse Ar
    K
    , Councilmember, District 1
    are, Transportation, Environment & Sustainability Committee
    ittees:
    erry Taplin, Councilmember, District 2
    Kate Harrison, Councilmember, District 4
    Rigel Robinson, Councilmember, District 7
  - **Alternate:** Sophie Hahn, Councilmember, District 5

nment, Equity & Community Committee
ppointees:
Rashi Kesarwani, Councilmember, District 1
Terry Taplin, Councilmember, District 2
Ben Bartlett, Councilmember, District 3
- **Alternate:** Rigel Robinson, Councilmember, District 7

- Land Use, Housing & Economic Development Committee
  - **Appointees:**
    Sophie Hahn, Councilmember, District 5
    Rigel Robinson, Councilmember, District 7
    Lori Droste, Councilmember, District 8
  - **Alternate:** Ben Bartlett, Councilmember, District 3
- Public Safety Committee
  - **Appointees:**
    Rashi Kesarwani, Councilmember, District 1
    Ben Bartlett, Councilmember, District 3
    Susan Wengraf, Councilmember, District 6
  - **Alternate:** Terry Taplin, Councilmember, District 2

A QUICK NOTE ON FORMS

- Major Item Determination Checklist
- Implementation Conference Worksheet
- Policy Committee Ranking Form
- Revised Report Template

Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

Yes	No	
☐	☐	Item represents a significant change to existing law, program, or policy.
☐	☐	Item represents a significant addition to existing law, program, or policy.
☐	☐	Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public

Is this eligible for an Exemption?

Yes	No	
☐	☐	Item is related the City's COVID-19 response.
☐	☐	Item is related to the City Budget process.
☐	☐	Item is related to essential or ongoing City processes or business.
☐	☐	Item is urgent.
☐	☐	Item is time-sensitive.
☐	☐	Item is smaller.
☐	☐	Item is less impactful.

Agenda Committee Determination:

☐ Major Item ☐ Exempted

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

Policy Committee Confirmation:

☐ Determination Confirmed ☐ Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

Use this section to help record required informat

Descriptive title:
Is this for Consent, Action, or Information Caler
Recommendation:
Summary statement:
Background (history, circumstances and conce
Plans, programs, policies and/or laws were tak
Actions/alternatives considered:
Internal stakeholders consulted:
Name/date of Commission(s) item submitted to
List of external stakeholders consulted:

Summary of what was learned from consulti
Rationale for recommendation:
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Launch and Implementation Milestones (see
Environmental Impacts:
Operational Impacts:
Staff Resources Needed:

STAFF SECTION

Use this section to provide required information for the report.

Estimated Launch/implementation Deliverables/Dates:	
Month/Year	*Deliverable*

Estimated Administration Deliverables/Dates:	
Month/Year	*Deliverable*

Legal Consultation:

☐ Confirmed

Name/Date _____

Staff Consultation:

☐ Confirmed

Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each co… …ow (L). Then rank the list of priorities. The highest priority would be "1", the …

Priority 1 is highest	Major Item Name		Considerations H high M medium L low		
			Staff Resources	Cost	Benefits/ Savings

Policy Committee Determination:

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

NOT RECOMMENDED

[First Lastname]
Councilmember District [District No.]

[CONSENT *OR* ACTION]
CALENDAR
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION
Adopt a Resolution…
or Support …
or write a letter to ___ in support of _____…
or other recommendation….

FISCAL IMPACTS
This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT
This section must describe benefits and impacts to both internal and external stakeholders. It should also describe the launch or initiation of the item, as well as its ongoing administration once implemented.

CURRENT SITUATION AND ITS EFFECTS
For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:
[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental

- attract and retain a talented and diverse City government workforce.

BACKGROUND

CONSULTATION OVERVIEW
This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON
Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]
1: Resolution
Exhibit A: [Title or Description of Exhibit]
Exhibit B: [Title or Description of Exhibit]
2: [Title or Description of Attachment]
3: [Title or Description of Attachment]

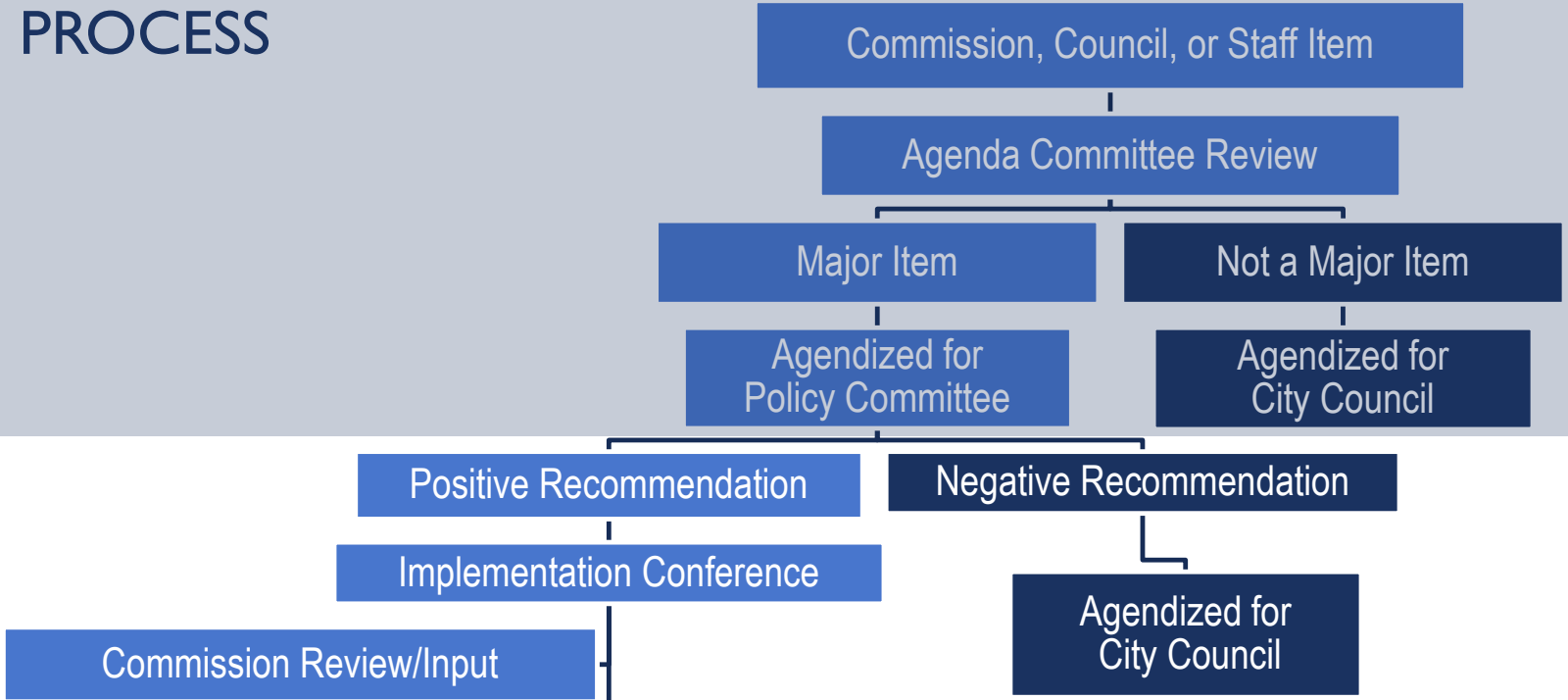
PROPOSED PROCESS

FLOW CHART



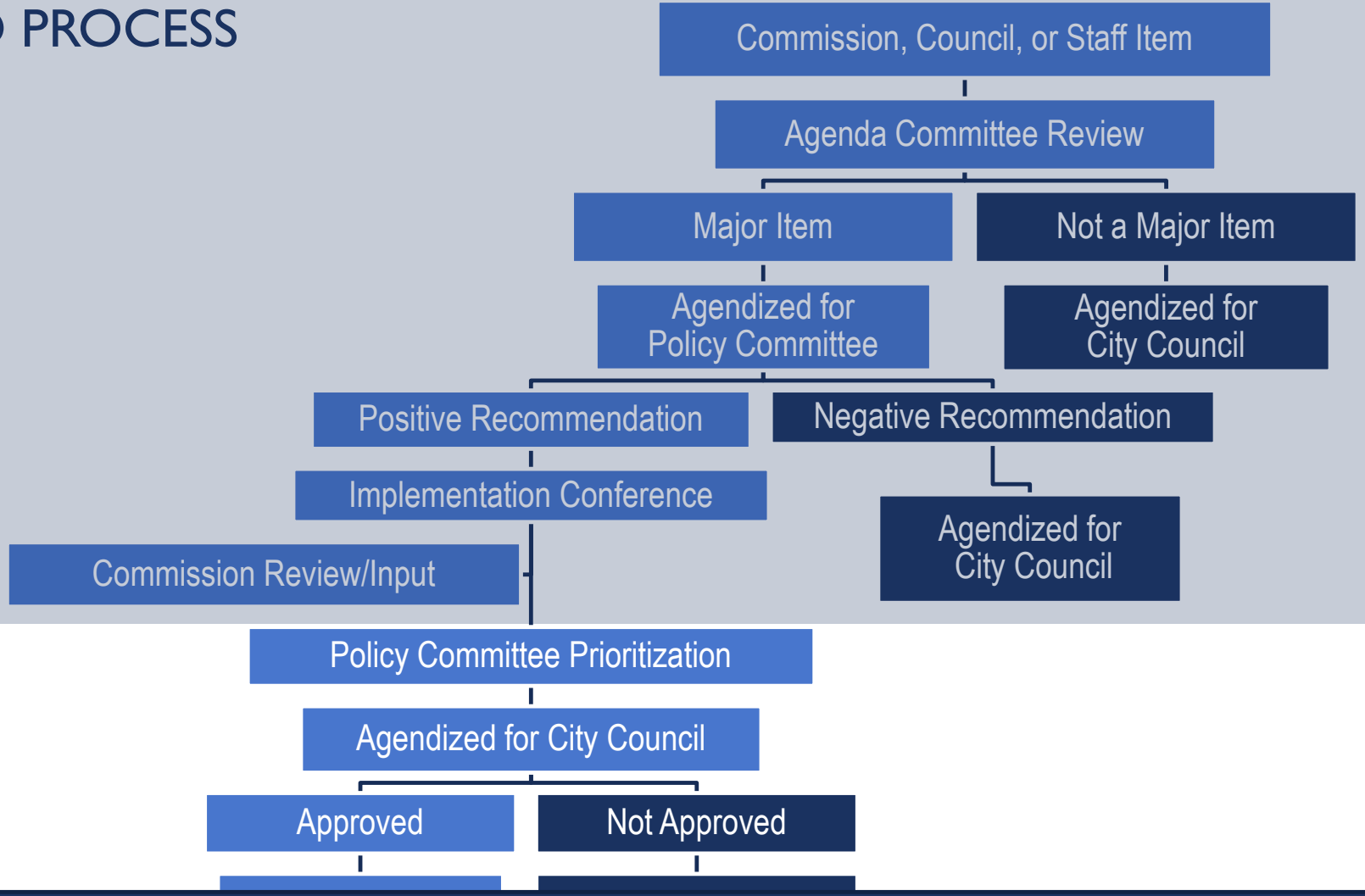
PROPOSED PROCESS

FLOW CHART



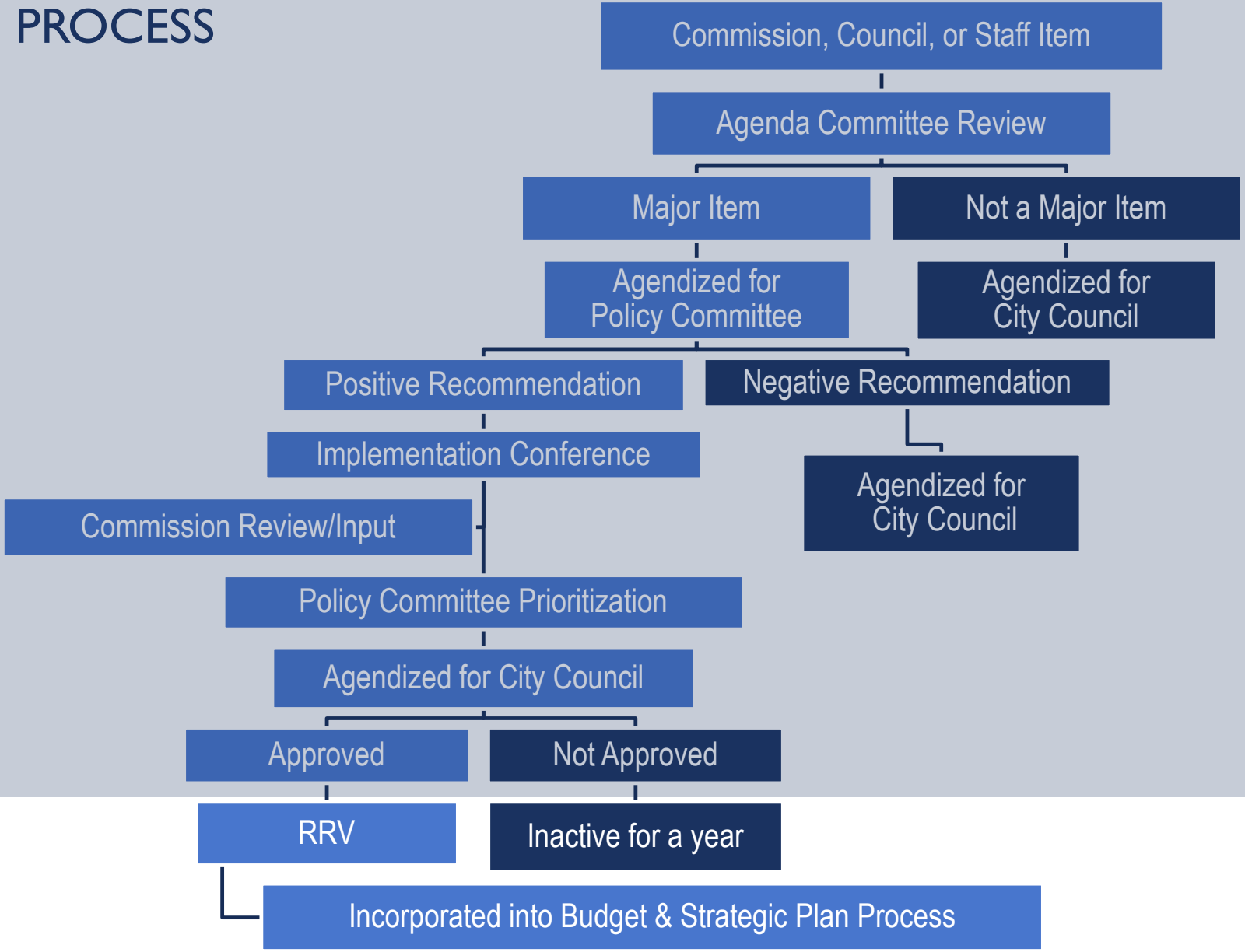
PROPOSED PROCESS

FLOW CHART



PROPOSED PROCESS

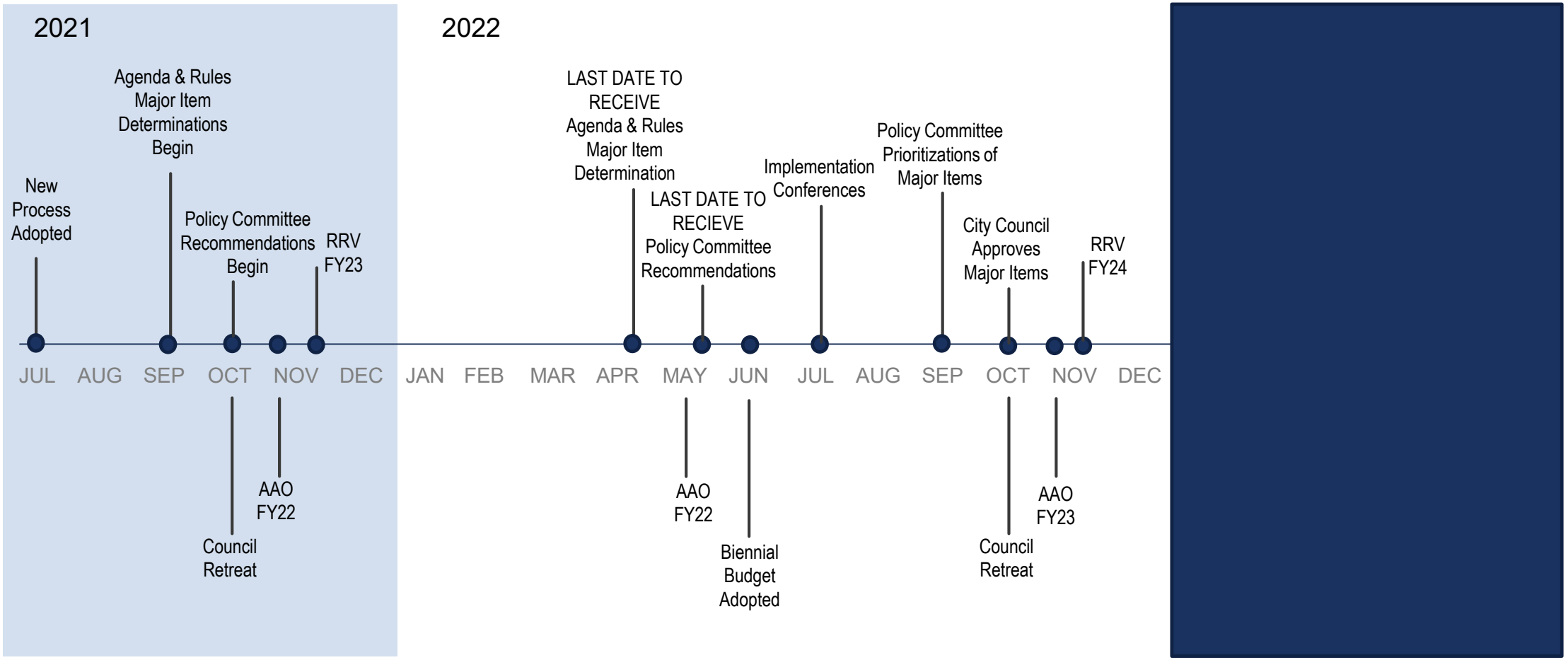
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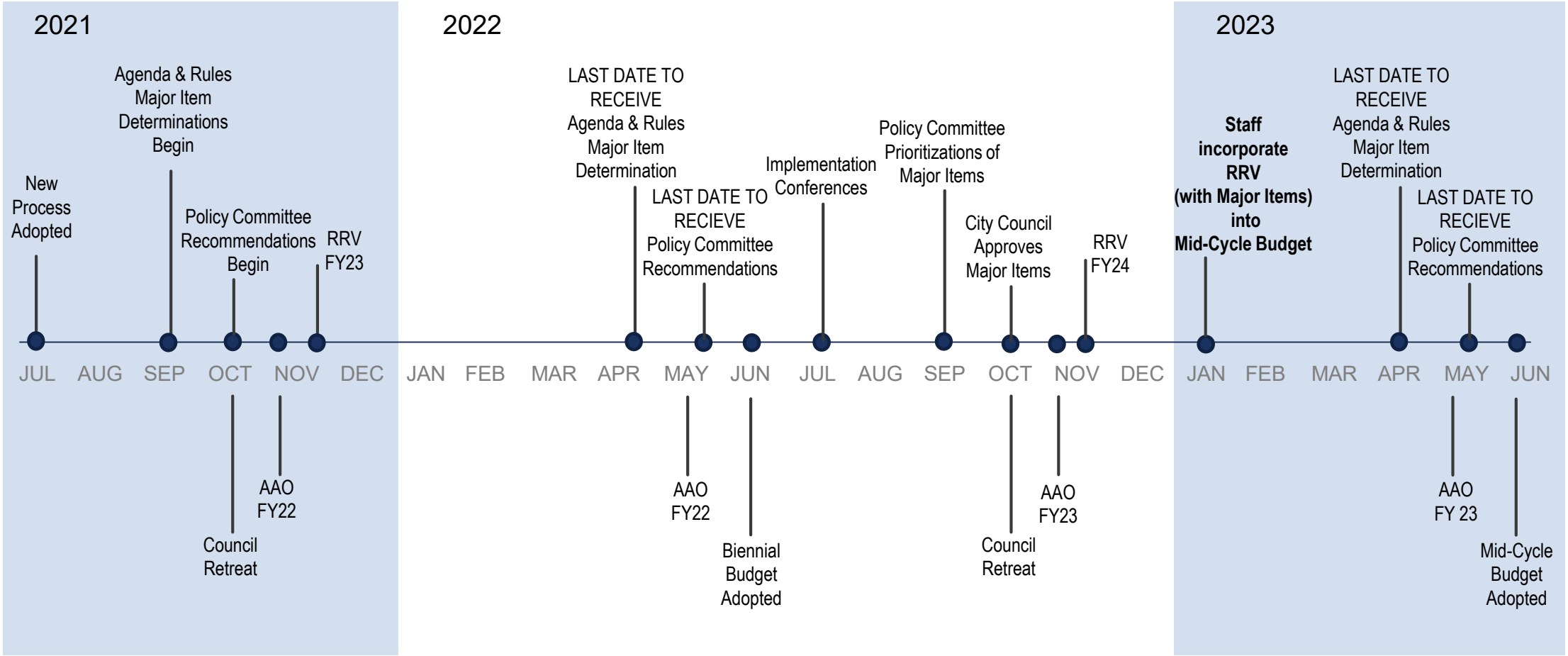
PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT



PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT



PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT

SEQUENCING & TIMING

Existing

1. Idea
2. Committee Consideration
3. Council Approval
4. Costing
5. Budget development
6. RRV



Uncertain Timeline

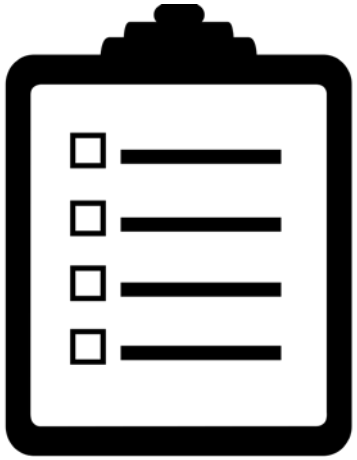
Proposed

1. Idea
2. Committee Consideration
3. Vetting & Costing
4. Council Approval
5. RRV
6. Budget development

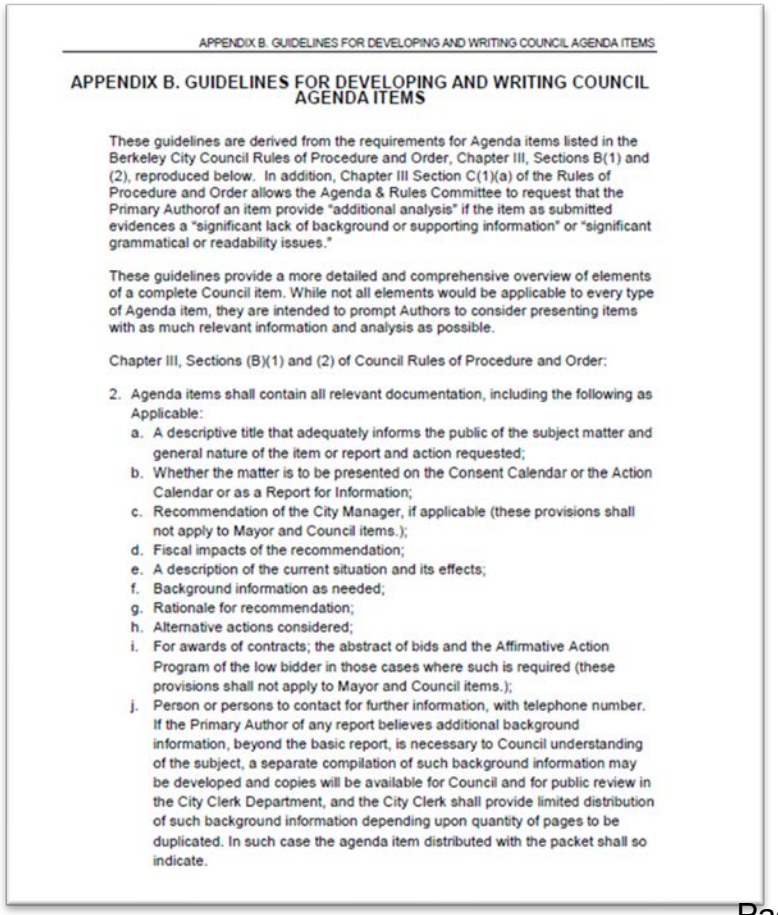


Certain Timeline

WHAT'S DIFFERENT



- Mandatory Guidelines
- Implementation Conferences
- Policy Committee Prioritization
- Moving the RRV process
- New required forms and processes



APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Authorof an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
   a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
   b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
   c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
   d. Fiscal impacts of the recommendation;
   e. A description of the current situation and its effects;
   f. Background information as needed;
   g. Rationale for recommendation;
   h. Alternative actions considered;
   i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
   j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

SO, HOW DO WE MAKE THIS HAPPEN?

