AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING

MONDAY, NOVEMBER 4, 2024
2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704
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/j/1610456803. 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: 161 045 6803**. 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: October 28, 2024**
2. **Review and Approve Draft Agenda:**
   a. 11/19/24 – 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**
10. **Discussion and Recommendations on the Continued Use of the Berkeley Considers Online Engagement Portal**

Unscheduled Items

11. **Modifications or Improvements to City Council Meeting Procedures (referred by Council at the March 14, 2023 meeting)**
12. **Strengthening and Supporting City Commissions: Guidance on the Development of Legislative Proposals**
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, November 18, 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, OCTOBER 28, 2024
2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704
Teleconference Location - 1404 Le Roy Ave, Berkeley, CA 94708

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf
Alternate: Councilmember Terry Taplin

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Roll Call: 2:34 p.m.

Present: Wengraf, Arreguin

Absent: Hahn

Public Comment – 6 speakers

Review of Agendas

1. **Approval of Minutes: October 15, 2024**
   Action: M/S/C (Arreguin/Wengraf) to approve the minutes of 10/15/24.
   Vote: Ayes **–** Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Hahn.

2. **Review and Approve Draft Agenda:**
   a. 11/12/24 – Regular City Council Meeting
   Action: M/S/C (Arreguin/Wengraf) to approve the agenda of 10/15/24 with the changes noted below.

   - *Add remote participation location for Mayor Arreguin*
   - *Item Added: Budget Referral South Cove Seawall (Taplin)*
   - *Item Added: Budget Referral F & G Dock (Taplin)*
   - *Item Added: Budget Referral Afterschool Programs (Taplin)*
   - *Item Added: Budget Referral Traffic Study (Tregub)*
   - *Item Added: Budget Referral Accessible Pedestrian Signal (Tregub)*
   - *Item Added: Budget Referral Berkeley Art Center (Hahn)*
   - *Item Added: Budget Referral ADA Park Improvements (Wengraf)*
   - *Item 5 Arts Recovery (Wengraf) – revision to fiscal year*

   Order of Action Items
   Item 8 Community Energy
   Item 9 Tax Exemption
   Item 10 Surveillance Technology Report
   Item 11a\b Poverty and Homelessness
   Vote: Ayes **–** Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Hahn.

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

4. **Adjournments In Memory** – None

Scheduling

5. **Council Worksessions Schedule** – received and filed

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

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

Unscheduled Items

Referred Items for Review

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

   Action: 0 speakers. Item continued to next meeting.

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

   Action: 1 speaker. Item continued to next meeting.

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

    Action: 0 speakers. Item continued to next meeting.

Unscheduled Items

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

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

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/Wengraf) to approve the minutes of 10/15/24.
Vote: Ayes **–** Wengraf, Arreguin; Noes – None; Abstain – None; Absent – Hahn.

Adjourned at 3:09 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on October 28, 2024.

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Mark Numainville, City Clerk

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DRAFT AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, November 19, 2024
6:00 PM

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

TELECONFERENCE LOCATION - 1301 VENTURA CANYON AVE, GLENDALE, CA 91201

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. Amendment: FY 2025 Annual Appropriations Ordinance
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending the FY 2025 Annual Appropriations Ordinance No. 7,926–N.S. for fiscal year 2025 based upon recommended re-appropriation of committed FY 2024 funding and other adjustments authorized since July 1, 2024.
Financial Implications: See report
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

2. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of October 1, 2024 (regular), October 15, 2024 (regular), October 21, 2024 (closed), October 29, 2024 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

3. 2024 Annual Commission Attendance and Meeting Frequency Report
From: City Manager
Recommendation: In accordance with Resolution No. 71,109-N.S., review and accept the 2024 Annual Commission Attendance and Meeting Frequency Report.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

4. Contract: Dorothy Day House to Operate Interim Housing at the Howard Johnson Motel
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and all necessary amendments with Dorothy Day House to operate an interim housing program at the Howard Johnson Motel (1619 University Ave.) in an amount not to exceed $5,313,826.28 for the period of January 1, 2025 to December 31, 2028.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000

Consent Calendar

5. Encampment Resolution Funding Round 3 Grant Award
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to receive a $5,395,637.04 Encampment Resolution Funding Round 3 grant award from the State of California, and to enter into contract and all necessary amendments with the State of California resulting from this funding.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000

6. Urgency Ordinance for Leasing the Real Property at 1512 University Avenue
From: City Manager
Recommendation: Adopt an Urgency Ordinance to enter into a lease for the real property located at 1512 University Avenue, Berkeley for a term of 48 months.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000

7. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 19, 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

8. Contract: Royal for Mental Health Ambulance Transport Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Royal Ambulance (Contractor) to provide the following mental health related transport services for the City from January 1, 2025 to December 31, 2027, in an amount up to $6,000,000, with an option to extend for three additional years in one-year increments, for a total contract amount not to exceed $14,000,000.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

9. Contract No. 32300144 Amendment: Resource Development Associates for Specialized Care Unit (SCU) Evaluation
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to amend Contract No. 32300144 with Resource Development Associates (RDA) to add $40,000 for a not-to-exceed total contract amount of $290,000.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

10. Request for Proposals for Housing Trust Fund Rehabilitation Projects
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to release a Request for Proposals (RFP) for approximately $6 million in Housing Trust Fund (HTF) program funds to support the rehabilitation of existing affordable rental housing developments in the City's HTF portfolio, to certify Community Housing Development Organizations (CHDO), and to award CHDO operating support.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

11. Revenue Contract: 2025 Community Services Block Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to accept the 2025 Community Services Block Grant (CSBG) to provide services for low-income people for the period January 1, 2025 to April 30, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

12. Contract No. 112798-1 Amendment: Geographic Technologies Group for Geographic Information System (GIS) Strategic Workplan
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 112798-1 with Geographic Technologies Group (GTG) for Geographic Information System (GIS) professional services, for a total not to exceed $50,000 and for a total contract value of $549,411 from September 14, 2016 to June 30, 2026.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

13. Exclusive Negotiating Agreement with TSA Holdings, LLC, for the Property at 199 Seawall Drive
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to execute an Exclusive Negotiating Agreement (ENA) with TSA Holdings, LLC (TSA) to develop a lease agreement for the lease of City property at 199 Seawall Drive.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

14. Ashby BART Transit Oriented Development (TOD) Legal Agreements
From: City Manager
Recommendation: Adopt first reading of an Ordinance that:
1. Authorizes the City Manager to execute contractual agreements with San Francisco Bay Area Rapid Transit District (BART) in order to effectuate transit-oriented development in accordance with the nonbinding term sheet adopted by Council on September 16, 2024 (Resolution No. 71,514-N.S.) and executed by the City and BART on September 21, 2024; and
2. Adopts the Addendum to the Ashby and North Berkeley BART Stations Transit Oriented Development (TOD) Zoning Project.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

15. Contract: Nema Construction for FY 2023 Street Light Maintenance Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the Street Rehabilitation FY 2023 Project, Specification No. 24-11668-C; 2. Accepting the bid of the lowest, responsive and responsible bidder, Nema Construction;
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, in an amount not to exceed $424,465.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

16. Contract: Sposeto Engineering, Inc. for Southwest Berkeley Bikeway and Bus Stop Improvements Project
From: City Manager
Recommendation: Adopt a Resolution, as a condition of receiving grant funding from the State of California Affordable Housing and Sustainable Communities (AHSC) program: 1. Approving plans and specifications for the Southwest Berkeley Bikeway and Bus Stop Improvements Project ("Project"), Specification Nos. 24-11640-C & 24-11666-C; 2. Accepting the bid of Sposeto Engineering, Inc., the lowest responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with Sposeto Engineering, Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed $2,390,000, which includes a 10 percent contingency for unforeseen circumstances.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

17. Contract: Telegraph-Channing Parking Garage Restroom Renovation & Elevator Improvements Project
From: City Manager
Recommendation: Adopt a Resolution:1. Approving plans and specifications for Telegraph-Channing Parking Garage Restroom Renovation & Elevator Improvements Project (Project), Specification No. 22-11535-C; and 2. Accepting the bid of W.E. Lyons Construction Co. as the lowest, responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or other change orders until the Project is completed in accordance with the approved plans and specifications for an amount not to exceed $2,413,689, which includes a contingency of $314,829.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

18. Contract No. 10413C Amendment: LAZ Parking LLC for Managing City- Owned Off-Street Parking Facilities
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 10413C with LAZ Parking, LLC, a parking management company, to provide management services for the Telegraph Channing, Oxford, and Center Street garages, extending the term to December 31, 2026 and increasing the contract amount by $6,073,974 for a total not-to-exceed amount of $22,326,349.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

19. Contract No. 31900036 Amendment: On-Call Civil Engineering Services, Bellecci & Associates, Inc.
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900036 with Bellecci & Associates, Inc. for on-call civil engineering services, increasing the contract amount by $750,000 for a total not-to-exceed the amount of $1,750,000 and extending the term of the contract to June 30, 2026.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

20. Contract No. 31900162 Amendment: Pride Industries, Inc. Contract for Custodial Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900162 with Pride Industries, Inc. for citywide custodial services to: Approve additional appropriations related for performance of this contract and coverage of the Living Wage Ordinance in the amount of $1,100,000 for a total not-to-exceed amount of $6,225,735 which includes updated service rates for Year 6 of the agreement.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

21. Contract No. 32000179 Amendment: Allied Universal Security Service for Citywide Unarmed Security Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000179 with Allied Universal Security Service (formerly First Alarm Security & Patrol, Inc.) for citywide unarmed security services in the amount of $900,000 for a new total not to exceed $4,450,000 and extend the contract through February 28, 2026.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

22. Contract No. 32300177 Amendment: Baker Tilly for On-Call Professional Development Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300177 with Baker Tilly, increasing the contract by $100,000 for consulting services in a total amount not to exceed $125,000, with a contract end date of December 31, 2027.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

23. Appointment of Maria Sol and Ashley (Jiahao) Gu to the Mental Health Commission
From: Mental Health Commission
Recommendation: Adopt two Resolutions approving the recommendation for appointment of Maria Sol and Ashley (Jiahao) Gu to the Mental Health Commission both as representatives of the Special Interest Category, Consumer. Maria Sol's 3-year term will begin on November 20, 2024 and end on November 19, 2027. Ashley Gu's 3-year term will begin on November 20, 2024 and end on November 19, 2027.
Financial Implications: None
Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5400

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and 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.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

24. Amendments to BMC Chapter 22.16, Development Agreement Procedures
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an Ordinance amending BMC Chapter 22.16, “Development Agreement Procedures.”
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – Policy Committee Track Items

25. Exploring the Formation of Joint Powers Authority (JPA) or other entity to Publicly Finance the Development of a Hospital to Meet Regional Healthcare Needs
From: Mayor Arreguin (Author), Councilmember Hahn (Author)
Recommendation: 1. Direct the City Manager and City Attorney to explore establishing necessary legal and financial structures, such as a Joint Powers Authority (JPA) or Hospital District, with relevant East Bay jurisdictions, to facilitate public financing for a full service public acute and emergency care hospital serving Berkeley and the greater East Bay. 2. Authorize the City Manager and City Attorney to engage staff or consultants as needed, and submit further budget requests if additional resources are required.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100, Sophie Hahn, Councilmember, District 5, (510) 981-7150

Action Calendar – Policy Committee Track Items

26. Referral to City Manager: Equity for Black Berkeley (E4BB) Initiative
From: Mayor Arreguin

Recommendation: Adopt a Resolution, recognizing the vision and goals of the Equity for Black Berkeley (E4BB, previously referred to as EBB), historicizing the work that has been completed to date, recognizing the current and past City staff and external stakeholders involved with E4BB, and maintaining E4BB as a priority of the City.

Refer to the City Manager the following actions to be taken:

1. Establish a representative for E4BB (the "E4BB Representative") with the following responsibilities: a. Represent the City's interests when relating to matters of the E4BB initiative; b. Liaise between City officials and external partners and parties associated with E4BB; c. Draft policies that advance the work aligned with vision and goals of E4BB in connection with the Mayor's Office and other legislators within the City and across jurisdictions and agencies, as needed; d. Oversee and coordinate the implementation of work related to E4BB across the City and with external stakeholders, providing updates to the Mayor's Office, as appropriate; and e. Pursue internal and external resources and funding opportunities to advance the work of E4BB in the near- (1-2 years) and long-term (3+ years).
2. Determine the appropriate staffing and financial resources needed to monitor and communicate the implementation of the following existing and future projects and policies related to E4BB with the E4BB Representative: a. Implementation of Ashby BART TOD; b. Data collection and analysis of the impact of the Preference Policy; c. Implementation of Housing Element, with particular attention in identifying priorities sites for expanding the efficacy of the Preference Policy and what unmet needs may be invested in through the establishment of a non-governmental organization outside of the City; d. Improvements to establish cultural vibrancy and accessibility in South Berkeley, creating recommendations for what potential EIFD funds can be used towards; e. Growth opportunities to expand the economic viability of small businesses and commerce in the South Berkeley area, including support to sustain and grow the success of the Berkeley Flea Market; f. Facilitating the intersection of the African American Holistic Resource Center (AAHRC) with relevant work in South Berkeley, particularly the new Ashby TOD residents and EFID related projects; g. Management of financing, expenditures, and balance sheets received by the City related to E4BB including but not limited to grants, City investments from the General Fund, and an EIFD fund; h. Legal representation and support with negotiations, contracts, and MOUs with outside jurisdictions, external E4BB partners, and internal discussions of authority and governance; and i. Provide 1) supervision of an unpaid staff person offered by the Partnership for the Bay's Future (PBF) grant program (should the City of Berkeley become selected as a government host site) and 2) communication on the progress and connection of projects relating to E4BB including but not limited to the Ashby BART TOD, Black Arts and Cultural District, Small Sites, EIFD, Black Health Equity Zone, Berkeley Flea Market and AAHRC.
3. With assistance from the E4BB representative, create a template MOU to be drafted and circulated with outside groups engaged in E4BB, including, but not limited to: a. Berkeley Flea Market; b. Healthy Black Families; c. San Francisco Foundation; and d. External Consultants (Ndidi Love, Randolph Belle aka Creative

Development Partners, communications experts, etc).
4. Work with the E4BB Representative to pursue additional external and internal investments to help with creating a non-governmental organization to manage a community investment fund beyond 2026 and transition the work of E4BB to be managed within this entity.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

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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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

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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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Mental Health Commission

CONSENT CALENDAR
November 19, 2024

To: Honorable Mayor and Members of the City Council

From: Mental Health Commission

Submitted by: Monica Jones, Chairperson, Mental Health Commission

Subject: Appointment of Maria Sol and Ashley (Jiahao) Gu to the Mental Health Commission

RECOMMENDATION

Adopt two resolutions approving the recommendation for appointment of Maria Sol and Ashley (Jiahao) Gu to the Mental Health Commission both as representatives of the Special Interest Category, Consumer. Maria Sol's 3-year term will begin on November 20, 2024 and end on November 19, 2027. Ashley Gu's 3-year term will begin on November 20, 2024 and end on November 19, 2027.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The Mental Health Commission is authorized to be composed of thirteen members. However, there are presently seven vacancies on the Commission. The Mental Health Commission is actively seeking candidates with the ability to fulfill the state law duties for Commissioners, including reviewing and evaluating the community's needs, services, facilities, and special problems.

Approval of the recommended action will fill two of the existing vacancies and allow the Commission to move one step closer to having a full and diverse complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

BACKGROUND

California State law requires that appointments to the Mental Health Commission meet specific categories, who may serve up to nine years consecutively. Maria Sol meets the category of special interest, consumer. The general public interest category may include anyone who has an interest in and some knowledge of mental health services. The special public interest category includes direct consumers of public mental health services and family members of consumers, which together must constitute at least fifty

percent or nine of the commission seats. Direct consumers and family members shall each constitute at least 20% of the commission membership.

The Mental Health Commission recommends Maria Sol as a representative of the special interest category, consumer appointment on the Mental Health Commission for the city of Berkeley for a three-year term. Maria has studied and majored in psychology and sociology providing services in the community, actively involved in human welfare, homeless prevention, mitigation and advocacy. Based on her opinion, the most important mental health issues in Berkeley are neglect, lack of support, prejudice and disparagement, alienation and trauma. She wants to help people see their potential and value, and connect with them by listening and providing real support.

Maria shares that she has personal direct lived experience. She has engaged with folks from coast to coast and has worked in state hospitals, shelters, programs for battered women, and focuses on advocacy for “maximum health and well-being.”

The Mental Health Commission passed the following motions at the September 26, 2024 meeting:

Interview and vote on nomination of Maria Sol to the Mental Health Commission:

> M/S/C (Prichett, Opton) Motion that we move to recommend Maria Sol to the city council for the mental health commission.
> **PASSED**
> Ayes: Jones, Krishnan, Prichett, Opton, Turner Noes: None; Abstentions: None; Absent: Lunaparra

The Mental Health Commission recommends Ashley (Jiahao) Gu as a representative of the special interest category, consumer appointment on the Mental Health Commission for the city of Berkeley for a three-year term. Ashley is a first-generation Chinese immigrant who has witnessed and experienced the process of not only seeking mental health services but also overcoming her community’s sociocultural stigma around the subject. She is currently enrolled at UC Berkeley and has been a chapter leader and advisory board member for Bring Change 2 Mind, a nonprofit focused on youth mental health stigmatization, and a counselor for the California Youth Crisis Hotline, and she hopes to continue participating in this work through supporting the efforts of the Commission.

From Ashley’s perspective, the most important mental health issue in Berkeley is serving the unique needs of everyone on the broad socioeconomic and cultural spectrum. Another important issue she shared is that, within mental health services in the City of Berkeley, there is an apparent lack of streamlined access to urgent non-emergency mental health care. At UC Berkeley, for example, many students

report that it's difficult to book same day or next day appointments, an obstacle that once again discourages community members from seeking help.

Ashley's recommendation about what to do about issue in Berkeley is to start conducting data analysis and field studies within the city to identify different demographic groups, their levels of access to mental health services, their attitudes towards these services, and their preferred method of support in times of crisis. This would allow the city to create tailored advertisements towards these groups and to implement culturally sensitive tools and related training. Additionally, data points like these can help the city in pinpointing the specific issues hindering each socioeconomic group's access to care, from which the process for accessing care can be streamlined and resources to explain the process can be created.

Interview and vote on nomination of Ashley (Jiahao) Gu to the Mental Health Commission

M/S/C (Prichett, Turner) Motion that we move to recommend Ashley (Jiahao) Gu to the city council for the mental health commission.
PASSED
Ayes: Jones, Krishnan, Prichett, Opton, Turner Noes: None; Abstentions: None; Absent: Lunaparra

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION
Approval of the recommended action will allow the Mental Health Commission to move one step closer to having a full and diverse complement of commissioners to review and evaluate the community's mental health needs, resources, and programs.

ALTERNATIVE ACTIONS CONSIDERED
None.

CITY MANAGER
The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON
Jamie Works-Wright, Commission Secretary, HHCS, 510-981-7721

Attachments:
1: Resolution – Appointing Maria Sol
2: Resolution – Appointing Ashley (Jiahao) Gu

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

APPOINTMENT OF MARIA SOL TO THE MENTAL HEALTH COMMISSION

WHEREAS, membership of the Mental Health Commission is composed of thirteen appointments by the City Council as a whole, including one appointment by the Mayor (*or designee),* six special public interest appointments, and four general public interest appointments; and

WHEREAS, with the ongoing implementation of the Mental Health Services Act, the City of Berkeley will need to have a full complement of diverse appointees to the Commission to review and evaluate the community's mental health needs, resources, and programs and to fulfill its mandate; and

WHEREAS, Maria Sol has studied and majored in psychology and sociology providing services in the community offering her lived experience; and

WHEREAS, The Mental Health Commission at its September 26, 2024 meeting recommended the appointment of Maria Sol.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council appoints Maria Sol as a representative of the Special Interest category, to complete her first term ending November 18, 2027.

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

APPOINTMENT OF ASHLEY GU TO THE MENTAL HEALTH COMMISSION

WHEREAS, membership of the Mental Health Commission is composed of thirteen appointments by the City Council as a whole, including one appointment by the Mayor (*or designee),* six special public interest appointments, and four general public interest appointments; and

WHEREAS, with the ongoing implementation of the Mental Health Services Act, the City of Berkeley will need to have a full complement of diverse appointees to the Commission to review and evaluate the community's mental health needs, resources, and programs and to fulfill its mandate; and

WHEREAS, Ashley Gu is a first-generation Chinese immigrant who has lived experienced as a consumer and currently enrolled at UC Berkeley; and

WHEREAS, The Mental Health Commission at its September 26, 2024 meeting recommended the appointment of Ashley Gu.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council appoints Maria Sol as a representative of the Special Interest category, to complete her first term ending November 18, 2027.

Office of the Mayor

CONSENT CALENDAR
November 19, 2024

To: Honorable Members of the Berkeley City Council

From: Mayor Jesse Arreguín and Councilmember Sophie Hahn (Authors)

Subject: Exploring the Formation of Joint Powers Authority (JPA) or other entity to Publicly Finance the Development of a Hospital to Meet Regional Healthcare Needs

RECOMMENDATION

1. Direct the City Manager and City Attorney to explore establishing necessary legal and financial structures, such as a Joint Powers Authority (JPA) or Hospital District, with relevant East Bay jurisdictions, to facilitate public financing for a full service public acute and emergency care hospital serving Berkeley and the greater East Bay.

2. Authorize the City Manager and City Attorney to engage staff or consultants as needed, and submit further budget requests if additional resources are required.

BACKGROUND

In 2016, Sutter Health announced its intention to close Alta Bates hospital, the only full-service acute and emergency care hospital between Berkeley and the northernmost communities of Contra Costa County, by 2030. Alta Bates has a capacity of 347 beds, and is the third largest general acute care facility in the region. Its service area includes almost 850,000 residents, of whom 44% are people of color and 36% are below 200% of the federal poverty level.

On July 12, 2016, City Council passed Resolution No, 67,615–N.S, opposing Sutter's plans to close the hospital. The Resolution further resolved that the Mayor, City Council and City Departments pledged to cooperate fully to facilitate this process (Attachment 1). The Mayor's Office convened the Alta Bates Regional Task Force composed of officials from Alameda and Contra Costa Counties, and the cities of Alameda, Albany, El Cerrito, Emeryville, Oakland, San Pablo and Richmond, as a venue to share information and explore policy alternatives.

Subsequently, a formal request was sent to Sutter Health on February 7, 2019

requesting that Sutter provide a plan, in writing, for the retrofitting/rebuild of Alta Bates Hospital or share their future plans for the property. To date, Sutter has not provided such a plan to the City Council or the public and has not indicated in any forum that it plans to continue operating Alta Bates as a full service acute and emergency care hospital after the 2030 deadline.

According to the City's 2018 Health Status Report, significant health disparities persist in Berkeley, particularly impacting the African American community. Despite comprising only 8% of the population, African Americans accounted for nearly 30% of the Years of Potential Life Lost (YPLL), indicating a higher rate of premature death compared to other racial/ethnic groups. This disparity extends to various health conditions: African Americans were 2.3 times more likely to die prematurely from any condition compared to Whites and faced inequitably high rates of hospitalization due to uncontrolled diabetes and its long-term complications. Moreover, the rate of hospitalization due to hypertension among African Americans sharply increased, being over five times that of the total population.

These troubling health trends, coupled with the potential closure of Alta Bates hospital, could further strain the healthcare system, exacerbating the challenges faced by vulnerable populations in Berkeley and intensifying the need for comprehensive and accessible healthcare solutions across the city.

In December 2018, a Rapid Health Impact Assessment Report (RHIA) was commissioned by the Task Force and delivered by a research team at the UC Berkeley Institute of Urban and Regional Development, led by professor Jason Corburn. The RHIA report identified potential health impacts of the closure of Alta Bates. With the hospital serving as a regional hub for pregnancy and birthing, there will be reduced high quality prenatal, birthing & neonatal care accessible to Berkeley and other East Bay residents. Closure will disproportionately impact people of color and low-income/ uninsured residents, many of whom are already at a higher risk of having health complications. Emergency departments in hospitals throughout the region will see increased crowding, leading to longer wait times, longer travel times, and placing additional strains on ambulances, negatively impacting both the Berkeley Fire and Police Departments. Closure also places the entire I-80 corridor at additional risk in the event of a disaster such as an earthquake, wildfire - or pandemic, with victims having less access to emergency services.

In addition to these disparate impacts across the region, the report identified a particularly acute impact to Berkeley's elderly and student populations. Approximately, 13% of the population in the Alta Bates Hospital Service Area is over the age of 65, with an additional 12% between the ages of 55-64. Notably, in three Berkeley ZIP codes (94705, 94707, and 94708), the elderly population (over 65) constitutes 20-30% of the

residents, indicating a significant portion of the population that might require more healthcare services, particularly in the context of emergency services and age-related health issues. Moreover, UC Berkeley students rely heavily on Alta Bates services, with an estimated 4,000 emergency visits per day. Student health and mental health would be impacted by the loss of Alta Bates, where between 2,500-3,000 students are referred to from the student health center (Tang Center).

While securing the healthcare needs of Berkeley residents and understanding and addressing the impacts of closure of Alta Bates have been topics of interest and concern to the City Council for many years, evidenced by resolutions, letters, and studies, the COVID pandemic paused progress at a critical moment - and put enormous stress on health care facilities region-wide, including Alta Bates, which heroically cared for (and continues to care for) victims of this unprecedented pandemic. With the Pandemic now largely under control - and 2030 just six years away - the need to pick up the pace to understand and explore options for the people of Berkeley - and in neighboring communities - to have their healthcare needs met is more urgent than ever.

This year, the Mayor and City Council continued their advocacy to ensure healthcare needs are met. Mayor Arreguín and Councilmember Hahn presented the findings of the 2018 Rapid Health Impact Assessment Report at meetings of the City Councils of Richmond and Albany and did outreach to other nearby jurisdictions to ensure neighboring jurisdictions are educated and aware of the potential impacts of Alta Bates' closure. Each of these jurisdictions expressed their enthusiastic support and appreciation for Berkeley's advocacy efforts, as well as an interest in joining together in future efforts to retain or otherwise obtain access to a full service acute and emergency care hospital serving our communities.

In February 2024, the City Council allocated $300,000 to support the City Attorney's office in engaging technical and legal experts to develop strategies to meet the healthcare needs of Berkeley and the region in the event of Alta Bates' closure. Initial research identified the potential for Berkeley to collaborate with neighboring jurisdictions to publicly finance the construction of a new public hospital to serve the East Bay.

The purpose of this item is to direct staff to continue this work, conducting the necessary financial, technical and other relevant analyses to assess the viability of this approach, or consider others. This action will provide explicit Council direction for the City Attorney and City Manager to work together on an accelerated schedule to bring this exploration to the next step. Any further formal action, such authorizing additional funding or formally establishing a partnership of any kind, would still require Council approval.

FINANCIAL IMPLICATIONS
Staff Time

ENVIRONMENTAL SUSTAINABILITY
Not Applicable

CONTACT PERSON

Mayor Jesse Arreguín	510-981-7100
Councilmember Sophie Hahn	510-981-7150

Attachments:
1. Resolution 67,615
2. City of Berkeley 2018 Health Status Summary Report
3. 2018 Rapid Health Impact Assessment: Proposed Closure of Alta Bates Campus

RESOLUTION NO. 67,615–N.S.

OPPOSE SUTTER HEALTH CORPORATION'S PLAN TO CEASE ACUTE CARE HOSPITAL OPERATIONS AT ALTA BATES HOSPITAL IN BERKELEY, FURTHER REQUESTING CITY DEPARTMENTS TO IDENTIFY PENDING OR FUTURE APPLICATIONS SOUGHT IN FURTHERANCE OF SUCH CLOSURE AND REPORT SUCH APPLICATIONS

WHEREAS, Alta Bates Summit Medical Center, has been providing "full service" Acute Care hospital services in Berkeley, the East Bay and in Alameda and other counties for decades, and

WHEREAS, Alta Bates Summit Medical Center is licensed for 944 acute care beds with more than half of them in Berkeley, and 347 of those at the Ashby facility; and

WHEREAS, Alta Bates Summit Medical Center's Ashby facility is crucial for providing timely healthcare services for the people of Berkeley and cities beyond Berkeley's border; and

WHEREAS, from 2002 through 2015, records from CA's Office of Statewide Health Planning and Development, OSHPD, revealed very high utilization of acute care services at Alta Bates' Berkeley facility, including over one million total days that hospital beds were occupied; which consisted in part of the following:

- 559,136 days patients were treated in Medical units;
- 228,498 days babies treated in Neonatal Intensive Care;
- 103,157 babies delivered;
- 111,946 admissions through the Emergency Departments;
- 73,612 adult Critical Care patients treated; and

WHEREAS, these numbers do not reflect the full scope of the amount of patients treated at the Berkeley facility because census data reported to CA's OSHPD agency does not include patients in "observation" status despite stays of up to 48 hours with "observation" patients; and

WHEREAS, these numbers reflect only the Ashby facility and not the Alta Bates Summit census data at the Oakland Summit site; and

WHEREAS, Sutter Health Corporation has announced its intention to dramatically reduce services by closing the Alta Bates' Berkeley facility in light of SB 1953; and

WHEREAS, the consolidation of hospital services results in loss of services as happened when Alta Bates Hospital merged with Summit Medical Center in 2000, and despite Sutter Health arguing that services would be enhanced, not reduced, when many in the community opposed the merger at that time, Alta Bates Summit afterwards experienced

the loss of many services in the past 15 years, overwhelmingly at the Alta Bates and Herrick campuses; and

WHEREAS, the national average for bed capacity per 1000 residents is 2.9 beds according to World Bank statistics. In Alameda County, the bed capacity is at 1.8 beds and neighboring Contra Costa at 1.4 beds, a figure that does not reflect the final phase of the 2015 closure of Doctor's Medical Center in San Pablo; and

WHEREAS, many hospital departments are often at capacity, and all of the local Emergency Departments already have large delays in service, which will only be exacerbated by the merging of the two full-service Acute Care Hospitals with their Emergency Departments to one Oakland location, increasing even further wait and admission times; and

WHEREAS, the University of California, has 37,581 Undergraduate and Graduate students who depend heavily on hospital services at the Alta Bates campus, including the Alta Bates Emergency Department in close proximity to campus, to address the students' life-threatening illnesses and injuries, and need for medical care; and

WHEREAS, the Berkeley, North Alameda, West Contra Costa area recently suffered the closure of an acute care hospital in San Pablo, and the loss of acute care hospital services as a result, and further, is subject to severe earthquakes, frequent urban interface with wild fires, industrial chemical releases and mass traffic casualties—all of which require emergency services; and

WHEREAS, when Berkeley's first responders are mandated to travel to Summit Campus in Oakland, they are unavailable for service for the rest of Berkeley for prolonged periods of time presenting a significant danger to the lives of Berkeley residents, and forcing an unacceptable standard of healthcare upon them; and

WHEREAS, closures and relocations of corporations on the community, impacting an array of businesses including family-owned businesses, with losses often doubling or tripling those who either lost jobs or had to relocate; and

WHEREAS, when access to healthcare is made more difficult, patients often delay healthcare but also stop seeking the care that is necessary; and

WHEREAS, the stated mission of corporate Sutter Health is to "enhance the well-being of people in the communities we serve through a not-for-profit commitment to compassion and excellences" in health care services; and

WHEREAS, Sutter Health as a non-profit corporation pays little or no property taxes for operations which are non-profit, such as its non-profit hospitals (as opposed to its for-profit operations) and is a highly profitable healthcare corporation whose total assets in the billions grow substantively each year, as shown:

- 2011: $11,820,000,000
- 2012: $12,390,000,000
- 2013: $14,215,000,000
- 2014: $14,290,000,000
- 2015: $14,344,000.000

WHEREAS, Sutter Health needs to live up to its stated mission, be held accountable for its actions, and provide the necessary healthcare for Berkeley residents, and must not be allowed to put profits before lives nor endanger the residents of Berkeley; and

WHEREAS, the Berkeley City Council has a role and responsibility to provide resources to the public to promote and protect its health with no regional body researching the health needs of the greater community.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Berkeley oppose Sutter Health Corporation's plan to close its acute care services at Alta Bates Hospital and calls upon Sutter Health to cease and desist all actions in furtherance of any and all plans to close Alta Bates hospital.

BE IT FURTHER RESOLVED that the Mayor and City Council shall establish open forums to inform and educate Berkeley residents of the possibility of Sutter Health's seismically retrofitting Berkeley's Alta Bates facility; shall ensure the residents of Berkeley are notified of any and all forums under the City of Berkeley's purview; and ensure a full service acute care general hospital for future generations.

BE IT FURTHER RESOLVED that the Mayor, City Council, and City Departments pledge to cooperate fully to facilitate this process such that it is expedited as much is legally permitted.

The foregoing Resolution was adopted by the Berkeley City Council on July 12, 2016 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Droste, Maio, Moore, Wengraf, Worthington and Bates.

Noes: None.

Absent: None.

Tom Bates, Mayor

Attest: Mark Numainville, City Clerk

City of Berkeley

Health Status

SUMMARY

Report

2018

ACKNOWLEDGEMENTS

We wish to acknowledge the many persons who contributed their time, expertise, and wisdom to inform this report. The assistance has been invaluable. We thank the City Manager, Dee Williams-Ridley, the City Council, Health Housing and Community Services (HHCS) Director Paul Buddenhagen, and HHCS staff for their support and dedication to the City's health.

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CITY OF BERKELEY LEADERSHIP

City of Berkeley City Council

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Councilmember Linda Maio, District 1
Councilmember Cheryl Davila, District 2
Councilmember Ben Bartlett, District 3
Councilmember Kate Harrison, District 4
Councilmember Sophie Hahn, District 5
Councilmember Susan Wengraf, District 6
Councilmember Kriss Worthington, District 7
Councilmember Lori Droste, District 8
Berkeley City Manager, Dee Williams-Ridley

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Cover photos: Berkeley Unified School District, Nancy Rubin-Berkeleyside, Annie Burke

INTRODUCTION

The City of Berkeley is a prosperous, innovative, and thriving community. Our city has considerable wealth, high levels of educational attainment, and a rich culture that all contribute to a healthy community. Despite overall good health, Berkeley is not a city where all people are living long and healthy lives and are achieving the highest possible level of health. In Berkeley, African Americans and other people of color die prematurely and are more likely than White people to experience a wide variety of adverse health conditions throughout their lives.

Achieving optimal health for all requires that everyone has access to resources and environments that support health and wellness. Higher incidence of disease is linked to neighborhoods that have been historically under-resourced and overexposed to unhealthy conditions. These neighborhoods have more people living in poverty and more people of color than surrounding neighborhoods. A truly healthy Berkeley depends on achieving and maintaining optimal health and wellness for all people regardless of an individual's or group's position in society. Health inequities among racial and ethnic groups are striking and extend across a number of indicators. These health inequities are neither new nor unique to Berkeley—nevertheless, they are unjust and unacceptable. The conditions in which we are born, grow, live, work and age, broadly known as the social determinants of health, greatly influence how well and how long we live. To aggressively address the health disparities we see in this report requires that we also address the underlying social, economic, and environmental inequities that perpetuate them.

Berkeley is well positioned to realize greater health equity. Our community is known for its political and social activism. Our residents are passionate about creating healthier communities. Our leaders have a long standing commitment to achieving health equity and have been at the forefront of innovative health programs and policies. We are one of three cities in the state of California that has its own Public Health Jurisdiction. This distinction enables public health services to be focused on and dedicated to a discreet population. While the challenges we face should not be underestimated, through strategic collaboration, a unified vision, and broad community engagement we can achieve our mission of optimal health and wellness for all.

The Health Status Report is written by the Public Health Division of the Department of Health, Housing and Community Services and is released periodically to provide a picture of the health status of people who live in Berkeley. The report has three key objectives:

- Monitor health concerns impacting the City with a focus on health disparities and social determinants of health;
- Show trends and changes in health over time;
- Guide our Public Health work and support community partners in shaping and responding to policy and other factors influencing Berkeley's health and quality of life.

This report will help the Public Health Division define goals and objectives for improving Berkeley's health. It is also designed to spark community conversations, spur collaboration and inform decision making throughout Berkeley.

DEPARTMENT OF HEALTH, HOUSING, & COMMUNITY SERVICES MISSION AND VISION

Vision: *A vibrant and healthy Berkeley for all*

Mission: The Department of Health, Housing, & Community Services' mission is to enhance community life and support health and wellness for all. We are committed to social and environmental justice and to promoting equity in health, housing, and economic opportunity. We collaborate with community partners to build a vibrant and healthy Berkeley.

PUBLIC HEALTH VISION AND MISSION

Vision: *Healthy people in healthy communities.*

Mission: To achieve and maintain optimal health and well-being for all people in Berkeley. We do this by working in partnership with our diverse communities to: promote healthy behaviors and environments, prevent illness and injury, protect against disease and other emerging health threats, eliminate health inequities, and advocate for social and environmental justice.

SOCIAL DETERMINANTS OF HEALTH

Addressing the social determinants of health continues to be a key objective of the Public Health Division. Research has shown that health is dependent largely on conditions that are not related to medical care. In fact, about 80% of our health is influenced by the environments around us which include social, economic factors, and every day behaviors. Conditions such as poverty, homelessness, shifting federal and local policies, changing City demographics, gentrification, and the subsequent rise in the cost of housing all have profound impacts on community health. In many of these areas, the Public Health Division works collaboratively with other departments, and with divisions in the City of Berkeley's Department of Health, Housing and Community Services. For example, Public Health staff are working on a multi-departmental group formulating the regulatory environment for newly legal adult use marijuana, which has serious public health impacts.

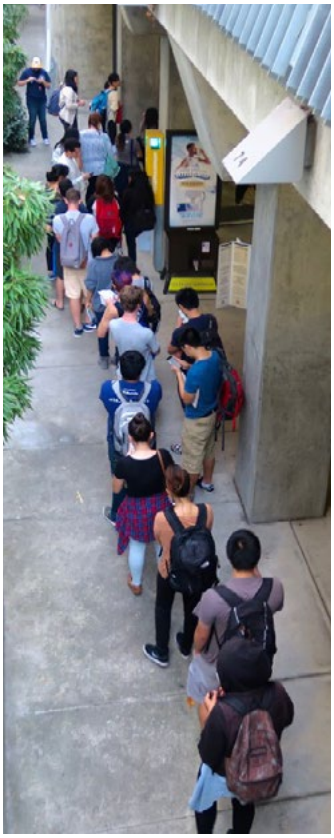
An important, continuing trend seen in the 2018 Health Status Report is the steady and significant shift in the City's demographics. Compared to the 2010 Census, the African American population has decreased from approximately 10% to 7% of the population, while other racial/ethnic groups have remained relatively stable. The phenomenon is not unique to Berkeley, but is a regional trend that is evidence of displacement caused by gentrification. Displacement disrupts access to education, employment, health care, and healthy neighborhood resources. Residents forced to move may face longer commutes to work or school, leading to increased stress, loss of income, job loss or greater school dropout rates. Displaced residents may have trouble obtaining medical records, prescriptions, and affordable health care services. Displacement can also mean relocation to neighborhoods with fewer health-promoting resources, such as high quality jobs, healthy food options, accessible public transit, and safe and walkable streets.

Socioeconomic status is one of the most powerful predictors of disease, injury, and mortality. In Berkeley, African Americans have lower income than any other ethnic/racial group. For every dollar a white family earns, an African American family earns 28 cents. This income inequality paired with unemployment or under employment can increase stress levels, make it difficult to find safe and affordable housing, and lower educational prospects. Research demonstrates that poverty is the single greatest threat to children's well-being. Children living in poverty are at significantly higher risk for poor health and development. In Berkeley, 10% of all children under the age of 18 live in poverty. Notably, 29% of African American children live in poverty, which is seven times the poverty rate for white children, and two to three times the rate of any other racial group.

Additionally, homelessness impacts the health of the entire community. Berkeley has the second highest number of homeless people among all Alameda County cities, second only to Oakland. Berkeley's homeless population accounts for 17% of the homeless people in Alameda County. Given that Berkeley makes up only 7% of the population of Alameda County, it is home to a disproportionate number of people experiencing homelessness. Poor health conditions among people who are homeless are frequently co-occurring with a mix of psychiatric, substance use, and social challenges. Exposure to high stress, unhealthy or dangerous environments, and food insecurity worsens overall health and often results in visits to emergency rooms and hospitalization. Nationally, individuals experiencing homelessness are three to four times more likely to die prematurely than their housed counterparts, and experience an average life expectancy as low as 41 years. Far too often, those experiencing homelessness are people of color. African Americans make up less than 8% of Berkeley's general population, but are 50% of the homeless population.

Berkeley Unified School District

Nancy Rubin, Berkeleyside



Berkeleyside

Nancy Rubin, Berkeleyside

KEY THEMES IN 2018 HEALTH STATUS REPORT

Three key themes can be found in the Health Status Report and will continue to guide the work of the Public Health Division:

- ***Inequities in Health.*** Since 1999, the Berkeley Public Health Division has been at the forefront of breaking down data to uncover hidden inequities in health. It is only through examining data by characteristics such as race, ethnicity, gender, age, income, neighborhood, immigration status and other qualities that we can see a true and full picture of health. The Berkeley Public Health Division is committed to monitoring health indicators by relevant, available demographic characteristics and investigating the status of health equity in our community. We will be thoughtful, intentional, and strategic in the development of programing to address these inequalities.
- ***Importance of Prevention.*** Prevention is a continuum and extends from deterring diseases and behaviors that foster disease to slowing the onset and severity of illness when it does arise. A focus on prevention includes focusing on upstream factors those that are largely outside of an individual's control and promoting conditions that support good health.
- ***Emerging Health Threats.*** The health landscape in Berkeley is not static but evolves, and new threats can emerge on both a global and local scale. Infectious disease such as tuberculosis, sexually transmitted infections, and diseases once considered under control such as pertussis, continue to be a significant source of illness in Berkeley. These threats require constant monitoring and a responsive public health system. New health threats can emerge from a variety of directions: from the rise in antibiotic resistant bacteria, to new risks from climate change and global connectedness, to the health impacts caused by changing federal and local policies. Additionally, public health systems across the country are responding in various ways to the complex and inter-related social, economic and environmental inequities that are connected to poor health.

Berkeley Unified School District

HEALTH INEQUITIES IN BERKELEY

Chapter 1: Sociodemographic Characteristics & Social Determinants of Health	Chapter 2: Pregnancy & Birth	Chapter 3: Child & Adolescent Health	Chapter 4: Adult Health	Chapter 5: Life Expectancy & Mortality
Families headed by a White householder earn 3.4 times more than African American families, 1.9 times more than Latino families, and 1.4 times more than Asian families.	The risk of an African American mother having a LBW baby is 2.5 times higher than the risk for White mothers.	African American children (under 18) are 7 times more likely, Latino children are 5 times more likely, and Asian children are 2 times more likely than White children to live in poverty.	African Americans are 3 times more likely than Whites to be hospitalized due to coronary heart disease.	African Americans are 2.3 times more likely to die in a given year from any condition compared to Whites.
The proportion of families living in poverty is 8 times higher among African American families, 5 times higher among Latino families and 3 times higher among Asian families, compared to White families.	The risk of an African American mother having a premature baby is 2 times higher than the risk for White mothers.	African American high school students are 1.4 times more likely than White students to drop out of high school.	African Americans are 34 times more likely than Whites to be hospitalized due to hypertension.	African Americans are 2.0 times more likely than Whites to die of cardiovascular disease.
African Americans are 2.8 times less likely, Latinos are 1.6 times less likely and Asian children are 1.1 times less likely than Whites to have a bachelor's degree or higher.	The teen birth rate among African Americans is 9 times higher, and among Latinas is 3 times higher than the rate among White teens.	The asthma hospitalization rates for children under 5 for African American children is 10 times higher, and for Latino children is 2.8 times higher than the rate among White children.	African American women are 1.5 times more likely than Whites to be diagnosed with breast cancer.	African Americans are 1.8 times more likely than Whites to die of cancer.

HOW TO READ THIS REPORT

ORGANIZATION: This report is organized along the life course, from conception through death. Health throughout the stages of life is influenced by an individual's social and physical environment, health and experience in the prior stage. The report begins with a description of Berkeley's population. Subsequent chapters give information about health in Berkeley during the major life stages which include pregnancy and birth, childhood and adolescence, adulthood, and finally the end of life. Each chapter starts with a description of the significance of that life stage, a list of key findings, the importance of the health indicator and its current status in Berkeley.

COMPARISONS: One way to evaluate the health of our City is to compare ourselves to others. Each time Berkeley meets one of the Healthy People 2020 (HP2020) goals, that goal is reported. By doing this, it allows us to compare the data on how Berkeley is doing relative to national health benchmarks. We also compare Berkeley with Alameda County and the State. We report how different groups of Berkeley residents compare with each other: by age, gender, income, race/ethnicity, education, and place of residence. Finally, we show how health indicators in Berkeley have changed over time. Such comparisons allow us to assess how Berkeley is faring relative to national goals, our past, and our neighbors.

PROGRAM HIGHLIGHTS: The City's Public Health Division works with partners to improve health in Berkeley. Each chapter contains program highlights, describing how the City is addressing issues raised by the data in that chapter. More information about these programs is available on the City's website: https://www.cityofberkeley.info/Health_Human_Services/Public_Health/A_to_Z_Public_Health_Services.aspx

FROM THE COMMUNITY: This report contains quotes and summaries from a series of community engagement events. These events were held in 2014 and were organized in order to hear from Berkeley residents and community members about what they see as priority areas for reducing health inequities.

DATA: This report contains quantitative data about the health of the Berkeley community. The data is as objective as possible — there may be biases related to reporting errors, incompleteness or limited by small samples. In our effort to understand what the data tell us about health in Berkeley, we look at correlations; what characteristics go along with better health or worse health? Public health programs and interventions are designed to address the likely "causal pathways" of adverse health outcomes, and are based on available evidence and best practices.

We use the latest year of data available at the time of analysis. For hospitalization and emergency department visit data, changes in the coding system were implemented in the last quarter of 2015 which made the previous years not comparable with current data. The last full year of data under the prior coding system was 2014, thus data on hospitalization and emergency department visits are only presented through 2014.

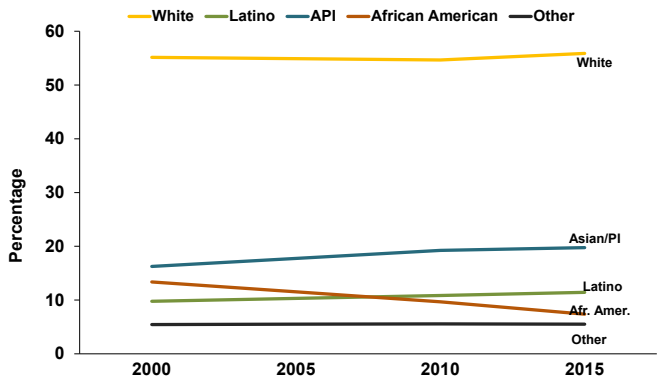
TECHNICAL NOTES: Data Sources and Definition of Key Terms: this information is provided at the end of the report. Those interested in additional technical details are invited to contact the Public Health Division Epidemiology and Vital Statistics Unit at publichealth@cityofberkeley.info.

1 CHAPTER 1: SOCIODEMOGRAPHIC CHARACTERISTICS AND SOCIAL DETERMINANTS OF HEALTH

The social and physical environments in which we live, work and play greatly influence our overall health. Experts agree that health is in part determined by access to social and economic opportunities; the cleanliness of our water, food and air; availability of preventative health care and wellness programs; the nature of our social interactions and relationships; and the resources and supports available in our schools, homes and neighborhoods. These conditions are broadly known as the social determinants of health, which this chapter explores in detail.

According to the 2011–2015 American Community Survey, the city's residents are 56% White, 20% Asian, 10% Latino and 7% African American. Compared to the 2010 census, the African American population has decreased from approximately 10% to 7%, while other racial/ethnic groups have remained relatively stable.

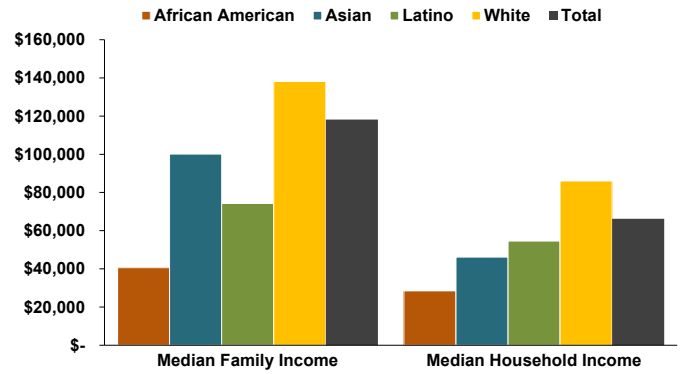
Figure 1.1 POPULATION DISTRIBUTION BY RACE/ETHNICITY Berkeley, 2000–2015



Source: City of Berkeley Public Health Division, Office of Epidemiology and Vital Statistics, U.S. Census Bureau, 2000–2015

In Berkeley the median family income is $118,190. The median household income is $66,237, which is influenced by the large population of low-income university students living in Berkeley. Families with a White head of household are more likely to be higher income while those headed by non-White households are more likely to be low income. All families and households have experienced an increase in median income during the last decade, except for African Americans who experienced a slight decrease.

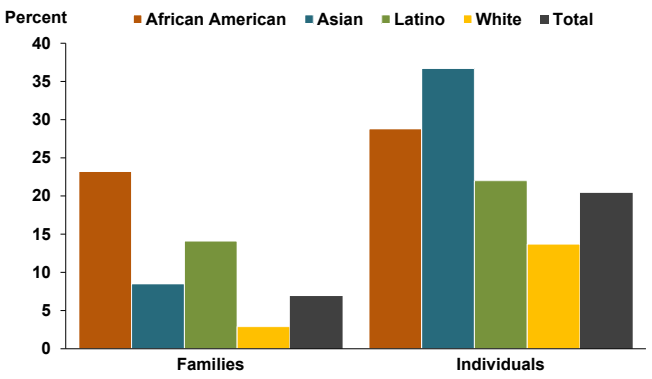
Figure 1.2 MEDIAN FAMILY AND HOUSEHOLD INCOME IN PAST 12 MONTHS (IN 2015 INFLATION-ADJUSTED DOLLARS) BY RACE/ETHNICITY IN BERKELEY 2011–2015



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; U.S. Census, ACS 2011–2015

Approximately 7% of Berkeley families live below the federal poverty level. Poverty rates vary drastically by race/ ethnicity. Compared to White families, the proportion of families living in poverty is 8 times higher among African American families, 5 times higher among Latino families and 3 times higher among Asian families. At the individual level, about 20% of all Berkeley residents live below the federal poverty level, which is strongly influenced by the large university student population in Berkeley.

Figure 1.3 PERCENT OF FAMILIES AND INDIVIDUALS BELOW FEDERAL POVERTY LEVEL IN THE PAST 12 MONTHS BY RACE/ETHNICITY IN BERKELEY 2011–2015



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; U.S. Census, ACS 2011–2015

Berkeley Unified School District

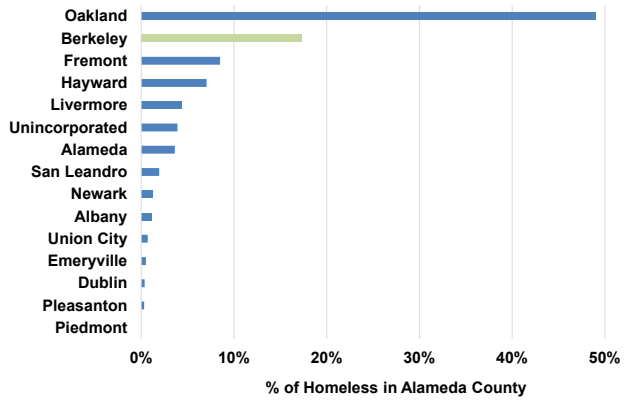
FROM THE COMMUNITY

African American respondents noted that African American communities and families are being displaced because of a lack of jobs, housing and community investments. Others noted that health inequities are rooted in poverty, racism, inadequate access to culturally relevant and high quality health services, and a lack of community and economic development in their communities.

Natalie Orenstein, Berkeleyside

Berkeley has the second highest number of homeless among all Alameda County cities, second only to Oakland. Berkeley's homeless population accounts for 17% of the 5,629 homeless people in Alameda County. Given Berkeley makes up only 7% of the population of Alameda County, it is home to a disproportionate number of homeless.

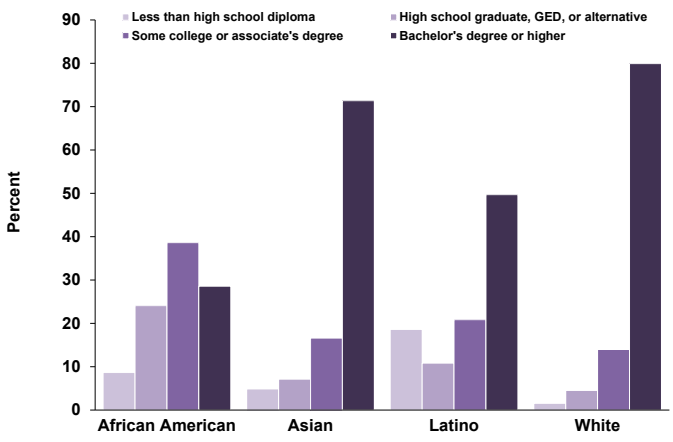
Figure 1.4 **ALAMEDA COUNTY HOMELESS POPULATION PERCENT BY CITY, 2017**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Alameda County 2017 Homeless Point-In-Time Count

Approximately 84% of Berkeley residents ages 25 and over attended at least some college. Over 70% of residents have a bachelor, graduate, or professional degree, compared with 43% in Alameda County and 31% in California. Berkeley's levels of education attainment are not evenly distributed. Whites and Asians have the highest rates of higher education. Latinos are the least likely to graduate from high school, and African Americans have the lowest rate of college and professional degrees.

Figure 1.5 **EDUCATIONAL ATTAINMENT OF POPULATION AGED 25 AND OLDER BY RACE/ETHNICITY Berkeley, 2011–2015**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; U.S. Census, ACS 2011–2015

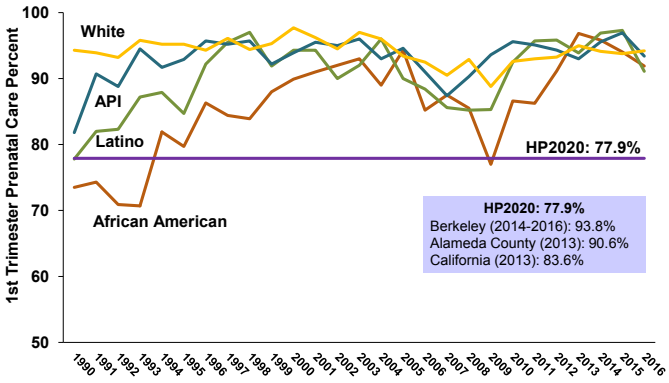
2 CHAPTER 2: PREGNANCY AND BIRTH

Pregnancy and childbirth mark the beginning of an individual's journey along the life course. The health conditions of pregnancy, birth, and early infancy have a profound impact on health and well-being throughout life. It is important to pay particular attention to this critical life stage when assessing the overall health status of a community.

Berkeley has excellent overall health indicators related to pregnancy and birth, and meets most HP2020 goals in these areas.There have been substantial improvements in health outcomes related to pregnancy and birth, including low birth weight (LBW), prenatal care, and teen birth. Almost 94% of pregnant Berkeley mothers of all racial/ethnic groups receive prenatal care in the first trimester, which is higher than Alameda County and California. Berkeley meets the HP2020 goal and there is no racial disparity in this indicator.

Robin Kempster

Figure 2.1 **PERCENT OF PREGNANT MOTHERS RECEIVING PRENATAL CARE IN 1ST TRIMESTER Berkeley, 1990–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Birth Records 1990–2016

African American babies, for the first time ever recorded, met the HP2020 objective for LBW in 2008-2010 and for prematurity in 2014–2016. However, a disparity still persists as African American babies are 2.5 times more likely to be LBW as compared to Whites and twice as likely to be born prematurely as White, Latino, or Asian babies.

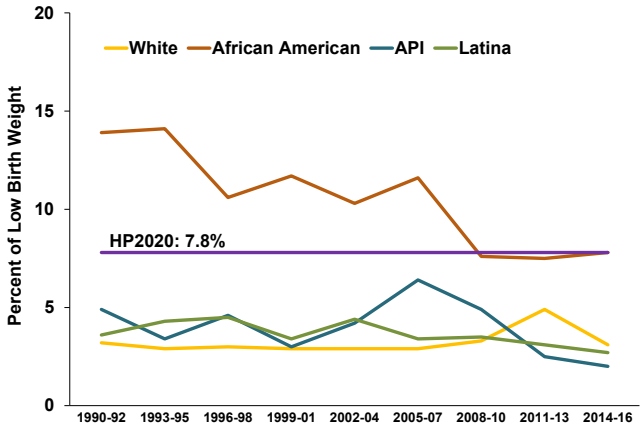
BERKELEY BLACK INFANT HEALTH (BBIH) PROGRAM

Berkeley's BIH program aims to improve birth outcomes and reduce health disparities affecting African American women and their babies. Through culturally affirming group education and complementary case management, the program works to empower African-American mothers and their families. BBIH helps to build social support, develop parenting and life skills, learn stress management tools, promote healthy behaviors and relationships, and support a healthy pregnancy. In addition, BBIH provides resource linkages to assist participants in connecting with the community, social, and health services to meet their needs.

FROM THE COMMUNITY

"I was born and raised in Berkeley. [Berkeley Black Infant Health] has been a big impact in a lot of our lives, helping us navigate our lives."

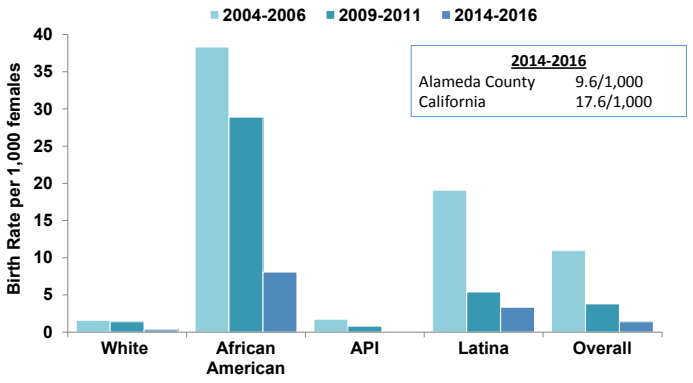
Figure 2.2 **LOW BIRTH WEIGHT BY RACE/ETHNICITY (EXCLUDES MULTIPLE BIRTHS) Berkeley, 1990–2016 (3-year-intervals)**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Birth Records 1990–2016

Berkeley's teen birth rate has been decreasing in all racial/ethnic groups over the past decade and it is at its lowest ever recorded. Berkeley has the lowest teen birth rate of any health jurisdiction in the state. From 2004–2006 to 2014–2016, the overall teen birth rate decreased by 82%. For African Americans, the rate decreased by 76% during the same time period. In spite of this decrease, the birth rate among African American young women is higher than all other racial/ethnic groups.

Figure 2.3 **BIRTH RATES IN FEMALES 15 TO 19 YEARS OLD BY RACE/ETHNICITY Berkeley, 2004–2006, 2009–2011, 2014–2016 (3-year intervals)**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Birth Records 1990–2016

Robin Kempster

Annie Burke

Robin Kempster

FROM THE COMMUNITY

"All around, we need to care about the health and safety for the moms in the family and especially single moms. Single moms sometimes are down and out; they need more care. They are caring for a whole community. You take care of her, then you are reaching a lot of people. If she doesn't feel safe, then a whole family will fall down."

Nancy Rubin, Berkeleyside

PUBLIC HEALTH NURSING FIELD SERVICES

Public Health Nurses (PHNs) provide quality, confidential, community-based case management services for families and individuals, primarily during home visits. The focus of the program is on Berkeley residents at highest risk for poor health outcomes, often those with special needs or limited access to care. These include pregnant women, new parents and their infants, school-aged mothers, children, elders, disabled, and people who are homeless.

Case management services include nursing assessments of health status and need for medical care and other services; counseling on diverse health related topics and supporting healthy lifestyle choices; advocating for better use of health care systems while linking families to other health and social services; assisting with enrollment in low cost medical and dental plans; and helping families support children's growth and development.

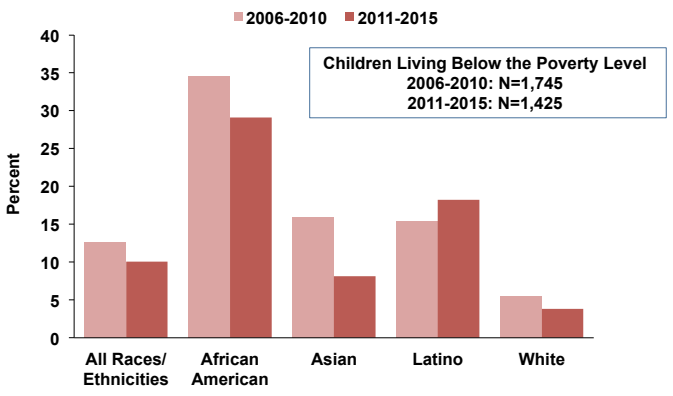
3 CHAPTER 3: CHILD AND ADOLESCENT HEALTH

Childhood and adolescence are important developmental periods in the life course and health in early life is the basis for continued health over the life span. Educational foundations are established during this time, influencing future learning and employment opportunities. Personal habits of physical activity, diet, and social connections are also formed. This chapter summarizes the state of health of children and adolescents in Berkeley: practices and behaviors, use of alcohol, tobacco and other drugs, overweight and obesity, childhood immunizations, and specific health outcomes including mental health, asthma hospitalizations, injuries, and sexually transmitted diseases.

Half of the children in Berkeley belong to non-White racial and ethnic groups; the largest proportion of these is Latino. In the last decade, the percentage of children living below the poverty level has decreased for the overall Berkeley population and every racial/ethnic group except Latinos. Children in poverty are concentrated in South and West Berkeley.

The Berkeley Unified School District (BUSD) four-year high school dropout rate fell from 15.5% in the 2010–2011 school year to 10.7% for the 2015–2016 school year. Despite a decrease from 18.8% to 13.5% since 2010–2011, African Americans still have the highest drop-out rate in Berkeley.

Figure 3.1 **PERCENT OF CHILDREN 17 YEARS AND YOUNGER LIVING BELOW THE POVERTY LEVEL BY RACE/ETHNICITY Berkeley, 2006–2015**

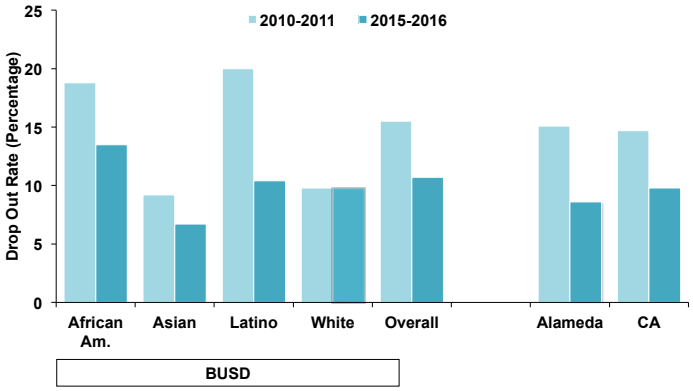


Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; U.S. Census, ACS 2006–2015

FROM THE COMMUNITY

"It's been an amazing experience to be born and raised here in Berkeley, grow up in Berkeley Unified School District, and to be able to work with the people that I've grown up with. We've had children together, been pregnant together."

Figure 3.2 **DROPOUT RATES, OVERALL AND BY RACE/ETHNICITY Berkeley Unified School District, Alameda County, and California, 2010–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; California Department of Education

2020 VISION

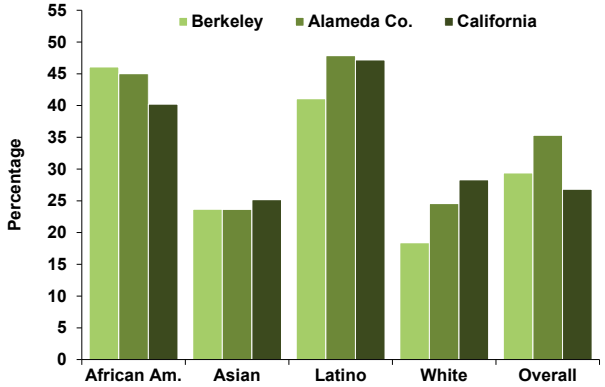
Berkeley's 2020 Vision is a city-wide collective impact effort to achieve equity in education for all Berkeley children from "cradle to career". The Berkeley community collaborates on six areas of systemic focus to end racial disparities in education, especially for Berkeley's African American and Latino children. Berkeley's 2020 Vision strives to "move the needle" on the following key indicators of educational equity: Kindergarten Readiness, Third Grade Reading Proficiency, Ninth Grade Math Proficiency, Attendance, College and Career Readiness, and Community Engagement. Berkeley's 2020 Vision also includes the Berkeley Promise, a college scholarship initiative.

FROM THE COMMUNITY

"It's really hard for kids of color (Latinas); you know, this is a predominantly white school—the white kids, they have all kinds of privilege; their parents have been paying for tutoring for years; they have been reading to them for years; they have so much more to start with. I don't understand my homework, I can't go to my parents for help. My mom didn't graduate from high school; that is why it is really frustrating when it comes to going to college, getting ahead."

Over a quarter of Berkeley's 5th and 7th grade students are overweight or obese. Berkeley has a lower proportion of 5th and 7th grade children who are overweight and obese (29.4%) compared to children in Alameda County (35.3%) but has a higher proportion compared to California (26.8%). A higher proportion of African American children are overweight and obese in Berkeley compared to in Alameda County and California.

Figure 3.3 **PERCENTAGE OF OVERWEIGHT AND OBESE CHILDREN IN 5TH AND 7TH GRADES BY RACE/ETHNICITY BUSD, Alameda County, and California School Districts, 2015–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; California Department of Education, FITNESSGRAM 2015–2016

FROM THE COMMUNITY

"One day your kid gets bigger and you worry. Is my child healthy or is she obese?"

Berkeley Unified School District

HEALTHY BERKELEY PROGRAM

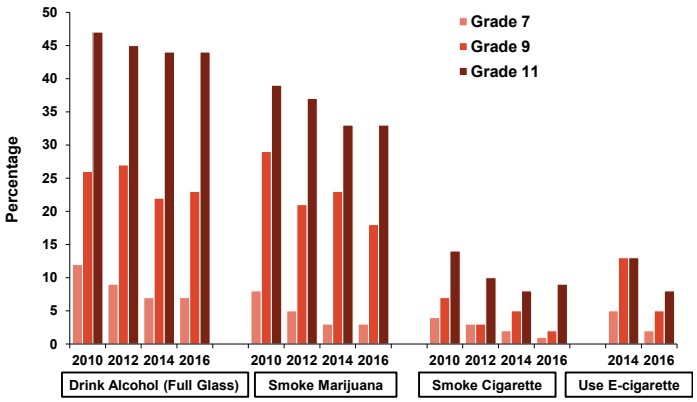
Initiated in 2015, this program stemmed from Berkeley's historic passing of an excise tax (1 cent/oz.) on the distribution of sugar-sweetened beverages (SSB). The program goal is to reduce the consumption of SSB as a pathway for decreasing the rates of Type 2 diabetes, obesity, and tooth decay in Berkeley. The Healthy Berkeley program offers multi-year community agency grants for programs designed to reduce SSB consumption and promote healthy beverages such as tap water in low-income communities, particularly children and youth targeted by the beverage industry; the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission makes agency funding recommendations to the City Council. The Healthy Berkeley program collaborates with the Bay Area Nutrition and Physical Activity Collaborative (BANPAC), Healthy Food America, University of California in Berkeley, and the Public Health Institute.

TOBACCO PREVENTION PROGRAM

The Tobacco Prevention Program provides community-based tobacco education programs and services to the community. Berkeley community members receive education about federal, state, and local tobacco control laws including ordinances relating to City of Berkeley's tobacco control related ordinances such as Smoke-Free Multi-Unit Housing, 600 ft. flavored tobacco buffer zone near schools K–12, tobacco free pharmacies and commercial zones ordinances. The Smoke-Free Multi-Unit Housing ordinance prohibits smoking in 100% of multi-unit housing with two or more units (i.e. apartments, co-ops, condominiums, common interest developments, etc.) and common areas. Free cessation classes are available to anyone interested in planning and sustaining a smoke-free lifestyle. Tobacco program staff also collaborate with Berkeley Tobacco Prevention Coalition members in the community, retailers, and policy makers in the City to develop policy aimed at reducing community members' exposure to tobacco smoke and tobacco products — including electronic nicotine delivery systems.

Alcohol is the most commonly used substance among BUSD students, followed by marijuana. The use of alcohol and marijuana have remained relatively unchanged among 11th graders. Cigarette smoking, already at comparatively low levels, has continued to drop for 7th and 9th graders but fluctuated for 11th graders. There has been a drop in e-cigarette use for students at all grade levels. The percentage of BUSD students who have been drunk or high on school property has steadily decreased for all grade levels over the past six years.

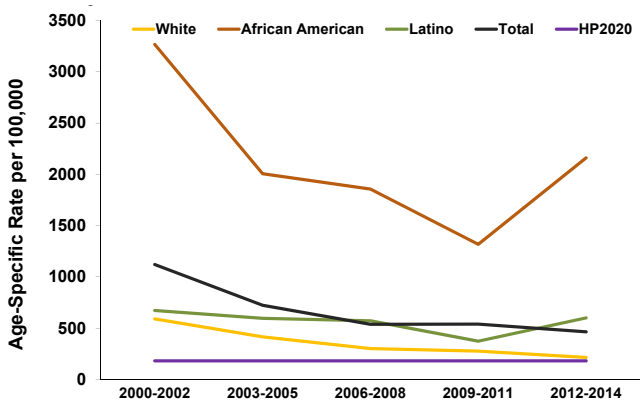
Figure 3.4 **ALCOHOL, TOBACCO, AND MARIJUANA USE IN PAST 30 DAYS: 7TH, 9TH, AND 11TH GRADERS Berkeley Unified School District (BUSD), 2010–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; California Healthy Kids Survey (CHKS) 2010–2016

The asthma hospitalization rates for children under 5 in all racial/ ethnic groups have declined. Compared to the HP2020 goal, the rate for African American children is 12 times higher, for Latino children is 3.3 times higher and for White children is 1.2 times higher. The number of hospitalizations among Asian children under 5 are too small to calculate a reliable rate and are therefore not presented.

Figure 3.5 **AGE-SPECIFIC ASTHMA HOSPITALIZATION RATE OF CHILDREN UNDER 5 YEARS OF AGE BY RACE/ETHNICITY Berkeley, 2000–2014**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Office of Statewide Health Planning and Development, 2000–2014

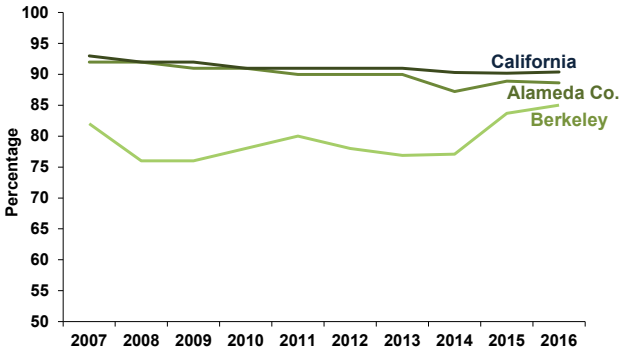
Berkeley Unified School District

BREATHMOBILE

The Breathmobile, a project of the Prescott-Joseph Center for Community Excellence (PJCCE), is partnering with Berkeley Unified School District and the City of Berkeley Public Health Division to bring asthma care to BUSD students. This free mobile asthma clinic provides diagnosis, education, and treatment for children with asthma. For the first year of this partnership, two BUSD elementary schools (Malcolm X and Rosa Parks) and one preschool (King Child Development Center) were selected based on the high asthma prevalence at these sites. In its fourth year (2016–2017) of partnership, the Breathmobile has expanded services to include all three BUSD preschools. PJCCE and school staff work closely with the City of Berkeley Public Health Division to identify students with asthma who could benefit from this community resource. The partnership is an example of community agencies working together to address health inequities and the achievement gap. Improving childhood asthma management improves health and improves educational success.

Berkeley Unified School District

Figure 3.6 **PERCENT OF KINDERGARTEN CHILDREN WITH ALL REQUIRED IMMUNIZATIONS** Berkeley, Alameda County, and California, 2007–2016



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; California Department of Public Health, Immunization Branch

For the past decade, the proportion of Kindergarten children immunized against the nine diseases for which childhood immunizations are required has been consistently lower in Berkeley compared to both Alameda County and California. Berkeley's immunization rate has also experienced some fluctuations with a recent peak of an 85% immunization rate in 2016, the highest percentage ever recorded. Required immunizations include polio, measles, mumps, rubella, diphtheria, tetanus, pertussis, hepatitis B, and varicella vaccines.

IMMUNIZATION PROGRAM

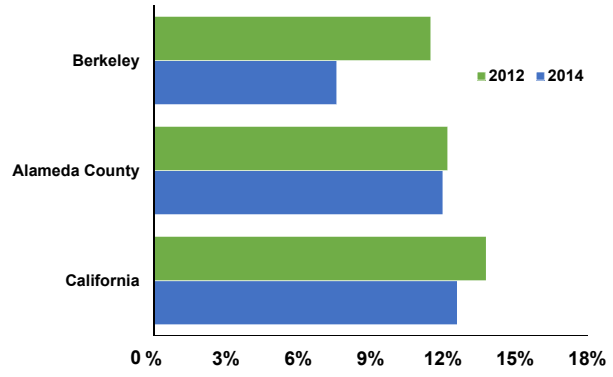
The Public Health Immunization Program works to increase immunization rates for all Berkeley residents across the life span. Special efforts are targeted at African American and Latino children less than two years of age by collaborating with WIC; public and private preschools; licensed family childcare homes; medical providers; and through community outreach, education and encouraging participation in the immunization registry among medical providers. Immunization services are provided to the community in several venues including at the Public Health Clinic. The program also focuses on pertussis vaccination for teens and adults and seasonal influenza vaccine for all ages. In addition, the Public Health Clinic expands its service by providing varicella vaccines to adults who are uninsured or underinsured.

4 CHAPTER 4: ADULT HEALTH

This is the stage of life when chronic diseases, including cancer, are most likely to develop and affect adults' well-being. Mental health conditions, injuries, and communicable diseases continue to have major roles as well. This is the period of life in which one is most likely to work, accumulate wealth, have partners, and hold responsibilities for other family members.

Approximately 7.6% of Berkeley residents were smokers in 2014, which was a substantial decrease from 11.5% in 2012.

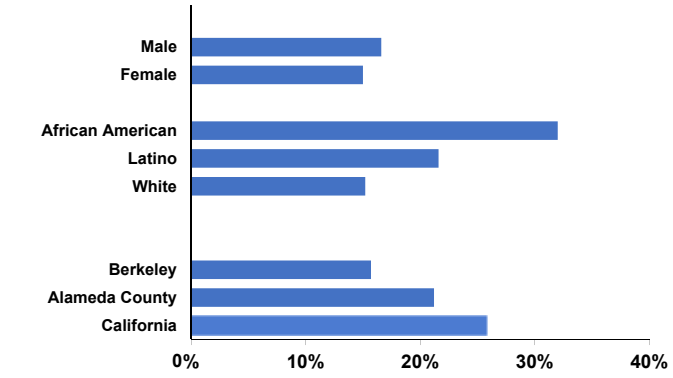
Figure 4.1 **ADULTS WHO ARE CURRENT SMOKERS**
Berkeley, Alameda County, CA, 2012, 2014



Source: City of Berkeley Public Health Division, Epidemiology and Vital Statistics, California Health Interview Survey (CHIS), 2012, 2014

The proportion of Berkeley adults categorized as obese based on BMI increased from 13.1% in 2012 to 15.7% in 2014. In Berkeley, African Americans and Latinos are more likely to be obese.

Figure 4.2 **OBESITY IN ADULTS BASED ON BODY MASS INDEX (BMI) OF 30 AND GREATER Berkeley, Alameda County, CA, 2014**



Source: City of Berkeley Public Health Division, Epidemiology and Vital Statistics, California Health Interview Survey (CHIS), 2014

FROM THE COMMUNITY

"It's really overwhelming when you go to a store, and even when you think it's healthy, you don't know how much sugar there is in it. Juice has sugar and you don't realize it. "

Nancy Rubin, Berkeleyside

Annie Burke

HEART-2-HEART & BERKELEY HYPERTENSION PREVENTION

Heart 2 Heart (H2H) uses a holistic, community-based approach to addressing health inequities in Berkeley. The program focuses on preventing high blood pressure and heart disease in South Berkeley; additionally, healthy eating and physical activity are also encouraged. The program provides increased access to hypertension screening and treatment, and trains Community Health Advocates in a program focused on outreach, education, and intensive counseling and support. H2H serves to bridge community, programs, resources, and services that are necessary to address the needs of community members.

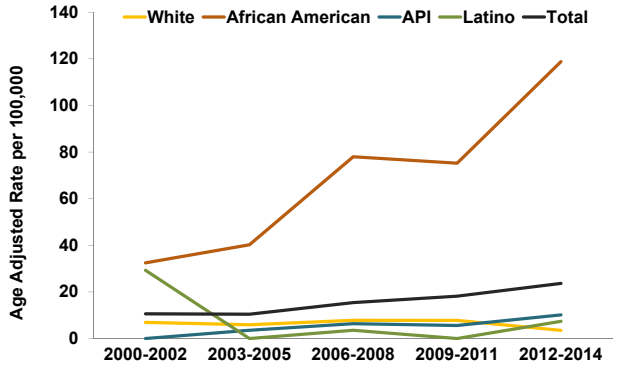
A highlight of the program is the weekly drop-in Hypertension Clinic that provides free blood pressure screenings and education for anyone, and provides treatment for uninsured residents with hypertension. Attendance at the drop-in Hypertension Clinic is correlated with lowered blood pressure in residents who attend the clinic consistently.

Berkeley's adult African American population experiences inequitably high rates of hospitalization due to both uncontrolled diabetes and long-term complications, such as kidney, eye, neurological and circulatory complications. However, the hospitalization rate among African Americans for lower-extremity amputation has substantially decreased between 2006 and 2014. For Latinos, hospitalizations for lower-extremity amputations dropped dramatically from 29.3 per 100,000 in 2000–2002 to 5.9 per 100,000 in 2003– 2005. The Latino rate has continued downward with no reported amputations in 2012–2014.

The rate of hospitalization due to hypertension among Berkeley's African American population has sharply increased, and is now over five times that of the total population.

However, hypertensive heart disease hospitalizations, a severe complication from hypertension, have decreased among all racial/ethnic groups over the past decade. The most dramatic decrease was among African Americans—from 170 per 100,000 in 2000–2002 to 51 per 100,000 in 2012–2014.

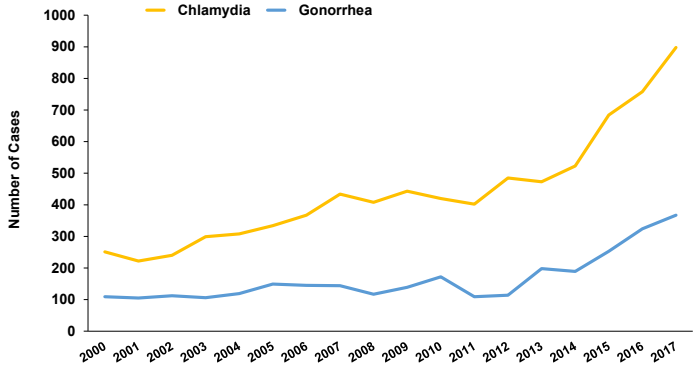
Figure 4.3 **HOSPITALIZATION RATES DUE TO HYPERTENSION BY RACE/ETHNICITY AND YEAR OF HOSPITALIZATION Berkeley, 2000–2014**



Source: City of Berkeley Public Health Division, Epidemiology and Vital Statistics, Office of Statewide Health Planning and Development, 2000–2014

The annual number of cases and rates of chlamydia, gonorrhea, and syphilis in Berkeley adults has increased in the last decade. These changes in rates may reflect either changes in Sexually Transmitted Infections screening or reporting, as well as actual changes in higher disease incidence. The most dramatic rise has been in chlamydia as the number of cases more than doubled from 420 in 2010 to 898 in 2017.

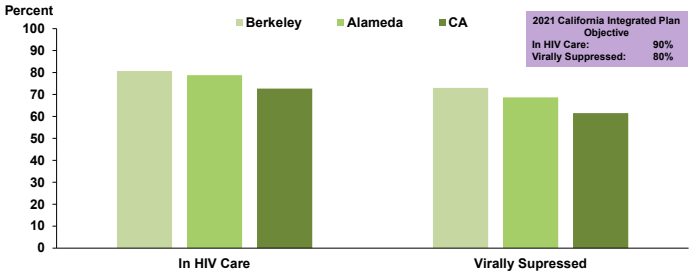
Figure 4.4 **CHLAMYDIA AND GONORRHEA INFECTIONS BY YEAR OF REPORT Berkeley, 2000–2017**



Source: City of Berkeley Public Health Division, Epidemiology and Vital Statistics, California Department of Public Health, STD Control Branch, 2000–2017

Due to better treatment, people with HIV are living longer, and the overall number of people living with HIV is increasing. Berkeley has a higher rate of persons living with HIV than Alameda County and California. African Americans and Latinos experience disproportionately high rates of HIV/AIDS. The proportion of persons living with HIV who are in care and who are virally suppressed is higher in Berkeley than both Alameda County and California. Berkeley does not yet meet the 2021 California Integrated Plan Objectives of 90% in care and 80% virally suppressed.

