



AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

MONDAY, NOVEMBER 18, 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/1612287632>. 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: 161 228 7632**. 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: November 4, 2024**
- 2. Review and Approve Draft Agenda:**
 - a. 12/3/24 – 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

- None**

Unscheduled Items

- 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**
- 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**

Unscheduled Items

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 25, 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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I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, November 14, 2024.

Mark Numainville, City Clerk

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, 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

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Roll Call: 2:31 p.m.

Present: Hahn, Wengraf

Mayor Arreguin attended as an observer.

Public Comment – 3 speakers

Review of Agendas

1. Approval of Minutes: October 28, 2024

Action: M/S/C (Wengraf/Hahn) to approve the minutes of 10/28/24.

Vote: Ayes – Hahn, Wengraf; Noes – None; Abstain – None; Absent – Arreguin.

2. Review and Approve Draft Agenda:

a. 11/19/24 – Regular City Council Meeting

Action: M/S/C (Hahn/Wengraf) to approve the minutes of 10/28/24.

- *Ceremonial Items: Add “Recognition of Outgoing Mayor and Councilmembers”*
- *Item 1 Appropriations Ordinance (City Manager) – moved to Action Calendar*
- *Item 4 Interim Housing (City Manager) – revised recommendation*
- *Item 24 Development Agreements (City Manager) – listed as Action Item, not Public Hearing*
- *Item 25 Joint Powers Authority (Arreguin) – revised item submitted; moved to Consent Calendar*
- *Item 26 Equity for Black Berkeley (Arreguin) – moved to Consent Calendar*

Order of Action Items

Item 1 Appropriations

Item 24 Development Agreements

Vote: Ayes – Hahn, Wengraf; Noes – None; Abstain – None; Absent – Arreguin.

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

4. Adjournments In Memory – None

Scheduling

5. Council Worksessions Schedule – Noted the 11/12/24 special meeting as confirmed, pending the outcome of the 11/7 closed session

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

7. Land Use Calendar – received and filed

Referred Items for Review

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

Action: 1 speaker. Moved to Unscheduled Items.

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

Action: 0 speakers. Moved to Unscheduled Items.

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

Action: 3 speakers. Discussion of potential changes to the uses of Berkeley Considers. Request for demographic data of registered users and possible improvements to Berkeley Considers.

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 (Wengraf/Hahn) to adjourn the meeting.

Vote: Ayes – Hahn, Wengraf; Noes – None; Abstain – None; Absent – Arreguin.

Adjourned at 3:40 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on November 4, 2024.

Mark Numainville, City Clerk

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DRAFT AGENDA BERKELEY CITY COUNCIL MEETING

**Tuesday, December 3, 2024
6:00 PM**

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

TELECONFERENCE LOCATION - 13534 BALI WAY, MARINA DEL REY, CA 90292

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.*

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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: *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.

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. 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, 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. 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. Amending BMC Section 9.04.165 -Tax Exemption for Research & Development Grants**
From: Mayor Arreguin (Author), Councilmember Humbert (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,937-N.S. amending Berkeley Municipal Code Section 9.04.165 to exempt the taxation of business gross receipts relating to government and philanthropic research and development grants in the public interest.
First Reading Vote: All Ayes.
Financial Implications: See report.
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Consent Calendar

2. **Adopt the updated Revolving Loan Fund (RLF) Administrative Plan and transfer RLF program administration to Working Solutions, a federally certified Community Development Financial Institution (CDFI).**
From: City Manager
Recommendation: Adopt two Resolutions to:
 1. Adopt changes to the Administrative Plan of the Berkeley Revolving Loan Fund (RLF) to allow for third party administration of the RLF.
 2. Authorize the City Manager to execute a sole source contract and any amendments with Working Solutions, a federally certified Community Development Financial Institution (CDFI), to provide loan origination, servicing, and technical assistance to Berkeley's existing and future RLF participants and fund management for a renewable ten-year term.**Financial Implications:** See report.
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
3. **Donation: Memorial Bench at the Cesar Chavez Park in memory of Lawrence "Lon" Mullen**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Cesar Chavez Park in memory of Lawrence "Lon" Mullen.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
4. **Donation from the Eli Kane Fund for the Solano-Peralta Park Improvement Project**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation of up to \$86,496 from the Eli Kane Fund to complete phase 3 of the Solano-Peralta Park Improvement Project, including a memorial bench/table in memory of their son, Eli Kane.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

5. Contract: Azul Works, Inc. for Ohlone Park Restroom and Lighting project
From: City Manager

Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Ohlone Park Restroom and Lighting Project; and 2. Accepting the bid of the lowest responsive and responsible bidder, Azul Works, Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Azul Works, Inc., for the Ohlone Park Restroom and Lighting Project at 1502 Delaware Street, 1641 Hearst Ave, 1701 Hearst Ave, and 1800 Hearst Ave, in an amount not to exceed \$882,278 which includes a base contract amount of \$698,000, plus \$69,198 for Add Alternates No. 2 and 3 and a 15% contingency in the amount of \$115,080.

Financial Implications: See report.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

6. Contracts: On-Call Planning and Environmental Services
From: City Manager

Recommendation: Adopt 16 Resolutions authorizing the City Manager to approve contracts and any amendments with the following firms for on-call planning and environmental review services, for a total contract period of three years:

1. CSG Consultants, Inc. in an amount not to exceed \$1,000,000; and
2. Environmental Science Associates in an amount not to exceed \$1,000,000; and
3. Rincon Consultants, Inc. in an amount not to exceed \$1,000,000; and
4. Stantec Consulting Services, Inc. in an amount not to exceed \$1,000,000; and
5. MIG in an amount not to exceed \$1,000,000; and
6. PlaceWorks in an amount not to exceed \$1,000,000; and
7. Architectural Resources Group in an amount not to exceed \$500,000; and
8. Ascent in an amount not to exceed \$500,000; and
9. Chronicle Heritage in an amount not to exceed \$500,000; and
10. EPD Solutions, Inc. in an amount not to exceed \$500,000; and
11. FirstCarbon Solutions in an amount not to exceed \$500,000; and
12. Illingworth & Rodkin, Inc. in an amount not to exceed \$500,000; and
13. ICF Jones & Stokes, Inc. in an amount not to exceed \$500,000; and
14. LSA in an amount not to exceed \$500,000; and
15. Meridian Consultants in an amount not to exceed \$500,000; and
16. Ratcliffe Consulting in an amount not to exceed \$200,000.

Financial Implications: See report.

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

- 7. Lease Agreement – The Framer’s Workshop LLC, at 2435 and 2439 Channing Way in Telegraph-Channing Mall and Garage**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a lease agreement with Framer’s Workshop LLC, a limited liability corporation to use and occupy 2435 and 2439 Channing Way inside the Telegraph-Channing Mall and Garage for a ten (10) year lease term with the option to extend for two additional five (5) year terms. The initial lease term is anticipated to begin February 1, 2025.
Financial Implications: See report.
Contact: Terrance Davis, Public Works, (510) 981-6300
- 8. Lease Amendment: We Wield The Hammer at 2440 Durant Avenue in the Telegraph-Channing Mall and Garage**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a Lease Amendment with We Wield The Hammer, a 501c3 organization, to use and occupy 2440 Durant Avenue for a five (5) year lease term with option to extend for one additional five (5) year term. This Lease Amendment modifies the Lease Commencement Date, Rent Commencement Date and increases months of rent abatement from six (6) to nine (9) months.
Financial Implications: See report.
Contact: Terrance Davis, Public Works, (510) 981-6300
- 9. Lease Amendment: Dorothy Day House dba Dorothy’s Closet at 2425a Channing Way in the Telegraph-Channing Mall and Garage**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute a Lease Amendment with Dorothy Day House, a 501c3 organization, d.b.a Dorothy’s Closet to use and occupy 2425a Channing Way for a five (5) year lease term with option to extend for one additional five (5) year term. This Lease Amendment proposes a rental rate reduction \$2.26 per square foot per month with an annual 3% increase to \$1.95 per square foot with no annual increase.
Financial Implications: See report.
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

10. **Contract No. 32500091 Amendment: Ardurra Group, Inc. for on-site Traffic Engineering support services**
From: City Manager
Recommendation: Adopt a Resolution satisfying requirements of the City of Berkeley allowing the City to participate in competitively bid contracts, authorizing the City Manager to execute a Contract No. 2500091 Amendment with Ardurra Group, Inc. for on-site traffic engineering services to augment staffing in the Transportation Division's Traffic Engineering and Transportation Planning units in an amount not to exceed \$500,000 through June 30th, 2026.
Financial Implications: See report.
Contact: Terrance Davis, Public Works, (510) 981-6300
11. **Officially Name the Harrison Skate Park in honor of Terrance McCrary**
From: Parks and Waterfront Commission
Recommendation: Adopt a Resolution to officially name the Harrison Skate Park in honor of Terrance McCrary.
Financial Implications: See report.
Contact: Roger Miller, Commission Secretary, (510) 981-6700

Council Consent Items

12. **Berkeley Green New Deal: Environmental Justice and Workforce Development**
(Reviewed by the Land Use, Housing & Economic Development Committee)
From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)
Recommendation: Refer consideration of the following concepts to the Land Use, Housing, and Economic Development (LUHED) Policy Committee; City Manager; Planning Commission; and Environment and Climate Commission for inclusion in General Plan amendments pursuant to California Government Code Section 65302(h) to advance the city's environmental justice goals under a Just Transition Framework:
-Just Transition principles adopted by City Council in Resolution No. 70,171–N.S. “Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley and South Berkeley Green New Deal”;
-Transportation Demand Management (TDM) planning to reduce Vehicle Miles Traveled (VMT) per capita by at least 25% by 2030;
-The development of a workforce development board to increase equitable access to green jobs and accelerate the fossil-free economy.
Policy Committee Recommendation: To forward the item to Council with a Qualified Positive Recommendation to refer this item to the budget process and to the Environment and Climate Commission for further consideration.
Financial Implications: See report.
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Council Consent Items

13. **Affordable Housing for Artists: AB-812 Implementation and Cultural District Statutory Standardization** *(Reviewed by the Land Use, Housing & Economic Development Committee)*

From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)

Recommendation: Pursuant to California Government Code Section 65914.8, refer to the City Manager, City Attorney, and Planning Commission: (1) To study and develop an Ordinance and implementation plan for Assembly Bill 812 (2023) to reserve for artists up to 10 percent of Below Market Rate units under Berkeley Municipal Code 23.328 (Inclusionary Housing) within a half-mile of a state-designated cultural district or within any similar locally designated cultural district, with consideration for consistency with existing Affordable Housing Preference Policy, (2) Consider common standards for locally designated cultural districts, including but not limited to Overlay Zones, and implementation of cultural district designation within the boundaries of Area Specific Plans, including but not limited to the Adeline Corridor and San Pablo Corridor Specific Plans, (3) Pursuant to California Government Code Section 8758, consider solicitation of state designation for cultural districts in the City of Berkeley.

Policy Committee Recommendation: To forward the item to Council with a Qualified Positive Recommendation that the Council:

1. Refer to the City Manager and the Civic Arts Commission to: a) Consider common standards for locally designated cultural districts, including but not limited to Overlay Zones, and implementation of cultural district designation within the boundaries of Area Specific Plans, including but not limited to the Adeline Corridor and San Pablo Corridor Specific Plans, b) Pursuant to California Government Code Section 8758, consider solicitation of state designation for cultural districts in the City of Berkeley.
2. Defer referral of the study and development of an ordinance and implementation plan until later in the process when there is more information regarding the applicable standards and definitions.

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during the Action Calendar public comment period on the item.

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

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

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

Action Calendar – 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 first the appellant and then the 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.

If ten or fewer persons are interested in speaking during a public hearing, 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. 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.

14. **Renewal of the Solano Avenue BID for Calendar Year 2025**

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, "Solano BID Advisory Board" or "the BID") for 2024-2025 and, if no majority protest exists, levy annual assessments in the District for calendar year 2025 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

Financial Implications: See report.

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Action Calendar – Public Hearings

15. **Zoning Ordinance Amendments: Keep Innovation in Berkeley**
From: City Manager
Recommendation: Conduct a public hearing and, upon conclusion, adopt first reading of an Ordinance amending Berkeley Municipal Code Title 23 to encourage Research and Development (R&D) uses in Berkeley.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Information Reports

16. **Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report**
From: City Manager
Contact: Anne Cardwell, City Manager's Office, (510) 981-7000
17. **Measure FF Spending Audit Status Report**
From: City Manager
Contact: David Sprague, Fire, (510) 981-3473
18. **Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities**
From: City Manager
Contact: Jennifer Louis, Police, (510) 981-5900

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.*

Archived indexed video streams are available at:

<https://berkeleyca.gov/your-government/city-council/city-council-agendas>.

Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

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, and through the City's online records portal: <https://records.cityofberkeley.info/>.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at:

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and may be accessed at reference desks at the following locations:

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

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

COMMUNICATION ACCESS INFORMATION:

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 ada@berkeleyca.gov, (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.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

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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Parks, Recreation and Waterfront Commission

CONSENT CALENDAR  
December 3, 2024

To: Honorable Mayor and Members of the City Council  
From: Parks, Recreation and Waterfront Commission  
Submitted by: Claudia Kawczynska, Chairperson  
Subject: Officially Name the Harrison Skate Park in honor of Terrance McCrary

RECOMMENDATION

Adopt a Resolution to officially name the Harrison Skate Park in honor of Terrance McCrary.

FINANCIAL IMPLICATIONS

Officially naming the Harrison Skate Park in honor of Terrance McCrary will require new signage with an estimated cost of less than \$5,000.

CURRENT SITUATION AND ITS EFFECTS

In the Council agenda for October 15, 2024, Councilmember Kesarwani made a referral to the Parks, Recreation and Waterfront Commission to officially name the Harrison Street Skate Park in honor of Terrance McCrary, Jr., former skateboard counselor-in-training with our Recreation Division's Skate Camp and Berkeley resident killed by gun violence.

At a regular meeting on October 16, 2024, the Parks, Recreation and Waterfront Commission M/S/C (Diehm/Cox/U) to approve Councilmember Kesarwani's Referral to name the Harrison Skate Park in honor of Terrance McCrary. Ayes: Abshez, Cox, Diehm, Hurtado, Kawczynska, Lee. Noes: None. Abstain: None. Absent: Ranuzzi.

BACKGROUND

Built in the early 2000s, Harrison Skate Park, located at 711 Harrison Street, is an 18,000 square foot park designed for skateboarders of all levels. It contains a large oval bowl, a fun box, and dedicated areas for beginners. The City of Berkeley's Recreation Division hosts summer camps and events for youth at all skill levels. Operating hours are 8 a.m. to 9:30 p.m.

Terrance McCrary Jr., also known as T-Mack, was born on September 15, 1993. By all accounts he was a vibrant, big hearted person who had a passion for skateboarding and art. He graduated from Berkeley public schools, attended Berkeley City College and

Officially Name the Harrison Skate Park in honor of Terrance McCrary

CONSENT CALENDAR  
December 3, 2024

worked at the 510 Skateboarding skate shop on Telegraph Avenue as a way to fuel his interests. Terrance also worked at the Harrison Skate Park as a counselor-in-training with the city's recreation division and was a mentor to younger kids who shared his love for skating. On August 14, 2016 at the age of 22, Terrance was killed while attending a party in Uptown Oakland. Two other attendees got into a fight; one of them pulled a gun on the other shooting him dead and taking Terrance's life as well. Terrance continues to live in the hearts of those whose lives he touched and have a presence within the skateboarding community.

Every year the McCrary family, in conjunction with the City of Berkeley's Recreation Division, hosts an annual T-Mack Skate Jam with free food, music and prizes in honor of Terrance, celebrating his life, memory, and passion for skateboarding. It is a moment to celebrate life and bring the skateboarding community together while also recognizing the pain and devastation of gun violence.

While currently there is a sign at the Harrison Skate Park honoring Terrance's life and contributions to the skateboarding community at the park, it is officially known as the Harrison Skate Park. Officially naming the skate park after Terrance would be a way to further honor his life and tie the annual T-Mack Skate Jam celebrations permanently to this park.

#### CITY MANAGER

The City Manager concurs with the recommendation contained in this report.

#### ENVIRONMENTAL SUSTAINABILITY

There are no negative environmental impacts were identified as a result of this recommendation.

#### RATIONAL FOR RECOMMENDATION

See body of report.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

Claudia Kawczynska, Chairperson, Parks, Recreation and Waterfront Commission  
Roger Miller, Secretary, Parks, Recreation and Waterfront Commission, 510-981-6704

RESOLUTION NO. \_\_\_\_\_ -N.S.

OFFICIALLY NAME THE SKATE PARK IN HONOR OF TERRANCE MCCRARY

WHEREAS, Terrance McCrary Jr., also known as T-Mack, was born on September 15, 1993. By all accounts he was a vibrant, big hearted person who had a passion for skateboarding and art. He graduated from Berkeley public schools, attended Berkeley City College and worked at the 510 Skateboarding skate shop on Telegraph Avenue as a way to fuel his interests. Terrance also worked at the Harrison Skate Park as a counselor-in-training with the city's recreation division and was a mentor to younger kids who shared his love for skating; and

WHEREAS, on August 14, 2016 at the age of 22, Terrance was killed while attending a party in Uptown Oakland. Two other attendees got into a fight; one of them pulled a gun on the other shooting him dead and taking Terrance's life as well. Terrance continues to live in the hearts of those whose lives he touched and have a presence within the skateboarding community; and

WHEREAS, every year the McCrary family, in conjunction with the City of Berkeley's Recreation Division, hosts an annual T-Mack Skate Jam with free food, music and prizes in honor of Terrance, celebrating his life, memory, and passion for skateboarding. It is a moment to celebrate life and bring the skateboarding community together while also recognizing the pain and devastation of gun violence; and

WHEREAS, officially naming the skate park after Terrance would be a way to further honor his life and tie the annual T-Mack Skate Jam celebrations permanently to this park; and

WHEREAS, in the Council agenda for October 15, 2024, Councilmember Kesarwani made a referral to the Parks, Recreation and Waterfront Commission to officially name the Harrison Street Skate Park in honor of Terrance McCrary, Jr., former skateboard counselor-in-training with our Recreation Division's Skate Camp and Berkeley resident killed by gun violence; and

WHEREAS, at a regular meeting on October 16, 2024, the Parks, Recreation and Waterfront Commission M/S/C unanimously to approve Councilmember Kesarwani's Referral to name the Harrison Skate Park in honor of Terrance McCrary. Ayes: Abshez; Diehm; Hurtado; Ranuzzi; Noes: none; Absent: Cox.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Harrison Skate Park is officially named in honor of Terrance McCrary.





CONSENT CALENDAR  
December 3, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin (Author), Councilmember Bartlett (Cosponsor),  
Councilmember Kesarwani (Cosponsor)

Subject: Berkeley Green New Deal: Environmental Justice and Workforce Development

### RECOMMENDATION

Refer consideration of the following concepts to the Land Use, Housing, and Economic Development (LUHED) Policy Committee; City Manager; Planning Commission; and Environment and Climate Commission for inclusion in General Plan amendments pursuant to California Government Code Section 65302(h) to advance the city's environmental justice goals under a Just Transition Framework:

- Just Transition principles adopted by City Council in Resolution No. 70,171–N.S. “Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley and South Berkeley Green New Deal”;
- Transportation Demand Management (TDM) planning to reduce Vehicle Miles Traveled (VMT) per capita by at least 25% by 2030;
- The development of a workforce development board to increase equitable access to green jobs and accelerate the fossil-free economy.

### POLICY COMMITTEE RECOMMENDATION

On October 22, 2024, the Land Use, Housing, and Economic Development Committee adopted the following action: M/S/C (Wengraf/Lunaparra) to forward the item to Council with a Qualified Positive Recommendation to refer this item to the budget process and to the Environment and Climate Commission for further consideration.

### FINANCIAL IMPLICATIONS

Staff time TBD, est. \$125,000 for 1 FTE Senior Planner. Planning staff estimates that capacity for additional Specific Area Plan work to be available in Fiscal Year 2025 at the earliest. Currently, San Pablo Avenue Specific Area Plan work is supported by grant funding from the Metropolitan Transportation Commission’s Priority Development Area (PDA) program. Other grant funding opportunities, such as the Priority Conservation Area (PCA) and Priority Production Area (PPA) programs, or the California Strategic

Growth Council's Transformative Climate Communities program, may also be available in future grant cycles.

### CURRENT SITUATION AND ITS EFFECTS

Since the passage of SB 1000 (2016), California Government Code Section 65302(h) requires an Environmental Justice Element and/or related Elements in municipal General Plans to:

*(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.*

*(B) Identify objectives and policies to promote civic engagement in the public decisionmaking process.*

*(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities. (See Attachment 6)*

The City of Berkeley has incorporated Environmental Justice policies in its plans, most recently in its 2023 Housing Element Update. However, many area plans such as the most recent update to the West Berkeley Plan, adopted in 2011, predate SB1000 requirements.

This contributes to a growing need to update area planning with recent accomplishments including: a renewed Development Agreement with Bayer (formerly Miles Corp) in 2021, which funded a West Berkeley Fund for community infrastructure and resilience; removal of minimum parking requirement; expansion of Research and Development (R&D) uses to Manufacturing zones, including development of a Manufacturing - Research & Development (M-RD) zone; development of a San Pablo Avenue Specific Area Plan. While no single policy change will be a silver bullet, these and future efforts must inevitably also mitigate the impacts of anthropogenic climate change such as rising groundwater; and the overall increasing risk of flooding, fires, and other natural disasters due to anthropogenic climate change.

The increasing local demand for services and environmental mitigations, in tandem with historic investments in green energy and advanced manufacturing through the Inflation Reduction Act and the CHIPS and Science Act, present a major opportunity for the local community to reap the rewards of these challenges through workforce development. These targeted investments are intended to reduce consumer price inflation and eliminate lifecycle carbon emissions by rebuilding the material inputs of goods and services in the economy from lower-cost and renewable energy sources. However, advanced manufacturing sectors are also facing acute workforce shortages in strategically significant goods such as semiconductors and lithium-ion batteries, with significant federal initiatives underway to address them.

In partnership with the UC Berkeley College of Environmental Design, UC Chancellor's Office, and McGee Avenue Baptist Church, the District 2 Council Office supported field research and stakeholder outreach in the local community to determine top priorities for a Just Transition, and echoing President Biden's position on tackling climate change ("jobs, jobs, jobs"), most responses focused on the need for gainful employment and income support. These are related but distinct goals: while cash transfer programs such as a basic income may be necessary to address short-term needs, education and career development also can provide a sense of community belonging and self-actualization independent of monetary compensation. Accordingly, workforce development has been central to the City Council's reparative justice efforts, including support for Career Technical Education in the Bayer Development Agreement (see footnote 4) and a referral to study municipal support for reentry employment.

While the City of Oakland and the City of Richmond both have municipal Workforce Development Boards that allocate federal Workforce Innovation and Opportunity Act (WIOA) grants and offer America's Job Centers of California (AJCC) services, Berkeley residents can only rely on the Alameda County Workforce Development Board for these services. The above Workforce Development Boards, along with the Contra Costa County Workforce Development Board, have jointly adopted a 2021-2024 Regional Plan under East Bay Regional Planning Unit as EastbayWorks. Research in a forthcoming paper from Cuiffo & Sarkodie (2024) finds that this has resulted in a significant gap in workforce development outlays per capita.

Berkeley investing local funds into workforce development to bridge this gap would have significant reparative justice benefits, as the EastbayWorks 2021-2024 Regional Plan identifies low-income communities at risk of displacement concentrated in West Berkeley, and at least 25% of Alameda County's largest employers located in the City of Berkeley.

Research for an Environmental Justice Element would thus naturally overlap with implementation of Just Transition principles vis a vis workforce development.

Establishing an Environmental Justice Element in the General Plan pursuant to California Government Code Section 65302(h) is a Strategic Plan Priority Project, advancing our goal to: be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

## BACKGROUND

### **Just Transition Principles**

On December 14, 2021, the Berkeley City Council adopted Resolution No. 70,171–N.S. "Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley and South Berkeley Green New Deal" as revised (see Attachments 1 and 2). A Just Transition framework for West Berkeley Plan

Amendments should be developed such that civil engagement and centering the needs of disadvantaged communities comprise an interrelated process.

The District 2 Council Office has convened several meetings of a West Berkeley Green New Deal Ad Hoc Working Group, whose work is still ongoing. The Ad Hoc Working Group expressed consensus that heavily impacted and disadvantaged communities that should be centered in a Just Transition include, at a minimum: **seniors; unhoused residents; low-income households; disabled or mobility-impaired residents; Black, Indigenous, and People of Color (BIPOC); and LGBTQIA+ residents.**

The transition away from fossil fuels must ensure that the most vulnerable in our society are protected from both the turbulence of restructuring our entire economy and the effects of global warming that the community is already facing. The core premise is: “Transition is inevitable. Justice is not.” The environmental justice movement calls this approach to the climate crisis a “Just Transition.”

Transition is inevitable. In macroeconomic terms, any government actively working to change the composition of household consumer demand (e.g. rapid industrialization amid World Wars, a green transition, etc) will face significant distributional problems from shocks to energy and raw material costs, which manifest in price levels and/or rationing. We are already confronting such shocks locally and globally. As recent inflationary episodes and supply shocks following the COVID-19 pandemic and the 2022 Russian invasion of Ukraine have demonstrated, reliance on the fossil fuel economy increasingly undermines price stability. Just Transition principles are partially intended to proactively mitigate both the threat of wage deflation for households depending on labor income from fossil fuel industries, and the inflationary pressures of unprecedented supply shocks. In a complementary framework, the Green New Deal proposed by Democratic lawmakers, some aspects of which have been passed in the Inflation Reduction Act of 2022, was designed to increase domestic high-road employment and capacity in green energy industries to manage this transition equitably.

A Just Transition is possible. While fossil fuel supply chains must end, other resilient supply chains must replace our community’s changing needs. Renewable energy and electricity transmission will have to grow to meet increasing demands for vehicle and building electrification to replace petroleum and natural gas; batteries, solar panels, and wind farms must replace oil rigs and coal mines. Californians will have to shift at least 25% of their automobile trips to other modes of transportation while converting the rest to electric vehicles, aided by more energy-efficient housing, public transit, and e-bike access. All of this will be made possible in part by Berkeley’s growing innovation ecosystem of high-wage STEM employment in green energy technology and life sciences. To illustrate, over one third of employees in Alameda County’s growing life sciences sector had no college degree. The federal government is also increasing public sector fiscal capacity for clean energy development through direct pay provisions for municipal and nonprofit entities in the Inflation Reduction Act of 2022.



Just Transition policies are already being enacted globally. For example, in Poland, a 75% decline in coal mining jobs was coupled by a mining social package and special privileges for mining communities. Canada's efforts to phase out coal-powered electricity have been accompanied by a national stakeholder task force that has traveled the country to hear from Canadians on how to justly shepherd the transition. Egypt's fuel price increases were paired with minimum wage boosts, food stipends, and progressive taxation.

The Climate Justice Alliance, a climate organization at the forefront of the fight for a Just Transition, lays out the following Just Transition principles:

**A Just Transition moves us toward Buen Vivir**

Buen Vivir means that we can live well without living better at the expense of others. Workers, community residents, women and Indigenous Peoples around the world have a fundamental human right to clean, healthy and adequate air, water, land, food, education and shelter. We must have just relationships with each other and with the natural world, of which we are a part. The rights of peoples, communities and nature must supersede the rights of the individual.

**A Just Transition creates Meaningful Work**

A Just Transition centers on the development of human potential, creating opportunities for people to learn, grow, and develop to their full capacities and interests. We are all born leaders, and a regenerative economy supports and nurtures that leadership. In the process, we are transforming ourselves, each other, our communities, and our society as a whole. Meaningful work is life-affirming.

**A Just Transition upholds Self Determination**

All peoples have the right to participate in decisions that impact their lives. This requires democratic governance in our communities, including our workplaces. Communities must have the power to shape their economies, as producers, as consumers, and in our relationships with each other. Not only do we have the right to self determination, but self determination is one of our greatest tools to realize the world we need. The people who are most affected by the extractive economy — the frontline workers and the frontline communities — have the resilience and expertise to be in the leadership of crafting solutions.

**A Just Transition equitably redistributes Resources and Power**

We must work to build new systems that are good for all people, and not just a few. Just Transition must actively work against and transform current and historic social inequities based on race, class, gender, immigrant status and other forms of oppression. Just Transition fights to reclaim capital and resources for the regeneration of geographies and sectors of the economy where these inequities are most pervasive.

**A Just Transition requires Regenerative Ecological Economics**

Just Transition must advance ecological resilience, reduce resource consumption, restore biodiversity and traditional ways of life, and undermine extractive economies, including capitalism, that erode the ecological basis of our collective well-being. This requires a re-localization and democratization of primary production and consumption by building up local food systems, local clean energy, and smallscale production that are sustainable economically and ecologically. This also means producing to live well without living better at the expense of others.

#### **A Just Transition retains Culture and Tradition**

Capitalism has forced many communities to sacrifice culture and tradition for economic survival. It has also defaced and destroyed land held as sacred. Just Transition must create inclusionary spaces for all traditions and cultures, recognizing them as integral to a healthy and vibrant economy. It should also make reparations for land that has been stolen and/or destroyed by capitalism, colonialism, patriarchy, genocide and slavery.

#### **A Just Transition embodies Local, Regional, National and International Solidarity**

A Just Transition must be liberatory and transformative. The impacts of the extractive economy knows no borders. We recognize the interconnectedness of our communities as well as our issues. Therefore, our solutions call for local, regional, national and global solidarity that confronts imperialism and militarism.

#### **A Just Transition builds What We Need Now**

We must build the world we need now. This may begin at a local small scale, and must expand to begin to displace extractive practices. We must build and flex the muscles needed to meet our communities' needs.

With these frameworks, staff and commissioners can study robust and flexible development standards in the General Plan

### **Transportation Demand Management**

The West Berkeley Plan as originally adopted in 1993 was prescient in calling for a "reduction of single occupant automobile trips." The Plan envisioned several mitigations for increased traffic congestion, including implementation of Transportation Demand Management (TDM) plans "to encourage carpooling and vanpooling, walking and bicycle use, the use of transit, flexible scheduling of work hours, and other methods to reduce travel demand[.]"

However, the Transportation impact mitigations in the Plan are still codified under Level Of Service (LOS) standards, i.e. delay in vehicle throughput. As of 2020, state law requires transportation impacts to be assessed under a Vehicle Miles Traveled (VMT) standard for environmental review, measuring the total volume of traffic. Reducing VMT is of critical importance for Berkeley and the state of California's climate goals, as the

California Air Resources Board has illustrated in a 2018 report: “Even if the share of new car sales that are ZEVs [zero-emission vehicles] grows nearly 10-fold from today, California would still need to reduce VMT per capita 25 percent to achieve the necessary reductions for 2030.” Any amendments to the West Berkeley Plan’s Transportation mitigations would have to incorporate the goal of absolute VMT reduction to be consistent with state environmental standards.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

In 2006, Berkeley voters approved Measure G, committing to reduce the entire community’s greenhouse gas emissions by 80% below 2000 levels by 2050. The City Council approved Berkeley’s first Climate Action Plan in 2009.