- Adopting aligned timeline and new process
  - Incorporating vetting and costing (i.e., implementation conferences)
  - Prioritizing vetted Major Items (prioritize, assign fiscal year, identify projects to remove to accommodate new Major Items)
  - Revising City Council Rules of Procedure and Order
- Making Appendix B guidelines mandatory
- Addressing adopted, open referrals
- Addressing Council items under consideration

BENEFITS

- Ensures **continuous improvements**
- Provides adequate context and impacts of items to **enhance Council decision-making**
- Identifies appropriate and necessary resources so that **adopted items are adequately resourced**
- Aligns processes to **ensure efficient implementation/realization of Council items**
- **Increases collaboration** among and between stakeholders

NEXT STEPS



Legislative aide roundtable



City Manager and Councilmember One-on-Ones



Revise and return item in July

THANK YOU.

Office of the City Manager

WORKSESSION
May 18, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION
Direct the City Manager to bring back a resolution for adoption of the Systems Alignment proposal as described in this document and incorporating direction and input received from City Council during the worksession.

SUMMARY
This report proposes a process to integrate various systems (e.g., budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

FISCAL IMPACTS OF RECOMMENDATION
While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation[1] (Major Item).

CURRENT SITUATION AND ITS EFFECTS
The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and

[1] New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf.

full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

PROPOSED PROCESS

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of "type" or origin will be subject to this process.

Step 1: Major Item Determination

The systems alignment proposal outlines a process for Major Items.

Defined in Council Rules of Procedure

Major Items are "new significant legislation" as defined in Appendix D of the City Council Rules of Procedure:

> Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

> New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response[2], including but not limited to health and economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

[2] If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

Required Conformance and Consultation
All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

Required Submission Date
A Major Item must be submitted in time to appear on the agenda of an Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year's legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis.

Step 2: Policy Committee Review
A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the *Council Rules of Procedure*,[3] the Policy Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

[3] https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year.

Step 3: Implementation Conference (Vetting and Costing)
At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and the City Attorney or designee.

Identifying Fiscal, Operational and Implementation Impacts
The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
    - Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
    - Summarizes and confirms what was learned from consultation,
    - Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,[4]
- *Implementation, Administration, and Enforcement*, which
    - Identifies internal and external benefits and impacts, and
    - Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
    - Summarizes any operational impacts,

[4] While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

- Identifies necessary resources, including specific staff resources needed and costs.[5]

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

Revising the Major Item

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

Step 4: Initial Prioritization

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and Strategic Plan process.

Step 5: City Council Approval and Final Prioritization

Under this proposal, all Major Items that the City Council considers for approved prioritization must have:

1. Received a City Council Policy Committee review and recommendation,
2. Received a City Council Policy Committee prioritization,
3. Completed the Implementation Conference, and
4. Been placed on the Agenda for a regular of special Council meeting in October for approval and inclusion in the RRV process.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and

[5] Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

If a Major Item *does not receive the endorsement* of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its Major Items approval, and RRV process no later than the final meeting in December of each year.[6] This ensures that staff is able to develop the budget starting from and based on Council priorities.

Step 6: Budget & Strategic Plan Process

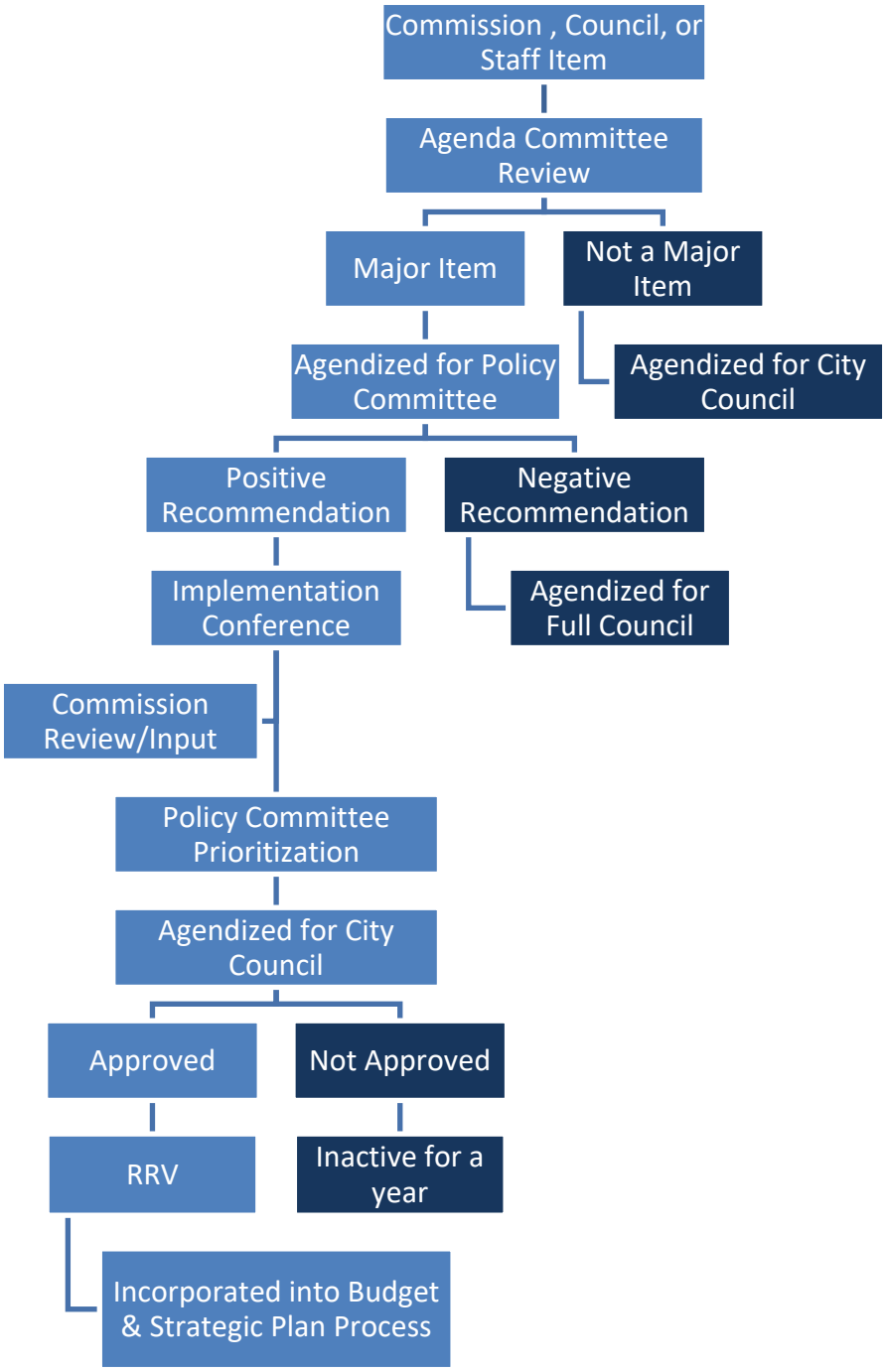
The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain biennual. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

[6] Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

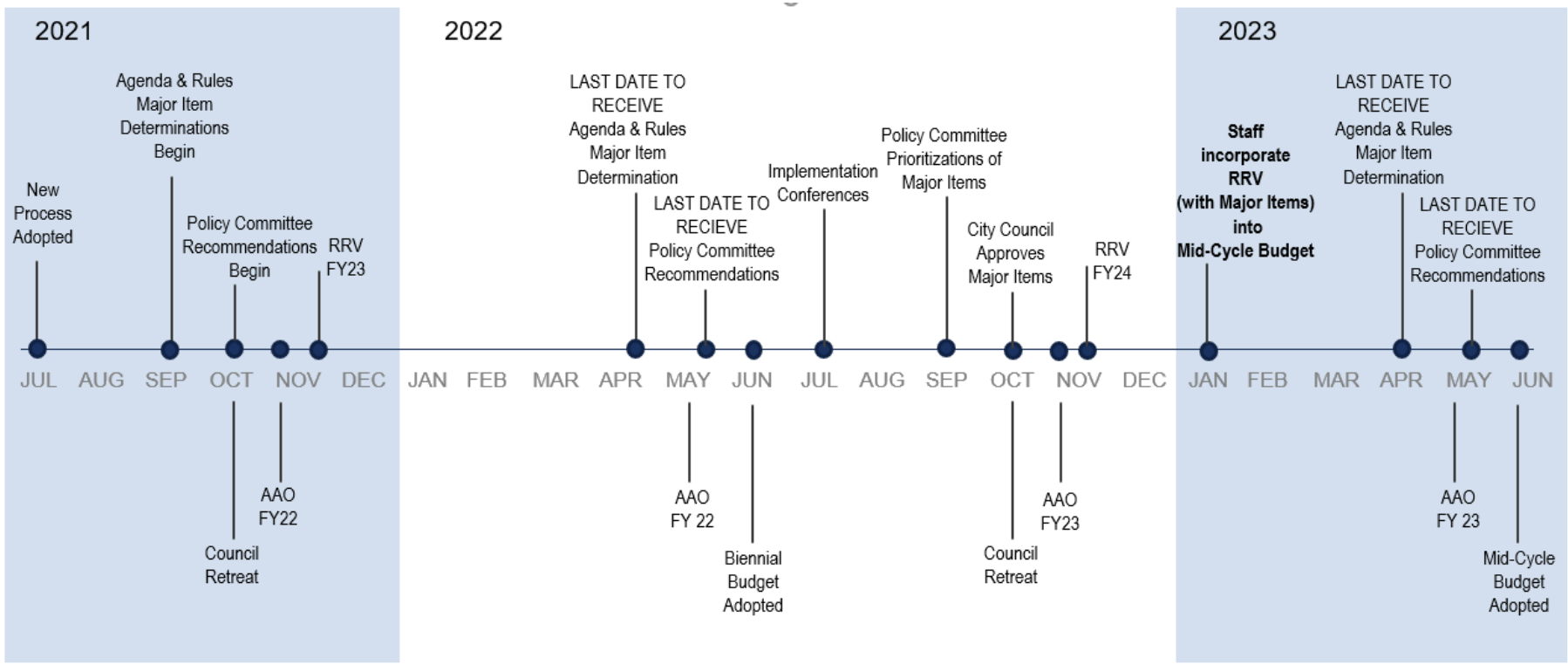
Figure 1, Proposed Process[7]



[7] Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.

Office of the City Manager

Figure 2, Proposed Launch



Office of the City Manager

Next Steps
Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input< into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

Benefits
The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. Finally, since implementation only occurs after operational considerations are reported, and funds are

allocated, the resulting Major Item should move more quickly from idea to successful completion.

BACKGROUND
In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

ENVIRONMENTAL SUSTAINABILITY
By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

RATIONALE FOR RECOMMENDATION
The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

ALTERNATIVE ACTIONS CONSIDERED
At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

CONTACT PERSON
David White, Deputy City Manager, 510-981-7012

Attachments:
1: Major Item Determination Checklist
2: Council Report Template and Implementation Conference Worksheet
3: Policy Committee Ranking Form

Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

Yes	No	
☐	☐	Item represents a significant change to existing law, program, or policy.
☐	☐	Item represents a significant addition to existing law, program, or policy.
☐	☐	Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public

Is this eligible for an Exemption?

Yes	No	
☐	☐	Item is related the City's COVID-19 response.
☐	☐	Item is related to the City Budget process.
☐	☐	Item is related to essential or ongoing City processes or business.
☐	☐	Item is urgent.
☐	☐	Item is time-sensitive.
☐	☐	Item is smaller.
☐	☐	Item is less impactful.

Agenda Committee Determination:

☐ Major Item ☐ Exempted

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

Policy Committee Confirmation:

☐ Determination Confirmed ☐ Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

DRAFT

[First Lastname]
Councilmember District [District No.]

[CONSENT *OR* ACTION]
CALENDAR
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution…
or Support …
or write a letter to ___ in support of _____…
or other recommendation….

~~FINANCIAL~~ FISCAL & OPERATIONAL IMPACTS ~~IMPLICATIONS~~

This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.

CURRENT SITUATION AND ITS EFFECTS

For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:
[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

DRAFT

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.

BACKGROUND

INITIAL CONSULTATION

This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]
1: Resolution
Exhibit A: [Title or Description of Exhibit]
Exhibit B: [Title or Description of Exhibit]
2: [Title or Description of Attachment]
3: [Title or Description of Attachment]

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

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.).

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.).

Exhibits **[Delete if there are NO exhibits]**
A: Title of the Exhibit
B: Title of the Exhibit

Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

Descriptive title:
Is this for Consent, Action, or Information Calendar?
Recommendation:
Summary statement:
Background (history, circumstances and concerns to be addressed by the item):
Plans, programs, policies and/or laws were taken into consideration:
Actions/alternatives considered:
Internal stakeholders consulted:
Name/date of Commission(s) item submitted to for input:
List of external stakeholders consulted:

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Summary of what was learned from consulting stakeholders:
Rationale for recommendation:
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Equity Considerations:
Launch and Implementation Milestones (see staff section)
Environmental Impacts:
Operational Impacts:
Staff Resources Needed: Number of FTE/hours: Type of staff resource needed:
Costs: Amount(s): Funding Source:

DRAFT

STAFF SECTION

Staff may complete section to provide required information for the report.

Estimated Launch/implementation Deliverables/Dates:	
Month/Year	*Deliverable*
Estimated Administration Deliverables/Dates:	
Month/Year	*Deliverable*

Legal Consultation:

☐ Confirmed

Name/Date _____

Staff Consultation:

☐ Confirmed

Name(s)/Date(s) _____

DRAFT

Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M) or low (L). Then rank the list of priorities. The highest priority would be "1", the next highest "2" and so on.

Priority 1 is highest	**Major Item Name**	**Major Item Author**	**Considerations** H high M medium L low		
			Staff Resources	**Cost**	**Benefits/ Savings**

Policy Committee Determination:

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

DRAFT

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BERKELEY SPECIAL MEETING

TUESDAY, OCTOBER 10, 2023

Unofficial Text File

>> GOOD AFTERNOON.

THANK YOU FOR WAITING PAITENTLY.

I WOULD NOW LIKE TO CALL TO ORDER THE SPECIAL MEETING OF THE BERKELEY CITY COUNCIL FOR TUESDAY, OCTOBER 10TH, 2023 AT 4 P.M..

IF THE CITY CLERK CAN PLEASE CALL THE ROLL.

[ROLL CALL]

>> CLERK: COUNCILMEMBER KESARWANI.

>> R. KESARWANI: HERE.

>> CLERK: TAPLIN.

>> T. TAPLIN: PRESENT.

>> CLERK: BARTLETT.

>> B. BARTLETT: HERE.

>> CLERK: HARRISON.

>> K HARRISON: HERE.

>> CLERK: HAHN.

>> S. HAHN: PRESENT.

>> CLERK: WENGRAF.

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>> S. WENGRAF: PRESENT.

>> CLERK: ROBINSON.

>> R. ROBINSON: PRESENT.

>> CLERK: HUMBERT.

Unofficial Text File

>> M. HUMBERT: PRESENT.

>> CLERK: AND MAYOR ARREGUIN.

>> MAYOR J. ARREGUIN: PRESENT.

>> CLERK: OKAY.

>> MAYOR J. ARREGUIN: OKAY.

ALL MEMBERS ARE PRESENT.

THANK YOU VERY MUCH.

SO THIS IS A SPECIAL CITY COUNCIL MEETING TO HOLD A WORK SESSION TO POTENTIAL PROPOSALS FOR THE REDESIGN OF OUR CITY COUNCIL'S LEGISLATIVE PROCESS.

AND I JUST WANT TO PROVIDE SOME INTRODUCTORY COMMENTS AND THEN TURN IT OVER TO COUNCILMEMBER HAHN, WHO IS GOING TO GO THROUGH PRESENTING THE PROPOSED FRAMEWORK THAT WE WANTED COUNCIL INPUT ON.

AND THEN, I'LL GIVE COUNCILMEMBER HARRISON AN OPPORTUNITY TO PRESENT ON HER CONCEPTS AS WELL.

SO AS THE COUNCIL KNOWS, WE HAVE BEEN DISCUSSING A REDESIGN OF OUR LEGISLATIVE SYSTEM FOR SEVERAL YEARS NOW.

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ADD OUR RETREAT IN OCTOBER, 2019, WE HAD I THINK A VERY EXCELLENT DISCUSSION AROUND POTENTIAL CHANGES TO THE PROCESS IN WHICH WE INTRODUCE AND REVIEW AND APPROVE LEGISLATION AT THE CITY COUNCIL LEVEL.

Unofficial Text File

AND THERE WERE SEVERAL GOALS WE WANTED TO ACHIEVE. ONE, WE WANTED TO MAKE SURE THAT THERE WAS ALIGNMENT OF OUR LEGISLATIVE PROCESS WITH THE BUDGET PROCESS.

BECAUSE WHILE WE MAY ADOPT LAWS OR PROPOSED COUNCIL REFERRALS, IF THOSE LAWS OR PROGRAMS ARE NOT FUNDED, AND WE DON'T HAVE STAFF RESOURCES OR FUNDING ALLOCATED, THEN THEIR IMPLEMENTATION WILL NOT BE EFFECTUATED, IT WILL BE DELAYED.

IN ORDER TO FULLY REALIZE THE IMPACT OF THE LEGISLATION WE ADOPT WE WANTED TO ALIGN THE ADOPTION OF MAJOR ITEMS IN LEGISLATION WITH OUR BUDGET PROCESS TO MAKE SURE WE CAN CONSIDER THE BUDGET NEEDS, TO MAKE SURE WE CAN SET ASIDE FUNDING IN THE BUDGET FOR CITY STAFF AND IMPLEMENTATION.

ANOTHER AREA WAS LOOKING AT HOW CAN WE ENSURE MORE THOROUGH REVIEW OF ITEMS.

TO MAKE SURE THAT THEY HAVE COMPLETE INFORMATION AND ARE LOOKING AT PHYSICAL IMPACTS.

ANOTHER ISSUE WAS LOOKING AT WHAT WOULD BE AN EFFECTIVE PROCESS FOR THESE ITEMS IT BE CONSIDERED TO ALIGN WITH OUR BUDGET PROCESS, TO ALIGN WITH THE A.A.O.

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AND ON TOP OF THAT WE HAD A PRIORITIZATION PROCESS.

WHAT IS THE RELATIONSHIP TO THE PRIORITIZATION PROCESS AND THIS PROCESS.

SO WE HAD A LOT OF GOOD DISCUSSION WITH THE CITY MANAGER CAME FORWARD AFTER THAT WITH A PROPOSAL THAT WE DISCUSSED IN 2021.

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AND/OR THE CITY MANAGER PUT THAT FORWARD TO STIMULATE DISCUSSION.

SHE SAID TO THE AGENDA COMMITTEE SHE HAS WITHDRAWN THAT PROPOSAL.

SO THAT IS NOT, SHE'S NOT PRESENTING THAT FOR ACTION AT THE PRESENT TIME BY COUNCIL.

BUT THAT DID SPARK A LOT OF REALLY GOOD IDEAS THAT HAD BEEN BROUGHT FORWARD THE LAST SEVERAL YEARS, ALL OF WHICH WERE INCLUDED IN THE PACKET.

WE WANT TODAY MAKE SURE THE PROPOSALS AND IDEAS THAT COUNCILMEMBERS CURRENTLY PROPOSED AROUND HOW TO IMPROVE AND STREAMLINE THE LEGISLATIVE PROCESS.

THOSE WERE INCLUDED SO WE CAN LOOK AT THE COMPREHENSIVE RECORD.

AND SO, THE AGENDA RULES COMMITTEE TASKED BY THE CITY COUNCIL TO NOT JUST APPROVE THE DRAFT AGENDA BUT TO ALSO REVIEW AND MAKE RECOMMENDATIONS ON CHANGES TO OUR COUNCIL RULES.

HAS BEEN DISCUSSING FOR SEVERAL YEARS NOW THE CHANGES TO OUR LEGISLATIVE PROCESS.

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AND OUT OF THAT, COUNCILMEMBER HAHN HAS BEEN WORKING WITH, I THINK THE CITY CLERK DEPARTMENT, THE CITY MANAGER'S OFFICE AND OTHERS TO COME UP WITH A CONCEPTUAL FRAMEWORK TO PRESENT SOME IDEAS FOR COUNCIL CONSIDERATION.

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SO THAT WE CAN GATHER INPUT AND COME BACK WITH A PROPOSAL SO WE CAN FINALLY MOVE THIS CONVERSATION FORWARD.

THE PURPOSE OF TONIGHT'S WORK SESSION IS NOT TO TAKE ACTION BUT TO HEAR THE WHOLE COUNCIL'S INPUT.

BECAUSE THE AGENDA AND RULES COMMITTEE THERE ARE ONLY THREE MEMBERS THAT SIT ON THAT COMMITTEE, WE CANNOT ASK FOR YOUR IDEAS, UNFORTUNATELY.

SO REALLY, THIS IS WE'RE THE AGENDA RULES COMMITTEE PUTTING THIS FORWARD TO HEAR THE WHOLE COUNCIL'S IDEAS, SO WE CAN TAKE BACK THAT INPUT AND COME FORWARD WITH A RECOMMENDATION IN THE COMING MONTHS.