Figure 4.5 **CONTINUUM OF HIV CARE FOR PERSONS LIVING WITH DIAGNOSED HIV INFECTION Berkeley, Alameda County, CA, 2016**



Source: City of Berkeley Public Health Division, Epidemiology and Vital Statistics, CDPH, Office of AIDS, 2016

PUBLIC HEALTH CLINIC'S REPRODUCTIVE AND SEXUAL HEALTH SERVICES:

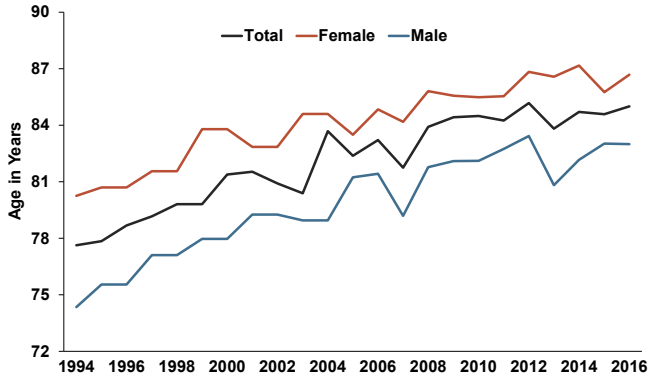
Berkeley's Public Health Clinic offers confidential testing, diagnosis, treatment, and prevention education to residents who think they may have a sexually transmitted infection, including HIV. Clinic staff follows up with clients who have sexually transmitted infection to ensure that they and their partners receive appropriate treatment. The program also provides free condoms and lubricant to both clients and non-clients on a drop-in basis. The Clinic offers comprehensive family planning services including nearly all types of birth control, reproductive life counseling, Pap smears (cervical cancer prevention), Hepatitis A, B and HPV vaccines, and referrals to local and low-cost breast screening/mammography services. Assistance is offered to survivors of intimate partner violence. The Clinic offers reproductive and sexual health services to people of all genders. The Public Health Clinic accepts Medi-Cal and FPACT (state funded payment programs). Others may qualify for reduced rates based on income. Some clients may even qualify for free services. No one is turned away because of inability to pay. Clinic clients are linked to a wide range of community and health services. Community outreach and presentations are provided on family planning methods, clinic services, sexually transmitted illnesses , HIV and sexually transmitted illnesses/HIV prevention. In 2012 over 2,300 individuals were seen at the clinic, many for more than one visit.

5 CHAPTER 5: LIFE EXPECTANCY AND MORTALITY

The number of years a person is expected to live, and the leading causes of death in Berkeley are important indicators of population health and guide Public Health Division program priorities.

In the last decade, the mortality rate in Berkeley has decreased steadily and life expectancy has increased for both men and women. Life expectancy in Berkeley is 86.7 years for women and 83 years for men in 2016. Mortality rates in Berkeley are lower than those of surrounding Alameda County and California—reflecting the city's long life expectancy.

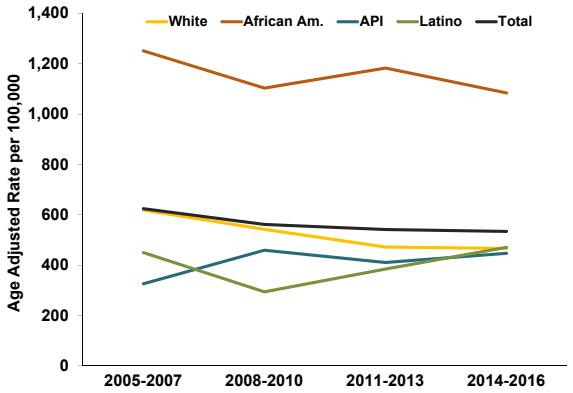
Figure 5.1 **LIFE EXPECTANCY AT BIRTH BY GENDER Berkeley, 1994–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Death Certificates 1994–2016, US Census Bureau

The overall age-adjusted mortality rate in Berkeley has decreased steadily throughout the last decade. The mortality rate for African Americans has reached the lowest ever reported. In spite of this marked decrease, the age-adjusted mortality rate for African Americans is twice as high as the mortality rate of Whites and is higher than the population overall. This disparity has remained unchanged throughout these years.

Figure 5.2 **MORTALITY RATES BY RACE/ETHNICITY AND YEAR OF DEATH Berkeley, 2005–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Death Certificates 2005–2016

Mortality rates from cardiovascular disease and cancer have decreased for all groups over the last decade. Cancer is the leading cause of death in the population as a whole, followed by heart disease. However, among African Americans in Berkeley, heart disease is the leading cause of death, followed by cancer. Breast and lung cancer are the top leading causes of cancer death for women, while lung and pancreatic cancer are the top leading causes of cancer death for men. Women who are Latina, Asian, or Pacific Islander have the lowest mortality rates from breast cancer in Berkeley. Only African American women do not meet the HP2020 goal for breast cancer deaths.

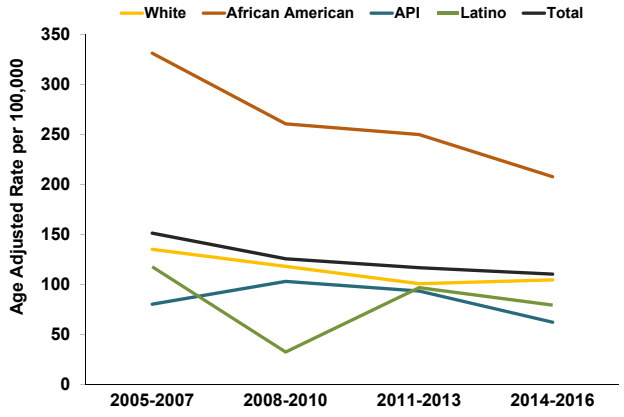
Figure 5.3 **TOP 10 CAUSES OF DEATH BY RACE/ETHNICITY Berkeley, 2014–2016**

Rank	White	Black	Latino	Asian/Pacific Islander
1	Cancer	Heart Disease	Cancer	Cancer
2	Heart Disease	Cancer	Heart Disease	Heart Disease
3	Stroke	Alzheimer's	Stroke	Stroke
4	Alzheimer's	Stroke	Unintentional Injury	Alzheimer's
5	Chronic Lower Respiratory Disease	Organic Dementia	Alzheimer's	Organic Dementia
6	Unintentional Injury	Chronic Lower Respiratory Disease	Organic Dementia	Diabetes
7	Organic Dementia	Diabetes	Diabetes	Pneumonia & Influenza
8	Intentional Injury	Nephritis & Nephrotic Syndrome	Pneumonia & Influenza	Parkinson's
9	Parkinson's	Unintentional Injury	Intentional Injury	Intentional Injury
10	Metabolic Disorders	Pneumonia & Influenza	Chronic Liver Disease & Cirrhosis	Chronic Liver Disease & Cirrhosis

NOTE: Color boxes denote causes of death that are leading in all racial/ethnic groups

Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Death Certificates 2014–2016

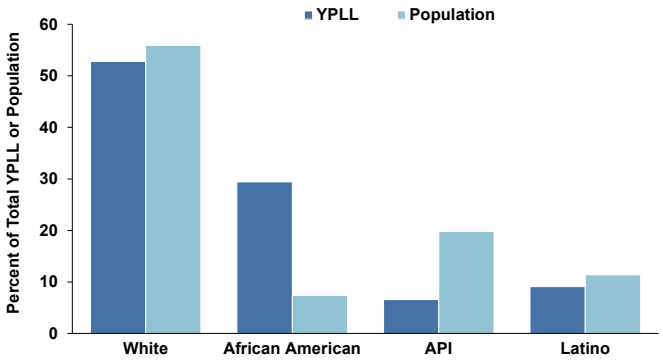
Figure 5.4 **ALL CARDIOVASCULAR DISEASE MORTALITY RATES BY RACE/ETHNICITY Berkeley, 2005–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Death Certificates 2005–2016

Even though the Berkeley population as a whole is living longer healthy lives, there are racial/ethnic variations and disparities in causes of death, mortality rates, and years of potential life lost, as there are differences in health status throughout the life course. Shortened lives and premature mortality are the cumulative results of health inequities that span the life course from conception to old age.

Figure 5.5 **YEARS OF POTENTIAL LIFE LOST (YPLL) BY RACE/ETHNICITY Berkeley, 2014–2016**



Source: City of Berkeley Public Health Division, Epidemiology & Vital Statistics; Death Certificates 2014–2016

CITY OF BERKELEY VITAL STATISTICS OFFICE

The City's Vital Statistics unit registers every birth and death in Berkeley, and receives information about births and deaths of Berkeley residents outside of the City. The Vital Records Office plays an important role in the analysis of birth and death records. The California State Office of Vital Records has acknowledged the excellence of Berkeley's Vital Statistics performance with annual awards since 2005.

Annie Burke

SUMMARY

This report presents a snapshot of the health of the Berkeley community. It describes how health changes over time, how we compare to our County, the State, and to the National Healthy People 2020 goals. It also shows how groups within Berkeley compare with each other and geographically.

KEY AREAS

Based on the 2018 Berkeley Health Status Report, the Public Health Division has identified four key areas that are important to monitor and develop interventions for:

- ***Obesity in both children and adults.*** Since While the overall childhood obesity rate in Berkeley is lower than in Alameda and California, the proportion of African American children who are overweight and obese in Berkeley is higher than Alameda County and California. In 2014, 16% of Berkeley adults were categorized as obese based on Body Mass Index (BMI), which is an increase from 2012. Additionally, among children and adults, African Americans and Latinos experience higher rates of obesity than Whites and Asians.
- ***Hypertension is increasing in all people in Berkeley.*** Hospitalization rates due to high blood pressure for the overall population is 20/100,000, the highest in a decade. The hospitalization rate for African Americans has sharply increased and is 120/100,000, over five times that of the total population.
- ***Sexually transmitted disease rates are at epidemic levels.*** Historically, chlamydia rates in Berkeley were lower than the State, but in 2015, Berkeley's rate increased substantially, surpassing both Alameda County and California. From 2011 to 2017, Berkeley's chlamydia rate has increased from 349.7 per 100,000 to 738.2 per 100,000. Gonorrhea rates in Berkeley are also consistently higher than those of Alameda County and California. From 2011 to 2017, Berkeley's gonorrhea rate has increased from 94.8 per 100,000 to 301.7 per 100,000.
- ***African Americans are more likely to die prematurely than any other racial/ethnic group in Berkeley.*** Years of Potential Life Lost (YPLL), a measure of premature death, demonstrates the significance. Although African Americans comprise 8% of the population; they account for almost 30% of the YPLL.

An additional emerging key area of interest that we will be monitoring is in demographic shifts in breast cancer incidence. For the first time, African American women have surpassed White women in the rate of breast cancer diagnosis. As we monitor this notable change, we will also seek to understand what is driving this trend.

Berkeley's health is characterized by an overall excellent health status with striking health inequities. These patterns of health inequities are neither new nor unique to Berkeley nevertheless, they are unjust and unacceptable. The underlying causes and their solutions lie in the environments and neighborhoods in which people are born, grow, live, work, and age. Truly addressing the root causes of health inequities requires focused, consistent, comprehensive, and sustained effort on many fronts. Through strategic collaboration, a unified vision, and broad community engagement we can achieve our mission of optimal health and wellness for all.

Annie Burke

HOW BERKELEY PROVIDES THE 10 ESSENTIAL SERVICES OF PUBLIC HEALTH

Berkeley's Public Health Division is responsible for fulfilling the 10 Essential Services of Public Health as defined by the Centers for Disease Control and Prevention (CDC). The examples below demonstrate how Berkeley's public health activities address these essential services. This is not a comprehensive account of Public Health activities.

Essential Service	Berkeley Examples
1. **Monitor** health status to identify and solve community health problems.	• Communicable Disease surveillance (including TB, STIs, HIV/AIDS) • Registration of births and deaths (Vital Statistics)
2. **Diagnose** and **investigate** health problems and health hazards in the community	• Communicable disease outbreaks • Health inequities in cardiovascular disease, low birth weight, diabetes, and asthma
3. **Inform**, **educate** and **empower** people about health issues	• Berkeley High School Health Center and Berkeley Technology Academy Clinic • School Linked Health Services
4. **Mobilize** community partnerships and action to identify and solve health problems	• Berkeley Healthcare Preparedness Coalition/Hub • Comprehensive Perinatal Services Provider Roundtables
5. **Develop** policies and plans that support individual and community health efforts	• Tobacco ordinances • Sugar Sweetened Beverage Tax and Healthy Berkeley Program
6. **Enforce** laws and regulations that protect health and ensure safety	• Immunization requirements for school entry • Public Health Emergency Preparedness Program
7. **Link** people to needed personal health services and assure the provision of health care when otherwise unavailable	• Nursing Targeted Case Management (TCM) • Partnerships with LifeLong Medical Care and Alameda County Public Health
8. **Assure** a competent public and personal health care workforce	• YouthWorks and AmeriCorps Programs • Training site for students interested in health (high school, college, graduate, and clinical)
9. **Evaluate** effectiveness, accessibility, and quality of personal and population-based health services	• Member of the local Fetal and Infant Mortality Review Board • Participation in Alta Bates Hospital Infection Control Committee
10. **Research** for new insights and innovative solutions to health problems	• Contribute our experience to the scientific literature and to professional and academic venues • Evaluation of impact of Sugar Sweetened Beverage Tax

LOOKING AHEAD

The City of Berkeley Health Status Report 2018 is the groundwork from which the Public Health Division, the Department of Health, Housing and Community Services, the City, and the Berkeley community will identify priorities, develop a strategic plan, and implement tailored interventions to improve community health. This path to better health is not one we can take alone. It is the charge of the entire community to create a healthy Berkeley. As a community member, you make choices that impact not only your own personal health, but the health of your families and neighbors. Community leaders in our City government, community based organizations, faith institutions, and local businesses, in addition to providers and residents all have a role to play in creating a healthier community. Collectively, we can achieve a better quality of life for all who live in Berkeley. We look forward to working with you.

Annie Burke

RAPID HEALTH IMPACT ASSESSMENT

Proposed Closure of Alta Bates Campus Berkeley, CA

Final Report

December 2018

BERKELEY IURD INSTITUTE OF URBAN AND REGIONAL DEVELOPMENT

Table of Contents

RAPID HEALTH IMPACT ASSESSMENT

Proposed Closure of Alta Bates Campus, Berkeley, CA

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2018

Page

5 EXECUTIVE SUMMARY

8 INTRODUCTION
8 Proposed Closing of Sutter Alta Bates Campus, Berkeley, CA
9 Overview Of Potential Health Issues from an Urban Hospital Closing
11 What is Health Impact Assessment (HIA)?
12 Scope of this Rapid HIA (RHIA)
12 Key RHIA Focal Areas
13 Hypothesized Impact Pathways
17 Rapid HIA Methodology

18 OVERVIEW OF ALTA BATES HOSPITAL
19 Alta Bates Campus Patient Utilization
20 Emergency Department
20 Hospital Service Area

26 SUMMIT CAMPUS IMPACTS
26 Campus Utilization & Capacity to Absorb Alta Bates Campus Patients
28 Sutter Health Plans for Summit Campus expansion

30 IMPACT ON VULNERABLE POPULATIONS
31 Pregnant Women & Newborn Babies
32 People of Color
34 People with Disabilities
34 Uninsured & Publicly Insured Patients
35 The Aging and Elderly
36 Mental Health & Suicide Prevention
36 Homeless People
37 Adverse Impacts on Vulnerable Communities in the Alta Bates Hospital Service Area

42 IMPACTS ON UC BERKELEY STUDENT HEALTH CARE

46 IMPACT ON EMERGENCY SERVICES
47 Alta Bates Emergency Department (ED) Utilization
47 Analyses of Travel Times to Alta Bates vs Summit Campus Emergency Departments
50 Impacts on Ambulance Travel Times
53 Ambulance Diversion
53 Regional Emergency Department impacts

56 DISASTER EVENT IMPACTS
58 Potential Impact from Chevron Refinery Fire

60 ECONOMIC IMPACTS
61 Alta Bates Campus as an Economic Base Multiplier

63 APPENDIX

66 REFERENCES

Figures

Page

5 Figure 1. HIA Key Findings Overview
7 Figure 2: Likely Health Impacts from the Closing of Alta Bates Medical Center, Berkeley, CA
10 Figure 3. Alta Bates Closure key milestones time line
11 Figure 4. Health Impact Assessment process
12 Figure 5. Rapid Health Impact Assessment guiding research questions
14 Figure 6. Hypothesized Impacts from Alta Bates Campus birthing center closing
14 Figure 7. Hypothesized Impacts from Alta Bates Campus Emergency Department (ED) closing
15 Figure 8. Hypothesized Impacts of Alta Bates Campus ED closing on Emergency Medical Services
15 Figure 9. Hypothesized Impacts of a Regional Disaster on ED access without Alta Bates Campus
16 Figure 10. Hypothesized Impacts from Alta Bates Closing on Local & Regional Economy
17 Figure 11. Examples of inputs to Rapid HIA
19 Figure 12. Alta Bates Campus ED patient discharges (2016) from cities impacted by the DMC hospital closure
19 Figure 11. Alta Bates Campus utilization overview 2016
22 Figure 13. Increased Alta Bates Campus discharges from Contra Costa County & regional zip-codes
22 Figure 14. Alta Bates Campus Hospital Service Areas: RHIA & CHNA defined
24 Figure 15. ED Visits by Cause: Comparing the RHIA Defined Alta Bates Campus HSA to State and County Rates
31 Figure 16. Outcomes for largest birthing centers in Alameda & Contra Costa Counties, 2016
32 Figure 17. Number of live births across regional birthing centers 2016
33 Figure 18. Percent race/ethnicity in the HSA compared to county and state rates
34 Figure 19. Alta Bates Campus expected payer source 2016
37 Figure 20. Total Homeless patients at select East Bay hospitals 2016 - 2017[6]
38 Figure 21. Alta Bates Summit Medical Center CHNA Communities of Concern
40 Figure 22. High Health Care Need Communities in the RHIA defined HSA
41 Figure 23. Heart Disease ED visits per 10,000 residents for all ZIP Codes in the RHIA defined Alta Bates Campus HSA
41 Figure 24. Select ZIP Codes - Asthma and Diabetes ED visits per 10,000 residents
43 Figure 25. Student vs Alta Bates Campus mental health care utilization
48 Figure 26. Travel times to Alta Bates & Summit Campuses from ZIP Codes in the HSA
52 Figure 27. Emergency response time line
54 Figure 28. Additional ED visits/year hospitals can absorb before exceeding (ACEP) standard
55 Figure 29. Alta Bates & Summit ED utilization & American College of Emergency Physicians' recommended capacity
59 Figure 30. Emergency Department patient surge volume after Chevron refinery fire, Richmond, CA, 2012
62 Figure 31. How hospitals contribute to regional economies

Maps

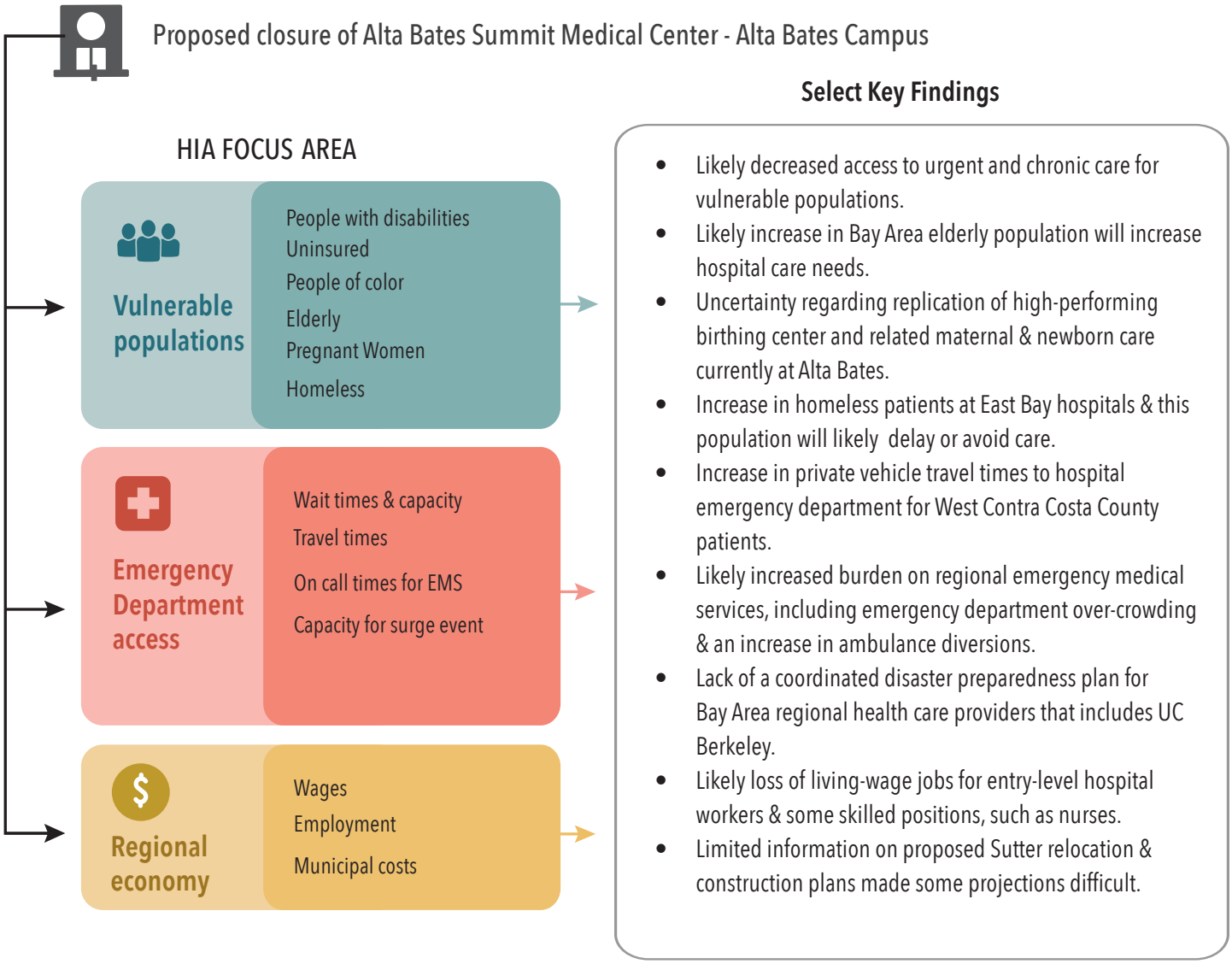
Page

9 Map 1. Alta Bates Campus & Regional Hospital Network
18 Map 2. Alta Bates Campus and affected buildings
21 Map 3. Rapid Health Impact Assessment defined Hospital Service Area (HSA)
23 Map 4. Large volume increases in Alta Bates Campus ED discharges from West Contra Costa County 2013 - 2016
25 Map 5. Comparing RHIA & CHNA defined Hospital Service Areas
27 Map 6. Summit Campus and affected buildings
38 Map 7: 2016 CHNA defined service area CHVI scores
39 Map 8: Percent Uninsured across Census Tracts in the RHIA defined Service Area
39 Map 9: Percent of Families (with Children) in Poverty across Census Tracts in the RHIA defined Service Area
44 Map 10. Population density in ZIP Codes surrounding UC Berkeley, Alta Bates Campus, and Summit Campus
49 Map 11. Projected Heart Disease ED Visits & Travel Times to Summit Campus for ZIP Codes North of Alta Bates Campus
50 Map 12. Travel times to Alta Bates vs. Summit Campus at 5:30pm from select ZIP Codes in the Alta Bates HSA
57 Map 13. Surge event: Earthquake along the Hayward Fault

EXECUTIVE SUMMARY

Sutter Health has proposed to close Alta Bates Campus in Berkeley, California, by 2030. Alta Bates Hospital serves the City of Berkeley and the entire East Bay with **347 beds, 22 Emergency Department treatment stations, about 50,000 Emergency Department (ED) patients, and over 5,000 births in 2017. In 2016, the hospital billed almost $2 Billion in patient revenue.**[2-4] Sutter Health has determined that state-mandated earthquake safety upgrades would be too costly to keep the major functions of the hospital open. Sutter Health stated in 2016 that they plan to relocate most inpatient care and emergency services from the Alta Bates Campus site in Berkeley to an expanded Summit Medical Campus in Oakland approximately three miles from the Berkeley campus.

Figure 1. HIA Key Findings Overview



This **Rapid Health Impact Assessment (RHIA)** was commissioned by the City of Berkeley's, Alta Bates Regional Task Force and highlights some of the likely health impacts from the closure of Alta Bates hospital. More specifically, the Rapid HIA focuses on the health impacts to: (1) already vulnerable populations, such as the elderly, the uninsured, and people of color; (2) University of California, Berkeley, students; (3) emergency medical services, including travel times to the emergency room and regional emergency room capacity in the case of a disaster, and; (4) the local economy.

Alta Bates Campus has served as a regional community health asset since its founding in 1905 by nurse Alta Alice Miner Bates. Alta Bates has the greatest number of hospital-births out of all hospitals in the East Bay. Further, Sutter Health's own 2016 Community Health Needs Assessment (CHNA) report noted that the Alta Bates Summit Medical Center Service Area currently serves a large percentage of the region's vulnerable communities with high chronic health care needs.

Alta Bates Campus also has one of the highest volume emergency departments (ED) in the East Bay. The ED has experienced a sharp increase in patients from West Contra Costa County, many of whom were likely served by Doctors Medical Center (DMC) in San Pablo, which closed in 2015. **In 2017 the Alta Bates Campus ED was operating at about 6,000 visits above the capacity recommended by the American College of Emergency Physicians.**[4]

Research from across California and the United States has found that hospital closures in urban areas can displace patients, particularly those already vulnerable, from familiar and usual sources of care, and overburden the hospitals that remain open. More specifically, Emergency Department (ED) closures can adversely impact regional morbidity and mortality.

Overall, we found that the closing of Alta Bates Campus will have potentially significant adverse health impacts related to: birthing/obstetrics; ED care for the elderly, uninsured, homeless and people of color; private vehicle travel times for certain areas of the East Bay, particularly Western Contra Costa County; disaster response capacity, and; some UC Berkeley student health care needs. We also found that the closing of the Alta Bates campus will adversely impact employment for low-wage workers, reduce spending in the local economy and potentially reduce community-based health promotion investments.

A summary of the likely impacts appears in Figure 2. We describe the key impact, the likely magnitude of impact on a scale of 1-3 stars, with 3 being the greatest impact, and offer examples of key data for each impact.

This RHIA utilized a detailed review of the scientific literature, existing provider data, and interviews with select professionals to estimate likely impacts. However, the projected impact analyses and some conclusions were limited due to the fact that Sutter Health did not provide detailed relocation and re-construction plans for either the Summit or Alta Bates campuses. The findings here are based on available hospital and public health data. Despite these limits, we find that the closing of the Alta Bates hospital campus in Berkeley, CA, will likely have significant adverse public health impacts on populations along the corridor from Berkeley to San Pablo unless specific actions are taken to increase ER and inpatient care access for already vulnerable populations, increase existing hospital emergency department capacities and increase 24-hour urgent care facilities, especially those serving West Contra Costa County.

Figure 2: Likely Health Impacts from the Closing of Alta Bates Medical Center, Berkeley, CA
(Magnitude: 1 = less likely to 3 = highly likely)

Key Issue	Likely Health Impact	Magnitude of impact	Examples of Supportive Data
Birthing/ obstetrics	Reduced access to high quality prenatal, birthing & neonatal care	***	Over 5,000 births per year at Alta Bates - highest in the region Current birthing center has excellent maternal & infant outcomes
Elderly care	Delayed care, increased severity of disease & likely avoidable hospitalizations	*	Already high % Medicare serving facility; senior population increasing Hospital closures have resulted in delayed care & increased mortality for elderly
Uninsured & homeless	Delayed care, increased unnecessary hospitalizations, increased care costs & potential spread of infections	**	About 41% of patients in 2016 were Medi-Cal or uninsured 600% increase in homeless patients at Alta Bates between 2016 - 2017
People of color	Delayed care, increased unnecessary hospitalizations, increased care costs & some increase in unnecessary deaths	***	Over 63% of patients at Alta Bates were people of color (PoC) in 2016 West Contra Costa County has high % PoC utilizing Alta Bates & will experience greatest increased travel times to reach Summit campus
People with Disabilities	Accessibility barriers due to increased distance and unfamiliarity with relocated services	**	12% of the population in the HSA are living with a disability, of which at least 61% are racial/ethnic minorities
UC Berkeley Students	Loss of familiar ED & in-patient care; loss of some emergency mental health & suicide prevention	**	Estimated 4,000 UCB student visits to Alta Bates ED per year About 2 ambulance transfer per day from Tang Health Ctr. to Alta Bates Loss of familiarity & proximity of care may adversely impact students
Emergency Department	Increased crowding at EDs across the region, increasing wait times; Increase travel times to ED for some; Increased 'time-on-task' for many regional EMS providers.	***	Loss of 22 ED treatment stations at Alta Bates Increase private vehicle travel times to Summit hospital during PM peak rush hour, with some areas needing over 50 minutes to reach ED. Summit will need to double current ED capacity to accommodate all Alta Bates patients Berkeley EMS reports 10-12 min. increase in transport times to Summit compared to Alta Bates, which would add on average 2 extra hours of EMS 'time-on-task' per day if Alta Bates closes
Disaster preparedness	Loss of ED capacity to treat earthquake & fire victims, potential increase in avoidable deaths & hospitalizations; likely increased cost of long-term care.	***	Est. 900 people needing ED care in first days of HayWired scenario earthquake & 1,000-1,200 from a major fire at Chevron in Richmond w/out Alta Bates. Regional ED capacity in an emergency/disaster will be significantly compromised without Alta Bates Concentrating ED capacity in fewer locations may limit access during a disaster if roadway network to those facilities is compromised.
Economics	Local government EMS spending increase; low wage workers disproportionately lose jobs; Nurses may also be adversely impacted; local service economy suffers	*	Potential increased cost to local governments to provide additional EMS services due to longer time on task Potential loss of nurses out of region, increasing shortage of skilled practitioners Estimated loss of $20M to local economy from annual hospital contracting & services

INTRODUCTION

Proposed Closing of Sutter Alta Bates Campus, Berkeley, CA

Sutter Health announced in 2016 that it will close its Alta Bates Campus in Berkeley and consolidate its current inpatient and emergency services approximately three miles away at its Summit Campus in Oakland, CA. Sutter Health has stated that the closure of the Berkeley hospital campus is expected to occur gradually, with full closure occurring by 2030 (Sutter Health, 2018). Some services have already been relocated from Alta Bates Campus to Summit Campus, such as the cardiac catheterization lab, which began to close as early as 2010.

Alta Bates Campus was established in 1905 by a nurse named Alta Alice Miner Bates. In 1906 the facility became the emergency hospital for many in the East Bay, especially as hundreds of San Franciscans fled to Berkeley after the Earthquake and Fire of 1906. Between 1910 and 1912, the hospital built two wings and had about 40 beds. In 1928 a new hospital was opened on the same site with 112 beds. In 1985, the 1928 building was replaced with a 300 bed, three story structure, that exists today (Sutter Health, 2018).

Alta Bates Campus currently serves the City of Berkeley and the entire East Bay with 347 beds and 22 Emergency Department stations, generating approximately $1.89 billion in total patient revenue in 2016.[1,4] Alta Bates Campus is one of the only hospitals serving the East Bay corridor from approximately San Pablo in Contra Costa County to Berkeley in Alameda County (see regional hospital network Map 1). Without access to Alta Bates Campus, West Contra Costa County residents will likely rely on Kaiser-Richmond, which has limited capacity, and hospitals located 18-25 miles east, such as Contra Costa Regional Medical Center and John Muir Hospital (Alta Bates averages 9 miles from most West Contra Costa County origins).

In response to the announcement of the proposed closure of the Alta Bates Campus, the Mayor's Office of the City of Berkeley convened the Alta Bates Regional Task Force to explore ways to prevent this closure and keep Berkeley's only acute and emergency care hospital open. The Berkeley City Council voted in 2016 to work to keep the hospital open, and the Task Force is one venue where information and policy alternatives are being explored. The Task Force is comprised of officials from Alameda and Contra Costa Counties, and the cities of Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, San Pablo, and Richmond, California. The task force also includes stakeholders from labor unions, non-profit organizations, the University of California Berkeley, and members of the public. **The Task Force commissioned this Rapid Health Impact Assessment (RHIA) in the Spring of 2018, to better understand the potential impacts of the hospital closure on health care utilization and access to emergency medical services (EMS).**

Research on hospital closures suggests that the events can displace patients from usual sources of care and force them to access facilities that may lack their prior medical records. Emergency Department (ED) closures can adversely impact morbidity and mortality in a region. The closure of an ED can have a significant impact on a region as patients may have to travel farther to obtain care and the remaining EDs have to

Map 1. Alta Bates Campus & Regional Hospital Network

bear the extra patient volume, especially for patients experiencing time-sensitive illnesses requiring prompt intervention. EDs provide care not only for the critically ill, but also for those unable to access care by other means, and are seeing a rising trend in patient volume in both the US and California. Significant increases in ED volume create a strain on existing emergency care capacity and emergency medical service providers, and can adversely impact patient health outcomes.

Overview of Potential Health Issues from an Urban Hospital Closing

Research in the public health, medical and health care services literatures suggests that urban hospital closures can have adverse impacts on population health, access to care and patient outcomes. However, research also suggests that whether or not a hospital closure will adversely impact access and/or patient outcomes can

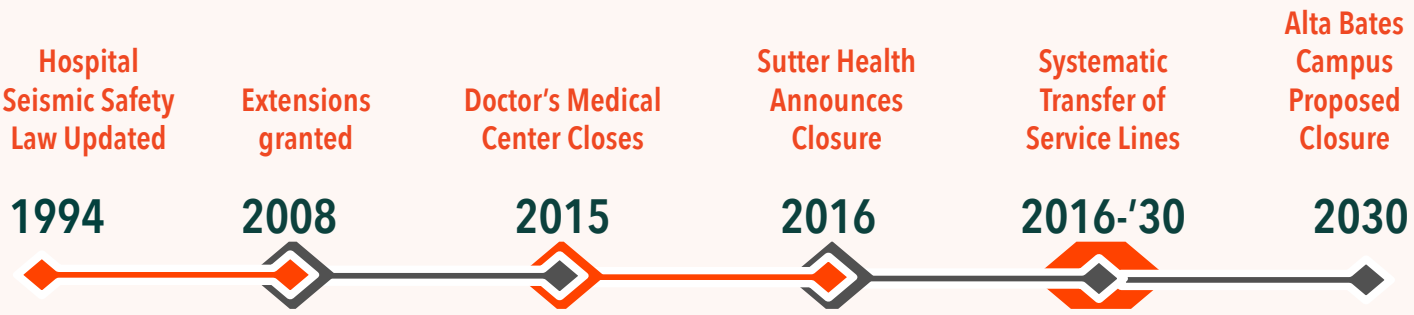


Figure 3. Alta Bates Closure key milestones time line

depend on a host of factors, such as if there are other high-performing institutions in close proximity, if these institutions are accessible to the poor, and if these same institutions can serve additional patients, particularly in the ED (Hsia & Shen 2011; Joynt et al., 2015; Liu et al., 2014). Urban hospital closures have seen an increase in both California and the US. Most recently and related to this trend, **Doctors Medical Center (DMC) in San Pablo, California, closed in April 2015. Since that time, as we will highlight in more detail below, residents living in Northwest Alameda County and West Contra Costa County have become increasingly reliant on the Alta Bates campus for emergency and inpatient care.**

Hospital closures can have a significant impact on emergency department (ED) access. A 2015 national survey by the American College of Emergency Physicians titled "Review of the Evidence on the Use of the Emergency Department by Medicaid Patients and the Evolving Role of Emergency Medicine Physicians," revealed that patients in crowded EDs have a greater likelihood of experiencing long wait times, leaving without being seen by a physician, feeling unsatisfied with their care, and having worse medical outcomes including delays in diagnosing myocardial infarction and increased mortality rates. Horwitz, et al., (2010) reported that only 67% of acutely ill ED patients were seen within the recommended times in the US. In 2009, Pines, et al., reported on the complication rate of patients with acute coronary syndrome (ACS) as a function of crowded versus non-crowded EDs, and found a significant increase in serious complications (approximately 6% vs. 3% incidence of death, cardiac arrest, heart failure, late myocardial infarction, arrhythmias, stroke, or hypotension) in those patients presenting during overcrowded EDs.

ED overcrowding may also reduce the quality of care and increases medical errors, as the emergency staff may have to continually focus on new patients. ED closure can also eliminate hospital capacity for accommodating critical incidents such as infectious disease epidemics and disasters, another issue we explore in more detail below.

The locations of urban hospital closures do not seem to be randomly patterned, as Sager (2013) and Ko et al. (2014) found that racially segregated communities and especially predominantly African-American neighborhoods are more likely to experience a hospital closing than predominantly white, Latino or Asian-American majority neighborhoods. Nationally, one in three urban African-Americans receive their primary and other care at a hospital while for whites this in about one in six.

A 2014 investigation by the Pittsburgh Post-Gazette/Milwaukee Journal Sentinel revealed that people in poor, urban neighborhoods are

less healthy than their more affluent neighbors, but more likely to live in areas with physician shortages and closed hospitals (Thomas, 2014).

A more detailed review of the medical literature is included in each section below, and suggests that urban hospital closings can have adverse impacts that disproportionately impact already vulnerable populations - such as the elderly, people of color, and the homeless - emergency department access, regional emergency management systems, and the local economy.

What is Health Impact Assessment (HIA)?

Health Impact Assessment (HIA) uses a combination of procedures, methods and tools to analyze the potential, and sometimes unintended, effects of a policy, plan, program or project on the health of a population and the distribution of those effects across population groups. HIA is a process that aims to create healthier communities by providing decision-makers with an understanding of the potential health impacts of a proposed project, and makes recommendations that could reduce adverse impacts. Importantly, HIA does not endorse or oppose a project or policy; rather, the purpose of conducting an HIA is to inform stakeholders and decision-makers about the population health implications of proposed actions, to identify and examine trade-offs, and to encourage the exploration of health promoting alternatives.

A Rapid or sometimes called a "desktop HIA", does not include the extensive community and stakeholder input of a typical HIA or original data collection, such as surveys. Instead, the **Rapid HIA (RHIA) utilizes existing data and limited stakeholder engagement to generate analyses that can inform ongoing policy debates and identify areas for additional study.** The key stages of the HIA process are highlighted in Figure 4, and this RHIA includes the first three major steps of screening, scoping and assessment. While there is no single best approach to HIA, each HIA process should reflect the needs of its particular context. This Rapid HIA aims to extend the knowledge and awareness for communities and decision-makers about select health equity issues raised by the proposed closing of Alta Bates hospital in Berkeley, California.

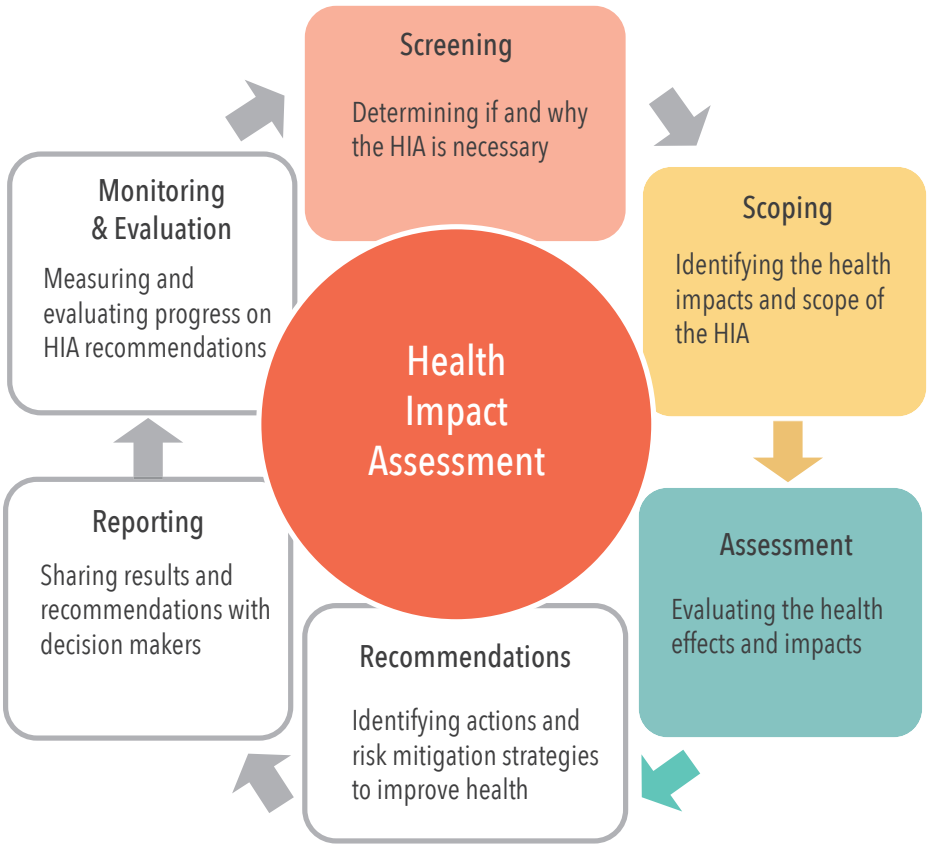


Figure 4. Health Impact Assessment process

*Figure adapted from Mecklenburg County

Scope of this Rapid HIA

On July 27, 2017, the City of Berkeley, California's Community Health Commission voted to authorize a scope of work for a Health Impact Assessment analyzing select impacts from the proposed closing of Alta Bates Campus. After reviewing this preliminary scope, a revised scope of work was developed by Professor Jason Corburn and University of California, Berkeley (UCB) researchers at the Institute of Urban and Regional Development (IURD), in consultation with the Health Commission and other City of Berkeley stakeholders. A Rapid HIA screening and scoping document was produced by UCB in December 2017. City of Berkeley staff commented on and suggested revisions to the initial draft scope of work (SOW). A final SOW was developed by Professor Corburn based on feedback and a preliminary review of availability data.

Since a detailed closing plan, including specific time frames and services, was not provided by Sutter Health, this RHIA was not able to offer detailed analyses of potential impacts from the removal and/or relocation of inpatient services. The RHIA analyses are based on the best and most up-to-date information we were able to obtain from Sutter Health on the closing and relocation of services from Sutter's website and the Sutter Vision for 2030: https://rebuild.altabatessummit.org.

Key RHIA Focal Areas

Based on consultation with the Alta Bates Regional Task Force and key stakeholders, we refined this RHIA to focus on the following areas:

1. Impacts on vulnerable populations, including but not limited to low-income, under and uninsured populations, people of color, elderly, pregnant women, and those with

Rapid HIA research questions:

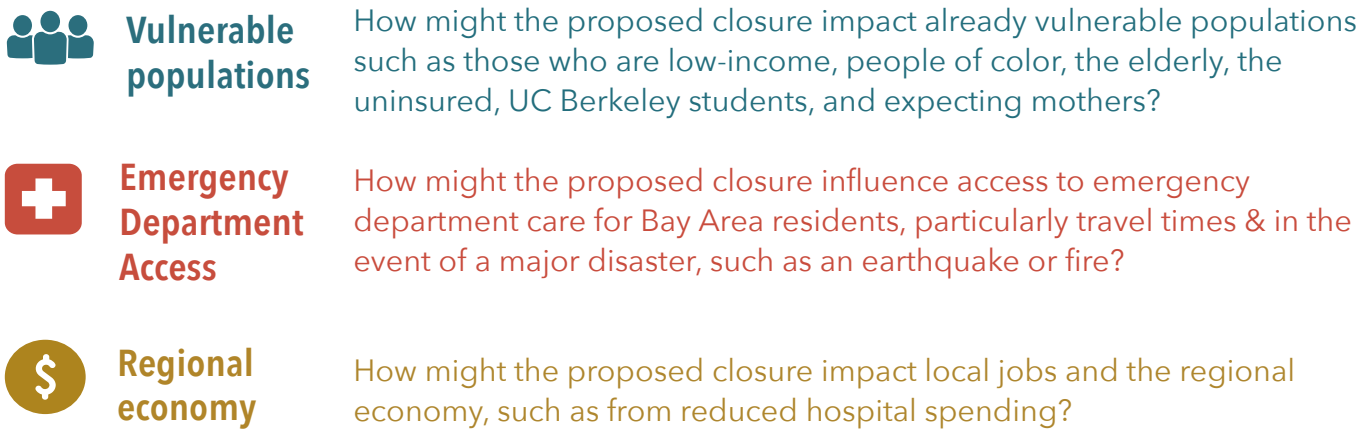


Figure 5. Rapid Health Impact Assessment guiding research questions

limited transportation options;
2. Impacts on health care and emergency department services for University of California, Berkeley students;
3. Impacts on Emergency Department access and regional ED capacity;
4. Impacts on Emergency Medical Services (EMS), specifically to paramedic 'time-on-task;'
5. Impacts on regional hospitals' disaster response ED capacity, particularly in the case of an earthquake and fire, and;
6. Impacts on local employment and the regional economy.

Hypothesized Impact Pathways

Based on the six agreed upon focal areas described above and the three key RHIA research questions (Figure 5), the research team performed a preliminary review of the scientific literature on hospital closures, ED closures in urban areas and previous studies of the impacts of hospital closures, specifically the report on the closure of Doctors Medical Center. The authors of this RHIA **hypothesize at least five potential pathways between the closure of Alta Bates Campus and population health outcomes,** informed by a preliminary research review. These hypothetical scenarios are highlighted in the Figures 6-10 and described below. **In each pathway diagram, a up arrow indicates a likely increase while a down arrow indicates a likely decrease.** The hypothetical scenarios helped to further refine our review of the literature and data analysis. The hypothesized pathways of potential impacts from the closing of Alta Bates hospital included:

Scenario A: Birthing center closes (Figure 6)
In this scenario, we hypothesized that the Alta Bates Campus birthing center & related prenatal and postpartum care, including the NICU, close and there is some replication of these exact services in any one location in the region.

Scenario B: Emergency Department closes (Figure 7)
In this scenario, the Alta Bates Campus ED closes and some additional capacity is provided for at Summit in Oakland.

Scenario C: ED closes & regional ED patients increase (Figure 8)
In this scenario, we hypothesized the Alta Bates Campus ED closes & the remaining open hospitals in the region experience increased ED patients.

Scenario D: Disaster & ED access (Figure 9)
In this scenario, we hypothesized potential impacts to ED access during a disaster in the absence of Alta Bates Campus.

Scenario E: Economic Impacts (Figure 10)
In this scenario, we hypothesized potential economic impacts to jobs and the local economy from the closure of Alta Bates Campus.

Figure 6. Hypothesized Impacts from Alta Bates Campus birthing center closing

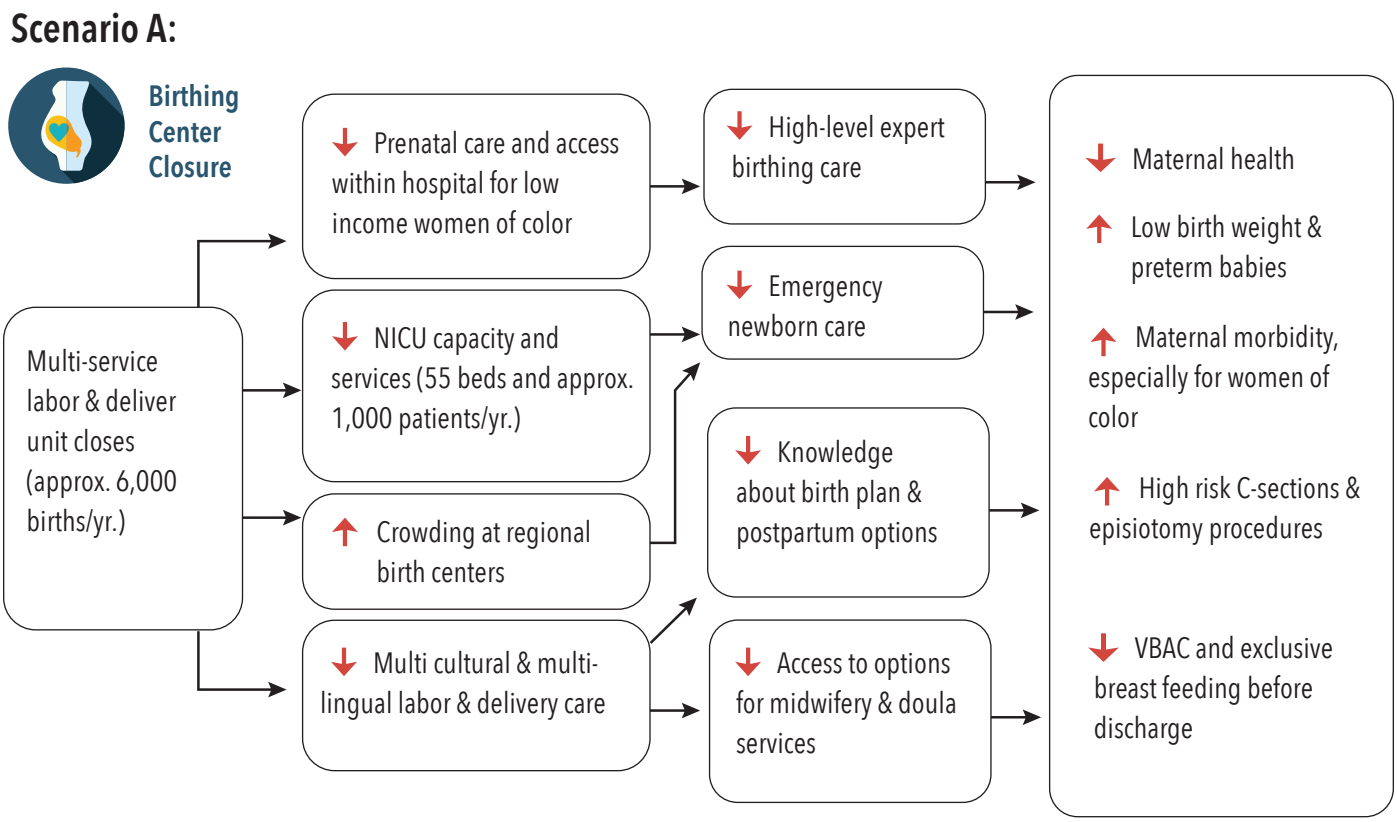


Figure 7. Hypothesized Impacts from Alta Bates Campus Emergency Department (ED) closing

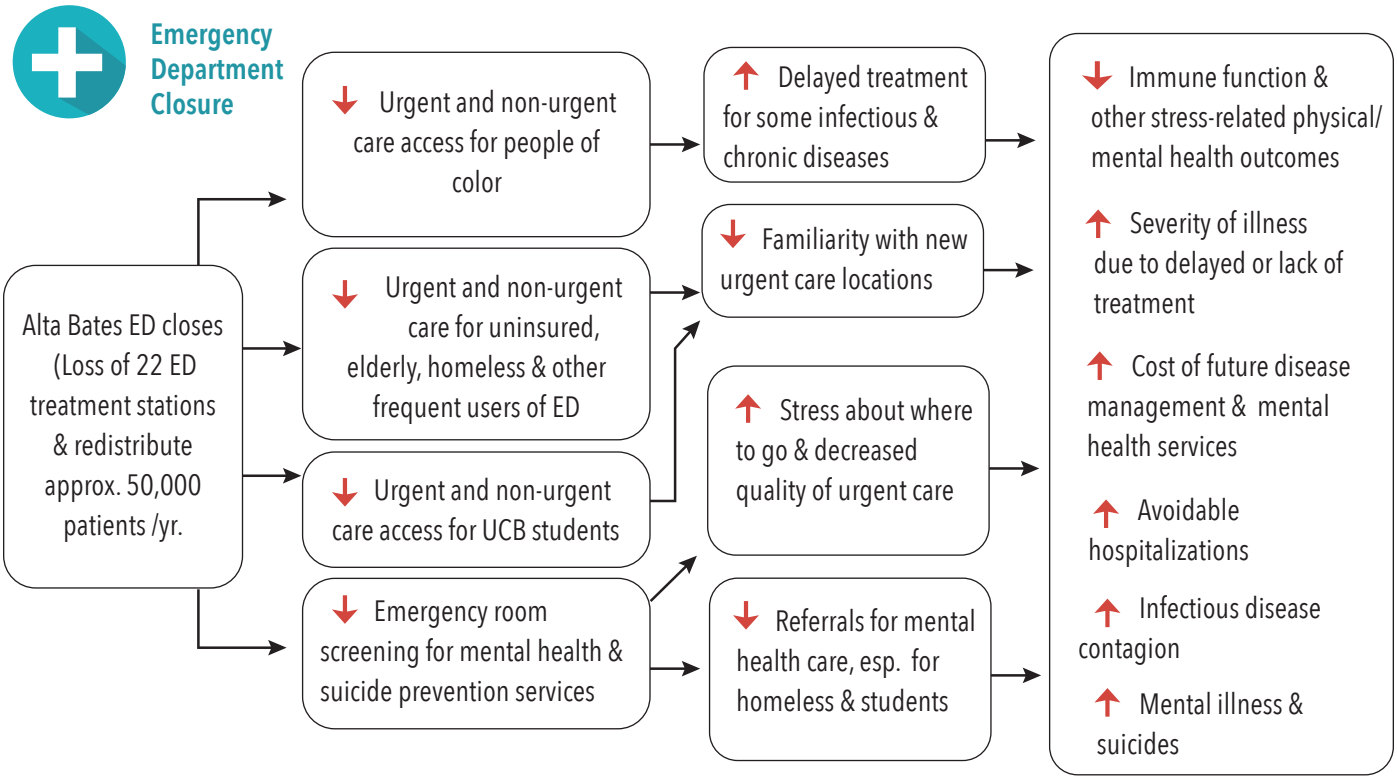


Figure 8. Hypothesized Impacts of Alta Bates Campus ED closing on Emergency Medical Services

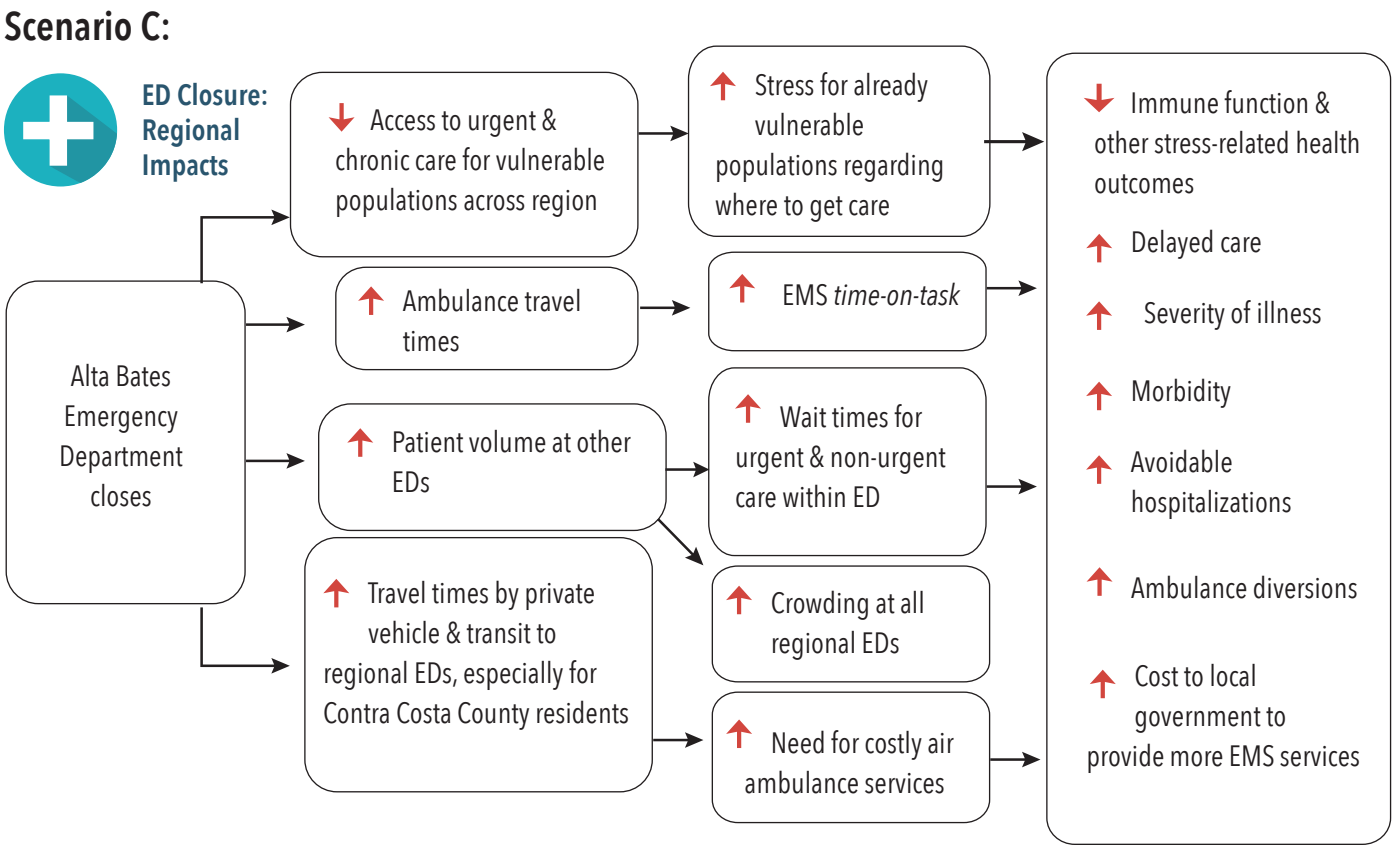


Figure 9. Hypothesized Impacts of a Regional Disaster on ED access without Alta Bates Campus

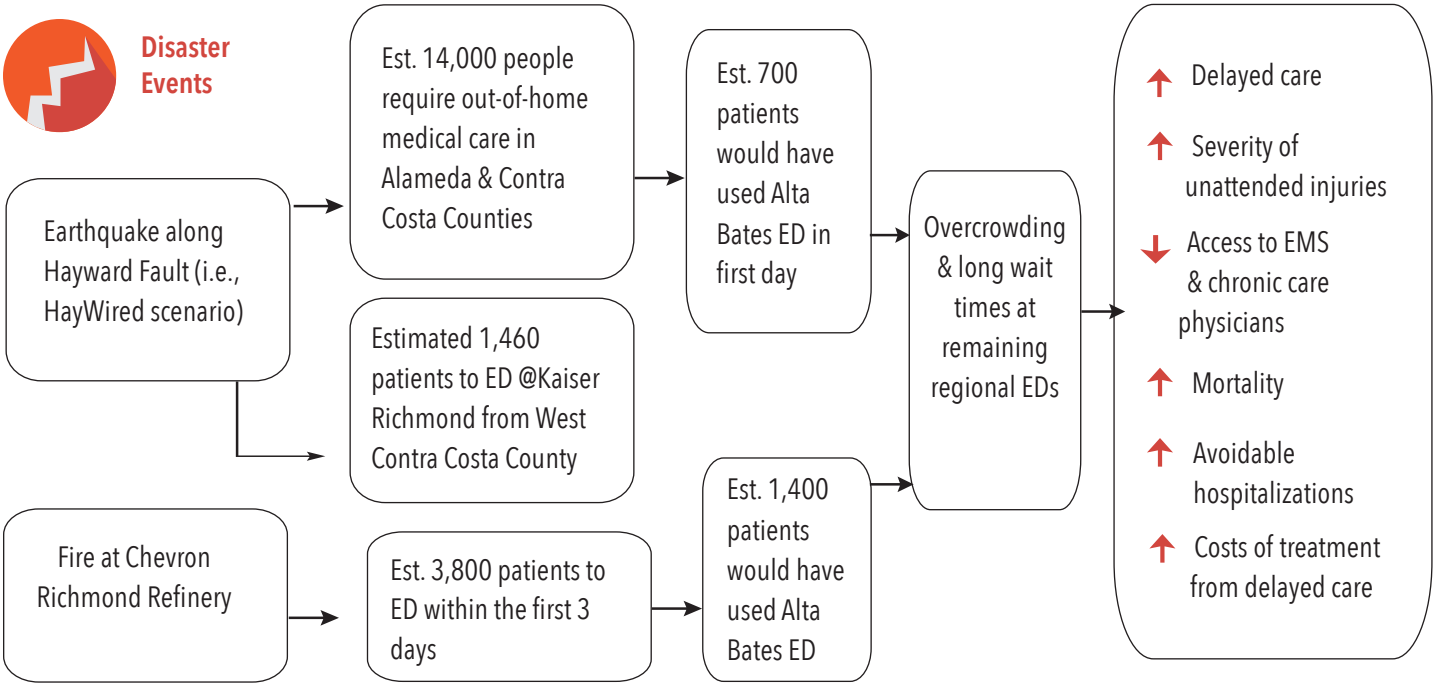
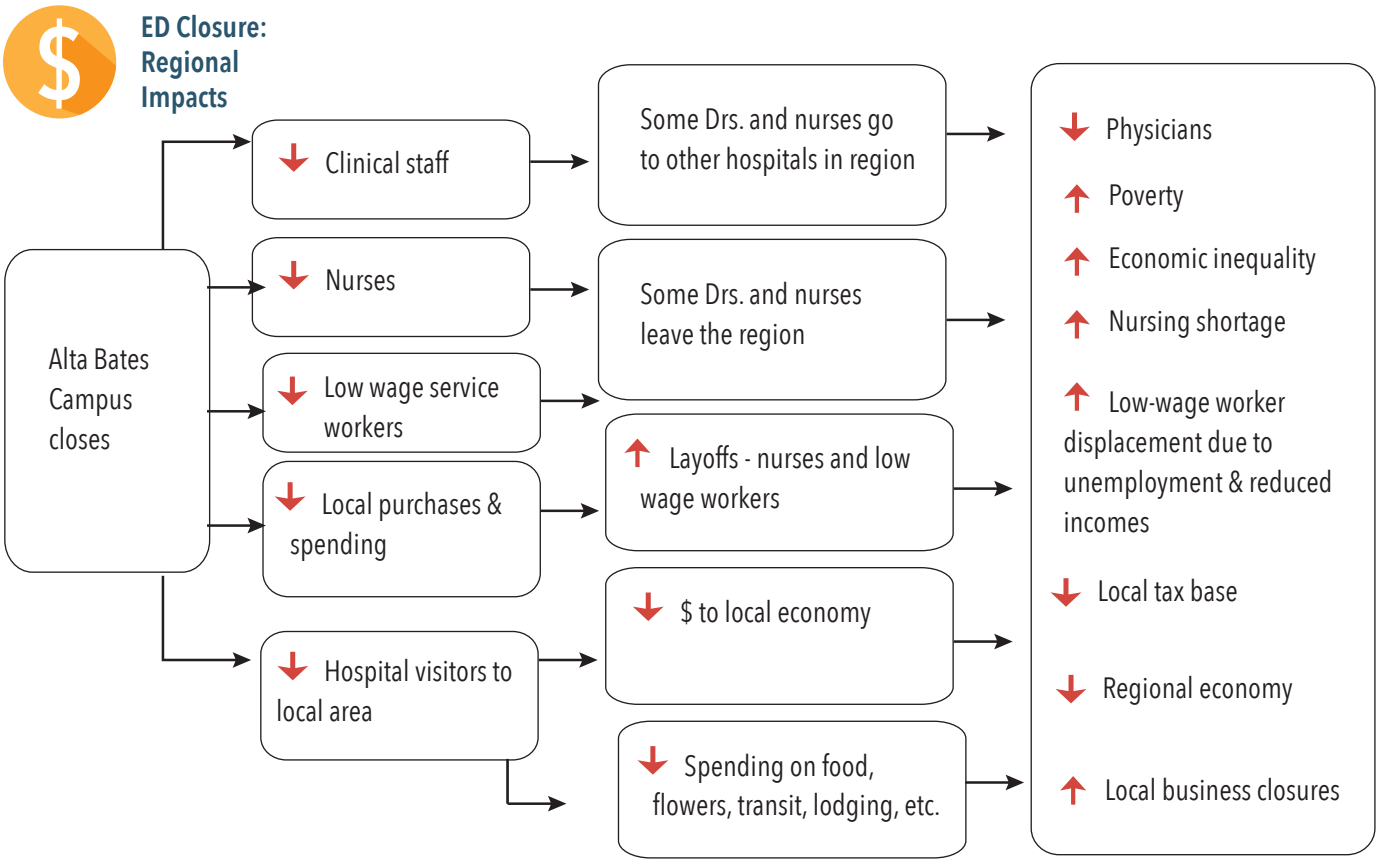


Figure 10. Hypothesized Impacts from Alta Bates Closing on Local & Regional Economy

Scenario E:



Rapid HIA Methodology

A mixed set of methods were used to complete this RHIA. As mentioned above, a detailed review of the scientific literature related to hospital closing was conduced to develop the hypothesized pathway diagrams and support data collection. We analyzed hospital and patient data using the California Office of Statewide Health Planning and Development (OSHPD). The RHIA also includes detailed reviews of reports by local hospital systems, emergency medical providers, and county health departments, which helped us obtain existing utilization information. Key findings from existing reports and analyses were summarized and incorporated into our analyses.

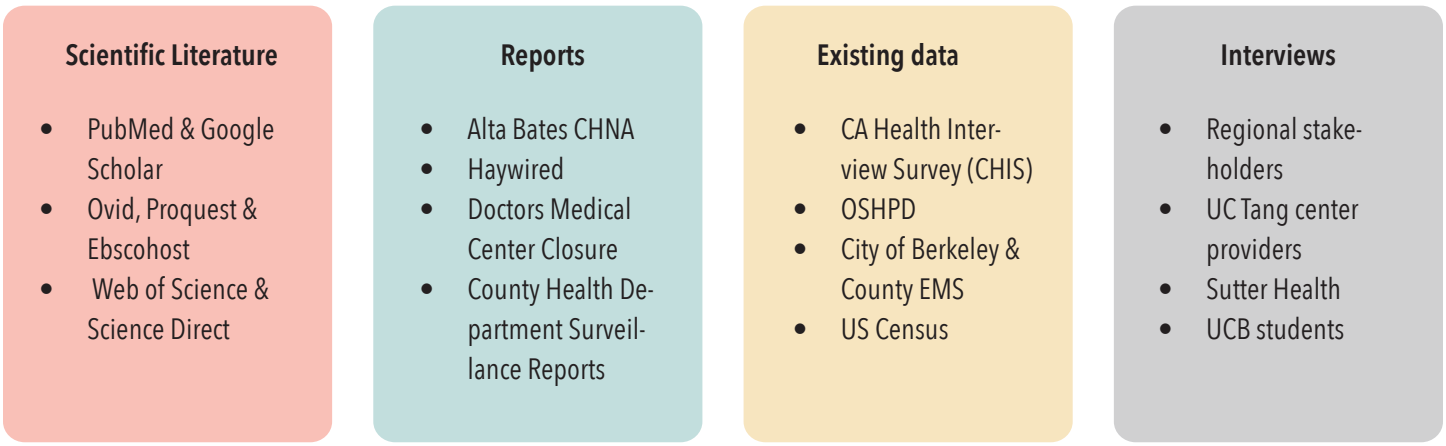
Data for multiple years and for multiple hospitals in the region, including Alta Bates Campus, were obtained from OSHPD. OSHPD conducts an annual, standardized survey required of all hospitals and health services in the state. Each facility is required to report data on patient capacity, inpatient utilization, ED utilization, and expenditures. We generated summary statistics on hospital and patient utilization for Alta Bates and Summit Campuses, as well as select hospitals in the East Bay region. Where possible, we utilized data from 2017, and otherwise reference complete OSHPD datasets from 2016. Five year estimates from the 2016 US Census, American Community Survey data were gathered to define ZIP Code populations and other community-scale demographics in the region.

Previously published health outcome data from the Alameda and Contra Costa County Health Departments were summarized by ZIP Code. In addition, ZIP Code level hospitalization data (2011) was accessed through the Sutter Health "Health Needs Maps" website (http://www.healthneedsmap.com). All these data are publicly available and as such this assessment was exempt from review by the human subjects' protection office of the University of California, Berkeley.

Meetings with Sutter Health, City of Berkeley and UC Berkeley's Tang Health Care providers also informed the analyses and provided qualitative data. A list of interviewees & reviewers of a first draft of this report appears in the appendix.

A summary of the inputs used appear in Figure 11. A full list of references appears at the end of this document.

Figure 11. Examples of inputs to Rapid HIA

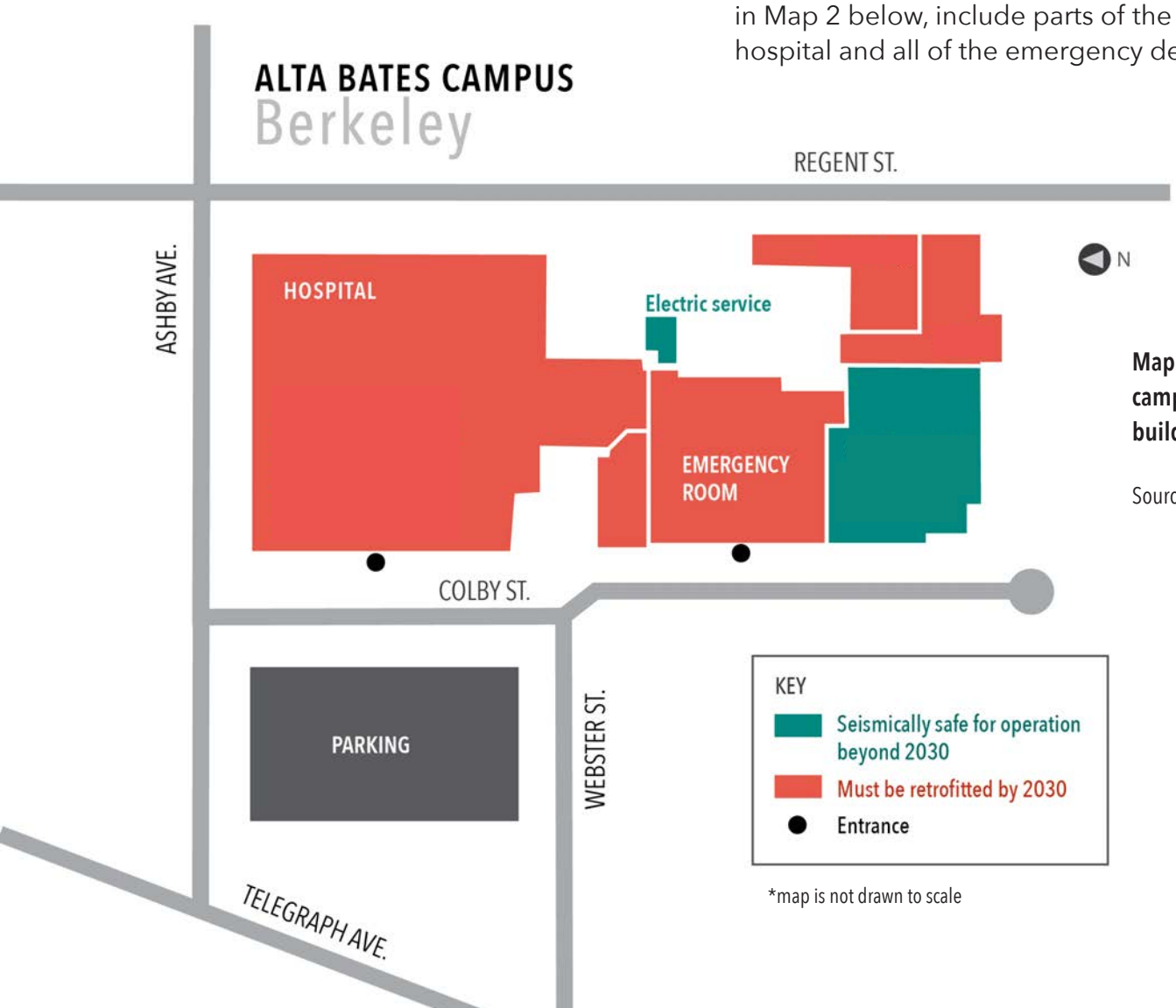


OVERVIEW OF ALTA BATES

Alta Bates Campus is one of the most utilized hospitals and birthing centers in Alameda and Contra Costa Counties, with a total of 66,268 patients in 2016. The hospital service area, in which 75% of patients reside, encompasses 9 cities across the East Bay. The hospital has recently seen a large increase in patients from West Contra Costa County after the closure of Doctor's Medical Center in 2015.

The Alta Bates campus of Alta Bates Summit Medical Center is a 347-bed acute care hospital, located in the city of Berkeley, in North Alameda County, California. Alta Bates was purchased by Sutter Health Corporation and integrated with Summit Medical Center in Oakland and Herrick Hospital in Berkeley to form Alta Bates Medical Center in the year 2000. Aside from providing emergency, acute and specialty care services, Alta Bates campus is also a major regional birthing center.

The Alta Bates Campus currently has 5 buildings that are out of compliance with the Hospital Seismic Safety Law, and must be retrofitted by 2030 or stop providing all inpatient and emergency services.[10] These buildings, depicted in Map 2 below, include parts of the general hospital and all of the emergency department.



Map 2. Alta Bates campus and affected buildings

Source: OSHPD, 2018

347 beds 3rd largest general acute care facility in the region

66,268 patient discharges, 2nd highest of non-Kaiser hospitals in Alameda County 2016

16,494 discharges from Contra Costa County in 2016 - 31% increase since 2013

45,900 ER visits in 2016 - 7% increase since 2013

61% of ER visits were **Medi-Cal and Medicare** in 2016

7% of ER visits were **uninsured** patients in 2016

5,863 live births in 2016 - highest in the region

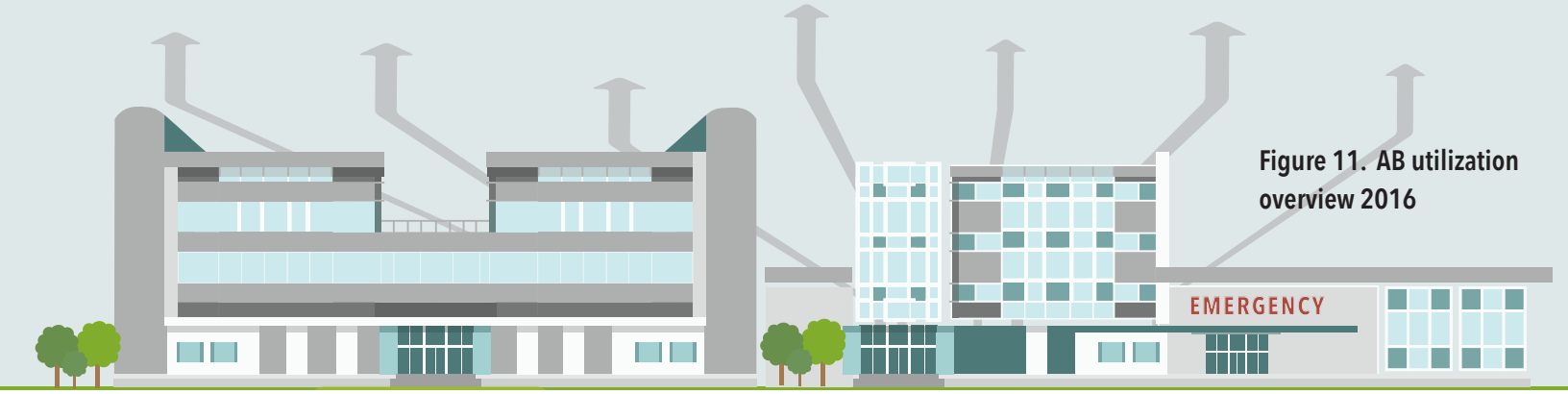


Figure 11. AB utilization overview 2016

We detail Sutter's response to the seismic upgrade on page 28 below.

Alta Bates Patient Utilization

Alta Bates Campus is one of the most utilized hospitals in Alameda County, and is the 3rd largest general acute facility in the region. Of its 347 beds, the facility currently has 146 general acute beds, 16 in intensive care, 116 perinatal, 55 in intensive newborn nursery, and 14 coronary care beds.[4]

In 2016, Alta Bates Campus discharged 66,268 patients, more than any other non-Kaiser hospital in Alameda County except Highland Hospital at 81,500. Of the 66,268 patients that were seen at Alta Bates Berkeley, 19,887 were hospitalized, including 5,930 patients admitted from the emergency department. **Of the 19,887 hospitalized patients, 30% were admitted for a birth-related diagnosis and 33% were admitted with a pregnancy-related diagnosis, for a total of 63% of all hospitalized patients.** In 2016, Alta Bates Berkeley delivered 5,863 babies, more than any hospital in Contra Costa County or Alameda County, making it the region's largest birthing center. After birthing and pregnancy patients, the third highest patient diagnosis was infection-related, which made up only 6% of hospital admissions.[8]

Alta Bates also operates an ambulatory surgery center, which conducted 6,975 surgeries and medical procedures in 2016. The most common principal diagnoses from the ambulatory surgery center were: eye disorders (22%), other reasons

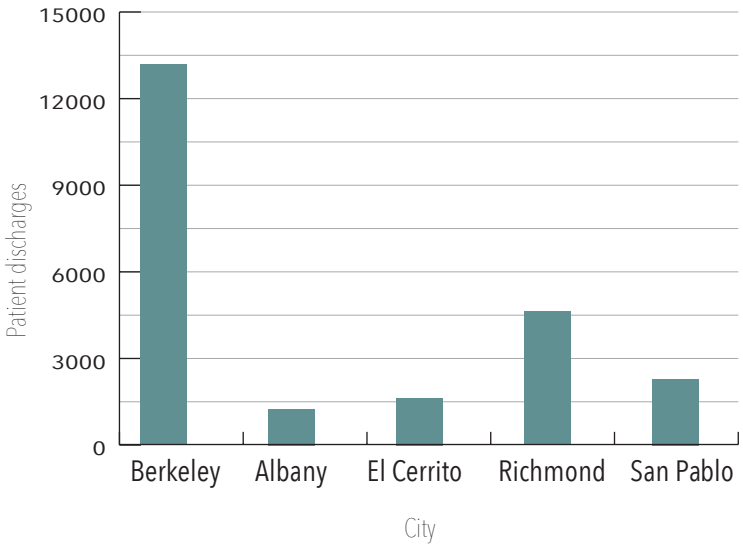


Figure 12. Alta Bates Campus ED patient discharges (2016) from cities impacted by the DMC hospital closure

Source: OSHPD, 2016

(15%), digestive system (14%), cancer (12%), and genitourinary system (11%). Of the 6,699 surgeries that were performed at the ambulatory surgery center in 2016, 60% were related to either eye and ocular surgeries (25%) or digestive surgeries (35%).[8]

Emergency Department

The Alta Bates Campus has one of the largest emergency department (ED) patient volumes in the region, operating over capacity by approximately 6,000 visits per year in 2017. That year the ED had 22 emergency treatment stations, down 3 stations from 2016.[3,4]

In 2017 Alta Bates Campus documented 50,414 emergency department visits, an additional 4,524 visits than 2016, despite having three less treatment stations. 63% of emergency department visits not resulting in admission were classified as severe, with 27% being life-threateningly severe and 36% being non-life-threateningly severe. Of the remaining visits, 27% classified as moderate, 9% were classified as low/moderate, and 1% were classified as minor.[4] Based on our review of the literature **it is unlikely that the 'severe' visits – comprising over 60% of total visits – could be treated in an urgent care facility or primary care setting.**

Given the high volume of ED patient traffic, Alta Bates Campus reported 57 hours of ambulance diversion in 2016, and 13 in 2017.[3,4] During these hours the hospital closed its ED to incoming ambulances, resulting in those ambulances being diverted to other hospitals. High ambulance diversion rates can be an indicator of ED overcrowding, and is associated with poorer health outcomes for patients as well as lost revenue for hospitals. A more detailed discussion on ED access and impact of an Alta Bates Campus closure on the regional emergency medical services network can be found in the section below on EMS.

Hospital Service Area

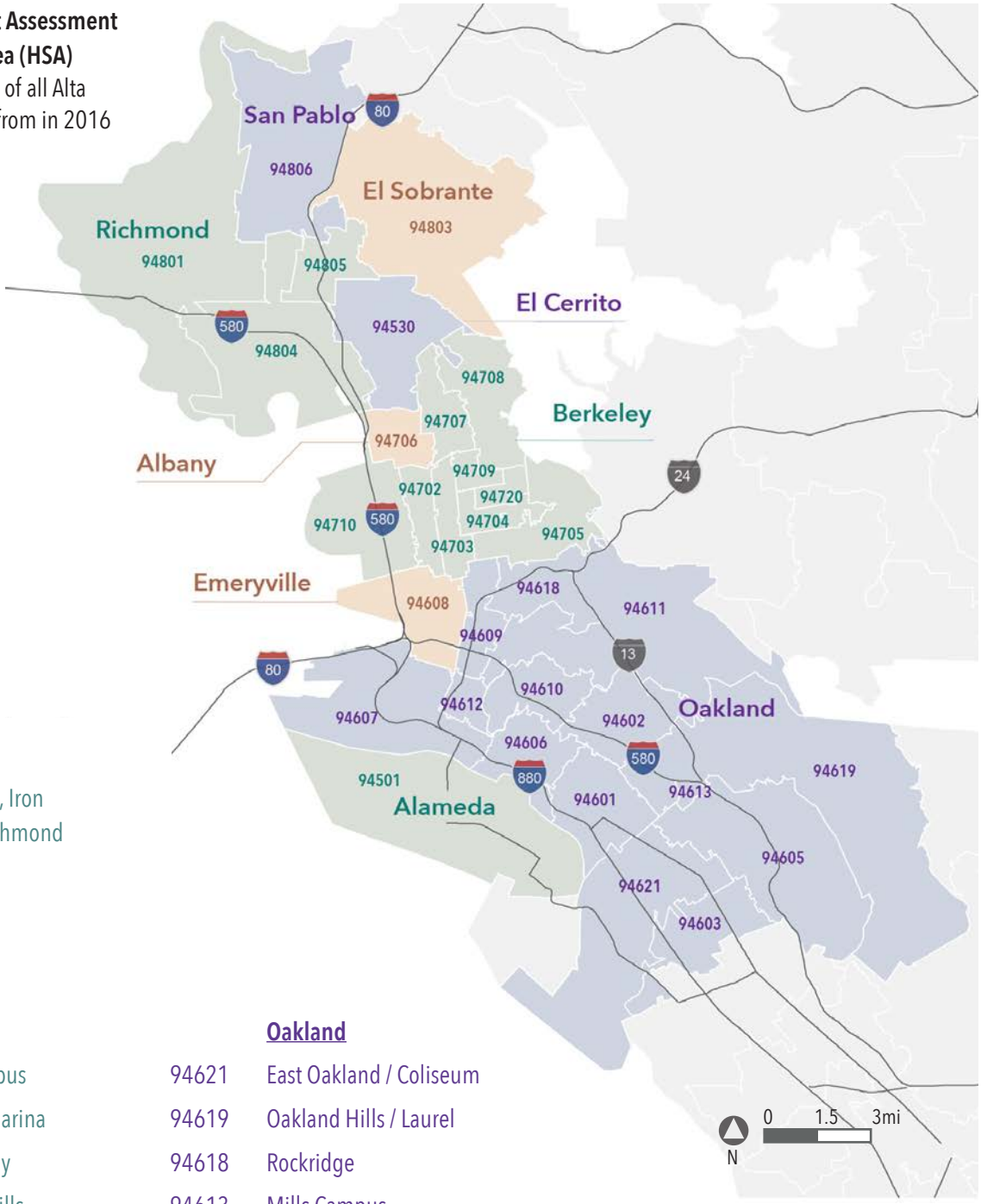
For this RHIA, we calculated the Alta Bates Campus hospital service area (HSA) using the latest available OSHPD (2016) patient origin data. This HSA best reflects the geographic area from which patients are coming from to receive care at Alta Bates Campus. As we describe below, the RHIA defined HSA is slightly larger than the area Sutter Health defines as the HSA for Alta Bates Summit Medical Center (which includes Alta Bates, Summit, and Herrick campuses) in their 2016 Community Health Needs Assessment (CHNA) report, since we aimed to capture the recent increase in patients coming from West Contra Costa County.