The California Air Resources Board released an updated Scoping Plan in 2022. Following this plan, the state of California’s goals by 2045 are:

- *Cut greenhouse gas emissions by 85% below 1990 levels*
- *71% reduction in smog-forming air pollution*
- *Reduce fossil fuel consumption (liquid petroleum) to less than one-tenth of what we use today – a 94% reduction in demand.*
- *Create 4 million new jobs.*
- *Save Californians \$200 billion in health costs due to pollution in 2045.*

All planning efforts must achieve and exceed these thresholds in order to advance Environmental Justice.

### CONTACT

Councilmember Taplin, Council District 2, 510-981-7120

### ATTACHMENTS

- 1: 2021-12-14 Annotated Agenda - Berkeley City Council Meeting
- 2: 2021-12-14 Item 35 Commit the City of Berkeley to a Just Transition (Supp. 2)
- 3: Fact Sheet: The Weight of Cities - United Nations International Resources Panel
- 4: Senate Bill 1000 (2016)

**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL MEETING  
Tuesday, December 14, 2021  
6:00 PM**

JESSE ARREGUIN, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – TERRY TAPLIN  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

DISTRICT 5 – SOPHIE HAHN  
DISTRICT 6 – SUSAN WENGRAF  
DISTRICT 7 – RIGEL ROBINSON  
DISTRICT 8 – LORI DROSTE

**PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH VIDEOCONFERENCE AND TELECONFERENCE**

*Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City Council will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.*

Live audio is available on KPFB Radio 89.3. Live captioned broadcasts of Council Meetings are available on Cable B-TV (Channel 33) and via internet accessible video stream at <http://www.cityofberkeley.info/CalendarEventWebcastMain.aspx>.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device: Please use this URL <https://us02web.zoom.us/j/83481524655>. If you do not wish for your name to appear on the screen, then use the drop down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen.

To join by phone: Dial **1-669-900-9128 or 1-877-853-5257 (Toll Free)** and enter Meeting ID: **834 8152 4655**. If you wish to comment during the public comment portion of the agenda, Press \*9 and wait to be recognized by the Chair.

Please be mindful that the teleconference will be recorded as any Council meeting is recorded, and all other rules of procedure and decorum will apply for Council meetings conducted by teleconference or videoconference.

To submit a written communication for the City Council's consideration and inclusion in the public record, email [council@cityofberkeley.info](mailto:council@cityofberkeley.info).

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900. The City Council may take action related to any subject listed on the Agenda. Meetings will adjourn at 11:00 p.m. - any items outstanding at that time will be carried over to a date/time to be specified.

## Preliminary Matters

**Roll Call:** 6:21 p.m.

**Present:** Kesarwani, Taplin, Harrison, Hahn, Wengraf, Robinson, Arreguin

**Absent:** Bartlett, Droste

Councilmember Droste present at 6:22 p.m.

Councilmember Bartlett present at 6:27 p.m.

### Ceremonial Matters:

1. Adjourned in Memory of Bob Meola, Peace & Justice Commissioner

### City Manager Comments:

The City Manager shared a presentation on the efforts and data reports of the Homeless Response Team.

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Action:** M/S/C (Arreguin/Wengraf) to accept supplemental material from Mayor Arreguin on Item 7.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to accept supplemental material from Mayor Arreguin on Item 48.

**Vote:** All Ayes.

## Consent Calendar

**Public Comment on Consent Calendar and Information Items Only:** 20 speakers.

**Action:** M/S/C (Arreguin/Robinson) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

## Consent Calendar

1. **Bayer Healthcare LLC – Amended and Restated Development Agreement**  
**From: City Manager**  
**Recommendation:** Adopt the second reading of Ordinance No. 7,792-N.S. to certify the Final Subsequent Environmental Impact Report, adopt Findings and a Mitigation Monitoring and Reporting Program, and approve the Amended and Restated Development Agreement between the City of Berkeley and Bayer Healthcare LLC.  
**First Reading Vote:** All Ayes  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 7,792–N.S.
  
2. **Amendments to the Berkeley Election Reform Act**  
**From: Fair Campaign Practices Commission**  
**Recommendation:** Adopt the second reading of Ordinance No. 7,793-N.S amending the Berkeley Election Reform Act (BMC Chapter 2.12) to (1) make public financing available to candidates for the offices of Auditor, School Board Director, and Rent Stabilization Board Commissioner, (2) further clarify the use of Fair Elections funds, (3) clarify the requirements for returning unspent Fair Elections funds, (4) add a new process for requesting return of previously repaid Fair Elections funds, and (5) require the FCPC to make a cost of living adjustment to the contribution limit to candidates in January of each odd-numbered year.  
**First Reading Vote:** All Ayes  
**Financial Implications:** None  
Contact: Sam Harvey, Commission Secretary, (510) 981-6950  
**Action:** Adopted second reading of Ordinance No. 7,793–N.S.
  
3. **Commission Reorganization: Creating the Parks, Recreation, and Waterfront Commission**  
**From: City Manager**  
**Recommendation:** Adopt the second reading Ordinance No. 7,794-N.S. repealing and re-enacting Berkeley Municipal Code Chapter 3.26 to create the Parks, Recreation, and Waterfront Commission, and repealing Berkeley Municipal Code Chapters 3.27 (Children, Youth, and Recreation Commission) and 3.08 (Berkeley Animal Care Commission).  
**First Reading Vote:** Ayes – Kesarwani, Hahn, Wengraf, Robinson, Droste, Arreguin; Noes – None; Abstain – Taplin, Bartlett, Harrison  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted second reading of Ordinance No. 7,794–N.S.

## Consent Calendar

4. **Resolution Making Required Findings Pursuant to the Government Code and Directing City Legislative Bodies to Continue to Meet Via Videoconference and Teleconference**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution making the required findings pursuant to Government Code Section 54953(e)(3) and determining that as a result of the continued threat to public health and safety posed by the spread of COVID-19, City legislative bodies shall continue to meet via videoconference and teleconference, initially ratified by the City Council on September 28, 2021, and subsequently reviewed and ratified on October 26, 2021 and November 16, 2021.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, (510) 981-6950  
**Action:** Adopted Resolution No. 70,144–N.S.
  
5. **Resolution Reviewing and Ratifying the Proclamation of Local Emergency Due to the Spread of a Severe Acute Respiratory Illness Caused by a Novel (New) Coronavirus (COVID-19)**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution reviewing the need for continuing the local emergency due to the spread of a severe acute respiratory illness caused by a novel (new) coronavirus (COVID-19) and ratifying the Proclamation of Local Emergency issued by the Director of Emergency Services on March 3, 2020, initially ratified by the City Council on March 10, 2020, and subsequently reviewed and ratified by the Council on April 21, 2020, June 16, 2020, July 28, 2020, September 22, 2020, November 17, 2020, December 15, 2020, February 9, 2021, March 30, 2021, May 25, 2021, July 20, 2021, September 14, 2021, and November 9, 2021.  
**Financial Implications:** To be determined  
Contact: Farimah Brown, City Attorney, City Attorney's Office (510) 981-6998  
**Action:** Adopted Resolution No. 70,145–N.S.
  
6. **Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the council meetings of November 2 (closed), November 4 (special), November 9 (closed and regular), November 16 (closed and regular), November 18 (closed) and November 30 (closed and regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900  
**Action:** Approved minutes as submitted.

## Consent Calendar

7. **City of Berkeley's 2022 State and Federal Legislative Platform**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving the City of Berkeley's 2022 State and Federal Legislative Platform.  
**Financial Implications:** See report  
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000  
**Action:** Adopted Resolution No. 70,146–N.S. as revised in Supplemental Material from Mayor Arreguin introduced at the meeting.
  
8. **Extension of Interim Director of Police Accountability Appointment**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution extending the appointment of Katherine J. Lee as Interim Director of Police Accountability and approving an employment contract to be effective January 1, 2022 at an annual salary of \$182,260.65.  
**Financial Implications:** See report  
Contact: Dee Williams-Ridley, City Manager, (510) 981-7000  
**Action:** Adopted Resolution No. 70,147–N.S. and to authorize the City Manager to make clarifying corrections on the term of the agreement.
  
9. **Protiviti Government Services: Using General Services Administration (GSA) Vehicle for Professional Services Purchase Orders**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti Government Services for the purchase of professional services using the General Services Agency's (GSA) purchasing vehicle no. GS-35F-0280X for an amount not to exceed \$70,000 through November 8, 2022.  
**Financial Implications:** General Fund - \$70,000  
Contact: Matthai Chakko, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,148–N.S.
  
10. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 14, 2021**  
**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:** General Fund - \$960,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Approved recommendation.



## Consent Calendar

11. **Contract: RLH & Associates for Providing Temporary Governmental Financial Consulting Services for the Finance Department**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with RLH Associates for providing temporary governmental financial consulting as required by the Finance Department for an initial term of two years. The total not to exceed contract amount is \$150,000.  
**Financial Implications:** General Fund - \$150,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,149–N.S.
  
12. **Contract: Valdes and Moreno for Professional Services for the Microbond Financing Pilot Program**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract, with any amendments, with Valdes and Moreno for professional services needed to establish and administer full-services consulting and other services related to a Microbond Financing Program. The total not to exceed amount is \$150,000.  
**Financial Implications:** General Fund - \$150,000  
Contact: Henry Oyekanmi, Finance, (510) 981-7300  
**Action:** Adopted Resolution No. 70,150–N.S.
  
13. **Contract: Gainey Scientific for Project Management & Consulting**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Ganey Scientific. (Contractor) to provide project management and consulting services for the Fire Department (Department) from September 13, 2021 to August 31, 2022 in an amount not to exceed \$300,000 with an option to extend for an additional two years, for a total contract amount not to exceed \$900,000.  
**Financial Implications:** See report  
Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,151–N.S.
  
14. **Revenue: FY2022 Federal COVID-19 Funding from HHS CARES Act Provider Relief Fund**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept payments from the Health and Human Services (HHS) CARES Act Provider Relief Fund and to execute any resultant revenue agreements and amendments to conduct and implement mitigation strategies in response to COVID-19 in the estimated amount of \$80,000 for FY 2022.  
**Financial Implications:** See report  
Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,152–N.S.

## Consent Calendar

15. **Revenue Contract: Funding from an Instructional Service Agreement with Los Positas College to support Fire Department Training**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to enter an Instructional Service Agreement (ISA) with Los Positas Community College (LPC) to provide contract instruction, assessment, and counseling services from July 20, 2021, to July 19, 2024 for an amount not to exceed \$250,000 per fiscal year.  
**Financial Implications:** See report  
 Contact: Abe Roman, Fire, (510) 981-3473  
**Action:** Adopted Resolution No. 70,153–N.S.
  
16. **Contract: Statewide Prevention and Early Intervention Project Participation Agreement - California Mental Health Services Authority**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a Participation Agreement and any amendments with the California Mental Health Services Authority (CalMHSA) to allocate Mental Health Services Act (MHSA) funds in the amount of \$65,956 to participate in the Statewide Prevention and Early Intervention (PEI) Project, for a total amount not to exceed \$65,956 through June 30, 2022.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,154–N.S. as revised by the city Manager in Supplemental Communications Packet #2.
  
17. **Contract: 2022 Community Services Block Grant**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to accept the Community Services Block Grant (CSBG) Contract Number 22F-5001 for the amount of \$274,202 to provide services for low-income people for the period January 1, 2022 to May 31, 2023.  
**Financial Implications:** See report  
 Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400  
**Action:** Adopted Resolution No. 70,155–N.S.

## Consent Calendar

18. **Resolution Authorizing an Amendment to the Miscellaneous CalPers Contract Pursuant to California Government Code 20516**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution revising Resolution No 70,081 N.S to initiate a process to amend the contract between the Board of Administration, California Public Employees' Retirement System and the City Council for the City of Berkeley pursuant to California Government Code 20516 to effectuate changes to the cost sharing agreement between the City and Unrepresented PEPRA members in the Unrepresented Employees Group.  
**Financial Implications:** See report  
Contact: Donald E. Ellison, Human Resources, (510) 981-6800  
**Action:** Adopted Resolution No. 70,156–N.S.
  
19. **Contract 32100185 Amendment: Digital Hands for Endpoint Detection and Response (EDR) Monitoring**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend contract number 32100185 with Digital Hands, for Cybersecurity Event Monitoring and Security Information and Event Management (SIEM), increasing the previously authorized contract amount by \$381,137, for a total not to exceed amount of \$996,117 from December 15, 2021 to June 30, 2024.  
**Financial Implications:** IT Cost Allocation Fund - \$381,137  
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,157–N.S.
  
20. **Contract: Alcor Solutions, Inc. for Managed Services and Upgrade Support of the ServiceNow Application**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Alcor Solutions, Inc. to provide managed support services and upgrade support for the ServiceNow application from July 1, 2022 to June 30, 2024 for an amount not-to-exceed \$300,000.  
**Financial Implications:** IT Cost Allocation Fund - \$300,000  
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,158–N.S.
  
21. **Contract No. 31900197 Amendment: Accela, Inc. for Software Maintenance**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 31900197 with Accela, Inc., for software maintenance, increasing the amount by \$133,420 for a total not to exceed \$2,192,611 from December 12, 2011 to June 30, 2023.  
**Financial Implications:** Various Funds - \$133,420  
Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,159–N.S.

## Consent Calendar

- 22. Contract No. 114159-1 Amendment: Tyler Technologies, Inc. for Professional Services and Computer Aided Dispatch (CAD) Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 114159-1 with Tyler Technologies, Inc. for additional professional services and an extension of the Computer Aided Dispatch (CAD) software, increasing the amount not-to-exceed by \$733,720 for a total contract value not-to-exceed \$2,288,950, and extending the term of the contract through June 30, 2024.  
**Financial Implications:** Various Funds - \$733,720  
 Contact: LaTanya Bellow, City Manager's Office, (510) 981-7000  
**Action:** Adopted Resolution No. 70,160–N.S.
- 23. Donation: New Fencing for a Dog Park at Aquatic Park**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution accepting a cash donation in the amount of \$26,566 to install fencing for a dog park at Aquatic Park.  
**Financial Implications:** See report  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,161–N.S.
- 24. Contract: Cumming Management Group, Inc. for Project Management Services for the African American Holistic Resource Center**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a not-to-exceed \$900,000 contract with the Cumming Management Group, Inc. for project management services for the African American Holistic Resource Center (AAHRC) for a contract period of January 3, 2021 through June 30, 2025.  
**Financial Implications:** Various Funds - \$900,000  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,162–N.S. revised to correct all instances of “January 3, 2021” to “January 3, 2022” in the report and resolution.
- 25. Contract: Get IT Tech – New Electronic Gate System at the Waterfront**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract with Get IT Tech to provide a new electronic gate system at the Waterfront in an amount not-to-exceed of \$100,000, which includes a contract amount of \$91,748.67 and a 9% contingency in the amount of \$8,251.33, rescinding Resolution No. 69,929-N.S.  
**Financial Implications:** Marina Fund - \$100,000  
 Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700  
**Action:** Adopted Resolution No. 70,163–N.S.

## Consent Calendar

**26. Contract: Best Contracting Services, Inc. for Fire Station No.3 Re-Roofing Project at 2710 Russell Street. Specification No. 20-11408**

**From: City Manager**

**Recommendation:** Adopt a Resolution:

1. Approving plans and specifications for the Fire Station No.3 Re-roofing Project, Specification No.20-11408;
2. Accepting the bid of Best Contracting Services, Inc. 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 completion of the project in accordance with the approved plans and specifications, for an amount not to exceed \$326,733.

**Financial Implications:** Capital Improvement Fund - \$326,733

Contact: Liam Garland, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 70,164–N.S.

**27. Purchase Order: Arata Equipment Company for one 18-yard Rear Loader**

**From: City Manager**

**Recommendation:** Adopt a Resolution satisfying requirements of City Charter Article XI Section 67.2 allowing the city to participate in Sourcewell (formerly NJPA) bid procedures and authorize the City Manager to execute a purchase order for one 18-yard rear loader with Arata Equipment Company in an amount not to exceed \$345,000.

**Financial Implications:** General Fund - \$345,000

Contact: Liam Garland, Public Works, (510) 981-6300

**Action:** Adopted Resolution No. 70,165–N.S.

**28. Authorization for Additional Public Works Commission Meeting in 2021**

**From: Public Works Commission**

**Recommendation:** Adopt a Resolution authorizing one additional meeting of the Public Works Commission in 2021.

**Financial Implications:** None

Contact: Joe Enke, Commission Secretary, (510) 981-6300

**Action:** Adopted Resolution No. 70,166–N.S.

## Council Consent Items

- 29. Allocating Remainder of Berkeley Relief Fund**  
**From: Mayor Arreguin (Author), Councilmember Robinson (Co-Sponsor), and Councilmember Bartlett (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution accepting a \$28,142.38 payment from the East Bay Community Foundation of funds raised by the Berkeley Relief Fund and authorizing the City Manager to allocate these funds to the following:  
 \$10,000 to the Starry Plough Pub and Music Venue  
 \$18,142.38 to the Eviction Defense Center for the Housing Retention Program  
**Financial Implications:** Berkeley Relief Fund - \$28,142.38  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Adopted Resolution No. 70,167–N.S.
- 30. Eleventh Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**  
**From: Mayor Arreguin (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), and Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** 1. Adopt a Resolution co-sponsoring the 11th Annual Martin Luther King Jr. Celebration Breakfast on January 17, 2022.  
 2. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Arreguin, to the Berkeley Rotary Endowment, the fiscal sponsor of the 11th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Arreguin and any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** 1. Adopted Resolution No. 70,168–N.S. (MLK Jr. Breakfast) 2. Adopted Resolution No. 70,169–N.S. (Expenditure) amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Harrison - \$250; Councilmember Wengraf - \$250; Councilmember Hahn - \$300; Councilmember Kesarwani - \$100; Councilmember Robinson - \$100.
- 31. Resolution in Support of Bay Adapt: Regional Strategy for a Rising Bay**  
**From: Mayor Arreguin (Author) and Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution in support of Bay Adapt: Regional Strategy for a Rising Bay.  
**Financial Implications:** See report  
 Contact: Jesse Arreguin, Mayor, (510) 981-7100  
**Action:** Councilmembers Harrison and Taplin added as co-sponsors. Adopted Resolution No. 70,170–N.S.

## Council Consent Items

- 32. Referral to the City Manager to Streamline Accessory Dwelling Unit (ADU) Permit Review and Approval** *(Reviewed by the Land Use, Housing and Economic Development Policy Committee)*  
**From: Councilmember Rashi Kesarwani (Author) and Councilmembers Susan Wengraf, Lori Droste, and Ben Bartlett (Co-Sponsors)**  
**Recommendation:** Refer to the City Manager to streamline the Accessory Dwelling Unit (ADU) permitting process in order to reduce staff time spent on review and enhance customer service. Further, assess effectiveness of process improvements specified below by reviewing over time: the number of ADUs permitted, average amount of staff time spent on ADU permit review, and permit fee levels. Recommend that the City Manager develop for Planning staff use an ADU Universal Checklist and accompanying user-friendly webpage:  
 ADU Universal Checklist. A clear set of universal guidelines and construction requirements should be developed among staff from Planning (both Land Use and Building and Safety Divisions), Fire, and Public Works Departments that is easy to follow in order to eliminate (or significantly reduce) the need for multiple departments to review ADU permit applications and for multiple rounds of review by the same department. The Universal Checklist should be a single document utilized by (1) all City staff to review ADU permit applications and (2) by customers to understand code requirements and development standards. The Universal Checklist should enable all City staff and customers to have the same clear understanding of all of the requirements that, if adhered to, would expedite the permitting process and lead to lower permit fees over time. *Progress To Date:* Recently, the City of Berkeley's Planning Department has added both a Single-Family ADU/JADU Checklist and a Multi-Family ADU Checklist which clearly delineate development standards as adopted by the State of California, effective January 1, 2020. An ADU Universal Checklist would take these checklists one step farther by including current amendments to Berkeley's local ADU ordinance (once adopted) as well as the full list of fire and safety code requirements.  
 Accompanying User-Friendly Webpage. As a companion to the ADU Universal Checklist, the City should also create a user-friendly webpage for customers (and prospective customers) with up-to-date information that provides clarity and greater certainty about the process and expected timeline for the creation of an ADU or Junior ADU, which is within a main dwelling unit.  
 At a minimum, the webpage should include: A list of relevant fees and expected payment amounts for permits, inspections, and other requirements; Plan requirements, worksheets, and projected timelines for each step of the process; and Consolidated up-to-date state and local regulations that are easy to understand. *Progress To Date:* The City now has a dedicated webpage that contains: A Graphic Summary; Table of our local ADU ordinance; An ADU flow-chart detailing allowable development standards; A Single-Family ADU/JADU Checklist; A Multi-Family ADU Checklist; Deed Restrictions Forms; A list of Impact Fees.  
 Additional information that could prove useful to prospective residents, builders and architects includes: Links to fire safety and emergency access requirements; A list of site conditions that do not warrant easy installation of an ADU; A list of Frequently Asked Questions; Additional frequently requested Planning and Development forms,

## Council Consent Items

such as our Tree Protection Instructions and Creek Protection Instructions forms, and our Public Works Engineering forms pertaining to Curbs, Gutters, Sidewalks and Driveway Approaches listed elsewhere on the City of Berkeley website; Information about financing options; and Links to additional resources, such as The Casita Coalition, an organization that disseminates information on policies and programs, best practices, and resources throughout the state.

Recommend that the City Manager consider adoption of the following two best practices: Pre-Approved ADU Design Plans. Consider development of (1) free ADU designs available to download--of varying sizes and styles--that already conform to all City and state requirements and safety codes; and/or (2) a list of vendors with architectural designs, construction drawings, or pre-fabricated units that have already been approved by the City.

ADU Ally. Consider creation of a single point of contact e-mail address dedicated to serving those interested in ADU construction, along the lines of an "ADU Ally." The ADU Ally would be a customer-facing staff person(s) who is an expert on all current state and local ADU regulations and acts as an ally to customers through the planning and building process. Currently, our Planning Department does have a team of planners with an expertise in ADU laws and requirements, although the public lacks an easy and efficient way to access this team.

*Policy Committee Recommendation: On November 4, 2021 the Land Use, Housing and Economic Development policy committee took the following action: M/S/C (Droste/Robinson) Qualified positive recommendation with direction for the item to be updated to include progress already made in this area as described by the Planning Director.*

**Financial Implications:** See report

Contact: Rashmi Kesarwani, Councilmember, District 1, (510) 981-7110

**Action:** Approved recommendation.

### 33. **Budget Referral: Pedestrian Crossing Improvements at Ashby and Acton**

**From: Councilmember Taplin (Author)**

**Recommendation:** That the City Council refers to the FY2023 budget process the funding of Rectangular Rapid Flashing Beacons (RRFB) at Ashby Avenue and Acton Street.

**Financial Implications:** See report

Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

**Action:** Approved recommendation.



## Council Consent Items

- 34. Budget Referral: Russell Street Bicycle and Pedestrian Improvements**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** That the City Council refers to the FY2023 budget process the funding of the following bicycle and pedestrian improvements along Russell Street:  
 Traffic Circle at Russell & King Street  
 Cycle Track Crossing at Russell & San Pablo Avenue  
 Pedestrian Hybrid Beacons at Russell & Sacramento Street  
**Financial Implications:** See report  
 Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Approved recommendation.
- 35. Commit the City of Berkeley to a Just Transition from the Fossil Fuel Economy**  
*(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee)*  
**From: Councilmember Taplin (Author), Councilmember Bartlett, Councilmember Hahn, and Mayor Arreguin (Co-Sponsors)**  
**Recommendation:** Adopt a resolution (1) committing the City of Berkeley to a Just Transition from the fossil fuel economy, that secures a livable future for all Berkeleyans, combats environmental racism, ensures access to good paying jobs, and cultivates economic and social prosperity for Berkeley in the 21st century and beyond and (2) requiring that all Council reports related to climate include a Just Transition section.  
*Policy Committee Recommendation: On June 2, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee took the following action: M/S/C (Harrison/Robinson) to send the item to Council with a positive recommendation as submitted in the supplemental material and further revised to include a recommendation that all Council reports related to climate include a just transition section.*  
**Financial Implications:** None  
 Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 70,171–N.S. as revised by Councilmember Taplin in Supplemental Communications Packet #2, and further revised at the meeting to be renamed West and South Berkeley Green New Deal.
- 36. Reaffirming the City Council's Endorsement of a Carbon Fee and Dividend**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Readopt Resolution No. 67,595–N.S urging the United States Congress to enact a national revenue-neutral carbon tax and send a copy of the resolution to Representative Barbara Lee, Senator Dianne Feinstein and Senator Alex Padilla urging them to take action.  
**Financial Implications:** None  
 Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** Adopted Resolution No. 70,172–N.S.

## Council Consent Items

### 37. Health Care Facility Oversight

**From: Councilmember Bartlett (Author)**

**Recommendation:** Refer to the City Manager and the Community Health Commission an assessment of the breadth of regulatory control the City of Berkeley can exert on skilled nursing facilities, and create a process of accountability if complaints are found to be substantiated that threaten, or could potentially escalate to the point of threatening, the wellbeing of patients and/or violate federal, state, or local law; the business license of the offending facility will be suspended until the skilled nursing facility submits a report demonstrating rectification of the situation.

**Financial Implications:** See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

**Action:** Councilmembers Harrison and Hahn added as co-sponsors. Approved recommendation.

### 38. Consideration of Expansion of Paid Parking to Support the Parking Meter Fund and Improved Pedestrian and Bicycle Facilities

**From: Councilmember Hahn (Author), Councilmember Harrison (Co-Sponsor), Councilmember Taplin (Co-Sponsor), and Councilmember Robinson (Co-Sponsor)**

**Recommendation:** 1. Refer to the City Manager and the Transportation Commission to consider the extension of paid metered parking to include all days of the week, paralleling the calendar for off-street parking garages.

2. Consider a pilot, phasing-in, and/or exempting certain areas, and conduct broad outreach to merchants, faith-based and other institutions and organizations, neighborhood groups, and others potentially supported or impacted by change.

3. Consider allocation of potential additional revenues to help offset losses to the Parking Meter Fund incurred during COVID. Once the Fund has recovered, consider allocations to support pedestrian and bicycle facilities to help achieve Berkeley's Climate Action and Vision Zero goals on an accelerated basis.

**Financial Implications:** See report

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

**Action:** Approved recommendation.

### 39. Letter to UC President Michael Drake in Support of Student Researchers United-UAW

**From: Councilmember Robinson (Author) and Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Send a letter to UC President Drake and Provost Michael Brown in support of the full recognition of the Student Researchers United-UAW labor union.

**Financial Implications:** None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Councilmembers Harrison and Taplin added as co-sponsors. Approved recommendation.

## Council Consent Items

### 40. Support for H.R. 4194: The People's Response Act

**From: Councilmember Robinson (Author) and Councilmember Hahn (Co-Sponsor)**

**Recommendation:** Adopt a Resolution supporting H.R. 4194, the People's Response Act, which would create a Division of Community Safety and provide grants to local governments, state governments, and community-based organizations to support non-carceral approaches to public safety. Furthermore, send a letter of support to Representative Cori Bush, Representative Barbara Lee, Senator Alex Padilla, and Senator Dianne Feinstein.

**Financial Implications:** None

Contact: Rigel Robinson, Councilmember, District 7, (510) 981-7170

**Action:** Adopted Resolution No. 70,173–N.S.

## Action Calendar

*The public may comment on each item listed on the agenda for action as the item is taken up. 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.*

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

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

## Action Calendar – Public Hearings

*Staff shall introduce the public hearing item and present their comments. This is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak use the "raise hand" function 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.*

*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.*

## Action Calendar – Public Hearings

41. **Proposed Ordinance Rescinding Ordinance 7,788-N.S. and Amending Paragraph ‘NN’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code”) to Restore Language Which Existed Prior to October 26, 2021**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt the second reading of an Ordinance No. 7,791-N.S. which rescinds Ordinance 7,788-N.S. and modifies the language of Paragraph ‘NN.’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code”) by adopting a building standard which is more restrictive than that standard currently contained in the California Fire Code and restores language which existed prior to October 26, 2021.

**First Reading Vote:** All Ayes

**Financial Implications:** None

Contact: Abe Roman, Fire, (510) 981-3473

**Public Testimony:** The Mayor opened the public hearing. 8 speakers.

M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Wengraf) to adopt the second reading of Ordinance No. 7,791-N.S.

**Vote:** All Ayes.

42. **Public Hearing: Implement Residential Preferential Parking (RPP) Program on the 1600 Block of Lincoln Street**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25E by adding a subsection to implement Residential Preferential Parking (RPP) on both sides of the 1600 block of Lincoln Street in Area E.

**Financial Implications:** See report

Contact: Liam Garland, Public Works, (510) 981-6300

**Public Testimony:** The Mayor opened the public hearing. 1 speaker.

M/S/C (Arreguin/Robinson) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Bartlett) to adopt Resolution No. 70,174–N.S.

**Vote:** All Ayes.

## Action Calendar – Public Hearings

**43. Fees: Vital Records**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new fee schedule for Vital Records effective January 1, 2022 and rescinding Resolution No. 70,116-N.S. This fee adjustment is to become effective January 1, 2022 pursuant to Assembly Bill (AB) 128 (Chapter 21, Statutes of 2021), and Health & Safety (H&S) Codes, § 103627, 100425, 100430, and 100435.

**Financial Implications:** See report

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Public Testimony:** The Mayor opened the public hearing. 0 speakers.  
M/S/C (Arreguin/Wengraf) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to adopt Resolution No. 70,175–N.S.

**Vote:** All Ayes.

Recess 8:10 p.m. – 8:21 p.m.

## Action Calendar – New Business

### 44. FY 2021 Year-End and FY 2022 First Quarter Budget Update

**From: City Manager**

**Recommendation:** Discuss and determine the funding allocations for FY 2022 based on the FY 2021 Excess Equity and Excess Property Transfer Tax for the following: 1) the General Fund Reserves 2) City Manager Budget Recommendations and 3) the Council Budget Referrals approved during FY 2022 to be considered in November 2021.

**Financial Implications:** See report

Contact: Rama Murty, Budget Office, (510) 981-7000

**Action:** M/S/C (Arreguin/Robinson) to accept supplemental material from the City Manager on Item 45.

**Vote:** All Ayes.

**Action:** M/S/C (Arreguin/Robinson) to suspend the rules and extend the meeting to 11:15 p.m. to complete Items 44 and 45; and to continue Items 46 and 47 to January 18, 2022.

**Vote:** All Ayes.

**Action:** 23 speakers. M/S/C (Arreguin/Kesarwani) to adopt the budget recommendations for excess equity as contained in the supplemental materials submitted at the meeting with the amendment that funding of the security cameras is conditioned on development and implementation of a Use Policy prior to deployment and Siting of Cameras in District 1, District 2 and District 8 locations as proposed by the Police Department and at 62nd & King (District 3). Policy will be adopted administratively and presented to the City Council as an off-agenda memo; repayment of the Workers Comp fund will be a top priority in the June budget process.

**Vote:** All Ayes.

## Action Calendar – New Business

### 45. Amendment: FY 2022 Annual Appropriations Ordinance

**From: City Manager**

**Recommendation:** Adopt first reading of an Ordinance amending the FY 2022 Annual Appropriations Ordinance No. 7,779–N.S. for fiscal year 2022 based upon recommended re-appropriation of committed FY 2021 funding and other adjustments authorized since July 1, 2021, in the amount of \$177,309,914 (gross) and \$163,076,585 (net).