SO I REALLY APPRECIATE COUNCILMEMBER HAHN COMING FORWARD WITH A CONCEPTUAL, THOUGHTFUL FAKE WORK.

THE COMMITTEE DID NOT APPROVE THIS, I WANT TO CLARIFY.

WE WANT TO SEND IT FORWARD TO ALL COUNCIL, SO THE WHOLE COUNCIL CAN PROVIDE ITS FEEDBACK AND WE CAN TAKE THAT INTO CONSIDERATION AS WE'RE DELIBERATING ON IT.

I APPRECIATE COUNCILMEMBER HARRISON AND ROBINSON AND TAPLIN'S INPUT.

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THERE MAY BE OTHER IDEAS WE HEAR TONIGHT.

THIS IS INTENDED TO BE A DISCUSSION, AN OPPORTUNITY FOR COUNCIL INPUT AND OUR GOAL IS TO TAKE ALL THESE GOOD IDEAS, AND TO COME BACK WITH A PROCESS THAT WORKS FOR OUR CITY COUNCIL, OUR STAFF AND COMMUNITY, FOR OUR COMMISSIONS.

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AND SO, WITH THE GOAL OF TRYING TO HAVE A PROCESS THAT HELPS REALIZE THE IMPACTS OF THE LEGISLATION WE'RE ADOPTED FOR THE BENEFIT OF THE PEOPLE OF BERKELEY.

AND I THINK AN IMPORTANT PART IS OUR BOARDS AND COMMISSIONS AND THE ROLE THEY PLAY ALSO IN REVIEWING A MAJOR LEGISLATION.

SO WITH THAT INTRODUCTION IN MIND, WITH THE UNDERSTANDING WE'RE NOT TAKING ACTION TONIGHT BUT INTENDED FOR DISCUSSION.

I WANT TO TURN IT OVER TO COUNCILMEMBER HAHN WHO WILL PRESENT ON THE SORT OF THE PROPOSED FRAMEWORK THAT WAS PRESENTED AT THE AGENDA RULES COMMITTEE AND THEN COUNCILMEMBER HARRISON THEREAFTER.

>> S. HAHN: THANK YOU SO MUCH, MAYOR.

SOME PRELIMINARY REMARKS.

AND I'LL ASK THE CITY CLERK IF THEY CAN GO AHEAD AND PUT UP THE FIRST PAGE.

FIRST OF ALL, I WANT TO CLARIFY THAT THE AGENDA COMMITTEE WAS WE WERE DELEGATED THE TASK OF COMING BACK TO COUNCIL WITH SOMETHING.

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AND AS YOU ALL KNOW FROM YOUR OWN COMMITTEES YOU CANNOT WORK TWO PEOPLE ON A COMMITTEE CANNOT WORK TOGETHER BEHIND THE SCENES. I WAS DESIGNATED AS A PERSON WHO WOULD WORK ON BRINGING SOMETHING FORWARD.

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AND I DID I WAS ABLE TO WORK WITH THE CITY MANAGER AND THE CITY CLERK'S OFFICE, NOT JUST TO GET THEIR INPUT BUT BECAUSE I NEEDED BUDDIES TO HELP DEVELOP THIS AND HAD NO OPPORTUNITY TO WORK WITH MY COLLEAGUES.

I ALSO JUST WANT TO BE REALLY CLEAR, I'M EXTREMELY PROUD OF THE WORK PRODUCT BEING BROUGHT FORWARD AS A THOUGHT EXERCISE HERE TODAY.

BUT THIS IS NOT MY PROPOSAL.

THE PACKET HAS MY PROPOSAL.

MY PROPOSAL IS ON PAGE 43 OF THE PACKET.

AND IF ANYONE WANTS TO KNOW WHAT MY PROPOSAL IS, THAT IS IT.

I AM HAPPY TO TAKE CREDIT FOR HAVING LISTENED TO MANY DIFFERENT STAKEHOLDERS AND LOOKED AT MANY DIFFERENT PROPOSALS THAT ARE HERE IN THE RECORD.

AND TO HAVE WORKED, TO PUT SOMETHING TOGETHER THAT HOPEFULLY REFLECTS AN AMALGAMATION OF MANY DIFFERENT IDEAS AND THAT PROVIDES A CONVERSATION OPPORTUNITY FOR THE WHOLE COUNCIL, WHICH IS WHAT WAS ALWAYS INTENDED.

SO I JUST, I DO THINK THERE HAS BEEN A LITTLE CONFUSION.

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AND I WANTED TO CLARIFY WHILE I'M PROUD TO HAVE DONE WORK ON THIS, THIS IS NOT MY PROPOSAL.

MY PROPOSAL IS ELSEWHERE IN THE PACKET.

I ALSO WANTED TO JUST BRING YOUR ATTENTION TO THIS FIRST PAGE.

PROCESS SKETCH FOR DISCUSSION.

Unofficial Text File

WE NAMED IT THAT FOR A REASON.

IT'S ACTUALLY NOT A PROPOSAL.

IT IS A SKETCH OF A POTENTIAL PROCESS.

THAT IS INTENDED TO SPARK CONVERSATION.

IT'S NOT A PROPOSAL.

I WANTED TO MAKE THAT CLEAR AS WELL.

GIVEN THE VARIETY OF WORK PRODUCT THAT WE HAD TO GO BACK AND LOOK AT, AND TO KIND OF DIGEST AND PULL TOGETHER, IT'S NOT POSSIBLE FOR A SINGLE SKETCH TO INCLUDE ABSOLUTELY ALL THE IDEAS AT ONCE.

AND I THINK AS THE REASON WHY WE AS THE AGENDA COMMITTEE DID NOT APPROVE THIS AS A BODY IS BECAUSE WE WANT YOUR INPUT.

WHAT WE MIGHT FINALLY BRING FORWARD MAYBE VERY DIFFERENT FROM THIS.

BUT YOU HAVE TO START SOMEWHERE WITH A CONVERSATION.

AND I REALLY WANT TO MAKE SURE THAT ANY MISCHARACTERIZATION OF WHAT IS HERE IS CLEARED UP.

ALL RIGHT.

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SO LET'S GO THROUGH THIS SKETCH.

AND THE PURPOSE TODAY IS FOR US TO GET ALL YOUR IDEAS AND INPUT.

AND THERE IS NO DECISION POINT TODAY.

I ALSO WANT TO SAY THAT AS WE WERE GOING THROUGH THIS, IT'S ACTUALLY VERY COMPLEX.

Unofficial Text File

AND THERE IS A LOT OF MOVING PIECES AND THERE IS A LOT OF PLACES WHERE YOU WANT TO STEP INTO A MORE COMPLICATED CORNER AND GO DOWN THAT LITTLE RABBIT HOLE.

THE WAY IT'S ORGANIZED THERE IS KIND OF AN OVERVIEW AND WE ACTUALLY DID A LITTLE WAYS DOWN A FEW RABBIT HOLES TO SORT OF SUGGEST SOME OF THE CONSIDERATIONS IN EACH OF THOSE SPECIAL TOPICS.

BUT IT IS OUR INTENT THAT WITH AN OVER-- CLEAR WITH THE OVERVIEW WE WOULD THEN TOGETHER DEVELOP AND REFINE SOME OF THE SPECIAL TOPICS.

>> MAYOR J. ARREGUIN: CAN I ADD ONE THING, COUNCILMEMBER HAHN, IF I MAY.

I FORGOT TO MENTION THAT WHAT WE INCLUDED IN THE PACKETS WAS A MATRIX, WHICH SUMMARIZED ALL THE DIFFERENT PROPOSALS THAT HAVE BEEN PUT FORWARD IN THE LAST WHAT THREE OR FOUR YEARS, INCLUDING THE MOST RECENT PROPOSAL THAT COUNCILMEMBER HAHN IS ABOUT TO PRESENT.

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AND KIND OF REALLY BROKE IT DOWN BY SORT OF ISSUE AREA, MAJOR ITEM DEFINITION PROCESS.

SO YOU CAN SEE ACROSS WHERE EACH PROPOSAL HAPPENED AND -- LANDED AND THE EVOLUTION THAT LED TO THIS PROPOSAL THAT COUNCILMEMBER HAHN WILL PRESENT.

Unofficial Text File

I WANT TO THANK MY STAFF, JACQUELINE MCCORMICK AND LAURIE, AND COUNCILMEMBER WENGRAF'S OFFICE WHO WORKED QUICKLY TO PUT THIS TOGETHER SO WE HAD SOMETHING TO LOOK AT FOR COMPARATIVE PURPOSES.

BACK TO YOU.

>> S. HAHN: THANK YOU.

I ALSO WANT TO ACKNOWLEDGE AND THAT CAN THEM.

AS YOU CAN SEE BY LOOKING AT THE MATRIX, IT WAS VERY FORGET COMPLICATED.

AND THERE WERE A LOT OF DIFFERENT IDEAS THAT HAD BEEN FLOATED OVER TIME.

AND AGAIN, THIS SKETCH IS ONE OF MANY POTENTIAL PATHS FORWARD.

LET'S GO AHEAD AND WALK DOWN THE SKETCH PATH.

HOPEFULLY, THAT WILL TRIGGER MANY IDEAS AND INPUTS.

SO FIRST OF ALL, LET'S GO TO THE -- WELL, LET ME START HERE BY SAYING THIS IS BY MAJOR ITEMS.

SO VERY QUICKLY, YOU HAVE TO IMAGINE THAT THERE IS LOTS OF ITEMS THAT ARE NOT INCLUDED THAT ARE NOT BEING DISCUSSED.

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WHAT IS A MAJOR ITEM?

CURRENTLY, WE HAVE A DEFINITION.

SO IT'S NOT -- WE CALL IT A POLICY COMMITTEE TRACK ITEM.

THAT WAS TOO MUCH A MOUTHFUL.

Unofficial Text File

WE'LL CALL THEM MAJOR ITEMS.

BUT IT IS THE SAME DEFINITION THAT WE HAVE CURRENTLY.

THIS IS NOT A NEW DEFINITION.

THIS IS THE OPERATIVE DEFINITION IN OUR COUNCIL RULES AND PROCEDURE AND ORDER, AND I HAVE NOT HEARD ANY CONCERNS ABOUT THE DEFINITION TO DATE.

IT IS THE ONE WE'VE BEEN USING FOR A COUPLE OF YEARS.

HOWEVER, AS WITH EVERYTHING THAT WE'RE LOOKING AT TODAY, IT'S ENTIRELY POSSIBLE FOR US TO ADJUST THE DEFINITION.

SO THAT'S NOT SET IN STONE.

IT'S JUST TO EXPLAIN WHERE WE GOT THAT TERMINOLOGY FROM.

WE CAN GO TO THE NEXT SLIDE.

THESE BIG IDEAS YOU CAN EACH BRING YOUR OWN TO THIS.

THIS WAS SORT OF THE BIG IDEAS, AGAIN, I WASN'T ABLE TO WORK TOGETHER WITH ANY OTHER COMMITTEE MEMBERS.

SO THE BIG IDEA FOR COUNCIL THAT CAME FROM MYSELF, SUCCESSFULLY DEVELOP AND IMPLEMENT STATE OF THE ART AND INNOVATIVE PROGRAM AND POLICIES TO SERVE BERKELEY AND MODEL BEST PRACTICES FOR OTHER JURISDICTIONS.

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THE CITY CLERK'S BIG IDEA WAS CONSISTENCY IN PROCESS FOR MAJOR ITEM DEVELOPMENT, BUDGETING AND IMPLEMENTATION.

OBVIOUSLY, CITY ATTORNEY IS INTERESTED IN ENSURING LEGAL AND DRAFTING COMPLIANCE.

Unofficial Text File

AND THE CITY MANAGER'S BIG IDEA WAS TO HELP THE ORGANIZATION DELIVER WITHOUT OVERWHELM, AND HELP STAFF BE SUCCESSFUL IN THEIR WORK.

AND I THINK THAT EVEN THOUGH THOSE ARE COME FROM ONE INDIVIDUAL EACH, I THINK THEY ACTUALLY REALLY REFLECT WHAT THESE DIFFERENT ROLES MIGHT HAVE TOP OF MIND.

BUT OBVIOUSLY, YOU ALL MAY HAVE YOUR OWN RENDITIONS OF THIS AS WELL.

GOING TO THE NEXT SLIDE.

SO OBVIOUSLY, THIS IS A BIG POTENTIAL CHANGE.

BUT NOT AT ALL NECESSARY.

BUT THE IDEA OF YEARLY CYCLE REALLY I WOULD SAY IS BUILT BACKWARDS FROM THE IDEA THAT WE WANT TO GET TO A PLACE WHERE WE DON'T HAVE BACKLOGS, WHERE ITEMS WE PASS AND EVEN THAT WE FUND DON'T GET IMPLEMENTED FOR YEARS.

AND WE'RE -- THERE IS KIND OF A TIGHTER AND LOGICAL PROGRESSION FROM PROPOSALS TO BEING VET, TO BEING ELIGIBLE FOR FUNDING, TO RECEIVING FUNDING, TO HOPEFULLY BEING IMPLEMENTED PRETTY MUCH IMMEDIATELY AFTER.

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SO THAT THE CONVERSATION ABOUT IMPLEMENTATION BEGINS ESSENTIALLY AFTER THE ITEM IS FUNDED.

SO WHILE IT COULD ENTAIL A LONGER TIMELINE BEFORE AN ITEM IS PASSED AND BUDGETED, IT IS INTENDED TO SIGNIFICANTLY REDUCE THE AMOUNT OF TIME THAT IT TAKES FROM APPROVAL OR BUDGET TO IMPLEMENTATION.

Unofficial Text File

AND THERE ARE OTHER WAYS TO ACHIEVE THIS.

AND PEOPLE MAY WISH TO FRONT LOAD THE WEIGHT OR BACK LOAD THE WEIGHT OR DISTRIBUTE IT DIFFERENTLY.

BUT -- I DID WANT TO EXPLAIN WHY THE IDEA OF A YEARLY CYCLE SEEMED LIKE SOMETHING WE MIGHT WANT TO PUT FORWARD.

SO, IF THERE WAS A YEARLY CYCLE, AGAIN ALL OF THESE DATES CAN BE CHANGED.

LOOKING AT IT WITH THE CITY MANAGER AND THE CITY CLERK, AND TRYING TO UNDERSTAND SORT OF THE DEADLINES BY WHICH THE BUDGET COMMITTEE NEEDS THINGS AND OTHER CONSIDERATIONS, WE CAME TO THE IDEA THAT JULY THROUGH SEPTEMBER COUNCIL WOULD BE FINALIZING ITEMS, NOW JUST TO BE CLEAR, THEY COULD DEVELOP AND SUBMIT THEM AT ANY TIME DURING THE YEAR.

BUT THERE WOULD BE FOUR MONTHS WHERE -- THREE MONTHS WHERE YOU COULD REALLY FOCUS ON THAT.

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DURING THAT TIME, THE CITY MANAGER WOULD BE FOCUSED ON STARTING TO IMPLEMENT ITEMS FROM THE PREVIOUS YEAR THAT HAD JUST BEEN FUNDED.

OCTOBER TO MARCH WOULD BE COMMITTEE SEASON.

Unofficial Text File

RECOGNIZING THAT THERE IS PROBABLY A PRETTY BIG GAP IN DECEMBER.

AND THERE MIGHT BE QUITE A FEW ITEMS AND THE COMMITTEES WOULD BE DOING ROBUST REVIEWS AND WOULD NEED TO HEAR ITEMS MORE THAN ONCE.

AND THEN, APRIL THROUGH JUNE WOULD BE THE TIME WHEN COUNCIL WOULD REVIEW AND APPROVE ITEMS AND THE BUDGET WOULD FUND THOSE ITEMS THAT COUNCIL DEEMED READY TO FUND THAT YEAR.

SO IT'S BUILT BACK FROM THAT JUNE 30 BUDGET ADOPTION.

THE NEXT SLIDE.

SO SOME OF THE BENEFITS WERE WRITTEN HERE.

OBVIOUSLY, THERE IS DOWN SIDES AS WELL.

EVERYTHING CHOICE WE ME, INCLUDING THE CHOICE WE HAVE RIGHT NOW HAS UP SIDES AND DOWN SIDES.

BUT IN INTRODUCING A NEW IDEA, WE THOUGHT WE WOULD SHARE WHAT SOME OF THE BENEFITS MIGHT BE.

A YEARLY OPPORTUNITY.

THE FOUR SUBJECT MATTER COMMITTEES WOULD HAVE MORE OF A SEASON.

ALTHOUGH, THEY ABSOLUTELY COULD MEET AT ANY TIME.

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STAFF WOULD HAVE A PERIOD OF TIME WHEN THEY COULD FOCUS IN A MUCH MORE ROBUST WAY THAN THEY DO NOW.

ON IMPLEMENTATION AND COUNCILMEMBER SAID DURING THAT TIME WOULD ALSO HAVE SORT OF MORE FREE TIME, QUOTE/UNQUOTE, WITHOUT COMMITTEE MEETINGS TO FINALIZE ITEMS THEY WANTED TO SUBMIT BY THE DEADLINE.

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AND AGAIN, THE IDEA BEING TO REDUCE THE GAP BETWEEN APPROVAL AND IMPLEMENTATION.

AND JUST TO BE CLEAR, WE DON'T REALLY HAVE EXPLICIT DEADLINES FOR ITEMS.

BULT BECAUSE WE HAVE A BUDGET CYCLE, THERE IS A DEADLINE, THERE IS A DATE AFTER WHICH AN ITEM CAN NO LONGER BE CONSIDERED FOR THAT BUDGET CYCLE.

EXACTLY.

SO WE DON'T HAVE THOSE DEADLINES DELINEATED VERY CLEARLY RIGHT NOW.

AND I THINK THAT CAN BE A PROBLEM.

BECAUSE PEOPLE DON'T REALLY KNOW HOW MUCH TIME THEY HAVE TO SUBMIT AN ITEM THAT MIGHT HAVE TO GO TO COUNCIL.

AND THEY DON'T KNOW IF THEY WILL MISS BEING CONSIDERED FOR ONE OR ANOTHER BUDGET CYCLE.

BY CLARIFYING, IT WOULD BE VERY FAIR AND EVERYONE WOULD BE ON NOTICE.

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THIS IS THE DATE BY WHICH YOUR ITEMS HAVE BEEN TO BE IN IN ORDER TO BE CONSIDERED FOR THIS CYCLE.

THERE IS OBVIOUSLY DOWN SIDES AS WELL, TRADEOFFS.

AND I THINK IT'S SOMETHING FOR EVERYONE HERE TO CONSIDER.

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SO LET'S GO TO THE NEXT SLIDE.

MAJOR ITEM DEVELOPMENT AND SUBMISSION.

AGAIN, YOU WOULD HAVE ALL YEAR TO SUBMIT.

IT'S NOT THAT YOU WOULD ONLY BE ABLE TO SUBMIT DURING A THREE-MONTH PERIOD.

BUT THAT YOU WOULD HAVE LESS OTHER RESPONSIBILITIES DURING THAT TIME AND YOU COULD FOCUS MORE.

SO FIRST THE MAJOR ITEM GUIDELINES WOULD BECOME MANDATORY.

RIGHT NOW THEY ARE RECOMMENDED AND I THINK A LOT OF PEOPLE DON'T REALIZE THEY ARE RECOMMENDED.

AND THE AGENDA COMMITTEE HAS NOT NECESSARILY BEEN CONSISTENT AND APPLYING THAT.

FIRST IDEA WOULD BE MAJOR ITEM GUIDELINES.

WHY?

BECAUSE THEY REQUIRE ROBUST RESEARCH AND CONSULTATION.

AND THAT WOULD MEAN THAT ITEMS CAME TO US AS A COUNCIL MORE FULLY FORMED.

THEN THE SEPTEMBER 30 SUBMISSION DEADLINE.

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BUT ITEMS CAN BE SUBMITTED PRIOR AND THEY COULD BE REVIEWED BY THE AGENDA AND RULES COMMITTEE JUST FOR THE QUESTION OF DO THEY COMPLY WITH THE GUIDELINES.

TIMELINE ALLOWS FOR COUNCILMEMBERS TO WORK ALL YEAR WITH CONCENTRATED OPPORTUNITY JULY THROUGH SEPTEMBER.

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AND ALSO STAFF INPUT AT THE PRESUBMISSION LEVEL AND INPUT FROM THE CITY ATTORNEY WOULD BE MORE FORMALIZED.

RATHER THAN SORT OF CATCH US IF YOU CAN AND SOMETIMES A DEPARTMENT HEAD HAS TIME TO WORK WITH YOU AND SOMETIMES THEY DON'T.

IT WOULD BE EXPLICIT, THE LEVEL OF INPUT AND CONSULTATION AVAILABLE TO COUNCILMEMBERS AS THEY ARE DEVELOPING THEIR ITEMS.

WE CAN GO TO THE NEXT SLIDE.

SO IN OCTOBER, AGAIN, MAYBE OCTOBER, IT'S ALL UP TO YOUR COMMENT.

WE WOULD HAVE THE AGENDA COMMITTEE WOULD REVIEW ALL MAJOR ITEMS THAT CAME IN TOWARDS THE DEADLINE FOR COMPLIANCE WITH THE GUIDELINES.

COMPLIANT MAJOR ITEMS WOULD GO TO COMMITTEES.

IF AN ITEM WAS NONCOMPLIANT THERE WOULD BE AN OPPORTUNITY FOR THE AUTHOR TO RESUBMIT AND STILL CATCH THAT CYCLE.

NEXT SLIDE.

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OCTOBER THROUGH MARCH, THE POLICY COMMITTEES WOULD ORGANIZE THEMSELVES.

MID OCTOBER THEY WOULD PLAN THEIR SESSION.

MAYBE THERE ARE SEVERAL ITEMS ON A SIMILAR TOPIC AND IT MAKES MORE SENSE TO HEAR THEM TOGETHER.

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MAYBE THERE ARE ITEMS THAT THEY FEEL ARE GOING TO REQUIRE VERY SIGNIFICANT OUTREACH AND THEY WANT TO SCHEDULE THEM IN THAT WAY.

AND THIS OF COURSE IS HOW IT IS DONE IN COMMITTEES, COMMITTEE SYSTEMS THAT HAVE AN ANNUAL CYCLE AT THE STATE LEVEL AND IN OTHER CITIES.

AND IT'S NOT UNCOMMON THAT THERE IS A TIME WHEN THE COMMITTEE IS ESSENTIALLY PLANS OUT THEIR HEARINGS.

THE MAJOR ITEMS WOULD BE REVIEWED ON A ROLLING BASIS.

AND ALL THE ITEMS WOULD BE OUT OF THE POLICY COMMITTEE BY MARCH 30.

THIS BULLET POINT WITH COMMITTEES MAY PRIORITIZE OR SCORE ITEMS THEY REVIEW.

THE REASON IT'S IN BRACKETS BECAUSE IT'S A BIG QUESTION MARK.

SO MAYBE THEY WOULD MAYBE THEY WOULDN'T.

BUT THAT IS IN BRACKETS BECAUSE IT'S REALLY A QUESTION MARK HERE.

NEXT SLIDE.