Using all 2016 inpatient and ED origin data, this RHIA defines the Alta Bates campus HSA to include the 32 ZIP Codes in the region where approximately 75% of patients lived. **The HSA spans across 9 cities in Alameda and Contra Costa Counties: Oakland, Alameda, Emeryville, Berkeley, Albany, El Cerrito, Richmond, San Pablo, and El Sobrante (Map 3). While 75% of patients in 2016 came from these 32 ZIP Codes, 66% of all patients that year came from Alameda County, and 25% from Contra Costa County, for a total of 91% of all patients.**[6]

According to the US Census, the RHIA HSA includes 839,299 residents, 44% of which are people of color and 18% of which lived below the poverty line in 2016 (ACS 2012-2016). Roughly 18% of the population in the service area are African American and 25% are Hispanic/Latinx. In the HSA **25% of the population receives Medicaid coverage and 11% are uninsured.** Since people with Medicaid and the uninsured may utilize a hospital for primary care more than those with other health insurance, there are approximately 301,146 people in the HSA that

Map 3. Rapid Health Impact Assessment defined Hospital Service Area (HSA)
32 ZIP Codes from which 75% of all Alta Bates Campus patients came from in 2016

Source: OSHPD POMS, 2016



ZIP Code	Community
94806	San Pablo
94803	El Sobrante
	Richmond
94805	East Richmond
94804	South Richmond
94801	Richmond - North, Iron Triangle, Point Richmond
94530	El Cerrito
94706	Albany
	Berkeley
94720	UC Berkeley Campus
94710	West Berkeley / Marina
94709	Northside Berkeley
94708	Tilden/Berkeley Hills
94707	North Berkeley / Kensington
94705	Claremont / Elmwood
94704	Berkeley Downtown / South of Campus
94703	Northwest Berkeley
94702	Northwest Berkeley
94608	Emeryville
	Oakland
94621	East Oakland / Coliseum
94619	Oakland Hills / Laurel
94618	Rockridge
94613	Mills Campus
94612	Downtown Oakland
94611	Piedmont / Oakland Montclair
94610	Oakland Grand Lake / Lakeshore
94609	Oakland MLK
94607	West Oakland / Jack London
94606	Oakand / Cleveland Heights
94605	Oakand Hills / Eastmont
94603	East Oakland / Brookefield
94602	Oakland / Glenview
94601	East Oakland / Fruitvale
94501	Alameda

RHIA defined Alta Bates Campus hospital service area

839,299 residents

32 ZIP codes

18% of population below 100% of the federal poverty level

44% People of Color

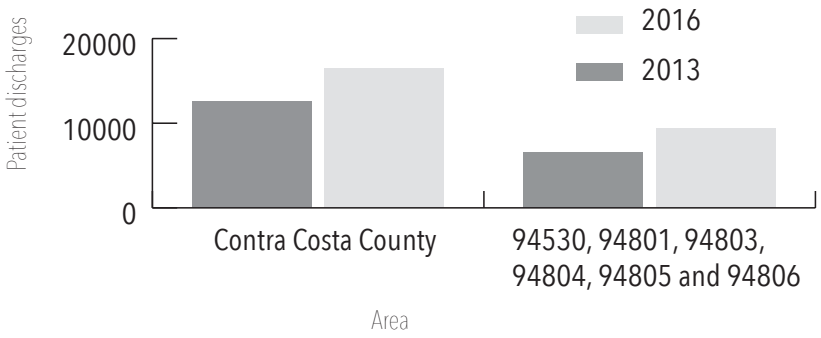
36% of population below 200% of the federal poverty level

may seek non-urgent care at Alta Bates Campus.

Health outcome data also suggests that residents in the Alta Bates Campus HSA experience health inequities and disproportionate rates of illness and injury including asthma, diabetes, assault, unintentional injury, and substance abuse compared to the State of California and both Alameda and Contra Costa Counties (Figure 15) (Sutter Health, 2013).

According to Sutter Health's 2016 Community Health Needs Assessment (CHNA) report, the HSA defined for all three campuses (Alta Bates, Herrick, and Summit) included 24 ZIP codes in Oakland, Berkeley, and Emeryville, what they call their "core market." **Approximately 20% of this population lives below the poverty line and about 59% are People of Color.** We highlight the differences in the Sutter CHNA defined service area and the RHIA defined service area in Figure 14 and Map 5. Rather than include patients from all three campuses in the Alta Bates Summit Medical Center, the RHIA defines the HSA solely for the Alta Bates Campus, in order to identify specific needs of the Alta Bates Campus patient population and evaluate impacts of the proposed campus closure.

Figure 13. Increased Alta Bates discharges from Contra Costa County & regional zip-codes



Source: OSHPD, 2013 & 2016

Figure 14. Alta Bates Hospital Service Areas: RHIA & CHNA defined

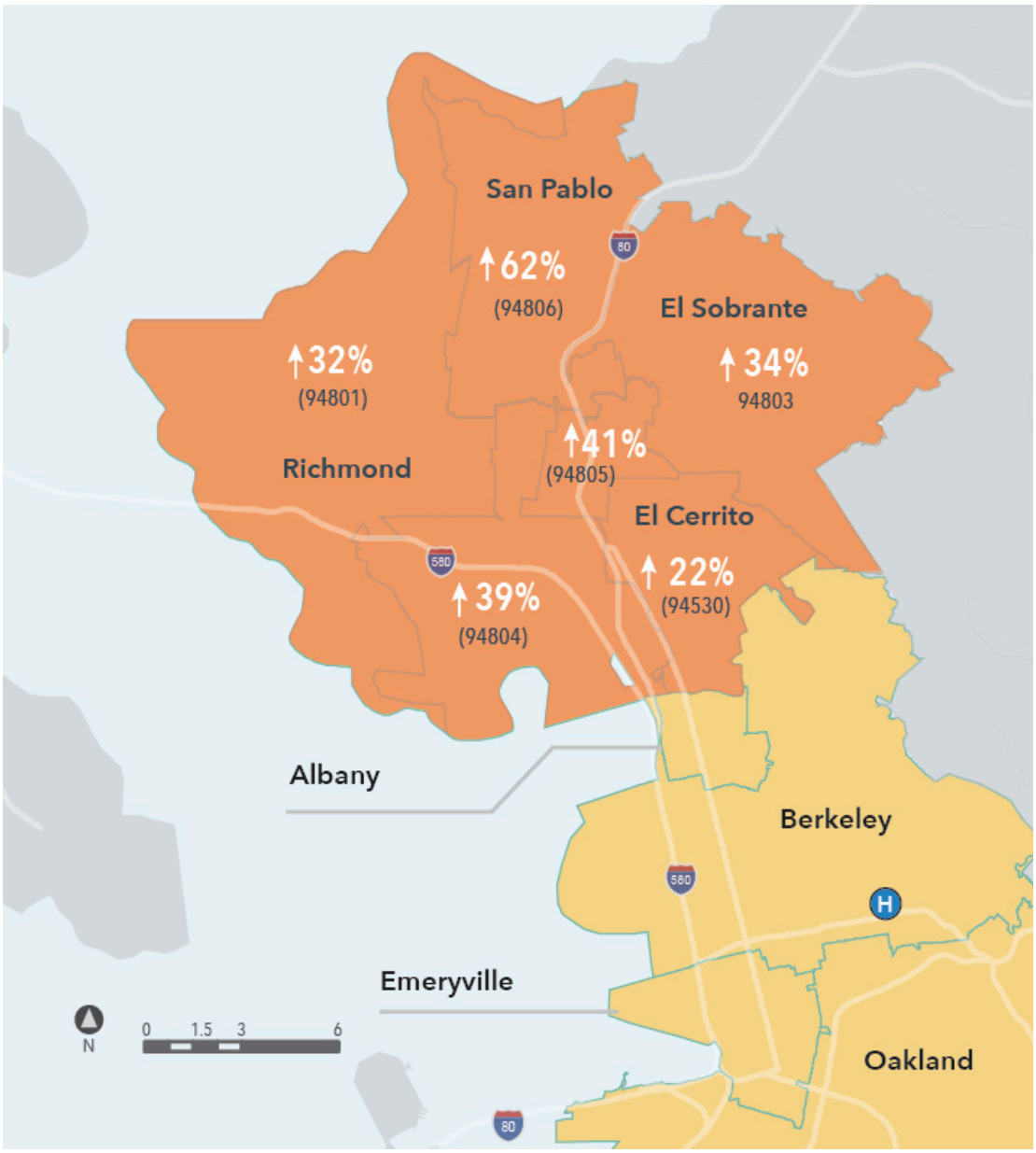
Source: ACS 2012-2016 estimates

	RHIA defined service area	CHNA defined service area
Population	839,299	557,296
Number of Cities	9	3
Number of Zip Codes	32	24

We determined that the larger number of residents from West Contra Costa County utilizing Alta Bates Campus in recent years demanded that we expand the HSA to include these communities in our analyses (Figure 13). The increase in patients from West Contra Costa County can be partly attributed to the closure of Doctor's Medical Center (DMC) in the city of San Pablo, California in 2015. **Of the 66,268 patients that visited Alta Bates Campus in 2016, approximately 18% were from 6 zip codes in Richmond, San Pablo, El Cerrito, and El Sobrante** (94530, 94801, 94803, 94804, 94805 and 94806) located in West Contra Costa County (Map 4). From 2013 through 2016, there was a 24% increase in patients visiting Alta Bates Campus from Contra Costa County and a **39% increase in patients visiting Alta Bates Campus from the six zip codes above.**[5,6]

Since these communities are in close proximity to Kaiser Richmond (which has limited ED capacity and primarily serves Kaiser members) **the closure of Alta Bates Campus is likely to**

Map 4. Large volume increases in Alta Bates ED discharges from West Contra Costa County 2013 - 2016
Source: OSHPD, 2013 & 2016



have a significant adverse impact on access to ED and hospital care for residents of West Contra Costa County. These same communities are also some of the most vulnerable in terms of having the largest African-American populations, having preexisting health conditions and being uninsured.

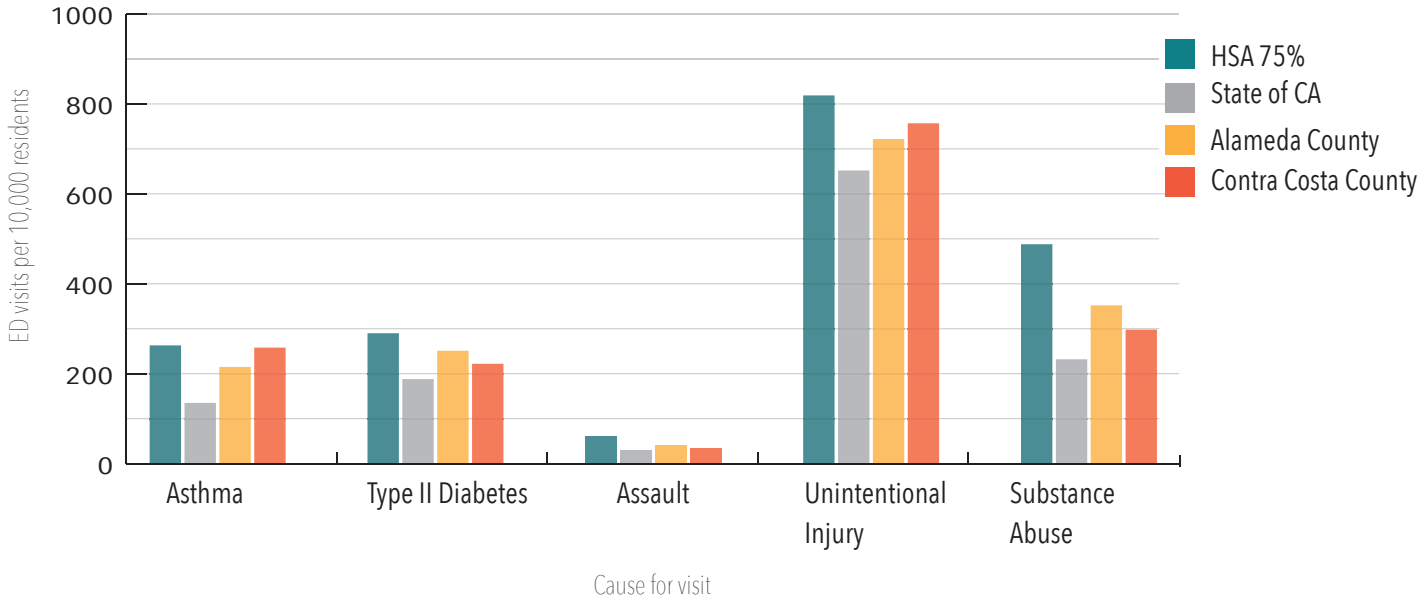
For example, according to Contra Costa Health Services 2010 Community Health Indicators Report:

- African Americans in Contra Costa had a shorter life expectancy (73 years) than any other racial/ethnic group in the county.
- African Americans also experienced higher rates of new cases of colorectal, lung and prostate cancer, new cases of HIV and AIDS, hospitalization for non-fatal assault and self-inflicted injuries, low birth weight infants and teen births, and a higher percent overweight and obese fifth-graders.
- The communities of Richmond and San Pablo had the highest health risks and death rates (particularly for African American men) from heart disease, all cancers, diabetes, stroke and homicides.
- African Americans in Richmond had 254 asthma hospitalizations and ED visits per 10,000 people, compared to 105 for all racial/ethnic groups.
- The rates of sexually transmitted infections and people living with HIV/AIDS are significantly higher in Richmond than in Contra Costa County.
- A larger percentage of Hispanic students in Richmond high schools reported contemplating suicide than other students, according to the 2011 California Healthy Kids Survey, Grades 9-11.

The RHIA addresses potential impacts of the proposed hospital closure on vulnerable populations served by Alta Bates on page 30 of this report.

Figure 15. ED Visits by Cause: Comparing the RHIA defined Alta Bates Campus HSA to State and County Rates

Source: Sutter Health Needs Maps, 2013



Map 5. Comparing RHIA & CHNA defined Hospital Service Areas

Source: OSHPD POMS, 2016 & Alta Bates Summit Medical Center CHNA, 2016

2016 CHNA defined Alta Bates Summit Medical Center HSA

RHIA defined Alta Bates Campus HSA

Alta Bates Campus

SUMMIT CAMPUS IMPACTS

Campus Utilization & Capacity to Absorb Alta Bates Patients

The Summit Campus includes an emergency room and hospital with 403 licensed beds in 2017. Sutter has indicated that all inpatient and emergency care capacity at Alta Bates Campus will be relocated to the Summit Campus by 2030. However key details about the expansion as well as the capacity for the Summit Campus to absorb an additional 40,000 ED patients remains in question.

The Summit Campus hospital on Hawthorne Avenue in Oakland includes an emergency department (ED) and a new patient pavilion that was renovated in 2014. Despite the recent renovation and a current emergency department expansion underway, **9 buildings at the Summit Campus do not currently meet seismic standards, and must be retrofitted or stop all inpatient and ED services by 2030** (Map 6).[10]

In 2017, Summit Campus saw a total of 60,038 patients, both hospitalized and from the ED. 47,117 patients were seen in the ED, of which 25% were admitted to the same hospital. In 2017, **Summit had 25 ED treatment stations, down from 32 stations the year prior.**[4]

Of the approximate 47,000 ED patients in 2017 (including those later admitted to the hospital), 35% were classified as severe and life threatening, 33% were classified as severe but not life threatening, 25% were moderate, 6% were low/moderate, and 1% was minor.[4]

Since the closure of the Alta Bates Campus catheterization lab, the Summit campus has become the central heart attack and ST-Elevation Myocardial Infarction (STEMI) patient receiving location. The hospital performed 345 cardiovascular surgery operations in 2016, and saw 2,531 cardiac catheterization patients (1,106 diagnostic 1,425 therapeutic), which resulted in 3,426 catheterization procedures in total.[8]

Summit Campus at a glance in 2017

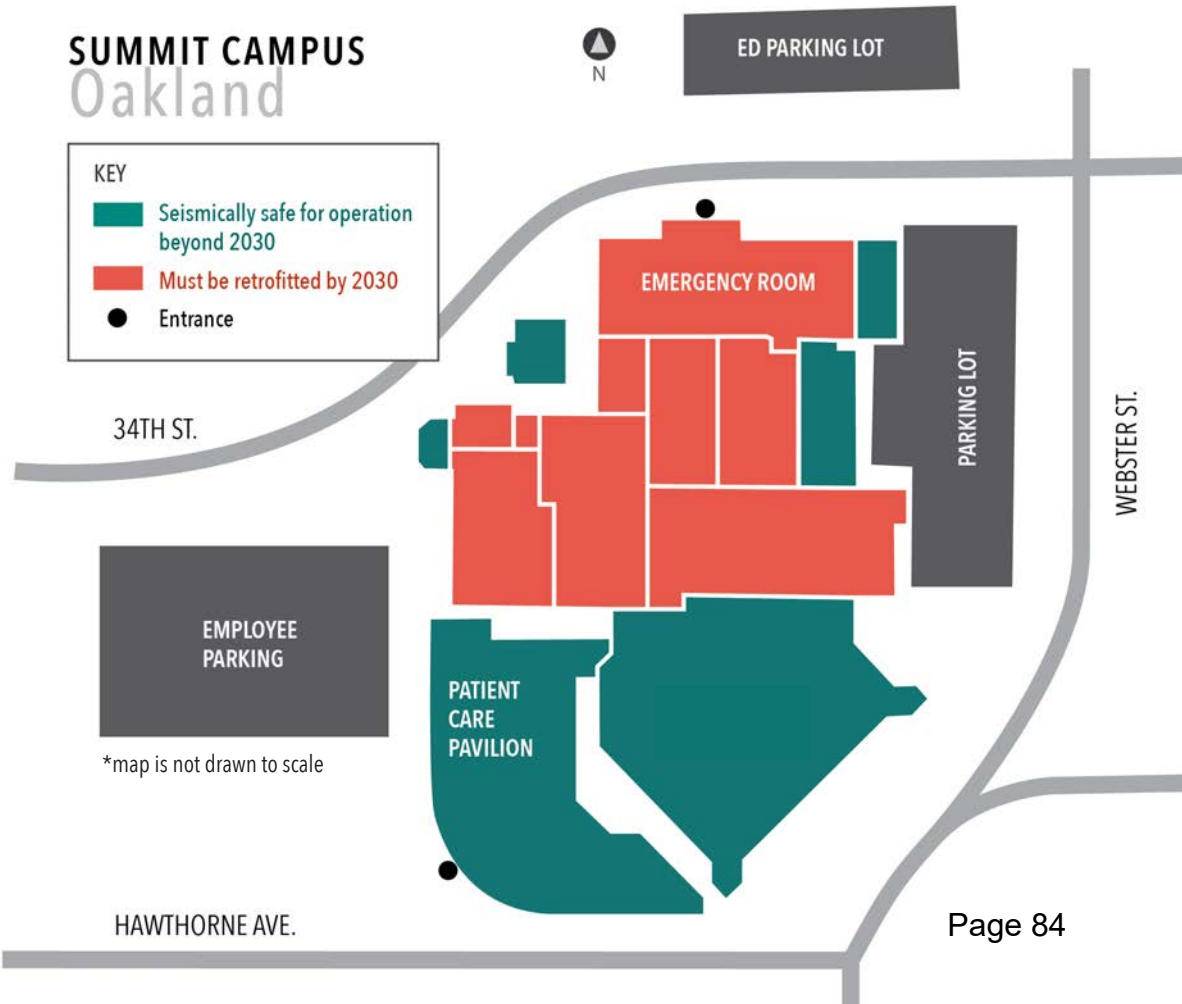
47,117	25	403	147,095	60,038	29	0
Total Emergency Department Patients	EMS Treatment Stations	Licensed Beds	Licensed Bed Days per year	Total patients	Diversion Hours	Total Live Births

The Summit Campus does not currently have the capacity to serve the volume of patients seen at the Alta Bates Campus, particularly for birthing and emergency care.

Summit currently does not operate a birthing center, and relocating services to Summit would require that a new birthing facility be built at the Oakland campus, with the capacity to deliver nearly 6,000 babies per year.

To replace Alta Bates Campus emergency department, **Summit Campus would need to expand its capacity by an additional 50,000 emergency department visits per year** (the number of ED patients seen at Alta Bates campus in 2017), for an approximate total of **100,000 visits annually.**

In the case of a relocation of all ED services from Alta Bates Campus to Summit, the total patient volume at Summit Campus would exceed any Emergency Department in the East Bay or San Francisco, including SF General, the highest traffic ED in the broader region which had 72,716 ED encounters in 2016.[8]



*map is not drawn to scale

Map 6. Summit Campus and affected buildings

Source: OSHPD, 2018

Sutter Health Plans for Summit Campus Expansion

Sutter Health is proposing to relocate all East Bay inpatient and emergency services to its Summit Campus in Oakland. The Sutter website dedicated to the proposed closure of Alta Bates Campus (https://rebuild.altabatessummit.org), indicates that Sutter plans to build a new acute care medical center and ED at the Summit location by the year 2030.

The following section outlines select Frequently Asked Questions (FAQs) and responses from Sutter regarding the hospital closure, along with the RHIA's relevant key findings.

What services will Sutter Health continue to provide in Berkeley?

Sutter response:

We are committed to making future investments in Berkeley and see it as a primary location to provide outpatient care. Our Herrick Campus on Dwight Way has been identified by the city as a prime location to deliver medical services. We plan to expand Herrick's services, which include our Comprehensive Cancer Center and Behavioral Health program. In addition, we currently have three large care centers, including our newest one near the Herrick Campus on Milvia Street, where people can also visit our urgent care center.

RHIA analysis:

Since we did not have details from Sutter on what services will remain at Alta Bates Campus, we focused on impacts to the birthing center and ED.

Will the new facility in Oakland be able to provide enough emergency care?

Sutter response:

We plan to enlarge, upgrade and strengthen the current Summit Emergency Room so that we have the capacity to handle more than 90,000 ER visits a year. By the year 2030, we plan to completely rebuild our ER within a second critical care tower to be constructed at the Summit Campus.

RHIA analysis:

We detail the ED impacts throughout this report. A key finding is that the new Summit Campus ED will need a capacity of approximately 100,000 visits per year, but plans to serve 90,000.[4] This exceeds the number of visits seen by any ED in the East Bay or San Francisco.

Oakland is farther away than Berkeley from where I live. What if I'm having a heart attack or a stroke and need to call 9-1-1?

Sutter response:

Any non-Kaiser patient in the Alta Bates Summit service area calling 9-1-1 today for a heart attack or stroke is already transported to our Oakland campus, where we have one of the most advanced heart centers in California. Additionally, the Summit Campus ER is located next to two major freeways (I-580 and I-980) in Oakland. It's actually faster for most patients in the East Bay – including those from West Contra Costa County – to get to our Oakland campus than it is for them to get to our Berkeley campus, especially during an emergency.

RHIA analysis:

We offer a detailed travel time analyses in the Emergency Services section, on page 43. We found that private vehicle and transit travel times will increase for some communities. Where travel time increases exceed 30 minutes, the literature suggest patients will experience adverse health outcomes.

What will happen to the Summit Campus?

Sutter response:

In August 2014, the new 238-bed patient care tower opened at the Summit Campus in Oakland. This new tower meets the state's 2030 seismic regulations and is equipped with the latest technology, ensuring the highest level of medical care and patient safety. We plan to create a modern footprint at this campus that will allow us to build another building – a second pavilion – that will include new operating rooms, intensive care units, a modern, expanded Emergency Room and space for our Women and Infants Birthing Center and Newborn Intensive Care Unit. It is our plan to relocate inpatient and emergency hospital services, including all staff and doctors, from Berkeley to Oakland by 2030.

RHIA analysis:

As noted above, needs at an expanded Summit Campus would include a comprehensive birthing center and significantly increased capacity in the ED. The Summit Campus is located less than 3 blocks away from the Kaiser Oakland ED. Although Kaiser Oakland is not accessible to all patients, its ED has the capacity to see 96,000 visits per year, and was operating 32,313 visits below capacity in 2017. Summit currently has the capacity to see 50,000 ED visits per year, but was operating under capacity by 2,883 visits in 2017.[4] This suggests that while patients currently have the option to utilize Summit Campus or other EDs with more capacity, many are choosing to utilize the Alta Bates Campus ED which was operating above capacity by over 6,000 visits in 2017.

What happens next?

Sutter response:

Planning a project of this scale takes years and must be thoroughly vetted and collaboratively developed. We will keep our community informed with accurate and timely information. This transition must be planned far in advance to ensure the community's ongoing health needs are met without interruption. Please visit this site for updates or use the information on the Contact Us page to reach out to us.

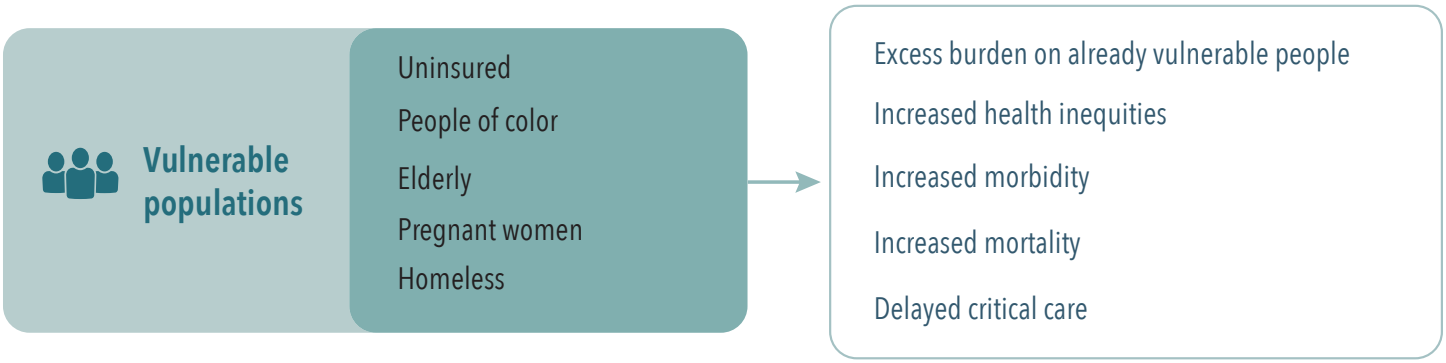
RHIA analysis:

Our review of the literature suggests that the timing of events is crucial to prevent adverse impacts to those seeking both chronic and urgent care. A more detailed plan would be necessary, including public awareness and engagement, to ensure treatment options are clearly communicated to current Alta Bates patients and those seeking urgent care in the region.

**All Sutter Health website text referenced reflects updates as of June 7th 2018*

IMPACT ON VULNERABLE POPULATIONS

Vulnerable populations are more likely to be impacted by the proposed closure of Alta Bates Campus, this includes low-income and people of color, Medi-Cal and Medicare patients, pregnant women, and the homeless.



ALTA BATES PATIENT DEMOGRAPHICS 2016

56% of ED patients and **63%** of hospitalized patients were people of color

41% of patients are uninsured/self pay or are Medi-Cal recipients

23% of hospitalized patients are elderly

68% of inpatient discharges were women

The Alta Bates Campus and ED provide key medical services to a high volume of patients from vulnerable populations in the Bay Area region which include but are not limited to: pregnant women, People of Color, low-income, uninsured and Medi-Cal patients, the elderly, and people living with disabilities. While people of color make up 44% of the Alta Bates campus Hospital Service Area (HSA), they represented 63% of hospitalized patients and 56% of ED patients in 2016. An additional 41% of patients in 2016 were Medi-Cal recipients or self pay/uninsured, and 23% of hospitalized patients were over 60.[8]

A wealth of evidence suggests that vulnerable populations may be more severely impacted by hospital closures, and should be taken into special consideration in the context of Alta Bates and the capacity of the East Bay regional healthcare network. Chen et al (2015) found that vulnerable populations, particularly African American and Medicaid patients, have higher measures of non-urgent ED scores, and are more

frequent users of the ED for both non-urgent and urgent reasons. A 2011 study looking at major medical services such as outpatient care, specialty care, marker conditions, births, and mental health and substance abuse services found that urban hospital closures led to disproportionate disruptions in accessing care, especially for uninsured African-Americans and Latinx populations, and all women on Medicaid hospitalized for births (Hsia & Shen, 2011).

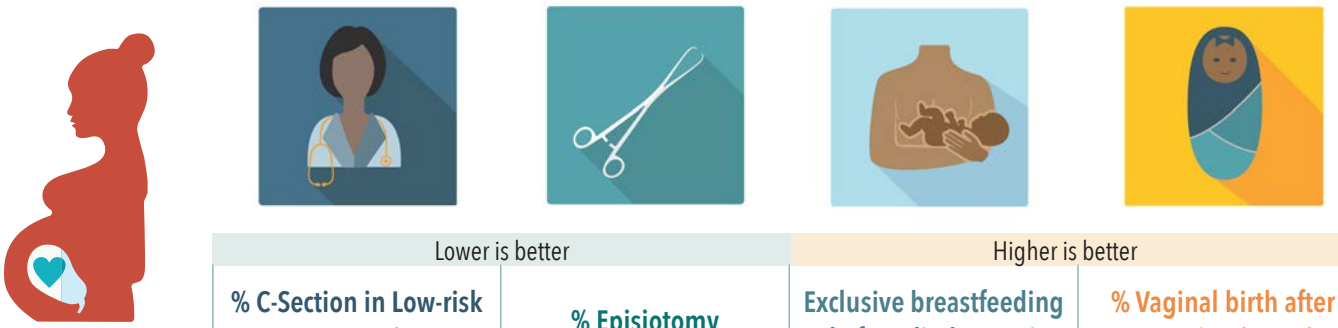
The ED visit rate to Alta Bates Campus for patients living in low-income ZIP Codes (i.e., the lowest quartile), increased 23% from 2006 to 2014. There was no change in ED visits for patients living in higher-median-income ZIP Codes over this same period. This is not a surprise finding, but it does suggest that the Alta Bates Campus ED currently serves an increasingly number of low-income residents in the Bay Area.

Pregnant Women & Newborn Babies

As noted above, Alta Bates Campus is one of the region's premier birthing centers. The age and gender distribution of hospitalized Alta Bates Campus patients reflects the high utilization of its birthing and pregnancy-related services: **in 2016, 68% (13,564) of inpatient discharges were female,** and 32% (6,322) of inpatient discharges were male. 30% (6,018) of inpatient discharges were for patients under 1 year old, reflecting high utilization of birthing and the NICU.[8] **In 2016, Alta Bates Campus had 2,145 more births than Kaiser San Leandro, the second largest birthing center in the region that year (**Figure 17).[3]

While being one of the most highly utilized birthing centers in the region, Alta Bates Campus has some of the **best health outcomes for birthing services when compared to other regional birthing centers and CA state averages** (Cal Hospital Compare, 2018)**.** As depicted in Figure

Figure 16. Outcomes for Largest birthing centers in Alameda & Contra Costa Counties, 2016



	Lower is better		Higher is better	
	% C-Section in Low-risk pregnancies	% Episiotomy	Exclusive breastfeeding before discharge %	% Vaginal birth after C-Section (VBAC)
Alta Bates Campus	**19.4**	**2.8**	**86.5**	**33.2**
John Muir - Walnut Creek	23	7.2	73.7	20.8
Kaiser - San Leandro	20.2	6.9	80.7	21.8
State of CA Average	25	9.1	68.5	12.3

*numbers are reported as percentages (Adapted from CA Health Care Foundation & CHART 2014)

16, Alta Bates Campus reports the lowest regional rates for C-Section in low-risk pregnancies and episiotomy procedures, which can put mothers at risk for post surgical complications. Alta Bates Campus also has the highest rates for exclusive breastfeeding before discharge and vaginal birth after C-section (VBAC) which are both positive birth indicators for mothers and newborns.

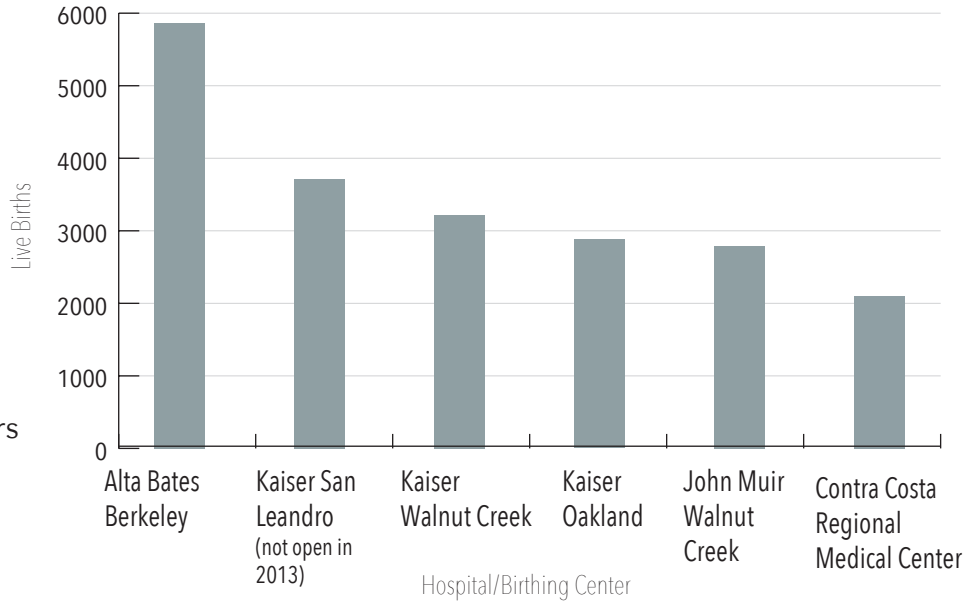


Figure 17. Number of live births across regional birthing centers 2016

Source: OSHPD, 2016

Alta Bates Campus also has an active 55-bed, level III newborn intensive care unit, operated by a 200-person healthcare team (Sutter Health, 2018). Compared to other birthing centers in the region, the Alta Bates Campus NICU has experienced a consistently high occupancy rate and discharged a high volume of newborns. In 2016, the NICU was at nearly 60% occupancy and discharged 964 patients, 350 more than John Muir Walnut Creek, which had the second highest number of live births for a non-Kaiser hospital. That year, John Muir Walnut Creek had a NICU occupancy rate of 27% with 614 patient discharges.[3]

Lorch et al (2013) found that when hospital obstetric units in Philadelphia closed, neonatal and fetal mortality increased almost 50% in the first three years after the closure compare to surrounding counties where hospitals did not close. This study also found that low income women tended to receive their prenatal care at the hospital, not a doctor's office, and this may have also had an impact on birth outcomes.

Given the comprehensive prenatal, labor and delivery, postpartum and specialty newborn care provided at the Alta Bates Campus as well as the high volume of births, **we determined that the hospital closure will likely have an adverse impact on maternal and newborn health in the region, particularly in the short term.** While Sutter plans to open a new regional birthing center at the Summit campus in Oakland, the timing and specific services that will be offered have not been disclosed.

People of Color

Alta Bates Campus serves diverse communities in terms of race, ethnicity, and socioeconomic status, and hospital and emergency department patients have consistently included a high proportion of low-income and people of color.

In 2016, 63% of inpatient discharges and 56% of emergency department discharges were for people of color (African American, Hispanic/Latino, Asian/Pacific Islander or Native American). Of the 63% of inpatient discharges for people of color, 22% were African American, 25% were Hispanic/Latino, 16% were Asian/Pacific Islander. White patients made up 32% of all 2016 discharges. For the ED, 56% of discharges were people of color, including 38% African American, 14% Hispanic/Latino, and 10% Asian/Pacific Islander. White patients made up 38% of 2016 ED

discharges.[8] African American people in particular were overrepresented in both inpatient and ED discharges from Alta Bates in 2016, making up only 18% of the population in the RHIA defined Alta Bates Hospital Service Area (HSA).

Within the Alta Bates HSA, an estimated 20% of the population has limited English proficiency; this figure is higher than both Alameda (18%) and Contra Costa Counties (14%) (ACS 2012-2016). Limited English proficiency can create language barriers between patients and providers, but can also contribute to decreased healthcare utilization particularly when a patient must access a relocated or unfamiliar facility.

Fishman et al (2018) studied ED and clinic usage in Chicago and found that patients living in medically under-served areas (MUAs) and areas with lower spatial access to primary care clinics had higher odds of preventable ED use. Analyzing data from the National Hospital Ambulatory Care Survey, Johnson et al. (2012) observed higher preventable ED use among those who were female, non-Hispanic black or Hispanic, older, or publicly insured, and that areas with large concentrations of ethnic and racial minority populations have been shown to have high rates of preventable use of EDs. While a significant portion of preventable ED use can be addressed by improved access to primary care, EDs still serve as an essential care provider for those unable to access care by other means. Chen et al. (2015) found that lower-income vulnerable populations, particularly African Americans and Medicaid patients, more frequently utilized the ED for both non-urgent and urgent reasons, and these same populations tended to utilize the hospital ED for medical conditions that could be addressed in a primary care setting.

With high rates of ED and hospital service utilization, and representing large percentage of the population in the HSA, **people of color will be disproportionately burdened by the closure of Alta Bates Campus. We are especially concerned with access for both urgent and non-urgent conditions, and the continuity of care for people of color that are already relying on Alta Bates' ED for regular care.** Related to the closure of Alta Bates Campus, we would expect short term (first 1-3 years) delays in seeking treatment, increased severity of some diseases, increased hospitalizations due to delays in seeking care, increased costs of treatment (i.e., medications, doctor visits, etc.) and potentially increased morbidity and mortality (especially from conditions already disproportionately burdening

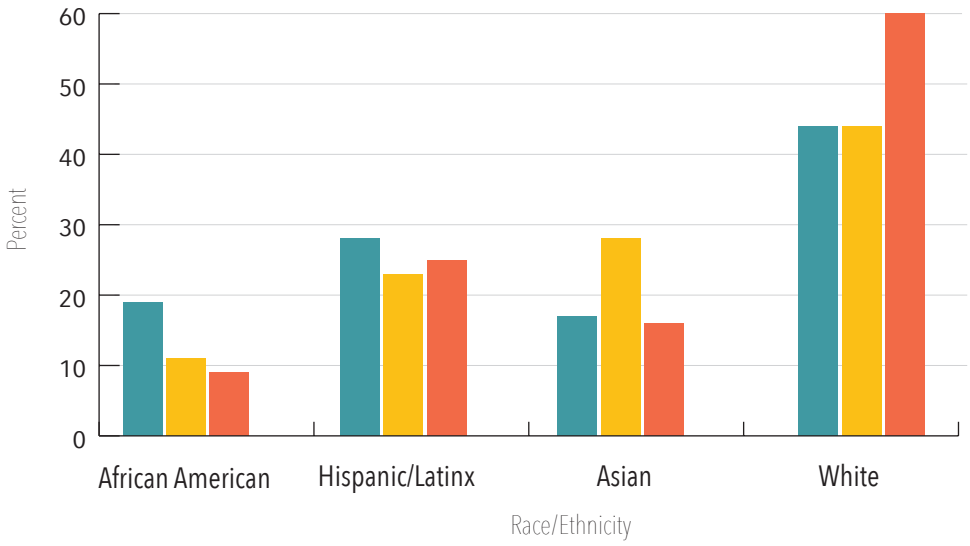


Figure 18. Percent race/ethnicity in the HSA compared to county and state rates

Source: ACS 2012-2016

people of color such as diabetes, heart disease and asthma) for people of color in the region. The high utilization of the ED for both urgent and non-urgent conditions raises an opportunity in the Bay Area for increased coordination and communication between primary, urgent, and emergency care providers. While the region has a network of urgent care facilities that may be able to absorb some of the preventable ED patient traffic, urgent care hours of operation and insurance plans accepted may still pose barriers to low-income and people of color.

People with Disabilities

According to the US Census, **95,840 people or 11% of the population in the HSA are living with a disability, of which at least 61% are racial/ethnic minorities.** White people represent 44% of the population in the HSA, however they make up only 9% of people living with disabilities. Conversely, the Native American and Pacific Islander populations, which combined constitute less than 2% of the total HSA population, represent 31% of people living with disabilities in the area.

While this RHIA does not frame disability as a medical condition, we recognize that people living with disabilities may be adversely impacted by the closure of Alta Bates Campus due to transportation barriers and increased distance, unfamiliarity with relocated services, and other accessibility challenges.

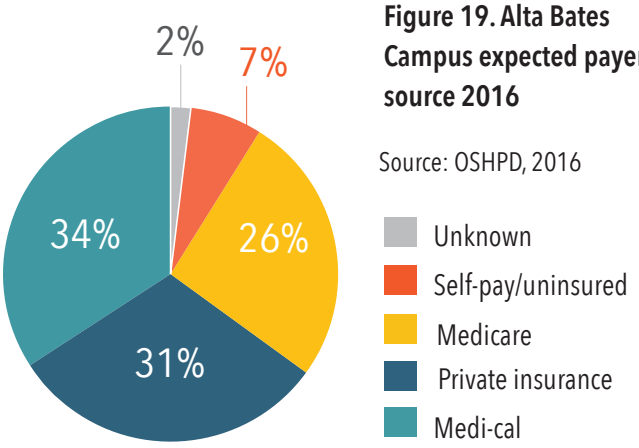


Figure 19. Alta Bates Campus expected payer source 2016

Source: OSHPD, 2016

Uninsured & Publicly Insured Patients

As discussed above, Alta Bates Campus serves a large number of low-income patients. In the HSA, over 18% of the population lives below the federal poverty level, and 36% of the population live below 200% of the federal poverty level. This has a large impact on children and young people, as 61% of public school students are eligible for free/reduced price lunch, compared to 44% in Alameda County and 40% in Contra Costa County. This is consistent with the high rate of Medi-Cal covered patients (25%) and uninsured patients (11%) in the hospital service area (ACS 2012-2016).

Alta Bates Campus' 2016 expected payer sources (Figure 19) for emergency department patients highlights that a large percentage of Alta Bates patients are from vulnerable populations, as **68% of Alta Bates ED patients were expected to pay via either Medicare, Medi-Cal or were self-pay/uninsured.**[8] Medicare serves populations over 65 and also serves people with disabilities. People utilizing Medicare represent vulnerable populations, such as the aging/elderly, socioeconomically vulnerable and people with disabilities. Medi-Cal serves socioeconomically vulnerable populations, by qualifying people/families that are at 138% of the federal poverty level or below (i.e. $28,677 annually for a family of 3), which is very low-income for California and especially the Bay Area (DHCS, 2018).

Uninsured patients are also extremely vulnerable, as uninsured patients can include patients that are low-income, homeless and/or undocumented immigrants. Hsia et al (2013), found that between 2005-2010 **in California, ED visits by Medicaid beneficiaries increased by 14%, significantly higher than privately insured patients.** According to the 2006 California Health Care Foundation

report, *Overuse of Emergency Departments Among Insured Californians*, even insured patients can be more frequent ED users than uninsured patients, particularly those with Medicaid coverage, which still leaves them with difficulties in accessing primary care.

"I know seniors that don't drive and used to regularly use DMC (Doctor's Medical Center, San Pablo) for speciality and emergency situations. Now that DMC is closed, some have to travel 2 hours by public transportation to see speciality doctors. That has a huge impact on whether or not they receive care."

- Local government official, Bay Area

The Aging & Elderly

Aging people and the elderly (60+ years old) account for a disproportionately high percentage of inpatient discharges and emergency department visits at both Alta Bates and Summit Campuses. Despite representing only 18% of the population in the RHIA defined HSA In 2016, the 60+ year old population accounted for approximately 23% of inpatient discharges and over 30% of emergency department visits at the Alta Bates Campus. That same year, the 60+ year old population accounted for approximately 65% of inpatient visits and 39% of emergency department visits at the Summit Campus. [8]

The aging and elderly population is expected to increase in the coming decades. According to the Public Policy Institute of California, the 65+ year old population is expected to grow 87% from 2012 to 2030, and the California Health Care Foundation has similar findings, noting that California's 65+ year old population is projected to more than double from 2000 to 2030, growing to 8.8 million.

In 2012, the RHIA defined HSA had a 65+ year old population of 93,537, and with an 87% growth projection, will reach 174,914 in 2030 (ACS 2008 - 2012). This growing population is critical to consider because this age group is among the highest users of both emergency and inpatient care. The California Health Care Foundation noted that due to seniors' high rate of hospitalizations, acute care hospital days are projected to increase by 76% from 2000-2030, and by 2030, the 65+ group is projected to use over half of the state's acute care days, despite representing only 18% of the population.

The CA Health Care Foundation suggests that by 2030 there will be an insufficient number of acute care beds in the SF Bay Area due to the increasing numbers of hospitalized elderly. And, considering the high utilization of the emergency department by the 60+ year old population and the quick growth rate of that demographic, it is unlikely that a new emergency facility designed to meet current capacity would be able to accommodate the combined growth of the elderly and regional population, which could impact timely care for all patients needing to access emergency treatment.

A study that included focus groups with seniors two years after the closing of a Pittsburgh hospital (Countouris et al 2014) found that seniors' health was adversely impacted from a combination of feelings of sadness and loss, fear of finding a new, unfamiliar facility, and powerlessness. Elderly in this study also expressed concerns about having to navigate a new facility/location, uncertainty about transportation that resulted in canceled doctor's appointments, and higher parking costs at the new facility. Bindman et al (1990) found that hospital closures resulted in delayed treatment for the uninsured and elderly because

of inconveniences and difficulties in finding new providers.

Buchmueller et al (2006) revealed that hospital closures in the Los Angeles area increased travel distances to ED and ancillary care and contributed to an increase in heart attack deaths, most notably for the region's elderly population.

This RHIA suggests that the elderly and uninsured will be adversely impacted from the closure of Alta Bates Campus, both due to ED and chronic care needs. The elderly living in the HSA may be most adversely impacted if an adequate number of beds are not provided (such as at the Summit campus), due to their increasing numbers and inpatient needs. The uninsured and publicly insured will be adversely impacted from the lack of access to a familiar ED for both chronic and urgent medical needs. **We expect, especially in the short term, interruptions and delays in seeking care, increased severity of disease, potential greater spread of infections, increased need for costly future care and potentially increased hospitalizations.** We are less confident in the possibility of increased mortality, but this is a possibility especially for the elderly.

Mental health & Suicide Prevention

While the Sutter Herrick Campus in Berkeley is a designated site for mental health care, the Alta Bates Campus ED plays a significant role in treating and identifying mental health patients that may first be seen through emergency care. In 2018, the *Lancet Public Health* journal published, "Suicide in the USA: A Public Health Emergency" noting that the rate of mental health/ substance abuse-related ED visits increased 44% from 2006 to 2014, with suicidal ideation growing 415% over this period.

The Alta Bates Campus ED acts as a first-responder to screen for, intervene and refer for mental health care and suicide prevention. In 2016, **almost 4% of ED patients were transferred to psychiatric care.**[8] Since the hospital ED is often associated with traumatic events, it is the ideal environment to perform suicide risk assessments. Individuals in a suicidal crisis often seek help at a hospital ED. EDs also frequently provide care for people with other risk factors for suicide, such as serious mental illness, substance use disorders and chronic pain. The ED visit is an important window of opportunity, however brief, to intervene and save lives (Ahmedani et al 2014).

EDs can reduce suicide attempts among high-risk patients by delivering a combination of interventions that includes suicide risk screening, discharge resources, and other interventions (Betz et al 2016; Larkin & Beautrais, 2010). A multi-site study found that when compared to treatment as usual, a combined set of interventions starting in the ED resulted in a 5% decrease in the proportion of patients who attempted suicide in the 52 weeks after their initial ED visit and an overall 30% drop in the total suicide attempts (Miller et al 2017).

The presence of the Herrick Campus, with its comprehensive mental health services, may be able to accommodate any potential delays in care for those currently utilizing Alta Bates Campus. Significant impacts on mental health for the population in the HSA from the closing of Alta Bates Campus may be difficult to quantify.

Homeless People

Homeless people and families, some with mental health care needs, tend to rely on the ED for care (Karaca et al 2013). Nearly three out of four inpatient stays by homeless individuals began in the ED, compared with half of stays for non-homeless patients. Due to multiple barriers in accessing care, including lack of insurance and transportation as well as poor continuity of care, homeless people frequently use EDs as their primary or only source of health care.

A 2002 study by Kushel et al. examined the factors associated with emergency room visits among 2,578 homeless and marginally housed persons. They found that 40.4% of the 2,578 visited an emergency room one time or more during the previous year, and that less-stable housing, chronic illness and victimization were associated with emergency department use among homeless and marginally housed persons. The study also suggests that emergency care is a primary option for homeless and marginally housed persons due to convenience and 24-hour operation, and because they face challenges in addressing medical needs outside of an emergency setting.

In 2017, many Bay Area hospitals reported increases in homeless patients from the prior year. Figure 20 shows the total number of homeless patients that visited the Alta Bates Campus and 5 other major East Bay regional hospitals in 2017, and the volume increase in patients from 2016. Kaiser Richmond and Kaiser Oakland combine hospital data, and are represented as one site in the analysis. The figure highlights that all six hospitals saw a significant increase in the number of patients from 2016 to 2017, with the **Alta Bates Campus seeing nearly a 600% increase in homeless patients,** rising from 60 to 409. Highland Hospital had the smallest percentage increase in homeless patients but served 1,118 homeless patients in 2017. Importantly, aside from Highland and the Herrick Campus, at least 89% of homeless patients seen were either emergency department patients or inpatient from the emergency department, underscoring how essential emergency room care is for the homeless and marginally housed. [6]

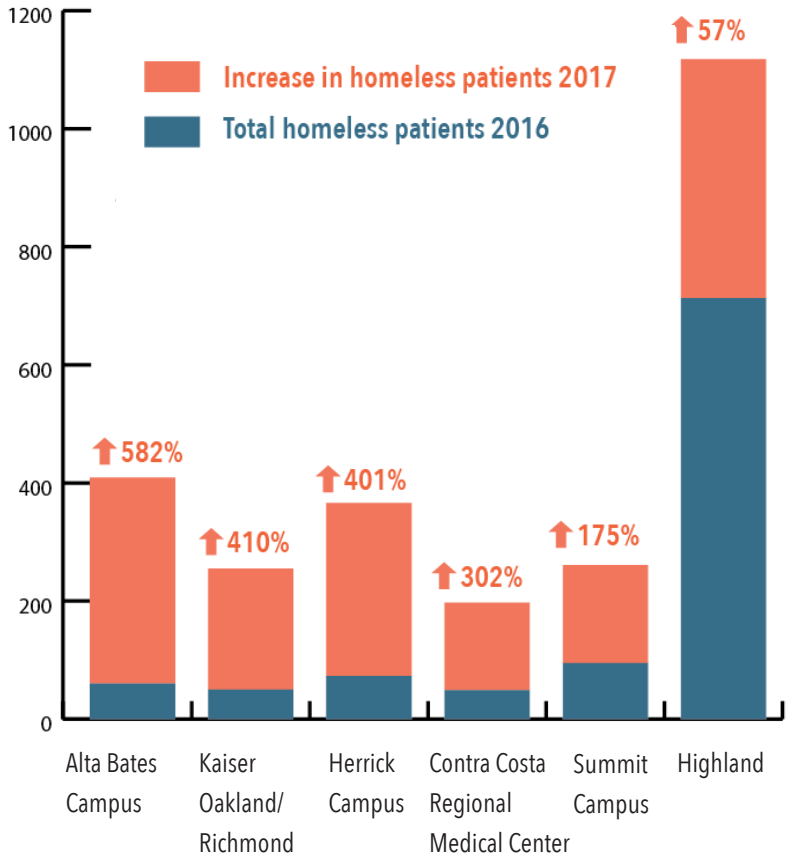
While the cause behind the increases in annual reported homeless patients across Bay Area hospitals is unclear, a recent quicknotes memo published by OSHPD suggests that the number of homeless patients has been historically underreported (OSHPD, 2018).

We find that the loss of Alta Bates Campus and its critical emergency and mental health care services may have an impact on the surrounding area's homeless population, particularly if the increasing trends in homeless patients seeking emergency care continue.

Adverse Impacts on Vulnerable Communities in the Alta Bates Hospital Service Area

Alta Bates Campus currently serves some of the most vulnerable communities in the Bay Area, such as those mentioned above in West Contra Costa County as well as many communities in

Figure 20. Total Homeless patients at select East Bay hospitals 2016 - 2017[6]



Oakland and other parts of Alameda County. Community vulnerability includes not just current-day utilization of hospital care, but the likelihood of future needs based on health-influencing risks, such as poverty, low education, housing displacement, exposure to pollution and violence. These same communities are also vulnerable since a large percentage of the populations living there have preexisting health conditions that require chronic care.

The 2016 Alta Bates Summit Medical Center Community Health Needs Assessment (CHNA) recognized these vulnerable communities as the medical center's "communities of concern." **The 2016 CHNA identified 13 'vulnerable community' ZIP Codes that represented 65% of the population served by all three campuses in the Alta Bates Summit Medical Center.**

Figure 21. Alta Bates Summit Medical Center CHNA Communities of Concern

Source: Alta Bates Summit Medical Center CHNA, 2016

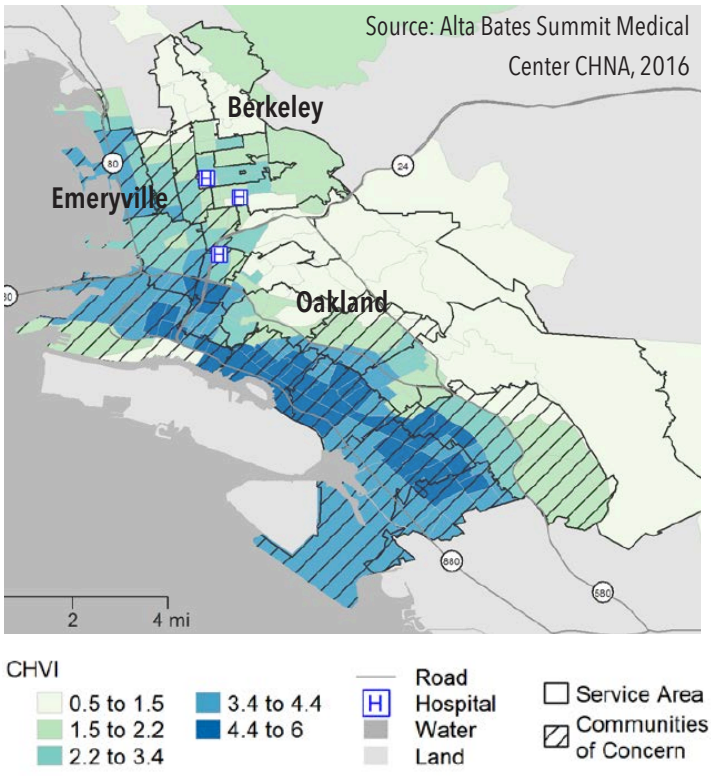
ZIP Code	Community
94601	East Oakland/Fruitvale
94602	Oakland/Glenview
94603	East Oakland/Brookefield
94605	East Hills/Oakland Zoo
94606	Oakland/Cleveland Heights
94607	West Oakland/Jack London
94608	Emeryville
94609	Oakland/MLK
94612	Downtown Oakland
94621	East Oakland
94702	Northwest Berkeley
94703	Northwest Berkeley
94710	West Berkeley/Marina

To identify communities of concern in the 2016 CHNA defined hospital service area, the CHNA authors identified significant health needs and developed what the report calls the 'Community Health Vulnerability Index' (CHVI), which combines the following indicators of community vulnerability into one CHVI index value (Map 7):

- Percent Minority
- Population 5 Years or Older Who Speak Limited English
- Percent 25 or Older Without a High School Diploma
- Percent Unemployed
- Percent Families with Children in Poverty
- Percent Households 65 years or Older in Poverty
- Percent Single Female-Headed Households in Poverty
- Percent Renter-Occupied Households
- Percent Uninsured

For this report we were not able to calculate CHVI scores for the additional ZIP Codes included in the RHIA defined HSA using the 2016 CHNA

Map 7: 2016 CHNA defined service area CHVI scores

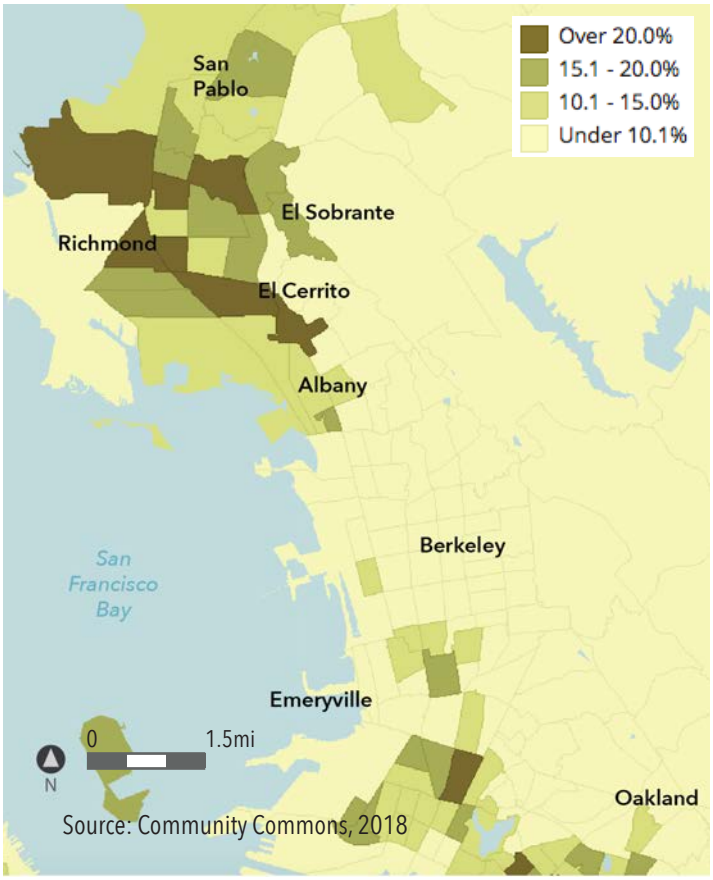


methodology. However, we reviewed each of the CHVI indicators to assess the vulnerability of the additional ZIP Codes (primarily communities in West Contra Costa County) using ACS 2012-2016 estimates. This review indicated that many communities in West Contra County likely meet the same standard of vulnerability as the 13 communities of concern in the 2016 CHNA, which did not include any ZIP Codes outside of Alameda County. **The vulnerable communities from West Contra Costa County include ZIP Codes within Richmond, San Pablo, El Cerrito, and El Sobrante; cities for which Alta Bates Campus saw a 39% increase in discharges between 2014-2016.**

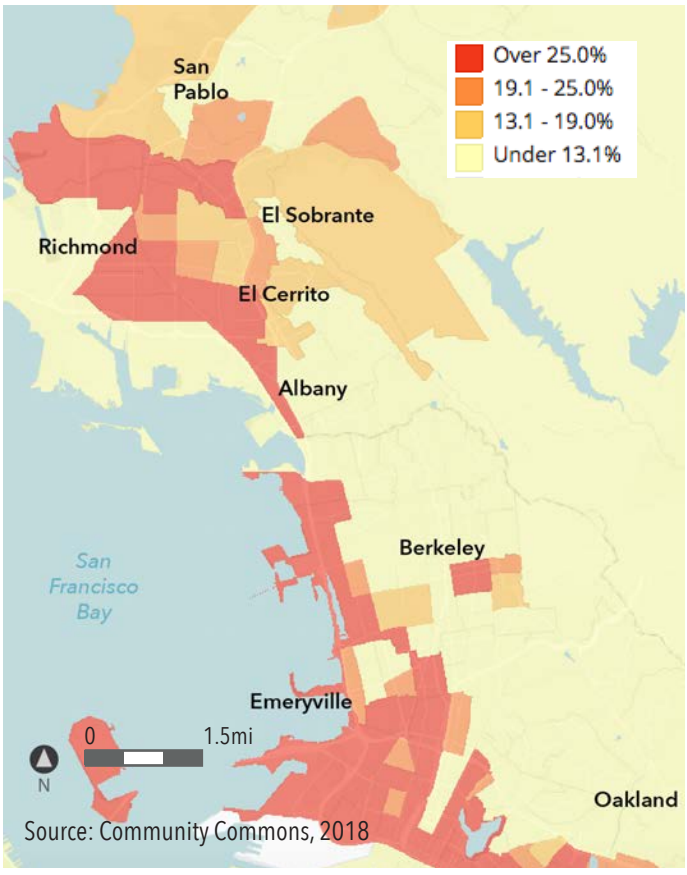
Maps 8 & 9 highlight select CHVI indicators for communities in the RHIA defined HSA. As both maps indicate, communities in West Contra Costa show high levels of vulnerability at comparable rates to those in Oakland, Emeryville, and parts of Berkeley, in Alameda County. In addition to the review of CHVI indicators, we reviewed data compiled by Sutter Health on their interactive Health Needs Maps website. The website provides 2011 data on hospitalization and ED visit rates by condition, reported per 10,000 residents and aggregated by ZIP Code. We compared the following 11 available reported causes (conditions) for ED visits and hospitalizations across all ZIP Codes in the RHIA defined hospital service area (HSA):

1. Asthma
2. COPD
3. Diabetes
4. Heart disease
5. Hypertension
6. Mental health

Map 8: Percent Uninsured across Census Tracts in the RHIA defined Service Area



Map 9: Percent of Families (with Children) in Poverty across Census Tracts in the RHIA defined Service Area



7. Assault
8. Self-inflicted injury
9. Unintentional injury
10. Stroke
11. Substance abuse

From this data, we identified high need ZIP Codes that fell within the top quartile relative to all zip codes in the HSA for each condition. We then ranked the top10 ZIP Codes in order of highest need (those that fell within the top quartile most often for the 11 conditions).

Figure 22. High Health Care Need Communities in the RHIA defined HSA

ZIP Code	Community
94801	Richmond/Iron Triangle
94804	South Richmond
94806	San Pablo
94621	East Oakland
94612	Downtown Oakland
94609	Oakland/MLK
94608	Emeryville
94607	West Oakland/Jack London
94605	East Hills/Oakland Zoo
94603	East Oakland/Brookefield

Figure 22 lists the top 10 high health care need ZIP Codes in the RHIA defined HSA from highest to lowest need. ZIP Codes that overlap with the 2016 CHNA communities of concern (listed in Figure 20) are highlighted in yellow.

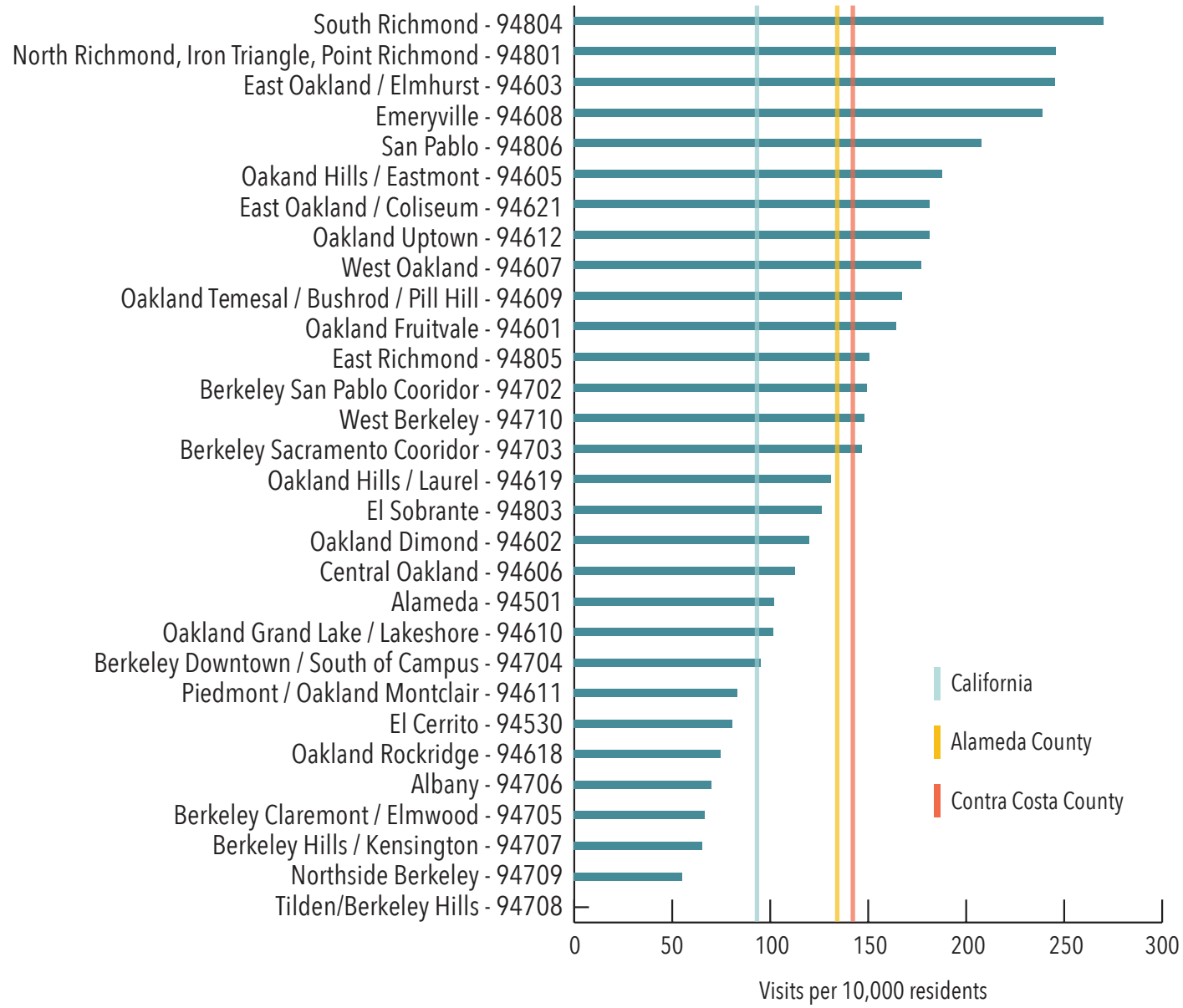
Consistent with our review of CHVI indicators in the RHIA defined HSA, we found that West Contra Costa County ZIP Codes are particularly vulnerable. Zip Code 94801 in Richmond, which includes unincorporated North Richmond, the Iron Triangle neighborhood, and relatively wealthy Point Richmond, ranks first out of all zip codes in the HSA for ED visits for all 11 conditions, and is 1st for stroke, 2nd for diabetes and heart disease, 3rd for asthma and 4th for injury-assault.

The 94804 South Richmond ZIP Code ranked 1st in heart disease-related ED visits, and the 94806 San Pablo and 94804 Richmond Iron Triangle ZIP Codes were ranked 3rd and 4th for highest incidence of diabetes-related inpatient hospitalization. As highlighted in Figures 23 and 24, many of the high health care need ZIP Codes experienced ED visit rates greatly exceeding those of both Alameda and Contra Costa Counties as well as the state of California in 2011.

While there are many vulnerable communities in the RHIA defined HSA that fall outside of West Contra Costa County (primarily in Oakland and Emeryville), these communities are currently served by existing services at the Summit Campus, as well as Highland Hospital and Kaiser Oakland, and are likely to be less adversely impacted by a closure of Alta Bates Campus.

As noted above, **we predict a disproportionate adverse impact on access to chronic and urgent care for the communities of West Contra Costa County, particularly Central and North Richmond, from a closure of Alta Bates Campus.** Access to care in these communities has already been adversely impacted by the closure of Doctors Medical Center and the limited capacity of Kaiser Richmond.

Figure 23. Heart Disease ED visits per 10,000 residents for all ZIP Codes in the RHIA defined Alta Bates HSA



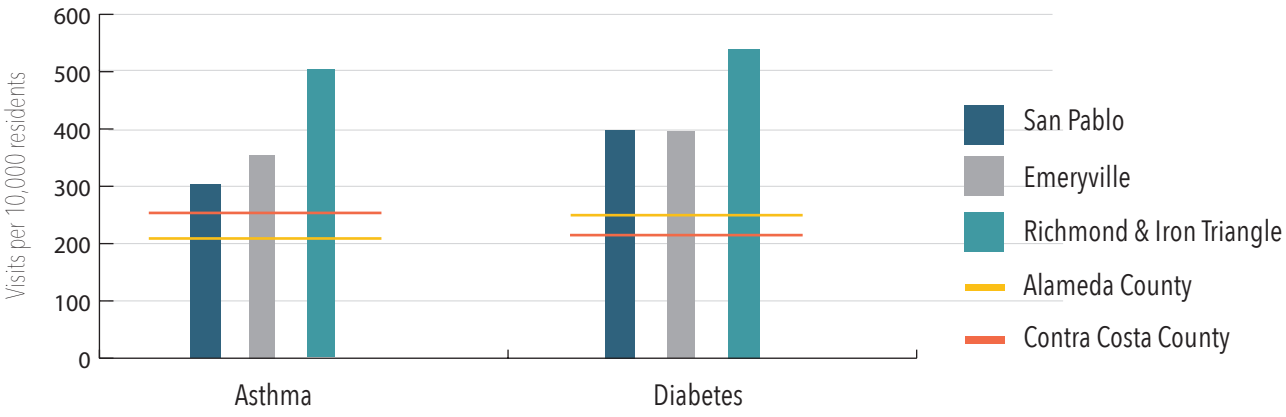


Figure 24. Select ZIP Codes - Asthma and Diabetes ED visits per 10,000 residents

Source: Sutter Health, Health Needs Maps, 2011

IMPACTS ON UC BERKELEY STUDENT HEALTH CARE

The UC Berkeley student population may be adversely impacted by increased travel times to the Summit campus. The campus can generate about 4,000 student ED visits per academic year, and the UC Tang Center alone estimates about 1,500 student ED referrals per year. While the Tang Center can meet the majority of urgent care student needs, it is not open 24 hours and does not perform imaging, surgery, and some emergency services make the UC Berkeley student population particularly reliant on Alta Bates Campus.

In the 2017-18 academic year, the University of California Berkeley had 30,574 undergraduate students, 11,336 graduate students, and approximately 12,000 staff (UC Berkeley Office of the Vice Chancellor of Finance, 2017). Since we did not have complete information on staff health insurance, this RHIA focuses on the potential impacts of the closing of Alta Bates Campus on student health care access. Roughly half of UCB students are enrolled in the Student Health Insurance Plan (SHIP), with the remainder enrolled either in alternative private insurance plans or through Medi-Cal. SHIP covers medical, counseling, prescription, vision and dental services. In interviews with Tang Center staff including Executive Director of University Health Services, Claudia Covello, and Medical Director Dr. Anna Harte, we learned that a larger proportion of graduate students are likely enrolled in SHIP. This is due in part to undergraduates being able to remain on their parents' insurance plans until age 26. Regardless of insurance enrollment, all students have access to the on-campus Tang Health Care Center.

The University Health Service Tang Center is a fully-accredited outpatient center designed to address most medical, mental health and health education issues. The Tang Center employs about 300 physicians, registered nurses, nurse practitioners, medical assistants, physical therapists, pharmacists, nutritionists, lab/radiology/pharmacy technicians, social workers, licensed psychologists and psychiatrists, and health educators. An urgent care facility is open seven days a week but limited to working hours, with reduced hours on weekends.

While the Tang Center is a student health asset, it is not a licensed hospital and therefore relies heavily on Alta Bates Campus for timely referrals of acutely ill patients for **conditions including appendicitis, ectopic pregnancies, blood clots, and head injuries requiring scans.** According to the Tang Center, they refer approximately **2,500-3,000 students per year to the ED, 21% for surgery and 41% for emergency care alone (not all, but most, go to ABMC). Approximately 1-2 students per day require ambulance transport to the hospital.** An additional 2 students per week may require hospitalization for psychiatric care from Tang.

There can be daily communication between Tang practitioners and Alta Bates and this close relationship enables students to receive referrals for potentially serious illnesses. In addition

to urgent care referrals, the Tang Center also refers students to Alta Bates Campus for some outpatient diagnostic procedures, maternity care, and specialty care.

We reviewed SHIP billing data to estimate the student utilization of Alta Bates Campus and Sutter health care facilities more generally. As noted, this is not the universe of all student health care issues and students on other insurance or without insurance are likely also accessing the hospital. In addition, our review of studies from the Journal of American College Health suggested that across US universities, there were approximately 100 ED visits per 1,000 enrolled students (McKillip et al, 1990).

With approximately 40,000 students in 2017, **we estimated that UC Berkeley generates as many as 4,000 student ED visits to Alta Bates Campus per academic year.** (We note here, but did not analyze, that the East Bay has a number of students at other institutions that will likely be similarly impacted by the closure of Alta Bates Campus. For example, there are an estimated 7,000 students at Berkeley City College, and 7,900 at Contra Costa College, but many of these are commuter students and we were unable to obtain data on these students' health insurance status or residence).

Student mental health is a critical issue on the UC Berkeley campus. Severe episodes of stress, depression, thoughts of suicide and other mental health issues are prevalent in both undergraduate and graduate settings. Receiving timely treatment for these mental health issues is critical to the health of students and the general UC Berkeley population.

Our analyses of SHIP claimant data by diagnosis code from August 2016 through May 2017 revealed that of the 8,111 SHIP diagnoses, **15% were for some type of mental health-related diagnosis,** including, but not limited to: suicide attempts, thoughts of suicide, psychosis, bipolar disorder, depression, schizophrenia, eating disorders and substance abuse. While a majority of these were likely treated at the Tang Center, we do note that 7% of the Alta Bates Campus ED diagnoses in 2016 were for mental disorders/ episodes. Figure 25 compares SHIP utilization for mental health related issues and those presenting at the Alta Bates Campus ED.

While we cannot determine the exact number of students visiting Alta Bates Campus for mental health care, our conversations with Tang and Alta Bates staff suggest that a high percentage of the mental health and suicide/self-harm visits to Alta Bates Campus are from UC Berkeley students. Similarly, a significant proportion of UC Berkeley

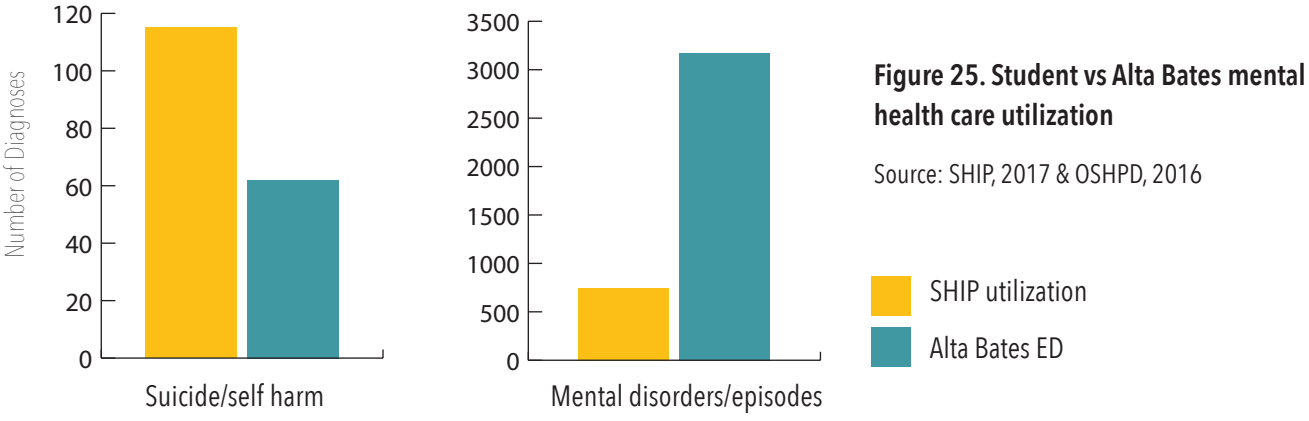
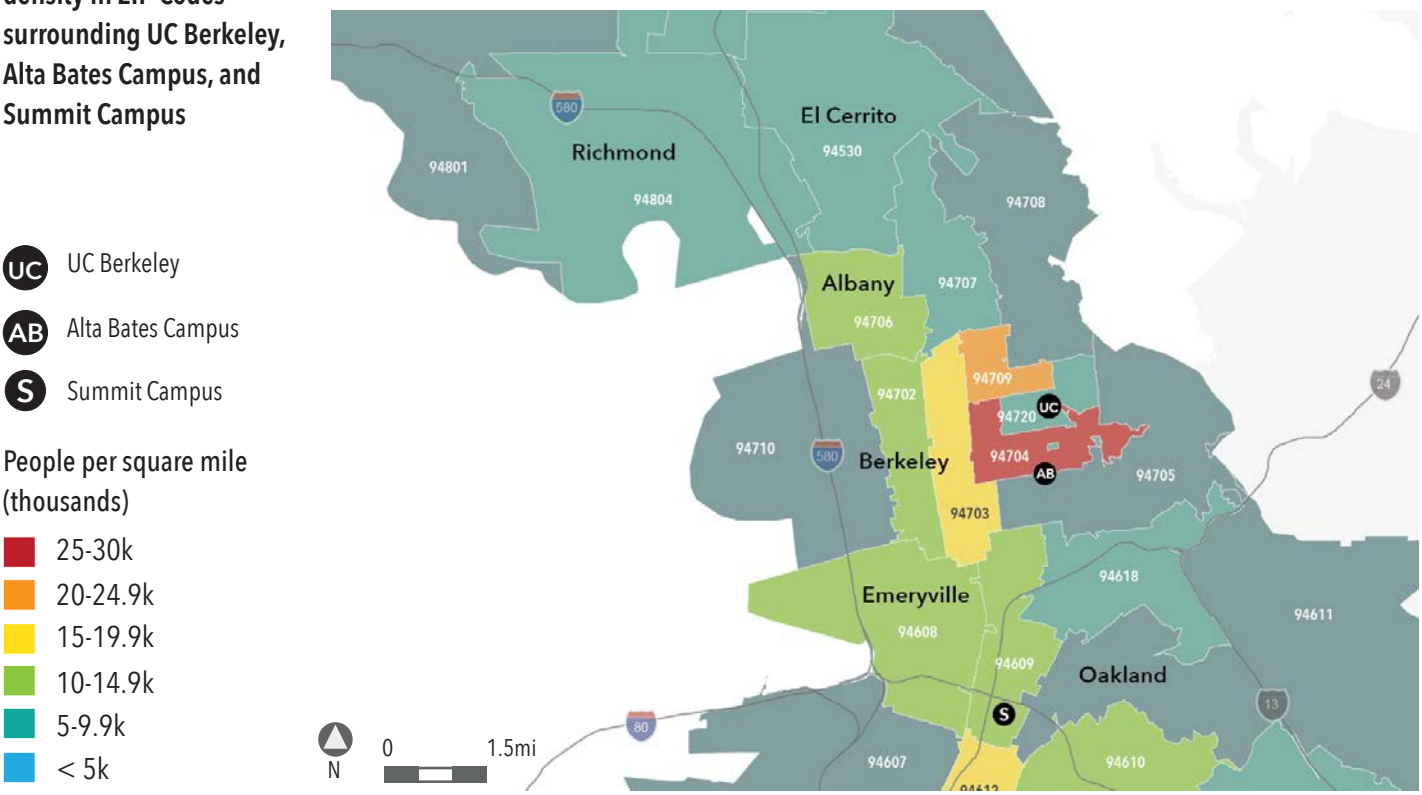


Figure 25. Student vs Alta Bates mental health care utilization

Source: SHIP, 2017 & OSHPD, 2016

Map 10. Population density in ZIP Codes surrounding UC Berkeley, Alta Bates Campus, and Summit Campus



students that utilize mental health services seem to have received a referral after being seen at Alta Bates Campus, sometimes through the ED for issues such as anxiety and depression. The fact that Sutter's Herrick campus will not be affected by a potential closure is significant and will likely off-set any potential care that is now provided at Alta Bates.

However, since Herrick does not have an ED, a limited number of students that require emergency psychiatric services will be impacted by the closure. Runyan et al (2017) noted that when young people are unfamiliar with where to access care and support, this can adversely impact suicide-related episodes. In addition, the ED can provide important discharge counseling protocols for patients with potential suicide risks (Runyan, et al. 2017).

For accessing emergency care, travel by ambulance or private vehicle from the Tang Center to Summit or another ED besides Alta Bates will likely increase time to receive care. In addition, a number of students with chronic disease rely on Alta Bates Campus for routine specialty care for diagnosis and follow up. In the event of a closure, these students may have to travel farther, requiring more time to access care and money to get there, and potentially resulting in delays. The perception of this distance by students could also change the way they access care.

These impacts will be further compounded by students' time constraints, inexperience in navigating the healthcare system, and financial limitations. We predict that adding these barriers will further complicate health care access for students and may delay student utilization of care.

As depicted in Map 10, the 94704 (southside) and

94709 (northside) **ZIP Codes surrounding the UC Berkeley campus and Alta Bates Campus are the most densely populated in the RHIA defined Hospital Service Area (HSA**), with 25,297 and 20,165 persons per square mile respectively. This greatly exceeds the density of most other ZIP Codes in the HSA, with the next highest being 17,766 persons per square mile in Downtown Oakland (94612) and an overall average of 5,989 persons per square mile in the HSA (ACS 2012-2016).

Thus the **student population may be most adversely impacted during a campus or regional emergency, in which a large volume of students and residents in areas surrounding the UC Berkeley campus require access to timely care.** We discuss the impacts of a disaster scenario on emergency services in more detail on page 56.

We interviewed students and met with student organizations already concerned with the potential impacts of the closure of Alta Bates Campus. We heard from students that had direct experience at Alta Bates Campus and received treatment for appendicitis, hand lacerations, allergic reactions and other injuries. A common theme among the students was that Alta Bates Campus and its ED was close-by, familiar and served them when the Tang Center was closed.

In general, students we heard from were not familiar with other hospitals in the region and would need more information on what alternatives were available if Alta Bates Campus were to close. We also heard from both UCB health professionals and students that they viewed Alta Bates as an 'extension' of the UC Berkeley health care network. The likely short-term impacts to student health on Alta Bates closing are difficult to estimate, but may include a disruption of familiar care options and longer travel times to a 24hr ED.

UC BERKELEY STUDENT VIEWS ON ALTA BATES CLOSING

Student 1:

"It was around 9pm so we could not go to Tang first. I knew a friend of mine had gone to Alta Bates previously for a night time emergency, since it was the closest emergency care available, so that is why we chose it."

Student 2:

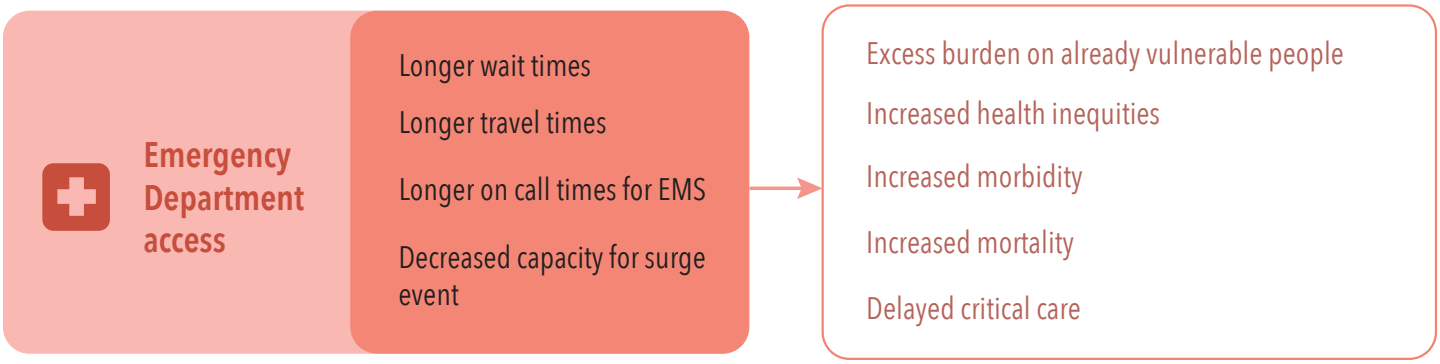
"I don't know of another urgent care facility nearby that I trust, and had the situation been worse, it may have been too far to go."