**Financial Implications:** See report

Contact: Rama Murty, Budget Office, (510) 981-7000

**Action:** 2 speakers. M/S/C (Arreguin/Robinson) to adopt first reading of Ordinance No. 7,795–N.S. as presented in the supplemental materials from the City Manager.

Second reading scheduled for January 18, 2021.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.

Councilmember Harrison absent 11:10 p.m. – 11:13 p.m.

Councilmember Droste absent 11:10 p.m. – 11:13 p.m.

## Action Calendar – Public Hearings

### 46. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of a local Accessory Dwelling Unit (ADU) Ordinance [Berkeley Municipal Code (BMC) Chapter 23.306] and amendments to relevant Defined Terms [BMC Chapter 23.502.020] in the Zoning Ordinance.

**Financial Implications:** None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Action:** Item 46 continued to January 18, 2022 including supplemental material from Councilmember Kesarwani.

### 47. Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns

**From: City Manager**

**Recommendation:** Conduct a public hearing and, upon conclusion, adopt the first reading of a local Ordinance enacting Chapter 12.99 (Accessory Dwelling Units in Wildfire Hazard Areas) Accessory, and amending (BMC) Chapter 23.306.

**Financial Implications:** None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

**Action:** Item 47 continued to January 18, 2022 including supplemental material from the City Manager.

## Action Calendar – New Business

### 48. Ratification of Police Accountability Board's Standing Rules

**From:** Police Accountability Board

**Recommendation:** Review and approve Standing Rules of the Police Accountability Board.

**Financial Implications:** None

Contact: Katherine Lee, Interim Director of Police Accountability, (510) 981-4950

**Action:** Moved to Consent Calendar. Referred the item to the Police Accountability Board with the revisions submitted at the meeting by Mayor Arreguin.

## Information Reports

### 49. City of Berkeley, State Tobacco Prevention Program (STPP) Overview

**From:** City Manager

Contact: Lisa Warhuus, Health, Housing, and Community Services, (510) 981-5400

**Action:** Received and filed.

## Public Comment – Items Not Listed on the Agenda - 0 speakers.

## Adjournment

**Action:** M/S/C (Arreguin/Robinson) to adjourn the meeting.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Hahn, Wengraf, Robinson, Arreguin; Noes – None; Abstain – None; Absent – Harrison, Droste.

Adjourned at 11:13 p.m.

## Communications – December 14, 2021

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record.*

### Item #41: Proposed Ordinance Rescinding Ordinance 7,788-N.S. and Amending Paragraph 'NN' of Berkeley Municipal Code Section 19.48.020 ("Amendments to the California Fire Code") to Restore Language Which Existed Prior to October 26, 2021

1. Patricia Hart and Hans Stahlschmidt

### Support the Berkeley Plastic Bag Ordinance

2. 30 similarly-worded form letters

### Solano-Peralta Park

3. Amber Turley
4. Carol Hirth



5. Alyse Jacobson
6. Holly Smith
7. Csilla Kenny
8. Finn Michaelson
9. Mary Foretich
10. Kim Thompson
11. Janice Murota
12. Cherilyn Parsons
13. Jason Gardner & Maureen Phelan

#### **Tenant Opportunity to Purchase Act (TOPA)**

- 14.4 similarly-worded form letters

#### **Free Speech**

15. Nilang Gor

#### **Alta Bates Hospital**

16. Praveen Soo, Chair of the Human Welfare Community Action Commission

#### **Crime Suppression Unit**

17. Diana Bohn

#### **Fee Parking at Marina**

18. Nancy Bartell

#### **Traffic Safety Enforcement**

19. Keith Nickolaus

#### **Hopkins Street Traffic and Placemaking Study**

20. Ben, Karen, Chuck, and Liza on behalf of Walk Bike Berkeley
21. Barbara Fritz

#### **Housing & Absentee Investors**

22. V. Sommer

#### **Happy Thanksgiving**

23. Dirk Neyhart

#### **Leonard Powell**

24. Diana Bohn

#### **No masks**

25. David Lerman

#### **Elmwood Parking**

26. Dona Bretherick

**Pilot for Transportation Dept.**

27. Sheila Goldmacher

**GoBerkeley SmartSpace Parking Pilot**

28. Jean H.

**Banning Gendered Language**

29. Jo Foley

**Rapid Rehousing Funding**

30. Diana Bohn

**November Newsletter**

31. Eden I&R

**East Bay Community Energy**

32. Board of Directors Agenda

**Climate Change**

33. Thomas Lord

**Housing Crisis**

34. JE

**Supplemental Communications and Reports 1**

**Item #44: FY 2021 Year-End and FY 2022 First Quarter Budget Update**

35. Revised material, submitted by City Manager

36. Elizabeth Dillon

37. Catherine Betts

38. Joshua Miller

39. Leslie Roulias

40. Rachel Gold

41. Norman Gold

42. Mari Vlastos

43. Brick Conway

44. Liz Grubin

45. EJ Holowicki

46. Simona Nass

47. Niccole Blanchet

48. Jessica Jennings

49. Phoebe Tussey

**Item #45: Amendment: FY 2022 Annual Appropriations Ordinance**

50. Joe Rapoza

- 51. Julia Goodman
- 52. Tanya Stiller
- 53. Michael Rodriguez
- 54. Susan Black
- 55. Regina Fletcher
- 56. 20 similarly-worded form letters

## **Supplemental Communications and Reports 2**

### **Item #16: Contract: Statewide and Early Intervention Project Participation Agreement – California Mental Health Services Authority**

- 57. Supplemental material, submitted by Health, Housing and Community Services Department

### **Item #35: Commit the City of Berkeley to a Just Transition from the Fossil Fuel Economy**

- 58. Supplemental material, submitted by Councilmember Taplin

### **Item #41: Proposed Ordinance Rescinding Ordinance 7,788-N.S. and Amending Paragraph ‘NN’ of Berkeley Municipal Code Section 19.48.020 (“Amendments to the California Fire Code”) to Restore Language Which Existed Prior to October 26, 2021**

- 59. Christina Bucey, Greenfire Law, PC

### **Item #44: FY 2021 Year-End and FY 2022 First Quarter Budget Update**

- 60. Revised material, submitted by the City Manager’s Office
- 61. Supplemental material, submitted by the Mayor
- 62. Angie Garling
- 63. Sheridan Pauker
- 64. Alfred Twu
- 65. Homeless Commission
- 66. Nathan Tsuizaki
- 67. Jason Spangenthal
- 68. Amy Petersen
- 69. Timothy Burroughs
- 70. Paku Khan
- 71. Chizu Hamada
- 72. Phyllis Stowell
- 73. Ben Werner
- 74. Carolyn Werner
- 75. Shelley Golomb
- 76. John Sterns
- 77. Jacalyn Thompson
- 78. Beth Rhine

**Item #45: Amendment: FY 2022 Annual Appropriations Ordinance**

- 79. 14 similarly-worded form letters
- 80. Brian LaFranchi
- 81. Frances Haselsteiner
- 82. Lauren Salvo
- 83. Sam Kang

**Item #46: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance**

- 84. Supplemental material, submitted by Councilmember Kesarwani
- 85. Debra Sanderson

**Item #47: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**

- 86. Revised material, submitted by Planning and Development Department

**Supplemental Communications and Reports 3**

**Item #7: City of Berkeley's 2022 State and Federal Legislative Platform**

- 87. Supplemental material, submitted by the Mayor

**Item #44: FY 2021 Year-End and FY 2022 First Quarter Budget Update**

- 88. Paul Preston
- 89. David Williamson
- 90. Laurie Nardinelli
- 91. Andrea Mullarkey
- 92. Leah Zoller
- 93. Kira Deutch
- 94. Mary Zernicke
- 95. Ira Serkes
- 96. Dennis Weikel
- 97. Pat Hill
- 98. Stephen Jahn
- 99. Yuri Murphy
- 100. Kathryn Murphy
- 101. Frances Haselsteiner
- 102. Jane Scantlebury
- 103. Robbin Henderson
- 104. William Springer
- 105. Allie Pape
- 106. Elisa Mikiten
- 107. Angad Bhalla
- 108. Akiko Minaga
- 109. Jen Antonuccio
- 110. Michael Dillingham

- 111. Doug Woos
- 112. Linda Franklin (3)
- 113. Tonette Vazquez
- 114. Igor Tregub, on behalf of the Sierra Club
- 115. Holly Scheider
- 116. Terri Saul
- 117. Alfred Twu
- 118. Mark Misoshnik
- 119. Zoe Stahl
- 120. Kasey Harboe
- 121. Beth Auclair
- 122. Izzy Meckler
- 123. Kathy Dervin, on behalf of 350 East Bay
- 124. Anita Ayers
- 125. Juli Dickey
- 126. Tome Luce

**Item #45: Amendment: FY 2022 Annual Appropriations Ordinance**

- 127. Revised material, submitted by the City Manager's Office
- 128. Michelle Schurig
- 129. Carol Cho
- 130. Debra and David Summers
- 131. Greg Martin
- 132. Arabelle Mailinis
- 133. hakiah@

**Item #47: Response to City Council Action on October 26, 2021 regarding Short Term Referral for Amendments to Accessory Dwelling Unit (ADU) Ordinance to Address Public Safety Concerns**

- 134. Steven Segal
- 135. Lisa Goodman
- 136. Robert Sonderegger and Joanna Moss
- 137. George Porter
- 138. Robert Sonderegger
- 139. Catherine Lazio

**Item #48: Ratification of Police Accountability Board's Standing Rules**

- 140. Supplemental material, submitted by the Mayor

**Miscellaneous**

- 141. Presentation on Homeless Response Team, submitted by the City Manager



**SUPPLEMENTAL  
AGENDA MATERIAL  
For Supplemental Packet 2**

**Meeting Date:** December 14, 2021

**Item Number:** 35

**Item Description:** Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley Green New Deal

**Submitted by:** Councilmember Taplin

Amendment would make the following additions to the referral:

- Change in title
- Addition of recommendations for future Just Transition policies
- Formatting changes



CONSENT CALENDAR

December 14, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Councilmember Ben Bartlett, Councilmember Sophie Hahn, and Mayor Jesse Arreguín (Co-Sponsors)

Subject: Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley Green New Deal  
~~Commit the City of Berkeley to a Just Transition from the Fossil Fuel Economy~~

RECOMMENDATION

Adopt a resolution committing the City of Berkeley to a Just Transition from the fossil fuel economy and establishing a West Berkeley Green New Deal, that secures a livable future for all Berkeleyans, combats environmental racism, ensures access to good paying jobs, and cultivates economic and social prosperity for Berkeley in the 21st century and beyond.

POLICY COMMITTEE RECOMMENDATION

On June 2, 2021, the Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee took the following action: M/S/C (Harrison/Robinson) to send the item to Council with a positive recommendation as submitted in the supplemental material and further revised to include a recommendation that all Council reports related to climate include a just transition section.

BACKGROUND

**Climate Change is Here**

At this moment, our atmosphere has a higher concentration of carbon dioxide than ever before in human history. This concentration, and the fossil fuel emissions that have caused it, is rapidly making our planet into a hotter and more volatile place for all of its inhabitants. Estimates of the degree of warming that we can expect over the course of the next century vary and are contingent on how policymakers respond to the growing threat in the next decade. Still, there is enormous consensus that a certain amount of warming is inevitable and that rising sea levels, higher frequency of extreme weather events, declining public health, and economic volatility will certainly follow. With estimates ranging from increases in temperature between 1.4 and 5.8 degrees Celsius

by 2100, global warming will have severe impacts at even the most modest of estimates.<sup>1</sup>

Here in the Bay Area, we are already seeing a wide range of impacts including more extreme El Niño seasons some years, dramatic droughts in other years, a decline in coastal fog, 8 inches of sea-level rise, and more intense fire seasons in the rest of the state which have regularly brought smoke and ash to Berkeley.<sup>2</sup> Just this year, Berkeley's Echo Lake Camp near Lake Tahoe narrowly escaped the ravaging impacts of the Caldor Fire that burned 221,775 acres in the Lake Tahoe area. This year also marked the 30th anniversary of the Oakland firestorm of 1991, which took 25 lives and remains a dark memory for many who have lived in the East Bay their whole lives. Even though the Berkeley hills have avoided cataclysmic events in recent years, the Oakland firestorm reminds us of the real dangers in our backyard. These effects, which are already impossible to ignore, are just the beginning. The future will bring deeper and longer droughts, unreliable precipitation, an overall increase in temperature, and as much as 3 meters of sea-level rise by 2100.<sup>3</sup> On top of the weather and climate-related impacts, projections paint a grim picture for national economies under extreme warming scenarios. The reach of global warming will leave no stone unturned, with consequences for agriculture, trade, and industry internationally and at the national and local levels. At the national level, estimates currently project -0.1 to 1.7% GDP loss at 1.5 degrees Celsius of warming, 1.5 to 5.6% loss at 4 degrees, and 6.4 to 15.7% loss at 8 degrees.<sup>4</sup> All who call Berkeley and the Bay Area home are feeling the early impacts of climate change and will continue to be affected as warming intensifies, but not all effects are felt equally across demographic groups.

### **Unequal Impacts: Environmental Racism and Economic Dangers**

Poor Americans and people of color have always had a relationship with their environments characterized by poor health and unique exposures to environmental hazards and extreme weather conditions, often in ways designed and perpetuated by government policies that seek to segregate and discriminate against people of color. As the effects of climate change intensify in the coming decades, this relationship will only be exacerbated as extreme weather, declining public health, and economic devastation disproportionately harm poor Americans and drag more and more into poverty. As the economy takes on damage, the unemployment rate will rise and bring the poverty rate

<sup>1</sup> <https://www.nature.com/articles/nature04188>

<sup>2</sup> [https://www.energy.ca.gov/sites/default/files/2019-11/Reg\\_Report-SUM-CCCA4-2018-005\\_SanFranciscoBayArea\\_ADA.pdf](https://www.energy.ca.gov/sites/default/files/2019-11/Reg_Report-SUM-CCCA4-2018-005_SanFranciscoBayArea_ADA.pdf)

<sup>3</sup> [https://www.energy.ca.gov/sites/default/files/2019-11/Reg\\_Report-SUM-CCCA4-2018-005\\_SanFranciscoBayArea\\_ADA.pdf](https://www.energy.ca.gov/sites/default/files/2019-11/Reg_Report-SUM-CCCA4-2018-005_SanFranciscoBayArea_ADA.pdf)

<sup>4</sup> <https://science.sciencemag.org/content/356/6345/1362>



up with it.<sup>5</sup> Economic damage at the scale of climate change will subject millions more to the poor health, extreme weather vulnerabilities, and general ruin that is all but guaranteed for those who enter the coming decades already in impoverished conditions.

Climate justice is inextricably linked to racial justice and housing justice. To illustrate just one facet of this, Hoffman et al (2020) find that “94% of 108 urban regions in the United States display consistent city-scale patterns of elevated land surface temperatures in formerly redlined areas relative to their non-redlined neighbors by as much as 7 degrees Celsius...Nationally, land surface temperatures in redlined areas are approximately 2.6 degrees Celsius warmer than in non-redlined areas.”<sup>6</sup> As heat waves intensify, low income neighborhoods and communities of color subjected to legacies of racial segregation will bear the worst impacts due to well-documented disparities of urban heat island effects. Surveying neighborhoods in Baltimore, Dallas, and Kansas City, Wilson (2020) also finds: “Areas of these cities that were targeted for systematic disinvestment in the past have higher mean land surface temperatures than those that received more favorable ratings. Poor and minority residents are also overrepresented in formerly redlined areas in each of the three study cities.”<sup>7</sup>

The disparate impacts of extreme weather between racial and economic groups have been repeatedly demonstrated in recent history, with dire warnings for Berkeley’s approach to climate resilience. In the summer of 1995, a year when global temperatures had already increased by nearly half a degree Celsius above pre-industrial levels, Chicago, Illinois was hit by a record-breaking heat wave.<sup>8</sup> “Temperatures reached 106 degrees; the heat index, or experienced heat, climbed to 120 degrees; uncommonly ‘high lows’ (daily low temperatures that were themselves dangerously high), sparse cloud cover, and a dearth of cooling winds kept the city broiling, without relief, for a full week”<sup>9</sup>. After a week of intense heat, “medical examiners confirmed that over five-hundred Chicagoans had died directly from the heat, public health workers reported over seven-hundred deaths in excess of the weekly average, and hospitals registered thousands of visits for weather-related problems”<sup>10</sup>. The entire Chicago area felt the 1995 heat wave, but the effects of this extreme weather event were not leveled evenly across the entire area of the event. It was reported very quickly during and after the event that the victims of the heat wave were mostly elderly, poor, and Black<sup>11</sup>. The more

<sup>5</sup> <https://www.aeaweb.org/articles?id=10.1257/089533006776526102>

<sup>6</sup> Hoffman, J. S., Shandas, V., & Pendleton, N. (2020). The effects of historical housing policies on resident exposure to intra-urban heat: a study of 108 US urban areas. *Climate*, 8(1), 12.

<sup>7</sup> Wilson, B. (2020). Urban heat management and the legacy of redlining. *Journal of the American Planning Association*, 86(4), 443-457.

<sup>8</sup> <https://link.springer.com/article/10.1023/A:1006995507723>

<sup>9</sup> <https://link.springer.com/article/10.1023/A:1006995507723>

<sup>10</sup> <https://link.springer.com/article/10.1023/A:1006995507723>

<sup>11</sup> <https://journals.sagepub.com/doi/abs/10.1177/000312240607100407?>

fragile health of the elderly makes the raised vulnerability of older residents of Chicago less of a surprise, but the disproportionately poor and Black victimhood during this disaster further demonstrates the incredible exposure these groups have during extreme weather events.

The unequal effects of the 1995 heat wave in Chicago were neither wholly natural nor apolitical despite occurring in the early years of global climate change. The disproportionate victimhood of poor people of color in this case occurred as a result of political decisions. On top of the financial conditions that limit healthcare access and quality air-conditioning in the homes of the groups that ended up most vulnerable to the heat wave, the Chicago and Illinois government also acted in ways that led to an excess of deaths among elderly, poor, and Black residents during the heat crisis. The Chicago Police Department's own senior assistance unit was neglected to be activated at all and the Department of Human Services failed to contact isolated seniors or transport them to any of the few public cooling centers that the city erected.<sup>12</sup> State and local governments have demonstrated both a lack of preparedness for extreme weather events and a bias against poor people and people of color in the few preparation policies they do have. Governments can learn from their mistakes, but they must do so in a way that moves faster than escalating global warming. The impacts of environmental racism and the unique relationship between poverty and ecological hazards has continued to this day and will continue under more and more extreme climate change. Chicago's 1995 heat wave is just one example among many demonstrating the ways in which climate change has already begun to exacerbate poverty and racism in the United States.

Beyond the unique vulnerability of people of color and the poor to climate change, the deeply embedded nature of fossil fuels in our economy means that the jobs of many in Berkeley are dependent on carbon-emitting industries. While Berkeley may not be home to any coal mines, oil refineries, or other industries widely associated with climate change, Berkeley's economy is no less reliant on fossil fuel extraction and combustion. Transitioning off of fossil fuels will inevitably mean existing jobs and businesses will have to radically change or cease to exist at all. Berkeley's transition must take into account the economic consequences of all of its climate initiatives, not to stifle what the City must do to curb climate change, but to ensure that the workers most proximate to those economic consequences are supported as we rework our economy for a carbon neutral world. The transition off of fossil fuels can ignore the economic realities of the dramatic changes that are necessary to fight warming no more than it can ignore the unequal threat that climate change poses to the poor and people of color.

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<sup>12</sup> <https://link.springer.com/article/10.1023/A:1006995507723>

On a broader scale, studies indicate that a national transition to a 100%-renewable energy sector would likely result in the loss of around 3.9 million jobs while creating 5.9 million jobs.<sup>13</sup> Exact job loss and gain forecasts in Berkeley are unknown, but it stands to reason that the job impacts will be comparable to the national figures if the transition is done proactively. The net gain in employment opportunities from the fossil fuel transition provides an optimistic vision for the transition, but does not mean that the road to net-zero will be easy. Not every lost job will be immediately accompanied by the creation of a new job, nor is it guaranteed that those who lose their job will automatically be offered employment in newly created industries or that those new jobs will offer the same wages and benefits as the jobs that are lost. Governments, including the City of Berkeley, must play an active role in ensuring that their transitions provide a net-gain in quality, good-paying jobs and that those who lose their job to the transition are prioritized for newly created jobs. Job losses are not a reason not to transition off of fossil fuels. To secure a prosperous future and save millions of lives, the transition must continue at an aggressive pace. Reckoning with future job losses, however, will help ensure that those losses are overshadowed by the benefits of the transition and that an ample supply of new jobs are available for all.

Governments have a small window that they can and should take advantage of to justly transition their economies, industries, and infrastructures to net-zero carbon emissions. This is the bare minimum, and will only stop the most extreme levels of climate change towards the end of this century. A properly planned and justly executed transition should stand to be an economic opportunity for Berkeley rather than an economic downturn. Berkeley must recognize what is coming, and the unique vulnerabilities of people of color and the poor, and enact policies to mitigate damages to these communities from warming and the transition to carbon neutrality.

### **The Green New Deal**

Congresswoman Alexandria Ocasio-Cortez's House Resolution recognizing the duty of the federal government to create a Green New Deal calls for a fair and just transition for all communities and workers to achieve net-zero greenhouse gas emissions and the creation of millions of high-wage union jobs to ensure prosperity and economic opportunity.<sup>14</sup> It also calls for investments in infrastructure and 21st century industry to secure resilience for generations to come, the spurring of massive growth in clean manufacturing, and the remediation of hazardous and abandoned sites to ensure economic development and sustainability on said sites.

<sup>13</sup> <http://web.stanford.edu/group/efmh/jacobson/Articles/I/USStatesWWS.pdf>

<sup>14</sup> <https://www.congress.gov/bill/116th-congress/house-resolution/109/text>

The success of the Green New Deal hinges on the Just Transition and close partnership and consultation with front line and vulnerable communities, indigenous peoples, labor unions, worker cooperatives, business leaders, academia, civil society groups, and climate justice activists to prevent further harm to vulnerable and frontline communities, curtail the reliance of persons in our communities on the benefits of fossil fuel jobs, and mobilize the Green New Deal at the Local Level.

Here in Berkeley we are well positioned to model a Just Transition towards a regenerative green economy. The West Berkeley Plan has been the foundation for the City's industrial land use and economic development policies. West Berkeley has long been a major center for jobs and remains an economic driver in the region. However, due to the history of redlining and environmental racism, adverse health impacts of proximity to I-80 and polluting industries have disproportionately impacted the low income and families of color who have called this part of the city home. Sites such as Pacific Steel have shut down, taking their jobs with them and leaving behind acres of contaminated soil and health disparities in their wake.

When the West Berkeley Plan was created, numerous stakeholders including the faith community, environmentalists, labor leaders, neighborhood organizations, business leaders and more came together to articulate a collective vision to guide the future of growth. The time has come for us to return to this work under the guiding principles of equity, sustainability, and climate justice in the pursuit of a Green New Deal for West Berkeley.

### **What is a Just Transition?**

At varying levels, the consumption of fossil fuels is immersed in every aspect of daily life in modern society. Shifting our entire way of life towards carbon-neutrality will require significantly more than changing our energy sources to renewables. The truly comprehensive embeddedness of fossil fuels in our lives means that achieving net-zero fossil fuel emissions within just a few decades will be difficult, but not necessarily equally difficult for everyone.

Due to historic discrimination, impoverishment, and proximity to environmental hazards, people of color and poor people are disproportionately vulnerable to the impacts of climate change. In rebuilding our economy, policymakers at every level must be intentional in ensuring that the fossil-free economy of the future does not reproduce the same inequities and societal harms of today. There are wrong ways to fight the climate crisis. Governments can achieve net-zero emissions in such a way that enriches those who profited off of fossil fuel extraction and consumption and protects the already well-

off from warming while abandoning the historically disadvantaged to the ravages of extreme weather and economic chaos. The transition away from fossil fuels must ensure that the vulnerable in our society are protected from both the turbulence of restructuring our entire economy and the effects of global warming that are already set in stone. “After centuries of global plunder, the profit-driven industrial economy rooted in patriarchy and white supremacy is severely undermining the life support systems of the planet. Transition is inevitable. Justice is not.”<sup>15</sup> The environmental justice movement calls this approach to the climate crisis a “Just Transition.”

The Climate Justice Alliance, a climate organization at the forefront of the fight for a Just Transition, lays out the following Just Transition principles:

### **A Just Transition moves us toward Buen Vivir**

Buen Vivir means that we can live well without living better at the expense of others. Workers, community residents, women and Indigenous Peoples around the world have a fundamental human right to clean, healthy and adequate air, water, land, food, education and shelter. We must have just relationships with each other and with the natural world, of which we are a part. The rights of peoples, communities and nature must supersede the rights of the individual.

### **A Just Transition creates Meaningful Work**

A Just Transition centers on the development of human potential, creating opportunities for people to learn, grow, and develop to their full capacities and interests. We are all born leaders, and a regenerative economy supports and nurtures that leadership. In the process, we are transforming ourselves, each other, our communities, and our society as a whole. Meaningful work is life-affirming.

### **A Just Transition upholds Self Determination**

All peoples have the right to participate in decisions that impact their lives. This requires democratic governance in our communities, including our workplaces. Communities must have the power to shape their economies, as producers, as consumers, and in our relationships with each other. Not only do we have the right to self determination, but self determination is one of our greatest tools to realize the world we need. The people who are most affected by the extractive economy — the frontline workers and the frontline communities — have the resilience and expertise to be in the leadership of crafting solutions.

### **A Just Transition equitably redistributes Resources and Power**

We must work to build new systems that are good for all people, and not just a few. Just Transition must actively work against and transform current and historic social inequities based on race, class, gender, immigrant status and other forms of oppression. Just Transition fights to reclaim capital and resources for the regeneration of geographies and sectors of the economy where these inequities are most pervasive.

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<sup>15</sup> [https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA\\_JustTransition\\_Principles\\_final\\_hi-rez.pdf](https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf)

### **A Just Transition requires Regenerative Ecological Economics**

Just Transition must advance ecological resilience, reduce resource consumption, restore biodiversity and traditional ways of life, and undermine extractive economies, including capitalism, that erode the ecological basis of our collective well-being. This requires a re-localization and democratization of primary production and consumption by building up local food systems, local clean energy, and smallscale production that are sustainable economically and ecologically. This also means producing to live well without living better at the expense of others.

### **A Just Transition retains Culture and Tradition**

Capitalism has forced many communities to sacrifice culture and tradition for economic survival. It has also defaced and destroyed land held as sacred. Just Transition must create inclusionary spaces for all traditions and cultures, recognizing them as integral to a healthy and vibrant economy. It should also make reparations for land that has been stolen and/or destroyed by capitalism, colonialism, patriarchy, genocide and slavery.

### **A Just Transition embodies Local, Regional, National and International Solidarity**

A Just Transition must be liberatory and transformative. The impacts of the extractive economy knows no borders. We recognize the interconnectedness of our communities as well as our issues. Therefore, our solutions call for local, regional, national and global solidarity that confronts imperialism and militarism.

### **A Just Transition builds What We Need Now**

We must build the world we need now. This may begin at a local small scale, and must expand to begin to displace extractive practices. We must build and flex the muscles needed to meet our communities' needs.<sup>16</sup>

Embarking on a Just Transition would make Berkeley a leader on climate action done right, but existing Just Transition examples from around the world can provide much guidance. In Poland, a 75% decline in coal mining jobs was coupled by a mining social package and special privileges for mining communes. Canada's efforts to phase out coal-powered electricity have been accompanied by a national stakeholder task force that has travelled the country to hear from Canadians on how to justly shepherd the transition. Egypt's fuel price increases were paired with minimum wage boosts, food stipends, and progressive taxation.<sup>17</sup>

### **Climate Action Plan and Policies to Date**

In 2006, Berkeley voters issued a call to action on the climate change challenge by overwhelmingly endorsing ballot Measure G: Reduce our entire community's greenhouse gas emissions by 80% below 2000 levels by 2050. The Berkeley Climate Action Plan was written through a community-wide process and was adopted by City Council on June 2, 2009.

<sup>16</sup> [https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA\\_JustTransition\\_Principles\\_final\\_hi-rez.pdf](https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf)

<sup>17</sup> <https://www.iisd.org/articles/just-transition-examples>



On June 12, 2018, City Council adopted a resolution<sup>18</sup> establishing the goal of becoming a Fossil Fuel-Free city. On June 12, 2018, City Council adopted a Climate Emergency Declaration.<sup>19</sup> On May 11, 2021, City Council adopted a resolution to commit to the C40 Race to Zero Campaign, including a commitment to reaching net-zero emissions in 2045 or sooner.

### CALeVIP

East Bay Community Energy (EBCE) is making electric vehicle charging more accessible in Alameda County through a partnership with the California Electric Vehicle Infrastructure Project (CALeVIP). Funded by the California Energy Commission and implemented by the Center for Sustainable Energy (CSE), the project promotes access to electric vehicle (EV) charging infrastructure by providing rebates for Level 2 (L2) and DC Fast Chargers (DCFC) for businesses and property owners, with additional rebates available for disadvantaged and low-income communities.<sup>20</sup>

### West Berkeley Plan

Adopted in 1993, the West Berkeley Plan establishes land use patterns and aspirational policy goals for Berkeley's industrial job center and surrounding residential areas. Given its concentration of manufacturing and Research & Development, updating this plan will be central to meeting Berkeley's climate action goals.

Using granular data from the 1980 census, the West Berkeley Plan reported that employees in this area were 30% more likely to drive alone to work than in other parts of the city. Reducing single-occupancy automobile trips, encouraging workforce housing closer to jobs and promoting more public transit use has been central to the Plan's goals for decades, but several policies outlined in the Plan were either not adopted or are anachronistic given current policies.

The Plan correctly notes that the larger share of workers who do not live in the community will result in increased traffic congestion. Pursuant to SB 743, the state now mandates that California jurisdictions can no longer use automobile delay – commonly measured by Level of Service (LOS) – in transportation analysis under the California Environmental Quality Act (CEQA). The State has issued guidelines calling for the use

<sup>18</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2018/06\\_June/Documents/06-12\\_Annotated\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2018/06_June/Documents/06-12_Annotated_Agenda.aspx)

<sup>19</sup> [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fwww.cityofberkeley.info%2FuploadedFiles%2FCouncil\\_2%2FLevel\\_3\\_-\\_General%2FClimate%2520Emergency%2520Declaration%2520-%2520Adopted%252012%2520June%25202018%2520-%2520BCC.pdf&cLen=424348](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/viewer.html?pdfurl=https%3A%2F%2Fwww.cityofberkeley.info%2FuploadedFiles%2FCouncil_2%2FLevel_3_-_General%2FClimate%2520Emergency%2520Declaration%2520-%2520Adopted%252012%2520June%25202018%2520-%2520BCC.pdf&cLen=424348)

<sup>20</sup> <https://ebce.org/drive-electric-business/>

of a broader measure called Vehicle Miles Traveled (VMT), which measures the total amount of driving over a given area. These changes became mandatory on July 1, 2020.

The West Berkeley Plan's transportation section<sup>21</sup> is outdated in its use of LOS, but it does caution that "LOS is a moving target" because "drivers are continually seeking uncongested routes."