SO, IN APRIL ALL MAJOR ITEMS WOULD HAVE BEEN VOTED ON.

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THEY ARE NOT ALL VOTED ON IN APRIL.

BUT THEY WOULD ALL BE VOTED ON BY APRIL 30.

MAY MIGHT REQUIRE US, IT MIGHT REQUIRE A SPECIAL MEETING IN APRIL.

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THERE WERE A WHOLE LOT OF THEM.

THE CITY ATTORNEY WOULD SIGN OFF ON THE DRAFTING AND LEGAL CONFORMITY OF THE ORDINANCE AS RESOLUTIONS AND FORMAL POLICIES.

AND APPROVE ITEMS WOULD GO TO THE BUDGET COMMITTEE.

AND THEN NEXT SLIDE.

AND THEN, POSSIBLY, AGAIN, POSSIBLY MAJOR ITEMS.

AND JUST TO BE CLEAR, THAT'S NOT THE SAME AS ALL ITEMS PRIORITIZATION, BUT POSSIBLY THERE WOULD BE A PROCESS OF TAKING ALL THOSE MAJOR ITEMS FROM THAT CYCLE AND HAVING A PRIORITIZATION OF THEM.

AND SENDING THAT IN BY THE MIDDLE OF MAY.

AND THAT WOULD BE GOING TO THE BUDGET COMMITTEE.

BUT NOT BE BINDING.

IT WOULD BE A NONBINDING PRIORITIZATION.

AND NEXT SLIDE.

THEN THE BUDGET COMMITTEE WOULD HAVE ALL THESE.

THE PRIORITIZATIONS AGAIN IN BRACKETS AND COMMITTEE WITH A QUESTION MARK WOULD GO TO THE BUDGET COMMITTEE AS GUIDES BUT NOT BE BINDING.

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BUT THE BUDGET COMMITTEE WOULD ALREADY HAVE AN IDEA OF WHAT THE COUNCIL THOUGHT WHERE THE PRIORITIZATIONS.

THE BUDGET COMMITTEE WOULD DO NORMAL RECOMMENDATION TO THE FULL COUNCIL.

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THE BUDGET WOULD GET PASSED.

MAJOR ITEMS THAT WERE FUNDED WOULD MOVE FORWARD TO IMPLEMENTATION.

THAT MEANS IMMEDIATE IMPLEMENTATION.

AND THAT IS ONE OF THE BIG CHANGES THAT THIS KIND OF A SET UP HOPEFULLY WOULD ALLOW.

AS WE ALL KNOW, RIGHT NOW MAJOR ITEMS THAT ARE PASSED AND FUNDED GO INTO A BIG BUCKET AND OFTEN TIMES ARE NOT BROUGHT FORWARD TO FRUITION FOR MANY YEARS, SOMETIMES 10 YEARS.

WE HAVE SEEN THINGS LIKE THAT.

ITEMS PASSED BY COUNCIL BUT NOT FUNDED WOULD GET AN AUTOMATIC ROLL OVER TO BE CONSIDERED AT FUTURE FUNDING OPPORTUNITIES.

TO BE CLEAR, THAT ISN'T THE NEXT YEAR.

THAT'S NOT 12 MONTHS LATER.

IT WOULD BE A FUTURE FUNDING OPPORTUNITIES THROUGHOUT THE YEAR.

NEXT SLIDE.

THIS IS REALLY, I THINK REALLY THE DOMAIN OF THE CITY MANAGER.

AND THIS SLIDE REFLECTS I THINK AND CITY MANAGER PLEASE STEP IN IF I DON'T PRESENT THIS CORRECTLY.

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BUT THIS REFLECTS HER THINKING.

AND I THINK WE ALL KNOW THAT SHE HAS BEEN VERY FOCUSED ON IMPLEMENTATION.

SHE WANTS THE WORK THAT WE DO TO BE SUCCESSFUL.

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AND IT IS HER DREAM THAT WE ARE ABLE TO CLEAR OUR BACKLOGS AND THAT WE ACTUALLY START IMPLEMENTING RIGHT AWAY.

AND THAT THESE PROGRAMS AND POLICIES SEE THE LIGHT OF DAY SOON AFTER THEY ARE APPROVED AND FUNDED.

SO THE IDEA WOULD BE THAT THE CITY MANAGER WOULD ASSIGN A SINGLE IMPLEMENTATION LEAD, THAT THE LEAD AND CITY MANAGER WOULD ASSEMBLE THEIR TEAM, THAT MIGHT BE A COUPLE OF DIFFERENT DEPARTMENT HEADS.

THAT THEY MIGHT MEET WITH THE AUTHORS TO CLARIFY ANY INTENTIONS OR TO SKETCH TIMELINES OR DISCUSS OPPORTUNITIES, IDEAS OR CHALLENGES.

AND LET ME BE CLEAR, THOSE ARE AROUND IMPLEMENTATION.

NOT CHALLENGES WITH THE LEGISLATION ITSELF.

WHEN YOU SIT DOWN TO ACTUALLY DO AN IMPLEMENTATION PLAN, IT'S VERY DIFFERENT FROM KIND OF THE HIGH LEVEL THINKING ABOUT IMPLEMENTATION THAT OBVIOUSLY HAS TO HAPPEN BEFORE THE ITEM IS APPROVED.

THE IMPLEMENTATION TEAM HAS PREPARED TWO SEPARATE THINGS.

ONE IS A LAUNCH PLAN AND ONE IS AN OPERATING PLAN.

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AND THAT IS THE CITY MANAGER REALLY RECOGNIZING THAT LAUNCHING SOMETHING AND RUNNING IT ARE TWO DIFFERENT THINGS.

BUILDING A STRUCTURE AND KEEPING IT FUNCTIONING OVER TIME ARE DIFFERENT THINGS.

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PUTTING IN A GARDEN AND KEEPING IT GOING OVER TIME ARE TWO DIFFERENT THINGS.

AND SO BOTH OF THOSE WOULD BE DEVELOPED AND THEN AS SOON AS POSSIBLE, THE PROGRAM OR POLICY WOULD BE LAUNCHED AND IMPLEMENTED.

SO LET'S GO TO THE NEXT SLIDE.

SO THAT IS, THAT WAS IT FOR THE OVERVIEW OF WHAT A WHOLE CYCLE MIGHT LOOK LIKE.

NOW, WE'RE GOING INTO WHAT I CALL SPECIAL TOPICS.

THESE ARE SOME OF THOSE THINGS THAT WE CAME UPON AS WE WERE THINKING THESE THINGS THROUGH.

THAT WOULD BE QUESTIONS WE PROBABLY WOULD WANT TO MAKE SURE WE HAD COVERED.

AND BY THE WAY, OUR SPECIAL TOPICS ARE NOT DEFINITIVE.

THERE ARE MANY MORE.

WE CHOOSE TO JUST GIVE YOU A LITTLE BIT OF A NIBBLE AND HAVE YOU UNDERSTAND THAT WE DIDN'T NOT THINK ABOUT THESE THINGS.

SO THE FIRST OBVIOUSLY IMPORTANT THING IS WHAT DID YOU DO IF THERE ARE A TIME CRITICAL MAJOR ITEM?

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IF WE'RE STUCK IN A CYCLE WHAT DO WE DO IF THERE IS AN URGENT NEED AND WHAT COMES TO MIND FOR ME IS AFTER GEORGE FLOYD WAS MURDERED, THERE WAS A VERY, VERY INTENSE DESIRE ON THE PART OF THE COMMUNITY AND OUR COUNCIL TO BE ABLE TO BE RESPONSIVE VERY QUICKLY WITH PRETTY COMPREHENSIVE IDEAS THAT WERE PUT FORWARD.

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I DON'T THINK ANY OF US WOULD WANT SOMETHING LIKE THAT TO HAVE TO SIT AND WAIT FOR SEVERAL MONTHS TO BE SENT TO A COMMITTEE OR TO BE CONSIDERED.

SO THE OVERRIDE FOR TIME CRITICAL ITEMS IS A CRITICAL COMPONENT OF THIS.

WE ALREADY HAVE SOME TERMS FOR OVERRIDE IN OUR COUNCIL RULES AND PROCEDURE AND ORDER.

AN ITEM THAT WOULD OTHERWISE BE ASSIGNED TO A POLICY COMMITTEE MAY BY-PASS, IF IT'S DEEMED TIME CRITICAL.

AND THE AGENDA AND RULES COMMITTEE DETERMINES WHETHER IT IS TIME CRITICAL.

LIKE EVERY THING WE COULD EXPAND THIS, WE COULD REWRITE IT, WE COULD MAKE IT HAVE MORE SPECIFICITY.

BUT THE IDEA THAT WE WOULD HAVE A SAFETY VALVE FOR TIME CRITICAL ITEMS IS VERY IMPORTANT.

AND I THINK BECOMES MORE IMPORTANT IF WE'RE GOING TO HAVE A PROCESS THAT IS A YEARLY PROCESS.

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ANOTHER IDEA THAT I THINK IS IMPORTANT FOR US TO CONSIDER, IS THAT IF THE AGENDA COMMITTEE GETS TO MAKE THESE DECISIONS WE MAY ACTUALLY WANT TO HAVE AN OVER RIDE THAT TAKES THAT DETERMINATION TO THE FULL COUNCIL.

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SO LET'S SAY A COUNCILMEMBER BRINGS SOMETHING FORWARD, THEY THINK IT'S TIME CRITICAL, THE AGENDA AND RULES COMMITTEE DOESN'T AGREE.

THEY COULD THEN BRING THAT DECISION TO THE FULL COUNCIL AND THE FULL COUNCIL WOULD BE ABLE TO WEIGH IN ON WHETHER THAT ITEM WAS TIME CRITICAL.

ALL RIGHTY.

NEXT TOPIC.

MOVING TO ANOTHER SPECIAL TOPIC.

THE DETAILS OF PRE SUBMISSION.

THE GUIDELINES FORMAT WOULD BE MANDATORY.

ANOTHER SUGGESTION IS THAT AT THIS STAGE THERE WOULD ONLY BE AUTHORS AND NO CO-SPONSORS AND THAT WOULD HELP WITH BROWN ACT ISSUES AS THINGS MOVE THROUGH COMMITTEE.

THAT A PRE-SUBMISSION CONSULTATION WITH THE CITY MANAGER WOULD BE AVAILABLE.

EXPLICITLY AVAILABLE SO THAT PEOPLE DON'T FEEL LIKE THEY ARE KIND OF BUGGING SOMEBODY BY REACHING OUT AND ASKING FOR HELP OR ADVICE ON SOMETHING THEY ARE THINKING OF DEVELOPING.

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AND THEN A REQUIRED PRE-SUBMISSION CONSULTATION WITH THE CITY ATTORNEY SO HER OFFICE HAS THE OPPORTUNITY TO IDENTIFY POTENTIAL LEGAL AND DRAFTING CONSIDERATIONS VERY EARLY IN THE PROCESS.

I THINK IT'S PROBABLY A GOOD IDEA FOR THE CITY ATTORNEY TO DECIDE IF THERE ARE ISSUES.

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AND THIS WOULD PROVIDE NOT JUST OPPORTUNITY BUT A REQUIREMENT TO RUN THINGS BY THE CITY ATTORNEY'S OFFICE.

THE LAST BULLET POINT IS VERY IMPORTANT.

HOW DO WE FOLD IN COMMISSIONS.

THIS IS SOMETHING BIG THAT THE AGENDA AND RULES COMMITTEE MEMBERS FELT VERY STRONGLY ABOUT.

I HAVE TO SAY THAT JUST TRYING TO HARNESS A SKETCH FOR THE COUNCIL PROCESS WAS A LOT.

BUT WE'RE VERY CLEAR THAT WHATEVER PROCESS WE STICK WITH OR MOVE TOWARDS, WE HAVE TO HAVE MORE EXPLICIT ABOUT HOW OUR COMMISSIONS ARE CONSULTED AND HOW WE GET THEIR IMPORTANT ADVICE AND REVIEW AND HOW THAT GETS WOVEN IN.

WE THOUGHT THERE MIGHT BE AN IMPORTANT ROLE FOR THAT IN THE PRE SUBMISSION PHASE.

LET'S SAY YOU START DEVELOPING SOMETHING EARLY IN THE CYCLE, IT'S POSSIBLE THAT IT COULD GO TO A COMMISSION BEFORE YOU EVEN SUBMIT IT.

THERE MIGHT BE OTHER WAYS AND OTHER TIMES IN THE PROCESS.

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BUT I REALLY WANT TO HIGHLIGHT THAT AS WE GO THROUGH THIS, THE AGENDA AND RULES COMMITTEE WAS VERY CONCERNED THAT THE COMMISSIONS NOT BE SIDE LINED AND ON THE CONTRARY, THAT WE FIND EXPLICIT WAYS FOR THEIR CONTRIBUTIONS AND THOUGHTS AND OPINIONS TO BE INTEGRAL TO THE PROCESS OF MOVING LEGISLATION FORWARD.

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OKAY.

NEXT SLIDE.

STRENGTHENING THE COMMITTEE REVIEW.

LOTS OF IDEAS FOR HOW TO DO THAT.

AND I'M SURE THERE IS GOING TO BE A LOT MORE.

BUT SOME OF THE IDEAS OBVIOUSLY WOULD BE THAT FOR EVERY ITEM THERE IS A WHOLE SERIES OF QUESTIONS, A CHECKLIST IF YOU WANT TO CALL IT.

BUT A SERIES OF INQUIRIES THE COMMITTEE IS REQUIRED TO MAKE SO EVERY ITEM OF LEGISLATION IN COMMITTEE AND ACROSS COMMITTEES IS GETTING THE SAME SCRUTINY AND SAME OPPORTUNITY FOR INPUT.

ONE IDEA IS RELEVANCE TO STRATEGIC PRIORITIES.

ADDED VALUE OF THE PROGRAM OR POLICY.

BENEFITS AND COSTS OF THE PROGRAM OR POLICY TO THE COMMUNITY AND THE CITY.

POTENTIAL ALTERNATIVE MEANS TO ACHIEVE THE SAME OR SIMILAR GOALS THAT MIGHT BE MORE FRUITFUL OR MORE QUICK OR LESS EXPENSIVE.

PHASING IN TIMELINES FOR IMPLEMENTATION.

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STAFFING AND RESOURCES NEEDED.

HOW THE PROGRAM OR POLICY WOULD BE EVALUATED.

HOW IT WILL BE ENFORCED.

AND THEN AGAIN, IN BRACKETS ARE THINGS WITH A REAL QUESTION MARK.

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WOULD THE COMMITTEE DO SOME KIND OF RATING OR RANKING, YES OR NO, POSSIBLY.

SHOULD WE INCREASE THE OPTIONS AROUND THE POSITIVE AND NEGATIVE RECOMMENDATIONS.

I THINK YOU ARE ALL FAMILIAR.

WE HAVE ONLY FOUR OPTIONS.

WHEN WE SEND SOMETHING TO CITY COUNCIL, MAYBE THERE IS SOME ROOM TO CHANGE OR REFINE THINGS THERE.

OTHER WITH A QUESTION MARK.

THIS QUESTION OF STRENGTHENING COMMITTEES REGARDLESS OF OUR OVERALL PROGRAM IS A SPECIAL TOPIC THAT WE ARE GOING TO HAVE TO ADDRESS AS A COUNCIL.

GOING TO THE NEXT SLIDE.

CONTINUING ON THE STRENGTHENING COMMITTEES IDEA, WE WOULD ALSO NEED TO CONSIDER HOW ARE WE GOING TO GET THE INPUTS WE NEED FROM THE PUBLIC, FROM STAFF, FROM CITY ATTORNEY.

THE COMMITTEES WOULD NEED TO DO ACTIVE OUTREACH WITH STAFF SUPPORT.

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ACTUALLY IDENTIFY STAKEHOLDERS THAT WOULD EITHER BE IMPACTED OR WOULD NEED TO TAKE ACTION ON ONE OR ANOTHER PRIORITY AND DO ACTIVE OUTREACH, NOT JUST HOPE THAT THEY MIGHT HAPPEN UPON AN AGENDA SOMEWHERE.

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MULTIPLE HEARINGS TO ALLOW FOR A BEST COMMUNITY STAFF AND CITY ATTORNEY INPUTS AND DISCUSSION.

ENHANCE AND EMPOWER THE CITY ATTORNEY AND STAFF PARTICIPATION.

SO THAT THEY COULD GIVE MEANINGFUL VERBAL INPUT WITHOUT THE REQUIREMENT FOR A FORMAL REPORT.

AND I KNOW THAT BOTH THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER ARE VERY HESITANT TO GIVE US AND HAVE THEIR STAFF GIVE US SORT OF PRELIMINARY ADVICE THAT DOES NOT REFLECT FULL AND DEEP CONSIDERATION.

AND I THINK THIS WILL BE SOMETHING FOR THE CITY ATTORNEY'S OFFICE AND THE CITY MANAGER'S OFFICE TO THINK ABOUT WHAT KIND OF INPUT THEIR STAFF COULD PROVIDE THEY WOULD FEEL COMFORTABLE WITH THAT WOULD BE SUBSTANTIAL AND MOVE THINGS ALONG.

THE COMMITTEE SCHEDULE.

HAVING A SCHEDULE AHEAD OF TIME COULD HELP THE CITY ATTORNEY AND THE CITY MANAGER SEND THE RIGHT PEOPLE TO EACH MEETING.

KNOWING AHEAD OF TIME WHAT ITEMS ARE GOING TO BE CONSIDERED AT DIFFERENT TIMES, I THINK COULD ALLOW US TO HAVE THE RIGHT PEOPLE THERE AND MORE ROBUST INPUT FROM OUR IMPORTANT PARTNERS.

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AND THEN, AGAIN CONSIDER HOW TO ATTAIN AND INTEGRATE INPUT FROM COMMISSIONS.

AGAIN, WE DID NOT GO DEEP THERE.

BUT WE IDENTIFIED IT AS SOMETHING CRITICALLY IMPORTANT.

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NEXT SLIDE.

SO ANOTHER SPECIAL TOPIC.

PRIORITIZATION.

AND WHEN WE TALKED ABOUT THIS A LOT, BUT IN DISCUSSING THIS WITH THE CITY MANAGER, I THINK WE CAME TO UNDERSTAND THAT THERE IS KIND OF TWO ISSUES.

ONE IS THAT WE WHILE REDUCED, WE STILL HAVE THE BACKLOG NOW.

WE HAVE A BIG BACK LOG.

AND SO WE NEED TO FIGURE OUT SORT OF AN END GAME FOR HOW WE'RE GOING TO DEAL WITH THOSE BACKLOG ITEMS.

AND THE END GAME MIGHT BE THAT WE SORT OF FIGURE OUT WHAT TO DO.

THE SECOND TOPIC AROUND PRIORITIZATION IS ASSUMING THE DREAM OF A SYSTEM THAT HAS NO BACKLOGS, WE STILL WOULD HAVE TO DO PRIORITIZATION.

SO LOOKING AT THE BACKLOG QUEUE, ONE IDEA WAS A ONE TIME PROCESS FOR MAJOR ITEMS THAT ARE CURRENTLY IN THE QUEUE THAT ALL PENDING BUT NOT INITIATED ITEMS EXPONENTIALLY WOULD GO BACK TO THE POLICY COMMITTEES FOR LIKE A REREVIEW.

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AND THE POLICY COMMITTEES WOULD LOOK AT THEM AND CONSIDER MERGING ITEMS OR UPDATING REFERRALS IN CASE THEY ARE STALE OR OTHER INITIATIVES THAT COME FORWARD THAT MAYBE MAKE THEM, MAKE IT WORTH CHANGING THEM A LITTLE BIT.

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REAPPROVAL OF ITEMS AS IS.

RECOMMENDATIONS TO SUNSET OR REMOVE ITEMS THAT HAVE BEEN SUPERSEDED MAYBE BY STATE LAW, MAYBE BY SOMETHING ELSE THE CITY HAS DONE.

RECOMMEND DISPOSITION OF ALL THE ITEMS.

POTENTIALLY RANKED BY LEAD DEPARTMENT.

AND BRING ALL THOSE RECOMMENDATIONS FROM EACH COMMITTEE TO THE COUNCIL FOR US TO DECIDE WHAT WE WANT TO CONSOLIDATE, WHAT WE WANT TO REMOVE, WHAT DO WE WANT TO RESTATE AND WHAT DO WE WANT TO RESUPPORT.

WE MIGHT NEED SOME CRITERIA.

WE MIGHT NEED SOME KIND OF R.R.V.

THE POINT HERE IS WE WOULD HAVE TO DEAL WITH A BACKLOG IN ORDER TO GET TO THAT BEAUTIFUL DAY WHERE EVERY YEAR, THE ITEMS THAT WERE APPROVED AND FUNDED COULD BE IMPLEMENTED OR THE IMPLEMENTATION COULD BEGIN RIGHT AWAY.

SO NEXT SPECIAL TOPIC.

IS THE PRIORITIZATION ON AN ONGOING BASIS OF A YEARLY QUEUE WITH THE DREAM OF THE BACKLOG HAVING BEEN CLEARED.

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FIRST OF ALL, IT IS HOPED THE ENHANCED COMMITTEE PROCESS WOULD RESULT IN FEWER BACKLOGS, AND THAT ITEMS WOULD BE IMPLEMENTED IN A REASONABLE TIMEFRAME.

AND THEREFORE, PRIORITIZATION WOULD BECOME LESS OF AN ISSUE.

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OBVIOUSLY WHEN YOU HAVE 150 ITEMS YOU HAVE TO PRIORITIZE.

IF YOU HAVE 10 OR 15, IT'S MUCH LESS OF A CHALLENGE.

BUT IN A RATIONALIZED SYSTEM, ONE, YOU WOULD HAVE MORE FULLY CONCEIVED AND VETTED ITEMS.

MAYBE YOU WOULD HAVE COMMITTEE SCORING AND/OR RANKING.

AND THEN, COUNCIL RANKING.

AND IT IS SUGGESTED THAT WOULD BE EITHER BY LEAD DEPARTMENT OR OVERALL.

I THINK WE'VE ALL SEEN A SITUATION WHERE WE RANK EVERYTHING TOGETHER.

AND IT TURNS OUT THE FIRST 15 ITEMS ARE FOR PUBLIC WORKS OR PLANNING.

AND THEN OTHER DEPARTMENTS THEIR ITEMS ARE SPRINKLED IN THE QUEUE.

WE MAY WANT TO LOOK AT RANKING BY DEPARTMENT RATHER THAN JUST DOING THE UNIVERSAL RANKING.

AND AGAIN, THESE ARE ALL IDEAS.

IT'S BIG.

THERE WAS A LOT FOR US TO COVER.

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ALL RIGHT.

NEXT SPECIAL TOPIC.

WE WOULD NEED A PROCESS AT THE MIDYEAR BUDGET OPPORTUNITIES.

HERE YOU SEE IN BLUE VERY HIGH-LEVEL SUGGESTIONS.

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WE'LL FELTS THIS WOULD BE A TOPIC THAT WOULD HAVE TO GO TO BUDGET AND FINANCE.

ONE IDEA WAS THAT ONLY TIME CRITICAL AND ROLL OVER ITEMS PREVIOUSLY APPROVED BUT UNFUNDED WOULD BE CONSIDERED.