Student 3:

"[Alta Bates closing] would be extremely detrimental as students would no longer have a location that was close for emergencies. Particularly for more emergent situations, [when] there is a need to go see a doctor immediately. If not then it could cause more harm than good to go somewhere farther away.

IMPACT ON EMERGENCY SERVICES

In 2017, the Alta Bates Campus ED received 6,424 visits over the recommended number by the American College of Emergency Physicians (ACEP). Modeled travel times to Summit hospital surpass 40 minutes for the evening rush hour period for 10 ZIP Codes north of Alta Bates. For the Summit Campus, the average City of Berkeley EMS time on task is about 10-12 minutes longer than for transports to Alta Bates Campus. The additional travel time to Summit can result in about 2 hours of time an ambulance is away from service compared to ED transports to Alta Bates.



Whenever an urban hospital closes there are concerns over travel times for ambulances to reach the next closest ED and potential adverse health outcomes from delayed access to care. Liu et al. (2014) reviewed California emergency department closures between 1999 and 2010 and found that **patients who lived near a closed emergency department and were later admitted had a 5% higher chance of dying in the hospital than those who did not live near a closure.** They concluded that ED closures do have significant effects on patient outcomes.

Crandall et al. (2016) studied outcomes in EDs for serious trauma after the closing of a large medical center in Los Angeles. They did not find any significant impact on trauma-related health outcomes, but did find that one hospital ED surrounding the closure had a tripling of uninsured patients visiting their ED in a ten year period. Lee et al. (2015), found that in NY State, urban hospital ED use increased in areas where hospitals have closed and that ED visits have risen by 23% in the United States over the last decade.

Shen and Hsia (2016) studied changes in acute myocardial infarction (AMI) among Medicare patients whose communities experienced increased driving time to an ED due to the closing of an ED in their community. They found that **patients whose driving time related to local ED closure increased by ≥ 30 minutes had a statistically significant increase in 90-day mortality** by 6.58 percentage points (CI 2.49, 10.68) and 1-year mortality by 6.52 percentage points. Patients whose driving time increased by 10 – <30 minutes also had a significant but less pronounced increase in 90-day and 1-year mortality, by 1.60 percentage points (CI 0.53, 2.67) and 2.05 percentage points (CI 0.96, 3.14), respectively. Patients whose driving time increased by less than 10 minutes did not experience worse mortality rates after an ED closed in their community.

Hsia et al. (2012) used California data from 1999-2009, and found that patients with an increase in distance to the nearest ED (0.8 miles average distance increase) did not have significantly higher mortality in general or for specific conditions, including those with acute myocardial infarction, stroke, asthma or chronic obstructive pulmonary disease, and sepsis. However, Nichol et al. (2007) found that increased journey distance to the hospital appeared to be associated with an increased risk of mortality. Berlin et al. (2016) studied acute myocardial infarction (AMI) mortality in Switzerland and found a 19% increase and a 10 % increase for men and women respectively, all over 65 years, for those with the longest driving time to a university hospital compared to the same population group with the shortest driving times to the same hospital.

Alta Bates ED Utilization

Alta Bates Campus had a total of 50,414 ED visits in 2017, a 21% increase since 2010. The campus treated an average of 126 patients per day in 2016 and 138 patients per day in 2017. Alta Bates Campus currently has 22 emergency treatment stations in their ED.[4] **The American College of Emergency Physicians (ACEP) recommends a standard of 2,000 visits annually per emergency treatment station. In 2016, Alta Bates Campus had approximately 1,836 visits per emergency treatment station, but this rate increased to 2,292 visits per emergency treatment station in 2017.**[3] **This increase resulted in 6,414 ED visits over the ACEP standard in 2017.**

Our analyses of OSHPD data and review of the literature suggests that ED visits are increasing nationwide and in the Bay Area. Further, there may already be an inadequate supply of ED treatment stations to keep up with this increasing demand. The closing of Alta Bates Campus will remove at least 22 ED treatment stations and, as noted above, require a doubling of ED capacity at Summit to accommodate the patients from the Berkeley facility.

Analyses of Travel Times to Alta Bates vs Summit Campus Emergency Departments

Sutter has indicated that it plans to relocate all in-patient and emergency department services to the Summit campus in Oakland by 2030, though little details have been provided to date about the extent and time line of the proposed expansion. A concern is whether the move to Summit will increase the travel time to the ED for some people in the region.

Using Google Maps GPS navigation software, the RHIA modeled travel times via private vehicle to Alta Bates and Summit campuses during the morning and evening peak traffic periods (8:30am and 5:30pm). We compared these periods to travel time at 12am as the non-traffic period. We estimated travel times for all ZIP Codes in the RHIA defined Alta Bates Hospital Service Area. The analysis routed travel to Summit and Alta Bates campuses from the center point of each ZIP Code in the HSA, and recorded an estimated range in minutes to each destination.

Figure 22 provides detailed findings of travel times from all of the ZIP Codes north of Alta Bates Campus, using the high end of each travel time range. Findings revealed that travel times to both Alta Bates and Summit Campuses from ZIP Codes in north Alameda County and West Contra Costa County are longest at the 5:30pm peak traffic time. **For the PM rush hour, all ZIP Codes in West Contra Costa County (in Richmond, San Pablo, El Sobrante, and El Cerrito) as well as Albany and Berkeley, have increased travel times to Summit Campus when compared to Alta Bates Campus.** These findings also overlap with ZIP Codes identified in the vulnerable communities section, indicating that there is a potential negative impact of increased travel times on already vulnerable populations that are served by Alta Bates.

Overall travel times at 5:30pm are longest from ZIP Codes in West Contra Costa County, four of which have a total travel time between 50-60 minutes to the Summit Campus. An additional six ZIP Codes near the West Contra Costa and Alameda County border fall within a 40 – 50 minute range of travel time to the Summit campus.

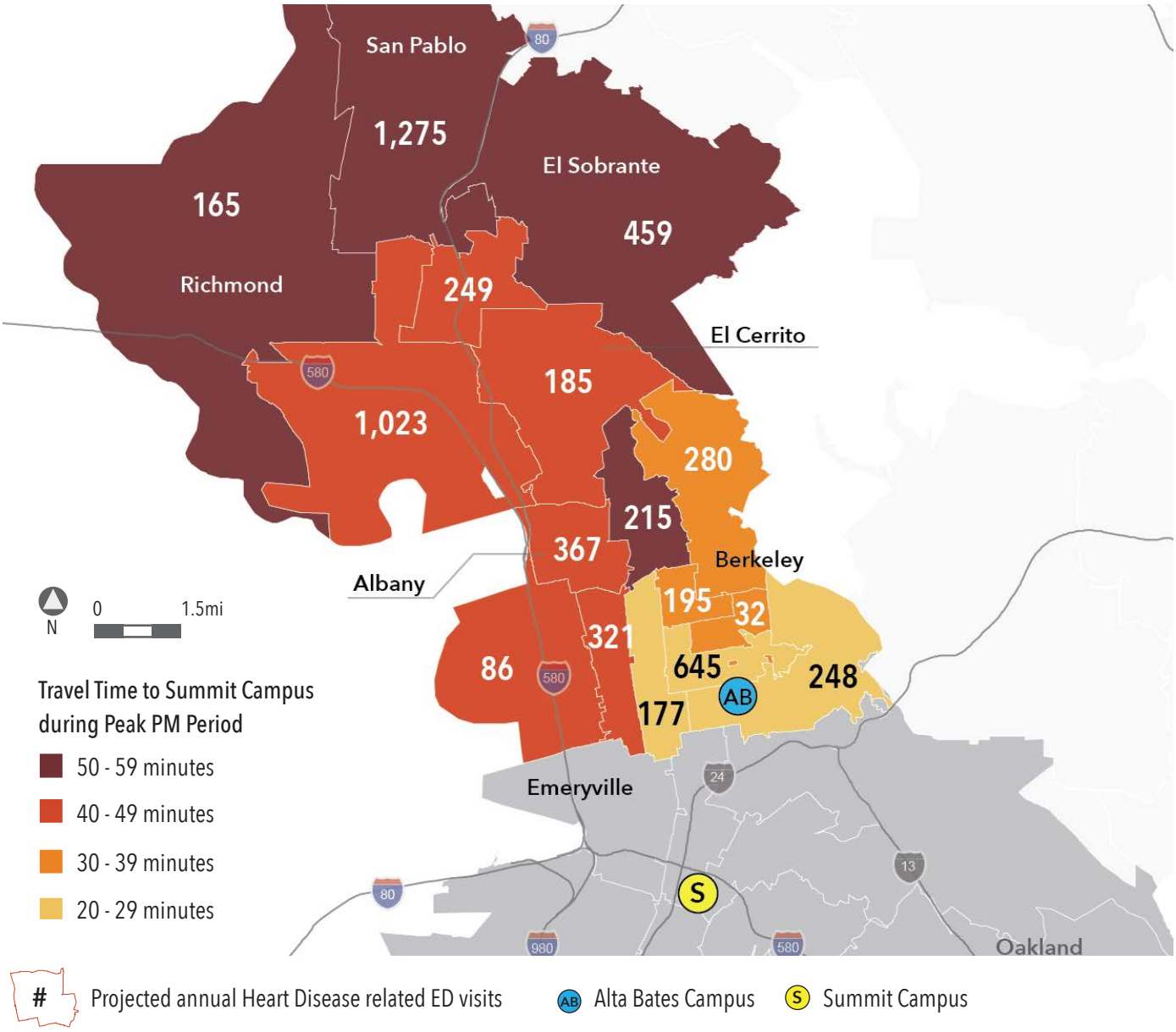
Timely transport to care is critical for a range of health emergencies, but can mean the difference between life and death for ST-segment elevation myocardial infarction (STEMI) patients (i.e., a heart attack in which an artery is blocked). Mathews et al. found that up to 40% of STEMI patients use private vehicle or non-EMS transportation to reach the hospital. While ambulance transport time is also critical, ambulances have life-saving equipment to treat a time-critical patient.

Map 11 depicts travel times via private vehicle to the Summit Campus during peak evening traffic within 10 minute increments, and projected annual emergency department visits related to heart disease. We calculated the number of estimated heart disease patients for each ZIP code by multiplying the population by the actual percent of ED visits for heart disease (from 2011). Richmond, San Pablo and El Sobrante have both the longest travel times to Summit and the largest estimated heart disease related ED visits. 13 ZIP Codes have estimated travel times greater than 30 minutes to Summit Campus, which is currently the closest STEMI receiving center in the region.

Figure 26. Travel times to Alta Bates & Summit Campuses from ZIP Codes in the HSA

		No Traffic (12am)			Traffic (8:30am)			Traffic (5:30pm)			Estimated annual Heart Disease related ED visits
City	ZIP Code	Time to AB	Time to S	Diff (S - AB)	Time to AB	Time to S	Diff (S - AB)	Time to AB	Time to S *	Diff (S - AB)	Population x % heart disease ED visit per ZIP Code (2011)
Berkeley	94702	10	12	2	18	22	4	20	40	20	321
	94703	5	10	5	10	16	6	12	22	10	177
	94704	6	12	6	9	22	13	12	26	14	645
	94705	6	14	8	8	20	12	9	24	15	248
	94706	16	10	-6	35	26	-9	28	45	17	367
	94707	16	16	0	30	35	5	30	50	20	215
	94708	20	22	2	22	28	6	22	35	13	280
	94709	12	16	4	18	30	12	18	35	17	195
	94710	10	8	-2	20	16	-4	24	40	16	86
	94720	9	20	11	10	26	16	12	30	18	32
El Cerrito	94530	20	14	-6	45	35	-10	40	45	5	185
Richmond	94801	26	22	-4	55	45	-10	45	50	5	165
	94804	18	12	-6	45	35	-10	35	45	10	1,023
	94805	18	12	-6	50	40	-10	35	45	10	249
El Sobrante	94803	26	22	-4	40	40	0	35	55	20	459
San Pablo	94806	26	22	-4	60	50	-10	45	50	5	1,275

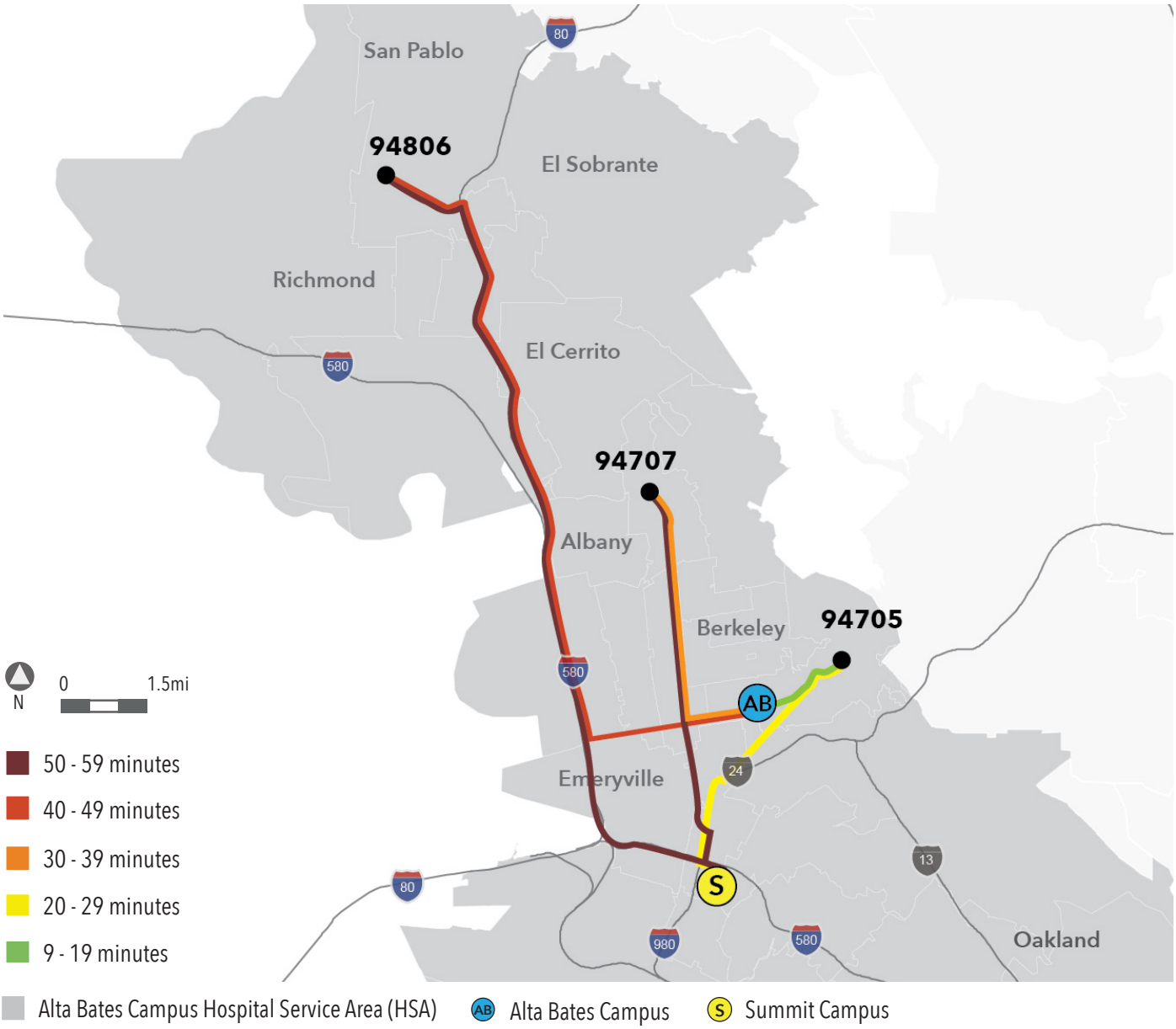
Map 11. Estimated Number of Heart Disease ED visits & Private Vehicle Travel Time for Peak Period to Summit Campus for select ZIP Codes



Map 12 depicts travel times to Summit Campus and Alta Bates Campus via private vehicle at 5:30pm for three ZIP Codes in the RHIA defined HSA. Each of these ZIP Codes experience shorter travel times to Alta Bates Campus than Summit Campus during peak evening traffic time, and one relies on heavily congested freeways including 580 and 80.

Given that **15% of households in the HSA report having no vehicle** (ACS 2012-2016), the analysis also tested travels times via public transportation (bus and BART). We did not find significant differences in travel time to Alta Bates Campus vs. Summit Campus for ZIP Codes north of Alta Bates in the HSA for public transit. Travel times via public transit averaged approximately 1 hour from West Contra Costa County to both Alta Bates and Summit campuses.

Map 12. Travel times to Alta Bates vs. Summit Campus at PM Peak Period from select ZIP Codes in the Alta Bates HSA



Impacts on Ambulance Travel Time

Though this RHIA does not include an analysis of projected ambulance travel times, we assume that emergency vehicles are likely to travel faster than private vehicles in both traffic and non-traffic conditions.

When an ED closes it can cause ambulances to travel to further, and may also result in ED crowding. **Overcrowding can cause increased ambulance time on task – the total EMS time from receiving a 9-1-1 call to arriving on scene, then arriving at the hospital, and returning to service.** That window represents time that the ambulance and associated staff cannot respond to new incoming calls, and cannot be at the Fire Department garage maintaining the vehicles or completing trainings and other tasks.

The Alameda County Emergency Medical Service (EMS) system responds to about 160,000

emergency calls annually. Under normal protocol a fire department unit and Paramedics Plus ambulance respond to emergency medical calls, however the Berkeley Fire Department EMS division owns and operates four of its own ambulances and therefore generally provides the emergency transport services in the Berkeley area. In 2014, the Berkeley Fire Department transported 5,049 patients to Alta Bates Campus, while Paramedics Plus transported less than 500 from the Berkeley area to the same campus.

Given this large volume of Berkeley EMS transports to Alta Bates Campus and findings from the general travel time analysis (Figures 22 & 23) which indicate that 5 ZIP Codes in Berkeley have increased travel times by vehicle to Summit Campus compared to Alta Bates Campus during no traffic hours, we focus the ambulance travel time analysis on the experiences of the Berkeley Fire Department, referencing data and insight provided by the Fire Captain for the City of Berkeley.

The Berkeley Fire Department transports about 7,000 patients annually to local hospitals, of which there are 14 receiving facilities throughout the county. Receiving centers are determined by matching the closest hospital with the equipment that the patient needs. For instance, if someone standing on the corner of Telegraph and Ashby has a major heart attack and is being transported by ambulance, they may be transported to Summit rather than Alta Bates Campus, since Summit is the closest ST- elevation myocardial infarction (STEMI) receiving center and can adequately address the needs of a major heart attack patient. The vast majority of all-cause City of Berkeley EMS transports are taken to Alta Bates Campus, followed by Kaiser Permanente in Richmond, and the Summit Campus in Oakland (4,576, 1,093, and 578 transports in 2016, respectively).

We assume that most of these transports were not for major heart attacks, since Alta Bates Campus is not a STEMI receiving center. Despite this, **closing the Alta Bates Campus ED may result in extra time spent transporting patients to care and decreased regional EMS capacity for ambulance transports**, which is particularly concerning for patients with conditions for which quicker transport time is related to measurable differences in health outcomes.

If Alta Bates Campus closes, the Berkeley Fire Department expects that most of the emergency transports would instead be taken to the Summit Campus in Oakland. **For the Summit Campus, the average City of Berkeley EMS time on task averages about 10-12 minutes longer than transports to Alta Bates Campus.** According to the data from Berkeley EMS, there are an average of 12.5 emergency trips made to Alta Bates Campus daily. If Alta Bates Campus were to close, the **extra time needed to transport these patients to the Summit campus instead would add up to about two hours extra of time on task in total per day.**

Without additional resources, response times to incoming emergency calls for all causes would likely increase due to the additional time on task required to transport patients to Summit and to get back to Berkeley, where they can receive another call. Assuming there are no additional ambulances in rotation to offset additional time on task for transport to Summit, patients with intermediary or high risk of mortality, including those requiring **time-sensitive interventions – such as coronary revascularization in acute myocardial infarction, fibrinolytic therapy for acute ischemic stroke, early goal directed therapy in sepsis, and trauma center care for injuries may not receive the timely response associated with a survival benefit**, and subsequently mortality rates for life threatening conditions may increase. While Alta Bates is not a critical stroke or STEMI receiving center, stroke and major heart attack patients in Berkeley will still be disproportionately impacted by the proposed closure due to the added time on task and decreased capacity of Berkeley EMS

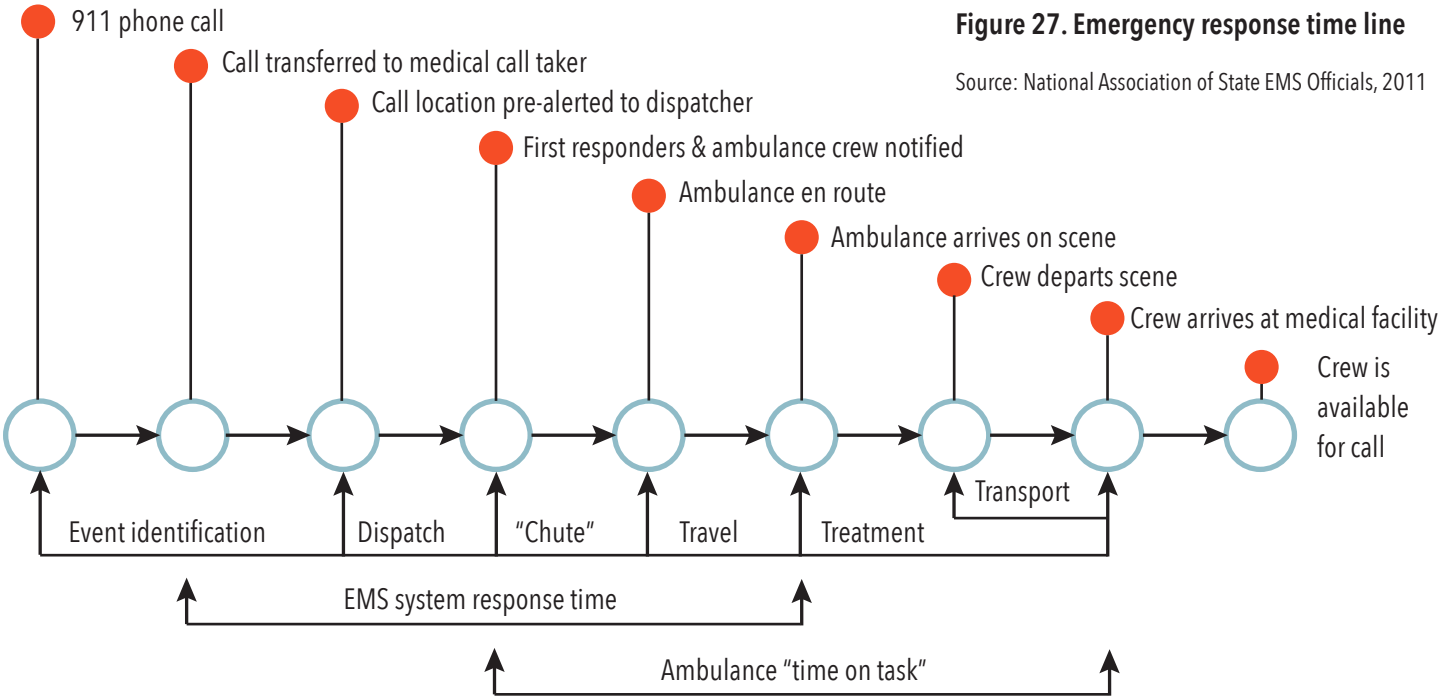


Figure 27. Emergency response time line

Source: National Association of State EMS Officials, 2011

to respond to all 9-1-1 calls. This impact may be worsened by an increase in diversion hours at Summit Campus after the proposed closure of Alta Bates Campus, which we discuss in the following section.

We find similar impacts on ambulance transports in West Contra Costa County, where the closest ED is at Kaiser-Richmond hospital, with the next closest being Alta Bates Campus, followed by Summit Campus. According to Patricia Frost, Director of Emergency Medical Services for Contra Costa County, prior to the DMC closure the Kaiser Richmond ED received about 31% of all ambulance transports, but after the closing this increased to 52%. From January 1 to March 31, 2016, 11% of the 4,692 EMS ambulance destinations in West Contra Costa County, 516 in total, went to Alta Bates Campus. **From 2014 to 2016, the Alta Bates Campus experienced a 123% increase in transports from Contra Costa County EMS, going from 2.5 trips to Alta Bates per day to nearly 5.7 trips to Alta Bates per day.**

If Alta Bates Campus closes, we would expect these patients to go to Alta Bates Summit in Oakland, which is further away from West Contra Costa County than the Alta Bates Campus. **The additional distance is likely to increase emergency service travel times and time-on-task, which would keep ambulances out of rotation longer and increase emergency response wait times for others in Contra Costa County.** In addition to increased distance to Alta Bates Summit, there could be time on task added if Alta Bates Summit is on diversion status or is not on diversion status, but is overwhelmed with a high volume of patients. Closing Alta Bates Campus will likely increase time on task for Contra Costa EMS, forcing the county to either contract out for additional ambulances or try to absorb the additional time on task, which could put lives at risk.

The 2014 Contra County Health Services report analyzing the potential impacts from the closing of the ED at Doctors Medical Center in San Pablo, noted the following impacts which are worth repeating here as they likely apply to the closing of Alta Bates' ED:

1. *American Medical Response ambulance crews will experience longer time-on-task for all*

transports going to more distant hospitals as a result of the DMC closure.

2. *In addition to possible delays in fire and ambulance response resulting from increased time on task, the West County community has raised a concern that there may be an increase in the number emergency calls. Increased 9-1-1 usage may result when patients choose to access 9-1-1 rather than private transport due to the longer driving distance and lack of familiarity with routes to other facilities.*

3. *9-1-1 ambulance traffic from the region would overwhelm Kaiser-Richmond's ED or require transporting patients to other EDs that would be further away, impacting ambulance availability within the county.*

4. *Kaiser-Richmond will experience 80 – 100 new ED patients per day on top of the 78 it already sees daily. That is an increase of at least 102 percent. While there are 12 other EDs in the region, Kaiser-Richmond will be disproportionately impacted. The reason for this is that patients typically choose the next closest ED for their ED needs, barring significant new healthcare resources in the community or an extensive public education campaign.*

Ambulance Diversion

Crowded EDs can also result in ambulance diversion, which is when ambulances are redirected to bring patients to a different ED than they would under normal conditions for timely treatment. Beyond indicating overcrowding, diversion is harmful in itself, as it increases time to definitive care and can be associated with poor outcomes for patients with certain conditions, particularly stroke and acute myocardial infarction. According to OSHPD, Alta Bates Campus had 182 hours of ambulance diversion in 2014 but only 57 hours of ambulance diversion in 2016. Sun et al. (2006) assessed the effects of nearby hospital closures on ED ambulance diversion in Los Angeles County from 1998 to 2004. They documented ambulance diversion hours due to ED saturation and found that hospital closures increased ambulance monthly diversion hours by an average of 56 hours for the first 4 months at the nearest EDs.

In 2016, both Alta Bates and Summit campuses practiced ambulance diversion for about 60 hours during the year.[3] However in 2017, Alta Bates' diversion hours decreased to 13, and Summit decreased to 29. Comparatively, Highland Hospital in Oakland had 161 hours of ambulance diversion in 2017.[4] Since Summit is already practicing diversion, there is a high likelihood that additional diversion hours would be added to the Summit ED after a closure of Alta Bates Campus.

Regional Emergency Department impacts

The San Francisco Bay Area is home to more than 80 acute care hospitals, serving a region of more than 7 million people, situated within 9 counties and 110 cities (ACS 2012-2016).[11] In Alameda and Contra Costa Counties, there is a large hospital network in place to serve the counties' more than 2.7 million residents. However, the hospitals within this network are not evenly distributed throughout the region, and this may impact where patients go for care if Alta Bates Campus is to close.

As we discuss throughout the report, the regional hospital network was recently impacted by the closure of Doctor's Medical Center (DMC) in 2015. The closure of DMC resulted in a regional gap in ED care, making Kaiser Richmond (which has limited capacity for non-Kaiser patients) the only ED besides Alta Bates Campus along the corridor from San Pablo to Berkeley. **This RHIA has found that Kaiser-Richmond experienced an increase in ED utilization since DMC closed, going from 40,065 ED visits in 2013 to 64,680 in 2017.**[4,7] According the 2016 Contra Costa EMS System Performance Report there was an approximate

12% increase in EMS responses from 2014-2016 in the county, with an average of 271 EMS responses per day (in 2016). Since 2014, there has not only been a large increase in total ambulance usage, but, as a result of the DMC closure and distance to the next closest hospitals, there has also been a large increase in ambulances originating from Richmond, San Pablo and nearby areas that travel high traffic roads and freeways to Kaiser-Richmond, Alta Bates Campus, Contra Costa Regional Medical Center in Martinez and John Muir Medical Center in Walnut Creek.

Within Alameda and Contra Costa County, only 6 hospital other than Alta Bates Campus (Summit Campus, Kaiser Richmond, Kaiser Oakland, Highland Hospital, Alameda Hospital and Children's Hospital Oakland) receive a significant (25% or more) number of patients from the RHIA defined Alta Bates Hospital Service Area (HSA), and in 2016 Alta Bates Campus was overwhelmingly the most utilized non-Kaiser hospital by residents of Berkeley, Albany, El Cerrito, Richmond and San Pablo.
Given the increasing reliance on Alta Bates Campus ED by patients from West Contra Costa County and the high utilization by Berkeley residents, it is unclear where people in the HSA will seek emergency care, both independently and by ambulance transport.

To assess the capacity of regional hospitals to absorb additional ED patients, we used the American College of Emergency Physicians (ACEP) standard of 2,000 ED visits annually per ED treatment station. Figure 24 shows the additional number of ED visits (using 2017 data) that could be absorbed by regional hospitals per year should Alta Bates Campus ED close, before exceeding the ACEP standard. If Alta Bates Campus were to close and all of the 50,414 ED patients in 2017 utilized the remaining open EDs, particularly Highland Hospital and Kaiser-Oakland, there would be capacity in the region even without an expansion of Summit Campus in Oakland. In 2017, Highland could have absorbed 48,003 visits before exceeding the ACEP standard, and Kaiser-Oakland could have absorbed 32,313 visits before exceeding the ACEP standard. However, whether or not the 50,414 patients that went to the Alta Bates Campus ED in 2017 will utilize Kaiser and/or Highland in the event of an Alta Bates Campus closure is unclear, given the disproportionate utilization of the campus (in 2017 Alta Bates Campus ED surpassed the ACEP standard by over 6,000 visits).

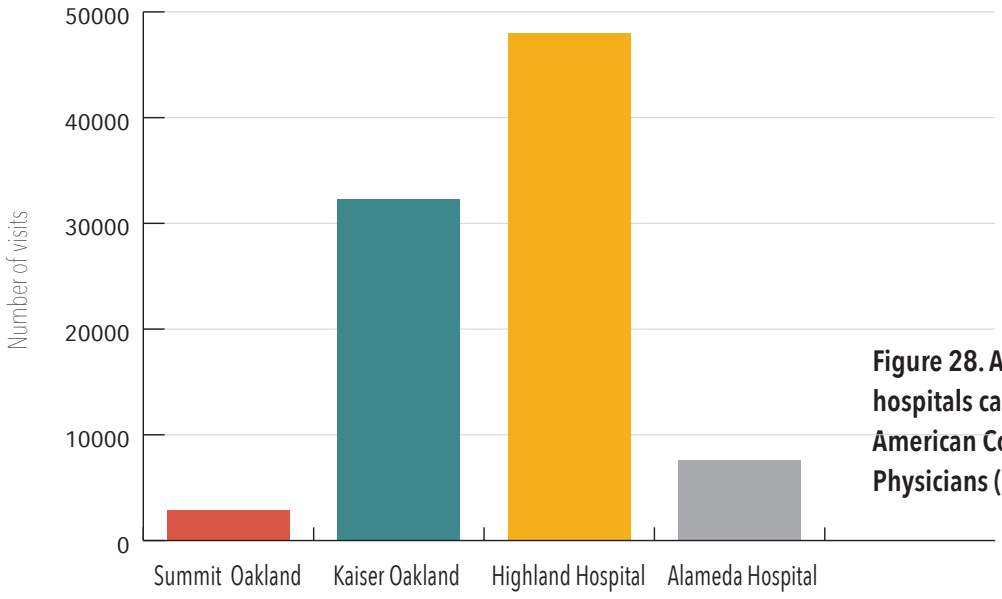


Figure 28. Additional ED visits/year hospitals can absorb before exceeding American College of Emergency Physicians (ACEP) standard, 2017.

Highland Hospital receives the majority of its patients from central and east Oakland, and in 2016 the hospital received 62% of its ED patients from 10 ZIP Codes. 8 of the 10 ZIP Codes fall within the Alta Bates Campus HSA, however just 14% of Alta Bates Campus ED patients came from those same 8 ZIP Codes.[6] Since there is currently relatively low utilization of Highland by the population primarily served by Alta Bates Campus, it is not likely that Highland will become the primary receiving center for Alta Bates Campus ED patients. It is more likely that the majority of Alta Bates Campus' current patients would choose to utilize Summit, which is already near capacity and would need to double its capacity to accommodate all of the patients that utilize Alta Bates Campus ED annually.

Figure 25 shows the relationship between the number of ED stations, total ED visits and the ACEP standard for the Alta Bates and Summit campuses. To calculate the emergency department capacity, based on the ACEP standard, the number of emergency department stations is multiplied by 2,000, which is the ACEP standard for yearly visits per emergency treatment station. In 2017, Alta Bates Campus had an ACEP defined capacity of 44,000 (22 ETS*2,000) and was over capacity by 6,424 visits. Meanwhile, Alta Bates Summit had an ACEP defined capacity of 50,000 (25 ETS*2,000) and was under capacity by 2,883 visits. **Summit Campus would need to expand their emergency treatment stations by at least 24 to accommodate the increase in patients from Alta Bates Campus.** Sutter Health has stated on their Vision 2030 website that they would increase the Alta Bates Summit Campus emergency department capacity to accommodate **90,000 visits per year. However, this would be insufficient to accommodate all Alta Bates Campus emergency department patients, should the campus close.**

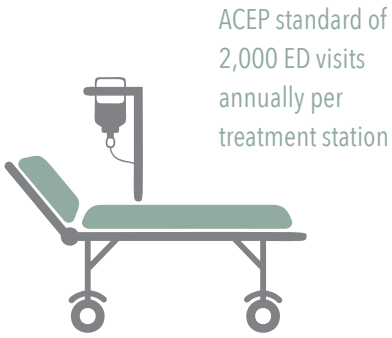


Figure 29. Alta Bates & Summit ED utilization & American College of Emergency Physicians' recommended capacity

	# ED Stations (2017)	ACEP standard (yearly visits per station)	ACEP Defined Capacity	2017 Total ED Visits	Visits that exceed capactiy (+ exceeds, - under capacity)
Alta Bates campus	22	2000	44000	50414	+6414
Summit campus	25	2000	50000	47117	-2883
Total	47		94000	97531	+3531

DISASTER EVENT IMPACTS

In this section, we estimate the potential impact of the closing of Alta Bates on emergency department capacity during two disasters, an earthquake and large fire. We base these analyses on the *HayWired Reports Volume I & II* which detail likely impacts from an earthquake on the Hayward fault line, and data from the aftermath of a 2012 fire at the Chevron refinery in Richmond, CA.

The entire Alta Bates HSA runs along the Hayward fault line, and the Working Group on California Earthquake Probabilities calculates that there is a 33-percent likelihood of a large (6.7 magnitude or greater) earthquake occurring along this fault line in the next few decades (USGS, 2018). In order to fully examine the potential impacts of a major earthquake along the Hayward fault line, the USGS, along with a number of stakeholders, created the *HayWired* scenario and resulting reports.

The HayWired scenario is one of many plausible scenarios for the region's next major earthquake. It investigates the likely impacts of a 7.0 magnitude earthquake along the Hayward fault, with an epicenter under the city of Oakland. In this scenario, the 7.0 magnitude earthquake strikes on April 18, 2018 at 4:18pm, just around the start of the week-day rush hour (USGS, 2018).

According to FEMA data, there are an estimated 837 people mortally injured, 461 life-threatening injuries, 3,007 injuries requiring a high degree of medical care, and 12,263 injuries that require medical attention and cannot be treated at home after the initial quake. In total, there are 16,568 casualties from the earthquake, 837 fatalities and 15,731 people that require medical attention. The **HayWired scenario rounds FEMA's estimates to 800 fatalities and 16,000 injured and needing medical attention.** FEMA estimates that 84% of displaced households will come from Alameda County (68%) and Contra Costa County (16%) (USGS, 2018). Using these same percentages, we estimate that those injured and needing medical attention would total to **13,440** in Alameda County and Contra Costa Counties, with **10,880 needing medical attention in Alameda County and 2,560 in Contra Costa County.**

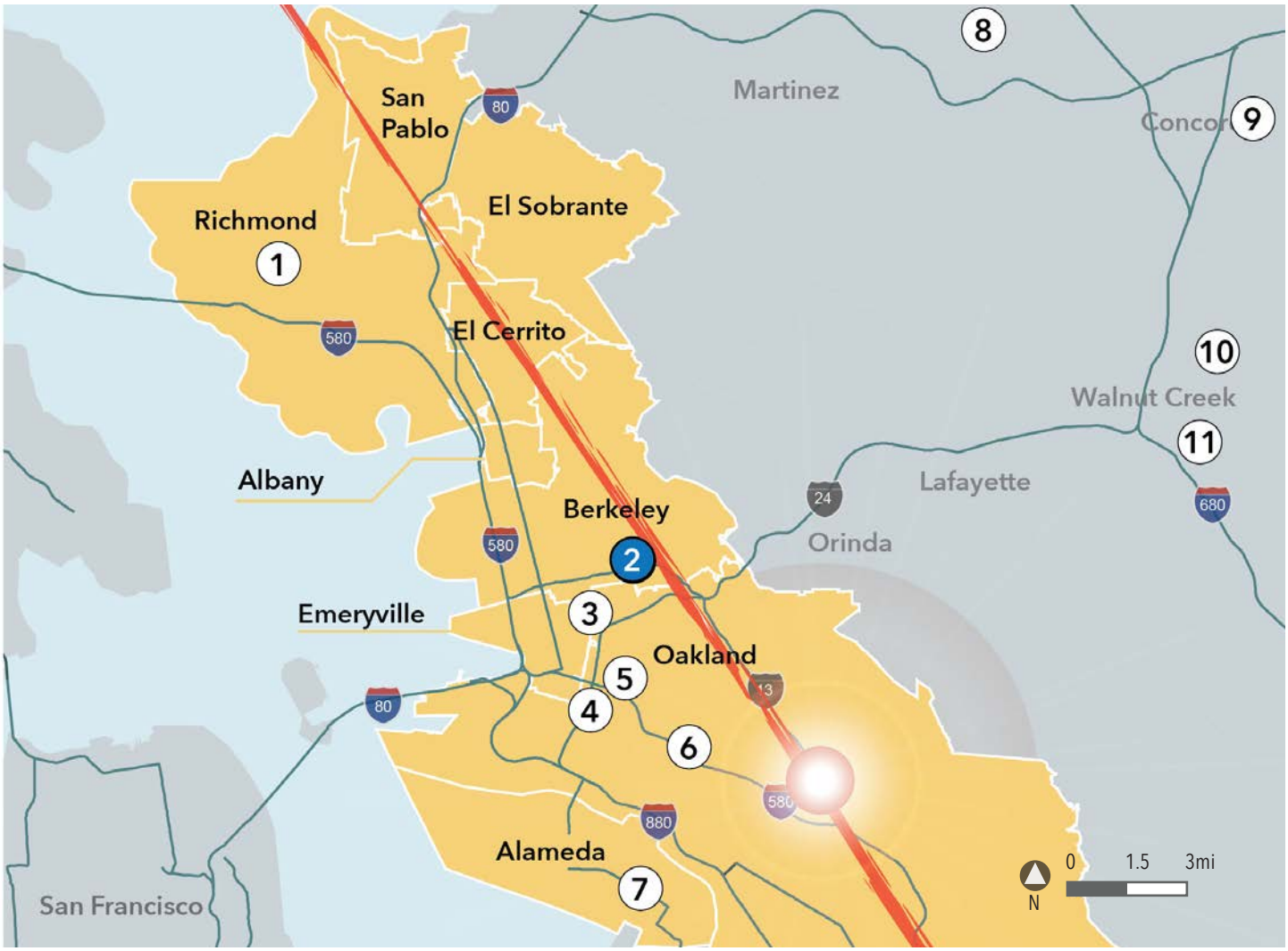
Access and time to treatment will be critical for many of the injured, and considering that the majority of the impact will be felt in Alameda County and Contra Costa County, there will be increased pressure on the existing hospital network and emergency services to respond to and treat the surge of patients in the ED. If all of the injuries that occur in Alameda County seek treatment at hospitals in Alameda County in an even manner (all hospitals are evenly impacted by the event), there would be an estimated **837 additional patients seeking treatment at each emergency department as a result of the quake.** For instance, in the event of the HayWired

Haywired Earthquake Scenario:

84% of households are displaced in Alameda and Contra Costa Counties

14,000 estimated injuries requiring medical attention from Alameda and Contra Costa Counties

$57 billion in total direct economic loss



Map 13. Earthquake along the Hayward Fault & Hospital Locations

Hayward Fault Line

Earthquake epicenter

Source: HayWired Report Volume I

scenario, Kaiser San Leandro, which addresses the highest # of ED cases/day in Alameda County, would need to serve an estimated 1,028 patients. This is a 438% increase from their daily average number of visits. If Alta Bates Campus were to close, the number of surge patients requiring ED treatment in Alameda County would increase by an additional **64 visits for each hospital in the county.**

In Contra Costa County, we estimate 2,560 injuries needing medical attention. We estimate that roughly 280 people from Contra Costa County would access emergency treatment at Alta Bates Campus. Since the Kaiser Richmond emergency department is the primary receiving center for West Contra Costa County residents, we would expect at least half of the remaining 2,280 to go to Kaiser Richmond. The Kaiser Richmond Emergency Department could be overwhelmed with an estimated 1,316 people needing treatment the day of the earthquake. If Alta Bates were to close, we estimate that Kaiser Richmond would experience an additional 282 ED patients immediately following the earthquake.

In the 1994 Northridge earthquake, a magnitude 6.7 earthquake in Los Angeles, there were over

9,000 people injured and 57 fatalities. Research conducted around the Northridge Earthquake showed that injuries increased significantly with age. 60-79 year olds were 10.9 times more likely to be injured, and people 80 and older were 34.6 times more likely than 0-19 year olds to sustain earthquake related injuries (Peek-Asa, 1998). The Northridge Earthquake highlighted that those most impacted by injuries are likely to be the aging/elderly (60+), and aging/elderly populations already experience issues of mobility, from issues related to driving restrictions, physical limitations or other cognitive/familiarity issues that inhibit their ability to access far away or unfamiliar hospitals.

Approximately 13% of the population in the Alta Bates Campus HSA are over the age of 65, with an additional 12% between 55-64. Compared to other cities in the HSA, Berkeley has a high concentration of elderly, as people over 65 make up between 20-30% of the population in three of its ZIP Codes (94705, 94707 and 94708). The ZIP Codes with the highest total number of elderly (65+) in the HSA are located in Richmond (94806), Alameda (94501) and Oakland (95611), each with over 6,500 residents over 65. These six zip codes would be particularly vulnerable to the impacts of an earthquake without Alta Bates Campus.

Though our earthquake analysis does not account for potential post-earthquake barriers to local hospitals, it is critical to note that the Summit Campus is bounded by freeways, including 580, 980 and 880. Under the Haywired scenario there is a high possibility that local freeways will be compromised and hospitals, including Summit, may not be accessible by all that need care. Concentrating ED care in fewer locations in the East Bay may compromise access to emergency medical treatment after an earthquake.

Potential Impact from Chevron Refinery Fire

On August 6, 2012, a major fire erupted at the Chevron Refinery in Richmond, CA. A Level 3 community warning and shelter in place order were immediately issued. There were no injuries or fatalities at the scene, but the emergency departments at Kaiser-Richmond and Doctors Medical Center began to receive patients that complained of respiratory problems. Emergency departments were overwhelmed and placed on diversion status. American Medical Response (AMR), a subcontractor for emergency services, requested mutual aid resources, and an ambulance staging area with one ambulance from San Ramon Valley Fire and two Paramedics Plus Units from Alameda County was established at San Pablo Town Hall. Tents were set up at both Kaiser and DMC, establishing separate areas for patients to be seen. Within the first two hours after the fire, 200 patients sought emergency treatment at DMC. On the peak day four days after the fire, regional EDs (mostly in Contra Costa County), saw 2,876 visits related to the fire, and an approximate 4,500 visited the ED over the next 3 days. **In total, the fire sent over 15,000 patients to the emergency department for 18 days following the event** (CCHS, 2012).

Figure 26 shows the regional emergency department surge pattern for ED visits related to

Chevron Fire Example:

Estimated **15,000** related emergency department visits over 2 ½ weeks

2,876 visits to emergency departments on peak day (4 days after fire occurred)

200 ED visits
within the first 2 hours after the fire

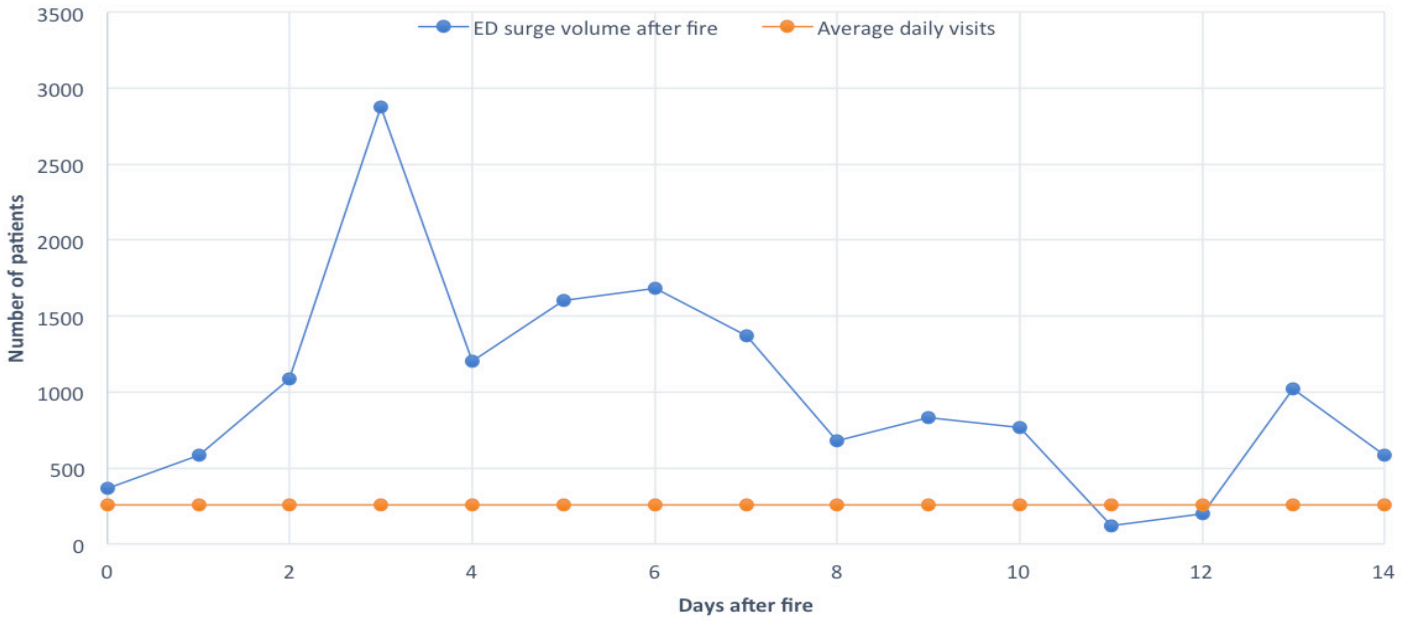
the Chevron fire in the two weeks following the incident. At the time of the fire, both DMC and Kaiser-Richmond EDs were in full operation. Before its closure, DMC had 25 emergency treatment stations, and Kaiser Richmond had 15 emergency treatment stations. Even with two hospitals receiving the surge of patients, both emergency departments were quickly overwhelmed and both hospitals did not return to normal operations until August 23rd (CCHS, 2012).

> **"The magnitude of the earthquake that's going to happen here is so significant that we really do need to have every critical facility in the best possible earthquake shape possible."**
>
> **- Nancy Skinner (NY Times Article)**

As highlighted in the Alta Bates Campus Utilization and Hospital Service Area sections above, Alta Bates Campus has seen an increase in patients from West Contra Costa County since the closure of DMC in 2015. If this scenario were to happen without the ED of Alta Bates Campus, we estimate that between 1000- 1,200 people would seek treatment at regional EDs in the first three days of the event. Kaiser Richmond would be most impacted, but it is unclear where patients from Contra Costa County and northern Alameda would seek treatment without Alta Bates Campus. We estimate that Summit and Highland Hospital, as well as urgent care facilities in Contra Costa County would need to absorb the increased ED patient load.

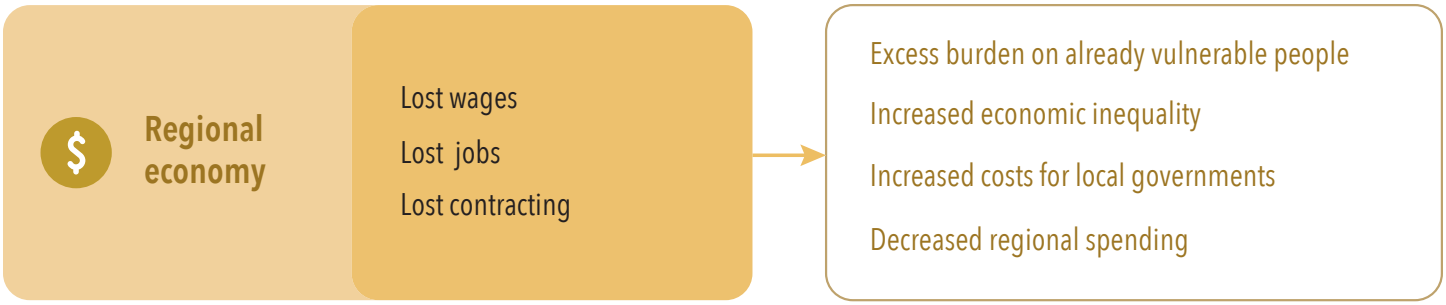
Without Alta Bates Campus, the emergency response plan to provide residents from Contra Costa County with timely care in the case of a major fire would need to be addressed. As noted above, a fire or earthquake disaster may overwhelm ED capacity and services at hospitals throughout the region, and these impacts may be critical if the Alta Bates Campus closes.

Figure 30. Emergency Department patient surge volume after Chevron refinery fire, Richmond, CA, 2012



ECONOMIC IMPACTS

Alta Bates generated over $1.9 billion in patient revenue and spent $604 million on operations and employee compensation in 2016. According to their filing with the State of CA, Alta Bates has reduced their overall spending by over $81 million since 2012. The closing of Alta Bates will adversely impact the local economy but the extent of the impact will depend on the nature of replacement services, hiring and contracting at the Summit campus.



Hospitals such as Alta Bates Campus are major generators of economic activity. As a result, closure of a hospital can not only impact those employed there but the local and regional economy. In 2016, Alta Bates Campus reported earning almost $1.9 billion in revenue for providing care to patients, with billing including Medicare (35% of total revenue), Medi-Cal (26%), and private insurance providers (38%).[2] Though Alta Bates Campus earned almost $1.9 billion in revenue, with spending, adjustments and other deductions, their net income was approximately $19 million in 2016.

Much Alta Bates Campus' revenue is subsequently spent on hospital clinical and nonclinical operations. In 2016, Alta Bates Campus reported spending a total of $604 million on operations. Of this, $284 million was spent on direct expenses, which includes purchases of supplies and equipment, leases and rents, and purchased services such as parking and security.[2]

Of the $604 million spent on operations, the other $320 million was spent on employee compensation. Aside from high-skilled and high-paying staff such as physicians, surgeons, and nurses, Alta Bates Campus is also a major source of low-skilled jobs. According to SEIU-UHW, the hospital directly employed 280 people in low-skilled, lower-paid jobs in 2015 (Rauber, 2014). These positions include clerks, patient aides, food service and custodial staff, nursing assistants, and technical support staff. With average hourly wages between $20 and $24 per hour, these lower paid positions nonetheless offer generally higher wages when compared with similar jobs in different settings.

In line with their announced plan to systematically shut down service lines and transfer them to Summit campus, Alta Bates Campus has already reported significant decreases in spending for certain service lines. Cardiac Services saw a 68% reduction, with spending going from almost $4.4 million in 2012 to less than $1.4 million in 2016. Radiology Services - for both diagnostic and therapeutic purposes - had a decrease of 57% or over $19 million over the same time period. Adolescents service lines showed no spending by 2016.[1,2]

According to their financial disclosures, Alta Bates has even started to reduce spending in their birthing center. Between 2012 to 2016, Labor and Delivery Services saw an almost 23%, or $7 million reduction in spending, while spending on Neonatal Intensive Care fell almost 35% over this same time period.[1]

Impact	Magnitude
Low wage workers	165 workers already laid off since 2012
Community benefits	Potential reduction of $91 million in charity care
Local economic activity	Potential loss of $1.5B annually in local economic activity

Alta Bates as an Economic Base Multiplier

Alta Bates Campus, like all hospitals, has a large impact on the regional economy. Hospitals draw in billions of dollars in revenue from medical reimbursements. These reimbursements come overwhelmingly from outside the region: Medicare brings in federal dollars; Medi-Cal brings in a combinations of federal and state dollars; and private insurance brings in money from corporations based across the country. With this continuous source of revenue, hospitals like Alta Bates Campus typically spend overwhelmingly within the metropolitan area or its surrounding region. In fact, economists estimate that an average urban hospital spends at least 80% of its patient revenue within the metropolitan area (Erickson et at., 1986).

The nature of hospital operations necessitates that Alta Bates Campus contracts with local companies for everything from medical supplies and equipment to food for its patients, staff, and visitors. They must also contract with local companies for purchased services such as laundry, parking, and security. Alta Bates Campus also contributes to the regional economy by employing hundreds of staff. If not through direct employment, Alta Bates supports dozens of jobs through its purchasing of services.

As a nonprofit hospital, Alta Bates Campus is required by law to reinvest any surplus revenue back into the community in the form of community benefit programs. **According to its Community Benefit Plan, Alta Bates spent over $97 million in 2016 for community benefit programs, activities, and initiatives. The vast majority of this community benefit--over $91 million**--comes in the form of charity care, providing free medical services for those without coverage and unable to afford the cost of their care (Sutter Health, 2016). The rest is spent funding various public health programs such as asthma and diabetes resource centers, neighborhood revitalization programs, and youth outreach and career development services.

As a result, Alta Bates Campus acts as what economists call an *economic base multiplier*. That is, the hospital generates significantly higher

$1.9 billion in patient revenue generated in 2016

23% reduction in spending on Labor & Delivery Services from 2012-16

35% reduction in spending on Neonatal Intensive Care from 2012-16

165 lower wage workers already laid off by Alta Bates since 2012

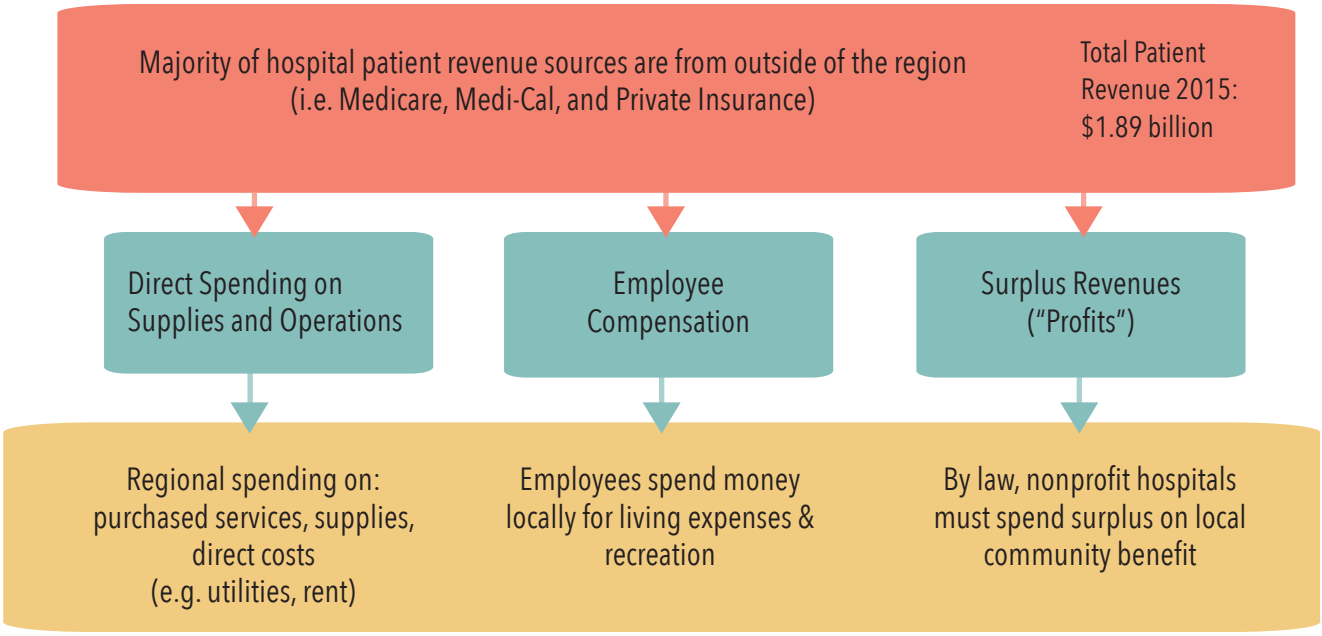


Figure 31. How hospitals contribute to regional Economies

downstream economic output in proportion to its revenue. A number of studies highlighted this economic base multiplier effect on urban hospitals in Pittsburgh, PA, Syracuse, NY, and Minneapolis, MN. These studies found that the multiplier ranged from 2.63 to 2.69, meaning that **every dollar that a hospital earns in patient revenue generates between $2.63 and $2.69 in economic activity for the surrounding region** (Moore, 1974 & Doeksen et al., 1997).

We used the economic-multiplier idea and conservative assumptions to estimate the hospital's likely contributions to the local economy. **Given that in 2016 Alta Bates Campus spent $604 million, we estimate that the hospital is likely responsible for generating approximately $1.5 billion in economic activity for the Bay Area.**

The economic impacts from the closing of Alta Bates Campus will likely also include loss of low wage jobs. These workers may lose income and experience other hardships. Skilled workers, such as physicians and nurses will either be relocated to Summit, find work elsewhere, loose their jobs, or leave the region to find work elsewhere. If skilled nurses leave, the region's health care facilities may experience an increase in the nursing shortage.

There is little doubt that Alta Bates Campus provides economic benefits to the local and regional economy. The exact adverse impacts from the closing are difficult to estimate, but our review of OSHPD data suggests that close to $1.5 billion in local economic activity could be lost.

APPENDICES

A. Acknowledgments, Reviewers & Interviewees

Alta Bates Regional Task Force, Members

Andy Katz, Alta Bates Regional Task Force Member

Anna Harte MD, Medical Director, UC Berkeley University Health Services

Mary Kay Lacey, Bateman Neighborhood Association

Bahar Navab, Associate Director, University Health Services

Carolyn Bowden, Community Organizer, California Nurses Association

Claudia Covello, Assistant Vice Chancellor, University of California, Berkeley Student Affairs & Executive Director, University Health Services

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Gabriel Quinto, Mayor, City of El Cerrito

Jacquelyn McCormick, Senior Advisor to the Mayor, City of Berkeley

Jesse Arreguin, Mayor, City of Berkeley

Patrick Richards, Associate Director, Business and Finance at University of California, Berkeley

Rochelle Pardue-Okimoto, Mayor Pro Tem, El Cerrito

Scott Donahue, Council member, City of Emeryville

B. HSA Calculation & Discharges by ZIP Code

Calculation Description	Calculation	Notes
AB HSA	AB CHNA zip codes + non-CHNA zip codes sending highest numbers of patients to AB = approximately 75% of AB patients	See Table 1 below for more information
Surge Event Injuries Alameda County Estimate	(16,000 Haywired estimated injured)*(estimate of 68% of displaced households coming from Alameda County)= 10,880 estimated injuries in Alameda County	Assumes that the percentage of displaced households is equivalent to the percentage of injuries occurring in Alameda County
Economic Loss Estimate	$2.5 (economic base multiplier)*($1.9 billion in patient revenue in 2016)= $4,750,000,000	Economic base multiplier = $2.5 per every dollar in patient revenue

Zip Code	2016 # Patient Discharges from Alta Bates Campus
94613	10
94720	276
94612	866
94619	875
94618	972
94610	992
94602	1,106
94709	1,130
94708	1,186
94603	1,194
94606	1,215
94707	1,230
94710	1,295
94607	1,297
94621	1,579
94611	1,629
94605	1,751
94609	1,855
94705	1,992
94601	2,241
94704	2,394
94608	2,754
94702	2,922
94703	3,035
Total CHNA patient discharges	35796

94805	822
94803	1,145
94501	1,431
94801	1,557
94706	1,737
94530	2,156
94804	2,764
94806	3,134
Total non-CHNA zip code patient discharges (approximately 75% of all ABC patient discharges)	14746

C. Acute Care Hospitals in Alameda County and Contra Costa County with Basic or Comprehensive EDs

Hospital	County	2016 ED Visits/Beds (AMA benchmark is 2000 visits/Emergency Treatment Station (ETS)	2017 ED Visits/Beds (AMA benchmark is 2000 visits/Emergency Treatment Station (ETS)
Alta Bates Berkeley	Alameda County	1836 visits/ETS (25 ETS)	2292 visits/ETS (22 ETS)
Alta Bates Summit	Alameda County	1481 visits/ETS (32 ETS)	1885 visits/ETS (25 ETS)
Highland Hospital	Alameda County	1211 visits/ETS (57 ETS)	1158 visits/ETS (57ETS)
Kaiser Oakland	Alameda County	1289 visits/ETS (48 ETS)	1327 visits/ETS (48 ETS)
Kaiser Fremont	Alameda County	2347 visits/ETS (16 ETS)	2452 visits/ETS (16 ETS)
Kaiser San Leandro	Alameda County	1645 visits/ETS (40 ETS)	1739 visits/ETS (40 ETS)
Alameda Hospital	Alameda County	1404 visits/ETS (12 ETS)	1369 visits/ETS (12 ETS)
St. Rose Hospital	Alameda County	2037 visits/ETS (17 ETS)	2134 visits/ETS (17 ETS)
CHORI	Alameda County	1289 visits/ETS (37 ETS)	1261 visits/ETS (37 ETS)
San Leandro Hospital	Alameda County	2739 visits/ETS (12 ETS)	2,851 visits/ETS (12 ETS)
Washington Hospital Fremont	Alameda County	2236 visits/ETS (23 ETS)	2168 visits/ETS (23 ETS)
Eden Medical Center	Alameda County	2097 visits/ETS (22 ETS)	1943 visits/ETS (22 ETS)
Stanford ValleyCare	Alameda County	1768 visits/ETS (18 ETS)	1886 visits/ETS (18 ETS)
Contra Costa Regional Medical Center (CCRMC)	Contra Costa County	2122 visits/ETS (20 ETS)	1499 visits/ETS (26 ETS)
Kaiser Richmond	Contra Costa County	2256 visits/ETS (28 ETS)	2310 visits/ETS (28 ETS)
Kaiser Antioch	Contra Costa County	1588 visits/ETS (36 ETS)	1699 visits/ETS (36 ETS)
Kaiser Walnut Creek	Contra Costa County	1183 visits/ETS (52 ETS)	1224 visits/ETS (52 ETS)
John Muir Concord	Contra Costa County	1876 visits/ETS (32 ETS)	1858 visits/ETS (32 ETS)
John Muir Walnut Creek	Contra Costa County	1206 visits/ETS (44 ETS)	1262 visits/ETS (44 ETS)
Sutter Delta Antioch	Contra Costa County	1906 visits/ETS (32 ETS)	1835 visits/ETS (32 ETS)
San Ramon Regional Medical Center	Contra Costa County	1526 visits/ETS (12 ETS)	1578 visits/ETS (12 ETS)

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OSHPD Data Sets

RHIA Reference #	Report or Data Set Source	Data Set Description	URL	Data Used in HIA	Data Location
1	Annual Financial Disclosures Report 2012	Hospitals and long-term care (LTC) facilities report detailed annual facility-level data on services capacity, inpatient/outpatient utilization, patients, revenues and expenses by type and payer, balance sheet and income statement.	https://siera.oshpd.ca.gov/FinancialDisclosure.aspx	Total Patient Revenue	Page 12
				Clinical Operations	Page 17
				Nonclinical Operations	Page 18
2	Annual Financial Disclosures Report 2016	See above	https://siera.oshpd.ca.gov/FinancialDisclosure.aspx	Total Patient Revenue	Page 12
				Clinical Operations	Page 17
				Nonclinical Operations	Page 18
3	Hospital Annual Utilization Data 2016 (including ALIRTS)	Contains basic licensing information including bed classifications; patient demographics including occupancy rates, the number of discharges and patient days by bed classification, and the number of live births; as well as information on the type of services provided.	https://www.oshpd.ca.gov/HID/Hospital-Utilization.html#Pivot	Overview of capacity and services offered	Pivot Table
4	Hospital Annual Utilization Data 2017 (including ALIRTS)	See above	https://www.oshpd.ca.gov/HID/Hospital-Utilization.html#Pivot	Overview of capacity and services offered	Pivot Table
5	Patient Origin and Market Share Reports 2012-2013	ZIP Code of residence for all ED visits and hospitalizations	https://www.oshpd.ca.gov/HID/POMS-Report.html#Pivot		Pivot Table

6	Patient Origin and Market Share Reports 2016 - 2017	See above	https://www.oshpd.ca.gov/HID/POMS-Report.html#Pivot		Pivot Table
7	Facility Summary Reports 2013	Patient level data are reported through the Medical Information Reporting for California (MIRCal) system. These reports display a numerical and percentage breakdown of patient level data. These Summary Reports combine report periods into an annual view of a facility's Hospital Inpatient (IP), Emergency Department (ED), or Ambulatory Surgery (AS) patient level data.	https://www.oshpd.ca.gov/HID/Facility-Summary-Reports.html	Patient Payer Mix Emergency Department Ambulatory Services Inpatient services	Downloadable Report
8	Facility Summary Reports 2016	See above	https://www.oshpd.ca.gov/HID/Facility-Summary-Reports.html	Patient Payer Mix Emergency Department Ambulatory Services Inpatient services	Downloadable Report
9	Seismic Compliance Unit: Seismic Performance Ratings	Description of the seismic performance (SPC) rating criteria	https://www.oshpd.ca.gov/FDD/seismic_compliance/SB1953/SeisPerfRatings.html	Definitions of SPC + MPC ratings	Web page
10	California Hospital and Skilled Nursing Facility Data 2018	This page presents information for California hospitals and skilled nursing facilities such as site plans (also called "keyplans"), building numbers, SPC/NPC ratings and various links associated with the facility. Links to the OSHPD Report Center for open, closed, and old projects are included.	https://www.oshpd.ca.gov/FDD/Forms/Keyplans/index.html	Building Site Plans + SPC Ratings of Buildings Open Projects	Web page
11	General Facility Listing 2017	All California hospital facilities in 2017	https://www.oshpd.ca.gov/HID/Facility-Listing.html	Acute care hospitals in region	

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Alta Bates Summit Medical Center
RAPID HEALTH IMPACT ASSESSMENT

BERKELEY IURD INSTITUTE OF URBAN AND REGIONAL DEVELOPMENT

Office of the Mayor

ACTION CALENDAR
November 19, 2024

To: Honorable Mayor and Members of the City Council

From: Mayor Jesse Arreguín

Subject: Referral to City Manager: Equity for Black Berkeley (E4BB) Initiative

RECOMMENDATION
Adopt a resolution, recognizing the vision and goals of the Equity for Black Berkeley (E4BB, previously referred to as EBB), historicizing the work that has been completed to date, recognizing the current and past City staff and external stakeholders involved with E4BB, and maintaining E4BB as a priority of the City.

Refer to the City Manager the following actions to be taken:

1. Establish a representative for E4BB (the "E4BB Representative") with the following responsibilities:
    a. Represent the City's interests when relating to matters of the E4BB initiative;
    b. Liaise between City officials and external partners and parties associated with E4BB;
    c. Draft policies that advance the work aligned with vision and goals of E4BB in connection with the Mayor's Office and other legislators within the City and across jurisdictions and agencies, as needed;
    d. Oversee and coordinate the implementation of work related to E4BB across the City and with external stakeholders, providing updates to the Mayor's Office, as appropriate; and
    e. Pursue internal and external resources and funding opportunities to advance the work of E4BB in the near- (1-2 years) and long-term (3+ years).

2. Determine the appropriate staffing and financial resources needed to monitor and communicate the implementation of the following existing and future projects and policies related to E4BB with the E4BB Representative:
    a. Implementation of Ashby BART TOD;
    b. Data collection and analysis of the impact of the Preference Policy;
    c. Implementation of Housing Element, with particular attention in identifying priorities sites for expanding the efficacy of the Preference Policy and

what unmet needs may be invested in through the establishment of a non-governmental organization outside of the City;
d. Improvements to establish cultural vibrancy and accessibility in South Berkeley, creating recommendations for what potential EIFD funds can be used towards;
e. Growth opportunities to expand the economic viability of small businesses and commerce in the South Berkeley area, including support to sustain and grow the success of the Berkeley Flea Market;
f. Facilitating the intersection of the African American Holistic Resource Center (AAHRC) with relevant work in South Berkeley, particularly the new Ashby TOD residents and EFID related projects;
g. Management of financing, expenditures, and balance sheets received by the City related to E4BB including but not limited to grants, City investments from the General Fund, and an EIFD fund;
h. Legal representation and support with negotiations, contracts, and MOUs with outside jurisdictions, external E4BB partners, and internal discussions of authority and governance; and
i. Provide 1) supervision of an unpaid staff person offered by the Partnership for the Bay's Future (PBF) grant program (should the City of Berkeley become selected as a government host site) and 2) communication on the progress and connection of projects relating to E4BB including but not limited to the Ashby BART TOD, Black Arts and Cultural District, Small Sites, EIFD, Black Health Equity Zone, Berkeley Flea Market and AAHRC.

3. With assistance from the E4BB representative, create a template MOU to be drafted and circulated with outside groups engaged in E4BB, including, but not limited to:
    a. Berkeley Flea Market;
    b. Healthy Black Families;
    c. San Francisco Foundation; and
    d. External Consultants (Ndidi Love, Randolph Belle aka Creative Development Partners, communications experts, etc).

4. Work with the E4BB Representative to pursue additional external and internal investments to help with creating a non-governmental organization to manage a community investment fund beyond 2026 and transition the work of E4BB to be managed within this entity.

FINANCIAL IMPLICATIONS

None explicitly requested. The investment of staff will be given at the discretion of the City Manager. Additional resourcing of staff and financing can be requested by Council at a future date, at their discretion. Current investments made come from the Mayor's staff and office budget and successfully awarded philanthropic grants.

CURRENT SITUATION AND ITS EFFECTS

Equity 4 Black Berkeley (E4BB, previously referred to as EBB) is an initiative started in Mayor Arreguín's Office in partnership with community, philanthropic, and government

partners with the goal of addressing historical harm and injustices while committing to community wellness and generational wealth building into the future. This multi-year, multi-stage, cross-industry, cross-sectoral, multi-departmental collaboration between partners in South Berkeley, the East Bay, and the greater Bay Area region demonstrates a commitment to advancing racial equity, promoting progressive housing and social policies, and advancing the outcomes and opportunities of those formerly and currently displaced by historical redlining, BART development and property seizure, and gentrification.

In anticipation of the upcoming mayoral and council transition, it is necessary to 1) enshrine the vison, goals, and work of E4BB so that its prioritization can be maintained, 2) lay the groundwork for the initiative to permanently transition out of the Mayor's Office (and eventually the City), and 3) outline the remaining work and potential resources needed to accomplish the goals and vision of E4BB.

BACKGROUND

In 2020, the City of Berkeley Mayor's Office was selected as the government partner in connection to the first[1] San Francisco Foundation's Partnership for the Bay's Future (PBF) cohort with the stated goals of building out a housing preference policy and Tenants Opportunity to Purchase Act (TOPA) with the East Bay Community Law Center (EBCLC), the selected community partner in this work. Additional community partners included Healthy Black Families (HBF) the Northern California Land Trust (NCLT), and Bay Area Community Land Trust (BACLT). During this two-year grant period, Equity 4 Black Berkeley was conceived as an initiative that could nest this opportunity along with ongoing and future community grassroots and grasstops efforts to advance housing, economic, and social opportunities for current and displaced Black residents.

In 2022, the Mayor's Office was once again selected as the government partner for the second PBF grant[2] to work on three stated goals with HBF, the selection community partner: 1) community-driven, equitable development recommendations at the North Berkeley and Ashby BART stations in conjunction with supportive policies such as Right to Return and Local Preference policy[3] 2) innovative financing to raise $500M for development at BART sites, and 3) building a replicable model for reparative work. This funding, allowed the Mayor's Office to build upon its previous E4BB concept, working with HBF to collect data from community members on what priority policy activities they would like to pursue, synthesize data into categories that could promote policy creation. The community identified housing as the leading priority. Within this priority category, affordable home ownership opportunities and affordable housing were identified as chief needs. Central to these priorities are the achievement of E4BB's five values:

- The Right to Return for displaced residents and/or their descendants;
- The Right to Remain for residents at all income-levels and housing needs;
- The Right to Own properties of all types and at all pricing levels; and

[1] The first PBF grant was referred to as the Challenge grant.
[2] The second PBF grant was referred to as the Breakthrough grant.
[3] The Affordable Housing Preference Policy was adopted by Council on July 11, 2023.

- The Right to Thrive, an affirmative commitment to valuing and elevating the active well being of Black residents.
- To secure members of the historically Black community as large an equity stake in the Adeline Corridor redevelopment project as possible.

In 2022, the Berkeley Mayor's office paired this second PBF grant opportunity with additional investments from the Mayor's Office budget and the SFF's Power and Place grantmaking portfolio, increasing the capacity for the E4BB team[4] to include expertise from an innovative real estate investment and development company,[5] a communications expert,[6] technical assistance,[7] strategic planning,[8] and project management along with additional research support.[9] These supports gave capacity for the Mayor's Office to:

- Build a reparative framework to be incorporated in negotiations with BART related to the Ashby BART Transit Oriented Development term sheet, developer selection process, and community benefit prioritization;
- Create and deploy near-term, medium-term, and long-term visioning and strategic planning to revitalize, sustain, and grow the Berkeley Flea Market (BFM) through modernization efforts including new governance, board, and financing strategies, in addition to guidance to assist the BFM in its temporary and permanent relocation and economic growth strategy in connection with the Ashby BART TOD;
- Research to support policy development and targeted investments to expand opportunity for missing middle housing;[10]
- Research to investigate finance structures that can support E4BB's Right to Stay and Right to Own pillars through the creation of investment funds, such as the Institutional Fund[11], a Community Fund[12], and an Enhanced Infrastructure Financing District (EIFD) fund[13]; and
- Draft governance documents to assist with the conceptualization of a community-led, non-governmental organization that can house E4BB activities, one or more

[4] Mayor's Office Staff and HBF.
[5] Provided by Creative Development Partners (CDP), represented by Randolph Belle.
[6] Provided by Planet DMA Inc., represented by Donna Marie Anderson (DMA).
[7] Provided by Schuyler Karr, MPA student, now graduate from UC Berkeley Goldman School's of Public Policy.
[8] Provided by CDP and Ndidi Love.
[9] Provided by a number of paid short-term consultants, such as Amy Gao and Gail McGuire, and Anthony Rodriguez, staff member in the Office of the Mayor of Berkeley.
[10] Missing middle housing refers to the concept of needing to provide housing at all affordability levels, including middle-income housing opportunities that are typically under-supported through income-driven rental and homeowner assistance programs and policies and market-rate housing solutions.
[11] The Institutional Fund has been conceived as $500M private fund to invest in affordable housing development.
[12] The Community Fund is a community-driven, funded, and governed fund to invest in economic opportunities for new and emerging businesses.
[13] The EIFD fund would be grown from transfer taxes in a specific and/or discontinuous area to be earmarked for infrastructure improvements (beautifying, placemaking, cultural expression, etc) for a geographic area.

of these funds, and organize for the development of community-led policy making.

For four years, the Mayor's Office has worked with community partners to actively seek out, engage, and center Black leadership, Black organizations, Black community members to include them in policy-making processes and decisions to collect data on and feedback from displaced residents and residents who are or might be impacted by or eligible for housing opportunities.[14] This inclusive and participatory process, demonstrates an intentional experience is being pursued to advance policymaking through effective partnership cultivation and constituent engagement. Advancing E4BB's work will require further ingenuity in how policies, programs, and collaborative efforts generate systemic change to identify, address, heal from, and overturn systemic inequities that disproportionately affect marginalized communities historically underinvested, deprived, and extracted from.

E4BB is presently poised to become a catalyst for change, improving the current housing ecosystem that creates and perpetuates an existing multi-generational wealth gap. In its next phase of work, E4BB aims to explore opportunities to increase Black homeownership in South Berkeley within a generation, build sustainable economic engines in the area, and move the fulcrum of power determining the future of residents' lives to the center of community. Coordinated efforts with the Planning Department to support the revitalization of the BFM are in place and will continue through January 2025. The Mayor's Office is a finalist for the third PBF grant[15] which will focus on conceiving homeownership opportunities in partnership with HBF. Through coordinated efforts by CDP, the Northern California Grantmakers, San Francisco Foundation, and East Bay Community Foundation will host a funders forum in February 2025 to bring greater regional support to E4BB, with a goal of generating $4M over 5 years to assist with permanently transitioning E4BB out of the City of Berkeley. To help ensure the continued success and pursuit of E4BB's vision from one administration to the next, Mayor Arreguín hired a dedicated team member to focus on managing the E4BB's initiative across internal and external stakeholders.[16] This person will serve as the E4BB Representative on behalf of the City.

[14] HBF held 14 People's Assembly's in 2022 and 2023 to help garner input, collect quantitative and qualitative data, and generate community priorities for E4BB among Black residents. Using philanthropic funding ,the Mayor's Office hosted a set of Strategy Sessions, led by Planet DMA, to create a Minimum Viable Product (MVP) in support of ideating around one meaningful, low-intensity action to be taken to advance the needs of the community in line with E4BB's goals and vision.
[15] The third PBF grant will be considered a grant from the Policy grantmaking portfolio. Decisions will be made in November/December 2024, with work commencing in February 2025.
[16] The maintenance of this position is left at the discretion of future Mayoral administrations.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects associated with adopting this recommendation, however there are opportunities to improving the social determinants of health through community investments in housing[17] and social inclusion[18].

CONTACT PERSON

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Anthony Rodriguez ARodriguez@berkeleyca.gov
Gail McGuire GMcGuire@berkeleyca.gov

Attachments:

1: Resolution
2: E4BB Narrative
3. E4BB Reparative Framework
4. Healthy Black Families' Case Study

[17] See "Optimizing Investment in Housing as a Social Determinant of Health" by Dr. Stuart M. Butler via the Journal of the American Medical Association (JAMA). https://jamanetwork.com/journals/jama-health-forum/fullarticle/2796572

[18] See National Academies of Sciences, Engineering, and Medicine's The Future of Nursing 2020-2030 journal, chapter 2: "Social Determinants of Health and Health Equity". https://www.ncbi.nlm.nih.gov/books/NBK573923/

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

ENRISHING EQUITY 4 BLACK BERKELEY (E4BB) AS A PRIORITY OF THE MAYOR'S OFFICE AND CITY

WHEREAS, Equity 4 Black Berkeley (E4BB, previously referred to as EBB), is an initiative conceived out of Mayor Jesse Arreguín's Office in partnership with Healthy Black Families (HBF) and other Black community members to address historical injustices and commit to community wellness and generational wealth building; and

WHEREAS, since Mayor Arreguín's election in 2016, equitable and affordable housing has been a core focus of his administration; and

WHEREAS, The City of Berkeley acknowledges the historical and current harm to cultural vibrancy, economic vitality, population growth, and generational wealth building among Black and other melanated residents through the systemic, intentional, and unintentional consequences from institutional redlining during the 1960's and 1970's, the planned and ongoing construction of BART stations and infrastructure leading to mass displacement via eminent domain and property purchasing, and modern forms of gentrification causing increases to cost-of-living that disrupt the life of those who remain; and

WHEREAS, through E4BB, the City of Berkeley commits to and acts to become a place where former and current Black residents can live, work, engage with community, and personally, financially, and healthily thrive in an effort to address and repair aforementioned institutional harm, with particular attention given to those having resided in the South Berkeley Area; and

WHEREAS, E4BB maintains four main pillars or work including: A Right to Return for displaced residents or their descendants, A Right to Remain in Berkeley for residents at all income-levels and housing needs, A Right to Own properties of all types and at all pricing levels in connection to homeownership and building generational wealth, and A Right to Thrive, an affirmative commitment to valuing and elevating the active well-being of Black residents; and

WHEREAS, a three-pronged approach to the E4BB initiative was used in community stakeholders and partners, including 1) engaging community members, 2) enacting critical policy measures, and 3) ensuring measurable impact; and

WHEREAS, the City of Berkeley has taken major actions in the form of policy referrals and adoptions that advance the goals and activities of E4BB including: the Affordable Housing Policy, the Housing Preference Policy, the Adeline Corridor Specific Plan, the Small Sites Program, the Enhanced Infrastructure Finance District (EIFD) referral, the establishment of a Black Arts and Culture District, and the Ashby BART Transit Oriented Development (TOD) term sheet adoption; and

WHEREAS, the Mayor's Office has generated resources, guided partnerships, and advocated for the advancement of E4BB's work across public, private, and non-profit partnerships, including a set of direct investments from the San Francisco Foundation's Place and Power grantmaking, the selection to participate in the first two San Francisco Foundation's Partnership for the Bay's Future (PBF) grant program cohorts with Healthy Black Families, the investment of monies from the General Fund to revitalize, sustain, and grow the Berkeley Flea Market (BFM), and a pending budget referral to HBF in support of the creation of a Community Advisory Group to provide thought leadership around implementation of a Black Cultural Zone and Health Equity Zone; and

WHEREAS, from 2020-2024 the City of Berkeley's Eviction Defense Center served 939 unduplicated households. 36% of those households were Black/African American; and

WHEREAS, $111 million of Measure O's $135 million already has been allocated, providing 784 units of affordable housing that have either been completed, under construction, or in pre-development (including Berkeley Unified School District Workforce Housing and affordable housing at Ashby and North Berkeley BART); and

WHEREAS, for four years, through E4BB, the Mayor's office and community partners (led by HBF) have actively sought out, engaged, and centered Black leadership, Black organizations, Black community members to include them in policy-making processes and decisions, collected data on and feedback from displaced residents and residents who are or might be impacted by or eligible for housing opportunities.