Indeed, the Plan was prescient in calling for a VMT reduction in its policy goals. Policy 1.1 of the transportation section states: "Seek trip reduction--reduction of single occupant automobile trips--through a variety of education and regulatory efforts including implementation of a City of Berkeley Trip Reduction Ordinance, cooperation with the Air Quality Management District's transportation control measures, conditions on development and other mechanisms." While a Trip Reduction Ordinance does not exist, SB 743 now makes VMT reduction one of the default "conditions on development" for certification of Environmental Impact Reports.

The City Council has recently adopted policies that are consistent with the West Berkeley Plan's policy goals. Policy 5.1 states: "Adopt and implement a revised Truck Route Ordinance." On October 12, 2021, the City Council adopted an Ordinance "Amending BMC Section 14.56.070 for 3-Ton Commercial Truck Weight Limit on Berkeley's Bicycle Boulevards and on At-Risk West Berkeley Residential Streets."<sup>22</sup>

By committing to a Green New Deal framework, the City can establish climate justice and equity parameters for future revisions of the West Berkeley Plan.

### **Potential policy directives for a Just Transition**

Policies aimed at resource redistribution and infrastructure investment to eliminate carbon emissions should be calibrated to maximize carbon reduction for funds allocated to support a Just Transition.

#### Reducing car use

According to the Climate Action Plan 2020 Update staff report, Berkeley has made significant progress in reducing greenhouse gas emissions since 2000, but more progress is needed: "The residential sector decreased electricity usage by 20% and natural gas usage by 26%, and the commercial and industrial sectors decreased electricity usage by 32% and natural gas usage by 2%...Transportation accounts for

<sup>21</sup> [https://www.cityofberkeley.info/Planning\\_and\\_Development/Home/West\\_Berkeley\\_-\\_Transportation.aspx](https://www.cityofberkeley.info/Planning_and_Development/Home/West_Berkeley_-_Transportation.aspx)

<sup>22</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/10\\_Oct/Documents/2021-10-12\\_Item\\_02\\_Amending\\_BMC\\_Section\\_14\\_56\\_070.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/10_Oct/Documents/2021-10-12_Item_02_Amending_BMC_Section_14_56_070.aspx)



59% of Berkeley's total 2018 GHG inventory. This is the largest sector of GHG emissions and the most challenging to tackle."<sup>23</sup>

Electrifying the car and truck fleet is critical to reducing emissions, but even with aggressive vehicle electrification, we will not come close to meeting the 2045 net-zero goal. Changing out our entire vehicle fleet will take decades. Auto manufacturers are not even planning on having full electric lines until 2035<sup>24</sup> and the most aggressive state and federal plans are on similar timetables<sup>25</sup>. The vast majority of the vehicles on the road will be gas powered far beyond 2030.<sup>26</sup> Additionally, electric cars and trucks continue to produce particulate emissions, deteriorate our already vulnerable roads, lead to congestion, and critically, injure and kill Berkeley residents just as frequently as gas powered vehicles do. Only by reducing car use, regardless of fuel source, can Berkeley meet its many goals of becoming a safer and healthier city.

Berkeley can help its residents reduce their dependence on car trips through a three pronged approach of

- a) building infill housing to reduce distances that residents need to travel to meet their needs,
- b) building a network of pedestrian and micromobility infrastructure throughout the city with safe bike lanes and crossings and secure storage in neighborhoods and destinations and
- c) affordable access to e-bikes and other microbility technology options.

*Infill housing:* Because urban core areas such as Berkeley present major opportunities for households to meet their needs with fewer Vehicle Miles Traveled (VMT), Wheeler et al (2018) find that infill housing is the most effective policy tool our local government has to reduce emissions: "Low carbon footprint cities that make housing available at all income levels help share the burden of meeting housing demand, while lessening the impact on the climate across the population...Mixed income urban core cities (e.g., Berkeley) hold the most potential for urban infill, with statewide GHG benefits."<sup>27</sup>

<sup>23</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2020/07\\_Jul/Documents/2020-07-21\\_Special\\_Item\\_05\\_Climate\\_Action\\_Plan\\_pdf.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx)

<sup>24</sup> For example, General Motors Sets All-Electric Target For Vehicles By 2035, NPR, February 1, 2021 <https://www.npr.org/2021/02/01/962946561/general-motors-sets-all-electric-target-for-vehicles-by-2035>

<sup>25</sup> California to phase out sales of new gas-powered cars by 2035, Washington Post, Sept 23, 2020 <https://www.washingtonpost.com/climate-environment/2020/09/23/california-electric-cars/>

<sup>26</sup> Even if we do succeed in stopping selling all gas powered cars by 2035, our transportation sector will not reach zero emissions until at least 2050. Electric Cars Are Coming. How Long Until They Rule the Road? New York Times, March 10, 2021 <https://www.nytimes.com/interactive/2021/03/10/climate/electric-vehicle-fleet-turnover.html>

<sup>27</sup> Wheeler, S. M., Jones, C. M., & Kammen, D. M. (2018). Carbon footprint planning: quantifying local and state mitigation opportunities for 700 California cities. *Urban Planning*, 3(2), 35-51.

The California Air Resources Board (CARB) has reported: “Even if the share of new car sales that are ZEVs grows nearly 10-fold from today, California would still need to reduce VMT per capita 25 percent to achieve the necessary reductions for 2030”<sup>28</sup> to meet state emissions targets pursuant to Senate Bill 375.

Reducing VMT per capita even beyond the minimum that CARB recommends will require a holistic policy approach to reduce the marginal cost of modal shifts from single-occupancy vehicles to cycling, walking, and public transit.

*A network of safe active transportation infrastructure:* The potential benefits of Berkeley’s urban core area and additional infill housing for reduced VMT can not be realized if people do not feel they can safely get to their destinations outside of a car. The vast majority of Berkeley residents (71%) are interested in using bicycles but are concerned that the infrastructure does not currently feel safe enough<sup>29</sup>. Secure storage is also needed in neighborhoods and at destinations for bikes, e-bikes and other micromobility devices. Creating walking, bicycling, and other micromobility infrastructure that both feels safe and easily links all residential areas with schools, retail, and workplaces, and accompanying these efforts with secure storage throughout the city, can facilitate major shifts in VMT.

*Affordable micromobility:* E-bikes - and to some extent other micromobility modes - overcome many of the challenges people have with traditional bicycles. E-bikes are great at climbing hills, beating headwinds, hauling kids & loads and tackling long commutes all with no sweat (unless you want it). Plus e-bike riders feel safer navigating traffic with the extra acceleration power. They do all this at significant savings over electric cars. E-bikes get 1000 to 4000 MPGe and are 20 times more efficient than electric cars - meaning they can go twenty times farther than an electric car for the same charging electricity carbon emissions.<sup>30</sup> The manufacture of an e-bike takes at least an order of magnitude less embodied energy and carbon. With all that they offer, e-bikes are a bargain compared to cars, with prices ranging from \$1,000 to \$5,000 for a good cargo e-bike. Nevertheless, this investment remains out of reach for many low and some middle income residents. Targeted subsidies can unlock this potential while helping make up for historical lack of mobility access.

*Support home electrification retrofits*

<sup>28</sup> [https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report\\_SB150\\_112618\\_02\\_Report.pdf](https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf)

<sup>29</sup> Page 11: [https://www.cityofberkeley.info/uploadedFiles/Public\\_Works/Level\\_3\\_-\\_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf](https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf)

<sup>30</sup> E-Bike 1000 MPG Study-Results, <https://sites.google.com/view/ebikestudy/results>, E-Bike 1000 MPG Project

On November 3, 2021 the Budget & Finance Policy Committee passed a qualified positive recommendation to the full council for a Budget Referral and Resolution Establishing a Pilot Existing Building Electrification Installation Incentives and Just Transition Program with Pre-Qualified Contractors Meeting Minimum Labor Standards to Assist New Property Owners, Renters and Existing Property Owners with Transition to Zero-Carbon Buildings.<sup>31</sup>

In the realm of mitigating climate change, the retrofitting of residential buildings for electrification and enhanced energy efficiency is a necessary – and expensive – component of any transition towards a sustainable Berkeley. Estimates suggest that all-electric single-family homes can “reduce annual GHG emissions by 33 - 56% in 2020 and by 76 – 88% in 2050 compared to a natural gas-fueled home.”<sup>32</sup> Residential emissions can also be reduced through the densification of our community and a long-term shift away from single-family homes as a primary form of living, but Berkeley’s existing stock of single-family homes isn’t just going to go away.<sup>33</sup> Retrofitting and electrifying our existing housing stock is important, but is too expensive a lift for the City to expect or require all homeowners to go about alone.<sup>34</sup> A Just Transition in building electrification would involve the City dedicating its own resources as well as engaging the state and federal governments to fund retrofits and support residential homeowners through the process of electrifying their homes, particularly low- and middle-income households.

#### *Advance equitable mobility access*

Berkeley’s Electric Mobility Roadmap appropriately identifies improved infrastructure safety and connectivity and support for access to e-bikes and other micromobility as key to addressing Berkeley’s transportation emissions. From recreational bike paths to electric car and truck subsidies, this country’s efforts to reduce transportation emissions have too often focused on supporting wealthier communities and consumers. Berkeley can both improve cost effectiveness and address historical inequities by prioritizing safe connectivity and secure bike parking for under-resourced communities as it accelerates implementation and expansion of its pedestrian and bicycle plans and by targeting its efforts to subsidize access to e-bikes and other micromobility on low income residents.

#### *Strengthen worker protections*

While Berkeley has been at the forefront of guaranteeing a generous minimum wage, any Just Transition must ensure that all workers in Berkeley earn a living wage into the future as the global economy is shaken by the impacts of climate change. On top of the direct economic impacts of climate change, the ongoing shift in employment

<sup>31</sup> [https://www.cityofberkeley.info/Clerk/City\\_Council/2021/11\\_Nov/Documents/2021-11-30\\_Item\\_21\\_Budget\\_Referral\\_and\\_Resolution\\_Establishing\\_a\\_Pilot\\_Existing\\_Building.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2021/11_Nov/Documents/2021-11-30_Item_21_Budget_Referral_and_Resolution_Establishing_a_Pilot_Existing_Building.aspx)

<sup>32</sup> [https://www.ethree.com/wp-content/uploads/2019/04/E3\\_Residential\\_Building\\_Electrification\\_in\\_California\\_April\\_2019.pdf](https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf)

<sup>33</sup> <https://www.pnas.org/content/117/32/19122>

<sup>34</sup> [https://www.nahb.org/-/media/NAHB/nahb-community/docs/committees/construction-codes-and-standards-committee/home-innovation-electrification-report-2021.pdf?\\_ga=2.114118479.990433442.1620163394-283412800.1620163394](https://www.nahb.org/-/media/NAHB/nahb-community/docs/committees/construction-codes-and-standards-committee/home-innovation-electrification-report-2021.pdf?_ga=2.114118479.990433442.1620163394-283412800.1620163394)

opportunities toward gig-based and contractor work that does not always guarantee a living wage and good benefits presents a threat to the livelihoods of workers in Berkeley and elsewhere. On a warming planet with rapidly intensifying weather conditions, access to food, shelter, and quality healthcare will be more important – and more precarious – than ever before. Local and state policies, such as ensuring that minimum wage laws apply to app-based contract work<sup>35</sup>, will go a long way in a warming-afflicted future towards shoring up the health and economic stability of workers. Additionally, Berkeley's Living Wage Ordinance, which ensures "that businesses in a contractual relationship with the City pay their employees a wage that can support a family at, or above, the poverty level"<sup>36</sup>, is an important labor policy that can be upheld and even strengthened as economic stresses require more support for employees on the part of employers. Beyond the active role that Berkeley's City government must play in ensuring a Just Transition, workers themselves need to be empowered to ensure that the sweeping economic changes of the transition to a sustainable economy does not leave them behind. Berkeley must, at every turn, protect the rights of workers to organize and bargain collectively and support the efforts of workers in the private-sector to assert their rights in every instance possible.

#### *Develop just and climate sensitive smart growth policies*

There is a wealth of potential policies in academic literature and real-world examples that the City Council can draw upon in enacting a Just Transition for Berkeley. "Smart growth" strategies offer effective and just climate mitigation and adaptation policies that Berkeley can draw upon to effectively manage its transition off of fossil fuels and foster economic opportunities for the City. These include planning for a denser city, preserving green spaces, discouraging new construction in areas at risk of extreme weather conditions such as wildfires, upgrading stormwater systems, and generally encouraging energy efficient land use patterns.<sup>37</sup>

Areas of the city that are zoned for lower densities and single-family residential contribute disproportionately to carbon emissions from automobile travel. The City's upcoming Housing Element will have to align with its Climate Action Plan and pursue decarbonization of transportation by permitting density in formerly single-family neighborhoods such that increased transit access, micromobility, and pedestrian safety infrastructure can reduce Vehicle Miles Traveled. Moreover, the City will need to reallocate subsidies for private automobile travel, such as free or underpriced parking and road space, and dedicate these resources to housing and infrastructure that enables VMT reduction.

#### *Identifying new local revenue streams for zero-carbon transport*

Most carbon pollution in Berkeley comes from cars, both those driven by city residents and by the commuters who come to the city for work or school. In many cases, the city

<sup>35</sup> <https://cities-today.com/seattle-passes-minimum-wage-for-rideshare-drivers/>

<sup>36</sup> [https://www.cityofberkeley.info/Finance/Home/Vendors\\_Living\\_Wage\\_Ordinance.aspx#:~:text=Effective%20July%201%2C%202021%2C%20the,of%20not%20less%20than%20%2419.67.](https://www.cityofberkeley.info/Finance/Home/Vendors_Living_Wage_Ordinance.aspx#:~:text=Effective%20July%201%2C%202021%2C%20the,of%20not%20less%20than%20%2419.67.)

<sup>37</sup> <https://www.epa.gov/smartgrowth/smart-growth-and-climate-change#:~:text=Smart%20growth%20policies%20contribute%20to,effects%20of%20a%20changing%20climate.>

incentivizes driving by subsidizing its cost. Free or below-cost parking in retail/commercial and residential zones, streets that omit higher-throughput bus and bike lanes, and mandates for parking in new developments are all a form of subsidy for driving. Both the California Department of Transportation (Caltrans)<sup>38</sup> and California Air Resources Board (CARB) have found that parking pricing strategies have the potential to reduce VMT and encourage a modal shift that reduces greenhouse gas emissions.<sup>39</sup>

According to UCLA parking scholar Donald Shoup, motorists searching for underpriced or free parking rather than paying demand-based parking prices in a parking garage can increase the average VMT of a local trip by as much as 0.5 miles per trip<sup>40</sup>, or 5 additional miles per day per curb space.<sup>41</sup> Collecting parking fees based on fair market value can reduce the overcrowding of parking spaces, increase parking availability, and increase funding for public services.<sup>42</sup> According to the US Department of Transportation<sup>43</sup>, over 59% of automobile trips were six miles or less, and three-fourths of trips by any mode were less than ten miles, suggesting a major potential for emissions reductions by shifting transportation modes for short trips away from private automobiles. Shoup's research has also found that market-priced curb parking can yield 5-8% of a city's total land rent.<sup>44</sup>

Berkeley can equitably address these subsidies by enacting fees, phased in over time, that charge the cost to the city and its residents of building and maintaining car infrastructure, including the "hidden" costs of pollution, public health impacts, and traffic-related violence. Since lower-income households will have less ability to pay these fees, the city could determine a methodology to phase-in fees by household income and car registration, and use the revenues to provide lower-cost mobility subsidies to lower-income households.

These fees must be coupled with transportation policy reforms that prioritize bus lanes, bike lanes, and "safe routes to school" on streets owned and maintained by the city. By re-allocating public rights-of-way to zero-carbon forms of mobility, and phasing out city subsidies for driving, the city can chart a path to zeroing out its emissions from transportation.~~Identifying new local revenue streams for zero-carbon transport~~

<sup>38</sup><https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/final-pricing-parking-management-to-reduce-vehicles-miles-traveled-pi-a11y.pdf>

<sup>39</sup>[https://ww2.arb.ca.gov/sites/default/files/2020-06/Impacts\\_of\\_Parking\\_Pricing\\_Based\\_on\\_a\\_Review\\_of\\_the\\_Empirical\\_Literature\\_Policy\\_Brief.pdf](https://ww2.arb.ca.gov/sites/default/files/2020-06/Impacts_of_Parking_Pricing_Based_on_a_Review_of_the_Empirical_Literature_Policy_Brief.pdf)

<sup>40</sup> Newton, D. (2008). Professor Donald Shoup: How About Congestion Parking? Streetsblog LA. Retrieved from <https://la.streetsblog.org/2008/01/12/professor-donald-shoup-how-about-congestion-parking/>

<sup>41</sup> Shoup, D. C. (2006). Cruising for parking. *Transport policy*, 13(6), 479-486.

<sup>42</sup> Shoup, D., Yuan, Q., & Jiang, X. (2017). Charging for parking to finance public services. *Journal of Planning Education and Research*, 37(2), 136-149.

<sup>43</sup> <https://www.energy.gov/eere/vehicles/articles/fotw-1042-august-13-2018-2017-nearly-60-all-vehicle-trips-were-less-six-miles>

<sup>44</sup> Shoup, D. C. (2004). The ideal source of local public revenue. *Regional Science and Urban Economics*, 34(6), 753-784.



Most carbon pollution in Berkeley comes from cars, both those driven by city residents and by the commuters who come to the city for work or school. In many cases, the city incentivizes driving by subsidizing its cost. Free or below-cost parking in retail/commercial and residential zones, streets that omit higher-throughput bus and bike lanes, and mandates for parking in new developments are all a form of subsidy for driving. Both the California Department of Transportation (Caltrans)<sup>45</sup> and California Air Resources Board (CARB) have found that parking pricing strategies have the potential to reduce VMT and encourage a modal shift that reduces greenhouse gas emissions.<sup>46</sup>

According to UCLA parking scholar Donald Shoup, motorists searching for underpriced or free parking rather than paying demand-based parking prices in a parking garage can increase the average VMT of a local trip by as much as 0.5 miles per trip<sup>47</sup>, or 5 additional miles per day per curb space.<sup>48</sup> Collecting parking fees based on fair market value can reduce the overcrowding of parking spaces, increase parking availability, and increase funding for public services.<sup>49</sup> According to the US Department of Transportation<sup>50</sup>, over 59% of automobile trips were six miles or less, and three-fourths of trips by any mode were less than ten miles, suggesting a major potential for emissions reductions by shifting transportation modes for short trips away from private automobiles. Shoup's research has also found that market-priced curb parking can yield 5-8% of a city's total land rent.<sup>51</sup>

Berkeley can equitably address these subsidies by enacting fees, phased in over time, that charge the cost to the city and its residents of building and maintaining car infrastructure, including the "hidden" costs of pollution, public health impacts, and traffic-related violence. Since lower-income households will have less ability to pay these fees, the city should determine a methodology to phase in fees by household income and car registration, and use the revenues to provide lower-cost mobility subsidies to lower-income households.

These fees must be coupled with transportation policy reforms that prioritize bus lanes, bike lanes, and "safe routes to school" on streets owned and maintained by the city. By re-allocating public rights-of-way to zero-carbon forms of mobility, and phasing out city

<sup>45</sup><https://dot.ca.gov/-/media/dot-media/programs/research-innovation-system-information/documents/preliminary-investigations/final-pricing-parking-management-to-reduce-vehicles-miles-traveled-pi-a11y.pdf>

<sup>46</sup>[https://www2.arb.ca.gov/sites/default/files/2020-06/Impacts\\_of\\_Parking\\_Pricing\\_Based\\_on\\_a\\_Review\\_of\\_the\\_Empirical\\_Literature\\_Policy\\_Brief.pdf](https://www2.arb.ca.gov/sites/default/files/2020-06/Impacts_of_Parking_Pricing_Based_on_a_Review_of_the_Empirical_Literature_Policy_Brief.pdf)

<sup>47</sup>Newton, D. (2008). Professor Donald Shoup: How About Congestion Parking? Streetsblog LA. Retrieved from <https://la.streetsblog.org/2008/01/12/professor-donald-shoup-how-about-congestion-parking/>

<sup>48</sup>Shoup, D. C. (2006). Cruising for parking. *Transport policy*, 13(6), 479-486.

<sup>49</sup>Shoup, D., Yuan, Q., & Jiang, X. (2017). Charging for parking to finance public services. *Journal of Planning Education and Research*, 37(2), 136-149.

<sup>50</sup><https://www.energy.gov/eere/vehicles/articles/fotw-1042-august-13-2018-2017-nearly-60-all-vehicle-trips-were-less-six-miles>

<sup>51</sup>Shoup, D. C. (2004). The ideal source of local public revenue. *Regional Science and Urban Economics*, 34(6), 753-784.

~~subsidies for driving, the city can chart a path to zeroing out its emissions from transportation.~~

~~Whether branded as a Just Transition or not, Berkeley can draw plenty of inspiration from around the world in its efforts to ensure that workers, people of color, and the poor are elevated and protected in our fight against climate change, rather than left behind.~~

#### RATIONALE FOR RECOMMENDATION

In 2006, Berkeley residents voted in favor of Measure G, which committed the City of Berkeley to reduce its emissions by 80% below 2000 levels by 2050. The City Council, staff, and the community subsequently worked in tandem to develop the Berkeley Climate Action Plan, which lays out the City's path to achieving the stated goal on Measure G.<sup>52</sup> In 2018, the City Council voted to declare a Climate Emergency citing an "existential Climate Emergency that threatens our city, state, nation, civilization, humanity, and the natural world."<sup>53</sup> Both the establishment of the Berkeley Climate Action Plan and the declaration of a Climate Emergency put the City leagues ahead of other cities, states, and even the country on initiating climate action, but we're still nowhere near enough.

At the state level, California's environmental efforts place it well ahead of most other states. Even California's efforts, however, are insufficient at best and ineffective at reducing emissions at worst.<sup>54</sup> The City of Berkeley must lead the state and the country both in aggressive and ambitious climate legislation that gets us to net-zero carbon emissions as soon as possible as well as climate mitigation and adaptation efforts that overcome and reverse historic environmental racism and lessen the economic turbulence that will accompany reshaping our economy in the coming decades so that all working Berkeleyans have the right to a good job and secure future. Past and future efforts to eliminate ~~reach net-zero~~ fossil fuel emissions must be examined in an active pursuit of a Just Transition for Berkeley.

#### ENVIRONMENTAL IMPACTS

This proposal advances and enhances Berkeley's climate goals.

#### FISCAL IMPACTS

None.

#### CONTACT

Terry Taplin, Councilmember, District 2, (510) 981-7120

#### ATTACHMENTS

<sup>52</sup> <https://www.cityofberkeley.info/climate/>

<sup>53</sup> [https://www.cityofberkeley.info/uploadedFiles/Council\\_2/Level\\_3\\_-\\_General/Climate%20Emergency%20Declaration%20-%20Adopted%2012%20June%202018%20-%20BCC.pdf](https://www.cityofberkeley.info/uploadedFiles/Council_2/Level_3_-_General/Climate%20Emergency%20Declaration%20-%20Adopted%2012%20June%202018%20-%20BCC.pdf)

<sup>54</sup> <https://www.kqed.org/science/1972957/state-auditor-says-california-air-regulator-overstated-emission-reductions>

1. Resolution
2. California's Fourth Climate Change Assessment: San Francisco Bay Area Region Report
3. Climate Justice Alliance: Just Transition Principles



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

COMMIT THE CITY OF BERKELEY TO A JUST TRANSITION FROM THE FOSSIL  
FUEL ECONOMY

WHEREAS, a national Green New Deal calls for a fair and just transition for all communities and workers to achieve net-zero greenhouse gas emissions and the creation of millions of high-wage union jobs to ensure prosperity and economic opportunity; and

WHEREAS, in Berkeley, fossil fuel-driven global warming has already caused sea level rise, droughts, extreme weather conditions, and longer and more intense fire seasons; and

WHEREAS, business-as-usual fossil fuel emissions will lead to major increases in temperature, more dramatic droughts, more frequent extreme weather, and up to 3 meters of sea level rise; and

WHEREAS, historic inequities and environmental racism leave people of color and the poor in a uniquely vulnerable position when faced with dramatic warming, economic turbulence, and extreme weather; and

WHEREAS, the transition off of fossil fuels will have inevitable economic consequences including the loss of jobs and industries that are reliant on fossil fuel extraction and consumption; and

WHEREAS, the COVID-19 pandemic has demonstrated the vulnerability of the global economy to sudden natural events and the need for proactive preparation for economic shocks; and

~~WHEREAS, the COVID-19 pandemic has demonstrated the vulnerability of the global economy to sudden natural events and the need for proactive preparation for economic shocks; and~~

~~WHEREAS, a proactively planned and equitably executed transition away from the fossil fuel economy can be an opportunity to correct historic wrongs and boost Berkeley's economy; an~~

WHEREAS, Berkeley voters approved Measure G in 2006, calling for the City to "reduce our entire community's greenhouse gas emissions by 80% below 2000 levels by 2050," and the Berkeley Climate Action Plan was adopted by City Council on

June 2, 2009, and the City will need to eliminate its emissions at an even more ambitious scale; and

WHEREAS, the City of Berkeley was among the founding member-jurisdictions of East Bay Community Energy (EBCE), the community choice electricity provider serving Alameda County, all of its eligible cities, and the City of Tracy in San Joaquin County; and

WHEREAS, the City of Berkeley can lead by example to equitably reduce community-wide greenhouse gas emissions by utilizing the local programs and electric service options provided by EBCE. These include, but are not limited to 1) partnering with EBCE to make its 100% renewable energy option the City-wide default for most residential and commercial electric accounts; 2) electrifying the City's buildings and municipal fleets; and 3) advancing the deployment of publicly available electric vehicle (EV) charging infrastructure; and

WHEREAS, the City of Berkeley has been a regional leader in building electrification by prohibiting natural gas lines in new residential construction and exploring building electrification subsidies for middle- and lower-income households, and

WHEREAS, transportation accounts for 59% of Berkeley's total 2018 greenhouse gas inventory and Berkeley's Electric Mobility Roadmap recognizes that active transportation - walking and bicycling, including e-bikes and other micromobility technologies - is key to reducing those emissions; and

WHEREAS, the California Air Resources Board (CARB) has reported that even with a tenfold increase in market share of new electric vehicles, "California would still need to reduce Vehicle Miles Traveled (VMT per capita) by 25 percent to achieve the necessary reductions for 2030" to meet emissions reduction targets pursuant to Senate Bill 375; and

WHEREAS, both government agencies and leading academic researchers have found that parking pricing strategies have the potential to reduce VMT per capita; and

WHEREAS, the City will need to reallocate subsidies for private automobile travel toward active transportation infrastructure and infill housing in order to achieve VMT per capita reductions needed to eliminate transportation emissions; and

WHEREAS, the City adopted the West Berkeley Plan in 1993, which calls for a "reduction of single occupant automobile trips", and

WHEREAS, a proactively planned and equitably executed transition away from the fossil fuel economy can be an opportunity to correct historic wrongs and boost Berkeley's economy; and

WHEREAS, the principles of a Just Transition offer Berkeley a path towards eliminating fossil fuel emissions that minimizes economic shock, leaves no one behind, and plants the seeds of a resilient Berkeley;

NOW THEREFORE, BE IT RESOLVED, that the City Council commits the City of Berkeley to a Just Transition to ~~net~~-zero carbon emissions that secures a livable future for all Berkeleyans, pursues a Green New Deal for West Berkeley, combats environmental racism and the unique vulnerabilities of people of color, and ensures that all Berkeleyans have access to good paying jobs and equitable living standards free from the fossil fuel economy;7

BE IT FURTHER RESOLVED, that all City Council reports with a section on Climate and Environmental Impacts include a Just Transition analysis wherein maximum potential for reducing greenhouse gas emissions while advancing equity is evaluated.



International  
Resource  
Panel

# THE WEIGHT OF CITIES: RESOURCE REQUIREMENTS OF FUTURE URBANIZATION

1

## 1. CHALLENGES OF THE FUTURE

- ▶ The proportion of the global population living in cities and towns is expected to rise from 54 percent in 2015 to 66 percent by 2050. Most of this transition will take place in the Global South, especially in Asia and Africa, and will require a **significant expansion of existing cities, as well as the construction of new cities.**
- ▶ Business as usual could result in the annual resource requirements of urban areas growing from 40 billion tonnes in 2010 to nearly 90 billion tonnes by 2050. The high demand for such raw materials will far exceed what the planet can sustainably provide. **Resources should now become a central policy concern**, in addition to concerns over CO<sub>2</sub>, which are now well recognized.
- ▶ In addition, the long-term historic **sprawl of cities by 2 percent per year** threatens to increase global urban land use from just below 1 million km<sup>2</sup> to over 2.5 million km<sup>2</sup> by 2050, **putting agricultural land and food supplies at risk** (see IRP report on *Food Systems and Natural Resources*, 2015).
- ▶ Cities that become more resource-efficient in transport, commercial buildings, and building heating/cooling could achieve **reductions of between 36 to**

**54 percent** in energy use, GHG emissions, metals, land and water use.

## 2. RETHINKING URBANIZATION: RECOMMENDATIONS FOR POLICYMAKERS

**A transition towards low-carbon, resource-efficient and socially just cities** is crucial to advance towards the Sustainability Development Goals and the New Urban Agenda. The concept of **'urban metabolism' (the flow of resources through a city)** can be used to frame thinking about how cities can improve citizens' access to essential services (a focus on well-being for all) while managing their resources wisely and producing minimal waste. This transition could be achieved through the following approaches:

- 1. Urban metabolisms must shift from 'linear' to 'circular':** This implies new ways of managing the movement of resources through the city. Businesses and cities will have to focus on offering high value services rather than selling artefacts; providing heat instead of heaters, mobility instead of highways and cars, light instead of light bulbs. Concepts such as 'urban mining', 'resource cascading' and 'industrial symbiosis' and the various manifestations of the 're-economy' (reduce, reuse, recycle) will define the new urbanism.





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## 2. Urban metabolisms must be monitored to assist strategic planning at local government level:

Local governments must understand cities' inputs (e.g. biomaterials) and outputs (e.g. waste and emissions), using these to develop resource efficiency strategies.<sup>1</sup> In addition, the relationship between gross domestic product (GDP)<sup>2</sup> and material flows, global land use and GHG emissions must be measured, and targets must be set. The negative externalities of various resource uses must be priced in to provide economic incentives for behavioural change.

## 3. City planning 'defaults' must be changed:

Cityscapes need to be designed for people rather than cars, and must allow the poor, in particular, to access the opportunities on offer in the city and prevent uncontrolled sprawl:

- ▶ **Create compact urban growth:** a network of high-density nodes of people, jobs and amenities (approximately 15,000 people per km<sup>2</sup>) that are connected by efficient and affordable mass transit systems (e.g. light rail, rail, bus rapid transit) and are surrounded by medium-density areas (7,500 to 10,000 people per km<sup>2</sup>). Transit-oriented development (TOD) and area development should be approached as integrated portfolios.
- ▶ **Human-scale sustainable design** that creates conditions for liveable functionally and socially mixed-use neighbourhoods, with options for soft mobility (e.g. walking, cycling) and 'passive' heating, cooling and lighting at the building level.
- ▶ **Resource-efficient urban components**, such as vehicle sharing, electric vehicles and charging point networks, efficient energy, waste and water systems, smart grids, cycle paths, energy-efficient buildings, new heating, cooling and lighting technology, etc.