NOT JUST FOR COUNCIL ITEMS BUT ALSO FOR CITY MANAGER ITEMS.

ANOTHER WOULD BE THAT NOT ALL THE EXTRA FUNDS WOULD GET ALLOCATED AND MORE FUNDS WOULD BE AVAILABLE FOR THE ANNUAL BUDGET PROCESS FOR COUNCIL INITIATIVE SAID THAT GO THROUGH THE YEAR PROCESS.

AND POSSIBLY THAT A.A.O.1 AND 2 ARE ONE TIME OR SENSITIVE NEEDS, EXCEPT IN SPECIAL CIRCUMSTANCES.

REALLY WE FELT THIS SHOULD GO TO BUDGET AND FINANCE TO THINK ABOUT SHOULD WE ADOPT SOMETHING LIKE A YEARLY PROCESS.

BUT WITH ANY PROCESS, THESE THINGS WOULD NEED TO BE CLARIFIED.

ALL RIGHT, NEXT SPECIAL TOPIC.

IMPLEMENTATION.

WE ALREADY SAW WHAT THAT LOOKS LIKE.

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BUT I THINK THE CITY MANAGER REALLY WOULD WANT TO WORK ON FILLING OUT WITH MORE DETAIL WHAT THE IMPLEMENTATION PROCESS WOULD LOOK LIKE.

AND I KNOW SHE'S VERY COMMITTED TO HAVING A LEAD SO THAT EVERYBODY KNOWS WHO SAID RESPONSIBLE FOR MAKING SOMETHING HAPPEN.

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BUT ALSO, HAVING A TEAM AND ALSO MAKING SURE THAT THERE IS CLARITY ABOUT INTENTIONS AND OFTEN TIMES AN AUTHOR WILL HAVE THOUGHT ABOUT IMPLEMENTATION.

AND HAVE SOME GOOD IDEAS.

WE'LL HAVE CONSULTED WITH STAKEHOLDERS AND THE COMMUNITY AND MAY HAVE SOME ADDITIONAL HELPFUL IDEAS BUT ULTIMATELY, IT'S UP TO THE CITY MANAGER TO DETERMINE IMPLEMENTATION, THAT CONSULTATION IS OBVIOUSLY A COURTESY, WHICH I THINK SHE IS VERY GENEROUSLY INTERESTED IN EXTENDING.

AND I CAN'T REMEMBER DO WE HAVE ONE MORE SPECIAL TOPIC?

NO.

WE DON'T.

THAT'S IT.

SO THANK YOU VERY MUCH.

>> MAYOR J. ARREGUIN: THE LAST PIECE ON IMPLEMENTS, THAT HAS BEEN HOW WE HAVE DONE -- IMPLEMENTATION, IMPLEMENTATION OF MAJOR NEW LAWS.

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IS AFTER WE WHILE WE'RE DEVELOPING IT AND WE GET INPUT ON OPERATIONAL IMPACTS, IMPLEMENTATION, THEN WE REFER TO THE CITY MANAGER DEVELOP IMPLEMENTATION PLAN, RESOURCE THAT AND THEN IMPLEMENTATION.

Unofficial Text File

SO I THINK IT'S OPERATIONALIZING THE KIND OF AD HOC PRACTICE THAT WE'VE IMPLEMENTED.

I WANT TO TURN IT OVER TO COUNCILMEMBER HARRISON.

>> K HARRISON: FIRST OF ALL, I WANT TO THANK YOU COUNCILMEMBER HAHN FOR HER HARD WORK.

IT IS NOT EASY TO TACKLE SUCH A BROAD TOPICKISM SOMEONE HAS TO START.

IF YOU DON'T START YOU NEVER GET ANYWHERE.

SO THANK YOU VERY MUCH FOR THAT.

I REALLY COMMEND YOU FOR LEADING THIS EFFORT.

SINCE WE FIRST DISCUSSED IT IN 2021, AND THE CITY MANAGER CONTRIBUTION AND DEFERRING TO COUNCIL FOR THE SHAPE ANY CHANGES TAKE.

I HEARD HER SAY A COUPLE OF TIMES, IT IS NOT HER PROPOSAL.

I WANT TO MAKE THAT STATEMENT.

I'M NOT ON THE AGENDA COMMITTEE.

AND AS YOU NOTED, I WASN'T ABLE TO WORK WITH YOU, BUT I WORKED WITH COUNCILMEMBERS ROBINSON AND TAPLIN.

THANK YOU TO BOTH.

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AND I THINK COUNCILMEMBER BARTLETT IS INTERESTED IN THE PROPOSAL ABOUT TO DISCUSS, TO UPDATE AND BUILD ON IT.

I SUBMITTED AN ALTERNATIVE.

THIS IS NOT AN ALTERNATIVE TO COUNCIL HAHN, IT WAS AN ALTERNATIVE TO THEN COUNCILMEMBER DROSTE'S PROPOSAL IN 2021.

Unofficial Text File

WHICH WAS MUCH MORE CONVEIN STRAINING OF US.

CONSTRAINING OF US.

I UPDATED TO RESPOND TO COUNCILMEMBER HAHN.

IT'S MEANT TO BE TAKEN CONSIDERATION HERE AND THE PUBLIC AND COUNCIL AND THE AGENDA COMMITTEE.

THERE IS REALLY POSITIVE ASPECTS OF COUNCILMEMBER HAHN'S PROPOSAL I WANT TO HIGHLIGHT.

AND I THINK WE SHOULD MOVE AHEAD.

COUNCIL ITEMS SHOULD FOLLOW THE GUIDELINES ALREADY PROMULGATED RATHER THAN USING THEM AS RECOMMENDATIONS.

WE GET THINGS IN VERY DIFFERENT FORMAT SAID IN COMMITTEES.

AND IT MEANS WE DON'T HAVE FAIR CRITERIA AGAINST WHICH THINGS ARE EVALUATED.

I THINK WE NEED TO ADOPT THESE AS BEING MANDATORY.

I LIKE THE IDEA OF A FORMAL PROCESS FOR CITY STAFF TO PROVIDE HIGH LEVEL CONCEPTUAL INPUT TO AUTHORS BEFORE SUBMITTING PROPOSALS.

I ALWAYS DO THAT.

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I PROBABLY NEVER SUBMIT ANYTHING WITHOUT FIRST TALKING TO THE DEPARTMENTS AND THE CITY ATTORNEY'S OFFICE.

I THINK THIS IS GOOD PRACTICE AND WE'RE PROBABLY ALL DOING IT.

I LIKE THE PROCESS FOR ADDRESSING THE BACKLOG OF UNFUNDED ITEMS.

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I DON'T THINK IT SHOULD BE IN THE POLICY COMMITTEE.

I'LL EXPLAIN MORE IN A MINUTE.

I LIKE THE ENHANCED CHECKLIST FOR THE POLICY COMMITTEE.

I THINK WE NEED THAT.

WE OFTEN STRUGGLING, AS CHAIR OF ONE OF THEM.

EXCLUDING THE PROPOSAL THAT WE RATE ITEMS.

I DON'T WANT TO RANK ITEMS.

I'M IN A THREE PERSON COMMITTEE.

WE ALL BRING THINGS FORWARD.

I DON'T WANT TO SAY, I'M GOING TO RANK MINE AHEAD OF COUNCILMEMBER TAPLIN.

THAT IS AWKWARD.

IT'S THE JOB OF THE FULL COUNCIL TO DO THE RANKING.

AND I DO LIKE THE IDEA OF SOMEHOW GETTING BETTER INPUT FROM COMMISSIONS.

BUT I DON'T WANT TO DO BEFORE AN ITEM GOES BEFORE COUNCIL.

WE DON'T WORK FOR THE COMMISSION.

THAT STRUCK ME AS A LITTLE ODD, THERE ARE TIMES I HAVE WRITTEN LEGISLATION, ASKED THEM TO HOLD HEARINGS, WHICH IS SOMETHING WE

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CAN CONSIDER DOING IF IT'S COMPLICATED AND WE BENEFIT FROM A LOT OF MORE HEARINGS THAN WE'RE ABLE TO HAVE.

BUT I DON'T WANT IT TO BE MANDATORY ANYWAY.

AND I GUESS MY MAJOR CONCERN ABOUT PROPOSALS, I'M A REALLY STRONG SUPPORTER OF THE POLICY COMMITTEE SYSTEM.

Unofficial Text File

THAT COUNCILMEMBER HAHN ACTUALLY PROPOSED.

AND I DON'T BELIEVE OUR CENTRAL PROCESS IS FUNDAMENTALLY FLAWED ON MAJOR ITEMS.

I THINK WE'RE DOING A GOOD JOB ON THAT.

I'M GOING TO DESCRIBE IN A MINUTE WHY THE PROCESS WILL GO THROUGH A LENGTHY PROCESS AND DELAY US GETTING THINGS DONE.

I THINK THE MAIN THINGS WE'RE NOT DOING AS GOOD A JOB ON ARE REFERRALS AND BUDGET REQUESTS.

AND WHAT I SEE EMBEDDED IN BUDGET REQUESTS, BEING ON THE BUDGET COMMITTEE IS A LOT OF POLICY QUESTIONS NOBODY ANSWERED YET.

AND THAT REALLY CONCERNED ME.

IF WE CAN'T REALLY DISCUSS THE MONEY UNTIL WE KNOW HOW IT WILL WORK.

I'M HOPING YOUR INTENTION WAS TO INCLUDE IN THE GROUP OF ITEMS ORDINANCES WE WRITE NOW, REFERRALS, AND BUDGET REQUESTS OVER A CERTAIN DOLLAR AMOUNT.

I'M GOING TO MAKE A PROPOSAL HOW TO DO THAT.

I DON'T WANT TO SEE BUDGET REFERRALS JUST GO THROUGH.

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I THINK THAT'S NOT GOOD EITHER WHEN THEY ENTAIL A LOT OF BUDGETARY, POLICY ASPECTS.

A COUNTER EXAMPLE.

RECENTLY COUNCILMEMBER KESARWANI RECOMMENDED PUTTING MORE MONEY IN PAVING.

Unofficial Text File

THAT DIDN'T NEED TO GO TO A POLICY COMMITTEE BECAUSE IT WASN'T CHANGING THE PAVING PLAN ANY WAY.

IT WAS SAYING PUT MORE MONEY IN.

IT WAS STRICTLY A BUDGET THING.

I'M NOT SURE WHY WE HAD IT AT OUR COMMITTEE.

OTHER TIMES WE HAVE THINGS THAT HAVE A LOT OF POLICY IMPLICATIONS BUT NOT MUCH MONEY AND GOING STRAIGHT TO BUDGET AND WE'RE LEFT AT BUDGET SAYING HOW ARE WE GOING TO DO THIS.

I THINK THAT IS THE WRONG PLACE TO ASK THOSE QUESTIONS.

I THINK THAT SHOULD GET WORKED OUT IN ADVANCE.

SOME OF THE MY CONCERNS ABOUT THE PROPOSAL I HAVE I AM GRATEFUL FOR, I THINK IT'S SIGNIFICANTLY LIMITS ACCESS TO THE LEGISLATIVE PROCESS BY EXTENDING TIMELINES.

RIGHT NOW, MAJOR ITEMS CAN BE SUBJECT TO NEARLY 300 DAYS.

THIS COMPARES THE CURRENT 120 DAYS IN COMMITTEE.

THAT HAPPENS BECAUSE OF THE SEPTEMBER DEADLINE.

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IF YOU TURN SOMETHING IN IN OCTOBER THAT IS NOT TIME CRITICAL BUT NONETHELESS IMPORTANT TO THE COMMUNITY IT WILL SIT THERE UNTIL NEXT YEAR.

AND THEN IT WILL SIT THERE UNTIL THE JUNE BUDGET PROCESS, THE WAY I READ IT NOW.

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WE COULD BE LOOKING AT 18 MONTHS.

I DON'T THINK WE NEED TO BUILD IN EXTRA TIME.

SO I'M GOING TO SUGGEST WAYS TO NOT DO THAT.

IT ALSO DOESN'T ALIGN TIMELY LEGISLATIVE ITEMS WITH THE FALL BUDGET PROCESS.

THIS HAS BEEN A HUGE CONFUSION.

I HEARD THIS IN TWO DIFFERENT DIRECTIONS FROM THE CITY MANAGER.

ONE, SHE WOULD LIKE US TO GET ALL OF OUR PROPOSALS IN BEFORE THE JUNE BUDGET.

BUT TWO, ALSO SHE WOULD LIKE US TO NOT SUBMIT ANYTHING EXCEPT FOR THE A.A.O.

THAT'S WHEN WE KNOW MORE ABOUT REVENUES.

WE NEED A DEFINITIVE ANSWER ABOUT THE BEST PROCESS.

BUT I DO NOT WANT TO ASSUME THE BUDGET PROCESS.

I PERSONALLY THINK WE CAN HAVE TWO CYCLES.

ONE OF WHICH IS TO JUNE AND ONE OF WHICH IS TO A.A.O.

I THINK I'M RECOMMENDING WE DO THAT.

THAT WILL GET THINGS THROUGH MORE QUICKLY.

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I REALLY DON'T WANT POLICY COMMITTEES TO PRIORITIZE AS I'VE ALREADY DISCUSSED.

AND I THINK THAT IS REALLY A COUNCIL JOB.

ALSO, THERE IS SOMEWHERE IN HEREANE AN IMPLICATION THE POLICY COMMITTEES ARE A TIME COMMITMENT BURDEN. ON STAFF AND THE COUNCIL.

Unofficial Text File

I THINK IT'S THE OPPOSITE.

PERSONALLY FOR ME THE STUFF WE GET AT COUNCIL IS SO MUCH BETTER BECAUSE OF YOUR SYSTEM, COUNCILMEMBER HAHN, OF SETTING OF THESE COMMITTEES AND REVIEW IT GOES THROUGH THAT I THINK THE STAFF BURDEN IS LESS.

AND SO THE BURDEN ON THE PUBLIC VERY CONFUSING PROPOSALS IS LESS.

THINGS ARE BETTER BECAUSE THEY HAVE GONE THROUGH THESE COMMITTEES.

SO I REALLY DON'T THINK WE SHOULD BE LIMITING THE COMMITTEES TO OPERATING SIX MONTHS OF THE YEAR.

WHEN WE DON'T HAVE SOMETHING TO DO.

I THINK IT'S OKAY TO KEEP THEM OPERATING DURING THE ENTIRE TIME THE COUNCILMEMBER IS MEETING AND TAKE THINGS UP AS THEY COME ALONG.

I'M GOING TO PROPOSE THAT.

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AND THEN FINALLY, I DON'T LIKE THE IMPLEMENTATION TEAM AT THE END AFTER THE ITEM HAS GONE OUT OF THE COMMITTEE, INCLUDING THE COUNCILMEMBER.

IT FEELS LIKE, BECAUSE IT INDICATES THEY WOULD BE ESTABLISHING CLARITY OF INTENTIONS, TIMELINES, OPPORTUNITIES, IDEAS AND CHALLENGES.

Unofficial Text File

THAT SHOULD ALL HAPPEN AT THE COMMITTEE PROCESS.

IF WE HAVEN'T FIGURED OUT TIMELINES AND OPPORTUNITIES THEN, I DON'T THINK I'M COMFORTABLE WITH ONE COUNCILMEMBER BEING IN CHARGE OF THAT.

EVEN WHEN IT'S MINE, I DON'T THINK I LIKE THAT.

THAT I'M NOW I'M NEEDING TO FIGURE OUT HOW WE'RE REALLY GOING TO DO IT.

THAT SHOULD HAVE ALL BEEN TALKED ABOUT UP FRONT IN A COMMITTEE PROCESS.

SO I HAVE A FLOW CHART THAT TRIES TO SHOW WHERE THE DIFFERENCES ARE.

BUILDING OCOUNCILMEMBER HAHN'S EXCELLENT WORK.

GIVE ME ONE SECOND.

I'M ALWAYS TERRIBLE AT THIS.

I DON'T KNOW HOW TO SHARE A SCREEN.

HOLD ON A MINUTE PLEASE.

YOU WILL LAUGH AT ME BECAUSE I'M NOT GOOD AT THIS.

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I JUST FOUND IT.

THANK YOU, MR. MAYOR.

I SO APPRECIATE THAT.

HERE'S MY FLOW CHART, WHICH TRIES TO SHOW WHERE THERE ARE DIFFERENCES BETWEEN THE TWO PROPOSALS.

Unofficial Text File

I'M PROPOSING THAT WE STILL SUBMIT ITEMS THROUGHOUT THE YEAR.

I THINK YOU SAID YOU WERE INTENDING FOR THE COUNCIL TO DO THAT.

A BIG DISTINCTION FOR ME IS ANOTHER THING THAT DOESN'T GO THROUGH THIS RIGOROUS ANALYSIS YOU ARE CALLING FOR ARE CITY MANAGER ITEMS.

AND I WOULD LIKE THOSE TO ALL GO THE COMMITTEE PROCESS.

THAT'S HOW THEY DO IT IN ON THE GROUND AND SAN FRANCISCO.

MY STAFF SPEND TIME LOOKING AT THOSE RULES.

IF IT'S A SIGNIFICANT THING, IT SHOULD BE USING THE SAME PROCESS THAT WE USE FOR OUR THINGS.

WE ARE THE BODY, WE APPROVE THE BUDGET AND THE ITEMS.

SO I WANT MAJOR ITEMS FROM THE CITY MANAGER TO ALSO GO TO THESE COMMITTEES.

AND I WANT TO DO IT ALL YEAR.

I ALSO WANT SOME OBJECTIVE CRITERIA FOR DETERMINING FROM THE AGENDA COMMITTEE, WHAT IS MAJOR.

I THINK RIGHT NOW THE LANGUAGE NEEDS TO BE TIGHTENED UP BUT IT IS A GOOD START.

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I THINK WE NEED TO IS SAY BUDGET ITEMS MORE THAN "X" DOLLAR.
BUDGET ITEMS THE DOLLARS THAT CAUSE OPERATIONAL DIFFERENCES OR SOMETHING.
BUT WE NEED SOME CRITERIA IN THERE.
AND I WOULD HAVE THE POLICY COMMITTEES CONTINUE TO MEET DURING THE ENTIRE PERIOD.
AND AGAIN, KEEP THINGS FOR 120 DAYS MAXIMUM IN THE POLICY COMMITTEE HOPPER.
ALTHOUGH I THINK THE MAYOR WAS THINKING WE WANT TO EXTEND THAT TIME.
I THINK WE START WITH THE 120 AND IF WE NEED TO EXTEND, WE CAN ALWAYS GET ACCOMMODATIONS FROM OUR COLLEAGUES ON THAT.
ISSUING THE POLICY RECOMMENDATIONS AGAINST THE ENHANCED REVIEW CHECKLIST, WHICH IS I THINK IS REALLY CRITICAL.
GOES BACK TO THE AGENDA COMMITTEE.
THEN IT GOES TO COUNCIL MEETING.
THEN IT GOES TO ONE OR THE OTHER OF THE BUDGET PROCESSES DEPENDING ON WHAT TIME OF YEAR YOU ARE IN THROUGH THE BUDGET COMMITTEE.
AND THEN IT'S ADOPTED AS PART OF THE BUDGET.
A COUPLE OF OTHER COMMENTS I WANTED TO MAKE.
I'M NOT CERTAIN I THINK ALL BUDGET PROPOSALS SHOULD AUTOMATICALLY ROLL TO THE NEXT PERIOD.

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THE MAYOR HAS A UNIQUE AND DIFFERENT ROLE IN OUR GOVERNMENT.
WE DO HAVE A STRONG CITY MANAGER FORM OF GOVERNMENT.
AND WE DO HAVE A COLLABORATIVE COUNCIL IN WHICH HE SITS.
BUT THE CHARTER IS REALLY CLEAR THE MAYOR PRESENTS A BUDGET.
IF HE DOESN'T LIKE SOMETHING OR THINKS IT SHOULD NEVER BE
BUDGETED, I WANT HIM TO HAVE THAT OPPORTUNITY.
I'VE ACTUALLY NEVER SEEN YOU DO THAT.
BUT THERE COULD COME A TIME WHEN IT COULD HAPPEN.
AND SO I THINK THAT TAKING THAT AWAY FROM YOU IS NOT A GOOD
THING.
I DON'T THINK EVERYTHING SHOULD ROLL.
I THINK WE CAN HAVE A WORKING EXPECTATION THINGS WILL ROLL OVER
BUT I DON'T WANT EVERYTHING TO ROLL.
BECAUSE YOU MIGHT HAVE SOMETHING THAT ISN'T YOU THINK IS NOT A
GREAT IDEA OR THE CITY MANAGER MIGHT SAY THAT IS NEVER GOING TO
WORK BUDGETARILY SO DON'T DO THAT.
AND WE WANT TO MOVE ON WITH IT.
I ALSO FEEL WE HAVE TO VERY CLEARLY ESTABLISH THESE CRITERIA FOR
WHAT IS A SIGNIFICANT ITEM.
AND AGAIN IT SHOULD APPLY TO EVERYTHING FROM THE CITY MANAGER
AND FROM US.
AND ORDINANCES, REFERRALS AND BUDGET REQUESTS.

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MOST OF THE PROBLEMS I'VE SEEN IN MY COMMITTEE ARE NOT ORDINANCES.

WE ALREADY HAVE A GOOD PROCESS ON ORDINANCES.

THE PROBLEM ARE REFERRALS.

Unofficial Text File

AND I WOULD BE PANICKED IF I WERE YOU I SAW THAT LONG LIST LIKE OH, MY GOD.

I JUST CAN'T GET THROUGH IT.

SO WE DO NEED, AND I SHOULD HAVE SAID THIS IN A POSITIVE ASPECT PARTS.

WE NEED AN ACTIVE PROCESS FOR GETTING RID OF REFERRALS.

AND I'M GOING TO SAY ON MY OWN BEHALF, I'M THE ONLY ONE IN THE LAST THREE CYCLES THAT HAS IDENTIFIED OTHER PEOPLE'S REFERRALS TO GET RID OF OTHER THAN MY OWN OR MY PREDECESSORS.

AND YOU KNOW WHAT, WE'VE SEEN THE ENEMY, AND IT IS US.

WE KEEP PUSH STUFF FORWARD.

WE DON'T WANT TO SAY NO TO EACH OTHER.

OUR PROBLEM IS US.

AND I THINK WE HAVE TO BE BRAVER IN SAYING I DON'T WANT TO PRIORITIZE THIS AT ALL.

I DON'T CARE IF IT COMES IN 43.

I REALLY DON'T THINK WE SHOULD BE DOING THIS THING OR 43 FITS WITH 22.

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BECAUSE NOW I'M "D" AND I HAVE 43 ITEMS AND I'M NEVER GOING TO DO 43.

OKAY. IT'S NEVER GOING TO HAPPEN BUT IT IS STILL THERE.

SOMEBODY IS STILL GOING TO CALL AND SAY WHAT THE HECK HAPPENED TO THAT THING WITH THE REFRIGERATORS FOR THE HOMELESS, WHICH I NOTICED WAS STILL ON THE LIST LAST YEAR.