NOW, THEREFORE, BE IT RESOLVED that the City of Berkeley establishes a representative for E4BB (the "E4BB Representative") with the following responsibilities:

a. Represent the City's interests when relating to matters of the E4BB initiative;
b. Liaise between City Officials and external partners and parties associated with E4BB;
c. Draft policies that advance the work aligned with vision and goals of E4BB in connection with the Mayor's Office and other legislators within the City and across jurisdictions and agencies, as needed; and
d. Oversee and coordinate the implementation of work related to E4BB across the City and with external stakeholders, providing updates to the Mayor's Office, as appropriate; and
e. Pursue internal and external resources and funding opportunities to advance the work of E4BB in the near- (1-2 years) and long-term (3+ year).

BE IT FURTHER RESOLVED that the City Manager will determine the appropriate staffing and financial resources needed to monitor and communicate the implementation of the following existing and future projects and policies related to E4BB with the E4BB Representative:

a. Implementation of Ashby BART TOD;

b. Data collection and analysis of the impact of the Preference Policy;

c. Implementation of Housing Element, with particular attention in identifying priorities sites for expanding the efficacy of the Preference Policy and what unmet needs may be invested in through the establishment of a non-governmental organization outside of the City;

d. Improvements to establish cultural vibrancy and accessibility in South Berkeley, creating recommendations for what potential EIFD funds can be used towards;

e. Growth opportunities to expand the economic viability of small businesses and commerce in the South Berkeley area, including support to sustain and grow the success of the Berkeley Flea Market;

f. Facilitating the intersection of the African American Holistic Resource Center (AAHRC) with relevant work in South Berkeley, particularly the new Ashby TOD residents and EFID related projects;

g. Management of financing, expenditures, and balance sheets received by the City related to E4BB including but not limited to grants, City investments from the General Fund, and an EIFD fund;

h. Legal representation and support with negotiations, contracts, and MOUs with outside jurisdictions, external E4BB partners, and internal discussions of authority and governance; and

i. Provide 1) supervision of an unpaid staff person offered by the Partnership for the Bay's Future (PBF) grant program (should the City of Berkeley become selected as a government host site) and 2) communication on the progress and connection of projects relating to E4BB including but not limited to the Ashby BART TOD, Black Arts and Cultural District, Small Sites, EIFD, Black Health Equity Zone, Berkeley Flea Market and AAHRC.

BE IT FURTHER RESOLVED that, with assistance from the E4BB representative, the City Manager shall create a template Memorandum of Understanding (MOU) to be drafted and circulated with outside groups engaged in E4BB, including, but not limited to:

a. Berkeley Flea Market;
b. Healthy Black Families;
c. San Francisco Foundation; and

d. External Consultants (Ndidi Love, Randolph Belle aka Creative Development Partners, communications experts, etc); and

BE IT FURTHER RESOLVED that the City Manager will work with the E4BB Representative to pursue additional external and internal investments to help with creating a non-governmental organization to manage a community investment fund beyond 2026 and transition the work of E4BB to be managed within this entity.

BE IT FURTHER RESOLVED that the City of Berkeley acknowledges that E4BB has been spearheaded by Mayor Jesse Arreguin and his office, with immeasurable contributions provided through the involvement of city leaders and public servants including Jacquelyn McCormick, Anthony Rodriguez, Gail McGuire, Anna Cash, Mike Urbeti, Lisa Warhuus, Alisa Shen, Jordan Klein, Babalwa Kwanele, Paul Buddenhagen, Councilmember Ben Bartlett, James Chang, Dyana Delfin Polk, Hank Levy, Amy Shrago, Demisha Burns, Secretary Tomiquia Moss, Michelle Starratt, and countless others.

BE IT FURTHER RESOLVED that the City of Berkeley acknowledges the following partners and community stakeholders involved in bringing E4BB to life, fostering its advancement, and supporting its current position for growth and expansion, including: Randolph Belle of Creative Development Partners (CDP); Donna Michelle Anderson (DMA) of Planet DMA; Schuyler Karr; Wilhelmina Wilson, (Mama) Ayanna Davis, Erin Alexander, Suzette Chaumette, Derethia DuVal, Deborah Hailu, and Yusef Herbert of Healthy Black Families (HBF); Alan Dones of Strategic Urban Development Alliance (SUDA); Nikki Beasley of Richmond Neighborhood Housing Services; Willie Phillips of Resources for Community Development (RCD); Michael Trujillo of the East Bay Community Law Center (EBCLC); Ms. Ritchie of the Friends of Adeline and the Friends of Adeline Board; Aysha Pamukcu, Ella Zimbalist, Demitrius Burnett, and Rodney Nickens, and Judith Bell of the San Francisco Foundation (SFF); Matt Gustafson of the Bay Area Community Land Trust (BACLT); Phillip Palmer of Berkshire Hathaway Realty; Charles Wilson of BDO; Arthur Summerville; Moni Law; Ambrose Carroll of Green the Church; Michael McBride of The Way Christian Church; Aisha Brown of BART; Eli Moore of UC Berkeley's Othering and Belonging Institute; Nathan Brostrom of the UC Office of the President; Dr. Jovan Scott Lewis, PhD; Christine "Chris" Schildt; Dan Lindheim; Aleks Vorobets; Rick Jacobus; Sameer Sood; Josh Prasad; Amy Gao; the Center for Food, Faith & Justice (CCFJ); Coro Northern California; numerous faith-based groups; and additional unnamed contributors.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that the City of Berkeley recognizes E4BB as a priority of the City to be maintained until the initiative is transitioned outside of the City and under the responsibility of an outside City entity.
BE IT FURTHER RESOLVED that E4BB is poised to become a catalyst for change, improving the current housing ecosystem that creates and perpetuates an existing multi-generational wealth gap, and in its next phase of work, E4BB aims to explore

opportunities to increase Black homeownership in South Berkeley within a generation, build sustainable economic engines in the area, and move the fulcrum of power determining the future of residents' lives to the center of community.

EQUITY 4 BLACK BERKELEY

NARRATIVE & NEXT STEPS

AUGUST 2024

For the City of Berkeley

TABLE OF CONTENTS

01 THE VISION

02 THE ECOSYSTEM

03 THE RESIDENT'S JOURNEY

04 HISTORICAL CONTEXT

05 KEY MILESTONES

06 MAYORAL FOCUS

- AFFORDABLE HOUSING
- HOUSING PREFERENCE POLICY
- ADELINE CORRIDOR
- SMALL SITES PROGRAM
- OUTCOMES

07 TIMELINE

08 FRAMES OF REFERENCE

09 THE GOAL

10 THE URGENCY

- RESIDENTS SNAPSHOT

11 THE ENTITY

- SHORT-TERM ACTIVATIONS
- NEAR-TERM ACTIVATIONS
- LONG-TERM ACTIVATIONS

APPENDICES

- TIMELINE
- DATA
- SOURCES

EQUITY 4 BLACK BERKELEY

Equity 4 Black Berkeley (E4BB), originally known as Equitable Black Berkeley (EBB), is a four-year initiative of the City of Berkeley Mayor's Office, in partnership with Healthy Black Families (HBF) and other Black community members, to address historical injustices and commit to community wellness and generation wealth. This report sets forth a foundation and framework for transitioning E4BB into an independent, non-governmental entity.

01. THE VISION

Through E4BB, the City of Berkeley commits to and acts to become a place where former and current Black residents can live, work, engage with community, and personally, financially, and healthily thrive.

Per the directive of Black community leaders and members engaged with E4BB, the current priority lens of this vision is housing, particularly affordable housing, with the City emphasizing and ensuring:

- A Right to **Return** (for displaced residents or their descendants)
- A Right to **Remain** (for residents at all income-levels and housing needs)
- A Right to **Own** (properties of all types and at all pricing levels)
- A Right to **Thrive** (an affirmative commitment to valuing and elevating the active well-being of Black residents)

The current priority lens of this vision is housing.

02. THE ECOSYSTEM

Dozens of independent entities impact the lives and housing experiences of Berkeley's Black residents. These entities vary by:

- **Sector**
  - Public
  - Private
  - Non-profit organizations
- **Levels** (public sector)
  - Local: neighborhood, city, county, tribal, regional
  - State
  - Federal
- **Spheres of influence**
  - Policy
  - Health care
  - Employment
  - Law enforcement
- **Platforms of engagement**
  - Online portals
  - In-person meetings
  - Video conferencing
  - Emails, letters, phone calls

There are 22 discrete web sites to seek affordable housing in Berkeley.

03. THE RESIDENT'S JOURNEY

In order to find or retain housing, individual residents are charged with navigating dozens of entities, processes, and policies, learning as they go. Their success and failure is relegated to the individuals themselves.

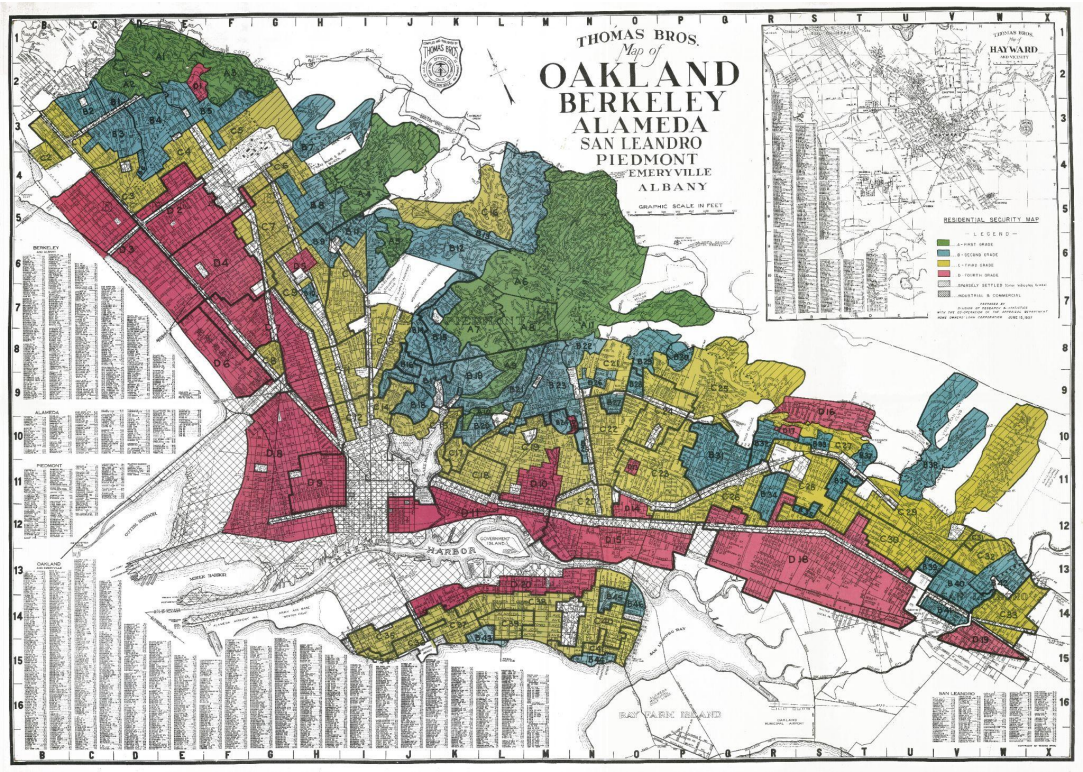
- **Unassigned.** No entity or individual currently is charged with ensuring Black residents (or any residents) reach the E4BB vision of returning to housing after displacement, remaining in current housing, owning a home, or thriving as individuals, families, and community members. It is no one's affirmative responsibility to ensure Black residents experience equity – or to mitigate harm that's been or being done to them.
- **Under-resourced.** Functionally specific entities serve many Black residents effectively but can be understaffed, underpaid, and under-resourced for the size and needs of their service population.
- **De-centered.** In a recent call regarding short-term plans and priorities for Black residents and housing, none of the City departments and elected leaders in attendance actively advocated for, or articulated a passionate, prioritized vision for, the well-being of Black residents.

Ultimately, the resident-facing entities, services, processes, and resources are deeply decentralized. Residents cannot quickly and effectively succeed in finding and leveraging their best-fit opportunities and resources, from finding housing and services, to protecting their housing rights, to creating and sharing generational wealth.

It's no one's responsibility to ensure Black residents experience equity.

04. HISTORICAL CONTEXT

- **1933 to 1977:** Berkeley is one of many cities nationwide institutionally redlined in the government-sponsored Home Owners' Loan Corporation (HOLC) maps.
- **1960s and 1970s:** The planned and ongoing construction of BART stations caused a loss of businesses, community and culture, and displaced many Black residents of Berkeley (either via eminent domain or, more commonly, property purchase).
- **1980s+**: Gentrification, cost-of-living, and continued structural and institutionalism racism continue to reduce the number of Black residents and disrupt quality of life for those who remain.



05. KEY MILESTONES

1973 Berkeley adopts Inclusionary Housing policy as part of Neighborhood Preservation Ordinance.

1977 The Housing Element of the Berkeley Master Plan affirms the right to decent, affordable, adequate, pleasant housing options for Berkeley residents

1980 The Rent Stabilization and Good Cause for Eviction Ordinance regulates rent increases and evictions.

1990 City establishes the Housing Trust Fund to support the creation and preservation of affordable housing in Berkeley.

1987 Berkeley adopts Inclusionary Ordinance (expands over time to include Affordable Housing Mitigation Fees), governing multi-unit rental and ownership properties (5 or more)

2010 Community members and organizations, especially in South Berkeley, begin advocacy to establish local preferences for Berkeley's affordable housing, including a right to return and right to stay.

2012 Governor Jerry Brown dissolves California's multi-billion dollar redevelopment agencies.

2016 Berkeley City Council's first discussion of a Housing Preference policy to reduce displacement.

06. MAYORAL FOCUS

Since Mayor Arreguín's election in 2016, affordable and equitable housing has been a core focus of the administration – including establishing the E4BB initiative. The three-pronged approach has been to:

- Engage community members
- Enact critical policy
- Assure measurable impact

The four central arenas of action have been:

- **Affordable Housing Policy.** The administration has proposed, shepherded, and signed off on transformative legislation.
- **Housing Preference Policy**. A cross-sector effort delivered an implemented a preference framework for displaced residents, and the first housing development to apply the policy has opened.
- **Adeline Corridor Specific Plan.** Negotiations are ongoing for the housing, commerce, community, and cultural opportunities connected to the development surrounding the North Berkeley and Ashby BART Stations.
- **Small Sites Program.** The City has funded two pilots for shorter-term, lower-budget housing developments with community partners.

Participants in the E4BB initiative have contributed to research, development, and execution of all of these arenas.

AFFORDABLE HOUSING

2017-2018

- The City reconstitutes and bolsters the 2008 Housing Retention Program and rental assistance grants through the Eviction Defense Center.
- The City prioritizes developing the Berkeley Way project.
- Measure P, a tax increase on the transfer of real property was on the ballot for Berkeley voters in Alameda County, California, on November 6, 2018. It was approved.
- Measure O provides $135 million of funding from bond revenue to pay for affordable housing projects. Berkeley voters passed Measure O in November 2018 with 77.5% approval. The original ballot question read:
- The city passes an affordable housing bond.

2020-23

- 2020: Berkeley Housing Authority (BHA) incorporates Affordable Housing Berkeley to facilitate the creation of new affordable housing through both acquisition and new construction. (BHA administers $32 million annually in Section 8 Housing Choice Vouchers and Project-Based Vouchers, and has $15.5 million from sale proceeds that can be invested in affordable housing in Berkeley.)
- 2020: The Affordable Housing Mitigation Fee and methodology are updated.
- 2021: $60 million still uncommitted from City's affordable housing bond.
- 2022: Berkeley Opens Doors to Largest Affordable Housing Development and Homeless Services Center in City History - BRIDGE Housing.
- 2022: The city issues a request for proposals to conduct a fair housing analysis.

2024

- BHA is selected as a participating Move To Work (MTW) agency in the landlord incentive cohort.
- City earns a Pro-housing designation from the State of CA
- The City funds Eviction Defense Center to provide housing retention grants to households that are at imminent risk of homelessness.

HOUSING PREFERENCE POLICY

2019-22

- 2019: The City Council makes a referral to create policies to develop a right to return for displaced residents, with a priority to support displaced Black residents.
- 2020: Berkeley receives two-year PBF Challenge Grant for fellow to develop preference policy.
- 2020: EBCLC and the PBF Fellow conduct historical and legal research on racial discrimination in the City of Berkeley's housing policies and potential pathways for a race-specific housing preference

2023-24

- 2023: The Preference Policy is unanimously adopted by the Berkeley City Council on July 11, 2023.
- 2023: The City receives HCD approval to apply the preferences to Maudelle Miller Shirek Community in December 2023.
- 2024: Maudelle Miller Shirek housing development in South Berkeley opened for applications, with the first implementation of the Housing Preference Policy. Almost 10,000 applications were submitted for 75 units.
- 2024: The Health, Housing, and Community Services Department receives a referral to look at city-wide historical data for preference policy-eligible residents, with anticipated assistance from E4BB partner Healthy Black Families.
- 2024: The Health, Housing, and Community Services Department builds the first database of displaced residents due to BART/transit development.

ADELINE CORRIDOR

2020

- Memorandum of Understanding between BART and City, signed on March 3, 2020
- Community Advisory Group and community meetings begin re the BART developments.
- HBF, EBCLC, and other community partners begin engaging with the broader community through a community leaders' group, focus groups, surveys and town halls. (continues for next four years)
- In October, Street Level Advisors are contracted to do a study regarding the plan for new housing in the Adeline Corridor plan.
- The City dedicates $7 million in infrastructure bond funds to the creation of an African American Holistic Resource Center in South Berkeley.
- HBF and other community leaders develop a steering committee to secure additional funding for both the physical site and programming through a Black-led process.)
- The city adopts the Adeline Corridor Specific Plan, which recommended developing a local Housing Preference Policy for future affordable units at Ashby BART (December), which names a goal of striving for 100% affordable housing at the Ashby BART station development.

2021-2024

- 2021: Per Street Level Advisors' models and recommendation, City Council reserves $53m for Adeline Corridor plan housing founding ($26.5 for No Berkeley and Ashby each), with a recommendation of 35% affordable housing (and explanations for the tradeoffs required for 100% affordable, including no longer being eligible for an EIFD).
- 2021: Equitable Black Berkeley Project statement that it's policies will be embedded into the Ashby BART RFQ.
- 2021: Joint Vision & Priorities for Transit-Oriented Development for Ashby and North Berkeley BART Stations.
- 2022: Joint Vision and Priorities Document is approved by the City on June 2, 2022 and by BART on June 9, 2022.
- 2022: MOA re North Berkeley and Ashby Transit-Oriented Developments (June 30)
- 2024: Rick Jacobis Report and Century Urban report re EIFD

SMALL SITES PROGRAM

2018

- On October 2, 2018, the City Council approves guidelines for the Small Sites Program, which was established to fund the acquisition and renovation of small multifamily properties.

2024

- Small Sites Program : $10M approved by City Council
- Planning Department piloting two projects with the Bay Area Community Land Trust and Northern California Community Land Trust, respectively.

OUTCOMES

From 2020-24, Berkeley's Eviction Defense Center served 939 unduplicated households. 36% of those households were African-American.

$111 million of Measure O's $135 million already has been allocated, providing 784 units of affordable housing that have either been completed, under construction, or in pre-development (including Berkeley Unified School District Workforce Housing and affordable housing at Ashby and North Berkeley BART).

07. E4BB TIMELINE

For four years, through E4BB, the Mayor's office and community partners (led by Healthy Black Families, or HBF) have actively sought out, engaged, and centered Black leadership, Black organizations, Black community members to include them in policy-making processes and decisions, collecting data on and feedback from displaced residents and residents who are or might be impacted by or eligible for housing opportunities:

- **2020** E4BB created a funding-focused proposal, and engaged funding consultants/advisors, to assess options to raise and administer a community development and housing fund and/or create an EIFD in connection with the Ashby BART transit development. E4BB Partner, Healthy Black Families, continued surveying and leading community forums for engagement regarding housing displacement and policy.
- **2020** E4BB engaged consultants to shepherd and engage around the Berkeley Flea Market and business district opportunity outlined in the Adeline Corridor Specific Plan.
- **2023** E4BB engaged a consultant to review, update, and socialize a current strategy, including community and civic leadership sessions, and to assist in developing a clear path forward for E4BB as a separate entity.
- **2024** The E4BB team and HBF worked with the administration to collect and review historical data; evaluate “missing middle housing” as a tool for housing justice; and re-engage the community and City in community-facing and cross-sector Strategy Sessions.
- **2024** E4BB will present a proposal to select funders to fund an independent entity to continue, expand, and institutionalize its work.

08. FRAMES OF REFERENCE

E4BB's **current priority focus** is on housing – the Right to Return, Right to Remain, Right to Own, and Right to Thrive:

- for prior or current residents;
- at all income levels (with a priority on affordable housing);
- for renters and owners;
- inclusive of the community and cultural influences that drive and derive from housing (education, open spaces, transportation, employment, etc.)

E4BB's **lens** is through the surfacing and centering Black voices, needs, experiences, and outcomes in Berkeley, recognizing that:

- Black residents of Berkeley were specifically targeted for discrimination. in historical practices and continue to experience both legacy impact and present-day discrimination and obstruction.
- Black residents, similar to other community segments, have specific experiences that require specific activations to remedy and repair.
- Historically and statistically, general community uplift does not sufficiently elevate Black community members because there have been and continue to be specific perspectives and practices that actively oppress them and must be directly countered and overcome. "All Lives Matter" approaches cannot dismantle targeted anti-Black sentiments and actions.
- Uplift for Black residents ultimately is an uplift for all residents, because policies that protect and uplift Black residents inherently benefit others in similar situations.
- E4BB's scope can't be sustained over time via an elected administration or public entity. It requires a cross-sector, independent organization.

09. THE GOAL

E4BB is not forming an entity to become the initiator, executor, or leader of this work, but to structurally and visibly exist as a nexus to and for the Black community for the work its many partners already do. It will serve as both a champion of wellness and a beacon for accountability for Berkeley's African-American community and all who serve it.

10. THE URGENCY

E4BB's outreach and opportunities for impact are being limited by:

- Confusion among multiple governmental and communities partners about the structure, focus, and benefits of E4BB.
    - In interviews with an E4BB consultant, several departmental staff members thought it was an organization rather than an initiative.
    - The Doorways regional housing portal was designed and implemented over the past 18 months without notice to or input from E4BB's community partners.
- The end of the Mayor's second and final term, which will end the shepherding of the E4BB initiative. Note: the administration has created a transition plan for the next administration to continue these efforts.
- The immediate timeline of decisions and funding for the Adeline Corridor Specific Plan, and particularly the Ashby BART transit development, which greatly impacts Black residents and is directly tied to historical displacement of the community.
- Imminent deadlines for critical grants that would advance E4BB's mission priorities, particularly two Department of Transportation opportunities and a Partnership for the Bay's Future grant.
- Ongoing community challenges regarding income, employment, affordable housing levels, waiting lists and displacement or exodus.

Black residents of Berkeley need near-term strategies and measurable outcomes to balance/supplement the multiple large-scale, long-term projects already underway to make sure more people don't slip into crisis levels in the immediate months and years to come.

RESIDENTS SNAPSHOT

Source: Berkeley 2023-2031 Housing Element Redlined 02-17-2023v2_1

"Based on student populations and poverty rates, Black or African American and American Indian or Alaska Native residents are most disproportionately affected by poverty in Berkeley."

POPULATION

The population declined 5.6% from 2010 to 2019.

% of Population

9,324 (7.7%)

INCOME

The Black population has the second lowest median income (above American Indian or Alaskan Native residents) and the second highest poverty rate* (2019).

*The large population of Asian/API students in the City likely contributes to tier having the highest poverty rate.

Median Income

$39,441

vs highest

White NH: $107,660

Poverty rate

25.4%

vs lowest

White NH: 12.1%

% of HH <80% AMI

70%

vs lowest

API: 11%

HOUSING

% of originated mortgage apps

47%

vs highest

White NH: 65.6% (2019)

% of denied mortgage apps

23.9%

vs lowest

AINA: 13.3% (2019)

% of unhoused population

57%

7.7% of total pop (2019)

EDUCATION

Berkeley's African-American high school students are the **least likely to complete UC/CSU required courses** with a C or better (at 37% *vs 88% of White NH - the most likely* - 2016). They comprise 4.1% of the UC Berkeley (*vs 33.8% AAPI, the highest*) and 15% of the Berkeley City College population.

11. THE ENTITY

E4BB will form a non-profit entity that serves as the nexus to and for Black residents of Berkeley across the many sectors, organizations, processes, resources, and events they must engage with to live and thrive.

The entity will launch with a series of Short-Term (1-6 months), Near-Term (6-12 months), and Longer-Term (a year or greater) activations.

SHORT-TERM

In its first six months, E4BB will:

- Create and minimally staff an entity to navigate the ecosystem and centralize information and stay connected and current on the issues and events that affect housing.
- Recap, reframe, and re-introduce E4BB to Black residents and leaders, Berkeley residents at large, City and other public sector divisions and officials (regional, state and federal), non-profit sector partners, and potential private sector partners and investors.
- Immediately prioritize grant writing technical and staffing support for upcoming grants.
- Collaborate with the Doorways Regional Housing Portal to engage Black community voices in the project and raise awareness.
- Prepare and socialize a community update on the Ashby BART negotiations, the three presented models for levels of affordable housing, and why the current plan is 35% and will not be 100%.
- Join and help lead, a small, cross-sector Working Group (formed by the Mayor's office) for an EIFD at or non-contiguous to the BART-owned Ashby BART.
- Debrief with City Manager about communications and opportunities to grow, including sharing public data, creating points of contact, and sharing of even complex decisions with residents.
- Host a (standing) gathering of Berkeley's Black community-facing service organization, to check in, find partners and fiscal sponsors, eliminate duplication, and support and promote each other's upcoming efforts.

NEAR-TERM

In its first year, E4BB will additionally:

- Develop and adopt a strategic plan (at least a one-pager).
- Actively curate or independently collect valid baseline data on Black residents and housing, including:
    - The distribution, among Black residents, of those: seeking to rent vs buy; housing stable or at-risk; eligible for each level of affordable housing/BMR vs AMR offerings, etc.
    - The demographics of Black residents of Berkeley. and all residents of Berkeley, in terms of income, employment, current housing status, and desired housing status
    - A mapping of all existing housing in the City of Berkeley, including available vs not available units, level of affordability, rental vs owned, vacant not vacant, BMR vs AMR, tax-credit larger development vs small sites and CLT-level opportunities
    - Clear and detailed user journeys of Black Berkeley's: 1) median/most common resident who is navigating housing needs, 2) most at risk residents in that space; 3) most easily elevated residents in that space.
- Act as a main participant in the remaining Adeline Corridor negotiations, including Ashby BART development.
- Support the African-American Holistic Resource Center.
- Devise and execute 2-3 small pilots reflecting the values and requests from both strategy sessions for immediate/shorter-term impact on Black residents and housing (e.g., navigators, educational offerings, etc.).

LONGER-TERM

In its first two years and beyond, E4BB will additionally:

- Expand E4BB by recruiting, researching, and staffing it as an independent, third-party entity, with a mix of staff experience that includes but is not limited to: Black community advocacy, housing investment, housing development, and housing law and policy.
- Actively compete for or raise and disseminate initial smaller funds (e.g., of $10-15 million) for small sites - potentially in partnership with PBF.
- Actively expand the scale of operations to seek and receive 9-figure level of funding.
- Build out a replicable model for other communities to stop harm and create new ways of living for their own residents.

Incorporating an Equitable Black Berkeley (EBB) in the Ashby Station Development
Developing the Ashby BART Station provides a chance to do something incredible. Not doing all that can be done, now, will only serve to repeat historic harms; there are no "do-overs".

This project must begin to reverse and repair the inter-generational harm that was inflicted from the development of the station and redlining. The only way to do that, is to do something different in terms of who gets the opportunity to develop the site, the level of partnership between BART, the City of Berkeley, the impacted communities, the community at large, and how the project is financed.

EBB is not simply asking for developer contributions that will drive up costs for the selected developer and jeopardize the feasibility of the project, although the developer will certainly have a role to play. A countervailing narrative must be embraced as to the framing of what community benefits are, what they mean or their cost to a project, based on preconceptions, precedents, and business as usual.

We are talking about economic participation and enterprise with a community investment and reasonable return on that investment to achieve harm repair and community restoration. City of Berkeley's goal, which should be a mutual goal, is lifting up a new model for all BART stations, as other regions will have their own unique needs that can be satisfied by innovation in the way we all work together. A solution that rises to the magnitude of the harm, the ongoing challenges, and the vision for the future must be foremost. That is not something that anybody has done before, given the unique opportunity and context that stands before us with this project.

Developer Selection Process - EBB participation

1. A three (3) member "Vision of Community Repair Team" composed of the City of Berkeley, BART and EBB will make a qualitative assessment of the submittals, not based on technical or programmatic proposal materials, but based on the Community Repair Narrative proposal materials, including EBB goals, value alignment and adherence to the reparations framework, to determine if the proposal teams meet the threshold and standards of EBB.
2. The Developer Selection Team, will include one (1) EBB representative-. The Developer Selection Team will select the finalists based on review of technical and programmatic submission materials.
3. The community/public will have two opportunities (weekend and evening) to hear finalist presentations and vote for their favorite. Community preference will have considerable weight in the scoring and selection process.

Reparative EBB Framework Consideration

- Recognition of harm and embracing the need for repair in the design and operational lifespan of the project
    - The respondents will be asked to demonstrate how their proposal addresses a reparative framework that redresses the BART's historic negative impacts and lasting harms on the Black residents, businesses, and cultural institutions in the neighboring communities.

        - How the proposer defines harm, the impacted community and the need for harm repair
        - How the project achieves cessation of harm
        - How the project assures the non-repetition of harm based on historical practices by BART
        - How the project serves to restore the community through permanent and sustainable support for community serving organizations
        - How the project enables economic inclusion, participation and enterprise development by the community
        - How the project serves as a catalyst for neighborhood revitalization
        - How the project honors those who have been harmed
- Environmental and culturally appropriate infrastructure and site planning
- Ongoing community engagement for feedback and priority setting
    - Incorporating feedback from HBF People's Assembly meetings
    - Conforming to the JVP goals
    - EBB engagement in City objective standards process, and EBB involvement in future City participation in shaping the design and construction of the project
- Promoting neighborhood support and synergy
    - How the design will incorporate adequate open space for community gathering to support the arts, neighborhood/community events and how the management/use of that space will be equitable.
    - Placemaking (culturally appropriate with historical reference)
- Wealth building and reinvestment
    - Opportunities for individuals/family wealth building
    - A mechanism that provides for the City of Berkeley on behalf of EBB to contribute investment capital and receive a reasonable return on investment.
    - Developer capital sources will be measured against existing City of Berkeley ESG principles with a priority to capital sources that have local impact.
- Promoting health, education and community support services (child care, etc)
    - Any non-residential space provided on all Ashby Station parcels will prioritize lessees such as community based organizations supporting the EBB framework and local artists, artisans and food entrepreneurs with a priority given to Ashby Flea Market vendors.
- Future Flexibility
        - Although the current opportunity allows for the development of 8-12 floors, the solicitation will encourage respondents to consider and analyze the feasibility of engineering buildings to allow for vertically phased future development to achieve additional future value, based on established principles, precedent projects, and future need, and contingent upon a separate planning process. Inclusion of enhanced engineering for vertically phased future development does not constitute or preclude a right of the respondent to develop future phases.

- The City of Berkeley reserves the right to capture the additional value of unused air rights to EBB for future development should at any point in the future the project densifies. Any such densification revenue may benefit EBB.

EBB requested clarifications to the Term Sheet:

- **Public Art and Open Space**
  - The project will incorporate the public artwork by Mildred Howard that was recently commissioned by the City of Berkeley. If the artwork is installed prior to project implementation, the City of Berkeley will cover relocation and installation costs.
  - The selected developer will include on-site publicly accessible artwork valued at 1.75% of construction costs.
  - Respondents will receive additional points for identifying additional opportunities for local artisans and craftspeople to participate in professional opportunities i.e. FFE, architectural elements, landscaping/hardscaping, interior design, etc. to achieve higher levels of local small business utilization and workforce development targets.
  - The project will incorporate adequate open space for community gathering to support the arts, neighborhood/community events and a system provided to support those events.
- **Commercial/Retail**
  - The Ashby Project will include 25,000 square feet of 'warm shell' commercial component, for the purposes of use by EBB stakeholder organizations and Berkeley Flea Market graduates.
- A portion of net project profit from the Ashby mixed income or market rate development parcels shall be allocated to create a reparative community benefits fund for South Berkeley. Upon achievement of a Temporary Certificate of Occupancy ("TCO"), each mixed-income development parcel (excluding the 100% affordable parcels) shall be required to fund $50,000 per project, post TCO in years 1 through 3, and by the earlier of (i) the beginning of year 4 or (ii) parcel stabilization (i.e., 95% occupancy), each mixed income parcel at the Ashby TOD development shall be required to fund its pro rata share of $250,000 allocated by mixed income parcel net rentable square footage, with annual cost of living adjustments no less than 3.0% per annum.
- A community advisory committee composed of EBB and other community stakeholders will be created to direct the fund expenditures.
- **Community Investment/Economic Participation**
  - The City of Berkeley reserves the right on behalf of EBB to contribute investment capital and receive pari passu return on investment.
  - A community advisory committee composed of EBB stakeholders will be created to direct the EBB fund expenditures.
  - Developer capital sources will be measured against existing City of Berkeley ESG principles with a priority to capital sources that have local impact.
- **Additional Justification for Harm Repair as the primary objective of the Project:**
  - Traditional financing will generate returns that go back to those traditional sources, wherever they may be, so we need to look at additional and alternative sources of

financing that provide local returns that will positively impact the local community.

- The competing and sometimes conflicting dynamics of project feasibility vs. high levels of community benefits can be solved for in this project. As we work together, we'll show that there's a business case for innovation in the way BART and the City of Berkeley do business, and all stakeholders need to understand what the community already knows in terms of why this harm repair initiative is so vital.

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Healthy Black Families and the Fight for a Thriving Black Berkeley

This is the story of the Berkeley Black community's experience of decades of displacement and disinvestment, and how a small, grassroots community organization helped to advance the right to stay, right to return and right to thrive in South Berkeley.

Acknowledgements

MESU STRATEGIES

Mesu Strategies, LLC is a research and strategy firm committed to realizing a more just and inclusive society. Based in Oakland, California / Huchiun, the unceded land of the Lisjan Ohlone, Mesu Strategies works nationally to advance healthy, resilient and equitable community environments for low- income people and communities of color. Mesu Strategies partners with leaders in communities and organizations to operationalize equity and catalyze transformational change through action research, policy advocacy and organizational development approaches rooted in the principles of cultural humility.

HEALTHY BLACK FAMILIES

Healthy Black Families, Inc. provides people with knowledge, skills and strategies to make social systems and policies more equitable for Black people and communities. Healthy Black Families' vision is to organize individuals, families and the organizations that serve them into communities empowered with skills to advance social equity and justice, with a focus on Black individuals and families. Healthy Black Families is located in South Berkeley, California.

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This report is dedicated to the memory of Rahwa Neguse, without whom Healthy Black Families' housing advocacy efforts would not have been possible.

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PHOTO CREDITS

Cover: Dancers at Berkeley's 2019 Juneteenth Festival by Liliana Michelena at KQED

Page 7: Historic postcard of Claremont Court Gates from the Anthony Bruce Collection; Family photo in front of California house from the African American Museum & Library at Oakland Photograph Collection, MS189_1234

Page 8: Redlining map by Jesse Barber, Berkeleyside, 2018; Rainbow Sign flyer from the private collection of Odette Pollar, 1972

Page 9: Family photo, E.F. Joseph,, Calisphere, 1960s; Boys pose with Black Peoples Free Store sign, Bob Fitch, 1960s, Ticky-tacky photo from Darrell Owens, Twitter, 2020

Page 10: Rare BART photos from Barney Peterson, SF Chronicle

Page 11: Chart from Kaiser Family Foundation; Ashby Flea Market photo source unknown

Page 12: Homeless encampment photo by David Katayama, KQED, 2017

Page 17: Photo of Mildred Howard and mother by Pam Uzell via Berkeleyside and video still from the Daily Californian

Page 18: Photo by Marissa Leshnov, San Francisco Chronicle

Page 21: Photo of artwork by Brett Cook

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Pages 3, 14, 24, 26, 28, 31: Photos from the City of Berkeley

Pages 16, 18, 22, 25, 27, 29, 30: Community photos provided by Healthy Black Families, Inc.

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Table of Contents

01 **Executive Summary** Page 3

02 **Development, Displacement and the Black Community in Berkeley** Page 7

The roots of the Berkeley, California Black community run deep Page 7

Displacement presented an existential threat to the Berkeley Black community Page 9

Recent changes promise to turn the tide on displacement in Berkeley Page 12

03 **The Fight for Equity for Black Berkeley** Page 16

Community advocacy was essential for making new policies equitable Page 16

Healthy Black Families, Inc. led the campaign for equity in Black Berkeley Page 19

The heart and soul of the campaign required building a strong community base Page 20

Campaign leaders invested time and care for the community to generate solutions Page 22

An equitable process was integral to the success of the equity campaign Page 25

04 **Toward the Vision of a Thriving Black Berkeley** Page 28

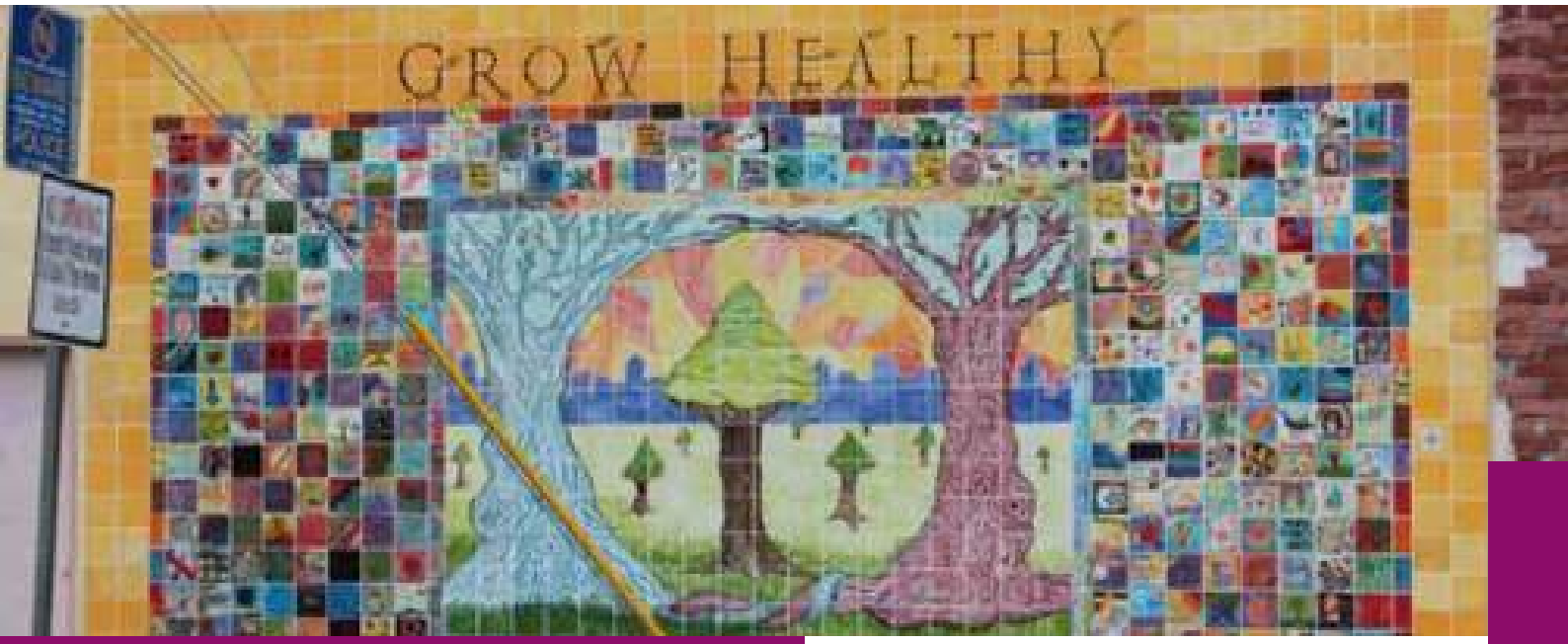
Achieving the vision for sustainable, a thriving Black Berkeley requires everyone Page 28

Lessons learned from the AHPP campaign Page 29

05 **Afterword** Page 30

06 **References** Page 34

01 Executive Summary



Mural on Adeline Street by Youth Spirit Artworks

Development, Displacement and the Black Community in Berkeley

Although Berkeley is widely considered to be one of the most progressive cities in the United States, like many other places in the nation, racism is baked into its design. In the early- and mid-20th century, exclusionary policies and practices kept Black families and other people of color from moving into the beautiful, park-like residences in the hills and near the university. Non-white people had little choice but to live in South Berkeley, an area in the "flatlands" bound by Telegraph Avenue to the east, the San Francisco Bay to the west, Dwight Way to the north, and Oakland to the south. Over time, restrictive covenants, redlining and single family zoning led to calcified patterns of residential racial segregation.

Segregation brought many challenges, including chronic disinvestment and the concentration of poverty. In the face of these hardships, however, the Black residents of South Berkeley built a robust community with diverse social and cultural offerings. South Berkeley became not just a home for the Black community in Berkeley; it was a cultural center and attraction. At its peak in 1970, when the Black population comprised 25% of the city's overall population, South Berkeley was home to nearly 75% of the city's Black residents, and a number of art centers, schools, and social clubs led by and dedicated to Black people.

The community faced a dire turning point, however, when city and regional planning decisions in the 1960s helped drive many Black families out of South Berkeley and the city altogether. Decisions to build the Ashby BART Station took many homes from South Berkeley residents by eminent domain in the 1970s. Decisions to limit housing development citywide led to constraints in the housing supply and affordability in the decades that

followed. The Black population suffered a precipitous drop. Today, Berkeley's overall population is only 6% Black, with the majority of Black residents residing in South Berkeley.

The Fight for Equity for Black Berkeley

Despite many existing social and economic challenges, and the new obstacle of distance brought by displacement, the Berkeley Black community remained connected across geographies. Families continued to work with one another for mutual aid and support, and to remain politically active in Berkeley politics. When the timing was right, Black leaders in the Berkeley community sought the support of Healthy Black Families, Inc. (HBF) to help advance its fight against displacement and for the community's survival and right to thrive.

HBF is a grassroots community-based organization located in South Berkeley founded by local public health leaders who have long fought for improved environments, systems and resources for the health of Black women and their families. HBF leads efforts to educate and organize communities to promote systems changes to support Black community health. HBF facilitates community connections across geographic and general boundaries, and fosters trust across diverse Black community members. They also work to educate Berkeley leaders and the Berkeley community at large on the priorities of the Black community, emphasizing the importance of addressing the social determinants of health: the environmental factors like housing and food access that shape community well-being.

In 2022, HBF, the City of Berkeley, East Bay Community Law Center, and other allies (see Figure 1, page 6) worked together with Berkeley's Black community to stem displacement in Berkeley, and repair historical harms. The "Equity 4 Black Berkeley" campaign involved the coordination of allies, funders, and other community leaders to prioritize the voices of South Berkeley residents affected by historical planning decisions. Targeted organizing, communications and research activities in this campaign led to a number of gains, including a big policy win in 2023 called the Affordable Housing Preference Policy (AHPP).

The AHPP addresses plans for the development of new affordable housing units to alleviate patterns of displacement. It includes guidelines for who will receive preference in accessing new units when they become available. Recognizing the "right to stay and right to return" of all communities that have long called Berkeley home, the policy includes specific considerations that give priority in new affordable housing to people who were systematically displaced from Berkeley.

Though the AHPP does not solve all issues related to displacement over many decades in Berkeley, it presents an important step toward equitable change.

Toward the Vision of a Thriving Black Berkeley … and Beyond

The challenges of displacement are not unique to Black communities in Berkeley. HBF's story provides an example of how communities and their partners can work toward equitable changes in both challenging times and times of opportunity. Communities of color, professionals working for philanthropic or government organizations, and members of the broader public can all draw lessons from this example about advancing equitable housing changes. In particular:

- *Communities and leaders of color* can work at all times to create and harness power in numbers, to build power through continuous learning and information-sharing across generations and borders, to value and lift up the community connectors and caretakers, to adopt a stance of readiness in their work, and to leverage partnerships with allies
- *Allies to communities of color* -- including individuals, organizations or agencies -- can work to earn the trust of communities of color, offer needed skills and resources to center the community's leadership, seek creative ways to foster and formalize community-driven change, and socialize community stories to build will for change
- *Philanthropic funders* do more than provide resources for communities -- they can lift up true community leadership, support innovation to build community power, convene coalitions and connect resources to support community-led policy development
- *The public* can ensure equitable changes are a priority by staying curious and getting informed about community issues and experiences, being persistent amplifiers of community-led solutions, and voting for inclusive leaders.

Equity 4 Black Berkeley Campaign Participants

Entity	Description	Role in Campaign
Bay Area Regional Health Inequities Initiative (BARHII)	A national engine for health equity thought leadership	Supported capacity building of Black community members
Berkeley Black Community	Current and former residents of South Berkeley belonging to the Black Community	Provided qualitative information about lived experience in South Berkeley, community needs and priorities for policy change
City of Berkeley Health, Housing and Community Services Department	A public agency responsible for addressing public health prevention and emergencies as well as the physical health, mental health, and basic needs of those most vulnerable in Berkeley	Collaborated with Berkeley residents and leaders on the development and advancement of the Affordable Housing Preference Policy (AHPP)
City of Berkeley Elected Officials	The Mayor and City Council of Berkeley are responsible for leading local governement	Led the review, approval and direction of local government efforts to address public priorities
East Bay Community Law Center	A regional legal organization providing legal and social services for communities of color	Supported capacity building of Black community members
Ecology Center	A Berkeley community organization focused on improving the health and environmental impacts of Berkeley residents	Supported capacity building of Black community members
Friends of Adeline	A neighborhood organization in South Berkeley	Served as an ally and advocate for the Berkeley Black community
Healthy Black Families, Inc.	A community organization providing people with knowledge, skills and strategies to make social systems and policies more equitable for Black people and communities.	Working under the guidance of local residents, facilitated the coordination and organization of the Berkeley Black community with allies, funders, and local leaders on the Equity 4 Black Berkeley campaign
National Association for the Advancement of Colored People (NAACP)	A national civil rights and social group	Supported outreach to Black community members, served as a collaborator on advocacy
Partnership for the Bay's Future	A fund pooling private and philanthropic contributions to produce, preserve and protect affordable housing in the Bay Area	Provided financial resources to support the Equity 4 Black Berkeley campaign through two grants (the Challenge Grant and the Breakthrough Grant)

Figure 1. Key Collaborators involved on the Equity 4 Black Berkeley Campaign for the Affordable Housing Preference Policy

02 Development, Displacement and the Black Community in Berkeley

A Brief History of the Housing Landscape

The roots of the Black community in Berkeley, California run deep

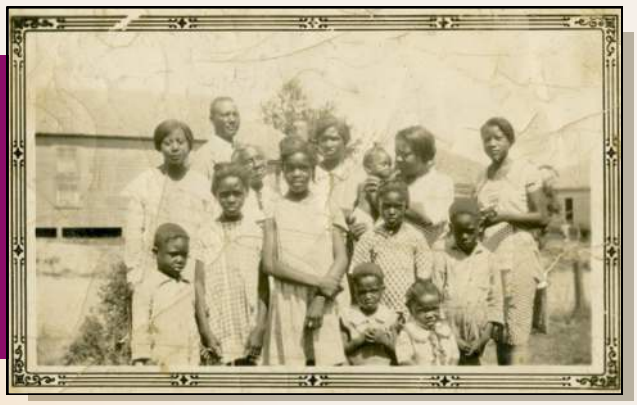
Black Americans have called South Berkeley home for over a century

Black people first came to Berkeley in significant numbers beginning in the 1910s, with the Great Migration.[1] At that time, Berkeley was an up-and-coming city boasting some of the nation's newest intellectual, spiritual and cultural attractions. It started growing in earnest after the San Francisco earthquake of 1906, when many people fled to the East Bay. Previously, the area had been rural farmland since European settlers seized the territory from the Ohlone centuries before. Even after the college and town were established in the 1860s-1870s, most residential development in the region took place in neighboring San Francisco and Oakland. To accommodate and capitalize on a growing population, developers in Berkeley worked to turn large tracts of land into high-end 'private residence parks,' which would prioritize design that harmonized with the environment's natural beauty. By 1910, Berkeley was the fifth largest city in California, known for its natural beauty, the university, and a growing number of industries.[2]

Mansion built in 1910 in Berkeley's Elmwood neighborhood, which was originally designed exclusively for white people

The first Black Americans arriving to Berkeley found limited choices for where to live[3]

The 'fitting and beautiful homes' Berkeley promised newcomers were not available to all.[4] Many of the properties had deeds with restrictive covenants – clauses prohibiting their sale or lease to 'undesirable' occupants, which the developers considered to be "people of African, Mongolian or Asiatic descent."[5] Although racialized zoning was prohibited early on, discriminatory attitudes and practices in private sales would remain unregulated for decades.[6] Developers commonly relied on exclusionary practices to control neighborhood composition in an effort to "protect" their financial investments. Under pressure from developers, Berkeley policymakers passed single-family zoning in 1916. Single-family zoning helped to implicitly codify and expedite racial segregation by preventing new housing development in neighborhoods where restrictive covenants were common.[7][8] Since neighborhoods excluding Black people and other people of color were predominantly located in North Berkeley and the hills of East Berkeley, Black people and other people of color often had no choice but to take up residence in the flatlands neighborhoods of South and Southwest Berkeley.



Martin family on Juneteenth in California, 1920s

The Berkeley Black community grew larger, more dense, and more robust

South Berkeley grew quickly between 1940 and 1970. For a variety of reasons, the neighborhoods also became more densely populated by Black people during this time. A second wave of Black migrants moved to the area for jobs during WWII. After the war, many white people moved out of more urban areas to the suburbs, where they could purchase American "dream homes" with federal home loans.[9] [10] However, these loans were not as accessible to communities of color in the South Berkeley neighborhoods, given redlining practices in the home mortgage industry (see Figure 2, redlining map).

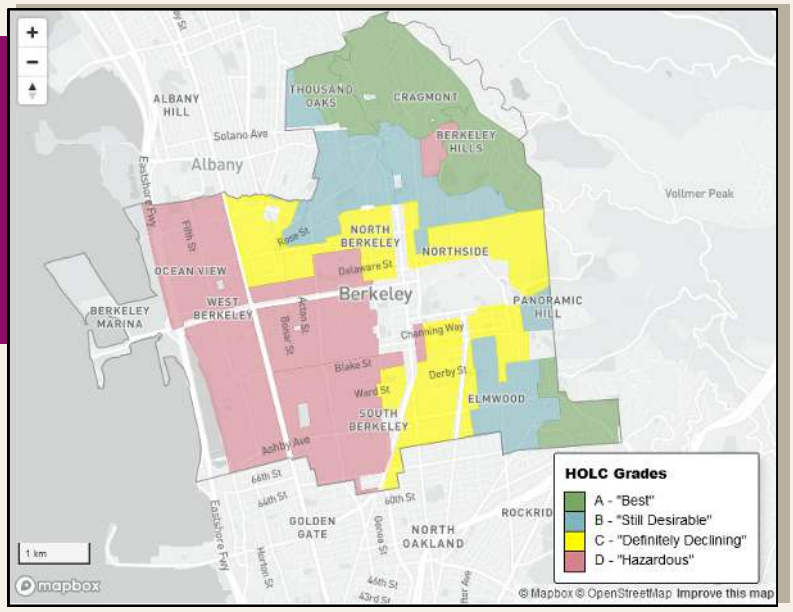
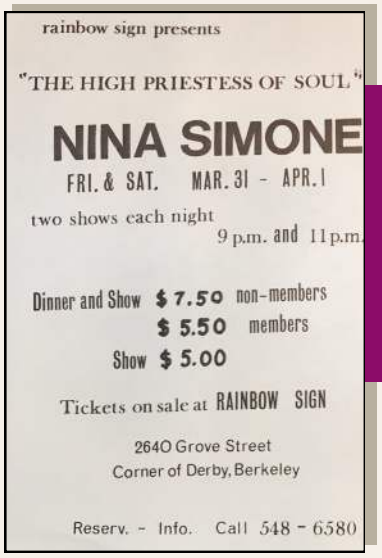


Figure 2. Map of the Home Owners Loan Corporation (HOLC) designations of risk for mortgages in Berkeley in the 1930s-1960s -- South Berkeley is deemed "hazardous" due to "Predominance of Negroes and Orientals. Also mixed classes of wage earners and colored professional people."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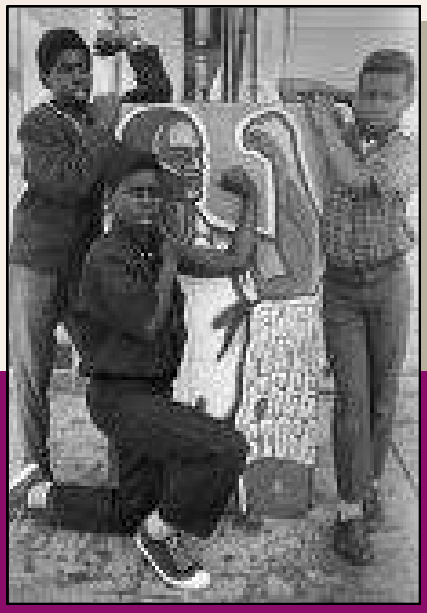
Flyer for a 1972 event at the Rainbow Sign featuring renowned singer Nina Simone,

Although Black people in Berkeley were effectively segregated to South Berkeley, they used their circumstances to their favor and worked to build supportive neighborhoods. South Berkeley became a thriving Black enclave, rich with Black-owned businesses and cultural institutions.[11] [12] Black doctors and dentists ran local clinics that understood and served the needs of their diverse Black patients.[13] Social hubs like the Rainbow Sign and the Black House attracted influential thinkers and activists, including James Baldwin and Huey Newton, and served as a cultural meeting spot for community members, like the family of future Vice President Kamala Harris.[14] For a brief time, the neighborhood was even home to a school specifically focused on teaching local teens about the Black experience.[15] [16] Generations of families would congregate at churches established at that time. From commerce to entertainment, worship and education, South Berkeley became a welcoming, safe home to the Black community.

> ***"I moved to South Berkeley in 1955, when I was 1 year old. I was lucky to inherit my home here. Generational wealth is hard to come by. Back then, Martin Luther King, Jr. Way was the race cutoff line. Today, it feels like we still live in these relationships, with neighborhood lines."***
>
> **– South Berkeley resident**



Family life, 1960s

Displacement presented an existential threat to the Berkeley Black community

Development decisions stymied South Berkeley's growth

The 1950s-1960s saw the rapid development of multi-unit buildings aiming to capitalize on a growing demand for housing in the "flatlands" area of Berkeley -- predominantly South Berkeley -- which were not zoned for single-family housing. These poorly constructed buildings were nicknamed "ticky-tackies," and considered an eyesore by many Berkeley residents. In response to concerns about the blight and tenant exploitation brought by the landlords of ticky-tackies, local policymakers passed a ban on the development of new multifamily housing in most residential areas.[17]

A 1960s-era "ticky tacky" in Berkeley

Together with the existing segregation perpetuated by mortgage redlining practices common during the 1930s-1960s, the new multifamily housing ban significantly limited the growth of the Berkeley housing supply.[18] [19] Home sale and rental prices climbed, forcing many low- and middle-income residents to relocate to make ends meet. Black households were particularly vulnerable to such shifts, given the widespread discrimination they already experienced in jobs, education, and many other areas of everyday life.[20]

Around this time, in the 1960s, BART started the construction of the region's new transit system. Development of the Ashby BART station required taking property from numerous Black households in South Berkeley by means of eminent domain. This exacerbated the housing shortage and disproportionately impacted the residents of the surrounding neighborhoods, who were predominantly members of the Black Berkeley community. For the first time in Berkeley's history, the size of its Black population dropped, interrupting the growth and vibrancy of the community. [21]

"Jumbo" tunnel digger for construction of Berkeley BART line

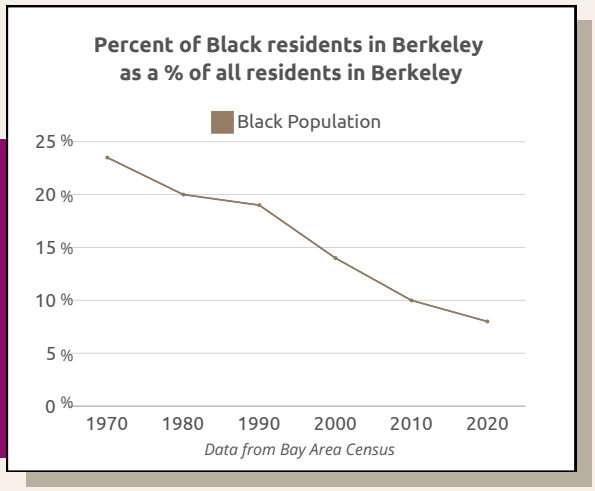


Figure 3. Percent of Black Residents in Berkeley 1970-2020

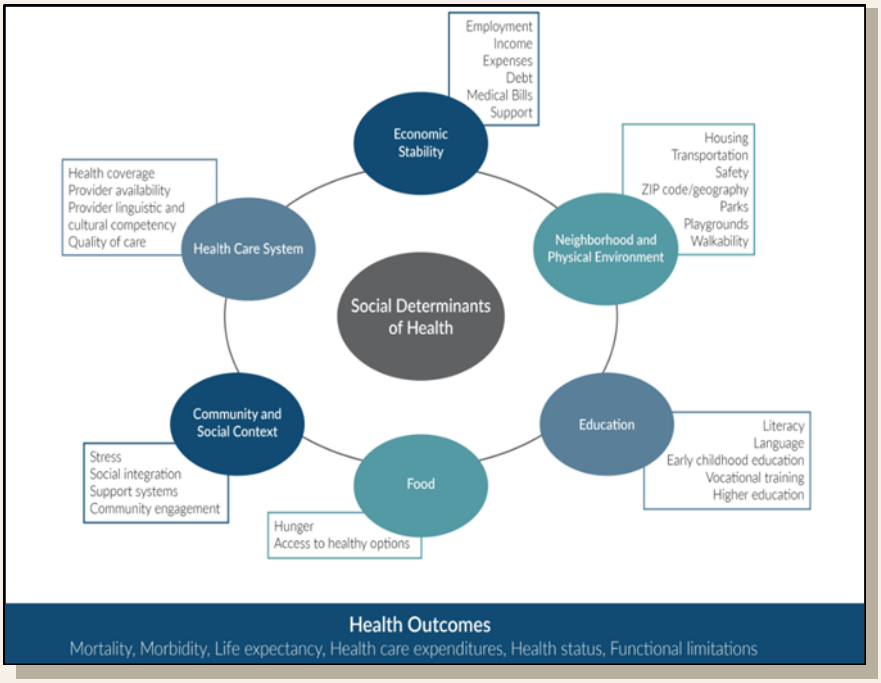
Displacement led to a precipitous decline in Berkeley's Black population

Development decisions in the decades to follow continued to disproportionately impact Black Berkeleyans. In the 1970s, anti-growth sentiments led to decisions to prioritize neighborhood preservation and cap property taxes. Although displacement affected both Black and white population groups at this time, "the white homeowner population increased throughout several Black neighborhoods." [22] In the 1980s, the Black population continued to drop as homelessness and gentrification grew amid a shortage of affordable housing, deindustrialization, and the elimination of federal welfare programs.[23] [24] [25] Displacement continued in the 1990s but accelerated with subprime lending in 2007-2010, disproportionately affecting low-income communities of color.[26] The rapid growth of the tech sector fueled a widening income gap which helped to drive up housing costs. By the early 2020s, the total Black population in Berkeley was estimated at under 10% of Berkeley's overall population, representing over a 50% drop since 1970 (see Figure 3).[27] Some analyses show that on some historically Black blocks in the neighborhood, the Black household count dropped by four times between 1970 and 2020. [28]

> ***""When BART and the forces of change and displacement came to town, they tore a hole in the heart of South Berkeley… But that act is what started everything in South Berkeley. That's what launched an entire generation of activists."***
>
> – Berkeley Council Member

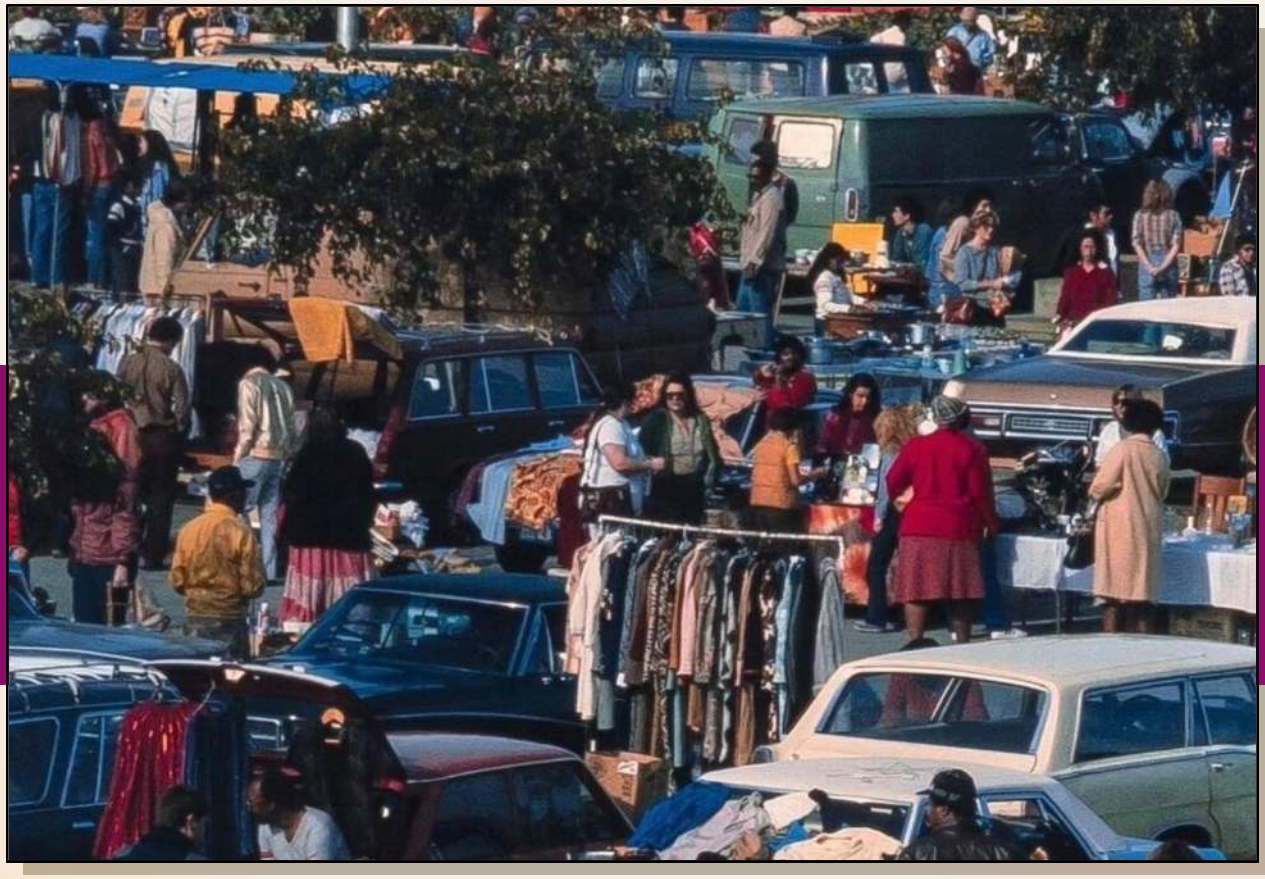
The harmful impacts of displacement on the Black community are difficult to quantify

Displacement disrupted the lives and wellbeing of Black individuals, families, and communities in Berkeley. The full extent of the impacts can be difficult to quantify. However, the relationship between displacement and racial disparities is documented across a host of health outcomes, including chronic health diseases, preterm birth rates, and mortality (see Figure 4). [29] [30] [31]



Displacement sows isolation across family networks and social supports, and negatively influences economic mobility, mental health, and voting agency.[32] Research shows that Black communities in California experiencing displacement also have limited political representation, which in turn, perpetuates systemic issues working against the community's interests. [33]

Figure 4. The Social Determinants of Health



Ashby Flea Market, 1970s

Recent changes promise to turn the tide on displacement in Berkeley

A growing national housing crisis spurred public pressure for change

By the middle of the 2010s, the housing crisis reached fever pitch in Berkeley and other large cities across the state following the growth of the tech sector and an economic crash fueled by predatory lending. In California, people at multiple income levels were experiencing the strain of rising rents and housing costs. At this time, a growing body of research on housing patterns had begun to catch up to the experiences of low-income people and communities of color, demonstrating patterns of displacement and gentrification and validating the experiences of limited housing affordability and availability nationwide. With the Black Lives Matter movement bringing greater awareness of racial inequities to the broader public, public pressure for leaders to increase affordable housing became calls to stop the disparate impacts of displacement during the COVID pandemic.

Homeless encampment in South Berkeley in 2017

Berkeley leaders began to address the history of displacement

Hearing the calls for change, in 2016, the Berkeley City Council pledged support to explore anti-displacement policies in local development plans.[34] In the years to follow, the City would explore and adopt a range of new policies to address the housing crisis and stem displacement. In 2018, Berkeley voters passed Measure O, a $135M bond to fund housing for low-, very low-, below-median-, and middle-income individuals and working families over 36 years.[35] That same year, the City identified strategic long-term goals to create more affordable housing, more support services for vulnerable populations, and champion social and racial equity. Work plans prioritized increasing affordable housing citywide as well as addressing

Figure 5. Map of Adeline Corridor
Housing and displacement were issues the City of Berkeley addressed in the Specific Plan for the Adeline Corridor in South Berkeley

> ***"Black Berkeley was once a solid community. At one point, we were at least 48,000 people in the flatlands. Our numbers now might be 8,000, if that. People have known each other all their lives, we have been raised together. We got to know each other. Even though we are spread apart now, Black Berkeley still functions like a small town."***
>
> -- South Berkeley Resident

displacement and economic development in South Berkeley.[36]

With significant input and leadership from the Black community, the City adopted targeted measures addressing displacement in the South Berkeley neighborhood in the Adeline Corridor Specific Plan in 2020 (Figure 5).[37] [38]

In 2023, the Berkeley City Council unanimously passed the Affordable Housing Preference Policy, Berkeley's first policy directly addressing its history of displacement and a huge victory for Black Berkeley.

New Berkeley policies offer displaced community members an opportunity to return

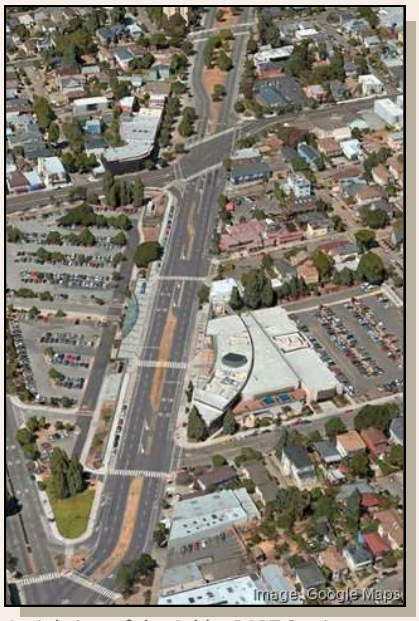
The 2023 Affordable Housing Preference Policy (AHPP) recognizes that those who have been unfairly pushed out of Berkeley for a variety of reasons, have a right to return to their home community.[39] Similar to policies in New York, San Francisco, Seattle and Portland, Oregon, the Berkeley AHPP targets households that lost property due to eminent domain during the period of urban renewal or discriminatory home loan decisions. The policy outlines priorities, processes and timelines for identifying new tenants in various types of housing developments.

Preference	Details
Displacement due to eminent domain for BART construction	Descendant of someone whose home was taken via eminent domain to develop Ashby or North Berkeley BART station
Displaced by foreclosure	1 point: Applicants displaced due to foreclosure in Berkeley since 2005.
Families with children	1 point: household with at least one child aged 18 or under
Homeless/At Risk of Homelessness	1 point: At Imminent Risk of Homelessness in Berkeley/ with former address in Berkeley OR 1 point: Literally Homeless in North Alameda County
Ties to redlined areas	1 point: Applicant has current/former address in Berkeley's redlined areas AND/OR 1 point: Applicant's parent/ grandparent has current/former address in redlined areas.

Figure 6. Affordable Housing Preference Policy preference summary, 2022

The AHPP will provide opportunity for people who were; pushed out of the city due to the development of the Ashby BART station in the 1960s and 1970s, those affected by the foreclosure crisis of 2007-2010 or eviction in recent years, as well as those who suffered from redlining decisions, to have the chance to return to their Berkeley community. This opportunity extends to include the descendants of Black families who were affected by these historic actions. Though many changes are needed to fully counter patterns of exclusion that have persisted in Berkeley for over a century, recent changes open the opportunity for the city to repair harms to Black community members.

Ashby BART Station entrance from South Berkeley parking lot



Aerial view of the Ashby BART Station

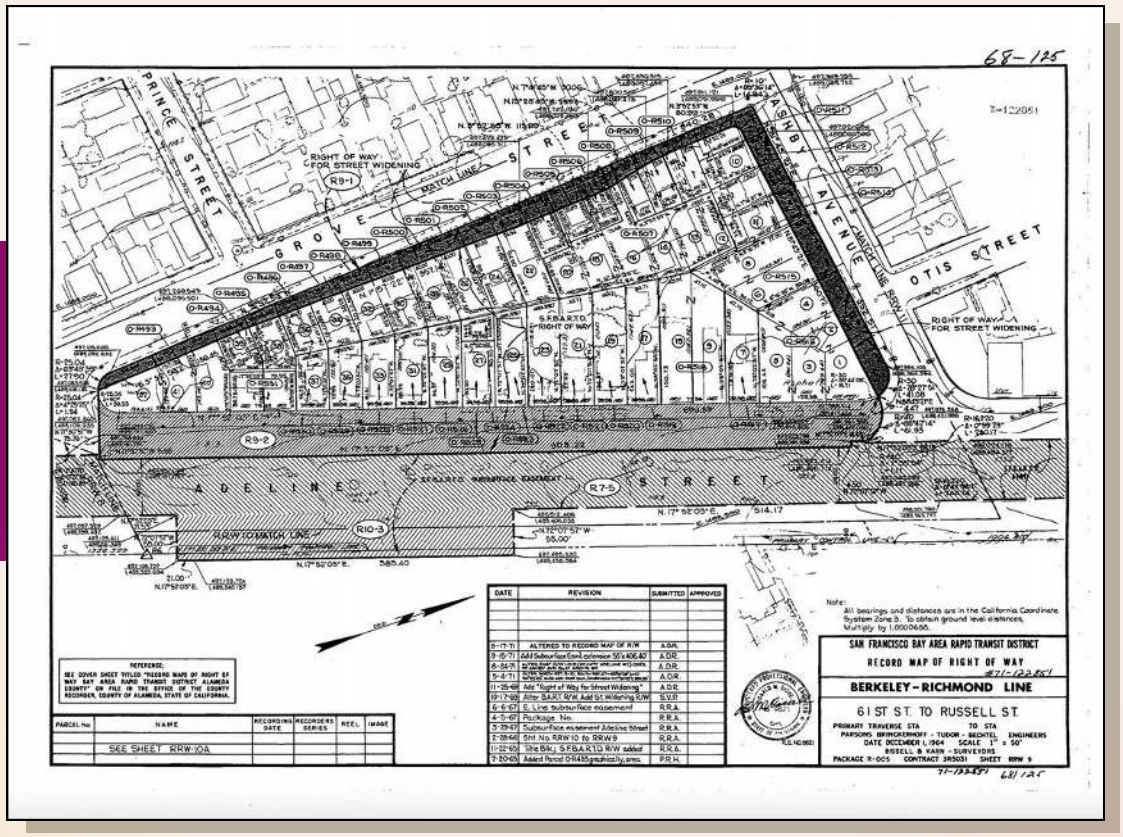


Figure 7. Parcel map of the Ashby BART station area prior to development of the transit station

I ♥ ADELINE/ SOUTH SHATTUCK BECAUSE...
I ♥ ADELINE/ SOUTH SHATTUCK BECAUSE... of my neighbors!
I ♥ ADELINE/ SOUTH SHATTUCK BECAUSE... IT WELCOMES Nonprofits + CREATIVE
I ♥ ADELINE/ SOUTH SHATTUCK BECAUSE... BEST FARMER'S MARKET
I ♥ ADELINE/ SOUTH SHATTUCK BECAUSE... I feel home
I ♥ ADELINE/ SOUTH SHATTUCK BECAUSE... unique, diverse, community
I ♥ ADELINE/ SOUTH SHATTUCK BECAUSE... DIVERSITY/COMMUNITY BIKING INFRA
I ♥ ADELINE/ SOUTH SHATTUCK BECAUSE...
I ♥ ADELINE/ SOUTH SHATTUCK BECAUSE...
I ♥ ADELINE/ SOUTH SHATTUCK BECAUSE... unique, diverse, community

03 The Fight for Equity for Black Berkeley

An Overview of the Campaign for Equitable Change

The community meets at a People's Assembly hosted by Healthy Black Families, Inc. to discuss affordable housing priorities

Community advocacy was essential for making new policies equitable

Community expertise helped to shape the Affordable Housing Preference Policy

Among the range of policies to reverse displacement trends in Berkeley, the Affordable Housing Preference Policy (AHPP) stands out for addressing the specific priorities and needs of communities that have been and are actively being displaced from Berkeley. Like other anti-displacement policies, the AHPP was made possible through the collaboration of a wide range of partners, including lawmakers, city workers, legal aid organizations and advocacy groups (see Figure 1, page 6 for further details).[40] But unlike other policymaking processes, the development of the AHPP involved the direct participation and input of Berkeley's Black community early and often in the policymaking process. Through this direct collaboration between the City and the community, the voices of this shrinking population could be heard along with other voices in Berkeley, instead of being drowned out by them.

The Berkeley Black community's identity and cohesion transcended geographic boundaries

For the Berkeley Black community to meaningfully engage in local advocacy on housing policy, the community had to overcome hardships caused in part by decades of displacement. This started with staying connected; community members made the effort to sustain the community fabric in the face of its existential threats. As displacement was happening, community members, many of whom have known each other for generations, kept in touch across city limits. Some who moved to other places came back regularly to Berkeley to visit family, shop, socialize, and go to church. Some remaining in the community continued to reach out and stay active with their far-flung connections. For both the people continuing to reside in South Berkeley as well as legacy families that were pushed out, South Berkeley was home. This broad community umbrella also included a transitional population of Black students at the university who found a home "for radicalism and movement thinking and organizing" in the neighborhood.[41] Together, these dispersed and diverse community could speak with a common and collective voice.

Mildred Howard with her mother Mable Howard in Berkeley in 1985

Mildred Howard in a 2017 interview explaining how rising rent prices pushed her out of Berkeley

Artist Mildred Howard's sculpture "Delivered, Mabel's Promissory Note" after its installation in South Berkeley

The Berkeley Black community steadily beat the drum on its priorities

Despite the challenges that came with being dispersed across geographies, working across generational divides, facing multiple social and economic inequities, and at times even being divided about the pathway to resolution, the Berkeley Black community continually engaged in local politics.[42] Many community members attribute their persistence to the community culture of activism linked with the Black Panther Party, the Republic of New Afrika Independence Movement, and the Free Speech Movement in the 1960s.[43] Their priority issues have historically included disparities in access to healthy environments, the wealth gap, food access, education, housing affordability in Berkeley, and the social determinants of health -- the systemic and environmental factors that influence access to healthful opportunities, resources and choices. [44]

> ***"Where you live determines what you eat, how you travel, the quality of air, the economics in the area, the schools, health care, food security, and even physical security. So when you can't afford your housing, you experience multiple impacts – not being able to eat, afford bills, pay registration, buy clothing. The list goes on and on when the rents are too high."***
>
> – Berkeley Council Member

When the conditions were right to create change, the community was ready

Ongoing advocacy from the community, a growing movement for racial equity, and increased availability of data validating stories about the displacement happening to Black residents in South Berkeley helped bring awareness to City leaders to the disparate impacts of the crisis on the Black population in Berkeley. In the mid 2010s, City leaders mobilized to address a growing housing crisis, and began to focus more diligently on housing policy. Housing was a key focus in their efforts to update plans for the Adeline Corridor, one of the main streets in South Berkeley, and a historic cultural area for the Berkeley Black community. Through their participation in public planning related to the Adeline Corridor Specific Plan, the Black community made the case for establishing preferences for new affordable housing units to help curb displacement. A few years later, the City explored the possibility of creating a new Affordable Housing Preference Policy. When they performed public outreach to gather input on the process, the Black community in Berkeley insisted that the City work directly and intentionally to understand the impact on the community and lift up the community's perspective. When the City reached out to the community in response, the community pushed forward leaders at Healthy Black Families, Inc. as their representatives.

Berkeley council members outside of 1910 Elmwood mansion, remembering racially-exclusive housing policies that shaped Berkeley's landscape

Healthy Black Families staff members at a community event

Healthy Black Families, Inc. led the campaign for equity in Black Berkeley

Healthy Black Families, Inc. (HBF) is a grassroots community leader

Healthy Black Families, Inc. (HBF) is a community-based public health organization focused on improving conditions for the Black community in Berkeley. HBF's vision is to organize individuals, families and the organizations that serve them, into communities empowered with skills to advance social equity and justice, with a focus on Black individuals and families.

HBF was founded in 2013 by local public health leader Dr. Vicki Alexander to organize and address local health disparities, successfully reducing local Black infant mortality inequities by half. Building on this legacy, HBF has worked for over a decade to champion health equity through programming to; connect and empower Black parents, build skills and kindergarten-readiness for Black children, educate about and improve physical activity and food environments and choices for Black families, promote health and wellness and physical activity, and amplify the voices of the Black community through storytelling, education, advocacy and policy development.

HBF provides people with knowledge, skills and strategies to make social systems and policies more equitable for Black people and communities.

> ***"We value working with our allies, but the work with allies has done nothing to stop the inequities, mortality and displacement affecting the Black community. HBF staff is directly from the Berkeley Black community and all have experienced what inequity means in our lives and are dedicated to not just interrupting but stopping the harm on every level possible."***
>
> – HBF Representative

HBF encouraged meaningful shifts to the City's policy development process

When HBF began its work with the City on the Affordable Housing Preference Policy , the City shared its plans to gather input from all Berkeley residents to inform priorities for the policy. HBF was familiar with the City's public input process; HBF had participated in public meetings for the Adeline Corridor Specific Plan and had also provided input to the City and its partners on research related to tenant rights. Recognizing the unique needs and challenges of the Berkeley Black community, HBF made the case to shift away from the general city-wide survey process, which would feel more transactional than meaningful to the community, and also leave many of the community's disconnected members out.

The City agreed with HBF's recommendation to continue with the citywide survey but add on a more targeted and customized process for the community's participation. Soon, new outreach plans were underway in the South Berkeley neighborhood. To support the work, the City of Berkeley and several nonprofit partners updated a grant for staff capacity from the San Francisco Foundation's Partnership for the Bay's Future to include HBF's work. The philanthropic support for "Equity 4 Black Berkeley" helped to support a campaign for equity that would lead to greater community participation in the policymaking process and ultimately, the adoption of an Affordable Housing Preference Policy prioritizing the community's concerns.

> ***"Healthy Black Families provides a kind of space where people feel like they do belong. They're one of the few organizations – if not the only organization – that can do that. Although we are a small community, we are fragmented – people have different ways of seeing things, different interests, different ways of aligning. Political forces can leverage these differences to divide and conquer. To create change, we have to get out of our comfort bubbles and create new relationships to one another, and Healthy Black Families, Inc. makes that change possible."***
>
> – Community Member

The heart and soul of the campaign required building a strong community base

HBF prioritized inclusive and representative community participation

HBF worked quickly to outreach to the community about the opportunity for change. The staff's deep and longstanding relationships in Berkeley provided a strong foundation for outreach to more senior members of the community as well as those who were displaced long ago. The organization's work with families and young women through their work on the STEP program, Kindergarten Readiness Program, and Thirsty for Change Campaign had broadened their network over the years, and provided a strong foundation to identify and outreach to young leaders. The organization's leaders brought their experience in community organizing and social change efforts to the work, informing strategy and tactics for the campaign. Through this knowledge, and a strong baseline understanding of the community's assets, strengths, challenges and opportunities for change, under the leadership of Executive Director Wilhelmenia Wilson and Deputy Executive Director Ayanna Davis, HBF brought together a community leaders group to address and explore how best to approach the opportunity at hand.

Little Bobby Hutton and the 10th point from the Black Panthers' Ten Point Program, as part of a 2012 Oakland Museum of California art installation in collaboration with Life is Living / Reflections of Healing

HBF provided supports to build community unity, power and capacity

To build community awareness and participation, HBF hosted various events which served to unite a broad range of community members. Included in these events were the Community Leaders Groups, a podcast led by HBF ("The Housing Chronicles") and most notably, the "Equity 4 Black Berkeley" People's Assemblies. Complementary to their gatherings, they also provided trainings on Policy Advocacy and Organizing, and an HBF fellowship to build the confidence, knowledge, capacity, and strength of community members to engage in important discussions about housing, displacement and community conditions. Understanding the need for unity and wide-reaching engagement, HBF's strategy included inviting elders, developers and policymakers to speak at assemblies and motivating local youth to lead in online communication and outreach strategies. When disagreements would arise, HBF facilitated across the community's differences through discussions, forums, and education. Over time, the participatory, human-centered work of this group would extend into the community and grow the size and power of the community coalition.

> ***"Education is key to movement building. If you're going to capture the hearts and minds of people, small group engagement is one of the best ways to do it."***
>
> - HBF representative

Campaign leaders invested time and care for the community to generate solutions

HBF led the community through participatory research strategies

Community-led, community-based research helped to provide detailed and accurate information about conditions in South Berkeley and the priorities of the community. HBF's surveys captured extensive qualitative information from the community about their experiences with displacement and feelings about returning. Healthy Black Families, Inc. employed multiple strategies to ensure the data they gathered truly reflected the needs and priorities of the community, including: reaching out to both community members living in Berkeley and those who were displaced, gathering information broadly using surveys, training community members to engage in outreach and survey administration, and discussing and collaboratively interpreting findings at public assemblies. To support engagement, HBF held meetings in places familiar and easily accessible to the community, providing food, childcare and safe practices (e.g., COVID safety) to attend to support participant needs.