- ▶ **Urban infrastructure planning for cross-sector efficiency**, such as using waste heat in district energy systems and waste materials in construction, such as fly-ash bricks.

- ▶ **Promotion of sustainable behaviours**, such as reducing and/or separating waste at source for recycling, using public transport, walking or cycling, enjoying public spaces, etc.

## 4. A new governance model and politics of new imaginative business propositions and experimentation can provide hope for a better future:

An 'entrepreneurial urban governance' is proposed, which envisages an active and goal-setting role for the State, but in ways that allows broader coalitions of urban 'agents of change' to emerge. This would foster new imaginative business propositions to guide strategic planning for vibrant, green and socially inclusive cities and promote experimentation. It would also connect to global city networks and 'twin town' or 'sister city' initiatives to foster systemic learning between cities. Concepts such as 'living labs', city deals, innovation hubs and special zones indicate that cities are now thinking much more in terms of 'learning by doing'. Experimentation needs to result in a contextually appropriate balance between economic, social, technological and sustainable development.

## 5. Higher levels of government must support city-level innovation for resource efficiency:

Collaboration with higher levels of government is essential if cities are to overcome regulatory barriers and access funding for innovation. It is crucial that existing infrastructure budgets are channelled in new directions. A low-carbon scenario would require adding only 5 percent to infrastructure spending (Global Commission on the Economy and Climate, 2014).

<sup>1</sup> Resource efficiency strategies use fewer resources to achieve the same level of output or use the same amount of resources to achieve a greater output.

<sup>2</sup> There is a need to move beyond GDP as the only measurement of progress, and to shift to a system that assesses well-being.



For more information please contact the Secretariat of the International Resource Panel at:  
**resourcepanel@unep.org**

The full report and Summary for Policymakers can be downloaded at:  
**<http://www.resourcepanel.org/reports/weight-cities>**

**Senate Bill No. 1000**

**CHAPTER 587**

An act to amend Section 65302 of the Government Code, relating to land use.

[Approved by Governor September 24, 2016. Filed with  
Secretary of State September 24, 2016.]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1000, Leyva. Land use: general plans: safety and environmental justice.

(1) The Planning and Zoning Law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city and of any land outside its boundaries that bears relation to its planning. That law requires this general plan to include several elements, including, among others, a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic hazards, flooding, wildland and urban fires, and climate adaptation and resilience strategies. That law requires that the safety element be reviewed and updated, in the case of flooding and fire hazards, upon the next revision of the housing element after specified dates or, in the case of climate adaptation and resilience strategies, upon either the next revision of a local hazard mitigation plan after a specified date or on or before January 1, 2022, as applicable. That law also requires, after the initial revision of the safety element to address flooding, fires, and climate adaptation and resilience strategies, that for each subsequent revision the planning agency review and, if necessary, revise the safety element to identify new information that was not available during the previous revision of the safety element.

This bill would instead require a planning agency to review and revise the safety element to identify new information, as described above, only to address flooding and fires.

This bill would, in addition, add to the required elements of the general plan an environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities, as defined, within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The bill would also require the environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, as specified, identify objectives and policies to promote civil engagement in the public decisionmaking process, and identify objectives

and policies that prioritize improvements and programs that address the needs of disadvantaged communities. The bill would require the environmental justice element, or the environmental justice goals, policies, and objectives in other elements, to be adopted or reviewed upon the adoption or next revision of 2 or more elements concurrently on or after January 1, 2018. By adding to the duties of county and city officials, this bill would impose a state-mandated local program.

(2) This bill would incorporate additional changes to Section 65302 of the Government Code, proposed by AB 2651 that would become operative only if this bill and AB 2651 are enacted and become effective on or before January 1, 2017, and this bill is chaptered last.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas,

when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) “Military readiness activities” mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) “Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (g) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) For purposes of this paragraph, “users of streets, roads, and highways” mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information



described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

- (A) The reclamation of land and waters.
- (B) Prevention and control of the pollution of streams and other waters.
- (C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- (D) Prevention, control, and correction of the erosion of soils, beaches, and shores.
- (E) Protection of watersheds.
- (F) The location, quantity and quality of the rock, sand, and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

- (A) Highways and freeways.
- (B) Primary arterials and major local streets.
- (C) Passenger and freight online railroad operations and ground rapid transit systems.
- (D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.
- (E) Local industrial plants, including, but not limited to, railroad classification yards.
- (F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average sound level ( $L_{dn}$ ). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, “flood hazard zone” means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA). The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

- (i) Avoiding or minimizing the risks of flooding to new development.
  - (ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.
  - (iii) Maintaining the structural and operational integrity of essential public facilities during flooding.
  - (iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.
  - (v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.
- (C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).
- (3) Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Plan Technical Advice Series" and shall also include all of the following:
- (A) Information regarding fire hazards, including, but not limited to, all of the following:
    - (i) Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.
    - (ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.
    - (iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.
    - (iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open-space designations of homeowner associations.
    - (v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.
  - (B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Avoiding or minimizing the wildfire hazards associated with new uses of land.

(ii) Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.

(iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

(iv) Working cooperatively with public agencies with responsibility for fire protection.

(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

(4) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2017, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element shall be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to the city or county. This review shall consider advice provided in the Office of Planning and Research's General Plan Guidelines and shall include all of the following:

(A) (i) A vulnerability assessment that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including, but not limited to, an assessment of how climate change may affect the risks addressed pursuant to paragraphs (2) and (3).

(ii) Information that may be available from federal, state, regional, and local agencies that will assist in developing the vulnerability assessment and the adaptation policies and strategies required pursuant to subparagraph (B), including, but not limited to, all of the following:

(I) Information from the Internet-based Cal-Adapt tool.

(II) Information from the most recent version of the California Adaptation Planning Guide.

(III) Information from local agencies on the types of assets, resources, and populations that will be sensitive to various climate change exposures.

(IV) Information from local agencies on their current ability to deal with the impacts of climate change.

(V) Historical data on natural events and hazards, including locally prepared maps of areas subject to previous risk, areas that are vulnerable, and sites that have been repeatedly damaged.

(VI) Existing and planned development in identified at-risk areas, including structures, roads, utilities, and essential public facilities.

(VII) Federal, state, regional, and local agencies with responsibility for the protection of public health and safety and the environment, including special districts and local offices of emergency services.

(B) A set of adaptation and resilience goals, policies, and objectives based on the information specified in subparagraph (A) for the protection of the community.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.

(ii) The location, when feasible, of new essential public facilities outside of at-risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in at-risk areas.

(iii) The designation of adequate and feasible infrastructure located in an at-risk area.

(iv) Guidelines for working cooperatively with relevant local, regional, state, and federal agencies.

(v) The identification of natural infrastructure that may be used in adaptation projects, where feasible. Where feasible, the plan shall use existing natural features and ecosystem processes, or the restoration of natural features and ecosystem processes, when developing alternatives for consideration. For the purposes of this clause, “natural infrastructure” means the preservation or restoration of ecological systems, or utilization of engineered systems that use ecological processes, to increase resiliency to climate change, manage other environmental hazards, or both. This may include, but is not limited to, floodplain and wetlands restoration or preservation, combining levees with restored natural systems to reduce flood risk, and urban tree planting to mitigate high heat days.

(D) (i) If a city or county has adopted the local hazard mitigation plan, or other climate adaptation plan or document that fulfills commensurate goals and objectives and contains the information required pursuant to this paragraph, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan or other climate adaptation plan or document.

(ii) Cities or counties that have an adopted hazard mitigation plan, or other climate adaptation plan or document that substantially complies with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by

reference into the safety element the other general plan provisions, climate adaptation plan or document, specifically showing how each requirement of this subdivision has been met.

(5) After the initial revision of the safety element pursuant to paragraphs (2) and (3) upon each revision of the housing element, the planning agency shall review and, if necessary, revise the safety element to identify new information relating to flood and fire hazards that was not available during the previous revision of the safety element.

(6) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(7) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the agency, and the board required by this subdivision.

(8) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civil engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental

justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) “Disadvantaged communities” means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) “Public facilities” includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) “Low-income area” means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093.

SEC. 1.5. Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, greenways, as defined in Section 816.52 of the Civil Code, and other categories of public and private uses of land. The location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources pursuant to paragraph (3) of subdivision (d). The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land use element shall identify and annually review those areas covered by the plan that are subject to flooding identified by flood plain mapping prepared by the Federal Emergency Management Agency (FEMA) or the Department of Water Resources. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5).

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas,

when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.

(A) In determining the impact of new growth on military readiness activities, information provided by military facilities shall be considered. Cities and counties shall address military impacts based on information from the military and other sources.

(B) The following definitions govern this paragraph:

(i) “Military readiness activities” mean all of the following:

(I) Training, support, and operations that prepare the men and women of the military for combat.

(II) Operation, maintenance, and security of any military installation.

(III) Testing of military equipment, vehicles, weapons, and sensors for proper operation or suitability for combat use.

(ii) “Military installation” means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense as defined in paragraph (1) of subsection (g) of Section 2687 of Title 10 of the United States Code.

(b) (1) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the plan.

(2) (A) Commencing January 1, 2011, upon any substantive revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

(B) For purposes of this paragraph, “users of streets, roads, and highways” mean bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

(c) A housing element as provided in Article 10.6 (commencing with Section 65580).

(d) (1) A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. The conservation element shall consider the effect of development within the jurisdiction, as described in the land use element, on natural resources located on public lands, including military installations. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies, including flood management, water conservation, or groundwater agencies that have developed, served, controlled, managed, or conserved water of any type for any purpose in the county or city for which the plan is prepared. Coordination shall include the discussion and evaluation of any water supply and demand information



described in Section 65352.5, if that information has been submitted by the water agency to the city or county.

(2) The conservation element may also cover all of the following:

- (A) The reclamation of land and waters.
- (B) Prevention and control of the pollution of streams and other waters.
- (C) Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.
- (D) Prevention, control, and correction of the erosion of soils, beaches, and shores.
- (E) Protection of watersheds.
- (F) The location, quantity, and quality of the rock, sand, and gravel resources.

(3) Upon the next revision of the housing element on or after January 1, 2009, the conservation element shall identify rivers, creeks, streams, flood corridors, riparian habitats, and land that may accommodate floodwater for purposes of groundwater recharge and stormwater management.

(e) An open-space element as provided in Article 10.5 (commencing with Section 65560).

(f) (1) A noise element that shall identify and appraise noise problems in the community. The noise element shall analyze and quantify, to the extent practicable, as determined by the legislative body, current and projected noise levels for all of the following sources:

- (A) Highways and freeways.
- (B) Primary arterials and major local streets.
- (C) Passenger and freight online railroad operations and ground rapid transit systems.
- (D) Commercial, general aviation, heliport, helistop, and military airport operations, aircraft overflights, jet engine test stands, and all other ground facilities and maintenance functions related to airport operation.
- (E) Local industrial plants, including, but not limited to, railroad classification yards.
- (F) Other ground stationary noise sources, including, but not limited to, military installations, identified by local agencies as contributing to the community noise environment.

(2) Noise contours shall be shown for all of these sources and stated in terms of community noise equivalent level (CNEL) or day-night average sound level ( $L_{dn}$ ). The noise contours shall be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for the various sources identified in paragraphs (1) to (6), inclusive.

(3) The noise contours shall be used as a guide for establishing a pattern of land uses in the land use element that minimizes the exposure of community residents to excessive noise.

(4) The noise element shall include implementation measures and possible solutions that address existing and foreseeable noise problems, if any. The adopted noise element shall serve as a guideline for compliance with the state's noise insulation standards.

(g) (1) A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of Division 2 of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wildland and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peakload water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.

(2) The safety element, upon the next revision of the housing element on or after January 1, 2009, shall also do the following:

(A) Identify information regarding flood hazards, including, but not limited to, the following:

(i) Flood hazard zones. As used in this subdivision, “flood hazard zone” means an area subject to flooding that is delineated as either a special hazard area or an area of moderate or minimal hazard on an official flood insurance rate map issued by the Federal Emergency Management Agency (FEMA). The identification of a flood hazard zone does not imply that areas outside the flood hazard zones or uses permitted within flood hazard zones will be free from flooding or flood damage.

(ii) National Flood Insurance Program maps published by FEMA.

(iii) Information about flood hazards that is available from the United States Army Corps of Engineers.

(iv) Designated floodway maps that are available from the Central Valley Flood Protection Board.

(v) Dam failure inundation maps prepared pursuant to Section 8589.5 that are available from the Office of Emergency Services.

(vi) Awareness Floodplain Mapping Program maps and 200-year flood plain maps that are or may be available from, or accepted by, the Department of Water Resources.

(vii) Maps of levee protection zones.

(viii) Areas subject to inundation in the event of the failure of project or nonproject levees or floodwalls.

(ix) Historical data on flooding, including locally prepared maps of areas that are subject to flooding, areas that are vulnerable to flooding after wildfires, and sites that have been repeatedly damaged by flooding.

(x) Existing and planned development in flood hazard zones, including structures, roads, utilities, and essential public facilities.

(xi) Local, state, and federal agencies with responsibility for flood protection, including special districts and local offices of emergency services.

(B) Establish a set of comprehensive goals, policies, and objectives based on the information identified pursuant to subparagraph (A), for the protection of the community from the unreasonable risks of flooding, including, but not limited to:

- (i) Avoiding or minimizing the risks of flooding to new development.
  - (ii) Evaluating whether new development should be located in flood hazard zones, and identifying construction methods or other methods to minimize damage if new development is located in flood hazard zones.
  - (iii) Maintaining the structural and operational integrity of essential public facilities during flooding.
  - (iv) Locating, when feasible, new essential public facilities outside of flood hazard zones, including hospitals and health care facilities, emergency shelters, fire stations, emergency command centers, and emergency communications facilities or identifying construction methods or other methods to minimize damage if these facilities are located in flood hazard zones.
  - (v) Establishing cooperative working relationships among public agencies with responsibility for flood protection.
- (C) Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established pursuant to subparagraph (B).
- (3) Upon the next revision of the housing element on or after January 1, 2014, the safety element shall be reviewed and updated as necessary to address the risk of fire for land classified as state responsibility areas, as defined in Section 4102 of the Public Resources Code, and land classified as very high fire hazard severity zones, as defined in Section 51177. This review shall consider the advice included in the Office of Planning and Research's most recent publication of "Fire Hazard Planning, General Plan Technical Advice Series" and shall also include all of the following:
- (A) Information regarding fire hazards, including, but not limited to, all of the following:
    - (i) Fire hazard severity zone maps available from the Department of Forestry and Fire Protection.
    - (ii) Any historical data on wildfires available from local agencies or a reference to where the data can be found.
    - (iii) Information about wildfire hazard areas that may be available from the United States Geological Survey.
    - (iv) General location and distribution of existing and planned uses of land in very high fire hazard severity zones and in state responsibility areas, including structures, roads, utilities, and essential public facilities. The location and distribution of planned uses of land shall not require defensible space compliance measures required by state law or local ordinance to occur on publicly owned lands or open space designations of homeowner associations.
    - (v) Local, state, and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services.
  - (B) A set of goals, policies, and objectives based on the information identified pursuant to subparagraph (A) for the protection of the community from the unreasonable risk of wildfire.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives based on the information identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Avoiding or minimizing the wildfire hazards associated with new uses of land.

(ii) Locating, when feasible, new essential public facilities outside of high fire risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in a state responsibility area or very high fire hazard severity zone.

(iii) Designing adequate infrastructure if a new development is located in a state responsibility area or in a very high fire hazard severity zone, including safe access for emergency response vehicles, visible street signs, and water supplies for structural fire suppression.

(iv) Working cooperatively with public agencies with responsibility for fire protection.

(D) If a city or county has adopted a fire safety plan or document separate from the general plan, an attachment of, or reference to, a city or county's adopted fire safety plan or document that fulfills commensurate goals and objectives and contains information required pursuant to this paragraph.

(4) Upon the next revision of a local hazard mitigation plan, adopted in accordance with the federal Disaster Mitigation Act of 2000 (Public Law 106-390), on or after January 1, 2017, or, if a local jurisdiction has not adopted a local hazard mitigation plan, beginning on or before January 1, 2022, the safety element shall be reviewed and updated as necessary to address climate adaptation and resiliency strategies applicable to the city or county. This review shall consider advice provided in the Office of Planning and Research's General Plan Guidelines and shall include all of the following:

(A) (i) A vulnerability assessment that identifies the risks that climate change poses to the local jurisdiction and the geographic areas at risk from climate change impacts, including, but not limited to, an assessment of how climate change may affect the risks addressed pursuant to paragraphs (2) and (3).

(ii) Information that may be available from federal, state, regional, and local agencies that will assist in developing the vulnerability assessment and the adaptation policies and strategies required pursuant to subparagraph (B), including, but not limited to, all of the following:

(I) Information from the Internet-based Cal-Adapt tool.

(II) Information from the most recent version of the California Adaptation Planning Guide.

(III) Information from local agencies on the types of assets, resources, and populations that will be sensitive to various climate change exposures.

(IV) Information from local agencies on their current ability to deal with the impacts of climate change.

(V) Historical data on natural events and hazards, including locally prepared maps of areas subject to previous risk, areas that are vulnerable, and sites that have been repeatedly damaged.

(VI) Existing and planned development in identified at-risk areas, including structures, roads, utilities, and essential public facilities.

(VII) Federal, state, regional, and local agencies with responsibility for the protection of public health and safety and the environment, including special districts and local offices of emergency services.

(B) A set of adaptation and resilience goals, policies, and objectives based on the information specified in subparagraph (A) for the protection of the community.

(C) A set of feasible implementation measures designed to carry out the goals, policies, and objectives identified pursuant to subparagraph (B) including, but not limited to, all of the following:

(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.

(ii) The location, when feasible, of new essential public facilities outside of at-risk areas, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities, or identifying construction methods or other methods to minimize damage if these facilities are located in at-risk areas.

(iii) The designation of adequate and feasible infrastructure located in an at-risk area.

(iv) Guidelines for working cooperatively with relevant local, regional, state, and federal agencies.

(v) The identification of natural infrastructure that may be used in adaptation projects, where feasible. Where feasible, the plan shall use existing natural features and ecosystem processes, or the restoration of natural features and ecosystem processes, when developing alternatives for consideration. For the purposes of this clause, “natural infrastructure” means the preservation or restoration of ecological systems, or utilization of engineered systems that use ecological processes, to increase resiliency to climate change, manage other environmental hazards, or both. This may include, but is not limited to, floodplain and wetlands restoration or preservation, combining levees with restored natural systems to reduce flood risk, and urban tree planting to mitigate high heat days.

(D) (i) If a city or county has adopted the local hazard mitigation plan, or other climate adaptation plan or document that fulfills commensurate goals and objectives and contains the information required pursuant to this paragraph, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan or other climate adaptation plan or document.

(ii) Cities or counties that have an adopted hazard mitigation plan, or other climate adaptation plan or document that substantially complies with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by

reference into the safety element the other general plan provisions, climate adaptation plan or document, specifically showing how each requirement of this subdivision has been met.

(5) After the initial revision of the safety element pursuant to paragraphs (2) and (3) upon each revision of the housing element, the planning agency shall review and, if necessary, revise the safety element to identify new information relating to flood and fire hazards that was not available during the previous revision of the safety element.

(6) Cities and counties that have flood plain management ordinances that have been approved by FEMA that substantially comply with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions or the flood plain ordinance, specifically showing how each requirement of this subdivision has been met.

(7) Prior to the periodic review of its general plan and prior to preparing or revising its safety element, each city and county shall consult the California Geological Survey of the Department of Conservation, the Central Valley Flood Protection Board, if the city or county is located within the boundaries of the Sacramento and San Joaquin Drainage District, as set forth in Section 8501 of the Water Code, and the Office of Emergency Services for the purpose of including information known by and available to the department, the agency, and the board required by this subdivision.

(8) To the extent that a county's safety element is sufficiently detailed and contains appropriate policies and programs for adoption by a city, a city may adopt that portion of the county's safety element that pertains to the city's planning area in satisfaction of the requirement imposed by this subdivision.

(h) (1) An environmental justice element, or related goals, policies, and objectives integrated in other elements, that identifies disadvantaged communities within the area covered by the general plan of the city, county, or city and county, if the city, county, or city and county has a disadvantaged community. The environmental justice element, or related environmental justice goals, policies, and objectives integrated in other elements, shall do all of the following:

(A) Identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities by means that include, but are not limited to, the reduction of pollution exposure, including the improvement of air quality, and the promotion of public facilities, food access, safe and sanitary homes, and physical activity.

(B) Identify objectives and policies to promote civil engagement in the public decisionmaking process.

(C) Identify objectives and policies that prioritize improvements and programs that address the needs of disadvantaged communities.

(2) A city, county, or city and county subject to this subdivision shall adopt or review the environmental justice element, or the environmental

justice goals, policies, and objectives in other elements, upon the adoption or next revision of two or more elements concurrently on or after January 1, 2018.

(3) By adding this subdivision, the Legislature does not intend to require a city, county, or city and county to take any action prohibited by the United States Constitution or the California Constitution.

(4) For purposes of this subdivision, the following terms shall apply:

(A) “Disadvantaged communities” means an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

(B) “Public facilities” includes public improvements, public services, and community amenities, as defined in subdivision (d) of Section 66000.

(C) “Low-income area” means an area with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold designated as low income by the Department of Housing and Community Development’s list of state income limits adopted pursuant to Section 50093.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65302 of the Government Code proposed by this bill and Assembly Bill 2651. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65302 of the Government Code, and (3) this bill is enacted after Assembly Bill 2651, in which case Section 65302 of the Government Code, as amended by Assembly Bill 2651, shall remain operative only until the operative date of this bill, at which time Section 1.5 of this bill shall become operative, and Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.







CONSENT CALENDAR  
December 3, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin (Author), Councilmember Hahn (Cosponsor)

Subject: Affordable Housing for Artists: AB-812 Implementation and Cultural District Statutory Standardization

### RECOMMENDATION

Pursuant to California Government Code Section 65914.8, refer to the City Manager, City Attorney, and Planning Commission:

1. To study and develop an Ordinance and implementation plan for Assembly Bill 812 (2023) to reserve for artists up to 10 percent of Below Market Rate units under Berkeley Municipal Code 23.328 (Inclusionary Housing) within a half-mile of a state-designated cultural district or within any similar locally designated cultural district, with consideration for consistency with existing Affordable Housing Preference Policy;
2. Consider common standards for locally designated cultural districts, including but not limited to Overlay Zones, and implementation of cultural district designation within the boundaries of Area Specific Plans, including but not limited to the Adeline Corridor and San Pablo Corridor Specific Plans;
3. Pursuant to California Government Code Section 8758, consider solicitation of state designation for cultural districts in the City of Berkeley.

### POLICY COMMITTEE RECOMMENDATION

On October 22, 2024, the Land Use, Housing, and Economic Development Committee adopted the following action: M/S/C (Wengraf/Lunaparra) to forward the item to Council with a Qualified Positive Recommendation that the Council:

1. Refer to the City Manager and the Civic Arts Commission to:
  - a. Consider common standards for locally designated cultural districts, including but not limited to Overlay Zones, and implementation of cultural district designation within the boundaries of Area Specific Plans, including but not limited to the Adeline Corridor and San Pablo Corridor Specific Plans;

- b. Pursuant to California Government Code Section 8758, consider solicitation of state designation for cultural districts in the City of Berkeley.
2. Defer referral of the study and development of an ordinance and implementation plan until later in the process when there is more information regarding the applicable standards and definitions.

### FINANCIAL IMPLICATIONS

Staff time.

### CURRENT SITUATION AND ITS EFFECTS

According to a 2022 survey produced for Berkeley's Civic Arts Commission by Creative Equity Research Partners, the 163 local artists surveyed represent a cross-section of Berkeley's most vulnerable populations, and high housing costs are placing the community's thriving cultural sector at increasing risk of displacement.

Artistic professions are highly valued but poorly compensated. Of the 88% respondents who had Bachelor's degrees, 60% reported an annual household income of \$69,000 or below, which qualified as Low Income in Alameda County. 45% were rent-burdened. This disparity also intersects with the racial wealth gap: among respondents who identified as non-White, 72%, reported low household incomes, compared to 55% among those who identified as White or Caucasian. At the same time, diverse sources of income could complicate the process of certifying eligibility for deed-restricted affordable housing.

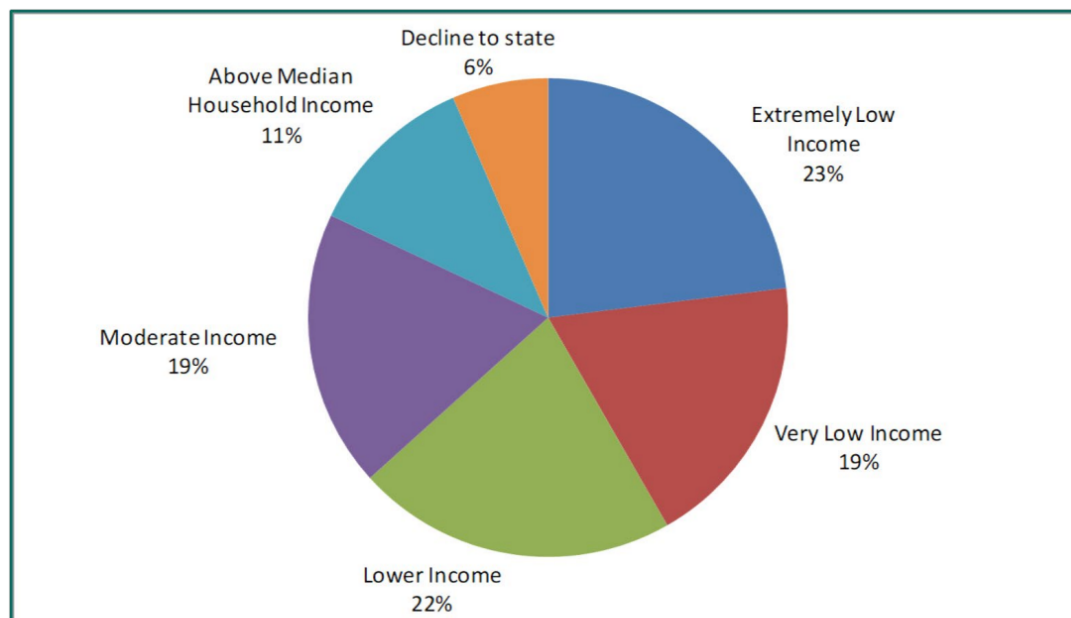


**Figure 4a: Income categories for all artist respondents**

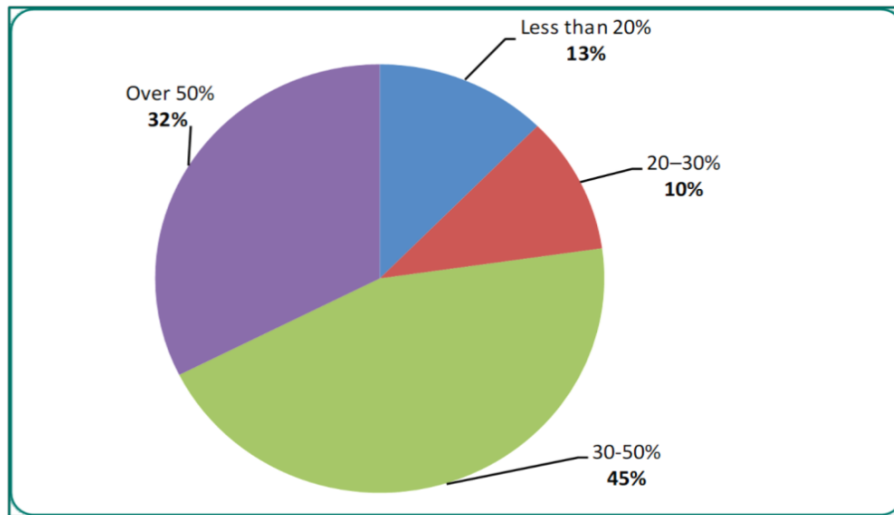


**Figure 5: Respondents' percentage of monthly household income spent on rent**

While artists reflect the greater housing affordability crisis in the region, most artists surveyed also expressed unique needs for living space that can accommodate their productive endeavors. 82% of respondents reported that they make their art where they live, with 56% of those requiring extra ventilation.

The report recommended that the City of Berkeley “consider creating a priority category for artists who meet income qualification to access affordable housing.” Assembly Bill 812 (2023) offers a framework for such prioritization. Further, the report also recommended “a guaranteed basic income program for qualifying artists.” While not specific to the arts community, the City Council allocated \$50,000 In FY2024 to “engage a consultant to recommend a Universal Income Pilot for Berkeley.”

In 2023, the City Council approved the City of Berkeley’s 2023-2031 Housing Element Update, which included several programs to produce and preserve affordable housing for a broad population:

- Policy H-4 (Economic Diversity): Encourage mixed income housing developments through both regulatory requirements and incentives.
- Policy H-8 (Workforce Housing): Develop Workforce Housing for low- and moderate-income households, including teachers, *artists* [emphasis added], and other residents who work in the City of Berkeley.

In 2023, the City Council also approved an Affordable Housing Preference Policy to individuals who have previously been displaced from Berkeley and desire to return. Any implementation plan for additional prioritization will need to maintain consistency with these priorities to support overall anti-displacement and social justice goals.

Expanding affordable housing availability for artists is a Strategic Plan Priority Project, advancing our goal to champion and demonstrate social and racial equity.

## BACKGROUND

With the passage of Assembly Bill 812 in 2023, California Government Code Section 65914.8 states:

*(a) If a local agency requires, as a condition of approval of the development of residential units, that a certain percentage of the units of the development be affordable housing, the local agency may reserve for artists up to 10 percent of those required affordable housing units if all of the following conditions are satisfied:*

*(1) The units reserved are located within or within one-half mile from a state-designated cultural district certified pursuant to Chapter 9.2 (commencing with Section 8758) of Division 1 of Title 2 or within any similar locally designated cultural district.*

*(2) The local agency adopts an ordinance for this purpose that does all of the following:*

*(A) It is consistent with the Local Tenant Preferences to Prevent Displacement Act (Chapter 12.76 (commencing with Section 7061) of Division 7 of Title 1).*

*(B) It prohibits an existing tenant from being evicted in favor of an artist.*

*(C) It contains a fair and comprehensive vetting process that includes, but is not limited to, initial and annual income verification consistent with applicable affordable housing laws and artist status verification.*

*(b) If an insufficient number of artists apply for and occupy the units, the unoccupied units may be offered to general members of the public.*

*(c) For purposes of this section, the following definitions apply:*

*(1) "Affordable housing" means units dedicated to moderate-income, lower income, very low income, or extremely low income households, as defined in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code.*

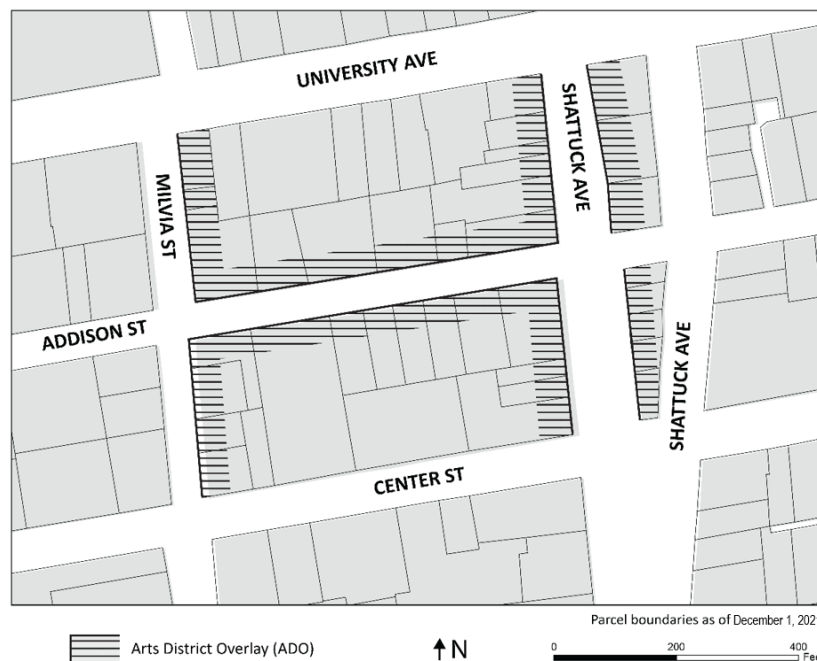
*(2) "Artist" means the creator of any work of visual, graphic, or performing art of any media, including, but not limited to, a painting, print, drawing, sculpture, craft, photograph, film, or performance.*

*(3) "Local agency" means a city, county, or city and county.*

The City of Berkeley currently has two locally-designated cultural districts. However, they are implemented differently:

1. The Black Arts and Culture District was designated by the City Council on February 13, 2024 by Resolution No. 71,212–N.S.
2. The Arts District Overlay was established in Berkeley Municipal Code 23.204.130.D in 2012 as part of the Downtown Area Plan.