Unofficial Text File

SO YOU KNOW, WE SHOULD KILL IT.

IF WE DON'T LIKE IT, LET'S GET RID OF IT.

LET'S BE BRAVE HERE, PEOPLE.

LET'S DO OUR JOB SO DEE CAN DO HERS.

I THINK THAT'S KIND OF ONE OF MY BASIC PREMISES HERE.

I WANT US TO BE A LOT OF MORE SYSTEMATIC ABOUT THAT REFERRAL LIST.

AND I THINK WITH THOSE CHANGES, I THINK THAT I LIKE THIS GENERAL FLOW.

AGAIN, A FEW THINGS I DON'T WANT POLICY COMMITTEES DOING A COUPLE THINGS I WANT BETTER DEFINED.

AND I DON'T WANT THIS LONG TIMELINE.

I THINK IT'S WAY TOO LONG.

WE CAN DO MORE WORK THAN THIS.

WE'VE BEEN DOING MORE WORK THAN THIS.

AND I THINK WOULD BE KEEP IT UP WITH SOME BETTER STANDARDS AND FORMS.

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SO THANK YOU, COUNCILMEMBER HAHN.

>> MAYOR J. ARREGUIN: OKAY, THANK YOU VERY MUCH.

WE'LL GO TO COUNCILMEMBER HUMBERT.

>> M. HUMBERT: YES, THANK YOU, MR. MAYOR.

Unofficial Text File

THOSE TWO PRESENTATIONS ARE HARD ACTS TO FOLLOW CERTAINLY.

I WANT TO SAY HOW MUCH I APPRECIATE ALL OF THE WORK THAT AGENDA AND RULES COMMITTEE DID TO REVIEW AND SUMMARIZE THE PROPOSALS CURRENTLY ON THE TABLE.

AND TO ESPECIALLY THANK THE MAYOR, COUNCILMEMBER WENGRAF AND THEIR STAFF FOR THE WORK THEY DID TO CREATE THE MATRIX.

IT WAS A LOT OF MATERIAL.

THE MATRIX TO ME WAS REALLY HELPFUL IN BEING ABLE TO DO A MORE APPLES TO APPLE COMPARISON BETWEEN THE PROPOSALS THAT HAVE COME DOWN DURING A SIGNIFICANT PERIOD OF HISTORY.

AND HOW THEY WOULD POTENTIALLY IMPACT VARIOUS COMPONENTS OF THE LEGISLATIVE PROCESS.

I ALSO WANT TO DEEPLY THANK COUNCILMEMBER HAHN FOR HER WORK IN PRESENTING A MORE STRUCTURED PROCESS THAT IMPLEMENTED WOULD CERTAINLY HELP ENSURE THE DETAILS AND POLICIES AND PROPOSALS ARE DRILLED INTO WELL BEFORE THEY REACH THE COUNCIL STAGE.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON, ALONG WITH COUNCILMEMBERS TAPLIN AND ROBINSON FOR THEIR WORK TO PUT FORWARD AN ALTERNATIVE LEGISLATIVE CYCLE APPROACH.

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I APPRECIATE HAVING DIFFERENT OPTIONS TO CONSIDER.
AND I THINK THIS ALTERNATIVE HAS SOME ADDITIONAL POSITIVE CHARACTERISTICS.
INCLUDING SIMPLICITY THAT MERIT STRONG CONSIDERATION.
OVERALL THOUGH I HAVE TO AGREE, ALTHOUGH I AGREE THAT PROPOSALS SOMETIMES NEED MORE WORK BEFORE COMING TO COUNCIL, BASED ON MY LIMITED EXPERIENCE ON COUNCIL, I DON'T NECESSARILY FEEL THAT A LACK OF COMPLETENESS IS THE BIGGEST PROBLEM WE FACE IN TERMS OF COUNCIL'S APPROACH TO MAJOR ITEMS.
I THINK THAT OUR EXISTING COMMITTEE APPROACH AND EXTREMELY CAPABLE STAFF ALREADY DO A PRETTY GOOD JOB OF ENSURING ITEMS EITHER GET TO COUNCIL OR COME OUT OF COUNCIL IN DESCENT SHAPE.
AND THERE IS ALSO THE FACT THAT COUNCIL WAS A POLICY SETTING BODY WITH IMPLEMENTATION AND OPERATIONS BEING THE PROVINCE OF STAFF.
I DON'T KNOW THAT COUNCIL AND COUNCIL COMMITTEES GETTING EVEN MORE INTO THE WEEDS ON MINUTE DETAILS IS NECESSARILY GOING TO HELP STAFF DO THEIR JOBS.
IT MIGHT EVEN HAVE THE OPPOSITE EFFECT FOR POLICIES AND PROGRAMS AND HAVE LESS FLEXIBILITY.
THIS BRINGS ME TO WHAT I THINK IS THE FUNDAMENTAL PROBLEM WITH OUR APPROACH TO LEGISLATING, WE DO TOO MUCH OF IT.

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I THINK THE CITY MANAGER HAS BEEN JUST ABOUT AS CLEAR AS SHE CAN BE IN TELLING US WE NEED TO SLOW OUR GENERATION OF REFERRALS WHEN IT COMES TO THE MAJOR POLICIES AND PROGRAMS COMING OFF OF THIS DAIS.

Unofficial Text File

AND I JUST DON'T FEEL A LEGISLATIVE SEASON APPROACH REALLY TACKLES THE FUNDAMENTAL ISSUE.

THAT'S WHY I LEAN STRONGLY TOWARD USING MY PREDECESSOR FORMER COUNCILMEMBER DROSTE BE RIGHT PROPOSAL AS A STARTING POINT WORKING OUT FROM THERE.

IN GENERAL, I'M RELUCTANT TO SUPPORT A LEGISLATIVE OVER HAUL WITHOUT LIMITS ON COUNCIL ITEMS OR TIME OUR REWEIGHTED RANGE VOTING PRIORITIZATION EXERCISE TO TAKE PLACE BEFORE STAFF AND COMMITTEES REALLY DIVE INTO THE DETAILS OF PROPOSALS THAT COULD CLEAR OUT SOME OF THE ITEMS EFFICIENTLY.

THIS LEGISLATIVE SEASON APPROACH SEEMS POISED TO RESEARCH OUTREACH AND NATIONAL BURDENS ASSOCIATED WITH ANY GIVEN ITEM, BOTH FOR COUNCIL STAFF AND POTENTIALLY OTHER CITY STAFF.

WITHOUT SOME LIMITS ON COUNCIL ITEMS THIS PROPOSAL SEEMS LIKELY TO INCREASE THE COMPLEXITY AND WORKLOAD ASSOCIATED WITH ITEMS COMING FROM COUNCIL.

IN ADDITION, BECAUSE ALL MAJOR ITEMS WOULD BE HELD TO THE SAME TIMELINE OR SAME TIMELINES THESE INCREASED NEEDS FOR REVIEW

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HEARINGS, AND ANALYSIS SEEM LIBEL TO EXACERBATE CRUNCH TIMES DURING THE YEAR AND POSSIBLY EVEN CREATE NEW ONES.

I THINK THAT THE HARRISON, TAPLIN, ROBINSON PROPOSAL IS BETTER THAT WOULD REDUCE STAFF EFFORTS AND AVOID GIVING COMMITTEES AN APPROPRIATE VETO POWER OVER COUNCIL REFERRALS.

Unofficial Text File

AGAIN, THAT SAID, I STILL THINK THIS ALTERNATIVE ALSO GIVES SHORT SHIFT TO THE FUNDAMENTAL ISSUE, THE SHEER VOLUME OF COMPLEX AND WORK INTENSIVE POLICY AND PROGRAMS COMING OUT OF COUNCIL.

THIS REMAINS THE NUMBER ONE ISSUE TO ME.

AND THIS FEELS CONSISTENT WITH WHAT WE HEARD FROM THE CITY MANAGER.

I'M NOT GOING TO SUGGEST A MORATORIUM ON NEW MAJOR NONEMERGENCY ITEMS WOULD BE IN ORDER.

I'M SURE I WOULDN'T FIND SUPPORT AND MAYBE IT DOESN'T MAKE SENSE BUT A CAP OF SOME SORTED AND PERHAPS A TEMPORARY NUMERICAL CAP IS WHAT WE SHOULD AIM FOR.

I DON'T FEEL LIKE IN SUPPORT ANY PROPOSAL THAT DOESN'T SET A FIRM LIMIT ON MAJOR COUNCIL ITEMS.

BUT I DO WANT TO THANK EVERYBODY FOR ALL THE REALLY COMPLICATED AND HARD WORK THAT THEY PUT IN ON THIS.

AND I'VE SPENT A LOT OF TIME LOOKING AT THESE PROPOSALS.

AND THANK YOU SO MUCH.

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>> MAYOR J. ARREGUIN: OKAY.

COUNCILMEMBER HAHN WANT TO MAKE A CLARIFYING COMMENT.

AND THEN, ARE THERE ANY OTHER CITY COUNCIL MEMBERS THAT HAVE COMMENTS?

Unofficial Text File

WE NEED TO TAKE PUBLIC COMMENTS AS WELL.

>> S. HAHN: THANK YOU.

COUNCILMEMBER HARRISON, I WANT TO BETTER UNDERSTAND.

I COMPLETELY AGREE WITH YOU THAT CITY MANAGER ITEMS WOULD ALSO BENEFIT FROM THE SAME REVIEW.

BUT I'M TRYING TO UNDERSTAND WHERE THAT COMES UP, BECAUSE MOST OF WHAT THEY BRING TO US ARE REFERRAL RESPONSES.

AND I WAS TRYING TO REMEMBER A TIME WHEN THE CITY MANAGER SORT OF BROUGHT US SOMETHING NEW THAT HADN'T BEEN REFERRED BY THE CITY COUNCIL.

THE ONLY THING I CAN THINK OF WAS THE KIOSKS IS WHEN THE REFERRAL RESPONSE COMES BACK THAT RESPONSE SHOULD THEN BE VETTED BY A COMMITTEE?

IF YOU COULD CLARIFY WHAT YOU MEAN BY THAT.

>> K HARRISON: YES, MANY PAST REFERRALS WERE SO VAGUE THAT WE, AND WE HAD COMPLETELY DIFFERENT PEOPLE ON COUNCIL THAT I WOULD HOPE THEY WOULD COME BACK TO US.

IF WE START DOING A BETTER JOB OF REFERRALS, THE WON'T BE AS BIG AN ISSUE.

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I THINK SOMETIMES STAFFING IN THE DARK TO FIGURE OUT HOW TO RESPOND.

IT MIGHT NOT BE ON POINT WITH WHAT WE WERE THINKING.

I CAN'T THINK OF AN EXAMPLE.

Unofficial Text File

THERE HAVE BEEN EXAMPLES ABOUT HOMELESS POLICY, SHE'S TRYING TO DO SOMETHING REASONABLE BUT MANY THINGS HAVE CHANGED IN THE LEGAL LANDSCAPE THAT HAVE CHANGED WHAT WE MIGHT BE ABLE TO DO OR NOT DO.

FOR EXAMPLE, WE HAD CERTAIN POLICIES ABOUT SLEEPING IN CARS AND THAT CHANGED AS YOU RECALL, THEN IT CAME BACK.

I THINK IF THAT'S GOING TO BE SOMETHING WITH A LOT OF IMPLICATIONS, IT SHOULD GO TO COMMITTEE.

>> S. HAHN: NOT NECESSARILY SOMETHING WRITTEN, A CHANGE IN POLICY.

>> K HARRISON: I THINK SHE WAS COMING BACK WITH CHANGE IN WRITTEN POLICY BASED ON CHANGE IN THE LAW.

>> S. HAHN: I SEE.

>> K HARRISON: SO I THINK AT THAT POINT DEPENDING ON HOW COMPLEX IT IS, CRITERIA, IT WOULD GO TO A COMMITTEE.

MANY THINGS AREN'T THAT COMPLEX.

SO OBUT AND STILL THINK THERE ARE ITEMS --

>> S. HAHN: YEAH.

>> K HARRISON: -- [MULTIPLE SPEAKERS]

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>> S. HAHN: I WAS TRYING TO UNDERSTAND EXACTLY WHAT YOU WERE REFERRING TO.

WE'RE JUST TAKING NOTES AND WE'LL TAKE IT BACK TO THE AGENDA AND RULES COMMITTEE.

Unofficial Text File

BUT I WONDERED, I THINK THE CITY MANAGER MIGHT HAVE HAD, MAYOR, IF I MAY, I THOUGHT IT LOOKED THE CITY MANAGER MIGHT HAVE A COMMENT ON THAT.

>> I JUST WANTED TO ECHO YOUR CONCERNS, COUNCILMEMBER HAHN, THAT WE RARELY IN EVER BRING FORWARD OUR OWN MAJOR, I DON'T BRING FORWARD POLICY.

I'M RESPONDING TO THIS BODY'S POLICY.

BUT IF THAT'S THE ROUTE THAT IS BEING RECOMMENDED WE BRING IT BACK TO A POLICY COMMITTEE BEFORE BRINGING IT TO THE FULL COUNCIL FOR ADOPTION, WE'RE OPEN TO THAT AS WELL.

>> S. HAHN: OKAY.

ANYTHING ELSE COUNCILMEMBER HARRISON, FOR US TO FULLY UNDERSTAND YOUR VISION ON THIS?

>> K HARRISON: AS AN EXAMPLE.

I THINK THE RESPONSE TO A.L.P.R.'S IS A GOOD EXAMPLE.

WE HAD A REFERRAL A LONG TIME AGO.

WE HAVE SO MUCH COMPLICATION, THE PARKING L.P.R.'S, THE OTHER CAMERAS THAT DID FINALLY GO TO PUBLIC SAFETY BUT IT WENT TO BUDGET FIRST.

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AND THAT WAS ODD.

SO IT'S REALLY NEED THAT NEEDED THAT PUBLIC SAFETY COMMITTEE REVIEW.

AND YOU GUYS DID A GREAT JOB BUT THAT WAS A BIG DEAL.

Unofficial Text File

IT IS THINGS LIKE THAT.

I DON'T THINK IT WILL COME UP EVERY DAY.

BUT WE'RE DEALING, YOU ARE DEALING WITH A LOT NOW, CITY MANAGER, MADAM CITY ATTORNEY, COMPLICATED ITEMS, AND I THINK SOMETIMES THEY BENEFIT FROM THAT FORUM.

THE COMMITTEES ARE BETTER FOR HAVING PUBLIC INPUT.

ONE REASON I LOVE THEM, WE REDUCED CONFUSION AT THE COUNCIL ABOUT WHAT THINGS ARE.

IT'S BEEN VERY HELPFUL.

>> THANK YOU.

VERY HELPFUL FOR US TO BETTER UNDERSTAND THE VISION ON THAT.

>> MAYOR J. ARREGUIN: COUNCILMEMBER ROBINSON.

>> R. ROBINSON: SURE.

GOOD AFTERNOON, I'LL TAKE THIS OPPORTUNITY TO JUMP IN.

AND FIRST, THANK YOU TO THE AGENDA COMMITTEE WHO HAVE BEEN ENGAGING WITH THE DISCUSSION AND INCREDIBLY DEEP LEVEL.

THE REST ARE STUCK OUTSIDE WITH OUR FACES PUSHED AGAINST THE WINDOW EAVESDROPPING AND UNABLE TO PARTICIPATE.

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COUNCILMEMBER HAHN, IT IS SO MUCH EASIER FOR THE REST OF US TO POKE AT PROPOSALS AND IDENTIFY THINGS WE'RE CRITICAL OF TO ASSEMBLE FOR CONSIDERATION.

THANK FOR THE HEAVY LIFTING.

Unofficial Text File

MY FEEDBACK IS LARGELY REFLECTED IN THE SERIES OF NOTES WITH COUNCILMEMBER HARRISON.

I'M GLAD THE COMMITTEE WILL BE ABLE TO WEIGH THAT AND CONSIDER ALL PATHS AVAILABLE TO US.

REALLY I THINK COUNCILMEMBER HARRISON, TAPLIN, AND I, IT'S NOT REALLY A PROPOSAL.

IT'S A STRING OF IDEAS AND PRIORITIES REALLY FOR THE PROPOSAL THAT I THINK WILL BE SHAPED BY THE AGENDA COMMITTEE.

I'LL FOCUS MY COMMENTS ON THE TINY HANDFUL OF THOUGHTS IN MY TIME SITTING HERE.

ONE, WHICH I THINK COUNCILMEMBER HUMBERT ALLUDED TO, BUT WE HAVEN'T TALKED TO SUPER DIRECTLY.

THE IDEA OF QUANTITIVE LIMITS ON THE NUMBER OF PIECES OF LIMITED LEGISLATION THAT COUNCILMEMBERS AND INTRODUCE, THIS HAS BEEN FLOATED BEFORE AND IT'S SOMETHING I THINK CANDIDLY INITIALLY I HAD A BIT MORE HOSTILE OF A REACTION TO.

I THINK IT FELT A LITTLE UNDEMOCRATIC IF YOU WILL.

WE’RE REPRESENTATIVES OF OUR DISTRICTS.

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I THINK WE SHOULD BE ABLE TO INTRODUCE THE VOLUME OF LEGISLATION THAT OUR RESIDENTS EMPOWER US TO.

BUT THAT SAID, WE HAVE A REAL ISSUE HERE.

AND I THINK IF I'M A LITTLE HONEST WITH MYSELF, I THINK THERE IS PROBABLY NUMBERS OUT THERE, MAYBE IT'S FIVE.

Unofficial Text File

A NUMBER OF MAJOR ITEMS THAT ONE COUNCIL MEMBER COULD INTRODUCE THAT IS HIGHER THAN THE NUMBER OF MAJOR ITEMS I OR SOMEONE WAS GOING TO INTRODUCE ANYWAY BUT COULD HAVE AN INTERESTING SELECTIVE AFFECT IN OUR DECISION-MAKING PROCESS, TO EXERCISE JUST A LITTLE BIT MORE HESITATION TO VET AN IDEA JUST A LITTLE BIT MORE BECAUSE YOU KNOW THERE IS AN OPPORTUNITY COST TO INTRODUCING IT.

THAT LEVEL OF ANALYSIS, THAT LEVEL OF PATIENCE, REALLY THAT LEVEL OF HESITATION I THINK IS VALUABLE.

AND COUNCILMEMBER HARRISON, AS YOU SAID, IF THE PROBLEM IS US, IT'S REALLY HARD TO DEFINE RULES THAT WILL SHAPE THAT.

BUT I THINK THERE IS PROMISE THERE.

I THINK THERE ARE LIMITS SO WE COULD PUT IN PLACE THAT REALLY DON'T MEANINGFULLY CURTAIL THE EXTENT TOO MUCH WE CAN BE INNOVATIVE AND PUT THINGS ON THE TABLE AND FORCE US TO ASK OURSELVES BEFORE WE THROW SOMETHING ON THE HOPPER IF IT'S THE HILL WE WANT TO DIE ON.

I'M RUMINATING ON THAT.

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OPEN TO POSSIBILITY SAID THERE.

A LOT OF OTHER THINGS I LIKE THAT ARE IN THE MIX ACROSS PROPOSALS, I THINK REQUIRING THE ITEM GUIDELINES WE HAVE BE IN PLACE WOULD BE VALUABLE.

Unofficial Text File

I'M CERTAINLY NOT ALWAYS THE BEST AT FOLLOWING THEM.

I THINK EXPLICIT CLARITY ABOUT ITEM DEADLINES FOR BUDGETING/IMPLEMENTATION WILL BE VALUABLE.

I THINK IT WILL BE GOOD, REALLY WE'RE DOING THIS CYCLE I THINK IT'S A GOOD PRACTICE TO MAKE PERMANENT TO BE CLEAR ABOUT WHAT THE ROLE OF BUDGET REFERRALS FOR A.A.O. ONE AND TWO SHOULD BE.

AS ONE TIME OR SENSITIVE NEEDS.

THAT I THINK WOULD BE REALLY POSITIVE.

AND I CALLED TOGETHER A LIST OF THINGS I WOULDN'T EVEN SAY I'M OPPOSED TO BUT THINGS I WORRY A LITTLE ABOUT.

IN CONTEMPLATING SORT OF THE IDEA OF A SESSION.

OBVIOUSLY THAT WORKS AT A LOT OF OTHER LEVELS OF GOVERNMENTS.

I FIND MYSELF BEING ANXIOUS THE SURGES OF CERTAIN TYPES OF WORKLOAD AT CERTAIN TIMES MIGHT BE UNTENABLE.

I THINK OF THE WORK THAT OUR COMMITTEES ARE DOING RIGHT NOW SOMETIMES THEY EBB AND FLOW, SOMETIMES THEY HAVE SWELLS, SOMETIMES A LITTLE BACK LOG THAT TAKES MONTHS, SOMETIMES I GO FOUR MONTHS WITHOUT A LAND USE MEETING.

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TO DO THAT AT ONCE, TO HAVE PACKED AGENDAS FOR THAT COMMITTEE, WE HAVE A HARD TIME GETTING TO TWO AGENDA ITEMS AT THE COMMITTEE LEVEL.

I THINK AT OUR TUESDAY EVENING COUNCIL MEETINGS THERE IS OFTEN A LOT ON THE AGENDA AND WE HAVE AN INCENTIVE TO BE BRISK AND MAKE SURE WE GET TO WHATEVER ELSE WE HAVE.

Unofficial Text File

I THINK THE BEAUTIFUL THING ABOUT THE POLICY COMMITTEE, WE CAN RUN IN CIRCLES AND ASK ALL SORTS TECHNICAL SMALL QUESTIONS TO REALLY VET SOMETHING AND SPEND THREE HOURS WITH ONE ITEM WORKSHOPPING IT.

AND SO I THINK I HAVE LOGISTICAL WORRIES ABOUT WHAT IT WOULD LOOK LIKE TO PACK THAT STAGE TO HAVE THE POLICY VETTING PROCESS FOR THE WHOLE CYCLE INTO A FEW MONTHS.

I SHARE AND WANT TO RESONATE WITH COMMENTS MADE ABOUT A ROLE FOR COMMITTEES PRIORITIZING OR SCORING ITEMS.

I THINK IT'S VERY VALUABLE THAT IS COMING FROM THE FULL COUNCIL.

AND ALSO, WANTS US TO STIR AWAY FROM BEING LIMITED TO ONLY HAVING AUTHORS NOT CO-SPONSORS AT THE PRE-SUBMISSION STAGE.

I FLOAT AROUND A LOT OF IDEAS WITH COLLEAGUES AND I THINK HAVING THE OPPORTUNITY TO BRAINSTORM AND VET SOMETHING WITH OTHER COUNCILMEMBERS BEFORE I BRING IT FORWARD IS VALUABLE AND OFTEN RESULTS IN ME NOT INTRODUCING THINGS BECAUSE THERE IS A BETTER WAY TO GO ABOUT IT OR SOMETHING I DIDN'T KNOW.

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THAT IS VALUABLE AND I DON'T WANT TO MAKE THAT HARDER TO DO.

IN SUMMATION, THANK YOU TO EVERYONE WHO PUT ITEMS ON THE TABLE.