HBF facilitated the community's process to develop evidence-based recommendations

HBF's survey findings provided a strong basis for the community to reflect upon and understand conditions in Berkeley as identified by members of the Black community, and to discuss and vet ideas for solutions. The community welcomed this contrast to other public processes, which often asked for resident priorities without the opportunity for collective community self-reflection and discussion. Being in a university town, the community was also accustomed to and tired of extractive processes in which researchers would gather information from the community to draw conclusions and make recommendations without their participation, approval, or sometimes even their awareness. In this process, community members reviewed data collected across community to arrive at conclusions. Throughout this process, HBF encouraged them to focus on "strategic unity," and finding the things they could all agree on in order to strengthen the power of their recommendations.

Healthy Black Families hosts a People's Assembly to discuss community priorities

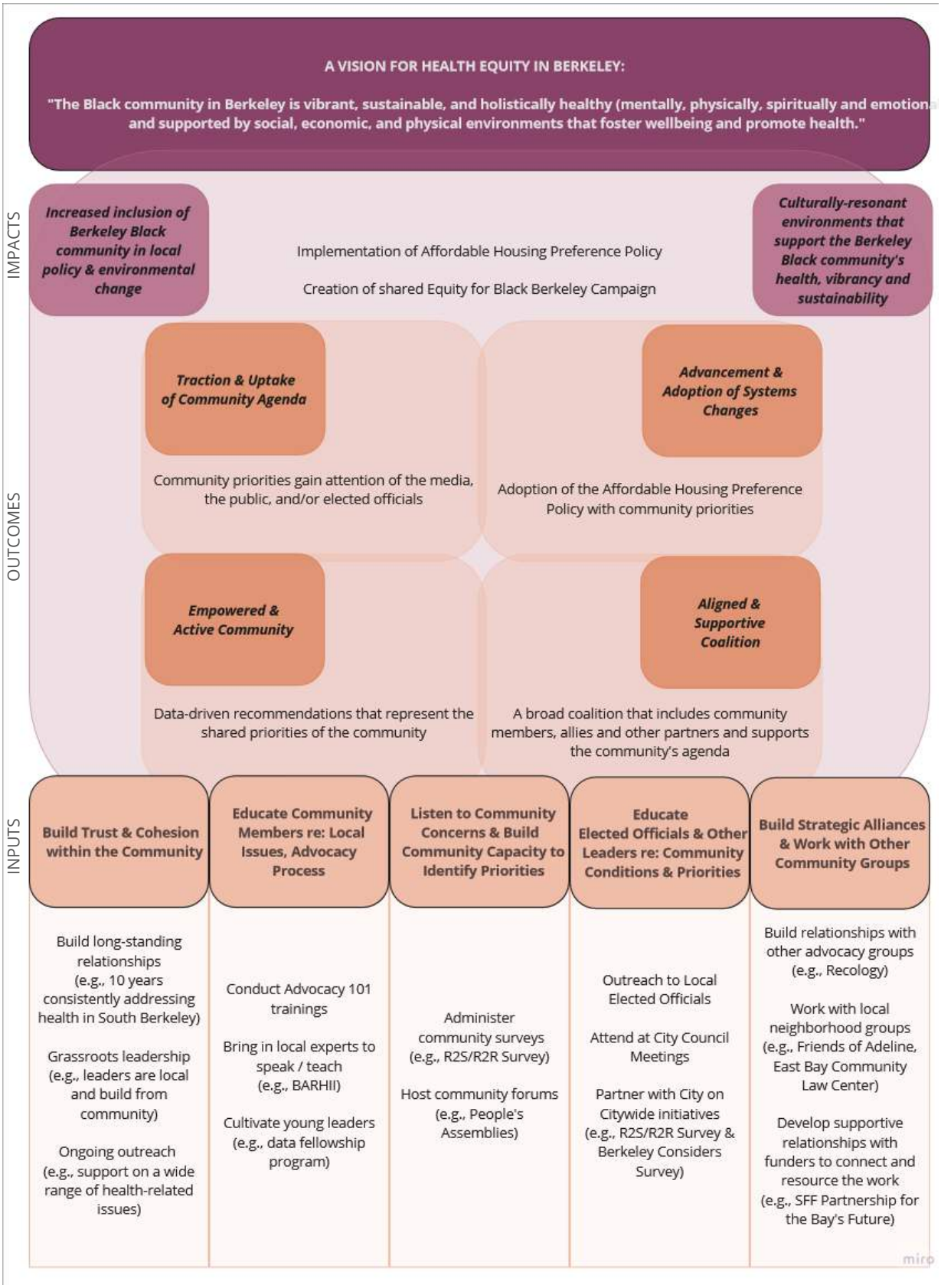


Figure 8. A schematic summarizing Healthy Black Families' efforts to advance a campaign to address the displacement of the Black community from the South Berkeley neighborhood, including the efforts they input, the outcomes of those efforts, and the longer-term impacts towards the vision of Equity 4 Black Berkeley.

HBF applied clear messaging around the community's shared priorities

With input from the community on the central question of "What do we need to create a thriving Black Berkeley?", HBF coalesced the recommendations together with research findings to deliver clear messages to local elected officials, city representatives, and funders about the community's priorities for change.[45] HBF worked with the City to generate presentations, flyers and other materials to educate others.

The community's priorities of housing, health, community and finance centered on a widely discussed point in their meetings, one that drew from the wisdom of the Black communities they were connected to across the country and also international liberatory movements such as the Right to Stay Movement that started in Palestine in 1948: that affordable housing was not an effective response to an apartheid state, as affordable housing rested upon an assumption of "the ability of the people to afford." From here, the language of the campaign shifted to invoke the more inspiring and inclusive vision of "a thriving Black Berkeley" and "equity for Black Berkeley," from prior language that focused more narrowly on achieving an "equitable Black Berkeley."

> "HBF's sharing of the Black experience with Berkeley elected created really powerful presentations which had elements of communication and narrative change, especially combined with the really clear frameworks that they put out around "right to stay, right to return, right to own" shows that narrative change that can happen from naming and clarity."
>
> **– Community Partner**

City of Berkeley public meeting

Berkeley Black community discusses affordable housing priorities

Equitable processes were integral to Equity 4 Black Berkeley campaign success

HBF worked strategically to build and engage allies along the way

With limited capacity and resources to organize the community and advance change, HBF welcomed strategic partnerships to support the community and advance their priorities. To support community capacity building, HBF leveraged relationships with other nonprofits and advocacy groups, such as the Ecology Center and the Bay Area Regional Health Inequities Initiative (BARHII). HBF also collaborated with a former councilmember who led resident Equity Summits, established community groups like Friends of Adeline, and Black-led organizations like the National Association for the Advancement of Colored People (NAACP) - Berkeley chapter and the Berkeley African American Holistic Resource Center to ensure broad outreach on their community survey and to get messages out. To expand its reach while also building stronger community leadership, HBF also developed the HBF Fellows Program and collaborated with Dr. Derethia Duval, a Black professor specializing in qualitative research on participatory research strategies. HBF also welcomed the collaboration of a fellow from the Partnership for the Bay's Future, staff at the City, and allies at the East Bay Community Law Center to interpret community recommendations along with results from a citywide public survey administered by the City, along with other public data.

HBF influenced decision-makers with well-backed recommendations and broad support

The community recommendations were a critical component for developing policy. HBF worked with staff at the City of Berkeley and other community leaders to review these recommendations along with, citywide survey results, public demographic and housing data, and examples and models of preference policies in other places to develop meaningful, solutions-oriented recommendations. The Black community in Berkeley could get behind this work when they saw their input reflected in the draft policies. With a broad coalition of support and a strong basis of research supporting their work, HBF ultimately co-presented clear recommendations to leaders in Berkeley.[46]

> "We couldn't have done this without HBF. They immediately came up with the logo and putting out info to the Black community. They had a QR code that people would use to download questions. They created a whole communication list. That was initial. Then they did [People's Assemblies], they'd discuss topics every month. That's where some of the priorities came from...The question was not just health but what would it take to create a thriving Black Berkeley? They were able to glean and put data points together and come up with a great report to inform where the money will go over time."
>
> **– Community Partner**

Berkeley City Council discussion

FILM CREW

black
mixed
with

Get some sleep

04 Toward the Vision of a Thriving Black Berkeley

A Summary of Lessons Learned

Achieving the vision for a thriving Black Berkeley requires everyone

The AHPP is a key early step in the overall journey

The Affordable Housing Preference Policy represents an important start to addressing institutional racism and the systematic displacement of Berkeley community members, but more work is needed to achieve a sustainable, thriving community. Patterns of displacement have been the result of multiple decisions at different junctures over decades; creating new patterns of inclusion will require everyone's readiness and willingness to design, seize and implement other opportunities for change in the future. That readiness will hinge upon: (1) the community's continued organizing to monitor and enforce the implementation of AHPP and other policies, (2) the City's continued work to effectively and meaningfully partner with the community in future public processes, and (3) the continued support of funders and allies to attend to the priorities of the Black people in Berkeley and to stop the systemic harm and economic extraction of resources from their community.

Collaboration on a common vision of a thriving Black Berkeley

Achieving a thriving Black community in Berkeley requires continued collaboration among diverse stakeholders around a common vision. Favorable conditions to create and adopt the AHPP were born from the alignment of Berkeley residents around goals to curb displacement and address institutionalized racism in local exclusionary housing policies. Strengthening the alignment around the community's vision for a sustainable, thriving Black community in Berkeley will help to generate greater momentum to meaningfully address a long history of exclusion. This vision extends beyond the AHPP's promise to help legacy families return to their Berkeley roots. It calls for greater opportunities for Black families to build generational wealth, stronger investments in community culture, and better supports for youth and workforce development.

Future opportunities for change

This vision can be made possible through policies and programs that support greater homeownership among Black families, the revitalization of historic cultural gathering places like the Ashby Flea Market, and the development of new ones like the African American Holistic Resource Center. It includes efforts to build alliances and coalitions in support of their vision, outreach to investors to infuse sizable resources into equity for Black Berkeley, and research on opportunities for policy development or change.

City of Berkeley planning workshop

A South Berkeley community resident, community organizer and leader at Healthy Black Families, Inc. listens to the words of another member of the community

As Healthy Black Families, Inc. moves forward in its work with the City of Berkeley and other partners to build momentum toward a shared vision, it is important to look back at the lessons from the campaign to date. Communities, allies and funders involved so far have shared multiple lessons for others engaging in similar work, listed below.

Lessons for communities

Healthy Black Families' efforts around housing advocacy in Berkeley have demonstrated that it is important for communities facing challenges to:

- *Create power in numbers* – To seize opportunities for change when they arise, communities benefit from building a strong base. Staying connected across geographies and generations is especially important in times of adversity, like when facing displacement.

- *Build power through learning* – Knowledge is power. Communities can build power through both simple and organized acts of learning, including: ensuring the transmission of information across generations, leveraging the knowledge of different generations, engaging in community data gathering efforts, and co-creating data-informed recommendations.

- *Strengthen and unify the community through community connectors and caretakers* – Communities are not monolithic, and conflict among diverse community members is often inevitable. To overcome these natural patterns, communities must find and value the people in the community who demonstrate the greatest care and compassion to help facilitate across disagreement, build trust, and strengthen community cohesion.

- *Adopt a stance of readiness* – A strong community base is ready to speak up and speak out, ready to identify solutions, and ready to ask questions and challenge norms both when the time is right and when it is inconvenient. Communities can prepare by staying politically engaged, monitoring social and political shifts, and staying on the lookout for opportunities to advocate for change.

Healthy Black Families is a community-based and community-led organization located in South Berkeley

- *Work in solidarity* – Creating alliances with other leaders and groups is essential for advancing shared liberation. Healthy Black Families has operated under ideologies that understand that while policies and issues will shift, fundamental root causes and values will remain the same. Engaging a wide range of partners helps to build flexibility, muscle and endurance for long-term change processes.

Lessons for allies

Allies in public agencies and community organizations played an important role in the housing policy efforts to advance equity for Black Berkeley. Allies pursuing other, similar efforts should note that:

- *Work to earn trust* – Collaboration "moves at the speed of trust," particularly when working with communities that have chronically faced systems or leaders that do not trust or prioritize their input. Allies can build trust by proving themselves trustworthy; listening to understand the community's perspective, leading with community priorities, offering supports, and following through on promises.

- *Offer resource-intensive support to support the community's leadership* – Support and build upon the community's expertise and leadership by providing research, planning, strategy, and technical supports that will help to validate their priorities and expedite their solutions. In the work on the AHPP, the City of Berkeley brought technical research skills to expand knowledge of policy models supporting community priorities, and the Partnership for the Bay's Future brought resources to support analysis and communication activities under the community's leadership.

- *Find creative ways to formalize community-driven change* – Leadership involves forging new paths, and leadership can happen from any seat. Every actor in a change process, working with shared values toward a common vision, has the power to identify barriers and opportunities for change. In the fight for equity for Black Berkeley, leaders in varying seats of local government worked with and found different ways to advance change in favor of the AHPP.

- *Promote the community's stories* – By sharing the stories of the community's obstacles, challenges and wins, allies can leverage their existing networks and reach to help broaden understanding of the community's conditions, priorities, and solutions. In today's digital landscape, allies can look to and promote the podcasts, blogs, and social media posts of their community partners.

> ***"This is a story that needs to be told. It needs to not just be in front of people who care about social justice, but also people who are agnostic, who don't understand the privilege that we have had by being white and not discriminated against. In a progressive community like Berkeley, we might be able to find new funding for big efforts like this. There are all sorts of opportunities that could happen if the greater world were to understand the true impact of discrimination."***
>
> – Community Partner

Lessons for funders

Funders were essential for ensuring that Healthy Black Families, the City of Berkeley, the community and allies could complete their work in a timely and effective way. Funders aiming to create change in this and other communities can build on this work and:

- *Lift up trusted community leaders* – Community leaders are not always those who step forward first or are recognized by groups in power. Trusted community leaders are those who are pushed forward by the community members themselves. They create space for dialogue within broad, diverse communities. Funders seeking to support sustainable community-centered change would benefit from ensuring sufficient time to listen to and understand the specific needs of the community and to identify the community's natural trusted leaders.

- *Provide core support to build community power* – Communities know that while issues and politics will change, the fundamental root causes and issues remain the same. Communities need support for long-term, sustained organizing to remain connected, unified and ready. The experience and efforts of the Black Berkeley community demonstrate that hardships like displacement severely impact community coherence and voting power. Even without an agenda or specific policy intervention in sight, community connection and base building matters.

Proposed new development in South Berkeley will include affordable housing and storefronts

- *Convene coalitions* – Community groups and local government actors rarely have the space or resources to discuss needs or best practices together. Providing the financial, staffing, and physical resources to support dialogue, coalition building and collaboration will expedite the identification of effective solutions. Funder grants and informational resources made it possible for the City and community to research and create effective community-centered solutions.

- *Connect efforts to formalize community-centered policy development in local government* – Funders can support continued partnerships, strategy development, research and technical assistance to spur innovation. Despite growing awareness and efforts to improve public participation processes for greater inclusion, there is still a long way to go for policymaking to regularly and effectively integrate community priorities. The equity campaign applied here provides a model for lifting up a small but mighty perspective that would have been diminished due to the large plurality of stakeholders in the community.

Lessons for the public

The public at large played an important role in the creation of an Affordable Housing Preference Policy responsive to the needs of the Black community in Berkeley.

- *Stay informed and curious* – Public understanding of the issues affecting the residents of South Berkeley deepened over time and helped to create a more inclusive agenda for change. The public can arrive at inclusive solutions to complex community issues by staying curious and learning how experiences might differ within a community. In Berkeley, members of the public involved in Friends of Adeline worked directly with HBF and the community to understand and help advocate for community priorities.

- *Be a persistent amplifier* – Continued pressure from the public helped grow support for improved housing access and affordability, and ensured that the issue remain a priority for local Berkeley leadership to address. Members of the public can support equitable change by amplifying the needs, priorities and solutions of communities of color.

- *Vote for inclusive, values-aligned leaders* – By participating in the democratic process, the broader public elected leaders who were willing to listen to and address not just the priorities of the broader populace, but also the needs of its most vulnerable groups.

05 Afterword

This Case Story

This case story was commissioned by Healthy Black Families, Inc. with funding from the Coro Foundation and developed by Mesu Strategies, LLC. The purpose of this case story is to document the story and lessons learned from the Affordable Housing Preference Policy success to advance equity for Black Berkeley. The aim is to share details on their approach to help inform and guide others who share their vision to achieve equitable community transformation. This case story is not a systematic evaluation of the campaign or its actors.

Approach

To inform the development of the case story, Mesu Strategies performed a literature review, and media scan, conducted confidential interviews with stakeholders, applied the PolicyLink Getting Equity Advocacy Results (GEAR) framework and benchmarks of success, and synthesized key learnings.

The literature review looked at peer-reviewed publications, grey literature, and materials provided by HBF and peer-reviewed publications, including:

- Educational materials developed for and presented to policymakers regarding possible policy solutions for local community needs (e.g., presentations to Berkeley City Council re Tenant Opportunity to Purchase Act and Affordable Housing Preference Policy, 2021-2022)
- Educational materials developed for and presented to communities regarding policy opportunities and needs for input (e.g., presentations, question guides, talking points for members of the West and South Berkeley neighborhoods in community meetings and People's Assemblies, 2021-2022)
- Databases of information provided by community members about community priorities (2023)
- Policy documents (e.g., Adeline Corridor Specific Plan 2020, Affordable Housing Preference Policy 2023)
- Podcast links discussing and describing the context and journey for its advocacy (2023-2024)
- Invitation materials planning for future campaign meetings with BART, SFF, and City of Berkeley (2024)

Mesu Strategies conducted confidential interviews with community members and allies involved with the AHPP. All interviewees invited to participate successfully completed an interview. Interviewees received a common set of questions related to their role in AHPP advocacy and perceptions of context, success and challenges. Interviewees included:

- **Anna Cash,** City of Berkeley Housing and Human Services, formerly Partnership for the Bay's Future
- **Ayanna Davis,** Healthy Black Families, Inc. and community member
- **Jacqueline McCormick,** City of Berkeley Mayor's Office
- **Willie Phillips,** community member
- **Wilhelmenia Wilson,** Healthy Black Families, Inc. and community member

06 References

1. The Great Migration took place from approximately the 1910s to the 1970s.

2. Between 1914-1970, nearly six million African Americans fled the violence of the rural South in search of new lives and opportunities in the North, Midwest, and West.

3. Many home deeds and homeowner association bylaws included racially restrictive covenants that forbade the sale or lease of real estate to “undesirables,” which included Blacks and other people of color. Real estate professionals also engaged in practices that would deter undesirables from moving to majority-white neighborhoods.

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Upcoming Worksessions and Special Meetings *start time is 6:00 p.m. unless otherwise noted*	
Scheduled Dates	
Nov 12 (4:00pm)	1. California Theater Project (tentative)
Nov 18	1. Draft Waterfront Specific Plan

Unscheduled Workshops and Special Meetings

1. Feasibility Study Follow Up Session (Winter 2025)
2. Police Department Annual Report (March 2025)

Unscheduled Presentations (City Manager)

1. Economic Dashboards Update (February 2025)
2. Evacuation Study (Winter 2025)
3. Unfunded Liabilities (April/May 2025)

	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			
2708 Prince Street (construct duplex)	ZAB		1/21/2025
3000 Shattuck Avenue (construct 10-story mixed-use building)	ZAB		TBD
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.

Internal

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]

Table of Contents

I. DUTIES 4

A. Duties of Mayor 4
B. Duties of Councilmembers 4
C. Motions to be Stated by Chair 4
D. Decorum by Councilmembers 4
E. Voting Disqualification 4
F. Requests for Technical Assistance and/or Reports 5

II. MEETINGS 6

A. Call to Order - Presiding Officer 6
B. Roll Call 6
C. Quorum Call 6
D. Council Meeting Conduct of Business 6
E. Adjournment 7
F. Unfinished Business 7
G. City Council Schedule and Recess Periods 7
H. Pledge of Allegiance to the Flag 8
I. Ad Hoc Subcommittees 8

III. AGENDA 9

A. Declaration of Policy 9
B. Definitions 9
C. Standards for Agenda Items 10
D. Procedure for Bringing Matters Before City Council 12
E. Packet Preparation and Posting 18
F. Agenda Sequence and Order of Business 20
G. Closed Session Documents 20
H. Regulations Governing City Council Policy Committees 21
I. Agenda Items Authored by Former Mayors and Councilmembers 25

IV. CONDUCT OF MEETING 26

A. Comments from the Public 26
B. Consent Calendar 29
C. Information Reports Called Up for Discussion 30
D. Written Communications 30
E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters 30
F. Work Sessions 31
G. Protocol 31

V. PROCEDURAL MATTERS 32

A. Persons Authorized to Sit at Tables 32
B. Decorum 32
C. Enforcement of Decorum 32
D. Precedence of Motions 32
E. Robert's Rules of Order 33
F. Rules of Debate 33
G. Debate Limited 34
H. Motion to Lay on Table 34
I. Division of Question 34
J. Addressing the Council 34
K. Addressing the Council After Motion Made 35
L. Use of Cellular Phones and Electronic Devices 35

VI. FACILITIES 36

A. Meeting Location Capacity 36
B. Alternate Facilities for Council Meetings 36
C. Amplified Sound, Signs, Objects, and Symbolic Materials 36
D. Fire Safety 36
E. Overcrowding 36
F. Format of Meetings 37

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES 38

APPENDIX B. GUIDELINES FOR CITY COUNCILMEMBER/MAYOR MAJOR ITEMS 41

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
E-Mail: clerk@berkeleyca.gov Website: http://www.berkeleyca.gov

Table of Contents

I. DUTIES 4

A. Duties of Mayor 4
B. Duties of Councilmembers 4
C. Motions to be Stated by Chair 4
D. Decorum by Councilmembers 4
E. Voting Disqualification 4
F. Requests for Technical Assistance and/or Reports 5

II. MEETINGS 6

A. Call to Order - Presiding Officer 6
B. Roll Call 6
C. Quorum Call 6
D. Council Meeting Conduct of Business 6
E. Adjournment 7
G. City Council Schedule and Recess Periods 7
H. Pledge of Allegiance to the Flag 8
I. Ad Hoc Subcommittees 8

III. AGENDA 109

A. Declaration of Policy 109
B. Definitions 109
C. Procedure for Bringing Matters Before City Council 1211
D. Packet Preparation and Posting 2016
E. Agenda Sequence and Order of Business 2117
F. Closed Session Documents 2218
G. Regulations Governing City Council Policy Committees 2319

IV. CONDUCT OF MEETING 2924

A. Comments from the Public 2924
B. Consent Calendar 3427
C. Information Reports Called Up for Discussion 3427
D. Written Communications 3428
E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters 3528
F. Work Sessions 3629
G. Protocol 3629

V. PROCEDURAL MATTERS 3730

A. Persons Authorized to Sit at Tables 3730
B. Decorum 3730
C. Enforcement of Decorum 3730
D. Precedence of Motions 3730
E. Robert's Rules of Order 3831
F. Rules of Debate 3831
G. Debate Limited 3932
H. Motion to Lay on Table 3932
I. Division of Question 4032
J. Addressing the Council 4032
K. Addressing the Council After Motion Made 4033
L. Use of Cellular Phones and Electronic Devices 4033

VI. FACILITIES 4134

A. Meeting Location Capacity 4134
B. Alternate Facilities for Council Meetings..... 4134
C. Signs, Objects, and Symbolic Materials ..... **Error! Bookmark not defined.**
D. Fire Safety 4134
E. Overcrowding..... 4134

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES..... 4335

APPENDIX B. GUIDELINES FOR DEVELOPING & WRITING COUNCIL AGENDA ITEMS 4638

~~**APPENDIX C. TEMPORARY RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS THROUGH VIDEO CONFERENCE DURING THE COVID-19 EMERGENCY..... 5143**~~

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 A~~a~~genda Iitems 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.2B.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 agendaAgenda packetPacket.

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 Ccity 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 Ccity 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 Councilmember/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.

Commented [NML48]: This paragraph is only applicable to virtual-only meetings, which are currently not permitted under the Brown Act.

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

~~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

---

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.

Guidelines for City Council Items:

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- 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.*

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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?

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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?

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A clear and concise statement as to whether the item proposes actions that:

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- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
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- Create an exception to existing Plans, Programs, Policies and Laws
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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

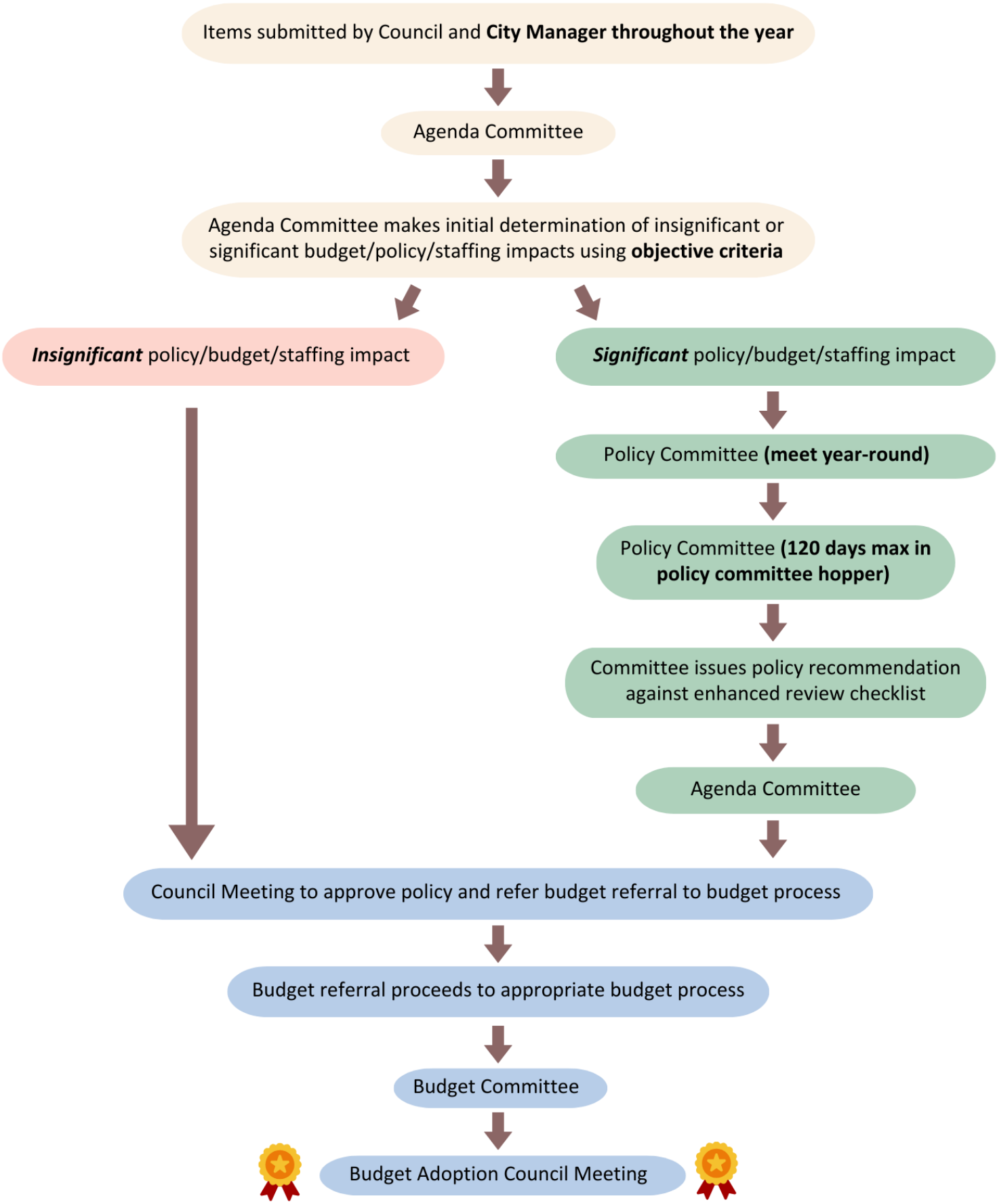
- Pursuant to the Council's historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not Committees.

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*

SPECIAL TOPIC # 4

PRIORITIZATION – SPECIAL *BACKLOGGED QUEUE*

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

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
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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	

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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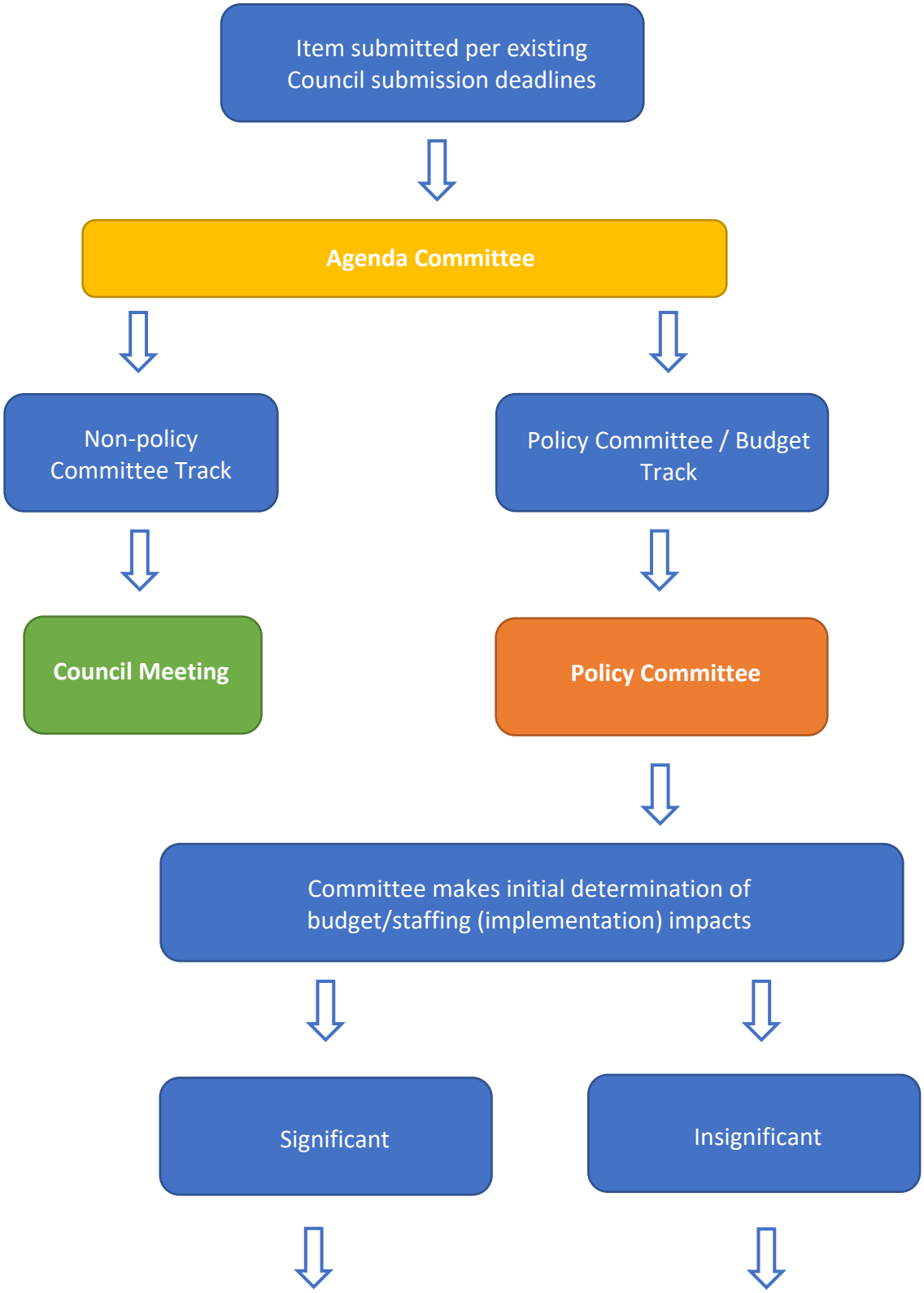
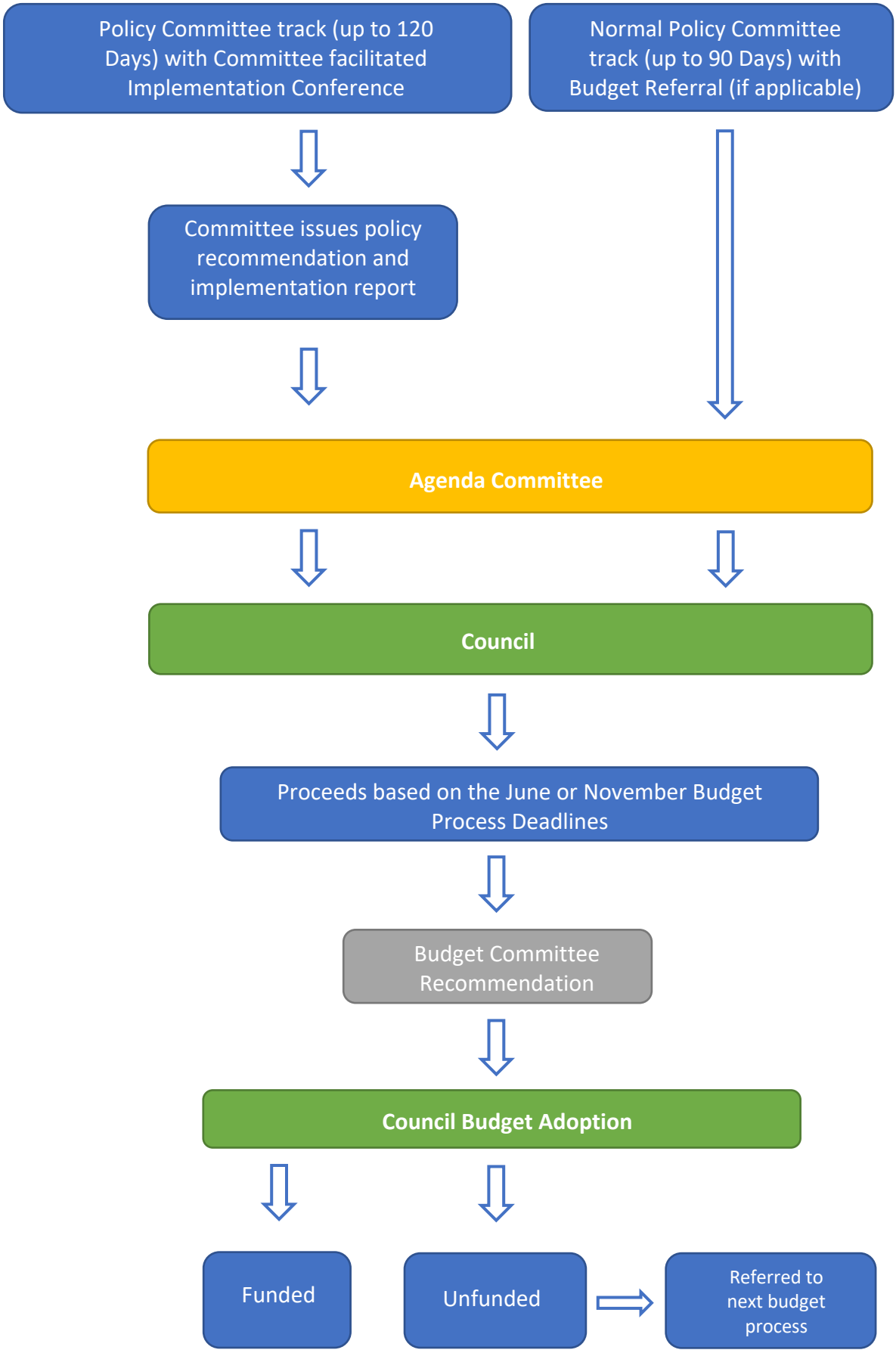
ATTACHMENTS:
1. Flowchart of Alternative Systems Alignment Proposal

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

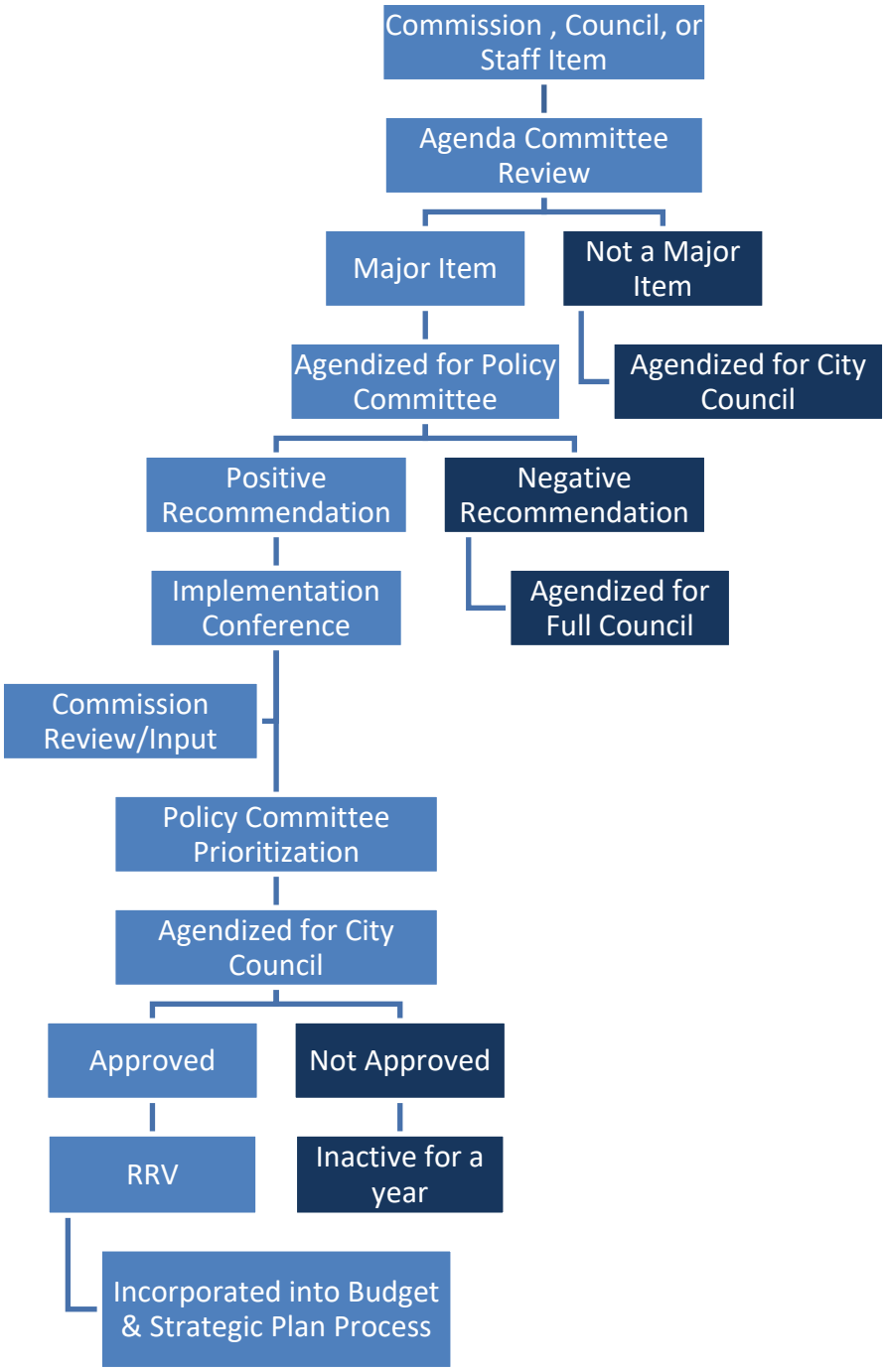
The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward 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.

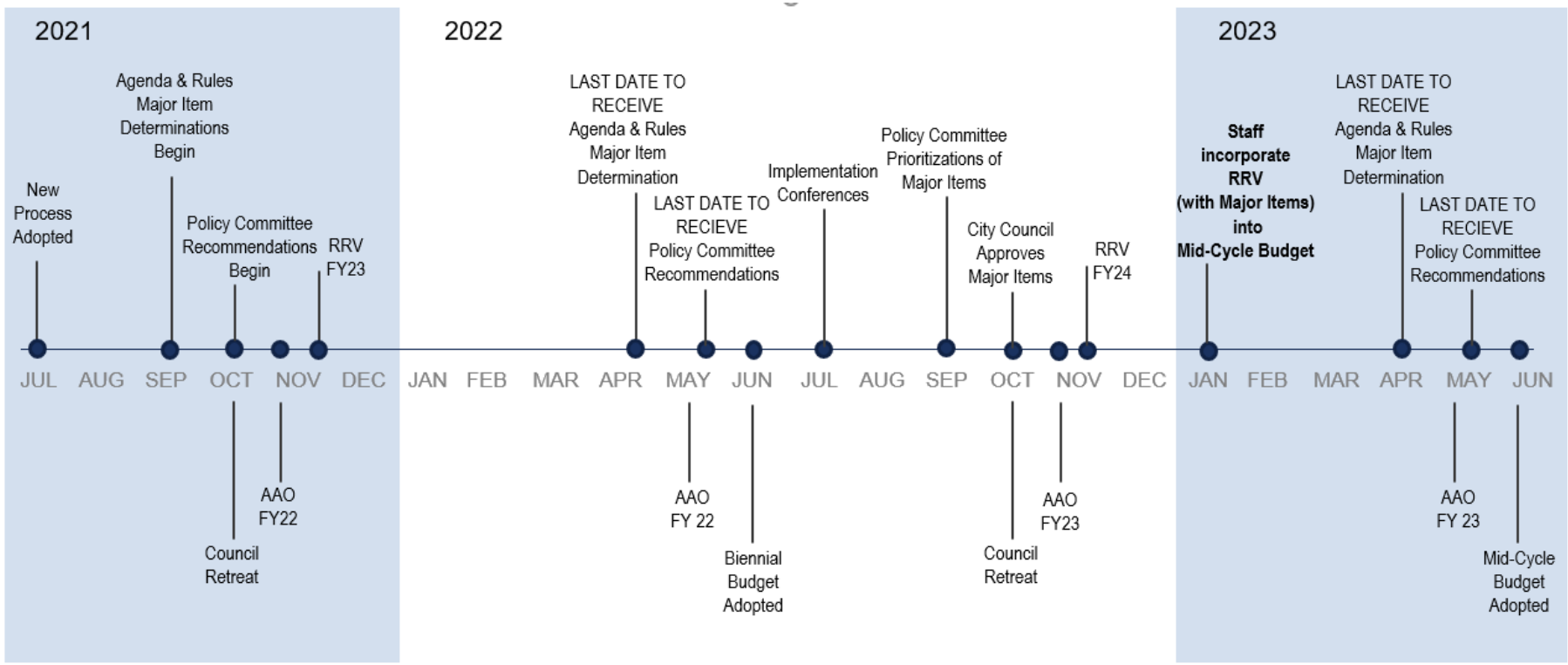
Figure 1, Proposed Process[7]



[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]
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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

Lori Droste
Vice Mayor District 8

To: Mayor and Council
From: Vice Mayor Lori Droste
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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.)]

RECOMMENDATION Adopt a Resolution… or Support … or write a letter to ___ in support of _____… or other recommendation….

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RATIONALE FOR RECOMMENDATION

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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]
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~~
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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)*

SYSTEMS ALIGNMENT

PROCESS PROPOSAL FOR VETTING & PRIORITIZING MAJOR ITEMS

THE TEAM

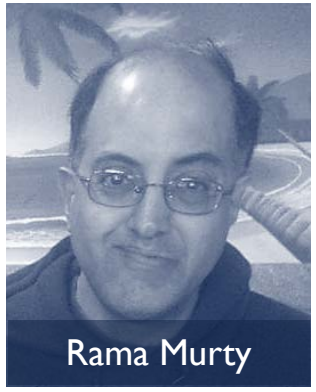
Dee Williams-Ridley

Dave White

Paul Buddenhagen

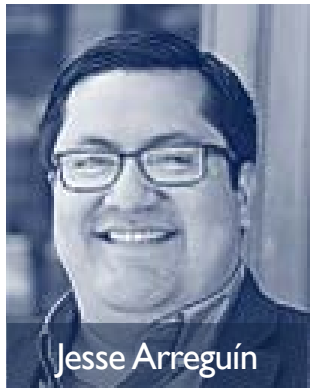
Farimah Faiz Brown

Mark Numainville


Rama Murty

Melissa McDonough

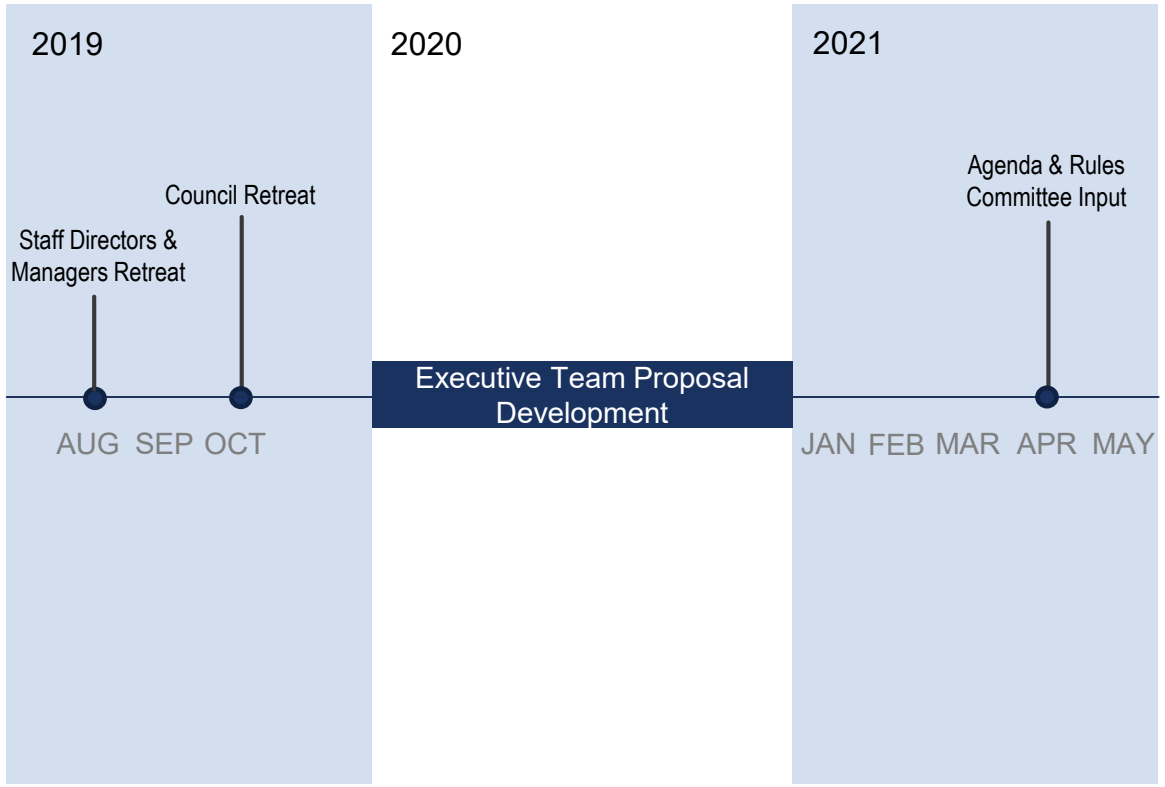
AGENDA & RULES COMMITTEE

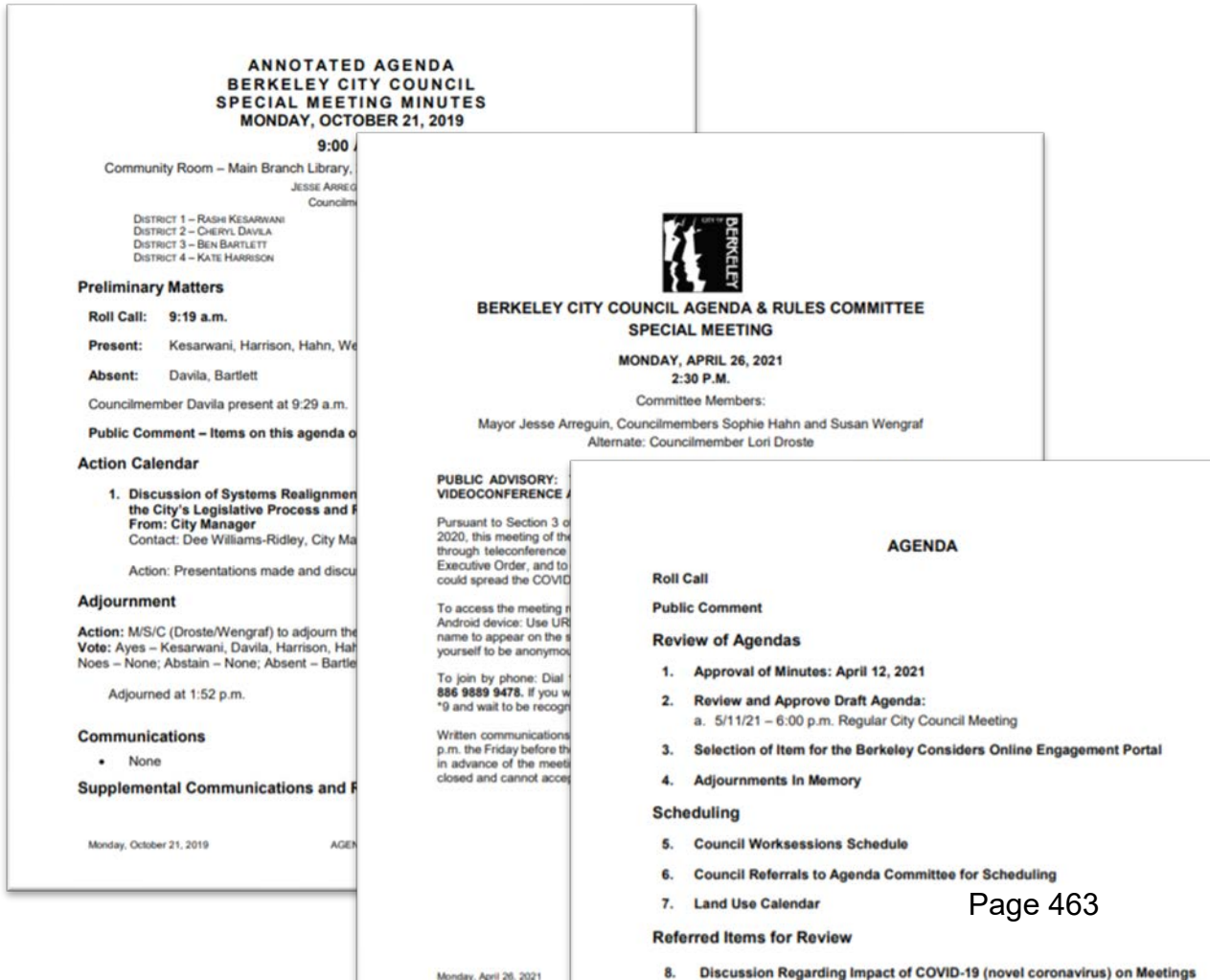

Jesse Arreguín

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

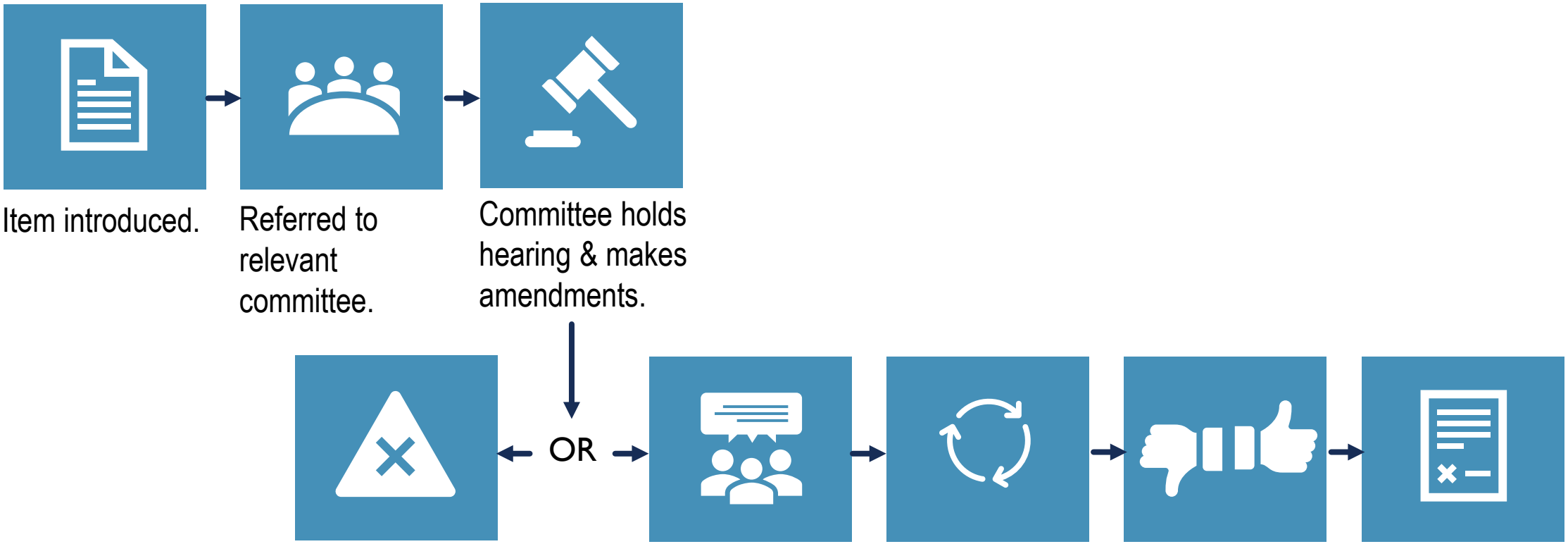
Referred Items for Review

8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings

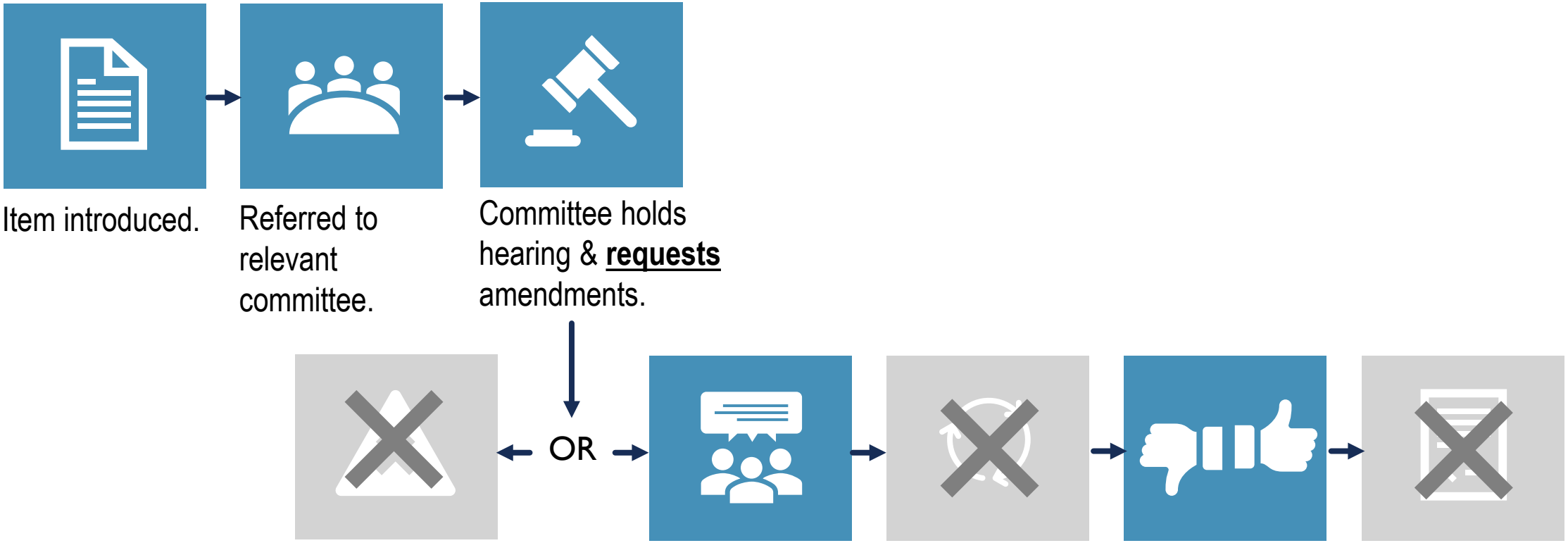
OBJECTIVES

- Align timing of Council approval and resource (budget) allocation
- Communicate resource needs (and any tradeoffs) well
- Ensure Council priorities are resourced and implemented

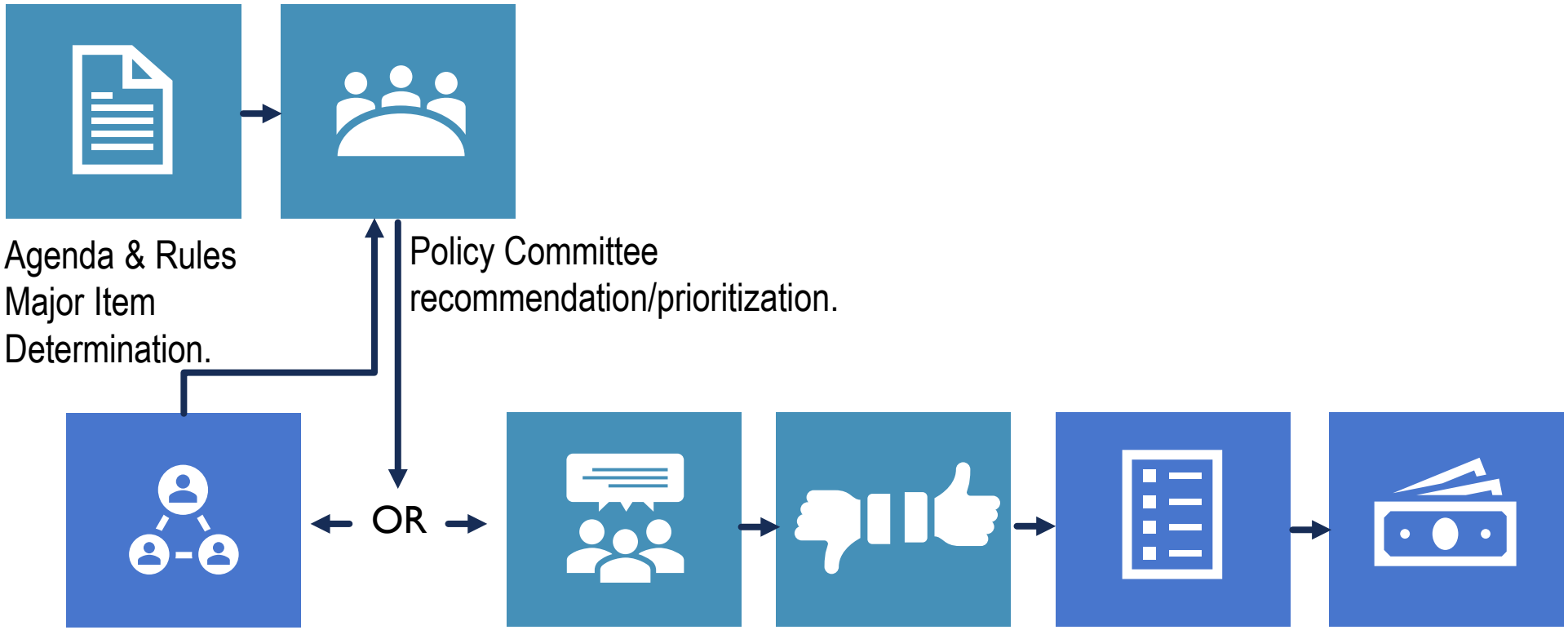
STATE OR FEDERAL MODEL



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
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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]

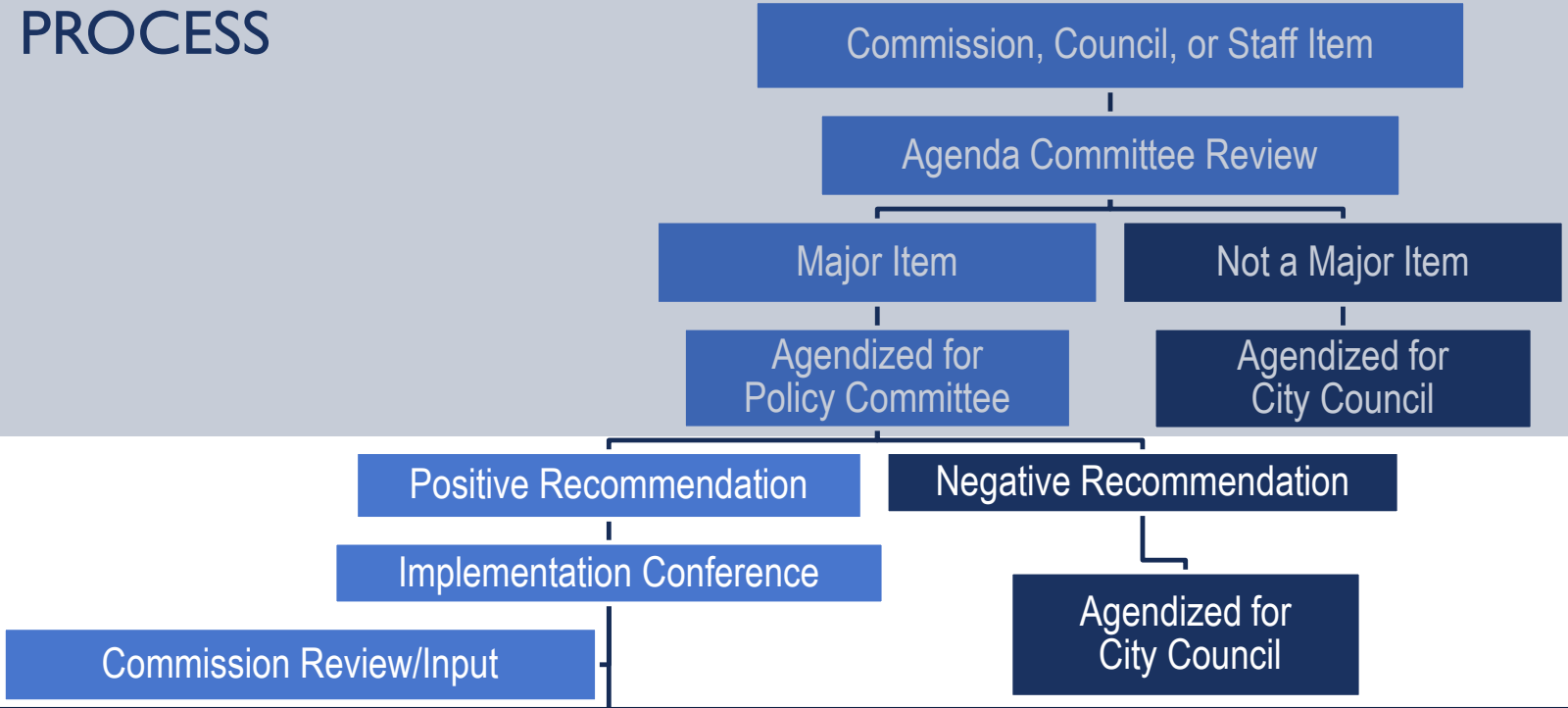
Attachments: [Delete if there are NO Attachments]
1: Resolution
Exhibit A: [Title or Description of Exhibit]
Exhibit B: [Title or Description of Exhibit]
2: [Title or Description of Attachment]
3: [Title or Description of Attachment]

PROPOSED PROCESS

FLOW CHART

PROPOSED PROCESS

FLOW CHART



PROPOSED PROCESS

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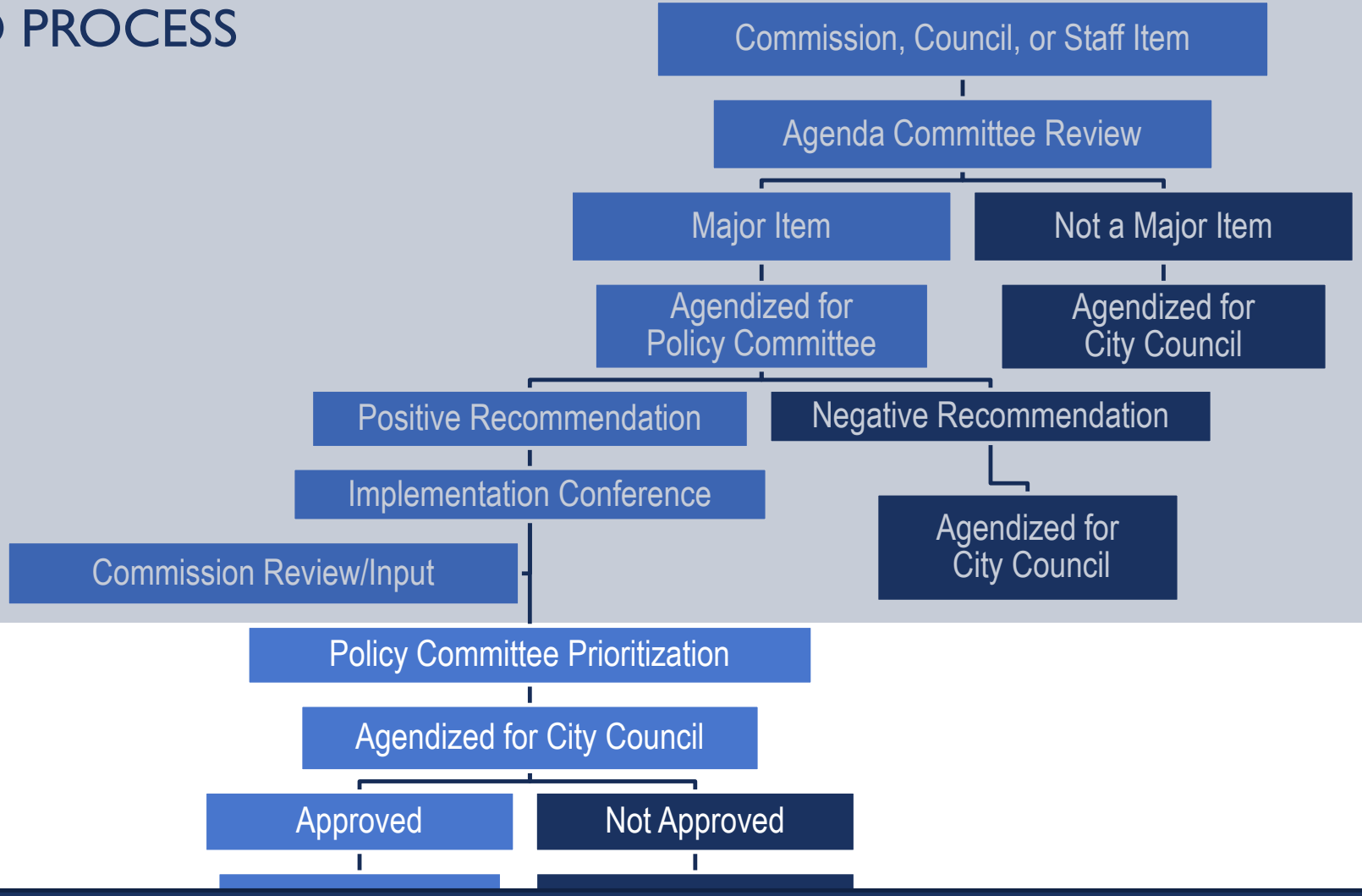

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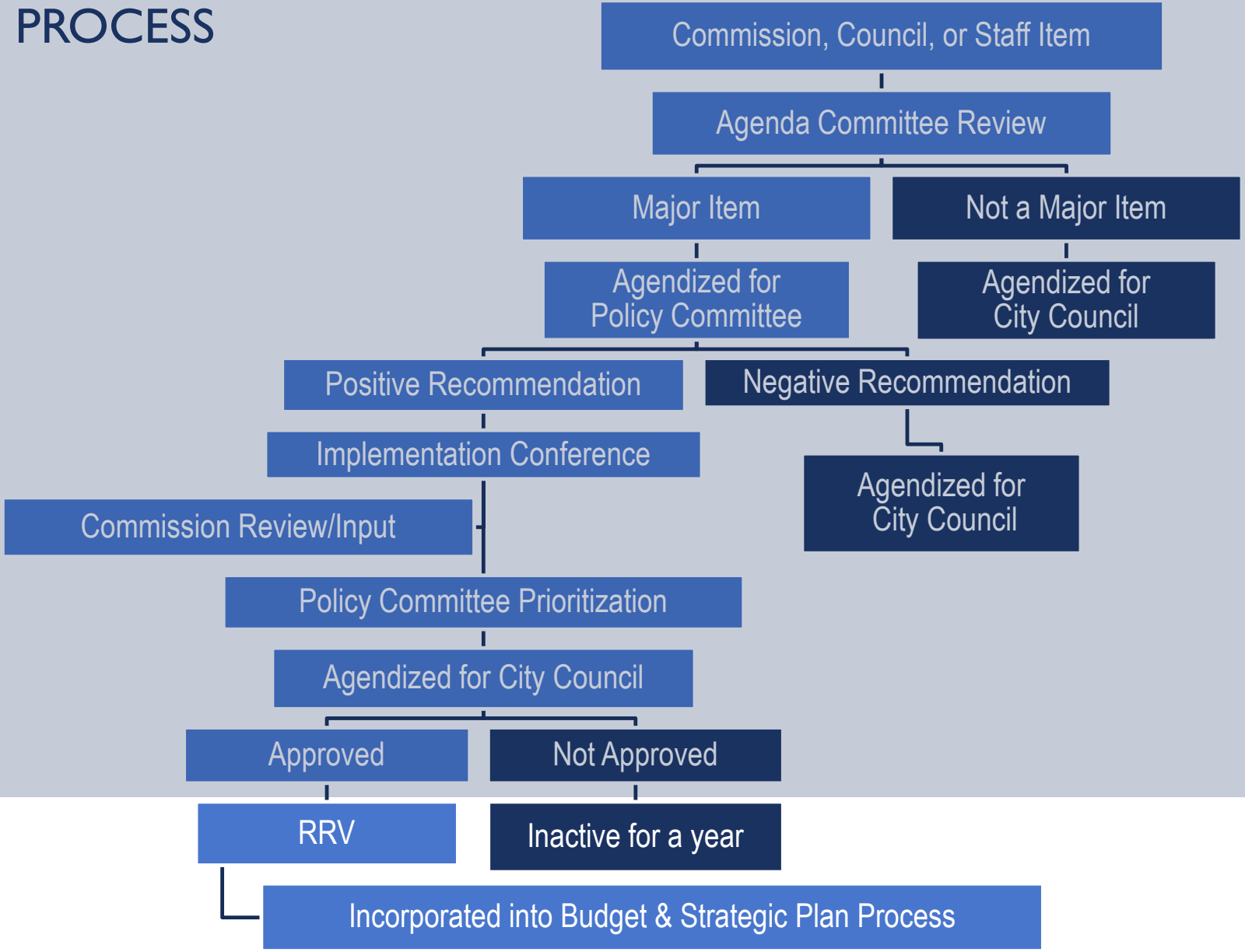
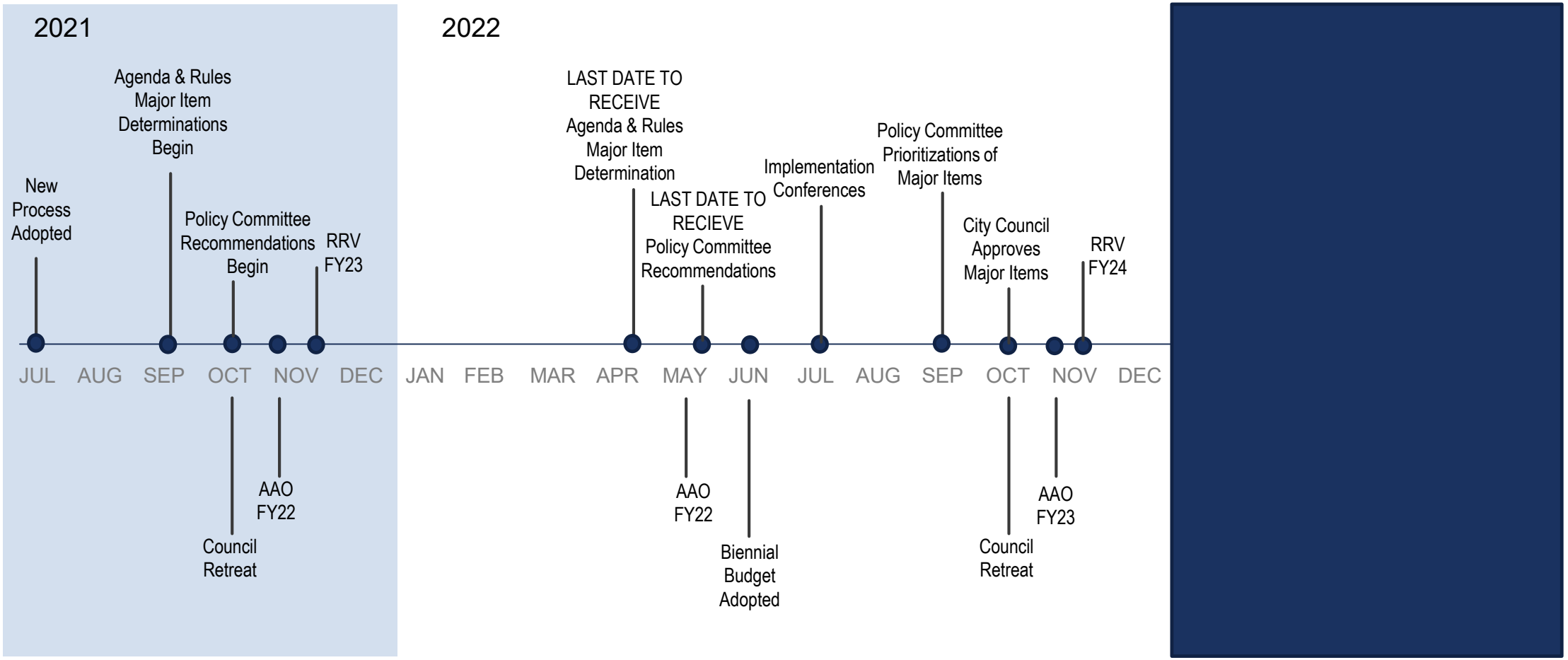


PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT



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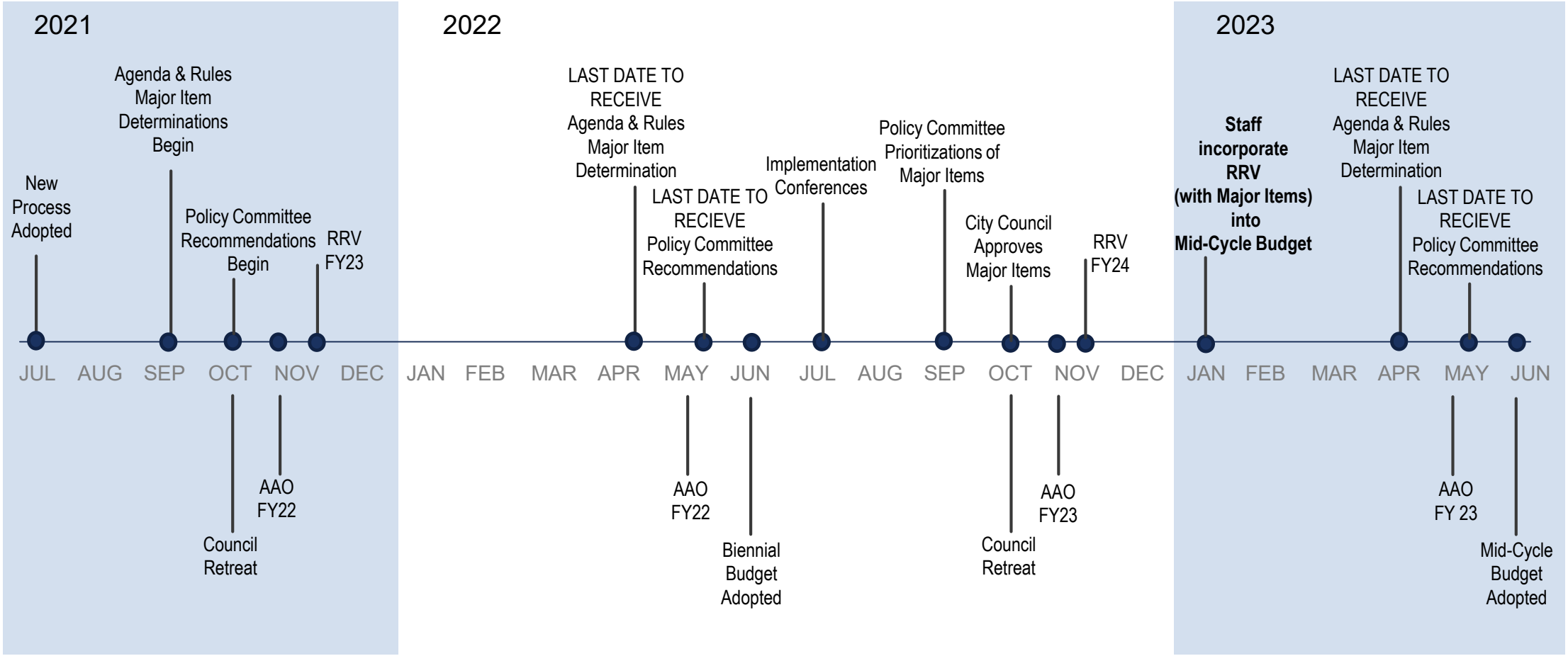


PROPOSED IMPLEMENTATION

PHASE-IN OF SYSTEMS ALIGNMENT

SEQUENCING & TIMING

Existing

1. Idea
2. Committee Consideration
3. Council Approval
4. Costing
5. Budget development
6. RRV

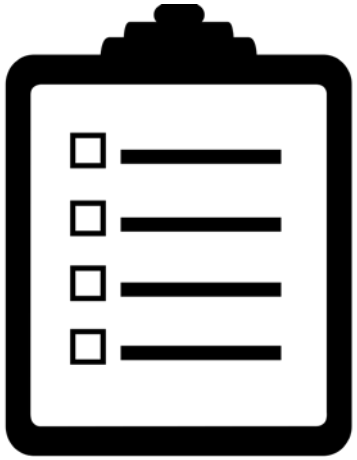
Uncertain Timeline

Proposed

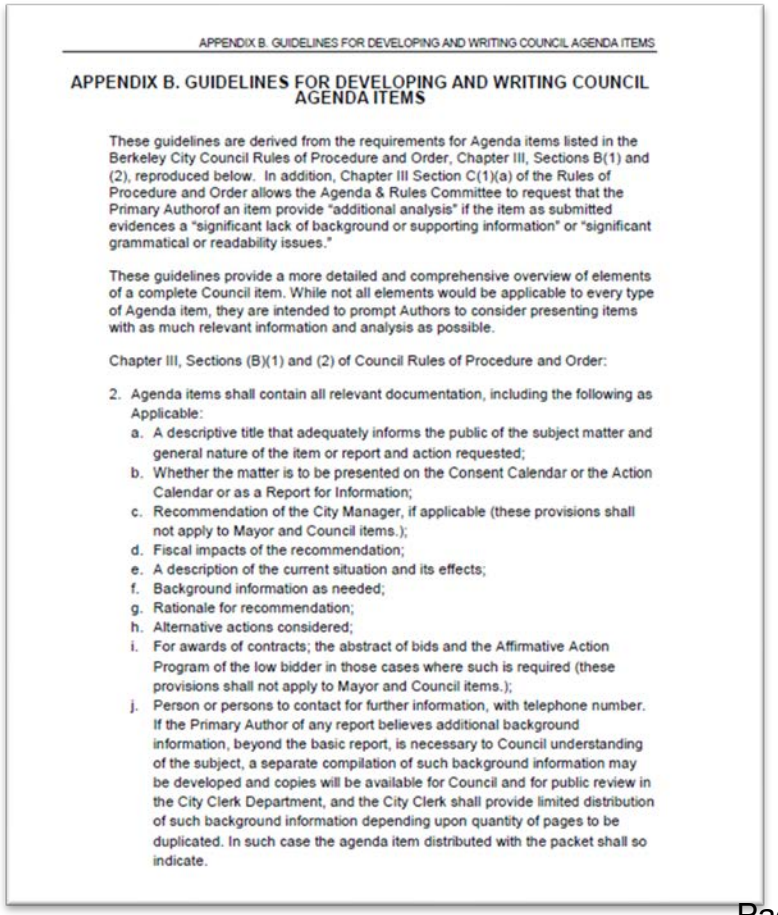
1. Idea
2. Committee Consideration
3. Vetting & Costing
4. Council Approval
5. RRV
6. Budget development

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

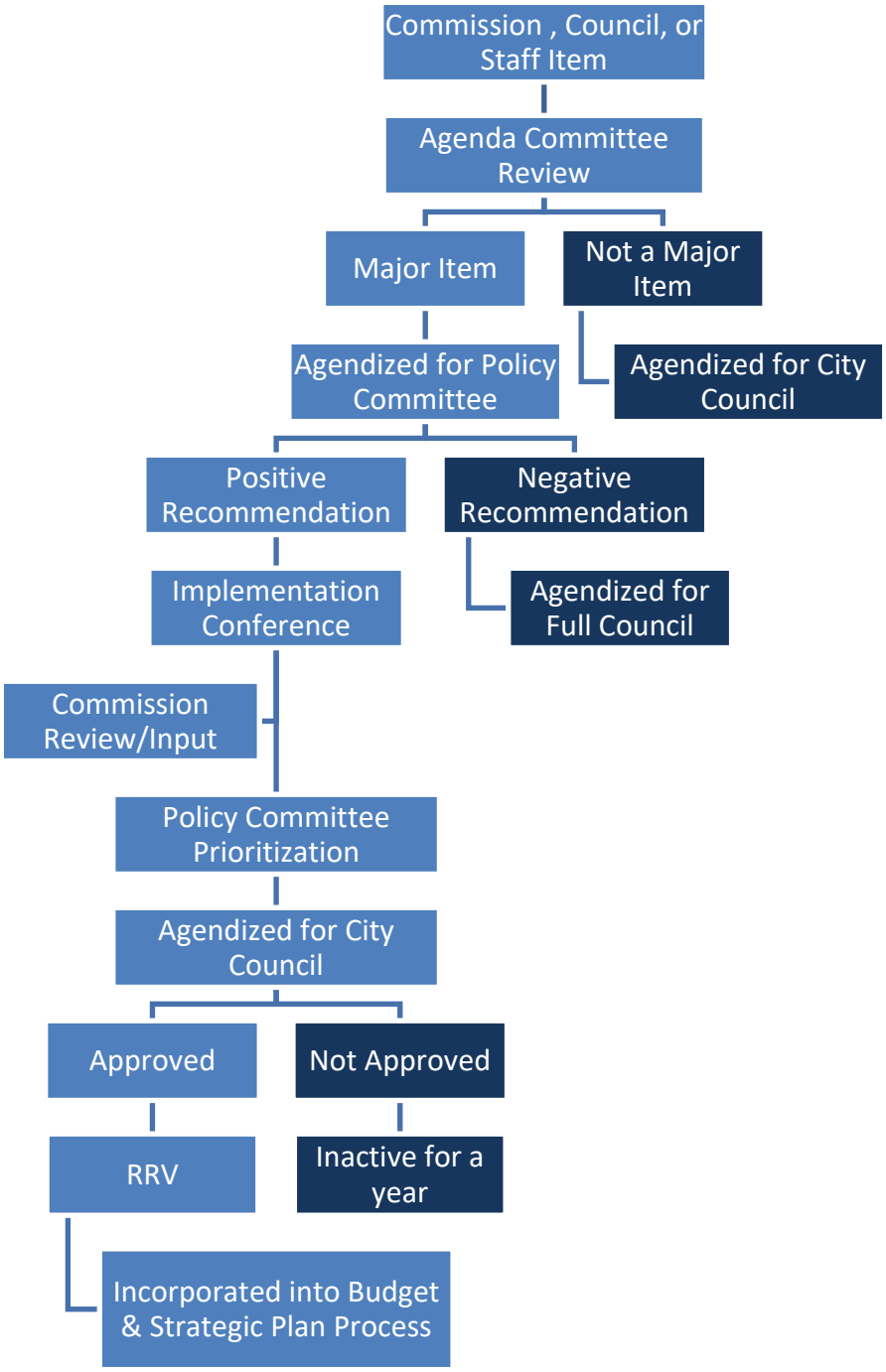
The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward 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.