As illustrated below, the Arts District Overlay has specific boundaries outlined in the Downtown Mixed-Use District.



By contrast, the Black Arts and Cultural District is not designated with its own unique boundaries, but rather by reference to the Adeline Corridor Specific Plan, which allows and “strongly encourage[s]” arts and entertainment uses in ground floor spaces. As the City is currently conducting outreach and community engagement on the development of the San Pablo Avenue Specific Plan, the community may express a similar desire to preserve and promote arts and culture. Therefore, the Commission and staff should consider a standard process for cultural district designation such that the above and future designations can qualify under AB-812 as a “similar locally designated cultural district.”

With the adoption of AB 189 (2015), the state of California launched the California Cultural Districts program as a pilot in 2017 with 14 state-designated cultural districts certified by the California Arts Council (see Attachment 2). Designation criteria is established under California Government Code Section 8758:

*(a) As used in this chapter, “state-designated cultural district” means a geographical area certified pursuant to this chapter with a concentration of cultural facilities, creative enterprises, or arts venues that does any of the following:*

- (1) Attracts artists, creative entrepreneurs, and cultural enterprises.*
- (2) Encourages economic development and supports entrepreneurship in the creative community.*
- (3) Encourages the preservation and reuse of historic buildings and other artistic and culturally significant structures.*
- (4) Fosters local cultural development.*
- (5) Provides a focal point for celebrating and strengthening the unique cultural identity of the community.*
- (6) Promotes opportunity without generating displacement or expanding inequality.*

*(b) The Arts Council shall establish criteria and guidelines for state-designated cultural districts. In executing its powers and duties under this chapter, the council shall do all of the following:*

- (1) Establish a competitive application system by which a community may apply for certification as a state-designated cultural district.*
- (2) Provide technical assistance for state-designated cultural districts from, among others, artists who have experience with cultural districts and provide promotional support for state-designated cultural districts.*
- (3) Collaborate with other public agencies and private entities to maximize the benefits of state-designated cultural districts.*

*(c) A geographical area within the state may be certified as a state-designated cultural district by applying to the council for certification. Certification as a state-designated cultural district shall be for a period of five years, after which the district may renew certification every three years.*

The 2017 pilot only permitted applicants in the form of partnerships which “must include three organizations: a cultural nonprofit or artist collective; a local business or business association; and a branch of local government and/or a community development corporation.” State designation of cultural districts has the added benefit under AB-812 of expanding priority for artists in affordable housing to a half-mile radius outside of cultural district boundaries.

## ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

AB-812 Implementation

CONSENT CALENDAR

None.

CONTACT

Councilmember Taplin, Council District 2, 510-981-7120

ATTACHMENTS

1: AB-812 (2023)

2: California Cultural Districts Program Development Final Report (2016)

**Assembly Bill No. 812**

CHAPTER 747

An act to add Section 65914.8 to the Government Code, relating to housing.

[Approved by Governor October 11, 2023. Filed with Secretary of State October 11, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 812, Boerner. Housing development approvals: reserving affordable units in or near a cultural district for artists.

Existing law requires the Arts Council to establish criteria and guidelines for certification of state-designated cultural districts and collaborate with other public agencies and private entities to maximize the benefits of state-designated cultural districts. The Planning and Zoning Law imposes various requirements on cities and counties with regard to their review and approval of certain housing developments.

This bill would authorize a city or county that requires, as a condition of approval, that a certain percentage of units of a residential development be affordable housing, as specified, to reserve for artists up to 10% of those required affordable housing units, except as provided, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district, as specified.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

*The people of the State of California do enact as follows:*

SECTION 1. Section 65914.8 is added to the Government Code, immediately following Section 65914.7, to read:

65914.8. (a) If a local agency requires, as a condition of approval of the development of residential units, that a certain percentage of the units of the development be affordable housing, the local agency may reserve for artists up to 10 percent of those required affordable housing units if all of the following conditions are satisfied:

(1) The units reserved are located within or within one-half mile from a state-designated cultural district certified pursuant to Chapter 9.2 (commencing with Section 8758) of Division 1 of Title 2 or within any similar locally designated cultural district.



(2) The local agency adopts an ordinance for this purpose that does all of the following:

(A) It is consistent with the Local Tenant Preferences to Prevent Displacement Act (Chapter 12.76 (commencing with Section 7061) of Division 7 of Title 1).

(B) It prohibits an existing tenant from being evicted in favor of an artist.

(C) It contains a fair and comprehensive vetting process that includes, but is not limited to, initial and annual income verification consistent with applicable affordable housing laws and artist status verification.

(b) If an insufficient number of artists apply for and occupy the units, the unoccupied units may be offered to general members of the public.

(c) For purposes of this section, the following definitions apply:

(1) “Affordable housing” means units dedicated to moderate-income, lower income, very low income, or extremely low income households, as defined in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code.

(2) “Artist” means the creator of any work of visual, graphic, or performing art of any media, including, but not limited to, a painting, print, drawing, sculpture, craft, photograph, film, or performance.

(3) “Local agency” means a city, county, or city and county.

SEC. 2. The Legislature finds and declares that Section 1 of this act adding Section 65914.8 to the Government Code addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act applies to all cities, including charter cities.

California

Cultural

Districts

## FINAL REPORT: CULTURAL DISTRICTS PROGRAM DEVELOPMENT

*To encourage the development of a broad array of authentic and sustainable cultural districts that reflect the breadth and diversity of California's extensive cultural assets.*

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Prepared for the California Arts Council

FALL 2016

Jessica Cusick

Maria Rosario Jackson

## I. PROPOSED PROGRAM PURPOSE, GOALS AND STRUCTURE

The California Arts Council's (CAC) cultural districts program will assist Californians in leveraging the state's considerable assets in the areas of culture, creativity, and diversity, as initially set out in the enabling legislation, [AB 189](#). A cultural district is generally understood as a well-defined geographic area with a high concentration of cultural resources and activities<sup>1</sup>.

The California cultural districts program will have the following goals:

- To encourage the development of a broad array of authentic and sustainable cultural districts that reflect the breadth and diversity of California's extensive cultural assets
- To identify, support, and connect centers of arts and cultural activity throughout the state through the certification process
- To provide increased access to the arts and culture through the development and preservation of cultural centers throughout the state
- To foster increased opportunities for artists, craftsmen, and other small businesses contributing to the creative economy
- To encourage the retention of homegrown assets and actively work to mitigate displacement
- To support enhancements to the built environment and resident's pride and stewardship of place by helping to foster remarkable places
- To contribute to increased public awareness of, and visits to, California's centers of cultural activity

California's cultural districts initiative offers an opportunity to create a program that is tailored to the nature and circumstances of a large, populous, and diverse state. It is recommended that the program be built around three major components: 1) certification, 2) funding, and 3) a resource center, which will be put in place over time. In addition, because of the tremendous interest in cultural districts, and the complexity of tailoring a program to adequately support the full range of types of cultural centers throughout the state, the consultants propose that the program be initiated via a two-year long pilot, where a select cohort of designated districts actively engage in refining the final design of the program. Applications for the pilot cohort will be solicited in early 2017 with the goal of selecting a small group of 10 to 15 districts that represent the many possible manifestations of cultural centers present in California. At a minimum the cohort should include districts from urban, suburban and rural locations, as well as districts with an emphasis on cultural consumption, cultural production and cultural heritage. Further it should include districts that are at varied points in the life-cycle, from emerging to established.

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<sup>1</sup> See glossary, appendix 1.

## II. RESEARCH AND PUBLIC INPUT METHODS

This report, and the associated recommendations for a state cultural districts program, are based on findings from research conducted by the consulting team, along with the information gathered through a comprehensive public input process that the team conducted in coordination with the CAC staff.

### *Research*

The consulting team engaged in a research process over several months which consisted of literature review, document review and interviews. The team compiled information on cultural districts nationally, including program materials and evaluations from several state programs, and conducted interviews with 25 selected local and national experts and thought leaders in a number of fields. Respondents include arts administrators, artists, community developers, and government officials, among others<sup>2</sup>.

### *Public Input*

Broad participation in public meetings, along with a robust survey response, provide a clear sense of hopes and concerns regarding state cultivation of cultural districts. Specifically, five public meetings, with over 400 participants, were held in Escondido, Fresno, Los Angeles, Oakland and Redding. Preliminary findings from the initial research phase were included in the materials presented at these meetings, and were also used to shape an on-line questionnaire completed by 326 respondents<sup>3</sup>. Participants at the public meetings had the option of submitting comment cards regarding their hopes and concerns for the cultural districts program, as well as providing formal testimony. The consultants also gathered feedback during two panel sessions at conferences for the art and design communities in Sacramento and San Jose. Finally, interested parties were given the option of organizing an in-person feedback session in their community, with a set of standard questions, although no information was received from these sessions.

The geographic distribution of the meetings along with the geographic distribution of survey respondents resulted in perspectives from people in diverse regions throughout the state. Most meeting participants and survey respondents were from the arts and cultural sector; primarily artists and arts administrators, along with a number of business owners and government officials. There was limited participation from developers and elected officials.

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<sup>2</sup> See appendix 2 and 3 for a list of interviews and sample interview protocol

<sup>3</sup> See appendix 4 for a summary analysis of the survey responses



### III. OVERVIEW OF FINDINGS FROM NATIONAL REVIEW

As of this year, thirteen states have established statewide cultural district programs, while two others, Arkansas and California, have enacted cultural district policies but have yet to launch programs. In addition, several states are considering cultural district legislation. Rhode Island has the oldest program, established in 1998, and the newest, in South Carolina, was just launched in 2014. These programs have certified over 250 districts collectively, although the number of districts per state varies tremendously. In addition to state certification programs, cities throughout the country have mechanisms in place to designate cultural districts at the local level.

The National Assembly of State Arts Agencies (NASAA) has developed two comprehensive reports<sup>4</sup> on state mandated cultural district programs, which provide valuable insights into the approaches taken by various states. The following summary of programs by state was developed by NASAA:

| State | Number of Districts (Year Program Began) | Certification Cycle                                                         | Recertification Process                            | Decertification            | Evaluation/Metrics Method                                                                    |
|-------|------------------------------------------|-----------------------------------------------------------------------------|----------------------------------------------------|----------------------------|----------------------------------------------------------------------------------------------|
| CO    | 18 (2010)                                | Biennial (pending)                                                          | Yes (every 5 years)                                | n/a                        | Annual report                                                                                |
| IA    | 35 (2005)                                | Ongoing                                                                     | Yes (every 10 years)                               | No                         | Periodic evaluation by the department of revenue                                             |
| IN    | 6 (2008)                                 | No policy; in practice about every other year                               | n/a                                                | Yes, but no formal process | Annual report                                                                                |
| KY    | 6 (2011)                                 | Annual                                                                      | Yes (each year district files public value report) | Yes                        | Annual report, site visits                                                                   |
| LA    | 78 (2008)                                | Annual                                                                      | n/a                                                | Yes                        | Annual report                                                                                |
| MA    | 32 (2010)                                | Rolling applications                                                        | Yes (every 5 years)                                | No formal process          | Annual report, site visits                                                                   |
| MD    | 24 (2001)                                | Biannual                                                                    | Yes (every 10 years)                               | n/a                        | Annual report                                                                                |
| NM    | 8 (2008)                                 | Biennial (districts in cities w/ population over 50,000 can self-designate) | Yes (every 5 years)                                | Yes                        | Annual report, site visits                                                                   |
| OK    | 7 (2013)                                 | Triennial                                                                   | Yes (every 3 years)                                | n/a                        | Annual report, site visits                                                                   |
| RI    | 9 (1999)                                 | Ongoing                                                                     | n/a                                                | No formal process          | State tax office collects data on tax incentives; state arts agency has conducted one survey |
| SC    | 6 (2014)                                 | Ongoing                                                                     | Yes (every 5 years)                                | No                         | Annual report                                                                                |
| TX    | 28 (2009)                                | Annual                                                                      | Yes (every 10 years)                               | n/a                        | n/a                                                                                          |
| WV    | 8 (2005)                                 | Ongoing                                                                     | Can be evaluated every 3 years                     | Yes                        | State arts agency evaluation any time after first 3 years                                    |

<sup>4</sup> [NASAA policy brief](#) and [NASAA strategy sampler](#)

The consultants sought to answer the following questions through the national review.

*1. What are the main benefits of cultural district designation?*

While the benefits of becoming a certified cultural district vary by state, most of the programs offer access to selected state resources, from grants to tax credits and other financial incentives, as well as partnerships with various state agencies which take many forms, from expedited permit review to special marketing initiatives. In addition, most of the programs offer technical assistance, including peer to peer learning opportunities such as convening.

*2. What factors contributed to the success of cultural districts in programs throughout the country?*

Some of the contributing factors to a successful cultural district include a pre-existing density of cultural resources in an area with a cohesive identity, which as the legislation notes can take many forms, and range from facilities to programs, and from historic and cultural resources, to creative individuals. One of the best ways to document the density of cultural resources in an area is to undertake a comprehensive approach to the development of a cultural asset inventory<sup>5</sup>; one that goes beyond just cultural organizations and facilities, and is inclusive of the many diverse contributing elements that make for a vibrant cultural center.

Other success factors include clearly articulated goals, such as the retention of artists or an increase in annual visitors; dedicated staff (full or part-time), along with multi-sector leadership, where non-profit organizations have come together with businesses and government to foster and manage the district; partnerships that go beyond the leadership of the district and involve the broader community; and finally, the ability to track and capture data that correlates to the district's goals.

*3. What have been some of the outcomes of a cultural districts initiative?*

Successful cultural districts offer many beneficial outcomes to the geographic area in which they are located and the surrounding community. Nationally, the beneficial outcome that has gotten the most attention is that cultural districts tend to become destinations for both locals and visitors, and as such contribute to economic influx and revitalization. Cultural districts are also being viewed as a tool to assist with the retention of homegrown assets and uses, including artists and arts organizations, as well other culturally and ethnically diverse facilities and uses, and small businesses.

*4. What are some of the challenges that are being experienced in cultivating cultural districts?*

In a review of the evaluations conducted by four of the existing state programs, as well as in interviews conducted with thought leaders, some key challenges to implementing successful

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<sup>5</sup> See glossary, appendix 1

cultural districts programs emerged. The most often cited, at both the state and district level, is the lack of dedicated leadership and staffing. Another related challenge is the lack of clearly documented objectives and corresponding data. At the district level people cited displacement or the loss of existing assets, with the accompanying loss of authenticity, as one of the primary challenges to anticipate and prevent.

#### IV. IMPLICATIONS FOR CALIFORNIA'S PROGRAM FROM BOTH THE RESEARCH AND PUBLIC INPUT

1. *Program priorities vary by geographic area and include access to a broad range of resources, both informational and financial.*

The most desired benefits of certification include recognition, funding, and tools to help preserve existing cultural resources, with a focus on equitable development and ways to mitigate displacement especially in communities that feel vulnerable given rapid development, escalating real estate prices, and other contextual circumstances. Combined these represent the top three categories identified in both the survey and the comment cards. Another priority that emerged is assistance in developing better partnerships with local government, as well as a better understanding of the value and importance of artists and cultural resources.

2. *Community impacts as a result of cultural districts elicit enthusiasm as well as concerns regarding access, competition, and additional pressure on fragile cultural centers*

Benefits associated with cultural districts range from an increased pride of place, to enhanced marketing opportunities for arts and cultural organizations as well as local businesses. Expanded cultural tourism is also frequently cited, in particular by rural and smaller communities.

Survey respondents were evenly split between those with no concerns, and those with concerns, while most participants at the public meetings did submit areas of concern. The most often cited concern is a top down planning approach and the associated lack of equitable distribution of resources. This was also stated as a desire for an inclusive and transparent process; one that does not pit cultural districts in the same town against each other, or arts against heritage, or small rural areas against more developed communities. In the survey 32% of respondents articulated some aspect of this issue.

Of equal importance is the concern that cultural district certification will exert increased pressure on cultural centers, leading to even more rapid gentrification and corresponding displacement. This mirrors the fact that one of the most urgent needs or benefits is access to comprehensive information on land-use controls<sup>6</sup> and other ways of preserving existing 'organic' cultural

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<sup>6</sup> See glossary, appendix 1

districts. Another key issue across the board is how to ensure that artists and other creatives, who traditionally are the engines of cultural district creation, benefit from the increased attention and resources flowing to certified districts.

3. *Strong and complex demand for the program calls for a two-year pilot approach including an opportunity for program co-design with intended beneficiaries.*

The anticipation initially expressed after the legislation's adoption in late 2015, when the CAC received inquiries from over 400 individuals and organizations, has been confirmed by extensive participation in this initial planning process by people throughout the state. There is tremendous interest on the part of artists, cultural organizations, and local government in the prospect of certification as a state cultural district. The CAC can most likely anticipate a correspondingly large volume of applications, depending on the requirements articulated for certification, and that the initial application process and first group of certified districts will be subject to considerable attention and scrutiny. A pilot program, one that engages a select group of district participants in a well-documented refinement of the certification process and associated requirements, will help to ensure the success of the program over the long-term. By engaging artists, arts organizations, community developers, the business community, and local government representatives in a transparent, community engaged design<sup>7</sup> process, the CAC and the state can benefit from the collective insight of a wide cross-section of disciplines and approaches.

## V. RECOMMENDED INITIAL CAC APPROACH TO IMPLEMENTATION

The following are key recommended elements for CAC's approach to the cultural districts program.

1. *An accessible certification process, refined through a two-year pilot, will be the core of this important new state initiative.*

The cultural district certification process, managed by the CAC, will be the core of California's new cultural district initiative. It will start with a two-year pilot in which a small (10 to 15) representative cohort will actively participate in shaping the final certification process and related benefits and services. This initial group will be selected through an open application process, and will play a critical role in ensuring, through their feedback and experience, that the full program, once launched, is accessible and supportive. And that it works for various types of cultural centers, in a wide variety of urban, suburban and rural settings.

The district typology that is recommended includes the general categories in the table below. It is important to note that in regard to the cultural focus, it is likely that many districts will include

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<sup>7</sup> See glossary, appendix 1



aspects of each, but will none the less have a higher concentration of one of the three. Districts will be asked to identify according to this broad typology. So, for example, a district might be rural, focused on cultural consumption and established, etc.

| CONTEXT  | FOCUS                | LIFE-CYCLE  |
|----------|----------------------|-------------|
| urban    | cultural production  | emerging    |
| suburban | cultural consumption | mid-point   |
| rural    | cultural heritage    | established |

The pilot cohort will help shape the final cultural district certification process and as such it is vitally important that they collectively represent all of the possibilities listed above and also include districts with a range of partnership approaches and goals.

Ideally, in order to structure and document the feedback of the pilot cohort to shape the final certification process, it is recommended that the CAC allocate resources to hire a developmental evaluation<sup>8</sup> team that can work with the CAC and the initial cohort throughout the two-year pilot.

It is recommended that this pilot cohort of certified cultural districts receive an array of benefits as part of the process that could include the following.

- Official state certification – each district will enter into a memorandum of understanding (MOU) with the CAC certifying state designation as a cultural district for a period of five years and granting the district the right to use the state cultural district brand in its marketing
  - Branding materials – including the state cultural district logo, as well signage and banner templates
  - Technical assistance - including at a minimum an annual convening session, as well as peer to peer and other group learning opportunities given available resources
  - Joint marketing support – leveraging resources from state tourism partners
  - A stipend – recommended at \$5,000 per district per year, to be used to support participation in the developmental evaluation process that will lead to the refinement of the design of the cultural districts program
  - Participation in developmental evaluation – the pilot cohort will receive support from the consulting team conducting the developmental evaluation of the cultural districts program, including at a minimum one site visit per year
2. *Development of a funding stream will be critical to the long-term success of the cultural districts initiative, and ultimately to the state's ability to effectively leverage California's extensive diverse cultural resources.*

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<sup>8</sup> See glossary, appendix 1

Many of the cultural districts programs throughout the country provide grants to support the work of the districts, in addition to access to other resources, such as tax incentives, regulatory assistance, and other forms of support. Each state is providing the support through different methods and sources. Massachusetts and Colorado have particularly large grant programs, in Colorado's case funded through a partnership with a private foundation. In some cases, such as in Texas, certification makes the entity eligible to apply for grants. Maryland and Louisiana focused primarily on tax incentives. Although there are many benefits that the CAC can confer working within existing resources and by partnering with other state agencies, over time one or more funding stream will need to be identified and cultivated for the cultural districts initiative to reach its full potential.

3. *Development of a comprehensive resource center is key to California's ability to foster a wide range of authentic sustainable cultural districts.*

For the cultural districts initiative to be able to properly serve a state as complex as California, with its breadth and diversity, and its corresponding varied needs, the CAC will need to foster a clear understanding of the many different approaches to cultivating and managing diverse types of cultural districts. This can be achieved through the development of a comprehensive resource center, complete with a resident expert staff person, to complement the certification program. This on-line repository of knowledge will be marketed and made available to all interested parties, from diverse policy sectors.

Development of this resource is particularly critical since each cultural district will need to assemble a different group of tools and solutions to achieve its goals, from artist retention to heritage preservation or cultural development. Many of the mechanisms for impacting land use, as well as the development incentives available to foster or preserve concentrations of cultural resources, need to be initiated at the local level. By making available select models and best-practices, along with a compilation of existing land use tools, financial and regulatory incentives, and other information on the development and management of cultural districts, the CAC will be able to support a thoughtful and varied approach to cultural districts throughout the state, one that encourages an organic, locally focused, approach to cultivating and preserving cultural assets. The on-line resources will be complemented by a program, or programs, to facilitate peer to peer learning, such as convening and regional networks.

The documents listed in the bibliography, along with the resources referenced in the glossary can provide an excellent starting point for the resource center. In addition, several states that have cultural district programs have extensive on-line resources. It is recommended that the CAC explore partnering with a university or other educational institution, to develop the full content of the on-line resource center.

The pilot cohort will also play a role by providing a constructive critique of initial resources and by sharing additional models and tools that work in their community. The resource center will

also play a critical role in supporting places and organizations that are interested in becoming certified, but are just beginning to coalesce.

4. *Additional considerations for the CAC as it embarks on implementing the new legislation, in partnership with other state departments, the cultural community and the private sector.*

- a. To ensure that this new program reaches its full potential, it is recommended the CAC dedicate staff to the initiative that can develop the agency's knowledge and expertise in this complex, multi-disciplinary area and take an entrepreneurial approach to partnership development. As the program grows, the associated time requirements could quickly translate to a full-time staff person or equivalent. In addition, the agency will need to identify resources to work with the initial cohort on the two-year pilot.
- b. The critical role partnerships play in effective cross-sectoral work emerged as primary theme in the research, at all levels, local, regional and state; and as such, partnership development will be a critical component of this initiative. The CAC has played an important leadership role over the last few years in developing new programmatic partnerships that foster greater engagement and understanding of the value of the arts within government as well as the private sector. The Arts in Corrections partnership with the California Department of Corrections & Rehabilitation (CDCR) is an excellent example of this approach. Staff has begun to cultivate partnerships for the cultural districts initiative, forging official strategic partnerships with Visit California and the California Department of Transportation (Caltrans) which will provide increased visibility and marketing support for the pilot cohort, and improved understanding and access to Caltrans resources for cultural district events and for local identifiers such as public art or signage, respectively. Given the overlap between the missions of the following agencies and cultural districts, the Office of Historic Preservation, the Office for Business and Economic Development, and the Department of Housing and Community Development all offer substantial opportunities for partnership in implementing the cultural districts initiative.
- c. One of the potential sources of a funding stream for the cultural districts initiative is a partnership with a foundation, or a coalition of foundations, interested in developing stronger, more livable communities. For the last several years, particularly at the national level, there has been a revival of interest in cross-sectoral, comprehensive, place-based strategies to revive disinvested neighborhoods and communities. Alongside this revival of interest has been a heightened interest in the roles of art, culture and heritage as a driving element of community revitalization. This is evident in funding programs focused on creative placemaking<sup>9</sup> and, relatedly, a growing interest in community engaged design. Understanding the possible intersections between cultural districts and these funding and community development impulses is crucial.

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<sup>9</sup> See glossary, appendix 1

- d. Economic incentives for the development of cultural resources, along with regulatory or land-use tools that can be used to preserve existing cultural centers are two of the most eagerly anticipated benefits of this initiative. While many of these will need to be cultivated and implemented at the local level, the CAC could potentially encourage their adoption by making them a requirement of state certification and encouraging the involvement of community development and urban planning fields in the cultural district development work. Tools that may prove to be beneficial to cultural district development may include business improvement districts <sup>10</sup>, land trusts, community benefit agreements, rent stabilization tactics, small business development programs, and a host of other tactics and tools frequently used by community developers and urban planners. There is also an opportunity to collaborate with planners and community developers to create and experiment with new tools that do not readily exist. This includes the possibility of a cultural impact assessment potentially aligned or embedded with widely practiced environmental impact assessment processes -- possibly as a component of the requirements under the California Environmental Quality Act (CEQA), for example.

## VI. PROPOSED REQUIREMENTS FOR THE INITIAL APPLICANTS

Applications for the pilot cohort will be solicited in early 2017 with the goal of selecting a small group of districts that represent the many possible manifestations of cultural districts present in California. At a minimum the cohort should include districts from urban and rural locations, as well as districts with an emphasis on cultural consumption, cultural production and cultural heritage. A framework for that selection process is attached in appendix 4, with key requirements highlighted below.

Only partnerships will be eligible to apply, ones that include, at a minimum, a cultural non-profit or artist collective, a local business or business association, and a branch of local government and/or a community development corporation. The majority of organizations in the partnership must be located in the district. In addition, to be eligible to apply, the cultural district must have at a minimum completed a preliminary cultural asset survey or inventory, as outlined in appendix 7.

Ensuring that all parties have a good understanding of the full array of cultural assets present in the district will be critical to its long-term success. A comprehensive approach to cultural assets helps to ensure authenticity and the preservation of homegrown assets, both of which were indicators of a successful district based on the research. These were also areas of particular concern for the public based on the comments and survey.

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<sup>10</sup> See glossary, appendix 1

The application and review process will have three steps, including an open call for initial letters of interest, site visits for semi-finalists, and an invited finalist application. A multi-disciplinary and multi-sector selection panel, along with representatives from other state agencies that are partnering on the initiative, will review each phase and select the pilot cohort.

## **VII. RECOMMENDED TIMELINE AND BUDGET FOR THE PILOT**

The application and selection process for the pilot cohort could be implemented over approximately six months if adequate staff and financial resources are available. Proposed key milestones include the following:

- **January 2017**
  - Issue notice of opportunity for the pilot cohort and request letters of interest (open for 8 weeks)
  - Issue an RFP for developmental evaluation consultant(s) to support the pilot process
- **February 2017**
  - Conduct application/LOI webinar
  - Develop lists of potential panelists
- **March 2017**
  - Letters of interest due to the CAC
  - Appoint panel
  - Select developmental evaluation team
  - Publish guidelines for the final application
  - Identify site visitors and finalize site visit protocol
- **April/May 2017**
  - Panel selects semi-finalists (late April)
  - Conduct site visits for semi-finalists
- **May 2017**
  - Notify finalists, finalist application period opens
- **June/July 2017**
  - Final applications due (allow a minimum of 30 days from notification)
  - Panel selects pilot cohort

In order to execute the pilot program as recommended, including stipends for the cohort, two annual convening sessions, and the extensive participation of a developmental assessment team, the CAC will need to identify between \$150,000 and \$175,000 per year for the two year period, in addition to dedicating a substantial amount of staff time.

## VIII. CONCLUSION

With the adoption of AB 189, the state legislature put in place an important new tool for the development, support, and preservation of California's extensive and diverse cultural assets. Implementing the program will require a carefully tailored approach, one that harnesses the creative energy of the many individuals and organizations working in the field, and considers the unique circumstances of California.

As stated earlier in this report, the recommendations for the program's structure and the selection of the initial group of designated districts are based on research, best practices, and public input regarding the divergent needs of individuals, organizations, and communities throughout the state. Working with a select group of intended beneficiaries to refine these recommendations as they are put into practice offers an exciting opportunity to innovate and craft a program that is truly responsive to, and reflective of, the breadth and complexity of the state. In implementing these recommendations, the CAC has the potential to build a new set of resources and partnerships that will complement the work it and other state agencies are doing to support thriving communities throughout the state.

## LIST OF APPENDICES:

1. Glossary of terms
2. Selection framework for the pilot cohort
3. Template for preliminary cultural asset inventory
4. List of interviews
5. Interview protocol
6. Summary analysis of survey responses
7. Strategic Partnership Details (Visit California and Caltrans)
8. Bibliography

# CALIFORNIA CULTURAL DISTRICTS

## APPENDIX 1

### GLOSSARY

**Business improvement district (BID)** - A defined area within which businesses pay an additional tax or fee in order to fund improvements within the district's boundaries. An example of a business improvement district with a cultural and historic focus is the new Central Avenue Historic District BID in Los Angeles <http://www.centralavenuehistoricdistrict.org/>

**Community engaged design**, as defined by the Surdna Foundation, one of the leading funders of the approach, is when *community members contribute to decisions, policies and projects that impact their lives. We believe that artists, architects, and designers can play an important role in translating community values into design solutions that will benefit the communities where they live and work.* Although most often used in reference to the design of physical resources, it also applies to policies and programs.

For additional information on community engaged design please see this site funded by the Surdna Foundation <http://communityengageddesign.org/about-us/>

**Creative placemaking**, as defined by the National Endowment for the Arts is *when artists, arts organizations, and community development practitioners deliberately integrate arts and culture into community revitalization work - placing arts at the table with land-use, transportation, economic development, education, housing, infrastructure, and public safety strategies.*

For additional information on creative placemaking please see ArtPlace America <http://www.artplaceamerica.org> and the Our Town Program at the National Endowment for the Arts <https://www.arts.gov/grants-organizations/our-town/introduction>.