I DO NOT ENVY THE COMMITTEE TO FIGURE OUT A PATH FORWARD.

THANK YOU.

Unofficial Text File

>> MAYOR J. ARREGUIN: COUNCIL WENGRAF.

>> S. WENGRAF: YEAH, THANK YOU VERY MUCH.

FIRST, I WANT TO THANK COUNCILMEMBER HAHN FOR DOING ALL OF THE HARD WORK.

AND TAKING ON THE BURDEN OF FORMULATING THIS WITH THE CLERK, CITY MANAGER AND PRESENTING IT TO US.

I THINK IT WAS A HUGE TASK.

AND I'M VERY GRATEFUL TO HER FOR DOING IT.

AND AS SHE EXPLAINED, THE MAYOR AND I COULD NOT PARTICIPATE BECAUSE OF THE BROWN ACT.

SO THANK YOU VERY MUCH, COUNCILMEMBER HAHN.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON FOR PUTTING FORWARD AN ALTERNATIVE.

BUT THESE ARE NOT THE ONLY TWO THINGS THAT ARE BEFORE US.

WE CAN, BOTH OF THESE THINGS I CONSIDER JUMPING OFF POINTS FOR THE DISCUSSION.

AND I WOULD LIKE TO SUGGEST WE TAKE A STEP BACK AND THINK ABOUT WHAT OUR GOAL IS.

IT'S BEEN YEARS YOU KNOW, WE'VE HAD SO MANY PROPOSALS.

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WHAT IS THE PROBLEM WE'RE TRYING TO SOLVE.

AND BOTH PROPOSALS BEFORE US ARE PRETTY COMPLEX.

I'M NOT SURE THAT LEVEL OF COMPLEXITY IS NECESSARY.

I THINK IT WAS COUNCIL HUMBERT WHO BROUGHT UP THE IDEA OF LIMITING THE NUMBER OF ITEMS.

Unofficial Text File

ORIGINALLY, YOU KNOW, I REMEMBER THE CITY MANAGER COMING TO US AND BASICALLY BEGGING US TO STOP DOING MAJOR ITEMS BECAUSE STAFF WAS SO OVERWHELMED.

AND I THINK THERE IS STILL A BACKLOG.

I DON'T KNOW WHAT IT IS.

BUT MAYBE 90 ITEMS OR SOMETHING LIKE THAT.

YOU KNOW, GIVEN THE STAFFING SITUATION MAYBE WHAT WE DECIDE TO DO WILL BE TEMPORARY.

MAYBE WE CAN LINK IT TO STAFFING.

BUT I THINK THERE IS AN URGENCY IN US DOING SOMETHING RIGHT NOW TO ALLEVIATE THE PROBLEM THAT STAFF IS FACING, WHICH IS THAT THEY JUST CAN'T DEAL WITH EVERYTHING WE'RE GIVING THEM.

SO I WOULD LIKE TO AT OUR NEXT, WHEN WE DISCUSS THIS AGAIN, I DON'T THINK WE'RE GOING TO BE ABLE TO MAKE A DECISION TONIGHT, ARE WE MAYOR?

>> MAYOR J. ARREGUIN: WE'RE NOT MAKING A DECISION TONIGHT.

>> S. WENGRAF: YEAH, OKAY.

SO I WOULD LIKE TO REVISIT THE GOAL.

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AND REVISIT THE PROBLEM THAT WE'RE TRYING TO SOLVE.

BECAUSE I CERTAINLY DON'T WANT TO REPLACE A NEW BUNCH OF BUREAUCRATIC AND VERY COMPLICATED PROCEDURES WITH WHAT WE HAVE NOW.

Unofficial Text File

I'M NOT SURE THAT IS GOING TO FIX ANYTHING.

SO THAT'S MY SUGGESTION FOR TONIGHT.

THANK YOU.

>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH.

VICE MAYOR BARTLETT.

>> B. BARTLETT: THANK YOU, MR. MAYOR.

I WANT TO THANK COUNCILMEMBER HAHN FOR YOUR DILIGENT WORK.

DEEP, DEEP WORK HERE.

SCHEMATICS OF A MICROCHIP.

[LAUGHTER]

>> B. BARTLETT: AND THANK YOU, AS WELL, COUNCILMEMBER HARRISON FOR YOUR APPROACH, COUNCILMEMBER ROBINSON, COAUTHORING.

WE TALKED ABOUT THIS THROUGH THERE YEARS.

AND YOU KNOW, A COUPLE OF THINGS COME TO MIND.

ONE, YOU KNOW, I THINK JUST A KNEE JERK I HAVE A KNEE JERK RESPONSE WHEN I FUNDAMENTALLY TEND NOT TO SUPPORT LIMITATIONS ON DEMOCRACY AND REPRESENTATION.

BUT YOU HAVE ANSWERS SOME OF THE ISSUES WITH THE EXCEPTIONS YOU PROVIDE TO TIME CRITICAL MEASURES.

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BUT I GUESS THE REAL QUESTION IS, AND IT'S THIS KIND OF HARKENS TO WHAT COUNCILMEMBER WENGRAF JUST MENTIONED.

DOES ANYONE KNOW HOW MANY MAJOR ITEMS THE COUNCIL PRODUCED IN THE LAST YEAR?

Unofficial Text File

I CAN'T THINK OF TOO MANY.

THERE ANY DATA ON THAT?

>> I'LL SAY I THINK JUST GOING OFF OF THE FLOW THROUGH THE AGENDA COMMITTEE, OBVIOUSLY NOTHING SCIENTIFIC, BUT I THINK DURING THE PANDEMIC WE SORT OF HAD A UNSPOKEN AGREEMENT.

THAT WE WERE GOING TO LEAVE THE

>> S. HAHN: CITY MANAGER TO ADDRESS THE PANDEMIC.

SO THE FLOW WENT DOWN.

AND SINCE THAT IS LIFTED I WOULD SAY THE FLOW OF MAJOR ITEMS IS LOWER THAN IT WAS BEFORE THE PANDEMIC.

MAYOR, WOULD THAT?

I MEAN, IF YOU LOOK AT FOR EXAMPLE OUR AGENDA TONIGHT, I THINK IT'S THE FIRST TIME IN MY TIME ON THE AGENDA COMMITTEE THAT WE ACTUALLY DON'T HAVE AN ACTION ITEM EITHER FROM STAFF OR FROM THE COUNCIL --

I THINK PEOPLE ARE BEING MORE I DON'T KNOW, RESTRAINED.

>> B. BARTLETT: THAT WAS MY ANECDOTAL OBSERVATION AS WELL.

IT SEEMS WE UNDERSTAND THE STAFF IS OVERWHELMED.

WE LOST MANY MEMBERS OF OUR TRANSPORTATION DIVISION.

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I SEE US WITHHOLDING AND WAITING FOR THINGS TO NORMALIZE.

I FOR ONE HAVE TAKEN MUCH TIME TO WORK WITH CITY STAFF ON MAJOR ITEMS THAT ARE IN DEVELOPMENT.

AND MAYBE DO ONE THIS YEAR.

Unofficial Text File

WHICH SHOULD BE AMAZING TOO.

I CAN'T WAIT TO SHARE WITH YOU ALL.

[LAUGHTER]

>> B. BARTLETT: YOU KNOW, BUT THE YOU KNOW, THE LEANING INTO LEGISLATION THAT IS, AND THIS IS WHAT WE DO THROUGH THE PROCESS, THROUGH THE COMMITTEE PROCESS, WHICH I'M A FAN OF, IT HELPS YOU THINK IT THROUGH.

WE HELP OTHERS COME WITH THEIR -- WE LEND OUR EXPERTISE AND GROUP KNOWLEDGE AND HELP AUTHOR REFINE THEIR WORK.

WE HELP THEM SIMPLIFY THEIR WORK.

AND SO I THINK THIS MEASURE WE'RE TALKING ABOUT TO UNDERSTAND IS PRIORITIZATIONS, THEY KIND OF NEED THE SAME PROCESS, THEY NEED TO BECOME SIMPLIFIED.

THIS IS TOO COMPLEX.

THERE IS A MORE ELEGANT WAY.

PARTICULARLY IN THE LIGHT OF THE FACT THAT THE COUNCIL APPEARS TO BE RESPONSIVE TO THE NEEDS OF THE BUREAUCRACY.

BUT NOT GIVING THEM ANYTHING TO DO.

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IT SEEMS LIKE WE MAY NOT NEED TO OVERLAY THIS MUCH BUREAUCRATIC TO SOMETHING THAT IS NOT EXISTING RIGHT NOW.

WITH ALSO ANOTHER QUESTION, DOES THIS KEEP THE R.V. V. PROCESS AS WELL OR SUPPLANT IT?

Unofficial Text File

>> S. HAHN: I THINK THE IDEA WAS THAT WHEN YOU DON'T HAVE A BIG BACK LOG OF OLD ITEMS THAT HAVEN'T BEEN IMPLEMENTED AND YOU HAVE A RESTRICTED FLOW BASICALLY MORE BASED ON QUALITY THEN ON QUOTAS, BY RAISING OUR STANDARDS, THE IDEA WOULD BE THAT LESS WOULD BE GOING FORWARD.

THEN THE PRIORITIZATION BECOMES MUCH EASIER.

YOU ARE NOT PRIORITIZING 100 ITEMS, MAYBE 15 OR 20.

AND MAYBE YOU USE R.R.V. OR MAYBE THERE IS ANOTHER PROCESS.

IT DEFINITELY DID NOT RECOMMEND GETTING RID OF IT.

BUT THE IDEA WAS THAT IT WOULD ESSENTIALLY BECOME LARGELY MOOT.

>> B. BARTLETT: IF UNDER THIS PROPOSAL YOU HAVE TO WAIT 16 MONTHS TO SUBMIT SOMETHING OR THEN YOU GET R.R.V.ED TO THE BOTTOM OF THE LIST, YOU EFFECTIVELY DENIED THE RESIDENTS WHO PAY EXORBITANT PROPERTY TAXES AND RENTED, THE OPPORTUNITY TO HAVE SOMETHING THEY CARE ABOUT SEEN BY THE COUNCIL.

FOR NEXT, THAT PERSON IS OUT OF OFFICE.

IT'S OVER.

YOU ARE TALKING SEVEN YEARS LATER.

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AND TRUST ME, I LIVED HERE SEVEN YEARS CYCLES OF LEGISLATION AND IT TAKES DILIGENCE TO SEE IT THROUGH.

AGAIN, I DON'T THINK -- I DON'T SEE THE NEED TO KEEP ADDING SO MUCH TIME AND DISTANCE BETWEEN PEOPLE AND THEIR ASPIRATIONS.

Unofficial Text File

AND THEN, THE CO-SPONSOR'S MEASURE, COUNCILMEMBER ROBINSON BROUGHT IT UP.

I THINK IT'S IMPORTANT FOR COLLEAGUES AND COUNCILMEMBERS TO THINK THROUGH THE STRATEGIES AND YOU KNOW, IT'S PART OF THE KEY TO SUCCESS.

YOU KNOW, NEWER COUNCILMEMBERS COME ON AND TEAM UP WITH OTHERS AND FIGURE OUT HOW TO WIN THE RIGHT COMBINATIONS, I THINK IT'S A GOOD PROVING GROUND FOR LEGISLATION BECAUSE IN THE DAY THE AUTHORS GOAL IS TO GET IT PASSED ON BEHALF OF THE CONSTITUENTS WHO REQUESTED IT OR BENEFIT FROM THEM.

SO I THINK WE NEED TO BAN THEIR ABILITY TO STRATEGIZE ESSENTIALLY.

RIGHT?

AND GET HELP TOO. RIGHT?

AND THEN, LASTLY, I DO SUPPORT ATTACKING THE BACKLOG QUEUE.

SPECIAL TOPIC NUMBER FOUR.

I THINK THAT'S IMPORTANT.

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SITTING ON THIS DEEP BENCH OF MATERIALS THAT IS RAPIDLY TURNING FROM COAL INTO DIAMONDS AS IT SITS THE TECTONIC PRESSURE OF BUREAUCRATIC TIME, RIGHT?

YES, ABSOLUTELY, I THINK THAT'S IMPORTANT.

Unofficial Text File

WE SHOULD GO THROUGH THIS AND GET THESE THINGS DEALT WITH.

THOSE ARE MY POINTS.

THAT'S ALL.

I THINK ULTIMATELY, I DON'T THINK ANY OF THIS IS NECESSARY.

>> MAYOR J. ARREGUIN: COUNCILMEMBER HARRISON, AGAIN.

>> K HARRISON: I WANT TO ANSWER COUNCILMEMBER BARTLETT'S QUESTION ABOUT MY PROPOSAL DOES NOT GET RID OF R.R.V.

IT'S STILL THERE.

I DON'T THINK WE SHOULD DO IT AT THE COMMITTEE LEVEL.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU.

ARE THERE ANY OTHER CITY COUNCIL MEMBERS THAT HAVE COMMENTS?

COUNCILMEMBER WENGRAF?

>> S. WENGRAF: YES.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

>> S. WENGRAF: YEAH, I JUST WANT TO SAY THAT YOU KNOW, THE STAFF ISN'T JUST WORKING ON OUR ITEMS.

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I MEAN, THEY HAVE TO WORK ON ALL KINDS OF OTHER STUFF AS WELL.
AND THEY HAVE PARTNERS, THE SCHOOL BOARD, THE RENT BOARD, YOU KNOW, ALL OF THESE STATE AGENCIES THAT THEY HAVE TO WORK WITH.
SO I THINK WE'RE BEING A LITTLE NEAR SIGHTED WHEN WE THINK THAT STAFF ONLY WORKS WITH OUR ITEMS.

Unofficial Text File

I THINK THEIR WORKLOAD IS HUGE.
AND WE'RE ONLY THINKING OF A LITTLE PART OF IT.
SO MAYBE IT WOULD BE ACTUALLY HELPFUL FOR US TO KNOW MORE ABOUT WHAT THE DEMANDS ARE ON THE DEPARTMENTS FROM ALL OF OUR PARTNERING AGENCIES.
SO THAT WE WOULD HAVE A BETTER UNDERSTANDING AND A BETTER PERSPECTIVE ON THE WORKLOAD.
THANK YOU.
>> MAYOR J. ARREGUIN: THANK YOU.
SO FOLLOWING UP ON THAT POINT, I RECALL I THINK IT WAS THE LAST BIENNIAL BUDGET PROCESS, WE GOT A COMPREHENSIVE LIST OF OUTSTANDING COUNCIL REFERRALS THAT HAD NOT BEEN PRIORITIZED I BELIEVE.
AND WE DO GET STATUS UPDATES FROM THE CITY MANAGER ON THE IMPLEMENTATION OF COUNCIL REFERRALS, SHORT TERM AND LONG TERM.
AND WE HAD THAT DATABASE.
BUT I DO THINK, YOU KNOW, AT SOME POINT YOU KNOW PROBABLY LEADING UP TO THE NEXT BUDGET DEVELOPMENT, I THINK GOING OVER

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THAT LIST AGAIN WOULD BE HELPFUL BECAUSE THINGS MAYBE OBSOLETE OR REDUNDANT.

I SEEM TO RECALL MULTIPLE REFERRALS ABOUT ADU POLICY OR HOUSING POLICY, MULTIPLE FIRE SAFETY RECOMMENDATIONS.

Unofficial Text File

AND YOU KNOW, WE MAY BE ABLE TO FIND A WAY TO CONSOLIDATE OR ELIMINATE REDUNDANT OR OBSOLETE COUNCIL REFERS SO WE CAN FOCUS ON THE THINGS WE THINK ARE RELEVANT AND WE WANT TO HAVE STAFF DEDICATE TIME TO ADDRESS.

SO I HEAR THAT AS AN OVERARCHING AGREEMENT AMONGST COUNCIL WE NEED TO LOOK AT DEALING WITH THE QUOTE, BACK LOG.

I HOPE WE CAN WHETHER IT'S THROUGH NEW PROCESS OR JUST LEADING UP TO THE BUDGET ADOPTION, WE CAN DO THAT.

I THOUGHT THAT WAS VERY HELPFUL.

SO MAYBE IN ALIGNMENT WITH THE R.R.V. PROCESS THAT MAYBE ONE WAY TO DO IT BEFORE THE R.R.V. PROCESS.

I'M SURE ASSOCIATION WITH THE APPRECIATE IF WE CAN CLARIFY AND REDUCE THE OUTSTANDING NUMBER OF ITEMS.

SO WITH THAT, WHY DON'T WE PROCEED TO PUBLIC COMMENT.

ANY MEMBER HERE THAT WOULD LIKE TO SPEAK TO THE ITEM ON OUR 4:00 P.M. SPECIAL CITY COUNCIL MEETING AGENDA, THE CITY COUNCIL LEGISLATIVE SYSTEMS REDESIGN?

YES, MISS MOROSOVIC.

>> THANK YOU.

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I ATTENDED THE JUNE 29THRETREAT.

AND I HEARD THE CITY MANAGER'S FRUSTRATION, AND TOTALLY UNDERSTOOD IT.

HOW THERE WERE TOO MANY ITEMS THAT WERE POSSIBLE FOR STAFF TO POSSIBLY IMPLEMENT PROPERLY.

Unofficial Text File

AND IT SEEMED AS IF SOME ITEMS COULD BE CONSOLIDATED AS THE MAYOR JUST MENTIONED AND SOME COULD BE FOLDED INTO ONE ANOTHER.

I UNDERSTAND THAT'S CHANGED THAT THERE AROUND AS MANY ITEMS COMING BEFORE COUNCIL BUT THERE ARE STILL OUTSTANDING ITEMS THAT ARE OUT THERE.

THERE IS A NEED FOR TIME CRITICAL ITEMS FOR OBVIOUS REASONS, STATE LAWS CHANGE, FEDERAL LAWS CHANGE, AND FUNDING CHANGES THAT COMES IN.

AND SO YOU ARE GOING TO HAVE TO HAVE TIME CRITICAL ITEMS THAT CANNOT BE LIMITED IN NUMBER IF THEY ARE GENERALLY TIME CRITICAL ITEMS.

THERE IS A NEED TO WORK WITH COMMISSIONS.

NOT ONLY HAS TO REFERRALS TO THEM, BUT ALSO REFERRALS FROM THEM.

NOW, THIS IS PERHAPS A SEPARATE ITEM.

BUT I BELIEVE IT'S IMPORTANT TO HAVE TRANSPARENCY TO THE PUBLIC SO THE PUBLIC NEEDS TO SEE WHAT STAFF IS DOING.

OR RATHER WHAT COUNCIL IS DOING, BUT ALSO WHAT STAFF IS DOING IN TERMS OF IMPLEMENTATION OF THE ITEMS THAT PASSED BEFORE YOU.

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I'M GOING TO RAISE THAT THE AGENDA, HOMELESS COMMISSION BROUGHT AN ITEM BEFORE THE AGENDA COMMITTEE THAT WAS PASSED IN EARLY 2020.

AND IT SOMEHOW STAYED AT THE AGENDA COMMITTEE LEVEL.

Unofficial Text File

AND THAT WAS THAT ALL THE COMMISSION RECOMMENDATIONS FROM VARIOUS COMMISSIONS BECOME COMPILED ONLINE AND IN A BINDER SO THEY COULD BE TRACKED HOW THEY GO TO COUNCIL.

AND ALSO, IN TERMS OF IMPLEMENTATION.

AND THIS IS IMPORTANT, NOT ONLY FOR INFORMATION SHARING BETWEEN COMMISSIONS BUT ALSO FOR COUNCIL TO KNOW WHAT COMMISSIONS IS DOING, FOR STAFF TO FOLLOW IT, AND ALSO FOR TRANSPARENCY TO THE PUBLIC.

AND I HOPE THAT THIS IS ACTED ON.

EDIS GOING TO GIVE ME HIS TWO MINUTES, RIGHT?

THANK YOU. SO LET ME GIVE YOU AN EXAMPLE HOW DIFFICULT IT IS TO RESEARCH AN ITEM.

AND I THINK THE SAME THING HAPPENS WITH COUNCIL ITEMS THAT, AGAIN, THERE HAS TO BE THIS TRANSPARENCY TO THE PUBLIC.

ON THE COMMISSION OF STATUS OF WOMEN, I WANTED TO RESEARCH WHAT IS HAPPENING WITH PREVIOUS ITEMS THAT I WOULD NOT HAVE EVEN KNOWN THESE ITEMS EXISTED EXCEPT I'VE BEEN ATTENDING COUNCIL MEETINGS GENERALLY FOR THE LAST 17 YEARS.

SO I RECALLED SOMETHING ABOUT SMALL BUSINESSES AND WOMEN.

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I RECALLED IT PASSED BEFORE COUNCIL SEVERAL YEARS AGO.

I RECALLED OVER 10 YEARS AGO, THIS WAS SOMETHING ON SEX TRAFFICKING THAT CAME FROM THE STATUS OF WOMEN.

I WOULDN'T HAVE KNOWN HAD I NOT ATTENDED THOSE ITEMS.

Unofficial Text File

I WENT TO THE CITY CLERK'S OFFICE, WHO IS EXCELLENT AT DOING THE RESEARCH.

BUT I AM VERY RESPONSIVE.

HAD TO KEEP GOING BACK AND SAY WHAT HAPPENED TO THAT AFTER THAT.

WHERE IS SETTING, DID IT JUST DIE?

AND IT'S REALLY IMPORTANT WE HAVE THIS INFORMATION, AGAIN, FOR COMMISSIONS, FOR COUNCIL, FOR STAFF, AND FOR THE PUBLIC.

WE HAVE TO BE TRANSPARENT ABOUT WHAT HAPPENS.

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU VERY MUCH.

ARE THERE ANY OTHER MEMBERS OF THE PUBLIC HERE IN THE BOARDROOM AT 1231 ADDISON THAT WOULD LIKE TO SPEAK TO ITEM ONE, THE COUNCIL'S REDESIGN.

I'LL ASK ARE THERE SPEAKERS ON ZOOM, PLEASE RAISE YOUR HAND.

MONI LAW.

>> GOOD EVENING, MAYOR AND COUNCIL AND COMMUNITY.

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I AM JUST VERY THANKFUL FOR EVERYONE'S HARD WORK AND MY COUNCILMEMBER, KATE HARRISON AND OTHERS WHO MAY HAVE PROPOSED AMENDMENTS.

I UNDERSTAND THIS IS GOING BACK TO AGENDA COMMITTEE FOR REVIEW.

Unofficial Text File

I WANTED TO MAKE A QUICK REFLECTION AND IMPORTANCE OF THE OPENNESS OF CONTINUED DEMOCRACY.

AND I APPRECIATE COUNCILMEMBER BARTLETT'S COMMENT ABOUT NOT DISTANCING THE PEOPLE FROM THE PROCESS.

AND TO ENSURE THIS OPEN SPACE FOR OUR ASPIRATIONS TO GROW.

WITH THAT IN MIND, I'M THINKING OF THE MAYOR'S FAIR AND IMPARTIAL POLICING WORK GROUP THAT I'M THANKFUL FOR THE MAYOR HAVE APPOINTED ME TO THAT.