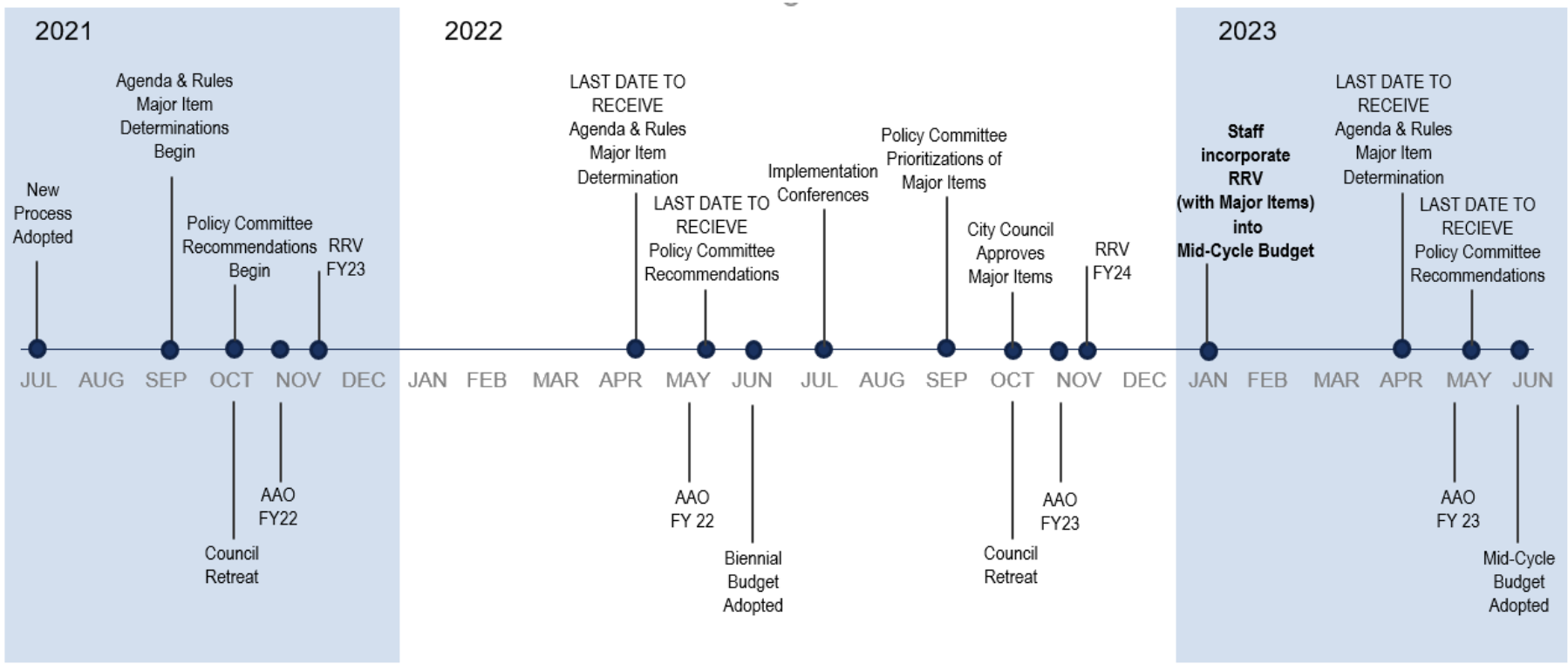
Figure 1, Proposed Process[7]



[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~~

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[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

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- 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:

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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) _____

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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_____

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CITY OF BERKELEY

CITY COUNCIL REGULAR MEETING

SEPTEMBER 24, 2024

YOU CAN FILL OUT SPEAKER CARD AND WE'LL TAKE COMMENTS LATER ON AFTER THE ACTION CALENDAR. COUNCILOR TREGUB AND WENGRAF ARE YOU ON ZOOM?

>> Mayor J. Arreguin: COUNCIL MEMBER TREGUB CAN YOU HEAR US? PLEASE UNMUTE. WE WANT TO MAKE SURE WE CAN HEAR YOU.

>> I. Tregub: YES.

>> Mayor J. Arreguin: VICE MAYOR WENGRAF CAN YOU HEAR US?

>> S. Wengraf: YES, I CAN.

>> Clerk: OKAY.

>> Mayor J. Arreguin: GOOD EVENING AND WELCOME TO THE TUESDAY SEPTEMBER 24, 2024 REGULAR MEETING OF THE BERKELEY CITY COUNCIL. MR. CLERK, DO WE NEED TO DO THE AB24 49.

>> Clerk: NO COUNCILOR TREGUB'S LOCATION IS NOTICED ON AGENDA.

>> Mayor J. Arreguin: CAN THE CITY CLERK PLEASE CALL THE ROLL.

>> Clerk: KESARWANI.

>> HERE.

>> Clerk: TAP LIN.

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>> PRESENT.

>> Clerk: BARTLETT.

>> HERE.

>> Clerk: TREGUB. COUNCIL MEMBER TREGUB, ROLL CALL.

>> PRESENT.

>> Clerk: HAHN.

>> PRESENT.

>> Clerk: WENGRAF.

>> PRESENT.

>> Clerk: LUNAPARRA.

>> HERE.

>> Clerk: HUMBERT.

>> PRESENT.

>> Clerk: MAYOR ARREGUIN.

>> Mayor J. Arreguin: PRESENT. ALL MEMBERS ARE PRESENT. THANK YOU VERY MUCH. VICE MAYOR WENGRAF AND COUNCILOR TREGUB WILL BE PARTICIPATING THROUGH VIDEO CONFERENCE. WE'LL PROCEED TO CEREMONIAL MATTERS AND WE'LL HAVE COUNCIL MEMBER TAP LIN WHO WILL BE PRESENTING A PROCLAMATION REGARDING THE ADAPTIVE SPORTS EXPO.

>> WHEREAS THE BERKELEY PROGRAM WAS FOUNDED IN 1976 BY PEOPLE WITH DISABILITIES TO MEET THE NEAT FOR ACCESSIBLE OUTDOOR OPPORTUNITIES IN THE CITY OF BERKELEY IT WILL BE THE ANNIVERSARY

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AS THE PROVIDER OF HIGH QUALITY ADAPTIVE PROGRAMS RUN BY AND FOR THE DISABILITY COMMUNITY AND HAS BEEN A LEADER IN THE FIELD SINCE THE INCEPTION AND BECAME KNOWN FOR THE RECREATION PROGRAMS INCLUDING SWIMMING, GYMNASTICS, KAYAK AND START THE FIRST POWER SOCCER TEAM IN 19 88 AND RAN THE PROGRAM SINCE 1986 AND ADAPTIVE SPORTS AND RECREATION IS EXCITED TO ANNOUNCE ITS UPCOMING SPORTS EXPO. IT WILL BE HELD AT THREE LOCATIONS THE CENTRAL CLUB WILL BE JAMES KENNEDY COMMUNITY CENTER AND THE EXPO IS AN OPPORTUNITY TO TRY OUT SPORTS AND ACTIVITIES FREE OF CHARGED. THE COACHES WILL OFFER FUN OPPORTUNITIES TO LEARN MORE ABOUT AND TRY CYCLING AND POWER CHAIR SOCCER AND ADAPTIVE CLASSES AN PICKLE BALL AND MORE. IT WILL FEATURE FAMILY FRIENDLY FESTIVAL WITH FOOD, ARTS AND CRAFTS AND AVAILABLE TO THE COMMUNITY. NOW, THEREFORE BE IT RESOLVED, I JESSE ARREGUIN DECLARE OCTOBER 5th AS THE ADAPTIVE SPORTS EXPO DAY IN THE CITY OF BERKELEY.

>> Mayor J. Arreguin: IS ANYONE FROM THE ORGANIZATION THERE? GOOD TO SEE YOU.

>> MY NAME IS BONNIE. I HAVE BEEN A CITIZEN IN BERKELEY FOREVER 36 YEARS AND MY HUSBAND WAS A STATE EMPLOYEE FOR 34 YEARS AND THE BOARD PROVIDES ESSENTIAL SERVICES AND GLAD THE COUNCIL IS SUPPORTING IT IN THIS WAY AND I LOOK FORWARD TO THE CONTINUED SUPPORT. THANK YOU.

>> Mayor J. Arreguin: THANK YOU FOR JOINING AND FOR YOUR SERVICE

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ON THE BOARD AS WELL. THE LAST PROCLAMATION IS COMMEMORATING UNIT AGAINST HATE WEEK 2024. SINCE 2017 WE HAVE DECLARED UNITE AGAINST HATE WEEK WHEN THE PROUD BOYS AND OTHER NAZI HATE GROUPS CAME TO OUR CITY AND THE POSTER CAMPAIGN WE LAUNCHED PROUD TO SEE POSTERS IN THE WINDOWS THROUGHOUT THE CITY OF BERKELEY STILL SAYING BERKELEY STANDS UNITED AGAINST HATE GAVE RISE TO A STATEWIDE MOVEMENT WHICH NOW INVOLVES THE STATE OF CALIFORNIA THROUGH THE ATTORNEY GENERAL'S OFFICE OF CITY RIGHTS AND CITIES THROUGHOUT THE BAY AREA AND CALIFORNIA RECOGNIZE THIS. WHEREAS THE UNITED STATES IS A COUNTRY OF IMMIGRANTS. THE CONSTITUTION IS FOR ALL INDIVIDUALS REGARDLESS OF RACE, GENDER, RELIGION OR POLITICAL VIEWS. AND WHEREAS RHETORIC CONTINUES TO GENERATE A TOXIC ENVIRONMENT THAT ENCOURAGES THE PROVOCATION OF RACIST, ISLAM PHOBIC AND OTHER BIGOTED VIEWS BY EMBOLDENED HATE GROUPS AND INDIVIDUALS AND WHEREAS THE NUMBER OF HATE CRIMES CONTINUES TO INCREASE WITH CALIFORNIA SEEING A NEAR DOUBLE INCREASE IN REPORTED CRIMES BETWEEN 2019 AND 2023 WITH HATE CRIMES AGAINST MUSLIM AND JEWISH AMERICANS INCREASING IN RECENT MONTHS. AND WHEREAS THE CITY OF BERKELEY IS DEDICATED PREVENTING HATE AND INTOLERANCE AND WHEREAS EDUCATION, COMPASSION COOPERATION ARE KEY TO EMBRACING DIFFERENCES BETWEEN PEOPLE WITH UNITE AGAINST HATE WEEK AN IMPORTANT STEP IN STRENGTHENING COMMUNITIES. I JESSE ARREGUIN THE MAYOR OF CITY OF BERKELEY DECLARE THIS WEEK

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2024 AS UNITE AGAINST HATE WEEK IN THE CITY OF BERKELEY. YOU CAN GO TO THE UNITE AGAINST HATE WEEK IN THE BAY AREA AND THERE'S A SHOWING ABOUT THE 2018 TREE OF LIFE SHOOTING IN PITTSBURGH. A VERY MOVING PRODUCTION AND BE A PANEL DISCUSSION AND WE ENCOURAGE EVERYONE TO PARTICIPATE AND TO ALSO CONTINUE TO TAKE A STRONG UNEQUIVOCAL STAND ABOUT HATE THIS WEEK AND EVERY SINGLE DAY. WITH THAT I WANT TO TURN IT TO COUNCIL MEMBER HUMBERT FOR COMMENTS.

>> THANK YOU, MR. MAYOR. THIS IS NOT IN THE NATURE OF A MEMORIAL BUT JUST DAY WE LEARNED ANOTHER ONE OF OUR NEIGHBORS HAVE BEEN INJURED IN THE CROSSING NOW CALLED ZACHARY'S CORNER THE INTERSECTION OF WARRING AND DERBY WHERE THE YOUNG ZACHARY WAS KILLED IN 2009 HARD TO BELIEVE IT WAS 15 YEARS AGO. I'M HEARTBROKEN ABOUT THE NEWEST AND IT'S A SERIOUS INJURY. AS I REMAIN HEARTBROKEN ABOUT THE DEATH OF ZACHARY THIS IS A SERIOUS INJURY TO AN ELDER. I WANT TO EXPRESS MY DEEPEST SYMPATHIES AND WISHES FOR THIS PERSON'S RECOVERY. I DO NOT YET KNOW HIS NAME OR THEIR NAME. I ALSO WANT TO EXPRESS MY DEEP GRATITUDE TO THE FIRST RESPONDERS WHO CAME TO THE SCENE TO TRANSPORT OUR NEIGHBOR TO THE HOSPITAL. THIS PARTICULAR INTERSECTION IS GOING TO BE REDESIGNED AND RECONSTRUCTED FROM OUR LONG-RANGE DEVELOPMENT PLAN SETTLEMENT WITH UC BERKELEY. REVIEW OF THE RECONFIGURATION HAS ALREADY STARTED AND MEMBERS OF THE FACILITY AND

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INFRASTRUCTURE DEPARTMENT AND SUSTAINABILITY RECEIVED AN UPDATE ON THIS LAST WEEK. BUT THIS REDESIGN AND RECONFIGURATION, RECONSTRUCTION CANNOT HAPPEN SOON ENOUGH. IT'S BEEN A TOP PRIORITY FOR DISTRICT 8 AND I'VE BEEN SUPPORTED IMPORTANTLY IN THAT PRIORITY BY MAYOR ARREGUIN. I THANK HIM FOR HIS SUPPORT IN THAT REGARD. THANK YOU.

>> Mayor J. Arreguin: THANK YOU VERY MUCH. WE WISH THAT INDIVIDUAL A SPEEDY RECOVERY. AND THANK YOU, COUNCIL MEMBER HUMBERT FOR YOUR WORK IN TRYING TO IMPROVE THE SAFETY OF THAT INTERSECTION AND EFFORTS IN BERKELEY. I'LL TURN THE FLOOR OVER TO OUR NEW CITY MANAGER PAUL BUDDENHAGEN AND MANY RECALL HE SERVED FOR MANY YEARS AS THE DIRECTOR OF THE DEPARTMENT OF HOUSING SERVICES AND AS DEPUTY CITY MANAGER AND NOW HE'S BACK AND WE'RE SO GRATEFUL TO BE WORKING WITH YOU AND LOOK FORWARD TO YOUR LEADERSHIP. MR. CITY MANAGER.

>> THANK YOU, MAYOR ARREGUIN AND MEMBERS. I'M DELIGHTED TO BE HERE. I'M HONORED TO BE BACK IN BERKELEY TO WORK WITH ALL OF YOU TO MAKE BERKELEY BETTER THAN IT ALREADY IS. I KNOW HAVE YOU GOOD IDEAS AND YOU ALL HAVE GOOD IDEAS AND I HAVE GOOD IDEAS. IT'S GREAT TO SEE PEOPLE IN THE AUDIENCE AND RESIDENTS IN THE COMMUNITY TO RECONNECT WITH FOLKS. I LOOK FORWARD TO MEETING A FEW I DON'T KNOW. IT'S BEEN GREAT TO CONNECT WITH COUNCIL MEMBERS AND MEET NEW MEMBERS AND STAFF. IT'S DELIGHTED TO BE

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HERE AND LOOKING FORWARD TO GET TO WORK WITH EVERYBODY. I THANK YOU FOR HAVING ME BACK.

>> Mayor J. Arreguin: I WANT TO TAKE THE OPPORTUNITY ON BEHALF OF CITY COUNCIL TO THANK OUR INTERIM CITY MANAGER LA TONYA BELLOW FOR THE EXCEPTIONAL JOB YOU DID IN THE LAST FEW MONTHS. WE'RE GRATEFUL YOU STEPPED IN AND BROUGHT COMMITMENT AND PROFESSIONALISM AND COMMITMENT TO YOUR WORK. REALLY GRATEFUL. SO THANK YOU. MR. CITY MANAGER ANY ADDITIONAL COMMENTS?

>> NOTHING, MR. MAYOR. THANK YOU.

>> Mayor J. Arreguin: WE'LL NOW PROCEED TO PUBLIC COMMENT AND NON-AGENDA MATTERS BEFORE I DO THIS THIS IS NOT THE FIRST MEETING OF THE MONTH BUT I'LL ASK FOR UNANIMOUS CONSENT SINCE WE HAVE A REPRESENTATIVE OF ONE OF OUR EMPLOYEE UNIONS WE CAN GIVE HER THE FLOOR TO ADDRESS THE COUNCIL. IS THERE ANY OBJECTION TO THAT? HEARING NO OBJECTION WE'LL DO A SPECIAL PUBLIC COMMENT FOR EMPLOYEE UNIONS TODAY WHILE THE CLERK IS DRAWING FIVE IN PERSON SPEAKERS. AND THANK YOU.

>> THANK YOU FOR YOUR CONSIDERATION. GOOD EVENING, MAYOR, COUNCIL. DEPUTY CITY MANAGER AND CITY MANAGER. I'M AMANDA AND SERVE AS ANALYST IN THE DEPARTMENT OF PUBLIC WORKS. I AM PRIVILEGED TO BE A RESIDENT OF BERKELEY AND PROUD TO ALSO SERVE AS VICE PRESIDENT OF BERKELEY'S PUBLIC EMPLOYEE UNION LOCAL 1 REPRESENTING PROFESSIONALS AND CAREER MANAGEMENT STAFF AND

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CAREER ENGINEERING AND PROFESSIONAL STAFF. ON BEHALF OF LOCAL 1'S BOARD AND MEMBERSHIP I'D LIKE TO OFFER A WARM WELCOME BACK TO OUR NEW CITY MANAGER. OUR HARD-WORKING MEMBERS ARE EAGER TO WORK WITH YOU TO ACHIEVE OUR SHARED GOALS OF PROVIDING EXCELLENT SERVICE TO OUR COMMUNITY AND ADVANCING THE WORLD CLASS PUBLIC POLICY AS REAL-WORLD SOLUTIONS FOR RESIDENTS AND ENSURING THAT OUR CITY CAN ATTRACT AND RETAIN THE TALENTED STAFF WE HAVE. AND ATTRACT ING TALENT AND WE LOOK FORWARD TO WORKING COLLABORATIVELY. THANK YOU FOR YOUR ONGOING SUPPORT IN OUR COMMUNITY.

>> Mayor J. Arreguin: THANK YOU VERY MUCH. BEFORE I PROCEED TO PUBLIC COMMENT ON NON-AGENDA MATTERS I WANT TO READ AN ANNOUNCEMENT. WELCOME EVERYONE TO THE MEETING OF THE BERKELEY CITY COUNCIL TO ALLOW FOR FULL PARTICIPATION BY ALL MEMBERS OF THE COMMUNITY AND TO ENSURE CITY BUSINESS IS ABLE TO BE COMPLETED, WE ASK ALL ATTENDEES IN PERSON AND PARTICIPATING ON ZOOM CONDUCT THEMSELVES IN AN ORDERLY MANNER AND RESPECT THE RIGHTS OF OTHERS PARTICIPATING IN OUR MEETING. BE AWARE THE CITY COUNCIL'S RULES OF DECORUM PROHIBIT THE DISRUPTION OF THE ORDERLY CONDUCT OF THE COUNCIL MEETING. THE SUMMARY IS AVAILABLE AT THE BACK TABLE IN THE BOARDROOM. DISRUPTIVE BEHAVIORS INCLUDES BUT NOT LIMITED TO SHOUTING, MAKING DISRUPTIVE NOISES, CREATING OR PARTICIPATING IN A PHYSICAL DISTURBANCE, SPEAKING

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OUT OF TURN OR IN VIOLATION OF APPLICABLE RULES, PREVENTING OR ATTEMPTING TO PREVENT OTHERS WHO HAVE THE FLOOR FROM SPEAKING. MEANING IF SOMEBODY HAS THEIR TIME TO NO INTERRUPT THEM AND LET THEM HAVE THEIR TIME TO SPEAK, PREVENTING OTHERS FROM OBSERVING THE MEET AND ENTERING INTO OR REMAINING IN AN AREA OF THE MEETING NOT OPEN TO THE PUBLIC OR APPROACHING THE COUNCIL DAIS WITHOUT CONCEPT. WE ASK YOU OBSERVE THE RULES SO ALL MEMBERS OF THE PUBLIC MAY OBSERVE AND FULLY PARTICIPATE IN TONIGHT'S MEETING AND THANK YOU FOR BEING HERE THIS EVENING. WE'LL THAT WITH PROCEED TO PUBLIC COMMENT ON NON-AGENDA MATTERS. WE'LL TAKE FIVE SPEAKERS ON ZOOM AND OTHERWISE WE'LL SELECT IN PERSON SPEAKERS. READ THE NAMES OF THE SPEAKERS.

>> Clerk: STONNEL SMITH. PASTOR DEREK MANN. RUSSEL BATES, ANDREA HANSON AND STACY PRADO.

>> I'D LIKE TO SAY BLACK LIVES DO MATTER. BLACK CHILDREN'S LIVES DO MATTER. MY NAME IS DWAYNE. I'M HERE TO SUPPORT THE BLACK PREPARATORY THEATRE. WE NEED THE BLACK PREPARATORY THEATRE. THE COUNCIL LEADERSHIP IN OUR DISTRICT, THIS COUNCIL HAS DELAYED ADDRESSING THE COMMITMENT TO THE BLACK AND SHOW EFFORT AND LEADERSHIP CARING FOR THE COMMUNITY. WE SHOULDN'T EVEN BE HERE. WE SHOULD BE DEVELOPING PROGRAMS THAT SERVE AND BENEFIT OUR COMMUNITY. THERE ARE MORE DELAYS AT THE EXPENSE OF OUR CHILDREN AND FAMILIES WE SERVE. BLACK LIVES MATTER. OUR CHILDREN MATTER.

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THANK YOU.

>> Mayor J. Arreguin: THANK YOU. AS SPEAKERS ARE COMING FORWARD IF YOU CAN PLEASE STATE YOUR NAME FOR THE RECORD BECAUSE I WANT TO MAKE SURE YOUR CARD WAS SELECTED. BLACK LIVES MATTER WHEN IT COMES TO FUNDING AND FOR THE PLAQUE PREPARATORY THEATRE STARTED A PROGRAM OVER HERE AS OF LATE MAN TO MAN BECAUSE WE HAVE TO STAND UP AND COME TOGETHER AND FACILITATE A PLATFORM FOR YOUNG PEOPLE IN SOME OF THESE THEATRES THE DRUG TURF FOLK RIGHT ACROSS THE STREET. THERE'S A COUPLE MURDERS AND SHOOTINGS OVER THERE CURRENTLY HAPPENING IN THE CITY RIGHT KNOW. AND WE HAVE PLATFORMS THAT HAVE PROVEN ACROSS OTHER CITIES AND WE'D LIKE TO BRING SOME OF THOSE PROGRAMS TO THE BLACK PREPARATORY THEATRE. WE CAN'T DO IT WITHOUT FUNDING. WE NEED FUNDING. RECOGNIZE YOU GOT ALL OF US WORKING TOGETHER FOR THE LOVE OF BERKELEY AND FOR THE RESIDENTS OF BERKELEY. HOW COULD YOU TURN A DEAF EAR AND BLIND EYE FOR THE PROGRAM. WE DON'T WANT OUR CHILDREN, SHOOTING ONE ANOTHER AND SELLING DOPE TO ONE ANOTHER. WE HAVE FACILITATED PROGRAMS IF YOU ADDRESS THE MATTERS IF YOU'D BE KIND ENOUGH TO GET YOUR WORD. THERE'S MONEY OWED BUT WE'RE READY TO GET SOME NOW. MONTHS AGO WE WERE HERE AND ANOTHER CAUCASIAN ORGANIZATION GOT WHAT $150,000 AND WE DIDN'T GET NOTHING? PLEASE FIND IT IN YOUR HEARTS TO HELP US, HELP OUR YOUNG PEOPLE HELP THEMSELVES.

>> GOOD EVENING, I'M ANDREA HANSON AND CEDING MY TIME TO STACY

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PRATT.

>> I WAS HERE LAST WEEK AND WE SPOKE AND I A DAY I LEFT HERE I GOT AN OFFER FOR HOUSING AND YOU MAY THINK THAT'S GREAT AND CARING AND COMPASSIONATE OF HIM BECAUSE I'M HOMELESS BUT IT'S NOT COMPASSIONATE. WHAT I SEE IS MALICIOUS AND HE OFFERED A ROOM IN A HOUSE, A SHARED HOUSE. I CAN'T DO SHARED ANYTHING. I CAN'T. AND I WOULD BE LIVING IN A HOUSE WITH THREE ELDERLY MEN AND HE KNOWS I'M A RAPE VICTIM AND THE WANTED TO PUT ME IN A HOUSE WITH THREE 70 TO 80-YEAR-OLD MEN, MENTALLY ILL. ONE WITH SCHIZOPHRENIA AND I'M NOT ALLOWED TO VISITORS EITHER. I DON'T THINK THAT'S VERY CARING OR COMPASSIONATE AND IT'S NOT THE FIRST TIME. FOR THE FIRST THING HE'S DONE TO ME IN THAT HOUSE BUT I BEGGED HIM TO LET ME TAKE MY NEIGHBOR, KYLE, WITH ME AND HE STATED THAT -- HE DIDN'T SAY ANYTHING AND WANTED ME TO GO TO OAKLAND BY MYSELF AND DIDN'T TAKE ANYTHING ELSE AND WANTED ME TO GO TO THE ARMPIT OF OAKLAND. I'M DISABLED I CAN'T WALK ANYMORE BEING HOMELESS AND PULLING A WAGON I NEED SURGERY NOW WITH MY BODY TWISTED. I BEGGED HIM PLEASE TAKE KYLE WITH ME. I RELY ON HIM BECAUSE I CAN'T WALK ANY MER. -- MORE. I CAN'T WALK TO THE STORE AND RELY ON HIM AND DEPEND ON HIM AND HE SHOWED UP WITH TONY. HE CAME TO TAKE KYLE AWAY FROM ME AND TOLD ME THERE WAS NOTHING IN BERKELEY. HE TOOK KYLES TO BERKELEY AND PAID CASH FOR HIS RV SO HE'D GO AND HE DIDN'T TELL ME HAD WAS LEAVING. I HAD

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NO IDEA WHERE KYLE WENT.

>> Mayor J. Arreguin: IF YOU CAN PLEASE WRAP UP YOUR COMMENTS. YOU'RE A MINUTE OVER.

>> I THINK I'VE SAID ENOUGH.

>> Mayor J. Arreguin: OUR LAST SPEAKER CARD WAS RUSSEL BATES.

>> I'LL CEDE MY TIME TO ANDREA.

>> COUNCIL MEMBERS I'VE BEEN MADE AWARE BY MY SUPERINTENDENT THIS IS ANTI-HATE WEEK AND WHEN I GOT THAT ANNOUNCEMENT I SAID WELL, DOES THAT MEAN WE'RE ALLOWED TO BE ANTI-WAR IN THIS DISTRICT? ARE WE ALLOWED? CAN WE DEPEND ON OUR COUNCIL TO LEAD THE ANTI-HATE CHARGE? IS WAR HATRED? IS A NATION OF 5,000 PAGERS AND WALKIE-TALKIE INDISCRIMINATE DOES THAT MAKE YOU BETTER? CAN WE DEPEND ON OUR COUNCIL TO LEAD THE WAY? WILL YOU STAND UP AGAINST HATE OR WILL YOU SPARE US YOUR EMPTY PRONOUNCEMENTS BECAUSE I'M STANDING HERE FOR MANY PEOPLE WHO HAVE GIVEN UP ON THE CITY COUNCIL AND GIVEN UP AND REALIZED THAT YOU LACK THE COURAGE OF CONVICTION. YOU LACK THE AUTHENTICITY TO STAND UP -- WHAT ATROCITY IS ENOUGH TO COMPEL TO YOU SAY I AM AGAINST IT. WE'RE WAITING TO HEAR THAT BECAUSE I DON'T KNOW HOW LOW, HOW HORRIBLE THIS WAR HAS TO GET BEFORE WE GET A YAWN OR SOMETHING IN THE DIRECTION OF JUSTICE FROM YOU. YOU ARE WOULD-BE LEADERS ON A GRANDER SCALE. I'M A SHAMED OFFER UP TO THOSE RUNNING IN CLINICAL RESEARCH RUNNING FOR OFFICE AND MORALLY BANKRUPT.

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>> Mayor J. Arreguin: I SEE WE HAVE FOUR RAISED HANDS-ON ZOOM. ARE THERE ANY OTHER ATTENDEES WANTING TO SPEAK ON NON-AGENDA MATTERS. ELANA AUERBACH IS OUR FIRST SPEAKER.

>> I'M FROM DISTRICT 4, PLEASE SUPPORT THE BLACK REP. PLEASE SUPPORT OUR UNHOUSED NEIGHBORS AND STAND UP FOR HATE. SPEAK OUT ONE OF YOU. HAS ANYONE SPOKE OUT ABOUT THE AN ANTI-PALESTINIAN HATE? I DON'T THINK SO. WHAT SOME OF YOU ATTEMPTED TO DO TO BLOCK A PALESTINE FROM BEING HEARD FROM THE PEACE COMMISSION WAS NOTHING SHORT OF AUTHORITARIANISM THE USE OF STRONG CENTRAL POWER TO MAINTAIN THE POLITICAL STATUS QUO. HOW DID YOU DO THIS BY IMPROVING YOUR POSITION ON YOUR PEACE AND JUSTICE COMMISSIONER KNOWING FULL WELL EACH OF YOU WILL HAVE AN OPPORTUNITY TO SPEAK SHOULD IT PASS THE PEACE AND JUSTICE COMMISSION. INSTEAD YOU TRIED TO SILENCE AND LIMIT DEMOCRACY. WE HAVE A VERY INFLUENTIAL JEWISH ZIONIST AGENDA. LISTEN, PLEASE BE THEY'RE OUT OF STEP WITH THE MAJORITY OF WHAT JEWISH ZIONISTS WHO LIVE IN ISRAEL ASKING FOR A PEACE FIRE FOR THE HOSTAGES ALIGN YOURSELVES WITH THOSE ASKING FOR A CEASE FIRE. STOP INTERFERING IN THE WORKINGS OF A COMMISSION WHO MAY KNOW SOMETHING DIFFERENT THAN YOU DO ABOUT WHAT IT IS TO CREATE A WORLD BASED ON PEACE AND JUSTICE.

>> Mayor J. Arreguin: OUR NEXT SPEAKER IS LAYLA HENEDY FOLLOWED BY DORIS LIMBRICK.

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>> I'M DR. DORIS LIMBRICK HERE REPRESENTING THE JUSTICE AND STANDING IN AGREEMENT WITH ALL THE PROMISES BERKELEY CITY COUNCIL SAID THEY'D GIVE AND WE'RE STANDING IN AGREEMENT. WE WANT TO MAKE SURE THEY RECEIVE EVERYTHING THEY HAD BEEN PROMISED. THIS IS ONLY RIGHT. KEEP YOUR WORD AND WE NEED YOU TO DO YOUR PART AND THE PLAQUE PREPARATORY HAS BEEN HELPFUL IN HELPING MANY PEOPLE TO BE SUCCESSFUL AND YOU KNOW IT. SO IT'S TIME NOW TO STOP PLAYING, IT'S NOT JUST A LITTLE THING IT'S A BIG THING AND ALL OVER THE BAY AREA AND WE WILL COME TOGETHER TO COME MORE WHATEVER IS NECESSARY WE'RE WILLING TO DO IT BECAUSE WE WANT THE BLACK PREPARATORY THEATRE FOR SUPPORTED BY THE THEATRE IT'S IN. IF THAT'S OKAY WITH YOU, THANK YOU, WE CAN SHAKE HANDS AND IF NOT WE HAVE TO MOVE TO THE NEXT LEVEL. IT'S YOUR CHOICE. THANK YOU.

>> Mayor J. Arreguin: THANK YOU. OUR NEXT SPEAKER IS PAMELA S. FOLLOWED BY DAN. PAMELA YOU SHOULD BE ABLE TO SPEAK.

>> GOOD EVENING, CAN YOU HEAR ME?

>> Mayor J. Arreguin: YES.

>> OKAY. FIRST OF ALL I WOULD LIKE TO SAY THAT YOU GUYS -- I'M SO CONVINCED YOU GUYS ARE ENJOYING SEEING PEOPLE BEG AND SQUIRM FOR YOU GUY. THE OFFER YOU SET IN YOUR MIND FOR THE BLACK PREP I DISAGREE WITH THAT. I KNOW ABOUT THE $100 PER MONTH YOU'RE TRYING TO CHARGE THEM. YOU ALL SHOULD BE ASHAMED OF YOURSELVES.

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LAST TIME I WAS AT WORK DURING THE MEETING I PUT MY TAPE RECORDER BECAUSE I COULD NOT BE IN THE MEETING. I HAD TO WORK AND YOU HEARD WHAT YOU SAID AND YOU SHOULD BE ASHAMED OF YOURSELVES. THAT'S ALL I HAVE TO SAY.

>> Mayor J. Arreguin: OKAY. OUR LAST SPEAKER ON NON-AGENDA MATTERS IS DAN. THAT'S THE LAST SPEAKER. ARE YOU THERE?

>> YES. WEIRD THAT BERKELEY IS ONLY UNITED AGAINST HATE IF YOU DON'T HAPPEN TO BE A PALESTINE. STILL HAVE NOT HEARD ANY WORD ON THE HATE CRIMES AGAINST THE COFFEE HOUSE FOR THE CLINIC. ADDITIONALLY, I THINK IT'S KIND OF ABSURD THE MAYORAL OFFICE KEEPS A PR FIRM ON RETAINER OR WHATEVER PAYING LIKE $11,000 SOMETHING FOR A PR FORM JUST FOR THE MAYOR'S OFFICE WHEN OAKLAND AND OTHER SURROUNDING CITIES DO NOT DO THIS AND THE CITY GOVERNMENT HAS STAFF FOR COMMUNICATIONS. MAYBE YOU SHOULD GIVE THE MONEY TO THE BLACK PREP INSTEAD. THAT'S ALL.

>> Mayor J. Arreguin: THAT COMPLETES PUBLIC COMMENT ON NON-AGENDA MATTERS. I'D LIKE TO ASK OUR CITY MANAGER IF YOU CAN PROVIDER THE COUNCIL AND COMMUNITY AN UPDATE ABOUT OUR DISCUSSIONS WITH THE BLACK REP. WE MADE IN CLOSED SESSION SEVERAL WEEKS AGO. I KNOW THAT WORK IS ONGOING ON THIS SO I WANT TO TURN IT OVER TO CITY MANAGER.

>> THANK YOU, MR. MAYOR. THE COUNCIL DID MEET IN CLOSED SESSION LAST WEEK TO DISCUSS THE MATTER AND I GAVE STAFF DIRECTION.

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STAFF WILL BE IN COMMUNICATION WITH MEMBERS OF THE BLACK REP THIS WEEK AND IF THAT DOESN'T HAPPEN, BUT IT WILL FOLKS CAN E-MAIL ME AT THE CITY MANAGER'S OFFICE AND MAKE SURE WE GET IN TOUCH AS WELL BUT STAFF HAS HAD DIRECTION FROM THE COUNCIL. THEY'RE COMMITTED TO GETTING A TERM SHEET IN ORDER AND STARTING DISCUSSIONS WITH MEMBERS OF THE BLACK REP THIS WEEK. SO THAT'S GOING TO HAPPEN.

>> Mayor J. Arreguin: SO I WANT TO THANK EVERYONE WHO'S COME OUT TO OUR MEETINGS OVER THE LAST SEVERAL MONTHS AND WE'VE TALKED ABOUT HOW IMPORTANT THE BLACK REP IS NOT JUST TO YOU AND YOUR FAMILY BUT TO THE BROADER BERKELEY EAST BAY COMMUNITY. IT'S BEEN MOVING HOW IMPORTANT AND MEANINGFUL THIS ORGANIZATION IS TO OUR COMMUNITY AND WE'RE VERY COMMITTED TO WORKING TO ENSURE THE LONG-TERM FUTURE OF THE BLACK REP AT THEIR CURRENT LOCATION IN THE CITY OF BERKELEY WE'LL IN TOUCH AND THANK EVERYONE COMING TO MEETINGS TO EXPRESS SUPPORT.

>> B. Bartlett: THE COMMITMENT HAS NOT WAVERED AND IT'S STILL STRONG AND THERE WERE VACATIONS OF KEY PEOPLE AND THE OFFER IS STILL IN MOTION AND PLAN TO COMPLETING.

>> Mayor J. Arreguin: COMPLETES PUBLIC COMMENT ON NON-AGENDA MATTERS WE'LL HAVE ANOTHER PORTION AFTER THE AGENDA TONIGHT. WE'LL NOW PROCEED TO THE CONSENT CALENDAR. I WANT TO NOTE THAT THERE'S A VERSION OF ITEM 10 FROM COUNCIL MEMBER HUMBERT AND

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TAPLIN AND WENGRAF AND WE'LL BE APPROVING THAT REVIVED VERSION ON THE CONSENT CALENDAR AND TO ADDRESS ITEM 8 BECAUSE I KNOW WE'LL PROBABLY HAVE SPEAKERS ON THE AMENDMENT OF THE EXISTING CONTRACT 32002196 FOR COMMUNICATIONS CONSULTING SERVICES. TO EXPLAIN WHY THIS IS BEFORE US AGAIN. SO IN LATE JUNE THE CITY COUNCIL APPROVED AN AMENDMENT TO THE CONTRACT TO INFECTIOUS THE CONTRACT AMOUNT. THIS IS A CONTRACT INITIALLY ENTERED INTO IN 2020 AND WE'VE BEEN ADDING TO THAT CONTRACT. SO WE'RE NOT -- THE CITY'S NOT SPENDING $347,000 THIS FISCAL YEAR. THAT'S THE TOTAL CONTRACT AMOUNT REFLECTING THE ADDITIONS OF MONEY ON AN ANNUAL BASIS TO THAT CONTRACT. THE REASON IT'S BACK BEFORE US IS IN THE PROCESS OF IMPLEMENTING COUNCIL'S DIRECTION TO IMPLEMENT THE CONTRACT AMENDMENT IT WAS DISCOVERED THE TOTALITY OF THE CONTRACT SINCE ITS INCEPTION IN 2020 HADN'T BEEN PROPERLY CALCULATED RESULTING IN A GAP BADE ON ACCOUNTING WITH FINANCE AND BUDGET. AND SO THIS IS REFLECTING THE AUTHORIZATION COUNCIL INTENDED TO PROVIDE SO WE CAN SPEND THE MONEY THE MAYOR'S OFFICE ALREADY PROGRAMMED FOR THE CONTRACT. JUST TO ADDRESS WHAT PEOPLE SAID THAT NO OTHER CITIES DO THIS. THERE ARE MANY MAJOR CITIES IN THE STATE OF CALIFORNIA THAT DO RELY ON CONSULTING SERVICES TO ASSIST THE MAYOR OR THE CITY MANAGER OR OTHER DEPARTMENTS IN COMMUNICATIONS TO CONSTITUENT AND I'M ONE OF THE CITY'S CHIEF SPOKES PEOPLE. IT'S MY RESPONSIBILITY TO PROVIDER INFORMATION ON

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THE BUSINESSES OF THE CITY. THIS FIRM ASSISTS ME AND ANY OF THE CITY MANAGER AND OTHER COUNCIL MEMBERS THAT NEED ASSISTANCE IN COMMUNICATIONS IF YOU SO WANT TO AVAIL OF THOSE. SO, THIS WOULD ONLY BE UNTIL THE END OF NOVEMBER BECAUSE MY TERM ENDS THE END OF NOVEMBER. WHOEVER COMES NEXT MAYOR THEY COULD DECIDE IF THEY WANT TO BRING SOMEONE IN HOUSE IF THAT'S MORE COST EFFECTIVE TO DO THAT OR TO AVAIL THEMSELVES OF THESE SERVICES. BUT GIVEN WE'RE ONLY TALKING ABOUT TWO MONTHS AND THIS IS REALLY A TECHNICAL FIX TO THE TOTAL AUTHORIZED CONTRACT AMOUNT TO MAKE SURE WE CAN FULLY SPEND THE MONEY THAT HAS ALREADY BEEN ALLOCATED IN MY OFFICE BUDGET, I AM ASKING WE TAKE THIS TECHNICAL FIX TO REFLECT THE ACTION WE TOOK IN JUNE. THAT'S THE REASON THIS IS BEFORE US. SO WE'RE NOT APPROPRIATING ADDITIONAL MONEY. IT'S REALLY A TECHNICAL CHANGE. AND THOSE ARE MY COMMENTS. ON THE CALENDAR? COUNCIL MEMBER HUMBERT? KESARWANI?

>> THANK YOU, MR. MAYOR. I WANTED TO OFFER AN AMENDMENT TO ITEM 7 THE COMMISSION FUNDS REQUEST. IT DOESN'T CALL ITSELF A BUDGET REFERRAL AND SO IF EVERYONE IS AMENABLE I THINK IT MAKES MOST SENSE TO BE CONSIDERED WITH OTHER BUDGET REFERRALS. I WANT TO AMEND IT TO SAY IT'S A BUDGET REFERRAL FOR THE CITY COUNCIL TO ALLOCATE $125,000.

>> Mayor J. Arreguin: I THINK THAT'S APPROPRIATE. WE ALREADY APPROVED THE BUDGET FOR THE NEXT TWO YEARS SO THIS WOULD HAVE TO

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BE CONSIDERED AS PART OF THE JUNE 2025 BUDGET PROCESS. IS THERE APPROVAL?

>> AND ITEM 9 THIS IS ALSO A BUDGET REFERRAL TO CONSIDERING AN INDEPENDENT CONSULTANT TO LOOK AT OUR HEALTH FOOD INSPECTION PROGRAM. THERE'S A SUPPLEMENTAL HERE TO ACKNOWLEDGE MY THREE CO-SPONSORS. I WANT TO THANK COUNCIL MEMBERS TREGUB, HUMBERT AND WENGRAF FOR JOINING AND WE ALSO MADE SOME CLARIFYING EDITS TO THE RECOMMENDATION THAT WE WOULD CONSIDER ALTERNATIVE MODELS, STAFFING LEVELS AND INCREASED USE OF TECHNOLOGY IF WE WERE TO CONDUCT THIS INDEPENDENT ANALYSIS. THANK YOU.

>> Mayor J. Arreguin: THANK YOU. COUNCIL MEMBER HUMBERT, THEN LUNAPARRA THEN HAHN.

>> M. Humbert: THANK YOU. FIRST I WANT TO ADDRESS ITEM 7. I'D LIKE TO BE MARK NO ON THE ITEM. I KNOW OUR HOUSING FEASIBILITY REPORT IS STILL IN PROGRESS BUT BASTE ON THE PRELIMINARY MODELLING WE WAS DONE WE KNOW VIRTUALLY NO HOUSING TYPES WITH THE EXCEPTION OF GROUP LIVING ACCOMMODATIONS ARE FEASIBLE. IN THE CONTEXT I DON'T THINK WE SHOULD TAKE STEPS SPENDING CITY FUNDS TO EXPLORE ADDITIONAL FEES TO LAYER ON TOP OF THE FEES WE ALREADY HAVE. I THINK ART IS IMPORTANT AND I WANT US TO SUPPORT THE ARTS BUT I DON'T THINK BURDENING NEW HOUSING AND THEREFORE THE YOUNGER GENERATION IN NEED OF HOUSING IS THE WAY TO DO IT. I'M WITH KAMALA HARRIS. I THINK WE NEED TO BE FINDING WAYS TO

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MAKE IT EASIER AND LESS EXPENSIVE TO BUILD HOUSING AND THIS HAS THE POTENTIAL TO DO THE OPPOSITE. THANK YOU. THAT'S ALL I HAVE.

>> Mayor J. Arreguin: WE'LL VOTE YOUR NO-VOTE. THANK YOU. COUNCIL MEMBER LUNAPARRA AND THEN COUNCIL MEMBER HAHN.

>> C. Lunaparra: I'LL BE VOTING NO ON ITEM 3 OVER THIS PAST TWO WEEKS UNHOUSED COMMUNITY MEMBERS HAVE FACED EXTREME POLICE VIOLENCE, DISPLACEMENT AND ARREST. I'M DISAPPOINTED WE CLAIM THIS IS THE LAST REPORT WHEN WE NEGLECT WILL THE FIRST STEP IN CONSULTING IN HOUSED NEIGHBORS.

>> Mayor J. Arreguin: THANK YOU. WE'LL RECORD YOUR NO-VOTE ON THAT ITEM. COUNCIL MEMBER HAHN AND ANY COUNCIL MEMBERS ON ZOOM WOULD YOU LIKE TO SPEAK TO THE CONSENT CALENDAR? OKAY.

>> S. Hahn: I HAD A QUESTION FOR COUNCIL MEMBER KESARWANI. APOLOGIES, QUICK QUESTION. ON THE QUESTION OF THE RESTAURANT INSPECTIONS, DO WE KNOW IF ALMEIDA COUNTY WOULD IN ANY UNIVERSE TAKE THIS ON?

>> IT IS A POSSIBILITY THAT THE INDEPENDENT CONSULTANT COULD INVESTIGATE. IT'S POSSIBLE HAVING NOT SPOKEN TO ALMEIDA COUNTY BUT SPOKEN TO OUR CCCS DIRECTOR THEY COULD CONSIDER TAKING IT ON A CONTRACTUAL BASIS FOR PAYMENT. WE NEED TO EXPLORE AND THE PURPOSE IS TO INVESTIGATE NOT JUST THE ALMEIDA COUNTY OPTION BUT OTHER ALTERNATIVE MODELS THAT MAY EXIST.

>> S. Hahn: I WANT TO MAKE SURE WE WEREN'T INVESTIGATING

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SOMETHING ALMEIDA COUNTY EVEN IF WE WANTED TO WOULDN'T BE ABLE TO . WE'LL ALSO REACH OUT TO THE COUNTY AS PART OF THAT STUDY. I THINK IT'S A THRESHOLD QUESTION WHETHER THEY'D CONSIDER IT AT ALL.

>> R. Kesarwani: IF THIS WERE TO BE FUNDED THERE'D BE AN RFP AND WE COULD SPECIFY WHAT WE WANT THE CONSULTANT TO LOOK AT AND DO PRELIMINARY INVESTIGATION OF THE FEASIBILITY AND WE CAN LOOK INTO IT FURTHER BEFORE MAKING A BUDGET DECISION.

>> S. Hahn: GREAT. I WANT TO MAKE SURE WE DON'T GO DOWN A ROAD WHICH I'M INTERESTED IN IT AS WELL. IF IT'S A HARD NO FROM THEM THEN WE PROBABLY SHOULDN'T SPEND THE MONEY. I'M MORE THAN HAPPY TO MOVE IT FORWARD FOR NOW.

>> Mayor J. Arreguin: THANK YOU. ANY OTHER COUNCIL MEMBERS WHO WOULD LIKE TO SPEAK ON THE CONSENT CALENDAR? PRESS YOUR BUTTON OR RAISE YOUR HAND ON ZOOM. ON ITEM 7 I SUPPORT THAT ITEM. I'VE READ IT AND THE COMMISSION RAISES A NUMBER OF REASONS WITH NEED TO CONSENT FOR THE POLICY. THE TIMING COMING TO US WE APPROVED THE TWO-YEAR BUDGET JUNE 25. THIS COULD BE CONSIDERED FOR THE MAJOR BUDGET ADJUSTMENT IF MONEY'S VALUABLE WE DON'T KNOW HOW MUCH EQUITY AVAILABLE AND THE TOTALITY OF THE CITY'S NEEDS. WE HAD TO DEFER A NUMBER OF EXPENDITURES WHEN WE ADOPTED THE JUNE BUDGET BUT CAN CONSIDER IT THEN OR EN JUNE AS WELL. BY MAKING IT A BUDGET REFERRAL IT WILL BE INCLUDED ON THE LIST OF BUDGET

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REFERRALS TO BE CONSIDERED AND I AGREE I THINK WE SHOULD INITIATE THE PROCESS AND TAKE ANOTHER LOOK AT THE POLICY. SO I APPRECIATE THE COMMISSION BRINGING THIS TO US. ARE THERE ANY OTHER COMMENTS? AN COMMENTS ON THE CONSENT CALENDAR? BRIEFLY, I ALERTED THE ALMEIDA COUNTY SERVICES AND I GAVE A HEADS UP BUT I HAVEN'T TALKED TO HER ABOUT IT BUT I WILL.

>> Mayor J. Arreguin: THE CHANGES TO THE CONSENT CALENDAR IT'S AS PUBLISHED AND NOTE FOR THE RECORD THERE WERE REVISED VERSIONS OF ITEM 9, AND ITEM 10 THAT WERE INCLUDED IN THE SUPPLEMENTAL PACKET. SO WE'LL TAKE PUBLIC COMMENT ON CONSENT CALENDAR. FIRST TO MEMBERS OF THE PUBLIC HERE IN PERSON. IF YOU'D LIKE TO SPEAK ON THE CONSENT CALENDAR, PLEASE LINE UP ON THIS SIDE OF THE ROOM.

>> GOOD EVENING, MAYOR AND COUNCIL AND CITY MANAGER AND DEPUTY CITY MANAGER. I WANTED TO BRIEFLY SPEAK TO THE WILD HART SEISMIC UPGRADES. THANK YOU COUNCIL MEMBERS WHO ARE PROPOSING THAT. IT'S IMPORTANT AT THIS TIME AS A MEMBER OF THE CERT NEIGHBORHOOD. I KNOW WE HAVE WILDFIRES AND EARTHQUAKES THAT HAPPEN AND WE'RE NOT READY FOR IT AND WE SHOULD EMPHASIZE THAT NEED. ON NUMBER 7, GOING BACK TO THE ENCAMPMENT NUMBER 3, I AGREE WITH COUNCIL MEMBER LUNAPARRA WE NEED TO LOOK TO THE COMMUNITY FOR THE SOLUTIONS THOSE WITH LIVED EXPERIENCE AND SPECIALIZED CARE UNIT TO EXPAND THEIR SERVICES. A NEIGHBOR SAID THE HOMELESS ARE

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TAKING OVER THE NEIGHBORHOOD BUT NOT RECEIVING SERVICES INSTEAD KICKED TO A DIFFERENT CURB. PLEASE, PLEASE, PLEASE, MAKE ADJUSTMENTS TO THAT. FINALLY ON THE CIVIC ARTS FUND WE HAVE NO THEATRES DOWNTOWN AND THAT'S A REQUIREMENT UNDER STATE LAW TO COUNCIL MEMBER HUMBERT WHO IS AN ATTORNEY KNOWS WE NEED THAT TO BE COMPLIED WITH. THANK YOU.

>> I'D LIKE IT CEDE MY TIME.

>> I TAKE THE OPPORTUNITY IN THE SUNSET OF MY SERVICE ENDING 2024. FIRST TO THANK YOU FOR YOUR LEADERSHIP AND MY CONSTITUENTS CONTINUE ON THE INFRASTRUCTURE FOR CIVIL SOCIETY IN THE CITY OF BERKELEY. I BEG TO DIFFER WITH COUNCIL MEMBER HUMBERT.

MR. HUMBERT, THIS INITIATIVE AROUND THE NEXUS STUDY DOES NOT DEFER OR DETER DEVELOPMENT. DEVELOPMENT HAS NEVER BEEN DETERRED BY OUR PRIVATE PURSUIT FOR THE ART. NEVER. IT CONTINUES TO ROLL THROUGH. SO YOUR PERCEPTION THAT THIS IS AN OBSTACLE IS INCORRECT. YOU CAN LOOK AT THE RECORD. PLEASE STUDY THE RECORD AND SEE THE NUMBER OF PROJECTS AND WHAT HAS HAPPENED. I SPEAK TO YOU TO ACKNOWLEDGE THE STUDY AND AFFIRM YOUR SUPPORT THE CRITICAL STUDY. IT HAS ALLOWED THE MOST CULTURAL CONTRIBUTIONS THE CITY HAS KNOWN. ON MARCH 12 THIS YEAR A DOWNTOWN PROJECT WAS ABLE TO WAIVE UP CONCESSION AS CONFIRMED BY STAFF THE DOLLAR AMOUNT. IT THE LARGEST CONCESSION TO DATE OR PERHAPS EVER AND WE AS CULTURAL BARRIERS BEGIN TO THINK WITH WHAT WOULD HAVE BEEN

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POSSIBLE FOR CONSTRUCTION ON SITE OR THE LESSER IN LIEU IN WHICH WE COULD HAVE PRESERVED THE FERRY DOCK PROJECT OR THE CIVIC CENTER CULTURAL CENTER THAT DOESN'T SEEM TO HAVE ANY ECONOMIC PATH FORWARD. COULD WE CREATE A SITUATION WHERE ARTISTS' AFFORDABLE HOUSING COULD BENEFIT. IF WE'RE SUCCESSFUL IN DESIGNATING A CULTURAL DISTRICT IN THE STATE AND TO DATE NONE ARE REGISTERED IN BERKELEY WE COULD ACHIEVE THE 10% OF ARTIST AFFORDABLE HOUSING OF THE SENATE BILL. WE CANNOT WAIT FOR ARTIST HOUSING LIKE WE DID IN THE PAST DECADE IN OUR PLAN FOR 10 YEARS. THE DOWNTOWN PROJECT AND WAIVER WHICH ALSO LED TO MILLIONS OF MISSED OPPORTUNITIES BY OTHER DEVELOPERS SO AS SOON AS THAT ONE DEVELOPER WAS ABLE TO WAIVE THAT, SO TOO ALL FELL. THIS WILL CUT THE HEART OUT OF OUR FUNDING AND OUR BEST AND BRIGHTEST ARTISTS WILL GET DISPLACED AND THE FANTASY BUILDING FILMMAKERS. WE HAVE TO BE INTO OUR MINDS WHAT TO DO. THE STUDY IS CRITICAL OR THE FUNDING STREAM WILL END. THANK YOU.

>> THANK YOU. I COME AS A HOME OWNER. I WANT TO THANK THE CITY COUNCIL FOR ITS LONG SUPPORT OF THE ARTS AND FOSTERING A CLIMATE OF CREATIVITY IN THE COMMUNITY. THANK YOU VERY MUCH. WITH THAT IN MIND, I KNOW YOU'VE MOVED ITEM 7 THE NEXUS FUNDING TO BE A BUDGET REFERRAL MATTER. YOU I UNDERSTAND THE LOGIC BEHIND THAT AND THERE'S A BIG QUESTION MARK WHETHER THE FUNDING WILL BE THERE OR WHETHER THEY'LL DECIDE WHETHER IT'S WORTH MEETING THE

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REQUIREMENT FOR A NEXUS STUDY BUT I THINK IT'S VERY IMPORTANT TO DO THIS. AND I'D LIKE TO SPEAK WHERE DEVELOPERS SHOULD BE CONTRIBUTING IN SOME MANNER TO THE CULTURAL LIFE OF BERKELEY BECAUSE THEY USE IT TO MARKET SO WHY NOT HAVE THEM PAY FOR A PORTION OF IT. THEY SHOULD CONTRIBUTE IN SOME WAY TO THE VIBRANCY OF THE CITY THEY'RE BUILDING IN. THANK YOU VERY MUCH.

>> Mayor J. Arreguin: THANK YOU.

>> I'M ADDRESSING ITEM 3 IN THE SECOND READING. THE ANTI-HOMELESS RULE YOU CREATED. IN 1857 THE U.S. SUPREME COURT DELIVERED THE DREAD SCOTT DECISION. IT SAID THAT BLACK PERSON HAD ANY RIGHTS A WHITE PERSON WAS BOUND TO RESPECT. NOW, A COUPLE YEARS AGO WE SAW THE STATUES OF CHIEF CHENEY BEING CRUMBLED INTO THE DUST OF HISTORY. SIMILARLY THE DECISION HAS CREATED A PRECEDENT TO SOMEHOW SAY A CLASS OF HUMAN BEINGS DOES NOT HAVE A LEGAL RIGHT TO EXIST SAFELY. WITHOUT THE ABILITY TO PAY ON PRIVATE PROPERTY THEY CANNOT BE TOLD WHERE THEY CAN GO. YOU ERASED THEM FROM OUR COMMUNITY. YOU ESSENTIALLY STRIVE TO ERASE THEM. AND THE IMPORT, THE IMPACT OF THAT DECISION CAN BE OPPOSED BY RIGHTEOUS PEOPLE. YOU HAVE THE OPPORTUNITY TO STAND ON THE RIGHT SIDE OF HISTORY. YOU WILL BE JUDGED FOR YOUR COMPLICITY IN IMPLEMENTING THAT VERY WRONG DECISION. I DON'T WANT TO SEE YOUR STATUE COME CRUMBLING DOWN.

>> EVERY ONCE IN A WHILE I SEE IRONY RUNNING AMUCK AND I SAW AN

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A COP WATCHING IN OAKLAND LAST WEEK AT 23rd AND GRAND AVENUE JUST OFF MARTIN LUTHER KING BOULEVARD SEEING HOMELESS HAVING THEIR RIGHTS TAKEN WAY AND LOOKED DOWN UPON BY PASSERS-BY AND PEOPLE WHO ARE HOUSED IN THE AREA. AND THE TRAGEDY OF THAT IS WHEN I HEAR THEIR COMMUNITY, REFERRED TO AS AN ENCAMPMENT. THAT'S A COLONIZER TERM. IT'S A STATUS QUO TERM. THEY HAVE COMMUNITIES. THEY ARE PART OF THE COMMUNITY AS WE ALL ARE PART OF A LARGER COMMUNITY. AND REMEMBER IT'S A COMMUNITY. IT'S NOT AN ENCAMPMENT. THANK YOU.

>> GOOD EVENING. MY NAME IS TOM PARRISH, MANAGER OF BLACK PREPARATORY THEATRE AND HERE TO VOICE MY SUPPORT FOR ITEM 3. THE ENCAMPMENT POLICY RESOLUTION. WE DESPERATELY NEED TO ADDRESS THE HAZARDOUS ENCAMPMENTS THAT POSE A RISK AND IMMINENT HEALTH HAZARD. WE HAVE DEEP COMPASSION FOR OUR NEIGHBORS LIVING ON OUR SIDEWALK NEXT TO OUR LIVING BUT THEY'RE PRESENCE HAS CREATED BOTH SAFETY AND SECURITY CONCERNS FOR OUR STAFF, EMPLOYEES, ARTISTS AS WELL AS INFRINGED ON THE LEGAL RIGHTS OF OTHER BUSINESSES IN THE AREA. WE SUPPORT ITEM 3. THANK YOU.

>> WHAT WE HAVE HERE IS A FAILURE TO COMMUNICATE REQUIRED TO ARRIVE AT A SOUND CONCLUSION BY THE SELECTED OFFICIALS OF THE CITY AND STATE MISCOMMUNICATING TO ACCOMPLISH MISDEEDS WHICH RESULT IN THE VIOLATION OF CONSTITUTIONAL PROTECTED RIGHTS WHICH IS SO IMPORTANT. TAX MONEY OF EMBEZZLEMENT OF FUNDS DESIGNATED

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TO HELP THE HELP THE HOMELESS AND PROGRAMS WHICH EGREGIOUSLY VIOLATE YOU'RE RIGHTS AND AS GO GOES BERKELEY GOES THE COUNTRY. AS THE GROSS MISMANAGEMENT OF ABUNDANT RESOURCE BUSINESS THOSE ENTRUSTED TO THE TASK.

>> I COME BEFORE YOU AS A MINISTER DOING THIS WORK AND I COME FROM THE NATION'S FIRST TINY HOUSE INTERVENTION FOR UNHOUSED YOUTH AND I'VE BEEN HUMBLED HOW MUCH I LEARNED ABOUT TRAUMA AND WHAT IT TAKES TO ACCOMPANY PEOPLE WHO SUFFERED SO MUCH TRAUMA AND CONTINUING TO LEARN WHAT OUR EFFORTS ARE IN TERMS OF CRISIS SUPPORT SERVICES. 741, 741. I'M AMAZED WE HAVE TEXT MESSAGING SERVICES FOR PEOPLE IN CRISIS AND MOST PEOPLE DON'T KNOW THAT EXISTS. I DOESN'T KNOW THAT EXISTS. SO I WONDER WHAT WE CAN CONTINUE TO DO TO BUILD ON THE WORK AND PROGRESS WE'VE MADE THUS FAR TO CONTINUE ESPECIALLY EXPANDING PUBLIC EDUCATION REGARDING DIGITAL LITERACY BECAUSE TRANSITIONAL YOUTH WE SERVE WOULD BE ASSISTED IN THEIR REQUEST FOR HOUSING IF MORE DIGITAL SERVICES AND THOSE KINDS OF INTERVENTIONS WERE MADE AVAILABLE. 741. 741. IT'S REALLY EASY TO REMEMBER. THANK YOU ALL.

>> Mayor J. Arreguin: THANK YOU. WHO WOULD LIKE TO SPEAK NEXT?

>> HI, ANY NAME IS ANDREA HENSON THE EXECUTIVE DIRECTOR OF WHERE DO WE GO AND MY NEPHEW HUEY POD NEWTON. I WANTED TO INTRODUCE AARON SPENCER WHO JUST SPOKE, WHO IS A RES RESIDENT AT HARRISON AND THE AARON SPENCER MENTIONED IN THE JOHNSON B. GRANTS PASS

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CASE. HE IS THAT SERVICE-DISABLED VETERAN WHO WASN'T GETTING SERVICED JUSTICE SOTOMAYOR TALKED ABOUT AND A RESIDENT OF THE HARRISON STREET ENCAMPMENT. I ALSO WANTED TO INTRODUCE MS. LUANDA AND THERE ARE PEOPLE WHO DON'T CAUSE PROBLEMS AND NEED SERVICES AND CAME OUT HERE WALKING JUST TO YOU COULD SEE THEIR FACE. THANK YOU.

>> Mayor J. Arreguin: THANK YOU.

>> I'M WITH THE BERKELEY HOMELESS UNION AND HERE TO SPEAK ABOUT ITEM 3 ON CONSENT CALENDAR. WITH NOWHERE TO GO WHEN THEIR HOMES ARE DISCARDED FOLKS FORCED TO EXIST IN PUBLIC SPACE BY THE DRACONIAN PRIVATE PROPERTY SYSTEM OF THE BAY AREA EFFECTIVELY BECOME CRIMINALIZED BY THE LANGUAGE OF THE ENCAMPMENT POLICY RESOLUTION. WHILE AN AMENDMENT MAY HAVE BEEN MADE THE RESOLUTION CONTINUES TO STATE IT WILL REFER TO STATE AND FEDERAL LAW. THANK YOU TO ANDREA HENSON FOR POINTING THIS OUT TO ME. WIN THE SCOTUS RULING IN REGARD TO DISPOSING SOMEONE'S SHELTER THE 2018 RULING AND NEWSOM'S RULING WITH THE VIOLATIONS TO EMPOWER AGENT OF THE STATE TO TAKE REASONABLE, BY WHO'S REASON, TO END HOMELESSNESS THEY'RE RETAINING THE ARRESTS IMPLICITLY. BERKELEY SHOULD PROVIDE THE CARE UNHOUSED ADVOCATES HAVE BEEN ASKING FOR. SUCH AS ADA ACCESSIBILITY AND MENTAL HEALTH OUTREACH INSTEAD OF CAPITULATING TO ENFORCEMENT. THANK YOU.

>> Mayor J. Arreguin: THANK YOU VERY MUCH. WHO WOULD LIKE TO

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SPEAK NEXT?

>> IT'S ME AGAIN. I CAN'T DO THIS. I DON'T KNOW WHERE I'M GOING TO GO AND WHAT I'M GOING TO DO AND AFRAID EVERY SINGLE MINUTE OF EVERY DAY WHEN YOU GAVE THE DIRECTOR THE POWER. I'VE BEEN LIVING IN CONSTANT HYPERVIGILANT STATE. I'VE HAD TWO HEART ATTACKS AND A STROKE AND GOING TO DIE BECAUSE OF THIS AND NOW WILL CERTAINLY DIE AND PROBABLY ARRESTED TOO. IT'S NOT FAIR. I DIDN'T DO ANYTHING WRONG AND DON'T DESERVE TO DIE AND I DON'T DESERVE TO BE ARRESTED AND I DIDN'T BREAK ANY LAWS.

>> HI, Y'ALL. I'M GOING TO TRY AGAIN. STACY'S MY FRIEND. WE'RE ALL HUMANS. WE ALL HAVE NEEDS. IF WE DON'T PAY ATTENTION TO WHAT PEOPLE NEED AND HOW TO PREVENT THE HARM THEY ARE LITERALLY SUFFERING FROM AND IF WE DON'T COME UP WITH POSITIVE SOLUTIONS IN TERMS OF SUPPORTIVE CARE WE'RE JUST BASICALLY SHOVELLING THE CHAIRS AROUND ON THE DECK OF THE TITANIC. THERE AREN'T GOING TO BE WINNERS HERE. IT DEPENDS ON LOSERS AND THE FACT THAT SO MANY PEOPLE ARE DISPENSABLE WHEN EVERYONE'S A TREASURE. EVERYONE IS A GIFT AND IT'S HEARTBREAKING TO HAVE BEEN ON ALL SIDES OF THIS CARRYING FOR EVERYONE AND IN THE SAME SPACE OF NEEDING CARE AND SEEING WE DON'T HAVE THE STRUCTURES IN PLACE. WE COULD BE SAVING SO MUCH MONEY IF WE PREVENTED THE HARM AND LOOKED TO SEE WHAT CAUSES IT AND THEN ACTUALLY CARE ENOUGH TO PROVIDE THE SOLUTIONS RATHER THAN JUST PUSHING THE CANNOT ONLY DOWN THE ROAD BUT OFF

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THE CLIFF. I'M SAD AND CONCERNED. THANK YOU VERY MUCH.

>> Mayor J. Arreguin: ANYMORE IN PERSON SPEAKERS.

>> I'M SPEAKING ON BEHALF OF THE BERKELEY HOMELESS UNION. WE HAVE NOT HEARD A RESPONSE FROM YOU GUYS ABOUT OUR CEASE-AND-DESIST LETTER TO NOT PASS THIS POLICY TO AVOID FURTHER LITIGATION. I'M HOPING YOU GUYS CAN RECONSIDER THE POLICY AND WORK WITH THE PEOPLE. WE'RE ASKING FOR A BETTER HUMANE WAY TO GO FORWARD AND THIS IS NOT WHAT'S HAPPENING RIGHT NOW. BASICALLY IN JULY WHEN THE SUPREME COURT OVERTURNED THE PROTECTIONS OF PEOPLE NATIONWIDE ALLOWING THEM TO BE PENALIZED FOR SLEEPING IN PUBLIC EVEN WHEN THERE'S NO SAFER ALTERNATIVES IT'S BEEN DEVASTATED FOR PEOPLE. AS LOCAL POLICIES HAVE IN OUR BEING RESHAPED FOR UNHOUSED PEOPLE. IT'S A DELIBERATE DEMARGINALIZATION ON VULNERABLE PEOPLE BASED ON MISCONCEPTIONS ABOUT THE PEOPLE AND COULD BE VIEWED AS A SOCIAL CLEANSING. LOOKING AHEAD THE NEXT 250 YEARS I HOPE WE CAN EXPAND THE DEFINITIONS OF LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS TO INCLUDE THE FUNDAMENTAL HUMAN RIGHTS SUCH AS ACCESS TO SAFE HOUSING AND ECONOMIC SECURITY. WITHOUT THESE, WE'RE DENYING PEOPLE THE OPPORTUNITY TO POTENTIAL AND PURSUE THEIR DREAMS. THANK YOU.

>> Mayor J. Arreguin: THANK YOU VERY MUCH. ARE THERE ANY OTHER SPEAKERS IN PERSON? IF NOT WE'LL GO TO THE SPEAKERS WHO HAVE RAISED THEIR HANDS ON ZOOM. OUR FIRST SPEAKER ON ZOOM IS ELANA

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AUERBACH FOLLOWED BY LISA TEAGUE.

>> PLEASE FOLLOW THE COMPASSIONATE AND COURAGEOUS LEADERSHIP OF COUNCIL MEMBER LUNAPARRA AND VOTE NO ON ITEM 3. THERE ARE SOLUTIONS THAT HAVE BEEN DONE AROUND THE COUNTRY THAT TAKE INTO ACCOUNT THE BUSINESS OWNERS AND OUR UNHOUSED COMMUNITY. THOSE MOST VULNERABLE. PLEASE DO THAT. AND THANK YOU, MAYOR, FOR YOUR COMMENTS. THERE ARE NO CITIES AND I CALLED RICHMOND AND OAKLAND THEY DO NOT PAY A PR FIRM FOR YOUR MAYOR. YOU HAVE SIX PEOPLE ON YOUR STAFF AS LISTED ON THE CITY WEBSITE. IN 2022 THE STAFF WAS PAID $365,000. SO I FILED A PUBLIC RECORDS ACT REQUEST TO FIND OUT WHAT IS BE ABLE AND ASSOCIATES. THEY'RE A PR FIRM. THEY'RE SPIN DOCTORS. SO WE KNOW THAT THE E-MAILS AND TEXTS REVEAL THEY'VE SECURED MANY OPPORTUNITIES FOR YOU, MR. MAYOR, TO BE INTERVIEWED BY THE MEDIA LOCALLY AND NATIONALLY AND SEND OUT A WEEKLY E-MAIL TO YOUR COMMUNICATIONS PERSON. HAVE YOU A COMMUNICATIONS PERSON ON STAFF WITH SUGGESTED TWEETS AND ALSO THEY WERE INVOLVED ON THE BERKELEY SIDE OP-ED PUBLISHED IN JANUARY. THEY POTENTIALLY WROTE IT THAT I'M QUOTING A SMALL GROUP OF INDIVIDUALS RESORTED TO AN INTENSE CAMPAIGN OF HARASSMENT AND ABUSE TO THE POINT THEY BULLIED AN ELECTED OFFICIAL OUT OF OFFICE. LEADING TO THE RESIGNATION OF FORMER MEMBER ROBINSON AND YOU AND COUNCIL MEMBER HAHN WERE BULLYING HIM BECAUSE OF HIS WORK ON A GAZA CEASE FIRE RESOLUTION. THANK

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YOU.

>> Mayor J. Arreguin: THAT'S NOT TRUE. YOU'RE OUT OF ORDER. IF YOU CONTINUE TO DISRUPT THE MEETING WE WILL HAVE TO TAKE A BREAK. MS. PRICHETT YOU SPOKE. PLEASE SIT DOWN. LET'S GO TO THE NEXT SPEAKER LISA TEAGUE AND WHEN PEOPLE LIE AND SAY MISINFORMATION IT'S IMPORTANT TO CORRECT THE RECORD AND THAT WAS A COMPLETE LIE. LISA TEAGUE.

>> GOOD EVENING, MR. MAYOR, COUNCIL MEMBERS. I WANT TO SPEAK ON ITEM 3. AND I JUST WANT TO REITERATE THAT BETTER SOLUTIONS CAN BE MADE IF WE SIT DOWN AT THE TABLE AND TALK TO EACH OTHER. I'M NOT SURE HOW WE CAN MAKE THIS HAPPEN BUT I WOULD DEARLY LOVE TO HAVE A REAL CONVERSATION ABOUT WHAT ELSE WE CAN DO. LET'S BRING GOOD LIVES TOGETHER. I URGE YOU TO VOTE NO ON ITEM 3. THANK YOU.

>> Mayor J. Arreguin: OUR NEXT SPEAKER IS KELLY HAMMERGRIN FOLLOWED BY CLAUDIA AND FOLLOWED BY FORMER COUNCIL MEMBER WAZNIAK.

>> THANK YOU. AND THANK YOU COUNCIL MEMBER LUNAPARRA FOR NOT VOTING FOR ITEM 3 AND I'M GRATEFUL MY FAMILY WITH MENTAL ILLNESS HAVE SUPPORT SYSTEMS AND NOT ON THE STREET BUT THAT'S NOT THE SITUATION FOR EVERYONE. I SEE YOU WEAR A CAPIA TO OUR COUNCILS AND I WISH TO THANK YOU FOR THAT. I WISH IT WAS ACCOMPANIED BY A CEASE FIRE RESOLUTION. THE DEATHS ARE HEARTBREAKING AND MAKE ME CRY AND ASK WE ALL TAKE ACTION TO CALL FOR A CEASE FIRE. ON ITEM

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7 SUPPORTING THE ARTS MAKE BERKELEY A RICHER CITY. I WISH WE WERE CONSISTENT IN SUPPORTING THE BLACK REPERTORY THEATRE IN THE WAY WE SUPPORT OTHER THEATRES. IT DOESN'T FEEL RIGHT THE WHITE DOMINATED THEATRES ARE GETTING THE MONEY AND THE BLACK REPERTORY THEATRE ISN'T. THOSE ARE MY COMMENTS. I DON'T SEE A CLOCK SO I DON'T SEE WHETHER I'M OUT OF TIME.

>> Mayor J. Arreguin: THANK YOU VERY MUCH. CLAUDIA FOLLOWED BY FORMER COUNCIL MEMBER WOZNIAK FOLLOWED BY MARTIN.

>> I SPEAK TO SUPPORT ITEM 10 ON THE CONSENT CALENDAR TO CLARIFY WHAT MEASURE Y THE PARKS TAX INCREASE WILL BE FUNDING. THE PRW COMMISSION, WHICH I CHAIR, RECOMMEND WILL THE MODEST INCREASE. WITH WANT TO THANK YOU FOR INCLUDING THIS ON THE NOVEMBER BALLOT. BUT WE HAVE HEARD FROM SOME OF THE COMMUNITY WITH CONCERNS ABOUT JUST WHAT THE 4.5 CENT INCREASE WILL BE USED FOR AND IT'S MORE OF A CALL OUT FOR THE ITEM SUCH AS THE WATERFRONT PARKS, INCLUDING THE CITY'S LARGEST CESAR CHAVEZ ESSENTIAL PARK AND LANDSCAPING CAPITAL S WOULD HELP CLARIFY IT. IN NO WAY DOES IT EXPAND OUR SUPPLEMENT THE BALLOT LANGUAGE. IT'S IMPORTANT THIS BE VOTED ON TONIGHT. AND FOR ALL THE ATTENDEES, I URGE YOU TO GO TO BERKELEY PARKS YES ON Y DOT-COM AND VOTE YES ON Y. THANK YOU FOR YOUR ATTENTION.

>> Mayor J. Arreguin: THANK YOU. WE'LL GO NEXT TO FORMER COUNCIL MEMBER WOZNIAK FOLLOWED BY MARTIN AND FOLLOWED BY WHERE DO WE

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GO.

>> THANK YOU, MAYOR AND COUNCIL FOR ALLOWING ME TO SPEAK. I'D LIKE TO SPEAK IN FAVOR OF ITEM NUMBER 10, THE RESOLUTION CLARIFYING THE MEASURE Y. THE INTENT WAS CLEAR. IT WAS ALSO WHEN WE TALKED TO A NUMBER OF PEOPLE SUPPORTIVE OF INCREASING THE PARKS TAX. WE HAD SOME CONCERNS OF ABOUT SOME THINGS WERE NOT AS SPECIFIC AS THEY WOULD LIKE THOUGH WE EXPLAINED THAT THERE WERE COUNCIL DISCUSSION WHERE THE FUNDS WOULD BE SPENT. THERE WAS A SPREAD SHEET SHOWING THE WATERFRONT OF CESAR CHAVEZ PARK WERE INCLUDED AND EMPHASIZING THE URBAN FOREST AND INCREASING THE FUNDS FOR CAPITAL PROJECTS, WHICH IS OFTEN USED ALSO FOR LEVERAGING LOCAL TAXPAYERS' MONEY FOR GRANT FUNDS. THANK YOU FOR PUTTING THE CLARIFICATION ON. WE WOULD ALSO LIKE TO STRESS IT DOESN'T REALLY CHANGE ANYTHING LEGALLY AND THE CITY HAS EXISTING PARK TAX IS THE BASIC MEASURE AND THIS IS THE MEASURE Y TO INCREASE THE RATE. THE DISCUSSION I THINK IN WHAT THE COUNCIL THINKS THIS IS GOING TO ACTUALLY DO IS IMPORTANT FOR THE PUBLIC TO KNOW. SO I SUPPORT ITEM 10. THANK YOU.

>> Mayor J. Arreguin: THANK YOU. OKAY. WE'LL GO NEXT TO MARTIN FOLLOWED BY WHERE DO WE GO FOLLOWED BY CC.

>> ALL RIGHT, THIS IS MARTIN THE CEO OF THE CHAVEZ PARK CONSERVANCY. I'M SPEAKING ON ITEM 10 ALSO. THERE'S A MENTION IN THERE ABOUT CAPITAL PROJECTS FOR CESAR CHAVEZ PARK. WE'VE

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RECENTLY HAD AN ENCOUNTER WITH THIS ISSUE I'D LIKE TO RAISE. THE CHAVEZ PARK CONSERVANCY ASKED FOR PERMISSION TO BUILD A TEMPORARY, SEASONAL FENCE TO PROTECT THE OWLS IN THE NORTHEAST CORNER OF CHAVEZ PARK. WE WERE GOING TO PROVIDE THE MATERIALS AND DO THE LABOR OURSELVES BUT MR. BRUCE PRATT THE PARK SUPERINTENDENT SAID AS FAR AS THE OWLS THEY CAN DROP DEAD AND SAID IF WE BUILT THE FENCE THEY WOULD TEAR IT DOWN AND POSSIBLY PROSECUTE US FOR VANDALISM. YOU KNOW, THE OWLS ARE BEAUTIFUL AND CHARISMATIC BIRDS THAT DESERVE PROTECTION FROM EVERYBODY. COUNCIL, PLEASE USE YOUR INFLUENCE TO PERSUADE MR. PRATT TO RELENT. I PERSONALLY WILL NOT VOTE FOR ANY PARKS TAX AS LONG AS THE PARK ADMINISTRATION WON'T PROTECT THE OWLS OR VOTE FOR ANY CANDIDATE WHO TURNS THEIR BACK ON THE OWLS. I HOPE THE MESSAGE IS CLEAR. THANK YOU VERY MUCH.

>> Mayor J. Arreguin: THANK YOU. OKAY. WHERE DO WE DO IS THE NEXT SPEAKER FOLLOWED BY CC, FOLLOWED BY DAN.

>> THANK YOU, MR. MAYOR. CAN YOU HEAR ME?

>> Mayor J. Arreguin: YES.

>> MY NAME IS IAN MORALES PRESIDENT AND ADVOCATE OF WHERE DO WE GO, FORMERLY WHERE DO WE GO BERKELEY. I WANTED TO SPEAK ON ITEM 3 AND ADDRESS A LARGER PROBLEM THAT HAS NOT REALLY BEEN ADDRESSED AS WE'VE BEEN HEARING PEOPLE COME AND SPEAK ABOUT ITEM 3 WHICH IS I'M HAVING CONCERNS ABOUT HOW BERKELEY IS MEASURING

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ITS SUCCESS AND IT'S METHODS IN NAVIGATING IT'S UNHOUSED POPULATION AND SERVICES AND INTO HOUSING. I'VE BEEN REVIEWING CONTRACTS BETWEEN BERKELEY AND ITS CONTRACTORS AND YOU'VE BEEN DOING IT TO FIND ISSUES AND ONE OF WHICH IS COUNCIL APPROVED $13 MILLION TO RUN THEIR HOUSING RESOURCE CENTER. AN I'D LIKE TO ADDRESS THE FLYER THAT DIRECTS THE PEOPLE TO THE HRC HAS THE WRONG ADDRESS. IT'S AT 2908 TELEGRAM AND A FLYER YOU GIVE TO ON YOU HOUSED PEOPLE AND TELLING THEM TO GO TO AN ADDRESS WHERE THEY WON'T RECEIVE SERVICE. THEY DON'T HAVE CELL PHONES TO LOOK THE ADDRESS UP. IT'S A HUGE ISSUE REGARDING DISCRETION AND OVERSIGHT ISSUES. I'M WONDERING WHERE CITY COUNCIL IS DOING THE OVERSIGHT IF YOU'RE JUST GETTING WORD FROM THE CITY MANAGER'S OFFICE YOU PROBABLY AREN'T GETTING THE FULL STORY OF WHAT'S HAPPENING ON THE STREETS. I URGE YOU AND BE HAPPY TO HAVE MEETINGS WITH YOU GUYS TO TALK ABOUT THE THINGS I'VE BEEN SEEING ESPECIALLY ISSUES WITH ROGUE CONTRACTORS SUCH AS BAX AND ABODE WHO HAVE BEEN TAKING ADVANTAGE OF THE CONTRACTS THAT BERKELEY ASSIGNED AND TAKING ADVANTAGE OF TAX DOLLARS WITHOUT OVERSIGHT. THANK YOU.

>> Mayor J. Arreguin: OUR NEXT SPEAKER IS CC FOLLOWED BY DAN. CC YOU SHOULD BE ABLE TO SPEAK. PLEASE UNMUTE.

>> CAN YOU HEAR ME?

>> Mayor J. Arreguin: YES.

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>> I'M ASKING YOU TO APPOSE THE ENCAMPMENT POLICY RESOLUTION. CRIMINALIZING THIS WON'T MAKE THE PROBLEM GO AWAY. IF YOU LOOK AT THE MEETING AND I WATCH ALL THE MEETINGS WHEN YOU SEE THE JUXTAPOSITION OF THOSE IN FAVOR AND AGAINST THE RESOLUTION, THE AMOUNT OF PRIVILEGE IS DISTURBING COMING OFF THESE PEOPLE AND THE WAY THEY'RE SPEAKING IN THESE MEETINGS SAYING THEY HAVE COMPASSION AND THEN TURNING AROUND AND HAVING NONE. HOW COULD YOU HEAR SOME OF THESE STORIES AND VOTE FOR THIS? IT MAKES ME THINK YOU GUYS HAVE NO HEART AT ALL. AND NOW THAT WE KNOW YOU GUYS ARE CORRUPT AND MISMANAGING MONEY, I WOULD ASK YOU TO PLEASE -- WE ARE A REFLECTION OF HOW WE TREAT OUR MOST TERRIBLE. DO THE RIGHT THING AND OPPOSE THIS RESOLUTION.