**Cultural asset inventory** is a compilation of the people, places, organizations, and events that contribute to the history and culture of a neighborhood or district. It can take many forms including a list, a database or a map. Communities throughout the country, and throughout the world, are finding it to be a valuable tool in understanding the unique qualities that they value in a place. In California, the Alliance for Traditional Culture (ACTA) recently completed a 'cultural treasures' inventory for four communities.

For additional information on cultural asset inventories or mapping please see ACTA, <http://www.actaonline.org/content/building-healthy-communities-cultural-treasures> or the



examples available on the National Endowment for the Arts website at <https://www.arts.gov/exploring-our-town/showcase/type/Asset-Mapping> or the comprehensive Australian site <http://camra.culturemap.org.au/>. Two useful handbooks on cultural asset mapping are available at the following links: one from Ontario Municipal Cultural Planning [http://www.ontariomcp.ca/toolkits/CulturalResourceMapping\\_digital.pdf](http://www.ontariomcp.ca/toolkits/CulturalResourceMapping_digital.pdf) and from the Creative City Network of Canada <https://www.creativecity.ca/publications/ccnc-toolkits.php>

**Cultural district** is generally understood as a well-defined geographic area with a high concentration of cultural resources and activities. In AB 189, the legislation that establishes cultural districts in California, the following inclusive language is used to describe districts and the purposes they serve: “*state-designated cultural district*” means a geographical area certified pursuant to this chapter with a concentration of cultural facilities, creative enterprises, or arts venues that does any of the following:

- (1) *Attracts artists, creative entrepreneurs, and cultural enterprises.*
- (2) *Encourages economic development and supports entrepreneurship in the creative community.*
- (3) *Encourages the preservation and reuse of historic buildings and other artistic and culturally significant structures.*
- (4) *Fosters local cultural development.*
- (5) *Provides a focal point for celebrating and strengthening the unique cultural identity of the community.*
- (6) *Promotes opportunity without generating displacement or expanding inequality.*

General information on cultural districts is available from Americans for the Arts at <http://www.americansforthearts.org/by-program/reports-and-data/toolkits/national-cultural-districts-exchange-toolkit>

Examples of cultural districts are available on the National Endowment for the Arts website at <https://www.arts.gov/exploring-our-town/showcase/type/Cultural-District-Planning>

**Developmental evaluation** is an emerging approach to evaluating complex processes that was pioneered by Michael Quinn Patton, and is considered to be particularly applicable to situations where a funder is developing and testing its strategies while it proceeds with a project or program. It is intended to combine the rigor of evaluation with the flexibility required for a project still in development.

Two publications on developmental evaluation are available from the JW McConnell Family Foundation here:

<http://www.mcconnellfoundation.ca/assets/Media%20Library/Publications/A%20Developmental%20Evaluation%20Primer%20-%20EN.pdf>  
<http://mcconnellfoundation.ca/assets/Media%20Library/Publications/DE%20201%20EN.pdf>

**Land-use tools** are multiple and varied, with the most common being land-use restrictions generally accomplished through zoning. Various articles on land-use written for non-planners are available here at Planners Web <http://plannersweb.com/topics/basic-tools/zoning-land-use-regulations/>. A primer on land-use in California is available through the Office of Planning and Research <https://www.opr.ca.gov/docs/StrategiesforSustainableCommunities.pdf>

**Technical assistance** (TA) is the process of providing the expertise needed to an individual or organization in order to assist with a specific issue or to promote greater capacity within the organization. Some of the most common ways of providing technical assistance include one-on-one consultation, peer to peer learning, or through an on-line information resource. A resource for technical assistance in California is the Center for Non-Profit Management <https://cnmsocal.org/>

**Types of cultural districts** - this report proposes a basic typology for cultural districts in California, including geographic context (urban, suburban, & rural), focus (consumption, production, heritage) as well as where the district is in a life-cycle (emerging, mid-point & established).

- **Cultural consumption** district means a district that emphasizes experiencing art, with a concentration of venues and facilities where the public can go and have a range of art experiences. An example might be a theater district.
- **Cultural production** district means a district that emphasizes the creation of art, craft, and other creative products, with a concentration of artist studios, creative workplaces, and other assets focused on production. An example might be an artist studio district.
- **Cultural heritage district** means a district that focuses on a particular culture, tradition or history. An example might be a Chinatown district or a downtown historic district.
- **Emerging** means a district that is just forming or has been in existence, as a partnership or management structure with staff and programming, for less than five years.
- **Established** means a district that has been in existence with a management structure, staff, and programming for more than ten years.
- **Mid-point** means a district, with a management structure, staff, and programming, that has been in existence for between five to ten years

# CALIFORNIA CULTURAL DISTRICTS

California

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## APPENDIX 2

### RECOMMENDED SELECTION FRAMEWORK FOR THE PILOT COHORT

The California Arts Council's (CAC) Cultural Districts program will assist Californians in leveraging the state's considerable assets in the areas of culture, creativity, and diversity, as initially set out in the enabling legislation, [AB 189](#). A cultural district is generally understood as a well-defined geographic area with a high concentration of cultural resources and activities.

California's cultural districts initiative offers an opportunity to create a program that is tailored to the nature and circumstances of a large, populous, and diverse state. It is recommended that the program be built around three major components: 1) certification, 2) funding, and 3) a resource center, which will be put in place over time. In addition, because of the tremendous interest in cultural districts, and the complexity of tailoring a program to adequately support the full range of types of cultural centers throughout the state, the consultants propose that the program be initiated via a two-year long pilot, where a select cohort of designated districts actively engage in refining the final design of the program.

An initial cohort of ten to fifteen districts will be selected through an open application process. Applications will be solicited in early 2017 with the goal of identifying a small well rounded group of communities that are diverse in make-up, geography and purpose, and that represent the many possible manifestations of cultural districts present in California.

The typology of districts envisioned is discussed in the overall report, and is based on a flexible matrix that includes the following.

| CONTEXT  | FOCUS                | LIFE-CYCLE  |
|----------|----------------------|-------------|
| urban    | cultural production  | emerging    |
| suburban | cultural consumption | mid-point   |
| rural    | cultural heritage    | established |

So, for example, a district might be rural, focused on cultural consumption and established, etc. At a minimum the cohort should include representatives of each of these types.

## A. RECOMMENDED ELEMENTS OF THE APPLICATION AND SELECTION PROCESS

The selection of the initial pilot cohort will take place through a three phase process, starting with an open call to all interested communities to submit a letter of interest (LOI). A panel will review the initial submittals and select a group of semi-finalists who will receive site visits. Findings from the site visits will be reviewed and a group of finalists will be invited to submit a full application.

At each stage of the process, applicants will be grouped by type, and each group will be reviewed separately to help ensure adequate representation of all types of cultural districts in the pilot cohort and to help ensure a fair and equitable review of all applications. The following are recommendations for the selection process and review criteria that will need to be operationalized by CAC staff in keeping with existing applicable CAC processes, criteria, and conventions.

The application materials and process are envisioned as the first step in technical assistance and will be developed accordingly, with the goal of cultivating widespread understanding of the potential benefits of cultural districts, and the tools associated with the designation, at the local and the state level. For example, the guidelines for the LOI could provide examples of the types of resources each partner might bring to the table in the final application, which would help applicants in both planning and negotiating a final partnership.

## B. MINIMUM ELIGIBILITY

The following are recommended as the minimum requirements that would need to be met for groups to be eligible to apply for cultural district certification during this pilot round.

- Only partnerships will be eligible to apply
  - At a minimum the partnership must include a cultural non-profit or artist collective, a local business or business association, and a branch of local government
  - The partnership needs to be formalized, including formal acknowledgement by the local government partner through a letter or resolution by the time of final application.
  - Local community development corporations (CDCs) can serve as a partner in lieu of government, which could be particularly important in low-income neighborhoods and traditional ethnic heritage communities
- The majority of organizations in the partnership must have offices or facilities or conduct a majority of the organization's programming within the area seeking designation as a district.
- There will be two tracks within the certification process, urban and rural, with different eligibility requirements in regards to geographic boundaries.
  - Urban cultural districts are generally expected to be a contiguous geographic area that is walkable.

- Rural districts do not need to be walkable or even contiguous, but will need to make the case for how the participating areas/entities are complementary and synergistic
- Completion of a preliminary cultural asset inventory by the time of the final application. A template will be provided for applicants who have not yet undertaken this process.
  - Ensuring that all parties have a good understanding of the full array of cultural assets present in the district will be critical to its long-term success. A comprehensive approach to cultural assets helps to ensure authenticity and the preservation of homegrown assets, both of which were indicators of a successful district based on the research, including extensive public input.

### C. ACCESS

The staff at the CAC will work to include in the process as broad a cross-section of places and groups as possible, including those that may not initially appear to have the administrative capacity or the structure to apply, in an effort to ensure that the pilot cohort is ultimately as representative of the state as possible. Staff will work with partner organizations throughout the state to notify groups of this opportunity and will provide application support to all interested parties via email and phone and via an online webinar. It is envisioned that designated staff at the CAC will be available by phone to discuss the application process, to clarify requirements and to direct potential applicants to resources on cultural districts. In addition the CAC will encourage nascent cultural districts to utilize available resources materials and to apply for professional development grants that could support the development of the district for future open applications.

### D. APPLICATION

As previously stated, the application process will unfold in three phases, with each phase designed to solicit the information necessary to identify an inclusive and diverse pilot cohort.

#### 1. Letter of Interest (LOI)

The letter of interest phase will be open to all communities interested in receiving state certification in the first round of the program, and in participating in the pilot cohort by helping the CAC finalize the cultural districts initiative. Applicants will be asked to provide the following information for consideration. In addition, applicants will need to provide three letters of support from individual community members or artists located in the proposed district beyond the participating partners. Applicants will also be required to submit a completed eligibility checklist.

- Who are the partners applying for cultural district designation?

- Briefly describe each of the participating entities and the role each plays in the proposed district
- Where is this place?
  - Provide the location and context – including basic demographic and socio-economic statistics (SES), as well as a map indicating the boundaries of the proposed district
- Where is the district in its lifecycle? Is it established, emerging, or some other point? If other, please describe.
- What is the primary focus or emphasis of the district: cultural production, cultural consumption or cultural heritage?
  - What makes the district distinct and sets it apart?
  - What facilities, activities, events, and history shape the district?
- How is this place used by the community currently?
- How will existing residents and uses benefit from the establishment of a district?
- Do the boundaries of the district overlap with other districts or designations?
  - Such as a city designated cultural district or heritage district, Business Improvement District, Main Street, Promise Zone, etc.
- What types of public infrastructure and amenities, such as public transportation, parks, or plazas, support the district?
- Are there municipal or development plans in place or in process that affect the district? If yes, please describe.
  - Such as a general plan, specific plan, transportation plan, cultural plan, etc.
- What types of space for artists, arts organizations, and cultural activities are currently present in the district? If there is the potential or plans for additional space, please describe as well.
  - Such as affordable housing (rental or purchase), studio and performance space; theaters, modular open spaces, live/work space, etc.
- What are the key issues and opportunities facing the district? And what do you seek to achieve with the cultural district designation?
 

For example: Is displacement of artists a current community concern? If so, how will the proposed district address this concern?

## 2. Semi-Finalist Selection and Site Visits

The panel will review the letters of interest, grouped by type, and select a representative group of approximately 30 semi-finalists to receive site visits. The primary purpose of the site visits will be to meet with the applicants and confirm the information provided in the LOI and provide additional insights to the panel during the final application review process. It is envisioned that a majority of the semi-finalists will be invited to submit full applications unless substantial discrepancies are encountered.

At the time of selection semi-finalists will be reminded that all finalists will be required to submit a basic cultural asset inventory, completed within the last three years, as a part of the final application. The CAC will develop and make available a simple methodology for completing an initial cultural asset inventory that will help ensure that districts have a good understanding of the array of authentic cultural resources shaping the district, from places and organizations to people, history and events.

Site visits will be conducted by CAC staff, panelists, or contractors depending on which option proves to be the most feasible depending on the available resources and timeline. Site visits will adhere to the following general protocol.

Site visitors will be assigned a group of applications and will:

- Read the assigned applications and conduct due diligence, including review of select independent sources of information
- Contact the applicants to set up a tour and interviews with the partners as well as other stakeholders or residents of the district
- Conduct a physical tour the proposed district and develop a written and photographic description of the place designed to ascertain the concentration of cultural resources and the physical qualities of the place
- Conduct interviews with each of the partners using a standard list of questions designed to ascertain the commitment of the partners to the project and the capacity of the professionals participating in process
- Meet with additional stakeholders, including the authors of letters of support designed to ascertain community buy-in for the process and authenticity of proposed district goals and leadership
- Complete a site visit report form

Staff will convene all of the site visitors to discuss the findings and identify the participants who will be invited to submit full applications.

### 3. Full Application

A diverse group of finalists will be invited to submit full applications. The CAC will utilize the same application for all, and will include an introductory section designed to allow the applicant to define the nature of the proposed district, i.e. established or emerging, urban or rural, etc. The first section of the application will include a majority of the questions from the LOI, giving the finalists the opportunity to update or revise the original responses.

In addition, finalists will be asked to provide the following information:

- What are the intended outcomes for the district over the first five-year certification period? How will the outcomes be measured?
- What specifically will the district accomplish in year one? In year two?



- Such as programs, festivals, facility development, artist housing, planning or marketing initiative, fundraising, etc.
- What is the district's budget for the first two years?
- Describe what resources each entity brings to the partnership and how they align with the issues and opportunities facing the district?
- What are the roles and responsibilities of staff, volunteers, and partners organizations in planning and managing district activities?
- Do you intend to collaborate with additional district stakeholders beyond the core partners? If so, please describe.
- Will the proposed cultural district impact the affordability of real-estate for current residents and stakeholders? Please explain.
- How will the applicant work to help maintain current residents and uses?
- If changes in residents and uses are envisioned, please explain how the applicant will work to avoid displacement or other negative impacts.

## E. REVIEW

Applications for the pilot cohort will be evaluated based on the requirements and criteria articulated below at each phase of the selection process, as applicable. The overarching goal will be to identify a cohort that is representative of the state in order to demonstrate the potential of the cultural district program to positively impact diverse neighborhoods, cities, and regions throughout California. The pilot cohort will help shape the final cultural district certification process and as such it is vitally important that they collectively represent rural, urban and suburban areas; districts that are emerging and established; districts with a focus on cultural production, cultural consumption, and cultural heritage; and also include districts with a range of partnership approaches and goals.

### 1. Criteria

In evaluating each applicant the panel will consider the nature of the proposed cultural district, and the following aspects of the applicant's engagement in the promotion, preservation, and interpretation of the arts and culture of the district, as illustrated in the application and supporting materials:

- Presence of a high concentration of artistic, cultural, heritage, or entertainment resources
- Clear articulation of the following elements:
  - Vision for the district
  - Measurable goals and defined evaluation measures
  - Achievable objectives for each of the first two years
  - Defined management budget with associated income and expenses
- Quality, diversity, and commitments of participating partners
- Degree to which the partners reflect the broader community
- Demonstrated authentic community engagement from a broad and representative array of stakeholders
- Presence of clearly defined leadership



- Presence of professional personnel dedicated (full or part-time) to district operations and programming
- Anticipated impact of designation

## 2. Review Panel

The CAC will appoint a panel of qualified professionals to evaluate the applications and to select the pilot cohort. In addition to cultural and geographic diversity, the panel will include representatives from different disciplines and sectors whose expertise reflects the varied fields and skills relevant to development of successful cultural districts, from the arts, to cultural heritage and community development. The same panel will serve throughout the selection of the first cohort, from LOI to final application. Ideally the panel will also include representatives from other California departments and agencies, at a minimum those who are partnering with CAC on the program.

## F. RECOMMENDED TIMELINE

The application and selection process could be implemented over approximately six months if adequate staff and financial resources are available. Proposed key milestones include the following:

- **January 2017**
  - Issue notice of opportunity for the pilot cohort and request letters of interest (open for 8 weeks)
  - Issue an RFP for developmental evaluation consultant(s) to support the pilot process
- **February 2017**
  - Conduct application/LOI webinar
  - Develop lists of potential panelists
- **March 2017**
  - Letters of interest due to the CAC
  - Appoint panel
  - Select developmental evaluation team
  - Publish guidelines for the final application
  - Identify site visitors and finalize site visit protocol
- **April/May 2017**
  - Panel selects semi-finalists (late April)
  - Conduct site visits for semi-finalists
- **May 2017**
  - Notify finalists, finalist application period opens
- **June/July 2017**
  - Final applications due (allow a minimum of 30 days from notification)
  - Panel selects pilot cohort

# CALIFORNIA CULTURAL DISTRICTS

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## APPENDIX 3

### COMMUNITY CULTURAL ASSET INVENTORY *Background, Instructions, and Template*

**What is a Cultural Asset?** Professor Ross Gibson, Sydney College of the Arts

*In every community that manages to sustain or revive itself over time, there are cultural factors that contribute to the vitality and robustness of the people living there. These factors are shared and creative, which is to say they are cultural and they are assets that make life valuable, that make life worth living. These cultural assets can be material, immaterial, emotional, or even spiritual. They can be 'solid' things like concert halls, galleries, gardens, parklands and stadiums. They can be special tracts of the natural environment which encourage particular types of cultural activities. Or the climate itself might be a cultural asset if it encourages special kinds of creative and communal activities that bind people together in a place over time. Stories too might be cultural assets if they are attached to particular peoples and places if they are powerful enough to encourage people to care about and care for their place. In these stories, values can circulate, and special memories often reside in particular locations mentioned in the tales. Thus the places mentioned in the stories can be regarded as cultural assets if people tell of these places and visit them regularly and develop regular practices or rituals or ceremonies to care for them.*

<http://camra.culturemap.org.au/page/what-cultural-asset>

#### BACKGROUND:

One of the best ways to document the density of cultural resources and activities in an area is to undertake the development of a cultural asset inventory; one that goes beyond just cultural organizations and facilities, and is inclusive of the many diverse contributing elements that make for a vibrant cultural center. A cultural asset inventory can take many forms, from a simple list, to a database or interactive map. In this case the product will be a categorized list, with location and notes sections (see attached template).

Ensuring that all parties have a good understanding of the full array of cultural assets present in the district will be critical to its long-term success. A comprehensive approach to cultural assets helps to ensure authenticity and the preservation of homegrown assets, both of which were indicators of a successful district based on the research conducted to develop this program.

#### HOW TO COMPLETE THE TEMPLATE:

Conduct an outreach process to engage members of the community in identifying cultural assets, through an in-person convening, as well as an on-line survey, with the results of both being used to populate your list.

Prepare a list of questions for the survey, and to be used as prompts for the meeting. Possible questions include:

- What contributes to the community's cultural identity?
- Who are the people and organizations that help shape it?
- What places and events give the community its character?
- How does the history of the neighborhood contribute to the community's cultural identity?
- Who are the creative people in the community?
- Where are the places people go to have a cultural experience, of any form?
- What organizations in the community are contributing to the arts and culture? In what ways?

Be inclusive. Reach out as broadly as possible and try and identify partners who will help you reach beyond your organization's usual audience.

Be open to a variety of perspectives. Encourage participants to think broadly about what is important to document and include in the inventory. Include at a minimum the categories in the template, and expand the categories as needed to reflect community perspectives and priorities.

Be sensitive to potential barriers to participation, such as language. Make sure all materials are available in the primary alternate language used in the community, in addition to English. In addition, make sure to include native speakers as translators at the convening.

Additional information about cultural asset inventories or mapping is available through the Alliance of California Traditional Cultures (ACTA) <http://www.actaonline.org/content/building-healthy-communities-cultural-treasures> or the examples available on the National Endowment for the Arts website at <https://www.arts.gov/exploring-our-town/showcase/type/Asset-Mapping>. The Artscape website also has a useful toolkit at <http://www.artscapediy.org/Creative-Placemaking-Toolbox/Who-Are-My-Stakeholders-and-How-Do-I-Engage-Them/An-Introduction-to-Cultural-Asset-Mapping.aspx>

## DRAFT: Cultural Asset Inventory Worksheet

*Applicants should use as many pages as necessary.*

District Name:

Applicant Partners:

DESCRIPTION OF THE COMMUNITY PROCESS:

| CATEGORY                 | ASSETS | LOCATION | NOTES/ADDITIONAL INFORMATION |
|--------------------------|--------|----------|------------------------------|
| 1. PEOPLE                |        |          |                              |
| 2. PLACES                |        |          |                              |
| 3. ORGANIZATIONS         |        |          |                              |
| 4. EVENTS                |        |          |                              |
| a. Historic              |        |          |                              |
| b. Current               |        |          |                              |
| 5. ADDITIONAL CATEGORIES |        |          |                              |

# CALIFORNIA CULTURAL DISTRICTS



## APPENDIX 4

### INTERVIEW LIST

As part of the research process the consultants conducted a number of one on one and group interviews with local and national thought leaders in a variety of disciplines to gather information for the California Cultural Districts initiative.

| First    | Last      | Affiliation                                                                           |
|----------|-----------|---------------------------------------------------------------------------------------|
| Larry    | Baza      | Chair, San Diego Arts Commission                                                      |
| Marybel  | Batjer    | Secretary, Government Operations Agency, State of California                          |
| Ryan     | Becker    | Vice President, Communications, Visit CA                                              |
| Roberto  | Bedoya    | City of Oakland, Cultural Affairs                                                     |
| Caroline | Beteta    | President, Visit, CA                                                                  |
| Ben      | Caldwell  | Artist, Los Angeles                                                                   |
| Ada      | Chan      | Project Manager, SoMa Pilipinas                                                       |
| Laura    | Cole-Rowe | Executive Director, CA Main Street Alliance                                           |
| Teri     | Deaver    | Vice President, Consulting & Strategic Partnerships, Artspace                         |
| Juan     | Devis     | Chief Creative Officer, KCET                                                          |
| Sherri   | Franklin  | Central Avenue Historic District                                                      |
| Kathy    | Gallegos  | ED, Avenue 50 Studios                                                                 |
| Margaret | Hunt      | Director, California Creative Industries                                              |
| Amanda   | J. Ashley | Assistant Professor, Community and Regional Planning, Boise State University          |
| Shannon  | Jackson   | Associate Vice Chancellor for Arts & Design, UC Berkeley                              |
| Kelley   | Kahn      | Special Projects Director, City of Oakland                                            |
| Amy      | Kitchener | Executive Director, Alliance for California Traditional Arts                          |
| Kelley   | Lindquist | President, Artspace                                                                   |
| Libby    | Maynard   | Executive Director, Ink People Center for the Arts                                    |
| Lynne    | McCormack | Director of Creative Placemaking, Local Initiatives Support Corporation (LISC)        |
| Steven   | Oliver    | Oliver and Company                                                                    |
| Armando  | Pena      | Armando Pena and Associates                                                           |
| Peter    | Shapiro   | Executive Director, Revenue Authority of Prince George's County                       |
| Keith    | Robinson  | Principal Landscape Architect, Division of Design, Caltrans                           |
| Jason    | Shupbach  | Director of Design Programs, National Endowment for the Arts                          |
| Will     | Shuck     | Deputy Director, External Affairs, Caltrans                                           |
| Nicole   | Winger    | Deputy Controller for Public Affairs, Office of State Controller, State of California |
| Kristin  | Zaremba   | City of Oakland, Public Art                                                           |



# CALIFORNIA CULTURAL DISTRICTS

## APPENDIX 5

### INTERVIEW PROTOCOL

#### Core Questions

- When you think of “cultural districts,” what comes to mind for you?
- Are there any cultural districts that you know of that you think are particularly successful? Please describe any examples. Why do you think these are successful?
- What are benefits of cultural districts? For whom?
- What are shortcomings of cultural districts? For whom?
- Do you know of funding mechanisms for cultural districts? Other supports?
- Do you personally have any experience in planning or developing a cultural district?
- Who else do you think we should talk with about cultural districts?

#### Supplemental Questions Group 1

- What do you hope a cultural district program accomplishes? Do you have any concerns about a cultural districts program? Please discuss.
- Whose involvement is essential to the success of this program? Why?
- Who, if anyone, do you anticipate, would oppose it? Why?

#### Supplemental Questions Group 2

- How does/has the concept of cultural districts connect(ed) to your national work?
- As it stands now, are cultural districts a significant factor in what you do? If so, how? Why?
- Are you aware of any discussions or debates focused on cultural districts? If so, please describe.

#### Supplemental Questions Group 3

- Could you envision cultural districts serving as a tool for community development? If so, how? If not, why not?
- Do you have any concerns about cultural districts in relation to displacement of vulnerable populations?
- Do you have any insights about how zoning and codes foster or impede cultural districts?

# CALIFORNIA CULTURAL DISTRICTS

## APPENDIX 6

### CULTURAL ARTS DISTRICT SURVEY RESPONSES ANALYSIS NOTES

#### Q1. In what Zip code are you located?

- 326 respondents
- The respondents are evenly represented across geographic areas.
  - 11% or 37 respondents are from “True North” zip codes including Sonoma, Mendocino, Lake, Eureka, Humboldt, Butte, Shasta, Tehama, Siskiyou Counties.
  - 18% or 59 respondents are from “Central Valley” zip codes including Sacramento, Stanislaus, San Joaquin, Fresno, Kern, Tulare and Yolo Counties.
  - 13% or 42 respondents are from a “San Diego region” zip codes including San Diego County.
  - 21% or 70 respondents are from “Bay Area” zip codes including San Mateo, Santa Clara, San Francisco, Alameda, Contra Costa, Marin Counties.
  - 16% or 51 respondents are from “Los Angeles area” zip codes including Los Angeles Counties.
  - 21% or 67 respondents are from “other” zip codes which include San Bernardino, Riverside, Orange, Ventura, Santa Barbara, Monterey, Santa Cruz, Tuolumne, Mariposa and Placer and El Dorado Counties.

#### Q2. Please select the category that best describes your point of view.

- The majority of the 326 respondents (197) describe themselves as either Artists/Creative Entrepreneurs or Arts Administrators.
- Very few respondents were developers or elected officials
- Respondents describe their point of view as follows:

|                                |            |
|--------------------------------|------------|
| Artists/Creative Entrepreneurs | 97         |
| Arts Administrator             | 100        |
| Business Owner                 | 16         |
| Community Activist             | 16         |
| Cultural Tradition Bearer      | 14         |
| Developer                      | 2          |
| Elected Official               | 4          |
| Government Employee            | 22         |
| Private Citizen                | 19         |
| Other                          | 36         |
| <b>Total</b>                   | <b>326</b> |

- Other points of view were mostly related to arts administration and or arts sector and were described by respondents as follows:
  - Executive Director of Downtown Los Angeles Art Walk
  - Arts consultant
  - Architecture Commissioner
  - Teaching Artist/Multidisciplinary Artist
  - Museum Employee
  - owner of an arts marketing firm
  - Museum of Earth Science and Paleontology
  - Employee of a business
  - Board member arts organization and business organization
  - Librarian
  - museum professional - history museum
  - Grant Writer
  - Cultural tourism marketing
  - Archivist
  - Educator
  - History Museum Director
  - City of Selma. Theatre/Visual Arts/Murals, etc...
  - Museums and Cultural Arts Commissioner
  - Student
  - Musician and Administrator of Non Profit Performing Art Space
  - President, Livermore Cultural Arts Council
  - Educator/Art Critic
  - Arts Educator/Arts Board Appointee
  - An Executive Director of a nonprofit arts org and also a restaurant owner
  - Grassroots Filipino American Historian and Preservationist
  - Non profit theatre grant writer
  - Art and jewelry maker
  - Artist; Arts Admin; Business Owner; Private Citizen; Teaching Artist
  - Radio programmer
  - Volunteer for countywide arts non-profit
  - Private citizen, Business owner, artist , community activist
  - Arts Advocate
  - Board Member Folsom Lake Community Concert Association
  - Arts org admin, arts biz owner, community arts activist EQUALLY!
  - Arts Consultant
  - Community Radio Station Manager

### Q3. Are you familiar with any Cultural Districts? Y/N

- 326 respondents
- Respondents did not indicate high familiarity with cultural districts.
  - 50% of respondents or 160 answered no.



- 50% or 161 answered yes.
- Familiarity with cultural districts was equally spread across California regions.

**Q4. If yes, please name.**

Respondents provided a wide range of examples of cultural districts. The examples clustered within the following broad categories and indicate a varied interpretation of what is considered an “Arts District”.

The examples also reflect the respondents point of view, with the majority of the 326 respondents (60%) describing themselves as either Artists/Creative Entrepreneurs (97) or Arts Administrators (100).

1. **Arts districts/Theatre districts (often downtown).** Examples cited include Historic Theatre District-Seattle; Cleveland’s Arts District; Dallas Arts District; Eugene Gallery and Arts District; Downtown Portland; Downtown Los Angeles Arts District ; Broad Street Art and Cultural District-Richmond Virginia; Laurence, KS downtown cultural district; Noho Arts District; Portland Cultural District; San Pedro Water front Arts District; Wynwood-Arts District-Florida; Arts District, Portland Maine; Berkeley Theatre District; Downtown Riverside; Downtown Redlands; downtown San Diego; Downtown Santa Ana; Downtown Ventura; Downtown LA Eastside Arts District
2. **Parks or outdoor/open spaces.** Examples include Hutchins Street Square in Lodi-CA; Joshua Tree; Yerba Buena Garden; Balboa Park-San Diego; Barrio Logan, Chicano park;
3. **Entire Cities/regions.** Examples cited include Berkeley, CA; Boise; Chicago; Chula Vista; Culver City, CA; Davis; Denver; District of Beverly Hills; Escondido, CA; Idaho; Laguna Beach; Los Angeles; Long Beach; New Orleans; Boise; Grandville Island, Vancouver, BC; Laguna Beach; West Hollywood; Los Angeles County; San Francisco; New York; Monterey; Pasadena; Pittsburgh; Providence-RI; Massachusetts; Seattle; Redlands; Reno; San Rafael; Santa Ana; Santa Barbara; Santa Cruz; Santa Fe; Seattle; Sebastopol; Sonoma County; Washington DC; Oregon, Texas
4. **Arts Organizations and their surrounding neighborhoods.** Examples cited include Buffalo Arts Studio; Eugene Gallery and Arts District, Elk Grove Committee for Arts and Multicultural Committee; Elk Grove Fine Art Center; LA County Arts Council; Liberty Station Arts District; Lincoln Center-NYC; Music Center-Los Angeles; Los Angeles Dorothy Pavilion; Lodi Arts Commission; Los Angeles at MOCA, Geffen, Broad; Malonga Center for African Culture; Megijima Eco Arts, Miracle Mile LA Museum Row; Pilchuck Glass School; Regional Arts and Cultural Council-Portland/Vancouver; Riverside Mission Inn; Sacramento Arts Commission; Smac; SOFA; San Francisco War Memorial/Civic Centers
5. **Historical ethnic neighborhoods.** Examples cited include “Little Tokyo”; “Little Italy”; Leimert Park; Brooklyn; “Chinatown”; Chinatown-SF; Filipinotown-Los Angeles; Harlem; Barrio Logan-San Diego; San Jose Japantown; New Orleans French Quarter

6. **Other neighborhoods/ arts and cultural hubs:** Arts and Entertainment district of H Street-NE Washington DC; Arts and entertainment district, Los Angeles Grand Avenue Corridor; Fruitvale Unity Village; Georgetown District in Seattle; Providence,RI; Creamery District, Arcata, CA; Arts District at Liberty Station; Midtown Atlanta; midtown San Francisco; Mission district-SF; Navy Pier Chicago; NE Minneapolis Riverfront; North Beach San Francisco, North Hollywood, North Park-SD; Chelsea, SoHo; East Austin; East Village; Pittsburgh Cultural District; Shell town San Diego; Short North-Columbus, Ohio; Temescal Neighborhood-Oakland; Wynwood -Florida; Uptown-Oakland; Willowbrook-LA County;
7. **Main Streets/Old Towns:** Eureka Main Street; Old town Sacramento, Old town New Hall Cultural Districts; Old Town San Diego; Olvera Street-Los Angeles

**Q5. What makes this cultural district successful?**

Answers are clustered among the following key categories:

1. Accessibility- pedestrian friendly; easy access to public transportation
2. Geographic Concentration of diverse and “complimentary” institutions and cultural activity ( restaurants, galleries, museums, small independent retail shops, farmers market, outdoor venues/open space)
3. Public/Private partnerships/collaborations in support of arts, artists , and broad participation in arts and cultural activity including tax incentives, Cultural Arts Master plan, public art programming, place-making initiatives, open studio culturally events; art walk events)
4. Artist centric support institutions (affordable live work spaces, access to professional development,)
5. Unique/Iconic architecture/public art/built environment
6. Honoring/preserving historically/ significant hub/space

**Q6. At best, what would be the benefits of cultural district designation? List up to three Features.**

- 320 respondents.
- Overall, the listed benefits of cultural district were evenly spread across the 5 suggested categories.

|                                                                                 | Total Count                                                                         | Percent |
|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------|
| Recognition                                                                     | 175                                                                                 | 20%     |
| Access to funding for district improvements                                     | 259                                                                                 | 30%     |
| Protection of pre-existing community assets                                     |  | 21%     |
| Technical assistance with marketing resources                                   |  | 12%     |
| Convening and connecting people involved in cultural districts around the state | 146                                                                                 | 17%     |

- Access to funding for district improvements received the most responses, followed by protecting of pre-existing community assets and Recognition.
- Technical assistance with marketing resources received the least responses.