AND ALL THE WORK THAT PEOPLE ON THE REIMAGINING TASK FORCE FOR CONSTRUCTIVE IDEAS, POLICIES AND PROGRAMS TO PREVENT VIOLENCE AND KEEP US SAFE IN ALL WAYS FROM EDUCATION, ECONOMIC SECURITY, AND POLICE ACCOUNTABILITY.

THOSE PROPOSALS ARE IMPORTANT AND TIME SENSITIVE AND SHOULDN'T BE CONSTRAINED OR PUSHED OUT TO A YEAR LATER.

OR YEAR AND A HALF LATER.

SO TIME LOST IS -- JUSTICE AND GOOD POLICY AND BASIC GOVERNANCE AS DELAYED.

AND SO WE REALLY HAVE A BEAUTIFUL COMMUNITY IN BERKELEY.

I DON'T WANT IT PUT TO THE SIDE AND TOO MANY BITS AND PIECES.

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WE SHOULD HAVE A HOLISTIC CONSTRUCTIVE PROCESS THAT IS OPEN AND OTHERS SAID, TRANSPARENT AND AVAILABLE.

FINALLY, I WANT TO KIND OF SAY THAT WITH REGARD TO BUDGETS AND ALL THE OTHER THINGS THAT WAS SAID, SHE WOULD POINT OUT TO THE BUDGET AND FINANCING ISSUES THAT COME UP.

Unofficial Text File

AND FINALLY, THERE ARE SO MANY THINGS WE HAD AN EXHIBIT "D" WAS CALLED, PART OF THE CITY MANAGER'S ATTACHMENT, AS I RECALL OF THE THINGS THAT HAD NOT BEEN COMPLETED.

I THINK WE COULD HAVE CONTINUED TO CHISEL ON THAT.

I BELIEVE IT'S WORKED ON I HOPE BECAUSE THERE ARE A NUMBER OF IMPORTANT PARTS OF GOVERNANCE AND COMMUNITY ACTIVITIES THAT NEED TO BE COMPLETED IN THAT EXHIBIT "D" AS I BELIEVE IT WAS REFERENCED FOR ALL OF THE BACK UP WORK THAT NEEDED TO BE DONE STILL.

I HOPE AS A CITY WORKER MYSELF, WE DO WORK HARD BUT WE ALSO WANTED TO MAKE THE BEST CITY WE CAN.

THANK YOU SO MUCH.

>> MAYOR J. ARREGUIN: THANK YOU VERY MUCH.

ARE THERE ANY OTHER MEMBERS OF THE PUBLIC ON ZOOM WHO WOULD LIKE TO SPEAK TO ITEM ONE, THE CITY COUNCIL LEGISLATIVE SYSTEMS REDESIGN?

ANY OTHER MEMBERS OF THE PUBLIC?

THIS IS THE LAST CALL.

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OKAY.

THANK YOU.

WE'LL CLOSE PUBLIC COMMENT.

AND COLLEAGUES, I'LL ASK ARE THERE ADDITIONAL QUESTIONS OR COMMENTS?

Unofficial Text File

COUNCILMEMBER KESARWANI.

>> R. KESARWANI: THANK YOU VERY MUCH, MR. MAYOR.

AND THANK YOU, COUNCILMEMBER HAHN, FOR YOUR PROPOSAL.

AND COUNCILMEMBERS HARRISON, ROBINSON, AND TAPLIN, FOR YOUR PROPOSAL AS WELL.

I DID WANT TO JUST TURN TO THE CITY MANAGER.

BECAUSE I WAS LOOKING BACK AT THE AUDITOR'S RECORD REPORT ON THE STAFFING.

SHE DID NOTE WORKLOAD ISSUES.

DRIVEN IN PART BY COUNCIL ITEMS BUT ALSO BY UNDERSTAFFING AND VACANCIES AS WELL.

AND SO I WANTED TO ASK THE CITY MANAGER FROM WHERE YOU SIT TODAY, COULD YOU HELP US JUST HONE IN ON WHAT YOU SEE AS THE MAJOR PROBLEMS IN TERMS OF MANAGING WORKLOAD IN TERMS OF WHAT IS RECEIVED BY COUNCIL.

>> THANK YOU, COUNCILMEMBER KESARWANI.

THERE ARE A NUMBER OF THE THINGS THAT INFLUENCE HOW QUICKLY WE CAN IMPLEMENT TURN AROUND LEGISLATION AND PRODUCT.

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THERE ARE LOTS OF THINGS.

BUT I THINK HALL MARK TO WHAT WE DO HERE AT THE CITY IS THE MATH WE WANT TO BE THOUGHTFUL ABOUT THE WORK WE'RE DOING FOR YOU ALL AND FOR THE COMMUNITY.

Unofficial Text File

SO THERE IS A BIG COMMUNITY PIECE THAT IS THERE FOR US AS WELL.

I THINK THAT DRIVES US LOTS OF WHAT WE DO AS IN TERMS OF STAFF AND HOW WE PROCESS INFORMATION AND GATHER INFORMATION.

STAFFING, WE ARE IN A STAFFING CRISIS.

WE'VE KNOWN THAT FOR QUITE SOME TIME.

WE'RE CHIPPING AWAY AT IT AND DOING WELL AT CHIPPING AWAY AT GETTING NEW HIRES ONBOARD.

ADDRESSING ISSUES WHERE WE HAVE DIFFICULT TO FILL POSITIONS.

WE'RE DOING A GREAT JOB IN THAT REGARD.

WHEN IT COMES TO THE NUMBER, THIS IS ABOUT VOLUME FOR US TRULY.

WE MAKE OUR OWN WORK TOO.

SO LET'S TALK ABOUT THAT A LITTLE BIT.

BECAUSE WE DEVELOP A STRATEGIC PLAN.

WHERE DEPARTMENTS PUT IN 30 OR 40 TYPES OF PROGRAMS THEY WANTED TO DO TO IMPROVE COMMUNITY SERVICE, AND TO WORK HARDER, WHETHER THAT IS ABOUT HOW WE DEVELOP ADMINISTRATIVE REGULATIONS, TO HIRE THE BEST EMPLOYEES, TO TRAINING, TO WHATEVER IT IS, WE HAD OUR OWN SET OF INITIATIVES COMING THROUGH THE STRATEGIC PLAN AS WELL.

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ON TOP OF THAT WE HAD REFERRALS.

SO WE AT ONE POINT WE HAD OVER 300 REFERRALS.

AND I WOULD PROBABLY REDUCE THAT TO ABOUT 250.

NOW WE'RE DOWN TO 80 TO 90 REFERRALS.

Unofficial Text File

I THINK THE OTHER THING THAT KIND OF CHALLENGED US IS THAT THESE THINGS WOULD COME IN AT VARIOUS TIMES THROUGH THE YEAR AND IT WILL BE A START STOP FOR US.

WE WOULD START THE WORK ON A PROJECT.

AND THEN WE WOULD GET TWO OR THREE NEW PROJECTS THAT WOULD REQUIRE US TO STOP AND RESTART.

SO THAT CREATED BACK LOG FOR THOSE PRIOR AS WE START LIFTING UP NEW.

WE WERE UNABLE TO SHIFT AND BE AS FLEXIBILITY AS WE WOULD LIKE TO BE IN TERMS OF ADDRESSING AND IMPLEMENTING THAT POLICY.

WHOLE STAFFING HAS BEEN AN ISSUE FOR US, I THINK PRIORITIES KNOWING WHAT THEY ARE FOR THE CITY HAS BEEN SOMETHING I'VE BEEN CHALLENGED WITH IN TRYING TO ADDRESS WHAT ARE OUR TRUE PRIORITIES ACROSS-THE-BOARD AND HOW DO I GET TO WHAT IS MOST IMPORTANT TO THIS COUNCIL FIRST, SECOND AND THIRD SO I HAVE THAT IN MY QUEUE.

SO WE'VE USED R.R.V. TO TRY AND GATHER THAT AS A PRIORITY BASE FOR US TO LAUNCH AND COMPLETE INITIATIVES AND WORK.

I THINK WE'VE DONE WELL WITH THAT.

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WE'VE NOT ALWAYS BEEN ABLE TO ADDRESS THE NUMBER-ONE PRIORITY BECAUSE BEEN, REMEMBER THE YEAR PRIOR WE WORKED ON NEW INITIATIVE SAID.

THOSE ARE EITHER UNDERWAY OR NOT STARTED.

Unofficial Text File

ESPECIALLY IF YOU ARE A DEPARTMENT WITH FIVE OR 10 REFERRALS THAT COME TO YOU.

SO IT'S NOT ONLY THE AMOUNT AND NUMBERS.

WE ALSO GET LOTS OF PROJECTS FROM STATE AGENCIES, OUR LOCAL PARTNERS, OUR COMMISSIONS, AND OF COURSER, WITH POLICY COMMITTEES WE'RE DOING WORK WITH THEM AS WELL.

OUR PLATES ARE EXTREMELY FULL GENERALLY.

BUT WHAT I THINK IS HELPFUL FOR US IS NOT GOING TO BE THE A CONVOLUTED OR COMPLEX PROCESS.

I AGREE.

I THINK WE DON'T WANT TO PUT IN SOME COMPLICATED OR YOU KNOW, PROCESS THAT IS GOING TO RENDER US PARALLELIZED IN TERMS OF INITIATIVES I'M NOT SAYING THESE ARE DOING THAT.

MY POINT IS WE DON'T WANT TO PUT TOO MUCH IN THERE.

WHAT IS HELPFUL FOR ME AS THE CITY MANAGER WHICH I SHARED BEFORE IS HAVING CORE PRIORITIES.

EVERYTHING CAN'T BE AN EMERGENCY OR AT THE SAME LEVEL OF PRIORITY AS -- THEY ALL CAN'T HAVE EQUAL PRIORITY FOR US.

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BECAUSE AND WE DON'T WANT TO SHIFT EVERY TIME THERE IS A NEW THING.

BUT WE'RE SHIFTING AND WE PUT SOMETHING ON THE BACK BURNER, WE START ANEW.

Unofficial Text File

WHAT IS HELP IF ME, IF WE TRULY HAVE A PROCESS, WE CAN LEAN IN AND SAY, YOU GOT THESE 30 MAJOR INITIATIVES OR THINGS YOU ARE WORKING ON, THESE 20 WE WANT YOU TO PUT ON HOLD SO YOU CAN GET THEM DONE AND COME BACK TO THESE.

WE KNOW WHAT WE'RE PUTTING ON HOLD, WE KNOW WHAT IS STOPPED OR YIELDED.

RIGHT NOW WE TRY TO PECK AT ALL OF THEM AND NEVER GET ALL YOU HAVE THEM DONE.

IT WOULD BE GOOD TO KNOW IF WE HAVE A PROCESS TO ALLOW US TO COME TO YOU AND SAY, WE'VE GOT THIS SIX YOU HAVE GIVEN US TO WORK ON, WE NEED TO MOVE THESE FIVE TO THE BACK BURNER.

THAT IS HELPFUL SO EXPECTATIONS FOR THE COMMUNITY AND COUNCIL AND STAFF ARE CLEAR.

SO WHENEVER WE HAVE NEW THINGS THAT ARE GOING TO IMPACT OLD THINGS, WE NEED TO PUT SOMETHING ON HOLD.

AND I THINK A CLEAR PROCESS TO DO SO WOULD BE HELPFUL.

I THINK THE COMPLEXITY OF THE WORK THAT WE DO IS SOMETIMES NOT SEEN.

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THE WORK THAT COMES FROM NOT ONLY THE COUNCIL BUT OUR DEPARTMENTS AS WELL, OUR COMMISSIONS AND PARTNERS OUT THERE, STATE AGENCIES, THAT WORK IS COMPLICATED, DETAILED AND IT'S HARD.

Unofficial Text File

SO AS WE'RE TRYING TO CHALLENGE OUR WAY THROUGH ALL OF THAT IT TAKES TIME.

TO ME THOSE ARE THE THINGS THAT KIND OF IMPACT THIS WORK.

AND THE WORKLOAD FOR ME AS CITY MANAGER.

THANK YOU FOR GIVING ME A MOMENT TO SAY ALL OF THAT.

I APPRECIATE IT.

>> R. KESARWANI: THANK YOU, MADAM CITY MANAGER.

I APPRECIATE HEARING THAT.

I THINK IT'S NOT ALWAYS CLEAR TO ME AND PERHAPS NOT TO MY COLLEAGUES WHAT EXACTLY IS ON YOUR PLATE.

AND I DO KNOW SOME OF THE MY COLLEAGUES TALKED ABOUT EXAMPLES, THINKING ABOUT THE ACCESSORY DWELLING ORDINANCE THE OTHER NIGHT.

WE DID ADD TWO REFERRAL SAID AND PART OF WHAT I UNDERSTOOD FROM THE PLANNING DIRECTOR WAS DOING THAT SURVEY YOU KNOW THAT'S ADDITIONAL STAFF TIME POTENTIALLY, MAYBE NOT SO MUCH IF WE USE PUBLICLY AVAILABLE DATA.

I WAS THINKING ABOUT STATE MANDATES AS IT RELATES TO THE HOUSING ELEMENT AND DEADLINES WE HAVE TO ATTEMPT TO LIVE UP TO.

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AND SO I THINK THAT'S AN EXAMPLE WHERE WE HAVE GIVEN MORE REFERRALS NOW TO THAT DEPARTMENT BUT THAT DOESN'T TAKE AWAY THE STATE MANDATES AND THINGS THAT ARE CURRENTLY IN PROCESS THAT HAVE TO BE COMPLETED.

Unofficial Text File

SO I KNOW OUR AGENDAS IS GOING TO TAKE THIS BACK.
AND SOLVE IT ALL IN THE NEXT MEETING PROBABLY IN SHORT ORDER.
SO IN ANY CASE, I WANT TO THANK THOSE WHO THOUGHT ABOUT THIS AND YEAH, I DO, I JUST WANT TO SAY GENERALLY AM A LITTLE BIT CONCERNED ABOUT A LENGTHY BUREAUCRATIC PROCESS.
BUT I DO THINK WE HAVE TO GIVE OUR CITY STAFF CLEAR PRIORITIES THAT ARE ACHIEVABLE SO THAT MEANS THERE DOES HAVE TO BE SOME KIND OF LIMIT TO IT THAT WE DO HAVE THINK ABOUT.
AND I THINK THE BIGGEST CONCERN THAT I HAVE AS A MEMBER OF THIS BODY IS WHEN WE GET A LARGE NEW PROGRAM THAT THE CITY HAS NEVER DONE BEFORE THAT WOULD REQUIRE YOU KNOW NEW STAFF, NEW SIGNIFICANT BUDGET ON AN ONGOING BASIS.
THOSE ARE THE THINGS THAT YOU KNOW, I JUST WANT US TO BE AWARE OF THOSE COMMITMENTS WHEN WE MAKE THEM.
BECAUSE THOSE ARE THINGS WE HAVE TO PLAN FOR ON AN ONGOING BASIS.
SO THERE IS SOME WAY, YOU KNOW, IF WE'RE GOING TO TAKE THOSE THINGS ON, WE HAVE TO THINK ABOUT WHAT ARE WE NOT GOING TO DO.
IN SOME CASES I THINK ABOUT DEPARTMENTS LIKE H.H.C.S.

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HOUSING HEALTH AND COMMUNITY SERVICES, A LOT OF WHAT THEY DO IS MANDATED.

THESE ARE REQUIRED PROGRAMS THAT WE'RE ADMINISTERING, WE RUN A PUBLIC HEALTH DEPARTMENT, WE HAVE A MENTAL HEALTH DIVISION, WE HAVE TO RUN THESE PROGRAMS.

Unofficial Text File

AND SO, YOU KNOW, WE HAVE TO FIGURE OUT WHAT DOES IT MEAN WHEN WE GIVE THAT DEPARTMENT A WHOLE NEW PROGRAM TO LIFT UP AND HOW IS THAT GOING TO HAPPEN WITH A STAFFING SITUATION WE'RE IN.

AND YOU KNOW, I THINK IT MAY BE A NEW NORMAL BECAUSE I'M HEARING A LOT ABOUT GOVERNMENT AGENCIES THAT HAVE HIGH VACANCY AND YOU KNOW, IT'S A CHALLENGE BECAUSE ALL OF THESE ENTITIES ARE RECRUITING AND IT'S A CHALLENGING LABOR SITUATION RIGHT NOW.

SO IN ANY CASE, I WILL LEAVE IT AT THAT AND THANK EVERYONE FOR THE THEIR CONTRIBUTIONS TO THIS ITEM.

THANK YOU.

>> MAYOR J. ARREGUIN: COUNCILMEMBER HARRISON, THEN WRAP IT UP.

>> K HARRISON: MADAM CITY MANAGER, THAT WAS HELPFUL.

I THINK WE INSTITUTE THE R. R.V. TO DO WHAT YOU ARE TALKING ABOUT.

I WOULD LOVE FOR YOU TO DISCUSS WITH THE AGENDA COMMITTEE WHY THAT DOESN'T FUNCTION THAT WAY.

I THOUGHT THAT'S WHY WE HAD IT.

THERE IS SOMETHING MISSING WE NEED TO DEAL WITH.

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I WANTED TO MAKE SURE ALL OF US RECOGNIZE THERE IS SOMETHING NOT QUITE RIGHT ABOUT THE R.R.V. AND IT'S NOT GETTING THE CITY MANAGER WHAT SHE NEEDS.

HOWEVER WE CAN GET THAT RESOLVED WOULD BE GREAT.

Unofficial Text File

THANK YOU.

>> MAYOR J. ARREGUIN: OKAY.

THANK YOU VERY MUCH.

I THINK THIS WAS A GOOD DISCUSSION.

I APPRECIATE WE HAD THIS FORUM TO HEAR EVERYONE'S INPUT.

SO WE'LL TAKE ALL THIS FEEDBACK BACK TO THE COMMITTEE.

AND TRY TO IDENTIFY THE AREAS WHERE THERE IS CONSENSUS.

FIRST AND FOREMOST, I HEARD CONSENSUS THAT STAFF INPUT INTO THE PROCESS OF DRAFTING LEGISLATION IS IMPORTANT EARLIER IN THE PROCESS.

I THINK EVERYONE IS IN AGREEMENT ON THAT.

THAT WE NEED TO DEVELOP SOME CLEAR CRITERION FOR DETERMINING WHAT IS A MAJOR ITEM.

I THINK- AND THE CITY MANAGER ACTUALLY PROVIDED SOME SUGGESTED LANGUAGE FOR DEFINITION CANNOT BE OPERATIONALIZED OVER TIME, NOT IMPLEMENTABLE WITH EXISTING RESOURCES.

ADDITIONAL AND NEW FTE NEEDED.

ADDITIONAL COSTS.

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SOME METRIC BY WHICH THIS CAN'T BE ABSORBED BY EXISTING RESOURCES WE NEED TO DEDICATE NEW RESOURCES AND THAT IS NOT A PROBLEM.

AND I HAVE TO SAY THAT, YOU KNOW, WE'RE BERKELEY.

YOU KNOW, WE'RE ALWAYS AT THE CUTTING EDGE.

Unofficial Text File

YES WE HAVE TO PROVIDE BASELINE SERVICES BUT WE ALSO ARE REALLY AT THE FOREFRONT OF INNOVATIVE PUBLIC POLICY.

AND RESPONDING TO A LARGE MACRO ISSUES.

THAT ARE FACING THIS COUNTRY AND THIS REGION.

AND THAT WE'RE RESPONDING TO AND PROGRESS WE'RE MAKING IN BERKELEY TO ADDRESS THE HOUSING CRISIS, HOMELESSNESS, PUBLIC SAFETY.

AND MODELING BEST PRACTICES THAT OTHER CITIES CAN FOLLOW IN THE STATE.

AND THAT DOES MEAN WE HAVE TO THINK OUTSIDE THE BOX AND DO NEW THINGS.

AND TAKE ON NEW LEVELS OF RESPONSIBILITY AND ADAPT AND EVOLVE IN THE WAY WE SERVE THE COMMUNITY.

THERE IS ONLY SO MUCH STAFF AND BUDGET.

HAVING A CLEAR PROCESS AND WAY TO PRIORITIZE, AND MAKING SURE WE HAVE FLEXIBILITY TO BE RESPONSIVE TO WHAT IS HAPPENING IN THE COMMUNITY AND WHAT THE COMMUNITY WANTS.

THAT'S WHAT THE PEOPLE OF BERKELEY WANT FROM US.

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GOING BACK TO A FEW OTHER THINGS.

WE NEED TO DEAL WITH THE BACKLOG.

I THINK AS WE GO BACK TO THE AGENDA COMMITTEE, DEFINITELY LOVE TO HEAR MORE FROM THE CITY MANAGER, CITY CLERK AND OTHER STAFF ABOUT YOUR THOUGHTS TOXIC THIS INPUT INTO CONSIDERATION.

Unofficial Text File

WE'LL TRYING TO SUMMARIZE THE FEEDBACK AND NOTES TO THE COMMITTEE THAT WILL BE IN THE PACKET.

SO I THINK THERE IS AREAS OF AGREEMENT.

LOOKING AT USING A TEMPLATE WITH MORE REQUIRING MORE SPECIFIC INFORMATION ABOUT WHAT SHOULD BE IN AN ITEM TO MAKE SURE WE HAVE THE RELEVANT INFORMATION AND MAKE A DECISION THAT WE SHOULD TRY TO ALIGN IT WITH THE BUDGET PROCESS.

WE NEED TO FIGURE OUT THE TIMING OF THAT.

IS IT ONE TIME LINE, IS IT A ROLLING TIMELINE, WHAT IS THE TIMELINE FOR WHERE THE INPUTS ARE COMING IN AND OUTPUTS ARE COMING OUT.

AND REALLY SORT OF HELPING STRENGTHEN THE ROLE OF THE POLICY COMMITTEE TO REVIEW ITEMS IS ONE THING I HEARD AS WELL AND MAKING SURE WE HAVE CITY ATTORNEY REVIEW AND WE'RE ABLE TO HAVE THINGS OUT OF THE PROCESS IN ORDER FOR US TO BUDGET FOR THEM AND IMPLEMENT THEM.

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SO I THINK WE HAVE SOME COMMONALITY FROM THE FEEDBACK WE'VE GOTTEN AND WE'LL TRY TO CONSOLIDATE THIS INPUT AND COME BACK WITH A FRAMEWORK FOR THE COUNCIL TO CONSIDER.

WE DO NEED TO MOVE ON.

Unofficial Text File

WE'RE PAST DUE FOR OUR 6:00 MEETING.

UNLESS IT IS CRITICAL, I WOULD LIKE TO WRAP UP THE DISCUSSION.

THANK YOU FOR YOUR COMMENTS.

I MAKE A MOTION TO ADJOURN THE 4:00 P.M. MEETING.

>> SECOND.

>> MAYOR J. ARREGUIN: IF WE CAN PLEASE CALL THE ROLL.

[ROLL CALL]

>> R. KESARWANI: YES.

>> T. TAPLIN: YES.

>> B. BARTLETT: YES.

>> K HARRISON: YES.

>> S. HAHN: YES.

>> S. WENGRAF: YES.

>> R. ROBINSON: YES.

>> M. HUMBERT: YES.

>> MAYOR J. ARREGUIN: YES.



There is no material for this item.

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