>> Mayor J. Arreguin: THE LAST SPEAKER IS DAN.

>> INSTEAD IN PAYING A BUNCH OF COPS OVERTIME AND I KNOW HOW MUCH THEY MAKE, I'VE SEEN SOME OF THOSE INVOICES FOR COP OVERTIME, INSTEAD OF DOING THAT YOU COULD ACTUALLY SPEND MONEY ON ACTUALLY SOLVING THE ISSUE BY HOUSING PEOPLE. INSTEAD OF PUSHING PEOPLE FROM HERE TO THERE ALL-AROUND BERKELEY AND AROUND THE EAST BAY. VOTE NO ON 3.

>>

>> Mayor J. Arreguin: THANK YOU. WE'LL CLOSE PUBLIC COMMENT ON THE CONSENT CALENDAR. I WANT TO BRING IT BACK AND ON ITEM 7, THE RECOMMENDATION FROM THE CIVIC ARTS COMMISSION, COUNCIL MEMBER

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KESARWANI, IS IT OKAY IF WE AMEND THE BUDGET REFERRAL TO BE REFERRED TO THE NOVEMBER AND JUNE BUDGET PROCESS SO IT'S ON THE LIST OF THINGS FOR NOVEMBER TO BE CONSIDERED AND IF WE'RE NOT ABLE TO FUND IT IN NOVEMBER IT WILL GO TO JUNE?

>> R. Kesarwani: YES, I'M IN FULL SUPPORT. THANK YOU.

>> Mayor J. Arreguin: ON OBJECTION, COLLEAGUES? HEARING NONE WE'LL APPROVE THAT ITEM ON CONSENT WITH THAT AMENDMENT. THANK YOU. AND THOSE ARE ALL MY COMMENTS. I MOVE THE CONSENT CALENDAR AS AMENDED.

>> S. Hahn: SECOND.

>> Mayor J. Arreguin: COLLEAGUES, ANY ADDITIONAL COMMENTS? IF NOT IF THE CITY MANAGER CAN PLEASE CALL THE ROLL.

>> Clerk: COUNCIL MEMBER KESARWANI.

>> YES.

>> Clerk: TAPLIN.

>> YES.

>> Clerk: BARTLETT.

>> YES.

>> TREGUB.

>> AYE.

>> Clerk: HAHN.

>> YES.

>> Clerk: WENGRAF.

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>> YES.

>> Clerk: LUNAPARRA.

>> YES.

>> Clerk: HUMBERT.

>> QUESTION.

>> Clerk: MAYOR ARREGUIN.

>> Mayor J. Arreguin: YES.

>> Clerk: THE MOTION CARRIES.

>> Mayor J. Arreguin: THE ONLY ITEM ON THE ACTION CALENDAR IS 11 THE AMENDMENT TO CITY COUNCIL RULES PROCEDURE AND ORDER. THIS IS BEING SUBMITTED BY THE CITY CLERK AND REFLECT THE RULES AND POLICY COMMITTEE. ARE YOU GOING TO MAKE A PRESENTATION ON THIS? I'LL SAY THAT WE ALSO HAVE A SUPPLEMENTAL FILED BY COUNCIL MEMBER KESARWANI WITH RECOMMENDATIONS ON ADDITIONAL CHANGES AND A LOT OF WORK HAS GONE INTO THIS IN THE LAST YEAR. AND THERE MAY BE OTHER COMMENTS COUNCIL MEMBERS HAVE TONIGHT. SO I GUESS MY SUGGESTION AT THE OUTSET OF THE DISCUSSION OF THE ITEM IS THAT WE NOT TAKE ACTION TONIGHT BUT WE CAN GO FOR THE COMMENTS AND RECOMMENDATIONS TO STAFF AND ADJOINING RULES COMMITTEE. THERE IS NO URGENCY TO PASSING THIS TONIGHT AND THE COUNCIL MEMBER WILL CHANGE IN TWO MONTHS. I DO EXPECT THERE WILL BE ADDITIONAL INPUT THAT MANY COUNCIL MEMBERS WILL PROVIDER -- PROVIDE ON THIS AND I THINK COUNCIL MEMBER KESARWANI'S RECOMMENDATIONS ARE THOUGHTFUL.

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MY RECOMMENDATION AT THE OUTSET WAS LET'S HAVE A DISCUSSION TONIGHT BECAUSE THE ONLY WAY WE CAN DO IT UNDER THE BROWN ACT IS HERE IN A PUBLIC FORUM, PROVIDE INPUT AND SEND TO STAFF AND THE COMMITTEE FOR US TO DISCUSS AND THEN COME BACK. BUT THAT'S MY RECOMMENDATION. BUT I DO WANT TO TURN IT OVER TO THE CITY CLERK AT THIS TIME.

>> OKAY. I GUESS WE'LL PROCEED WITH OUR PRESENTATION. I'LL BRING THAT UP. OKAY. THE ITEM BEFORE YOU GOOD EVENING, I'M THE CITY CLERK FOR THE CITY OF BERKELEY. ITEM 11 IS AMENDMENTS TO CITY COUNCIL. RULES AND PROCEDURE AND ORDER. FOR THIS UPDATE THERE ARE THREE MAIN AREAS THAT THE AMENDMENTS COME FROM. THE FIRST IS A SERIES OF PLANNED TECHNICAL REVISIONS THAT WE WERE ORIGINALLY PLANNED TO BE ADOPTED IN THE FALL OF 2023. THE SECOND SET OF AMENDMENTS IS IN RESPONSE TO DIRECTION FROM THE CITY COUNCIL ON MAY 7, 2024. AND THE THIRD GROUP OF AMENDMENTS ARE RECOMMENDATIONS FROM THE AGENDA AND RULES COMMITTEE RELATED TO THE LEGISLATIVE PROCESS. THE PLANNED TECHNOLOGY REVISIONS FOR THIS AMENDMENT, ONE OF THE MAIN ONES IS TO ELIMINATE APPENDIX C FOR MEASURES DURING THE PANDEMIC AND THE AMENDMENTS INTO THE BODY OF THE RULES OF PROCEDURE DESPITE MEETING IN IN A HYBRID FORMAT OVER TWO YEARS. THE RULES OF PROCEDURE DO NOT MAKE ANY REFERENCE TO HYBRID MEETING FORMAT OR ANY OF THE NEW PROCEDURES THAT WE HAVE FOR PUBLIC COMMENT, FOR EXAMPLE. ALSO TO ALIGN THE

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RULES FOR THE CITY COUNCIL WITH THE BROWN ACT AND CITY COMMISSIONS WITH REGARDS TO AD HOC SUBCOMMITTEES. SINCE THE LAST UPDATE THERE HAVE BEEN REVISIONS TO THE CITY CHARTER. WE HAVE TWO NEW CHARTER OFFICERS AND THE RULES NEED TO BE UPDATED TO INCORPORATE THOSE TWO NEW CHARTER OFFICER POSITIONS INTO THE RULES OF PROCEDURE WITH REGARDS TO SLKTIVE PROFESSION. -- LEGISLATIVE PROCESS. THERE'S COMMENT RULES IN CHAPTER 4 AND THEN WE HAVE TO MAKE UPDATES TO THE CITY NAMING POLICY AND APPENDIX A BECAUSE SOME OF THE COMMISSIONS THAT ARE LISTED IN THAT NAMING POLICY HAVE BEEN REORGANIZED. SECOND SET OF AMENDMENTS IS WHAT THE COUNCIL DIRECTED ON MAY 7, 2024. THERE WERE A SET OF PROPOSED CHANGES FROM THE OPEN GOVERNMENT COMMISSION REVIEWED BY THE GENERAL RULES COMMITTEE AND THEN THE COUNCIL ADOPTED A RECOMMENDATION TO INCLUDE SOME OF THOSE RECOMMENDATIONS IN THE RULES OF PROCEDURE. SOME OF THOSE INCLUDE THAT THE CHAIR CAN REORDER THE AGENDA WITHOUT THE CONSENT OF THE FULL COUNCIL, THAT IF THREE MEMBERS REGISTER AN ABSTENTION OR NO-VOTE IT WOULD MOVE TO THE ACTION CALENDAR THE RECOMMENDATIONS INCLUDE A NEW DEFINITION OF A MAJOR ITEM SUBMITTED BY THE MAYOR OR COUNCIL MEMBER AND RULES WOULD BE MANDATORY FOR THE ITEMS. WITH THAT NEW DEFINITION THERE ARE SOME NEW AUTHORITY WITH HOW MAJOR ITEMS ARE HANDLED. REMOVE AN ITEM AND ALLOW FOR MAJOR ITEMS WITH BUDGET IMPLICATIONS FOR REVIEW AND THERE WAS A RECENT RULES CHANGE

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WHERE PEOPLE COULD COMMENT ON ACTION ITEMS. THIS AMENDMENT REVISES THAT AMENDMENT TO SAY YES WE CAN DO A PUBLIC COMMENT IF THE OFFICER DETERMINES IT'S THE BEST FOR THE CONDUCT OF A MEETING ON A GIVEN NIGHT. THE REQUESTED ACTION IS TO APPROVE THE RULES AS PROPOSED. IF FURTHER DISCUSSION IS REQUIRED, COUNCIL COULD ADOPT SOME OF THE NON-CONTROVERSIAL MORE TECHNICAL PROPOSED AMENDMENT AND CONTINUE DISCUSSION ON OTHER MANY AMENDMENTS OR TAKE OTHER ACTION THE WILL OF THE COUNCIL. THAT CONCLUDES MY PRESENTATION.

>> Mayor J. Arreguin: COUNCIL MEMBER KESARWANI.

>> R. Kesarwani: LET ME PULL IT UP. I WANT TO ACKNOWLEDGE THE WORK OF THE RULES COMMITTEE. I RESPECT YOUR WORK AND WANT TO OFFER THESE AS FRIENDLY SUGGESTIONS. SO FOR THOSE WHO WANT TO FOLLOW ALONG I'M PREFERRING TO THE SUPPLEMENTAL 2 PACKET AND WALK THROUGH THESE QUICKLY. FOR THE FIRST ISSUE SO THERE WAS A NEW RULE ADDED THAT IF THREE COUNCIL MEMBERS EITHER VOTE NO OR ABSTAIN ON AN ITEM ON CONSENT THAT IT WOULD MOVE TO ACTION. THIS RULE SEEMED TO BE DUPLICATIVE OF ANOTHER RULE THAT ENABLES THREE COUNCIL MEMBER TO AFFIRMATIVELY SAY THEY WANT TO PULL SOMETHING TO ACTION. THE CONCERN IS IF THIS HAPPENS AUTOMATICALLY WE MAY BE FORCING A DEBATE WHEN THERE MAY NOT BE A DESIRE TO ENGAGE IN DEBATE AND A DESIRE TO RECORD A NO VOTE AND WERE SUGGESTING TO REMOVE THAT IN LIGHT OF ANOTHER RULE OF AFFIRMATIVELY PULLING

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THINGS TO ACTION. THE SECOND ITEM IS JUST ADDING THE BERKELEY UNIFIED SPRING RECESS TO CONSIDERATION OF HOLIDAYS. THIRD WE WANTED TO PROVIDER CRITERIA FOR THE MAJOR ITEM. WE PUT SOME NUMERIC DETAIL IF IT REQUIRED AN IMPLEMENTATION TIME LINE TAKING SIX MONTHS OR LONGER IN CONSULTATION WITH THE CITY MANAGER OR A BUDGETARY IMPACT EXCEEDING $200,000 OR IF THE ITEM WAS HAVING A SIGNIFICANT PROGRAMATIC IMPACT OR AN ADJUSTMENT TO ACCOMMODATE THE NEW INITIATIVE. IT'S ALREADY STATED THERE AND THOUGHT IT WOULD BE HELPFUL TO GIVE NUMERIC GUIDANCE OF WHAT THAT MEANS TO BE A MAJOR ITEM. SO MOVING ON SO STANDARDS FOR AGENDA ITEMS. IT'S ABOUT WHAT IS INCLUDED IN THE REPORTS. IT DIDN'T SEEM NECESSARY TO TALK ABOUT THE AWARDS OF CONTRACTS. BECAUSE MY UNDERSTANDING IS THIS IS THE COUNCIL RULES OF PROCEDURE. SO WE JUST TOOK THAT OUT FOR THE REPORTS NOT MAJOR ITEMS AND THEN FOR THE MAJOR ITEMS, THOSE REPORTS I THINK THERE'S A DESIRE TO KEEP THE EXISTING FORMAT AND TO SAY YOU MAY INCLUDE STAKEHOLDER INPUT AND REVIEW OF POLICIES AND LAWS. I THINK THERE'S A WHOLE NEW SECTION ON THAT. WE'RE SAYING THAT COULD BE INCLUDED IN THE BACKGROUND. WE DID NOT THINK IT WAS NECESSARY TO GET INTO THE CONSULTATION OUTREACH YO EVER -- OVERVIEW AND RESULTS AND PEOPLE WANT TO INCLUDE THAT THEY'RE ALWAYS MORE THAN WELCOME TO. BUT A REQUIREMENT SEEMED TO BE UNNECESSARY IN MY VIEW. AND THEN THE RATIONALE FOR THE EXPLANATION WE HAD GENERAL TWEAKS THERE AND WE

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TOOK OUT THE SECTION ON IMPLEMENTATION ADMINISTRATION AND ENFORCEMENT BECAUSE THAT TYPICALLY MAY REQUIRE DEEPER CONSULTATION WITH STAFF AND OF COURSE THAT SHOULD BE THOUGHT ABOUT. MY EXPECTATION IS PEOPLE ARE ENGAGING WITH STAFF TO HAVE AN UNDERSTANDING BEFORE BRINGING FORWARD A MAJOR ITEM BUT REQUIRING THAT TO BE FULLY SPELLED OUT SEEMED LIKE A LOT. THEN WE WANTED TO KEEP THE ENVIRONMENTAL SUSTAINABILITY AND FISCAL IMPACTS AS THEY ARE. SO OVER ALL JUST WANTED TO KEEP THE EXISTING REPORT STRUCTURE FOR THE MOST PART THERE. FOR ISSUE 5 I WANTED TO STRIKE IT. THE REASON IS THIS WOULD REQUIRE AN ORDINANCE CHANGE. SINCE WE'RE DISCUSSING THIS TONIGHT MAYBE WE WANT TO MAKE THE ORDINANCE CHANGE. IN MY RECOLLECTION I DON'T RECALL WITH GREAT FREQUENCY MEMBERS ARE BRINGING THE SUPPLEMENTAL COMMUNICATION NUMBER 3. THE URGENT ITEMS ARE SEPARATE. THAT YOU CAN CONTINUE TO DO AND WE CAN CHANGE THE ORDINANCE FOR TRANSPARENCY. I KNOW WE OFTEN DO MAKE AMENDMENTS ON THE DAIS AND SHARE OUR SCREENS. SO MAYBE WE JUST WANT TO KEEP THIS BECAUSE BRINGING 40 COPIES OF THAT MATERIAL IS IN THE INTEREST OF PUBLIC TRANSPARENCY. SOMETHING TO CONSIDER FURTHER. IT DOES REQUIRE AN ORDINANCE CHANGE SO WE COULDN'T DO THAT TONIGHT IF WE WERE TAKING ACTION, WHICH WE'RE NOT. IN TERMS OF SEQUENCE FOR THE AGENDA I THINK IT'S WITH THE CONSENT OF COUNCIL CURRENTLY. THE THINKING WE SHOULD KEEP THAT AND LET'S SEE IF

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THERE'S ANYTHING ELSE HERE. OH, WE ALSO WANTED TO INCLUDE A BUDGET REFERRAL FOR MAJOR ITEMS. KEEP THE SAME LANGUAGE BUT THAT'S A NOTICE TO THE BUDGET COMMITTEE BUT TO HAVE THAT INCLUDED WITH A MAJOR ITEM. THE BUDGET RAMIFICATIONS CAN BE UNDERSTOOD AT THE OUTSET. SO THIS IS THE ISSUE OF FORMER ELECTED OFFICIALS HAVE ITEMS THAT REMAIN IN THE QUEUE. THE CHANGE WE ARE RECOMMENDING IS THAT A CURRENT MEMBER OF THE COUNCIL WOULD BE REQUIRED TO RESUBMIT THAT ITEM AT A FUTURE AGENDA AND RULES COMMITTEE AND WE COULD HAVE A DISCUSSION ABOUT THAT. AND ISSUE 10, IF I UNDERSTOOD THIS CORRECTLY WE WERE ALLOWING THE SAME PERSON TO SPEAK ON THE CONCEPT AND ACTION CALENDAR. THAT SEEMED REDUNDANT TO DO THAT SO WE WERE STRIKING THAT. AND SOMETIMES IN OUR WORK SESSIONS WE'RE LIMITED TO FIVE MINUTES EACH AND MAKE DO WITH THAT. I TRIED TO GO IN THE MIDDLE HERE AND SAY MAYBE WE COULD ALLOW THREE MINUTES TO MAKE COMMENTS ON THE CONSENT CALENDAR. I DO KNOW SOMETIMES YOU WANT TO MAKE BRIEF COMMENTS TO KEEP SOMETHING ON CONSENT AND MAKE A TWEAK WHICH I DID TONIGHT. WE WANT TO GIVE THAT OPPORTUNITY WITHOUT OVERLY LENGTHENING THE TIME OF THAT AGENDA. AND THEN WE JUST FELT WE DIDN'T NEED APPENDIX B. THAT'S THE FINAL THING. THANK YOU VERY MUCH FOR THE OPPORTUNITY TO PRESENT THOSE EDITS AND I LOOK FORWARD TO HEARING FROM MY COLLEAGUES.

>> Mayor J. Arreguin: THANK YOU VERY MUCH. THIS PARLIAMENTARIAN

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IS SOMETIMES CLUNKY. COUNCIL MEMBER LUNAPARRA YOU TOOK YOUR NAME OFF? BEFORE WE GET TO COUNCIL DISCUSSION LET'S TAKE PUBLIC INPUT BEFORE WE HAVE DISCUSSION. LET'S GO TO OUR FIRST SPEAKER.
>> MY NAME IS KITT SAGAMORE AND CHAIR OF THE OB GOVERNMENT COMMISSION. HOW LONG DO I HAVE TO SPEAK ALMOST TWO MINUTES? FIRST, I WANT TO THANK YOU VERY MUCH FOR YOUR HAVING TAKEN RECOMMENDATIONS FROM THE OPEN GOVERNMENT COMMISSION AND THE CONTINUATION OF PROVIDING PUBLIC ACCESS THROUGH ZOOM TO COUNCIL AND COMMITTEE MEETINGS THOUGH THE SHUT DOWN HAS ENDED. THE SETTING OF LIMITS DURING DEBATES THANK YOU FOR TAKING THAT. ENDEAVORING THE TIME OF HIGH INTEREST ITEMS AND IF ITEMS WILL BE POSTPONED. THANK YOU FOR ADDING THAT TO YOUR STANDARD PROCEDURES AND YOUR ACCEPTING OF THE REQUEST FROM THE PUBLIC TO MOVE ITEMS FROM CONSENT TO ACTION IF IT BECOMES CLEAR IT'S NOT GOING TO HAVE THE VOTES TO PASS. THERE'S BEEN TIMES IN THE PAST WHERE SOMETHING WAS ON CONCEPT AND THEN FAILED AND THE PUBLIC'S CONFUSED. WHY DIDN'T IT PASS? THANK YOU FOR DOING THAT IT'S APPRECIATED. SOME THINGS THAT HAVE CROPPED UP WE WOULD LIKE YOU TO CONSIDER FURTHER IF YOU'RE GOING TO SPEND MORE TIME ON THIS. I DIDN'T THINK YOU'D BE WORKING ON THIS NOW AND THERE'S ALWAYS THE FUTURE BECAUSE RULES ARE NEVER FIXED. THERE'S ALWAYS THINGS TO CHANGE IN THE FUTURE. ONE IS RELATED TO ITEM OF THE CONFUSION OF SOMETHING BEING ON CONSENT AND THEN FAILING. A CHANGE THAT

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WAS INTRODUCED WITH THESE EDITS WAS TO SAY THAT THE AGENDA AND RULES COMMITTEE CAN TAKE SOMETHING COMING FROM A COMMITTEE WITH A NO RECOMMENDATION AND PUT THAT ON CONSENT WITH THE IDEA BEING THE COMMITTEE HAS RECOMMENDED TO NOT PASS IT. THAT'S WHAT THE COUNCIL IS GOING TO DO. THERE'S NO NEED TO DISCUSS IT. BUT IT MAKES IT CONFUSING TO THE PUBLIC BECAUSE YOU'RE PUTTING SOMETHING ON CONCEPT -- CONSENT THAT WILL FAIL. THAT'S A PUBLICALLY CONFUSING ITEM. WE'RE CONCERNED TO SEE THERE'S BEEN NO CHANGE TO THE DEPTH OF INFORMATION OR TIME LIMITS ITEMS DESERVE THE SAME LEVEL OF INFORMATION AND TIME PERIOD FOR PEOPLE TO SEE WHAT'S GOING ON FOR MEMBERS OF THE COUNCIL.

>> Mayor J. Arreguin: COMMISSIONER SAGAMORE WHAT YOU'RE REFERRING TO WE DID DISCUSS THIS AT COMMITTEE AND THE COMMISSION HAD A PARTICULAR RECOMMENDATION ON THIS ASKING THAT THAT GOES TO THE PACKET FOR THE RULES COMMITTEE FOR REVIEW? RIGHT NOW THAT'S NOT REQUIRED AND THE

>> THE BUCKET RECOMMENDATIONS OFTEN COME FROM COMMISSIONS AND NEED TO KNOW WHAT TIME DEAD LINES THEY ARE NEED TO BE WORKING WITHIN. THERE'S ALSO THE ISSUE OF TRAINING. YOU ALL KNOW THE HUMAN WELFARE COMMISSION WAS ABOUT TO BE DISSOLVE. IT DOESN'T MEET CONSOLIDATION BECAUSE IT WASN'T MEETING STATE OR FEDERAL REQUIREMENTS. THERE WAS AN ACTIVE RECRUITMENT TO RECRUIT PEOPLE TO THAT COMMISSION. YOU WAS ACTIVELY RECRUITING PEOPLE AND THE

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PEOPLE CAME ON THAT COMMISSION. ONE HAS SINCE DROPPED OFF AND ANOTHER HAS DROPPED OFF BECAUSE THERE'S NO SENSE OF DIRECTION. SHE WENT TO THREE MEETINGS. SHE SAID THE CITY NEEDS TO PUT PACKETS TOGETHER SO COMMISSIONERS KNOW WHAT THE EXPECTATIONS ARE. AFTER SHE WAS SWORN IN I BROUGHT HER TO THE CITY CLERK'S OFFICE AND THERE WASN'T RECORD OF HER HAVING BEEN APPROVED AS A COMMISSIONER. AND TO THE SAME EFFECT RECENTLY AT A COMMISSION ON AGING MEETING AS A MEMBER OF THE PUBLIC. AND BAFFLED WHAT THE ROLE IS DESPITE A STRONG CHAIR. THEY DON'T KNOW WHAT TO GO AND SOME ARE TIMID, ARE THEY ALLOWED TO DO THIS OR THAT AND CONFUSED BETWEEN THE ROLE OF THE COUNCIL AND CITY MANAGER'S OFFICE. THEY NEED DIRECTION AND NEED TO BE INCORPORATED IN PROCEDURES AND NEED TO KNOW WHAT OTHER COMMISSIONS ARE DOING. THANK YOU.

>> Mayor J. Arreguin: THANK YOU. ARE THERE ANY OTHER IN PERSON SPEAKERS ON THIS ITEM. ITEM 11? IF NOT WE'LL TAKE SPEAKERS ON ZOOM. IF THERE'S ANY MEMBER OF THE PUBLIC ON ZOOM WISHING TO SPEAK ON ITEM 11 RAISE YOUR VIRTUAL HAND. JANICE CHING.

>> THANK YOU. I'M ALSO ON THE OPEN GOVERNMENT COMMISSION AND CONCERNED ABOUT THE OPTICS OF YOUR PROPOSAL TO DELAY THIS ITEM. THE ITEM WAS REFERRED TO OUR COMMISSION BY THE COUNCIL AND NOW WE'LL HAVE NEW COUNCIL MEMBERS WHO MAY NOT AGREE WITH THE REFERRAL MADE. SECONDLY, WHY DELAY THE ENTIRE PROCESS AND NOT PASS WHAT I WOULD CALL NO-BRAINERS? THIRDLY, COUNCIL MEMBER

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KESARWANI SAID PULLING ITEMS FROM CONSENT IS DUPLICATIVE. NO, THE PUBLIC WANTS TO HEAR WHY YOU'RE VOTING NO. TAKING AWAY THE ABILITY OF THE PUBLIC TO HEAR DISCUSSION IS NOT OPEN GOVERNMENT. THE SUPPLEMENTAL ITEMS, WHAT YOU'RE DOING TONIGHT IS WHAT WE'RE TRYING TO AVOID. THE OPEN GOVERNMENT COMMISSION MET ON THIS PAST THURSDAY A FEW DAYS AGO AND HAD NO IDEA OF THE SUPPLEMENT THAT WAS BEING PROPOSED TONIGHT. WE COULD HAVE DISCUSSED IT. WE COULD HAVE HAD IT ON OUR AGENDA. YOUR PROPOSING THINGS FROM THE DAIS THAT WE HAVE NO IDEA ABOUT. THIS IS WHAT WE WERE TRYING TO STOP BY HAVING THINGS COME UP AND REQUIRING THINGS BE ON THE AGENDA EARLIER. SO I REALLY ENCOURAGE YOU TO THINK ABOUT WHAT YOU'RE DOING TONIGHT BECAUSE YOU ARE -- IT SEEMS THE OPTICS COULD BE YOU'RE UNDERMINING THE ROLE OF OUR COMMISSION. THANK YOU.

>> Mayor J. Arreguin: ARE THERE ONLY OTHER MEMBERS OF THE PUBLIC ON ZOOM WHO WOULD LIKE TO SPEAK ON ITEM 11? IF SO PLEASE RAISE YOUR VIRTUAL HAND. I DON'T SEE ADDITIONAL HANDS RAISED. THANK YOU. BACK TO COUNCIL FOR DISCUSSION I SUGGEST WE GO TO OUR COLLEAGUES ON ZOOM FIRST IF THAT'S OKAY. VICE MAYOR WENGRAF AND COUNCIL MEMBER TREGUB.

>> S. Wengraf: THANK YOU VERY MUCH. I WANT TO THANK THE AGENDA AND RULES COMMITTEE FOR ALL THE WORK AND ESPECIALLY WANT TO THANK CITY CLERK FOR ALL THE WORK HE DID ON THIS. THIS IS DENSE AND COMPLICATED. THERE'S UNINTENDED CONSEQUENCES FOR EVERYTHING

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WE DO. I FEEL LIKE IT'S A LOT TO DIGEST IN ONE MEETING. I DON'T THINK IT'S ANYBODY'S INTENT NOT TO LISTEN TO THE INPUT FROM THE COMMISSIONS. I THINK THERE'S A MISUNDERSTANDING THERE. I'VE BEEN LIVING WITH THESE SUGGESTIONS FOR A WHILE BUT I IMAGINE FOR THOSE WHO AREN'T THIS IS OVERWHELMING. HOWEVER, I DO THINK WE COULD PASS CERTAIN THINGS THAT THE CITY CLERK IDENTIFIES AS BEING NON-CONTROVERSIAL AND NECESSARY GIVEN OUR PROCESS HAS CHANGED ALLOWING ZOOM. WE COULD EASILY PASS THOSE THINGS BUT NOT PASS THE SUBSTANTIVE THINGS TONIGHT.

>> Mayor J. Arreguin: I THINK WE WANT STAFF TO COME BACK WITH JUST THOSE NON-SUBSTANTIVE CHANGES BECAUSE IT'D BE HARD TO PARS OUT TONIGHT.

>> S. Wengraf: I AGREE. IF STAFF COULD IDENTIFY WHAT THOSE ARE, THOUGHT COULD COME BACK ON CONSENT. THE RECOMMENDATION ON THE DEFINITION OF MAJOR ITEMS, I DON'T SEE ANYTHING IN THE MAIN ITEM THAT TALKS ABOUT POLICY CHANGES, ADDRESSES THE CONTENT I THINK ANY ITEM THAT'S A SHIFT IN POLICY SHOULD BE CONSIDERED A MAJOR ITEM. SOW I'D LIKE TO CONSIDER THAT. AND THEN MY OTHER QUESTION IS REGARDING THE ITEMS -- THE RULES FOR FORMER MAYORS AND COUNCIL MEMBERS. CURRENTLY WHAT ARE THE RULES ABOUT THAT, MR. CLERK?

>> WE DON'T HAVE POLICY OR PROCEDURE FOR HOW ITEMS FROM MAYOR COUNCIL MEMBER THAT LEAVES OFFICE ARE HANDLED. THEY TYPICALLY IF

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THEY'RE AT POLICY COMMITTEE THEY'LL EITHER TIME OUT FOR THE POLICY COMMITTEE MAKES A RECOMMENDATION AND THE ITEM COMES BACK FOR FULL DISPOSITION. WE DON'T HAVE A SPECIFIC POLICY. IT'S JUST THAT THOSE ITEMS FOLLOW THE STANDARD OPTIONS THAT ARE AVAILABLE IN THE LEGISLATIVE PROCESS TO A POLICY COMMITTEE OR THE FULL COUNCIL. I SEE. IF AN ITEM IS IN THE PIPELINE AND I'M NO LONGER ON THE COUNCIL WHEN IT COMES TO THE COUNCIL THEN IT DIES A GRACEFUL DEATH OR WHAT?

>> THE COUNCIL COULD APPROVE IT IF THEY SO DESIRED.

>> THE CHOICES ARE APPROVE OR DENY? WHAT IF THERE ARE CO-SPONSORS?

>> UNDER THE CURRENT RULES THE FULL COUNCIL COULD REFER IT BACK TO A POLICY COMMITTEE IF THEY WANTED TO ANY PIECE OF LEGISLATION THEY WOULD HAVE WITH A PIECE OF LEGISLATION FROM A COUNCIL MEMBER NO LONGER IN OFFICE.

>> S. Wengraf: I SEE. THANK YOU. THANK YOU. THOSE ARE MY COMMENTS, MAYOR.

>> Mayor J. Arreguin: THANK YOU. WE'LL GO TO COUNCIL MEMBER TREGUB AND HAHN, TAPLIN AND HUMBERT.

>> I. Tregub: THANK YOU. I WANT TO ECHO MY GRATITUDE TO THE CLERK AND THE WORK OF THE AGENDA AND RULES COMMITTEE AND COUNCIL MEMBER KESARWANI FOR THINKING ABOUT THIS DEEPLY. I DEFINITELY AGREE WHILE I THINK THE OVER ALL PACKAGE NEEDS MORE WORK I WOULD

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BE MORE THAN AMENABLE TO PASSING A PACKET OF CHANGES TONIGHT DEEMED TO BE EITHER NON-SUBSTANTIVE OR NON-CONTROVERSIAL LIKE OFFICIALLY ALLOWING THE CONTINUANCE OF HYBRID MEETINGS. I HAVE A FEW QUESTIONS. ONE IS FOR COUNCIL MEMBER KESARWANI ON HER SUPPLEMENTAL. I'LL TRYING TO UNDERSTAND THE CHANGE IN PROCEDURE FOR FORMER MEMBERS OF THE COUNCIL IF ADOPTED IT MUST BE RECONSIDERED AT A FUTURE RULES COMMITTEE MEETING AND IF ANY ARE NOT ASSUMED BY THE MAYOR THE COUNCIL MAY TAKE ANY LEGISLATIVE ACTION PERMITTED UNDER THE RULES EXCEPT THE ITEM MAY NOT BE REFERRED TO POLICY COMMITTEE. I KNOW THAT IS NOT A CHANGE YOU'RE SUGGESTING BUT I'M WONDERING IS IT SEEMS DUPLICATIVE. IF AN ITEM IS ADOPTED BY A CURRENT MEMBER IF IT GETS THROUGH THE RULES COMMITTEE HOW WOULD THIS NOT BE DUPLICATIVE TO MAKE IT GO THROUGH THE PROCESS AGAIN? THAT'S ONE QUESTION AND I CAN PUT QUESTIONS ON THE MAP NOW OR HAPPY TO WAIT TO GET A RESPONSE.
>> R. Kesarwani: I APPRECIATE THE QUESTION. I THINK WHEN WE WERE LOOKING AT SOME OF THE SAMPLES SOME ITEMS DIDN'T SEEM TO BE FULLY FLUSHED OUT TO BE HONEST. AND THE IDEA HERE IS IF A COUNCIL MEMBER REALLY SUPPORTS THE CONCEPT THEY CAN BRING IT FORWARD AND HOPEFULLY PUT MORE SUBSTANCE INTO IT SO IT COULD BE RECONSIDERED. IT IS A FAIR POINT. THERE COULD ALSO BE ON THE OTHER HAND ITEMS THAT WERE WELL THOUGHT OUT AND IS WE MAY NEED TO WORKSHOP THIS MORE IF THERE'S A COUNCIL MEMBER INTERESTED IN

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SPONSORING IT THIS PROCESS WOULD FORCE IT TO GO THROUGH AGENDA AND RULES AGAIN AND POTENTIALLY GO TO A POLICY COMMITTEE AGAIN WHEREAS IF NOBODY IS INTERESTED IN IT THEN THE WAY I RIDE WHAT THE EXISTING LANGUAGE SAYS IS THAT IT JUST GOES UP FOR AN UP OR DOWN VOTE. WITHOUT FURTHER POLICY COMMITTEE REVIEW OR ANYTHING LIKE THAT. YOU'RE POINTING OUT A POTENTIAL DRAW BACK TO THIS APPROACH AND TRYING TO GUARD AGAINST AN ITEM READY TO BE VOTED ON BUT IF THERE'S INTEREST SOMEONE CAN DO THAT AND YOU CAN DO THAT WITHOUT THE LANGUAGE AND YOU'RE FREE TO INTRODUCE ITEMS AND MAY BE ADAPTED FROM PRIOR ITEMS. DO YOU WANT TO CONTINUE?

>> I. Tregub: SURE. THE REST OF YOUR SUGGESTIONS I LARGELY AGREE WITH. MY OTHER QUESTIONS WERE TO THE CLERK AND MAYBE MEMBERS OF THE AGENDA AND RULES COMMITTEE.

>> R. Kesarwani: OKAY, THANK YOU. THERE WAS A COMMUNICATION RECEIVED FROM CHAIR SAGAMORE AROUND SEPTEMBER 10 SUGGESTING THE CHARTER OFF HER ITEMS THIS IS A REQUEST TO CHANGE LANGUAGE OF THE REVISIONS TO SECTIONS 3D4 ON PAGES 19 AND 66. WHERE IT TALKS THE BUSINESS TO A CONDITION TO PLACING AN ITEM ON THE AGENDA ITEMS FROM DEPARTMENTS INCLUDING AGENDA ITEMS FROM COMMISSIONS SHALL BE FURNISHED IN A TIME ESTABLISHED BY THE CITY MANAGER AND ADDING NO LATER THAN 24 HOURS PRIOR TO THE MEETING OF AGENDA AND RULES POLICY COMMITTEE. AT THE TIME THAT I THOUGHT THIS WAS GOING TO BE VOTED ON TWO WEEKS AGO, I WAS PREPARED FOR THE

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SUGGESTION BACK TO AGENDA AND RULES BUT SINCE WE SEEM TO HAVE MORE TIME I WANT TO JUST PUT THAT OUT THERE THAT IS SOMETHING I WOULD SUPPORT IN THE INTEREST OF MORE TRANSPARENCY, MORE AND WHETHER THERE'S STAFF AND COMMISSIONS. A BROADER OVER ARCHING QUESTION. I DON'T HAVE THE ANSWER FOR.

>> Mayor J. Arreguin: POINT ME TO WHAT SECTION OF THE RULES YOU ARE REFERRING TO.

>> THIS IS CHARTER OFFICER ITEMS ON PAGE 19 AND AGAIN ON PAGE 66.

>> Mayor J. Arreguin: EXCEPT FOR CONTINUED AND OLD BUSINESS AS A CONDITION TO PLACING AN ITEM ON THE AGENDA, DEPARTMENTS INCLUDING AGENDA ITEMS FROM COMMISSION SHALL BE FURNISHED BY THE CITY CLERK. WHAT'S THE CHANGE?

>> I. Tregub: THE SUGGESTED ADDITION FROM I DON'T KNOW IF THIS IS CHAIR SAGAMORE IN HER CAPACITY OR THE OFFICIAL GOVERNMENT POSITION BUT ADDING THE LANGUAGE NO LATER THAN 24 HOURS PRIOR TO THE RELEVANT MEETING OF AGENDA AND RULES POLICY COMMITTEE.

>> Mayor J. Arreguin: I THINK THE ISSUE HERE BY CHARTER OFFICES WE'RE TALKING ABOUT THE CHARTER OFFICERS THE CITY ATTORNEY AND DIRECTOR OF POLICE ACCOUNTABILITY, THE CITY MANAGER SUBMITTING REPORTS TO BE INCLUDED IN THE AGENDA AND RULES COMMITTEE PACKET? WE HAD A DISCUSSION AND THERE'S A REASON WHY WE DIDN'T RECOMMEND THAT. CAN YOU TALK ABOUT THE PROCESS FOR THE CITY MANAGER

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DEPARTMENTS TO SUBMIT ITEMS AND WHY THEY'RE NOT IN THE PACKET CURRENTLY THIS WAS DESCRIBED DURING THE COMMITTEE DISCUSSION.
>> I'LL LET THE CITY CLERK BECAUSE YOU'RE CORRECT, MR. MAYOR. THERE'S A PROCESS AND DEADLINES AND DUE DATES THAT THEY'RE DUE. THEY ARE REPORTS REVIEWED BY SEVERAL DEPARTMENTS. IT GOES THROUGH THE CITY, THE DEPARTMENT LEVEL FIRST, THE STAFF PERSON PREPARES ITS AND THE DEPARTMENT HEAD REVIEWS IT AND THEN GOES TO OUR BUDGET DEPARTMENT THEN THROUGH OUR CITY ATTORNEY'S OFFICE FOR REVIEW AND THEN TO THE CITY MANAGER'S OFFICE FOR REVIEW. SO THERE ARE ABOUT FIVE LEVELS OF REVIEW FOR ANY STAFF REPORTS THAT END UP ON OUR COUNCIL MEMBER AGENDA. AND THERE IS A VERY DELIBERATE AND INTENTIONAL SCHEDULE WE FOLLOW QUITE CLOSELY DEVELOPED BY OUR CITY CLERK. IS THAT HELPFUL COUNCIL MEMBER TREGUB.
>> I. Tregub: YES. YOU'RE SAYING THIS IS ALREADY A VERY EXTENSIVE AND EXHAUSTIVE AND BECAUSE OF THE NATURE OF THE PROCESS SIT CORRECT THAT AGENDA AND RULES DID DISCUSS THIS BUT DID NOT RECOMMEND PROVIDING ADDITIONAL TIME LINES FOR SUBMISSION OR INCLUSION IN AGENDA AND RULES COMMITTEE?
>> Mayor J. Arreguin: THE AGENDA AND RULES COMMITTEE DID AS CHAIR WHICH IS IF WE DID -- IT'S WELL INTENTIONED BUT THERE ARE -- THERE COULD BE 350 OR MORE REPORTS AND LIMITS THE AMOUNT OF TIME OUR DEPARTMENTS HAVE TO PREPARE AND TO SUBMIT REPORTS

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AND ITEMS FOR CONSIDERATION AND WE WANT THINGS TO BE VETTED THROUGH BUDGET. WE WANT THEM TO BE VETTED BY THE CITY ATTORNEY'S OFFICE ESPECIALLY LAWS TO MAKE SURE THEY'RE IN LEGAL FORM. WHILE WELL INTENTIONED THE EFFECT OF DOING THIS WOULD ACTUALLY REDUCE THE AMOUNT OF TIME TO DEVELOP ITEMS TO COME TO THE CITY COUNCIL FOR CONSIDERATION AND TO ENSURE THEY HAVE UNDER GONE PROPER LEGAL AND BUDGETARY -- BUDGETARY REVIEW. I THINK MY COLLEAGUES AGREE GIVING REVIEW AND WE'RE TRYING TO CREATE A SYSTEM WHERE WE'RE LOOKING AT THE OPERATIONAL AND BUDGET IMPLICATIONS BUT DON'T HAVE TO GO THROUGH THAT EXTENSIVE REVIEW FOR OUR ITEMS AT ALL. THAT WAS THE IDEA. DID I ACCURATELY SUMMARIZE?

>> I. Tregub: I'M ALMOST DONE. ON THIS ISSUE AROUND -- SORRY, I HAVE ONE MORE QUESTION FOR COUNCIL MEMBER KESARWANI ON ISSUE 6 AROUND ADDING CONSENT OF THE COUNCIL ON HOW ACTION ITEMS MAY BE REORDERED AT THE DISCRETION OF THE CHAIR. IS THAT INTERPRETED TO BE UNANIMOUS CONSENT OR MAJORITY VOTE OR TWO-THIRDS? I SUGGEST MAYBE IT SHOULD BE SPECIFIED WHATEVER THE STANDARD OR THRESHOLD IS.

>> R. Kesarwani: THAT'S A GREAT POINT. MR. CITY CLERK, IS THERE A CURRENT RULE OF WHAT CONSENT OF THE COUNCIL MEANS IN THIS REGARD?

>> IN THIS CONTEXT IT WOULD JUST BE A MAJORITY VOTE. THERE'S NO HIGHER THRESHOLD SPECIFIED IN THE CHARTER OR ORDINANCE OR IN THE

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RULES OF PROCEDURES.

>> R. Kesarwani: WE COULD CERTAINLY FOR CLARITY SAY WHAT THE MAJORITY OF THE COUNCIL WE COULD TAKE THAT EDIT. AND I'M TAKING NOTES OF WHAT SUGGESTIONS PEOPLE ARE MAKING SO THANK YOU FOR THAT.

>> I. Tregub: THANK YOU. ON THE ISSUE OF PUTTING SOMETHING ON CONSENT WITH A NEGATIVE RECOMMENDATION TO NOT FOR THE PURPOSE OF NOT MOVING THE ITEM FORWARD, TO BE HONEST I UNDERSTAND THE CONCERNS FROM THE PUBLIC BUT I ALSO UNDERSTAND THE NEED TO BALANCE THOSE CONCERNS WITH THE ABILITY TO RUN AN EFFICIENT MEETING HAVING EXTENSIVE MEETINGS WHERE ITEMS ARE DISCUSSED THAT ARE UNLIKELY TO MOVE FORWARD ANYWAY. IT ALSO IS A DISSERVICE TO THE PUBLIC. I JUST WONDER IF THIS IS NOT VOTED ON TONIGHT MAYBE IT'S JUST A SUGGESTION TO LOOK AT WHAT OTHER COUNCILS AND OTHER PUBLIC AGENCIES DO. IT IS TRUE ON THE BOARD I NOW SERVE ON CONSENT ACTUALLY MEANS CONSENT. I TAKE IT TO MEAN WE'RE APPROVING EVERYTHING ON CONSENT. IT'S NOT A STATEMENT OF DISAPPROVAL. JUST WANTED TO SEE HOW THIS CHANGE TO THE PROCEDURE WOULD BE ALIGNED WITH OTHER PUBLIC AGENCIES. AND LASTLY I AGREE ABOUT THE RECOMMENDATION TO REDUCE THE SPEAKING TIME FOR COUNCIL MEMBER TO THREE MINUTES ON CONSENT CALENDAR ITEMS OR LESS BECAUSE CONSENT MEANS CONSENT.

>> Mayor J. Arreguin: THEY GO THROUGH COMMITTEE AND WE'RE TRYING

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TO CREATE PARAMETERS SO THERE'S MORE THOROUGH REVIEW OF THINGS AND IF THE COMMITTEE IS RECOMMENDING WE TAKE A NEGATIVE RECOMMENDATION BECAUSE THE ITEM IS NOT WELL THOUGHT THROUGH AND WE PUT THAT ON CONSENT, I DON'T SEE WHAT THE PROBLEM IS THERE. THAT'S THE ISSUE. WE'RE TRYING TO LOOK AT HOW TO MANAGE THE AGENDA FOR THINGS WE KNOW ARE NOT GOING TO MOVE FORWARD AND DON'T REQUIRE EXTENSIVE DISCUSSION OF THE CITY COUNCIL. THERE'S ALREADY A PROCESS WHEREBY THREE PEOPLE CAN PULL SOMETHING FROM CONSENT TO GO TO THE ACTION CALENDAR IF THEY WANT MORE DISCUSSION. BUT IF A MAJORITY OR MORE OF THE COUNCIL IS NOT GOING TO APPROVE SOMETHING THEN I DON'T UNDERSTAND THE ISSUE FROM MOVING THAT TO THE CONSENT CALENDAR. THAT'S WHY WE MADE THE RECOMMENDATION BY CONTEXT. OKAY. COUNCIL MEMBER HAHN THEN CHAPLAIN, HUMBERT, KESARWANI, WENGRAF AFTER THAT. COUNCIL MEMBER HAHN.

>> S. Hahn: THANK YOU. IT'S GOOD TO SEE SO MANY PROCEDURE NOTES. BECAUSE OF THE BROWN ACT THE THREE US OF CAN'T WORK ON THIS TOGETHER OUTSIDE THE MEETINGS. SO I'VE BEEN WORKING DIRECTLY WITH THE CLERK ON THIS STUFF AND MAY BE MORE IMMERSED ON MY COLLEAGUES ON THE COMMITTEE AND WAY MORE IMMERSED THAN THOSE WHO JUST SEEM -- SEE IT SHOW UP ON THE COUNCIL AGENDA. I REALIZE WE PROBABLY SHOULD HAVE PROVIDED A LOT MORE FRAMING BECAUSE I THINK PEOPLE MAY HAVE FORGOTTEN WHERE A LOT OF THIS CAME FROM. WE HAD

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WITH DEE WILLIAMS RIDLEY BEFORE THE PANDEMIC SHE STARTED A PROCESS CALLED SYSTEMS REDESIGN. SHE WAS TRYING TO GET MORE DISCIPLINE AND QUALITY INTO THE PROPOSALS COMING TO THE CITY NOT JUST FROM COUNCIL MEMBERS ACROSS THE BOARD AND HER COMMITMENT TO MAKING SURE THINGS COULD BE IMPLEMENTED AND WOULD BE IMPLEMENTED. SHE STARTED A PROCESS. IT WAS INTERRUPTED BY THE PANDEMIC. SOME OF THESE IDEAS ABOUT RULES CHANGES GO BACK THAT FAR. THEY WERE INCLUDED. . THEY CAME FROM THE DISCUSSIONS THAT WE HAVE RIGHT BACK IN LIKE 2019 AND THEN THERE'S BEEN A VARIETY OF OTHER SOURCES OF REFERRING AND IDEAS. WE GOT A WHOLE LONG LIST OF THINGS CAREFULLY THOUGHT THROUGH FROM THE OPEN GOVERNMENT COMMISSION. THEN WE ACTUALLY HAD A MEETING HERE AT COUNCIL WHERE WE TOOK INPUT FROM ALL OF THE COUNCIL MEMBERS AGAIN ON IDEAS THEY HAD AND CHANGES AND IT'S ALL THAT STUFF MESHED TOGETHER PLUS THE THINGS THE CLERK KEEPS TRACK UP HE FINDS ALONG THE WAY. IT RESULTED IN WHAT YOU HAVE BEFORE YOU. I AGREE WITH KITT'S COMMENT THAT YOU CAN ALWAYS FIND CHANGES AND UPDATES AND IMPROVEMENTS TO RULES ENDLESSLY. I WANT TO MAKE SURE WE DON'T END UP IN THAT CYCLE. THERE'S ALWAYS MORE IDEAS AND AT SOME POINT WE NEED TO DRAW A LINE AND SAY WE'LL ADOPT THE GOOD IDEAS WE TALKED ABOUT AND THEN START A NEW QUEUE AND A YEAR LATER WE'LL MAYBE LOOK AT ADDITIONAL NEW IDEAS. THE QUESTION OF DEFINING MAJOR ITEMS IS SOMETHING WE SPOKE ABOUT AT LENGTH. IT

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HAD BEEN REFERRED TO US WHERE HE WE DECIDED THE VARIETY OF ITEMS BEFORE US THAT COULD POTENTIALLY BE MAJOR ITEMS WAS SO BROAD THAT ANY SET OF WORDS WOULD NOT BE ENOUGH TO ANTICIPATE THE VARIETY OF THINGS THAT COME BEFORE US AND WE ALMOST NEVER HAVE PUSHBACK FROM A COUNCIL MEMBER SAYING MY ITEM WASN'T A MAJOR ITEM. AND YOU PUT IT IN COMMITTEE. AT SOME POINT WE FELT WE SHOULD ALSO JUST TRUST THE JUDGMENT OF OUR ITEMS AND WHETHER THE COMMITTEE AGREES WITH THE ITEM OR WHATEVER TO TREAT THE ITEM FAIRLY AND EVALUATE THEM. IT HASN'T BEEN A PROBLEM. IT'S A PROBLEM THAT HASN'T NEEDED TO BE FIXED. WE WENT ALL THE WAY AROUND THE WORLD AND DECIDED WHAT WE HAVE WAS WORKING. THE BACKGROUND MAY HAVE BEEN HELPFUL ON WHY YOU HAVE WHAT YOU HAVE IN FRONT OF YOU. I WANT TO THANK COUNCIL MEMBER KESARWANI FOR A THOROUGH REVIEW. SOME OF WHAT SHE PUT FORWARD ARE IDEAS FOR CHANGES TO THE PROPOSED CHANGES. SOME ARE OTHER STUFF SHE AND HER TEAM IDENTIFIED. WE HAVE MORE WORK TO DO AND GETTING IT RIGHT ISN'T JUST ABOUT WHAT WORKS FOR THE COUNCIL BUT WE ALWAYS HAVE THE LENS OF THE PUBLIC. THE RULES ARE NOT JUST FOR OUR EASE BUT TO MEET THE SPIRIT OF TRANSPARENCY. AND THE COMMISSION CAN HELP WITH THAT BECAUSE SHE AND IT'S ALL THE MEETINGS AND IS ABLE TO PROVIDE THE PERSPECTIVE OF HOW ALL THIS LOOKS TO THE PUBLIC WHICH OBVIOUSLY IS IMPORTANT TO US. I WOULD LIKE TO SUGGEST A PATH FORWARD FOR TODAY. WE'LL MAKE A COMMITMENT WHICH BASICALLY

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MEANS ME, WORK WITH THE CLERK TO COME UP WITH ALL THE CHANGES THERE SEEMS TO BE CONSENSUS ON AND COME BACK AS SOON AS POSSIBLE WITH THAT SET OF CHANGES. ANYTHING ADDRESSED IN THE COUNCIL MEMBER OR WOULD LIKE US TO CONSIDER SOMETHING MORE IN DEPTH WELL TAKE MORE TIME AND WHEN WE COME BACK WITH ANSWER S I'D LIKE TO PROPOSE WE REFER THIS BACK TO THE AGENDA AND RULES COMMITTEE TO BRING BACK I'LL SAY CHANGES NOT IN QUESTION AS SOON AS POSSIBLE AND THE OTHER CHANGES AND IDEAS BE CONSIDERED BY THE AGENDA AND RULES COMMITTEE. AND BROUGHT BACK AT A LATER DATE IS MY MOTION. YOU THINK THE TIME IS BETTER SPENT ON AGENDA AND RULES AND CITY ATTORNEY BROWN, CAN REPRESENTATIVES FROM COUNCIL MEMBER OFFICES ATTEND AGENDA AND RULES, RIGHT? IT'S JUST THE ACTUAL COUNCIL MEMBER WOULD CREATES THE QUORUM ISSUE, RIGHT AND THE BROWN ACT ISSUES?

>> REPRESENTATIVE REPRESENTATIVES CAN ALSO CREATE THE BROWN ACT ISSUE BUT IT'S TYPICAL FOR REPRESENTATIVES FROM YOUR OFFICE TO BE AVAILABLE FOR QUESTIONS.

>> S. Hahn: I MEAN THEY CAN COME AND LISTEN.

>> YES.

>> S. Hahn: I WANT TO INVITE FOR THOSE WHO ARE INTERESTED IN OUR DISCUSSIONS TO MAYBE SEND A STAFF MEMBER SO THEY CAN FOLLOW WHAT WE'RE TALKING ABOUT WITHOUT RUNNING INTO ANY OF THE ISSUES AROUND QUORUM AND BROWN ACT.

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>> Mayor J. Arreguin: I SEE COLLEAGUES ON ZOOM SO I KNOW YOU'RE WATCHING. IF THERE'S A FIFTH PERSON YOU'D HAVE TO LEAVE BUT DIDN'T PRECLUDE MEMBERS OF THE PUBLIC FROM OBSERVING SO LONG AS THEY DON'T SPEAK IF THERE'S MORE THAN FOUR PRESENT. COUNCIL MEMBER TAPLIN.

>> T. Taplin: I KNOW THE MOTION IS FOR THE AGENDA AND RULES BUT HAD THERE BEEN A MOTION TO APPROVE I WOULD HAVE VOTED YES. I WANT TO TURN TO THE CENTER FOR AGENDA ITEMS. I SUPPORT THE STRIKE SUBSECTIONS F, H AND J AND COLLAPSE THEM INTO THE BACKGROUND SECTION AS. A REVIEW OF CURRENT POLICIES AND IN CONSULTATION WITH STAFF AND OUTREACH TO STAKEHOLDERS NATURALLY OCCURS IN MOST IF NOT ALL OF MY MAJOR ITEMS. THESE ARE THINGS THAT HAVE OCCURRED THROUGHOUT THE COMMITTEE PROCESS AS WELL. I DON'T SEE WHY THEY WOULD NEED TO BE PULLED AS SEPARATE STAND-ALONE SECTIONS BUT I SUPPORT THEM BEING INCLUDED IN THE BACKGROUND SECTION ON ITEMS. I WOULD CALL THOSE THINGS INTO QUESTION FOR THE PURPOSE OF THE DISCUSSION ON COMMITTEE. I SUPPORT THE DEBATE TIME LIMIT. I THINK THREE MINUTES IS QUITE A LONG TIME TO SPEAK. WE ASK THE PUBLIC TO MAKE THEIR POINT AND TELL THEIR STORIES AND SPEAK THEIR MINDS WITHIN A CONSTRAINED TIME PERIOD. COUNCIL MEMBERS SHOULD BE ABLE TO DO SO AS WELL. I SUPPORT THAT EVEN FOR ACTION ITEMS. I THINK MEMBERS CAN SPEAK TO THAT IN THREE MINUTES AS WELL.

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>> Mayor J. Arreguin: UNDER THREE MINUTES? COUNCIL MEMBER HUMBERT AND WENGRAF AND THEN SPEAK.

>> M. Humbert: I WANT TO THANK THE AGENDA AND RULES COMMITTEE FOR CITY CLERK FOR THEIR -- HERCULEAN WORK ON THIS PROPOSAL. ALSO COUNCIL MEMBER KESARWANI FOR BRINGING FORWARD THE AMENDMENTS. THE CHANGES HER OFFICE HAVE MADE REFLECT AND I THINK AMELIORATE THE CONCERNS WITH THE PROPOSED CHANGES. MANY WOULD INCREASE THE RISK OF MINORITY RULE IN THE COUNCIL TO THIS END I AGREE WITH COUNCIL MEMBER KESARWANI'S SUGGESTION. IT'S IMPORTANT WE DON'T WANT THERE TO BE FUTURE RECOURSE WE NEED TO HAVE THE OPTION TO DECLINE A REORDERING BY A MAJORITY OF COUNCIL. WE DON'T WANT TO DRAG THINGS OUTS TOO MUCH WITH POLICY AND BUDGET IMPLICATIONS IT'S NOT NECESSARY TO TAKE EVERYTHING IN STONE. SINCE THE FULL COUNCIL CAN MAKE CHANGES ON THE DAIS ANYWAY. ISSUE 9 HARD TO AGREE WITH COUNCIL MEMBER KESARWANI. IF ANOTHER COUNCIL MEMBER DECIDES TO RESURRECT ITEMS AND PUSH ITEMS THROUGH COUNCIL. IF A NEW COUNCIL MEMBER PICK UP THE ITEM, THERE OUGHT TO BE A REASONABLE THEY ARE IN WHATEVER THAT DELAY IS I'M NOT SURE EXACTLY WHAT FORM IT SHOULD TAKE BUT SHOULDN'T BE INSTANTLY DECIDED AT THE COUNCIL MEMBER THE MEETING MEMBER ADOPT IT. ITEM 10, SPEAKING MORE THAN ONCE TO AN ITEM IS ADEQUATE. AND BEFORE AND AFTER PUBLIC COMMENT IS FINE, SEVEN MINUTES IS EXCESSIVE. THANK YOU FOR THE HARD WORK AND WE'LL BE WORKING THROUGH MORE

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DENSE MATERIAL IN THE FUTURE. THANK YOU.

>> Mayor J. Arreguin: VICE MAYOR WENGRAF AND I'LL GO AFTER THAT.

>> S. Wengraf: THERE'S NOBODY TO GUIDE THE ITEM BECAUSE THE COUNCIL MEMBER IS NO LONGER ON THE COUNCIL. IN ANSWER TO YOUR QUESTION, IT MIGHT BE DUPLICATIVE BECAUSE IF THE COUNCIL MEMBER WITH A BIT THERE TO GUIDE THE ITEM AT THE POLICY COMMITTEE, THEN NO, IT'S NOT DUPLICATIVE AT ALL. IT NIGHT TO BE VETTED THERE FOR THE FIRST TIME WITH THE SPONSOR. I WANTED TO ASK THE CLERK WHETHER THERE'S AN ANYTHING UP THESE RECOMMENDATIONS THAT YOU NEED QUICKLY? AND IF SO, I'M HAPPY TO MAKE A FRIENDLY AMENDMENT TO THE MOTION AND SEE IF CAN GET THOSE TO COME BACK AT THE NEXT MEETING.

>> I THINK CONSIDERING HOW LONG WE'VE BEEN OPERATING UNDER THIS SET OF RULES I DON'T THINK I CAN SAY ANYTHING IS SO URGENT IT WOULD NEED TO BE ADOPTED TONIGHT. I WOULD LIKE TO WE'RE COMING UP ON A YEAR FROM WHEN WE WERE GOING TO DO THE FIRST SET OF TECHNICAL REVISIONS SO HAPPY TO WORK MORE ON THESE WITH THE AGENDA AND RULES COMMITTEE. I THINK IF MAYBE THE DISCUSSION AT AGENDA AND RULES IS TAKING LONGER THAN EXPECTED, THEN MAYBE WE COULD PARS OUT THE TECHNICAL, NON-CONTROVERSIAL THINGS AND BRING THOSE BACK SOONER THAN SOME OF THE MORE COMPLEX ISSUES.

>> S. Wengraf: THANK YOU.

>> Mayor J. Arreguin: IF I MAY, FIRST COUNCIL MEMBER LUNAPARRA

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AND THEN I'LL GO. YOU'LL JUST SAY ON THE LATTER POINT I THINK THE THINGS NON-SUBSTANTIVE TECHNICAL CHANGES TO OPERATIONALIZE PRACTICE AND CLARIFY THINGS TO ENSURE WE CAN CARRY OUT BUSINESS IN AN EFFECTIVE MANNER I WOULD ENCOURAGE US, THE CLERK AND THE AGENDA COMMITTEE TO TAKE THAT STUFF OUT. WE CAN BRING IT BACK IN A STAND-ALONE ORDINANCE AND MOVE THAT FORWARD AND THEN DISCUSS THE MORE SUBSTANTIVE ISSUES WE TALKED ABOUT TODAY.

>> C. Lunaparra: I APPRECIATE COUNCIL MEMBER KESARWANI INCLUDING AN OBJECTIVE DEFINITION OF MAJOR ITEMS AND IF IT'S NOT THE ULTIMATE DEFINITION WE LAND ON IT'S AN IMPORTANT ASPECT OF THIS. I DO HAVE A MINIMAL CONCERN ABOUT ALLOWING US TO KIND OF QUIETLY VETO OR VOTE DOWN AN ITEM WITHOUT PROPER DISCUSSION BECAUSE IT MAY ELONGATE THE MEETING. THAT'S SOMETHING THAT IS INSTINCTUAL TO NOT WANT THE MEETING TO GO TO MIDNIGHT AND MAKES SENSE WE FEEL THAT WAY BUT IT'S NOT FAIR TO THE PUBLIC. I DISAGREE WITH THE FIRST AMENDMENT BROUGHT FORWARD BY COUNCIL MEMBER KESARWANI. THOSE ARE ALL MY COMMENTS. THANK YOU.

>> Mayor J. Arreguin: OKAY. SO TO COUNCIL MEMBER KESARWANI'S PROPOSAL I SUPPORT MOST OF THESE. ON ISSUE 3 ON ADDING ADDITIONAL LANGUAGE AROUND THE DEFINITION OF A MAJOR ITEM, SO THE ISSUE HERE IS CHICKEN AND EGG ISSUE THE COUNCIL MEMBER BRINGS FORWARD A MAJOR ITEM OR MAYOR AND HASN'T GONE TO COMMITTEE AND DON'T KNOW IF IT WILL HAVE A POSITIVE

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RECOMMENDATION OR GONE TO THE BUDGET PROCESS, HOW MUCH TIME ARE WE GOING TO PUT UP TO EVALUATE THE PROPOSAL? THAT'S THE ISSUE. THAT'S PART OF THE ISSUE WE TALKED ABOUT. THIS GETS TO AN ISSUE WE TALKED ABOUT THE OPERATIONAL IMPLICATIONS AN AUDITOR TALKING ABOUT THAT. WE LAND ON THE DEFINITION BECAUSE I THINK THE AGENDA AND POLICY COMMITTEE WILL KNOW SOMETHING'S A MAJOR ITEM OR NOT. SOMEBODY PLEASE MUTE WHOEVER IS UNMUTED. SO THAT'S THE ISSUE. IF WE'RE GOING TO DO THIS BECAUSE THE CITY MANAGER IS GOING TO PROVIDE INPUT ON WHETHER IT HAS IMPACTS DUE TO AN IMPLEMENTATION TIME LINE THERE'S BOG TO BE HAVE TO BE PRESUBMISSION CONSULTATION WITH THE CITY MANAGER'S OFFICE GET TO THE ISSUE OF A TIME LINE. AND COMES TO POLICY COMMITTEE AND GOES TO THE BUDGET COMMITTEE AND WE WANTED A TIME LINE. TO ALIGN WITH THE BUDGET PROCESS TO THINK RATIONALLY ABOUT THIS. THE WAY GOVERNMENT WORKS IS THERE MAY BE LONG-TERM BIG ITEMS AND WE NEED THE FLEXIBILITY TO RESPOND SO THAT'S ALSO GOT TO BE AND THAT HAS TO BE A PROCESS OR TIME LINE. COUNCIL CONCLUDED SEVERAL YEARS AGO THAT WE WANTED MAXIMUM FLEXIBILITY TO BE ABLE TO ADDRESS CIRCUMSTANCES OR EMERGING ISSUES TO DO THIS WE NEED A RATIONAL PROCESS. AND WE ALSO DON'T WANT THEM TO SPEND AN INORDINATE AMOUNT OF TIME ANALYZING THAT WON'T SEE THE LIGHT OF DAY. WE HAVE TO DELINEATE IT'S NOT GOING TO BE A CURSORY ANALYSIS. FRANKLY, COLLEAGUES, BEFORE WE SUBMIT ANY MAJOR ITEM WE SHOULD

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TALK TO STAFF TO GET THEIR IDEAS ABOUT THIS. I THINK THAT'S A BENEFICIAL PROCESS. I THINK IF WE'RE GOING TO DO THIS WE NEED TO BAKE THIS INTO THE PROCESS FORMALLY. . I WANT TO RAISE THAT ISSUE AND NOT DISAGREEING AND THINKING HOW TO BUILD THE SYSTEM. TO ENABLE THAT CONSULTATION. AND A QUESTION FOR THE CITY ATTORNEY WITH ITEM NUMBER 10 WHICH IS IF AN ITEM REACHED THE ACTION ITEM ARE RULES ALLOWING A PERSON TO SPEAK AGAIN ON THE ACTION CALENDAR. IS THE REASON WE DO THAT DUE TO THE BROWN ACT OR JUST IS THAT LEGAL REQUIREMENT IF SOMETHING GETS MOVED TO THE ACTION CALENDAR SUBSEQUENTLY THE RULES WILL PRESCRIBE WE CAN'T PULL SOMETHING TO THE ACTION CALENDAR AFTER WE TAKE PUBLIC COMMENT. IS THAT CHANGING?

>> I CAN CHECK.

>> Mayor J. Arreguin: I BELIEVE THE RULES SAY YOU CANNOT MOVE SOMETHING TO THE ACTION CALENDAR AFTER WE TAKE PUBLIC COMMENT. I GUESS I DON'T UNDERSTAND WHAT THE ISSUE ADDRESSES. IF SOMETHING'S MOVED TO THE ACTION CALENDAR THEN THEY'LL SPEAK TO IT AND CAN'T SPEAK TO IT ON THE CONSENT CALENDAR BECAUSE IT'S NOT ON THE CONSENT CALENDAR. WE'LL HAVE TO LOOK AT THIS. WHATEVER WE DO WE HAVE TO MAKE SURE IT CONFORMS TO THE BROWN ACT REQUIREMENTS. I THINK AS COLLEAGUES ARE SEEING IT'S MORE COMPLICATED THAN IT APPEARS. IF I CAN COMPLETE MY COMMENTS. THERE'S DIFFERENT RULES INTERSECT AND I THINK THIS IS A GREAT

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DISCUSSION. I JUST HOPE THAT WE CAN MOVE FORWARD THE THINGS NON-SUBSTANTIVE AND HAVE A DISCUSSION ON THE THING THAT ARE MORE SUBSTANTIVE BUT THERE NEEDS TO BE A RESOLUTION AND WE'LL DO OUR BEST, WENGRAF AND I ARE ONLY THERE SIX MORE MEETINGS BUT WHEN WE COME BACK WE HAVE TO MAKE A DECISION. WE HAVE TO PUT IN PLACE THE RULES AND THESE CAN ALWAYS BE AMENDED BUT PUTTING IN PLACE SOME WE THINK ARE APPROPRIATE I THINK IS A STEP FORWARD. DURING THE NON-SUBSTANTIVE STUFF NOW WE SHOULD DO THAT. I THINK THESE ARE THOUGHTFUL COMMENTS WE'LL TAKE INTO CONSIDERATION. AND THE BENEFIT OF THE NEW CITY MANAGER AND REVIEW AND INPUT. TO THAT END HAVING THIS GO BACK TO AGENDA AND RULES IS GOOD TO GET HIS INPUT AS WELL. IN CLOSING I WANT TO THANK THE OPEN GOVERNMENT COMMISSION. A LOT OF THIS CAME FROM THE RECOMMENDATIONS FROM THAT COMMISSION. WE WENT OVER ALL OF THE AND MADE RECOMMENDATIONS TO THIS COUNCIL AFTER REVIEWING THE OPEN GOVERNMENT COMMISSION'S REPORT AND IN MAY THIS COUNCIL I JUST WANT TO REMIND PEOPLE REVIEWED THAT AND SAID AND PASSED A MOTION TO HAVE STAFF COME BACK WITH THESE THINGS. THAT'S WHERE SOME OF THIS IS COMING FROM. IT CAME FROM THE OPEN GOVERNMENT COMMISSION AND THEY'RE THOUGHTFUL REVIEW AND THANK COUNCIL MEMBER HAHN WHO DID WORK AND MY STAFF WHO WATCHING THE VIDEOS AND TRANSCRIBING AND GOING THROUGH THE INPUT AND WE'VE HAD THE CONVERSATION SEVERAL YEARS NOW GOING THROUGH INPUT TO MAKE SURE ALL THE IDEAS

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AND QUESTIONS THAT CAME FROM THE COUNCIL WERE BEFORE THE COMMITTEE AND NOW HAVE A NEW SET OF INPUT TO CONSIDER. YOU THINK IT'S VERY HELPFUL AND TRY TO BRING SOMETHING BACK SOON. COUNCIL MEMBER HAHN.

>> S. Hahn: THANK YOU. I WANTED TO SPEAK TO WHAT WAS EMBEDDED IN THE CHANGES YOUR PROPOSING. ONE OF THE THINGS WE STRUGGLED WITH IS HOW MUCH STAFF TIME SHOULD GO TO ITEMS AT WHAT STAGES AS WELL AS THE CITY ATTORNEY'S OFFICE. WHAT WE SETTLED ON IS IT SHOULD INCREASE AS THE ITEM MOVES FORWARD. THERE SHOULD BE CONSULTATION BEFORE AN ITEM IS PUT FORWARD BUT DON'T WANT COUNCIL MEMBERS TO DOMINATE STAFF TIME IN PREPARING THEIR ITEMS. THEN WOULD BE AT LEAST SOME STAFF CONVERSATION BEFORE AN ITEM IS BROUGHT FORWARD THEN WE HAVE A WHOLE OTHER PROJECT WE'RE DOING PARALLEL TO THE CHANGES TO LOOK AT IMPROVING THE COMMITTEE PROCESS AND ONE THING WE'RE TALKING ABOUT THERE IS HOW MUCH STAFF INPUT AND HOW MUCH STAFF TIME SHOULD GO INTO THE INPUT AT THE COMMITTEE STAGE AND OF COURSE AN ITEM ISN'T APPROVED YET AND STAFF WENT DO A DEEP DIVE UNTIL AFTER SOMETHING'S BEEN APPROVED OTHERWISE THEY MAY BE WASTING TIME. WE'RE TRYING TO FIGURE OUT HOW TO HANDLE THAT. ON THIS PART OF THE MAJOR ITEM DEFINITION IT SAYS MODERATE TO SIGNIFICANT OPERATIONAL RESOURCE IMPACTS AT THE SAME TIME IN THE AMENDMENTS TO THE MAJOR ITEM WRITE UP GUIDELINES YOU'RE BASICALLY TAKING OUT THE CONSULTATION PIECE AND TAKING OUT THE

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PIECE THAT WOULD DISCUSS IMPLEMENTATION ADMINISTRATION AND ENFORCEMENT WHICH ISN'T SUPPOSED TO BE AN EXHAUSTIVE FINAL DECISION BUT AT LEAST TO HAVE THOUGHT A LITTLE BIT ABOUT THAT. IF THAT'S THE CRITERIA FOR DETERMINING WHETHER SOMETHING IS A MAJOR ITEM, HOW ADMINISTRATIVE COMPLEX IT IS AND HOW MUCH IT WOULD COST TO IMPLEMENT IT WE WOULD HAVE TO HAVE THE COUNCIL MEMBER INCLUDE SOMETHING ON THAT. AS THE MAYOR SAID THERE'S A BIT OF A PUZZLENESS ABOUT THIS AND WE'LL TRY TO PUT THE PIECES TOGETHER. IT'S HARD TO VIEW EACH PIECE SEPARATELY AND WE'RE NOT ABLE TO COME FORWARD WITH THE PROCESSES. WE MAY WANT TO EVERY SIX MONTHS HAVE AN ITEM A DISCUSSION OF RULE CHANGES COUNCIL MEMBERS MAY BE INTERESTED IN. THE COMMITTEE CAN TAKE IDEAS IN TRANCHES IF THERE'S SOMETHING IMPORTANT TO DO OR EVERY YEAR WE KEEP UPDATING THE RULES AND MAKING THEM BETTER. WE NEED IT DRAW THE LINE AT SOME POINT AND MOVE SOME FORWARD. I LOOK FORWARD TO BRINGING BACK AS MUCH AS WE CAN AS SOON AS POSSIBLE AND THINKING THROUGH THE OTHERS AND COMING BACK WITH BETTER EXPLANATIONS OF OUR RECOMMENDATIONS.

>> Mayor J. Arreguin: COUNCIL MEMBER LUNAPARRA.

>> C. Lunaparra: I'M NOT SURE IF I MISUNDERSTOOD. WE WOULD NOT BE ABLE TO TAKE A CONSENT ITEM OFF CONSENT AFTER PUBLIC COMMENT? IS THAT --

>> Mayor J. Arreguin: MY RECOMMENDATION?

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>> LUNAPARRA THAT DOESN'T MAKE ANY SENSE IF THERE'S

>> Mayor J. Arreguin: THE PUBLIC WILL NOT KNOW WHAT CHANGE WERE MADE AND NEED AN OPPORTUNITY TO BE ABLE TO COMMENT. IT'S A BROWN ACT ISSUE.

>> THE CURRENT RULES SAY AFTER PUBLIC COMMENT IS MADE YOU CANNOT MOVE ANY ADDITIONAL ITEMS FROM ACTION TO CONSENT.

>> C. Lunaparra: OH.

>> BUT YOU CAN MOVE ITEMS FROM CONSENT TO ACTION AFTER ORDER OF PUBLIC COMMENT.

>> Mayor J. Arreguin: OKAY. THAT MAKES SENSE.

>> C. Lunaparra: IT MAKES SENSE WE COULDN'T CHANGE OUR MINDS AFTER PUBLIC COMMENT. I APPRECIATE IT.

>> Mayor J. Arreguin: THAT'S HELPFUL CLARIFICATION. OKAY. THIS WAS A GOOD DISCUSSION.

>> R. Kesarwani: I WANTED TO MAKE A FEW BRIEF COMMENTS. SO IN TERMS OF CRITERIA FOR MAJOR ITEMS, I DID NOT SEE IT AS SOMETHING THAT WOULD TAKE AN INORDINATE AMOUNT OF TIME NOT BECAUSE WE EXPECT TO HAVE THE BUDGET FIGURED TO THE DOLLAR BUT HAVE AN ORDER OF MAGNITUDE DETERMINED WITH THE SUPPORT OF STAFF. TO HAVE THE BALLPARK UNDERSTANDING OF HOW LONG IT WILL TAKE AND THINKING MAJOR ITEMS WE HAVE THE TOPA ITEM COMING TO COUNCIL ON MONDAY. I DON'T WANT TO SPEAK FOR STAFF BUT I FEEL IT'S A BIG ITEM. AND QUALIFIED AS A MAJOR ITEM GIVEN THE OBJECTIVE CRITERIA. THINK OF

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THE FAIR WORK WEEK IS ANOTHER EXAMPLE THEY SHOULD BE ABLE TO GIVE THE UNDERSTANDING. AT AGENDA AND RULES THEY MAY NOT HAVE THE FULL FAMILIARITY OF THE ITEM. I DON'T SEE THAT AS BEING INCONSISTENT WITH REMOVING THE TOPIC AREA OF IMPLEMENTATION. I THINK THAT WOULD REQUIRE MORE STAFF TIME BECAUSE THAT'S A DISCUSSION OF IMPLEMENTATION AND ADMINISTRATION AND ENFORCEMENT. THIS IS MORE A BALLPARK CHECK. WE STILL HAVE TE THE FISCAL IMPACT SECTION TO TALK ABOUT THE THRESHOLD AND WHETHER IT WAS OVER OR UNDER THAT AMOUNT. THANK YOU.

>> Mayor J. Arreguin: OKAY. WE HAVE A MOTION. UNLESS THERE'S FURTHER DISCUSSION PLEASE CALL THE ROLL.

>> Clerk: KESARWANI.

>> YES.

>> Clerk: TAPLIN.

>> YES.

>> Clerk: BARTLETT.

>> YES.

>> Clerk: TREGUB.

>> AYE.

>> Clerk: LUNAPARRA.

>> YES.

>> Mayor J. Arreguin: ANY PUBLIC COMMENT FOR AN ANYONE NOT PREVIOUSLY SPOKE TO AN ITEM NOT ON THE AGENDA?

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>> KITT SAGAMORE MEMBER OF THE FAIR CAMPAIGN AND PRACTICE COMMISSION. I WANT TO A COUPLE THINGS. I WANT TO RECOGNIZE THE HARD WORK THE AGENDA AND RULES COMMITTEE PUT INTO THIS. I APPRECIATE COUNCIL MEMBER HAHN'S DEEP DIVE INTO ALL THE DETAIL AND WORKING ON THIS IS VERY IMPRESSIVE. VERY HELPFUL. I'VE SPOKEN TO YOU ABOUT VACANCIES ON THE COMMISSION AND WANT TO THANK COUNCIL MEMBER TAPLIN AND COUNCIL MEMBER HUMBERT FOR APPOINTING TWO EXCELLENT COMMISSIONERS TO OUR COMMISSION. NOW WE'RE ONLY DOWN TWO SLOTS. I ONLY RECENTLY LEARNED UNDER BERRA UNDER 2.12.90 SET VACANCIES SHALL BE FILLED WITHIN 30 DAYS. WE HAVE TWO VACANCIES VACANT HALF A YEAR IF NOT MORE. I'M HOPING THOSE TWO COULD GET APPOINTED. IT'S OUR BELIEF THERE'S ACTUALLY TWO EXCELLENT CANDIDATES WHO HAVE OR ARE ABOUT TO SUBMIT APPLICATIONS TO SERVE ON THAT COMMISSION SO THERE'S A COUPLE PEOPLE WHO WANT TO DO IT AND THANK YOU FOR APPOINTING THE TWO. IT'S HELPFUL. THANK YOU.

>> Mayor J. Arreguin: I HAD SOMEBODY BUT THEY WANT TO BE APPOINTED BY DISTRICT 6. THE VICE MAYOR WILL APPOINT THEM.

>> S. Wengraf: I'M IN THE PROCESS OF MAKING AN APPOINTMENT.

>> YOU DON'T HAVE TO BE APPOINTED BY THE DISTRICT YOU RESIDE IN.

>> Mayor J. Arreguin: I KNOW. I HAD PEOPLE. PLEASE SEND ME MORE RECOMMENDATIONS.

>> THANK YOU.

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>> Mayor J. Arreguin: IT'S NOT THAT I'M NOT TRYING. I WAS READY TO APPOINT THEM TODAY. I NEED MORE NAMES.

>> THANK YOU.

>> Mayor J. Arreguin: CAROL.

>> THERE WAS AN ISSUE THAT CAME TO THE COMMISSION ON THE STATUS OF WOMEN. UNFORTUNATELY THE SAME DAY OF OUR MEETING SO WE COULDN'T PLACE IT ON OUR AGENDA. THIS ISSUE HAS TO DO WITH HONORING A STATEMENT AGAINST GENDER-BASED VIOLENCE. I WAS TRYING TO FIND THE EXACT DATE BUT IT'S GOING ON NATIONALLY AND INTERNATIONALLY AND IN CALIFORNIA WHERE A BUILDING SUCH AS OUR CITY HALL WOULD BE LIT UP IN ORANGE LIGHTS. I'M TRYING TO GET MORE BUDGET INFORMATION. PERHAPS IT NEEDS TO COME DIRECTLY FROM THE CITY MANAGER'S OFFICE HOW MUCH IT WOULD COST US. IT'S A STATEMENT BEING DONE BY WOMEN'S GROUPS SO PEOPLE WILL PASS THE CITY HALL AND SEE THE ORANGE LIGHTS AND DRAW ATTENTION TO GENDER BASED VIOLENCE. I'M HOPING COUNCIL MEMBER WENGRAF TALKED ABOUT A PROCLAMATION. I HOPE IT'S FINE TO STATE THAT. I'M HOPING THERE'S SOMETHING WITHIN BUDGET TO DO SOMETHING CONSISTENT WITH SAN FRANCISCO, BURBANK AND OTHER JURISDICTIONS IN CLINICAL RESEARCH AND ELSEWHERE DOING THIS TO DRAW ATTENTION. IT'S AN EXTREMELY IMPORTANT ISSUE. I'M AWARE SAN FRANCISCO HAS A HUGE BUDGET COMPARED TO US IN TERMS OF AN OFFICE FOR THE COMMISSION ON THE STATUS OF WOMEN BUT THAT SHOULD NOT STOP US FROM DRAWING

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ATTENTION TO THE IMPORTANT ISSUE TO THE PUBLIC. I CAN DISTRIBUTE INFORMATION AT A LATER DATE. THANK YOU.

>> Mayor J. Arreguin: THANK YOU. THE CALL TO THE NUMBER ENDING 2211. -- 211. PRESS STAR 6 TO UNMUTE.

>> HI. I'M GLAD TO SEE TONIGHT I HANDED THE CITY CLERK ONE ON GLOBAL WARMING AND LIFE WILL CEASE BEYOND THE CENTURY AND YOU HAVE HOMELESSNESS AND WHAT HAPPENS WHEN WE WERE SOLD ON REAGANOMICS AND THERE'S GOING TO BE NO SOLUTION TO THE HOMELESS PROBLEM. IT'S VERY SAD. IT'S CRIMINAL WHAT THE STATE HAVE DONE TO THEM AND WHAT THE CITY IS DOING TO THEM. WE DON'T HAVE A SOLUTION. WHAT DO YOU DO? YOU NEED PLACES FOR THEM TO LIVE. AS FAR AS OUR CASE WE DO? PEOPLE CALLING EVERY DAY. THEY'RE UNHAPPY AND ANGRY AT THE CITY. AND I LIKE THE NEW CITY MANAGER TO LOOK INTO THE CASE. I BROUGHT MILLIONS OF TAX DOLLARS TO BERKELEY WE NEED TO WORK TOGETHER. I CAME TO BERKELEY IN 1964. THAT IS A LONG TIME AGO, 60 YEARS AGO. LET'S BRING IT BACK TO THE BEAUTIFUL CITY IT WAS. THANK YOU AND HAVE A GOOD DAY. GOOD EVENING.

>> Mayor J. Arreguin: THANK YOU. I DONT SEE OTHER RAISED HANDS. I'LL MAKE A MOTION TO ADJOURN.

>> SECOND.

>> Mayor J. Arreguin: CALL THE ROLL, ON ADJOURNMENT.

>> Clerk: COUNCIL MEMBER KESARWANI.

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>> YES.

>> Clerk: TAPLIN.

>> YES.

>> Clerk: BARTLETT.

>> YES.

>> Clerk: TREGUB.

>> AYE.

>> Clerk: WENGRAF.

>> YES.

>> LUNAPARRA.

>> YES.

>> Clerk: MAYOR ARREGUIN.

>> Mayor J. Arreguin: YES. WE ARE ADJOURNED.

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BERKELEY SPECIAL MEETING

TUESDAY, OCTOBER 10, 2023

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>> 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.

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>> 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.

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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.

Unofficial Text File

PROCESS SKETCH FOR DISCUSSION.

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.

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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.

Unofficial Text File

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.

Unofficial Text File

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.

Unofficial Text File

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.

Unofficial Text File

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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

Unofficial Text File

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.

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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.

City Clerk Department
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