#### Q6. Other

- “Other” examples of benefits provided by respondents are clustered within the previously suggested 5 categories as well as the following three additional categories:
  - Promoting Equity and Social Justice;
  - Providing Opportunity for arts and cultural participation and connection with artists;
  - Promoting economic development and growth via the arts.

| Q. 6 Other Benefits                                                                   | Total Count              |
|---------------------------------------------------------------------------------------|--------------------------|
| Recognition                                                                           | 5                        |
| Access to funding for district improvements                                           | 4                        |
| Protection of pre-existing community assets                                           | <input type="checkbox"/> |
| Technical assistance with marketing resources                                         | <input type="checkbox"/> |
| Convening and connecting people involved in cultural districts around the state       | 9                        |
| Promoting Equity and Social Justice                                                   | 11                       |
| Providing Opportunity for arts and cultural participation and connection with artists | 10                       |
| Promoting economic development and growth via the arts.                               | 12                       |
| Other                                                                                 | 2                        |

#### Q7. Do you have concerns about cultural district program? Y/N

- 313 respondents and 13 blank responses.
- Responses were evenly split between “No”: 165 (53%) and “Yes”: 148 (47%)

|                    |            |
|--------------------|------------|
| No                 | 165        |
| Yes                | 148        |
| (blank)            | 13         |
| <b>Grand Total</b> | <b>326</b> |

- Those with no concerns about cultural districts were evenly spread among geographic areas.

| Inquiry Area     | No Concerns | %   |
|------------------|-------------|-----|
| 1-True North     | 20          | 12% |
| 2-Central Valley | 34          | 21% |
| 3-San Diego      | 23          | 14% |
| 4-Bay Area       | 25          | 15% |

|               |            |             |
|---------------|------------|-------------|
| 5-Los Angeles | 24         | 15%         |
| 6-Other       | 39         | 24%         |
| <b>Total</b>  | <b>165</b> | <b>100%</b> |

- Of those with concerns about cultural districts, respondents from the Bay Area (Inquiry Area 4) recorded the highest number of concerns: 42 or 28%. This finding is likely associated with the regions high concentration of arts and cultural activity.
- Other respondents were evenly spread among remaining geographic areas.
- It is interesting to note that respondents from the Los Angeles area which could also be characterized as having a large concentration of cultural activity did not indicate a higher level of concern.

| <b>Inquiry Area</b> | <b>Yes Concerns</b> | <b>%</b>    |
|---------------------|---------------------|-------------|
| 1-True North        | 16                  | 11%         |
| 2-Central Valley    | 23                  | 16%         |
| 3-San Diego         | 16                  | 11%         |
| 4-Bay Area          | 42                  | 28%         |
| 5-Los Angeles       | 26                  | 18%         |
| 6-Other             | 25                  | 17%         |
| <b>Total</b>        | <b>148</b>          | <b>100%</b> |

- Among the Bay Area respondents, Alameda County had the highest number of respondents indicating concerns (22), of which a little over half (14) were associated with respondents from the City of Oakland.
- Respondents from the County and City of San Francisco recorded the next highest number of concerns (9).
- This finding is likely associated with the cities' availability and concentration of arts and cultural activity and associated experiences/impacts, particularly for low income communities and communities of Color.

| <b>4-Bay Area</b>     | <b>Yes Concerns</b> |
|-----------------------|---------------------|
| <b>Alameda County</b> |                     |
| Alameda               | 2                   |
| Albany                | 1                   |
| Emeryville            | 1                   |
| Fremont               | 1                   |
| Livermore             | 2                   |

|                             |           |
|-----------------------------|-----------|
| Oakland                     | 14        |
| San Leandro                 | 1         |
| <b>Sub-Total</b>            | <b>22</b> |
| <b>Contra Costa County</b>  |           |
| Richmond                    | 1         |
| Rodeo                       | 1         |
| <b>Sub-Total</b>            | <b>2</b>  |
| <b>Marin County</b>         |           |
| Larkspur                    | 1         |
| Mill Valley                 | 1         |
| <b>Sub Total</b>            | <b>2</b>  |
| <b>San Francisco County</b> |           |
| San Francisco               | 9         |
| <b>Sub-Total</b>            | <b>9</b>  |
| <b>San Mateo County</b>     |           |
| Burlingame                  | 1         |
| Redwood City                | 1         |
| <b>Sub-Total</b>            | <b>2</b>  |
| <b>Santa Clara County</b>   |           |
| San Jose                    | 5         |
| <b>Sub-Total</b>            | <b>5</b>  |
| <b>Total</b>                | <b>42</b> |

**Q8. If You Answered Yes to Concerns about Cultural Arts Districts, please describe.**

- In general, concerns described by the 148 respondents that answered yes, fell within the following 8 broad categories.
- Concerns about a top down planning/development approach and associated lack of equitable distribution of resources and accountability surfaced as the top concern among the respondents. Respondents were particularly concerned about the selection criteria and possible exclusion of areas as well as competition between districts.
- Concerns about the Arts districts triggering gentrification and displacement of existing residents including low income residents, arts and small non-profit arts organizations accounted for about 25% of the responses.

| <b>Types of concerns</b>                                                            | <b>Count of Types of Concerns</b> | <b>%</b> |
|-------------------------------------------------------------------------------------|-----------------------------------|----------|
| 1. Gentrification (particularly of existing arts and cultural activity/communities) | 25                                | 13%      |
| 2. Displacement of existing residents including artists                             | 23                                | 12%      |
| 3. Lack of grass-roots focus and community inclusion including artists              | 26                                | 14%      |

|                                                                                                                                         |            |             |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------|-------------|
| 4. Lack of comprehensive and sustainable development focus (arts investment at exclusion of or in competition with other opportunities) | 15         | 8%          |
| 5. Top down development, lack of equitable distribution of resources, and accountability                                                | 61         | 32%         |
| 6. Exclusion of Rural Areas                                                                                                             | 6          | 3%          |
| 7. Lack of funding and broad public support for long term sustainability                                                                | 23         | 12%         |
| 8. Other                                                                                                                                | 11         | 6%          |
| <b>Total</b>                                                                                                                            | <b>190</b> | <b>100%</b> |

- Among the respondents from the Cities of Oakland, San Francisco, concerns clustered around the following key issues:

1. Gentrification (particularly of existing arts and cultural activity/communities)
2. Displacement of existing residents
3. Lack of grass-roots focus and community inclusion
4. Lack of comprehensive development focus
5. Top down development
6. Exclusion of Rural Areas
7. Lack of Funding

|     | Oakland                                                                                                                                                                                                                                                                                                                                                                                                              | Issue Area                                                                                                                        |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Black cultural district will focus on pat nd be a historical district while former Black Oakland residents continue to be displaced and cannot afford to live in a place dedicated to cultural group                                                                                                                                                                                                                 | <ul style="list-style-type: none"> <li>• Gentrification/</li> <li>• Displacement of Black Oakland Residents</li> </ul>            |
| 2.  | Displacement of existing communities within and at the edges of the district. The speed of the organized shift to a named district is it affects neighboring communities.                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>• Displacement of existing communities</li> </ul>                                          |
| 3.  | Do not want to stifle thoughtful development particularly in regards to housing and indie retail and other important opportunities for economic development in Oakland.                                                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>• Lack of Comprehensive development focus</li> </ul>                                       |
| 4.  | Gentrification                                                                                                                                                                                                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>• Gentrification</li> </ul>                                                                |
| 5.  | I believe this will lead to continued gentrification and displacement of people of color and low-income people in the San Francisco Bay Area.                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>• Gentrification and displacement</li> </ul>                                               |
| 6.  | I love whole communities. The emphasis on "marketing" concerns me because I read it as a an external orientation (read tourism or shifting market orientation read: gentrification) do not want to lose the more organic qualities of how cultures evolve. Would like some thinking around how to support communities in being whole - with lived arts and culture. vs. arts and culture being a consumer commodity. | <ul style="list-style-type: none"> <li>• Lack of Grass roots focus/community inclusion</li> <li>• Top down Development</li> </ul> |
| 7.  | My concern is that the district is well funded from the state and federal levels.                                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Lack of sufficient funding?</li> </ul>                                                   |
| 8.  | Once any program becomes top-down managed, it dies. Gov. assistance comes with strings.                                                                                                                                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>• Top down Development</li> </ul>                                                          |
| 9.  | That it would be window dressing and full of useless bureaucratic hurdles instead of being genuine.                                                                                                                                                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• Lack of Grass roots focus/community inclusion</li> </ul>                                 |
| 10. | That political considerations and considerations from outside the culture being highlighted will steer the district away from its                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Lack of Grass roots focus/community inclusion</li> </ul>                                 |

|     |                                                                                                                                                                                                                                                                              |                                                                                                                                      |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
|     | intended purposes                                                                                                                                                                                                                                                            |                                                                                                                                      |
| 11. | That the authentic arts neighborhoods become replaced by gentrified arts districts (SOHO, DUMBO, etc). That affordable housing not be included with affordable warehouse studio spaces, that industrial lands with manufacturing/maker opportunities convert to residential. | <ul style="list-style-type: none"> <li>• Cultural Gentrification</li> <li>• Displacement of existing communities</li> </ul>          |
| 12. | That the district would become something commercial, lose its identity and price out present homeowners                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• Gentrification</li> </ul>                                                                   |
| 13. | The artists build up the "cultural capital" and then get displaced when market forces take over.                                                                                                                                                                             | <ul style="list-style-type: none"> <li>• Displacement of existing communities</li> </ul>                                             |
| 14. | There must be room for creative growth within all cultures and at all levels and ages, of creative development. It will fail the community if it is purely a competitive process for "professionals".                                                                        | <ul style="list-style-type: none"> <li>• Cultural Gentrification</li> <li>• Lack of Grass roots focus/community inclusion</li> </ul> |

|    | San Francisco                                                                                                                                                                                                                                                                                                                | Issue Area                                                                                                                                                                                 |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | After CCA meeting, I am concerned about rural areas in huge geographic parts of state that wouldn't be eligible. They need help to connect.                                                                                                                                                                                  | <ul style="list-style-type: none"> <li>• Exclusion of Rural Areas</li> </ul>                                                                                                               |
| 2. | How do we get culture bearers a dedicated venue when we don't have \$ to compete with tech companies buying up everything?                                                                                                                                                                                                   | <ul style="list-style-type: none"> <li>• Lack of Grass roots focus/community inclusion</li> <li>• Displacement of existing communities</li> </ul>                                          |
| 3. | I care.                                                                                                                                                                                                                                                                                                                      | <ul style="list-style-type: none"> <li>• ?</li> </ul>                                                                                                                                      |
| 4. | I'm concerned that it will be taken over by big money interests such a big real-estate, big art "non-profits" etc. and be transformed into a gentrifying rather than one that truly protects the interests of blue collar low income residents of the culture (e.g. Latinos)                                                 | <ul style="list-style-type: none"> <li>• Gentrification (commercial and arts)</li> <li>• Lack of Grass roots focus/community inclusion</li> </ul>                                          |
| 5. | It puffs up overrated, self-interested, charming, and sociopathic Executive Directors who use professional association involvement to inflate their credentials and create barriers to entry for true artistic entrepreneurs, siphoning off funds from artists, and creating a well-connected elite capable of blackballing. | <ul style="list-style-type: none"> <li>• Gentrification (arts/culture elite)</li> <li>• Lack of Grass roots focus/community inclusion</li> </ul>                                           |
| 6. | Not enough to develop districts                                                                                                                                                                                                                                                                                              | <ul style="list-style-type: none"> <li>• Lack of Comprehensive development focus</li> </ul>                                                                                                |
| 7. | 'place keeping' services and reflecting the culture and arts of folks who live & work in the district instead of 'place making' code for new comers to be made comfortable as they take over neighborhoods and displace the very people whose culture have been essential to the unique features the district.               | <ul style="list-style-type: none"> <li>• Gentrification (arts/culture)</li> <li>• Lack of Grass roots focus/community inclusion</li> <li>• Displacement of existing communities</li> </ul> |
| 8. | That a designation could become limiting.                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>• Lack of Comprehensive development focus</li> </ul>                                                                                                |
| 9. | They must be done in away that will not cause gentrification.                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• Gentrification</li> </ul>                                                                                                                         |

**Q9. Do you have any additional comments about cultural districts?**

- 163 respondents

| <b>Inquiry Areas</b> | <b>Count of Q9-Do you have any additional comments on cultural districts?</b> |
|----------------------|-------------------------------------------------------------------------------|
| 1-True North         | 21                                                                            |
| 2-Central Valley     | 29                                                                            |
| 3-San Diego          | 21                                                                            |
| 4-Bay Area           | 31                                                                            |
| 5-Los Angeles        | 25                                                                            |
| 6-Other              | 36                                                                            |
|                      | <b>163</b>                                                                    |

- Respondents were fairly equally represented among regions.
- In general, respondents to this question were supportive the formation Cultural Arts District and sought more information about the planning and district designation process which needs to be inclusive of all geographic areas of California and seek broad community support
- Benefits and concerns mirrored the categories of benefits and concerns discussed in earlier questions.





# CALIFORNIA CULTURAL DISTRICTS

## APPENDIX 7

### STRATEGIC PARTNERSHIP DETAILS

(as of 12/8/2016)

#### Partner: California Department of Transportation (Caltrans)

Recipients of the State of California Cultural Districts certification may benefit from access to the following Caltrans resources:

- **Transportation Art and Community Identifier Programs**– Certified Cultural Districts in municipalities where participation in the Caltrans Transportation Art program is feasible will have access to Caltrans liaison services provided by the California Arts Council. These services may result in technical assistance for Districts to navigate the application process for the Caltrans Transportation Art and Community Identification programs. This may include the development of murals and other public art projects as well as aesthetic features on Caltrans properties.
- **Street Closures on Caltrans Properties** – Certified Cultural Districts in municipalities where state highway street closures are proposed for festivals or other public cultural activities will have access to Caltrans liaison services provided by the California Arts Council in order to process closure and access requests.
- **Signage** – Certified Cultural Districts in municipalities where Caltrans signage is feasible per the California Manual on Uniform Traffic Control Devices (MUTCD) will have access to Caltrans liaison services provided by the California Arts Council. The California Arts Council and Caltrans will work to provide technical assistance to determine if Certified Cultural Districts are eligible for signage based on the MUTCD.
- Other opportunities as mutually arranged by the California Arts Council and Caltrans.

Additionally, a Caltrans staff representative will be invited to serve on the adjudication panel as part of the review and selection process for district certification.

#### Partner: Visit California

- **General Organizational Benefits** – The California Arts Council and Visit California may collaborate in the following ways:
  - Governance – sharing best practices for programmatic and promotional related activities.
  - Advisory – providing guidance for organizational activities and efforts.

- Leverage – utilizing strategic partnership to foster mutually beneficial opportunities as they arise.
- **Evaluation of Potential Certified Districts** – Visit California representative invited to serve on the adjudication panel as part of the review and selection process for district certification.
- **Benefits for Certified Districts** – Recipients of the State of California Cultural Districts Certification may benefit from inclusion in the following Visit California initiatives:
  - Promotion at California Welcome Centers.
  - Inclusion in Visit California promotional efforts as appropriate.
  - Inclusion in Visit California press efforts as appropriate.
  - Inclusion in Visit California public and industry events and presentations as appropriate.
- Other opportunities as mutually agreed upon by the California Arts Council and Visit California.

### Upcoming Worksessions and Special Meetings

*start time is 6:00 p.m. unless otherwise noted*

#### Scheduled Dates

Nov 18

1. Draft Waterfront Specific Plan

### Unscheduled Workshops and Special Meetings

1. Affordable Housing Fee 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)

|  |                                                                                                          |
|--|----------------------------------------------------------------------------------------------------------|
|  | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b> |
|  | None                                                                                                     |

| CITY CLERK DEPARTMENT                                                       |                      |                       |                   |
|-----------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL |                      |                       |                   |
| Address                                                                     | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                            |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                            |                      |                       |                   |
| 2708 Prince Street (construct duplex)                                       | ZAB                  |                       | 1/21/2025         |
| 3000 Shattuck Avenue (construct 10-story mixed-use building)                | ZAB                  |                       | TBD               |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                               |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
| <b>Notes</b>                                                                |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |
|                                                                             |                      |                       |                   |

11/13/2024



### 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

2/29/2024

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.**

2/29/2024

1<sup>st</sup> paragraph: Applause, vocally or clapping, is prohibited, except for ceremonial items, or as may be invited by the Presiding Officer.

2<sup>nd</sup> 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;

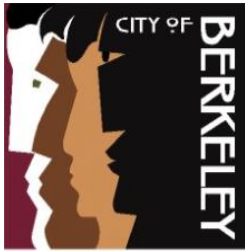
1.7.3. Disobedience of any lawful order of the presiding officer, which shall include an order to be seated or to refrain from addressing the Board or committee;

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 extent 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. **Title**
    - 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. **Consent/Action/Information Calendar**
    - 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~~ The item should explain if ~~proposes~~ 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.

**I. 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 s 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 s 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

# **The Berkeley City Council Rules of Procedure and Order**

Adopted by Resolution No. ##,###–N.S.

Effective [Date]

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## I. DUTIES

### A. Duties of Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. In the Mayor's absence, the Vice President of the Council (hereafter referred to as the Vice-Mayor) shall preside.

### B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

### C. Motions to be Stated by Chair

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

### D. Decorum by Councilmembers

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. The Presiding Officer may set a limit on the speaking time allotted to Councilmembers during Council discussion.

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

### E. Voting Disqualification

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to recuse themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

**F. Requests for Technical Assistance and/or Reports**

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.



## II. MEETINGS

### A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting Agenda and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

### B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

### C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

### D. Council Meeting Conduct of Business

The Agenda for the regular business meetings shall include the Order of Business described in Chapter III.F. Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) on Action will be heard.

Three or more members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent at least three members concurring, the item will stay on the Consent or Information Calendar.

With respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar prior to the vote on the Consent Calendar. However, if three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.

Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.

A public hearing that is not expected to be lengthy may be placed on the Agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the Agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

The Council will endeavor to inform meeting attendees of the approximate time for high interest items. In addition, the Council will make best efforts to determine if items should be carried over to future meetings earlier in the meeting rather than later.

**E. Adjournment**

No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific Agenda Items to be covered and shall specify in which order these items shall be handled.

Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

**F. Unfinished Business**

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council Agenda. The 60 day period is tolled during a Council recess.

**G. City Council Schedule and Recess Periods**

Pursuant to the Open Government Ordinance, the City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.

Regular meetings of the City Council shall be held generally two to three Tuesdays of each month except during recess periods; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

Regular City Council meetings shall begin no later than 6:00 p.m.

A recess period is defined as a period of time longer than 21 days without a regular meeting of the Council.

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the Agenda & Rules Committee meeting for the last regular meeting before a Council

recess and this authority shall extend up to the date of the Agenda & Rules Committee meeting for the first regular meeting after the Council recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

#### **H. Pledge of Allegiance to the Flag**

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the Ceremonial Calendar will be the Pledge of Allegiance.

#### **I. Ad Hoc Subcommittees**

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from residents, related commissions, and other groups, as appropriate to the charge or responsibilities of such subcommittee. Ad hoc subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

### III. AGENDA

#### A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the Agenda of the meeting and posted in accordance with Section III.E.2. Exceptions to this rule are limited to circumstances listed in Section III.E.4.b and items continued from a previous meeting and published on a revised Agenda.

#### B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the Agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember, a Charter Officer, the Auditor, or any board/commission/committee created by the City Council or City Charter, or any Report For Information which may be acted upon if the Mayor or a Councilmember so requests. For purposes of this section, appeals shall be considered action items. All information from a Charter Officer concerning any item to be acted upon by the Council shall be submitted as a report on the Agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney-client communication concerning a litigation matter. Council Agenda Items are limited to a maximum of four Authors and Co-Sponsors, in any combination that includes at least one Author.

Authors must be listed in the original item as submitted by the Primary Author. Co-Sponsors may only be added by the Primary Author (1) at the Agenda Committee meeting where the item is placed on a Council Agenda; or (2) after the item has been placed on a Council Agenda, through the Supplemental process, or (3) at the Council meeting where the item appears on the Agenda.

2. "Author" means the Mayor or other Councilmembers who actually authored an item by contributing to the ideas, research, writing or other material elements.
3. "Primary Author" means the Mayor or Councilmember listed first on the item. The Primary Author is the sole contact for the City Manager with respect to the item. Communication with other Authors and Co-Sponsors, if any, is the responsibility of the Primary Author.
4. "Co-Sponsor" means the Mayor or other Councilmembers who wish to indicate their strong support for the item, but are not Authors, and are designated by the Primary Author to be Co-Sponsors of the Council Agenda Item.
5. "Agenda" means the compilation of the descriptive titles of Agenda Items submitted to the City Clerk, arranged in the sequence established in Section III.F hereof.
6. "Packet" means the Agenda plus all of its corresponding Agenda Items.

7. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:
  - a) A work stoppage or other activity which severely impairs public health, safety, or both exists;
  - b) A crippling disaster, which severely impairs public health, safety or both exists.
  - c) Notice of the Council's proposed consideration of any such Emergency Matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.
8. "Continued Business" means Items carried over from a prior Agenda of a meeting occurring 11 or fewer days earlier.
9. "Old Business" means Items carried over from a prior Agenda of a meeting occurring more than 11 days earlier.
10. "Charter Officer" means the City Manager, City Attorney, and the Director of Police Accountability.
11. "Major Item" means an Agenda Item with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts submitted by the Mayor or any Councilmember.
12. "Regular Item" means any Agenda Item not classified as a Major Item.

### **C. Standards for Agenda Items**

1. Agenda Items, other than Major Items submitted by the Mayor or any Councilmember, shall contain all relevant documentation, including the information listed below:
  - i. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;
  - ii. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
  - iii. Recommendation of the report's author that describes the action to be taken on the item, if applicable;
  - iv. Fiscal impacts of the recommendation;
  - v. A description of the current situation and its effects;
  - vi. Background information as needed;
  - vii. Rationale for recommendation;

- viii. Alternative actions considered;
- ix. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);
- x. Person or persons to contact for further information, with telephone number;
- xi. Additional information and analysis as may be required.
- xii. Environmental sustainability and climate impacts.

It is recommended that Regular Item reports also include, to the extent 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 15<sup>th</sup> 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 subsequent 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 themselves 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.

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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, 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]



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**I. DUTIES****A. Duties of Mayor**

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. In the Mayor's absence, the Vice President of the Council (hereafter referred to as the Vice-Mayor) shall preside.

**B. Duties of Councilmembers**

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

**C. Motions to be Stated by Chair**

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

**D. Decorum by Councilmembers**

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. The Presiding Officer may set a limit on the speaking time allotted to Councilmembers during Council discussion.

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

**E. Voting Disqualification**

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

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I. DUTIES

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.

## II. MEETINGS

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.

## II. MEETINGS

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.

## II. MEETINGS

~~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.~~ED~~.2. Exceptions to this rule are limited to circumstances listed in Section III.~~ED~~.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 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 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 ~~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 ~~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

## III. AGENDA

- ~~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 ~~Council agenda item~~Agenda Item.
  5. "Agenda" means the compilation of the descriptive titles of ~~A~~Agenda Items submitted to the City Clerk, arranged in the sequence established in Section III.~~FE~~ 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:

## III. AGENDA

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 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

## III. AGENDA

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 atin 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 cClear, 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

## III. AGENDA

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.

## III. AGENDA

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 15<sup>th</sup> 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~~s, 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.~~

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.CB.12 (Primary Author may decline and request Policy Committee assignment).
- iv. Refer the item to a Policy Committee.

Commented [NML12]: Auditor moved to paragraph (c) below with the consent of the Auditor

## III. AGENDA

- v. Schedule the item for the ~~agenda~~Agenda under consideration or one of the next three ~~fullregular~~ 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 subsequent 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"

## III. AGENDA

c) For referrals of Regular Items under Chapter III.DC.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.CD.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.

e)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.1B-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.



## III. AGENDA

**d)e) Items Authored by Boards and Commissions.**

Agenda Items~~Council 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 agendaized commission item~~report~~ 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 agenda~~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~~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 ee.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.**

## III. AGENDA

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~~Council members 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~~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:

## III. AGENDA

- 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 item~~Agenda 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

## III. AGENDA

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.**

## III. 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.78.
  - 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 packetPacket, shall not be discussed or acted upon.

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**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.

Commented [NML16]: Per discussion at Agenda & Rules on 7/8/24 – for clarity.

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.

**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

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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.

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**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 Items 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 and 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 primarily related to the new definition 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



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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 Agenda 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 ~~Council~~ agendaAgenda 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

## III. AGENDA

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.

## III. AGENDA

- 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 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.

## III. AGENDA

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 agendaize 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

## III. AGENDA

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

## 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 ~~A~~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 Actionagenda 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.~~

Commented [NML25]: Moved here as these rules are intended to cover all types of public comments

Commented [NML26]: Stated above, no need to repeat.

## IV. CONDUCT OF MEETING

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.

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 [NML27]: From Appendix C

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.**

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 Agenda. 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 selected to address matters not on the Council agenda. Agenda, and each person selected will be allotted one minute each.

Commented [NML29]: This section moved here to mirror the order of business on the agenda

In-person attendeesPersons wishing to address the Council on matters not on the Council agendaAgenda 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 agendaAgenda. 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

## IV. CONDUCT OF MEETING

~~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 agenda item remains unfinished at 11:00 p.m., 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 repetition 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.



## IV. CONDUCT OF MEETING

**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 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.

## IV. CONDUCT OF MEETING

**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.~~

~~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.~~

Commented [NML37]: Moved above

## IV. CONDUCT OF MEETING

~~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 agenda item 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 ~~e~~Consent ~~e~~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~~the Mayor or any Councilmember a Report for Information may be acted upon by the Council.

## IV. CONDUCT OF MEETING

**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 ~~e~~C consent or ~~a~~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

## IV. CONDUCT OF MEETING

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 ~~P~~presiding ~~O~~fficer 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.

## V. PROCEDURAL MATTERS

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 themselves 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.

## V. PROCEDURAL MATTERS

**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 itemAgenda 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



## V. PROCEDURAL MATTERS

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 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.

VI. FACILITIES

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.

Commented [NML43]: Per Council direction on 5/7/24

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

## 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

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

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

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APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

- 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 COUNCIL AGENDA ITEMS

**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

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

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

**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



APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

- 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

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

- 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

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

- 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

## **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**

~~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.~~

Commented [NML47]: Relevant portions have been moved to the body of the Rules of Procedure.

~~In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.~~

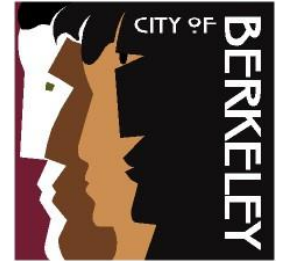
~~Public Comment on Non-Agenda Matters will be conducted in the order of hands raised on the Zoom platform, and will be limited to either the first 10 speakers during the initial round of Non-Agenda public comment, as well as all hands raised during the closing round of Non-Agenda public comment at the conclusion to the meeting, until such time that the~~

Commented [NML48]: This paragraph is only applicable to virtual-only meetings, which are currently not permitted under the Brown Act.

APPENDIX C

~~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

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SEPTEMBER 24, 2024

# Sources of Amendments

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- Planned Technical Revisions from Fall 2023
- Council Direction on May 7, 2024
- Agenda & Rules Committee Recommendations



# Planned Technical Revisions

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- 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

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- 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

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- 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

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- 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. Consider possible refinements to the definition of Major Items

"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 Guidelines are mandatory for all Major Items and strongly recommended for all other council reports Standard Items. While not all elements ~~would be~~ applicable to every type of Agenda item, the Guidelines ~~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~~

~~duplicate. In such case the agenda item distributed with the packet shall so indicate.~~

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal ~~Impacts~~ Considerations
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

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**1. Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

**2. Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

**3. Recommendation**

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options, -that can be presented singularly or in combination with others, include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, -it is not placed on any referral list)
- Referral to a Commission, ~~-or to a Standing or Ad Hoc~~ Council Policy Committee, or other Legislative Body

- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

#### 4. **Summary Statement** / **“Current situation and its effects”**

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):  
*Winter rains are lasting longer than expected. Berkeley’s winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley’s winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.*

#### 5. **Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

#### 6. **Review of Existing Plans, Programs, Policies and Laws**

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:



- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

## 7. **Actions/Alternatives Considered**

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

## 8. **Consultation/Outreach Overview and Results**

- Review/list external and internal stakeholders that were consulted, [as relevant](#).
  - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, [City Clerk](#), etc.
  - **Commissions:** [what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?](#)
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- [What changes or approaches did they advocate for that were accepted or rejected?](#)

## 9. **Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws

- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. ~~Plus~~In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- Example: Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.

#### **10. Implementation, Administration and Enforcement**

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

#### **11. Environmental Sustainability**

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

#### **12. Fiscal ~~Impacts~~ Considerations**

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs and benefits. Initial, high-level consultation with the City Manager and/or the City Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

#### **13. Outcomes and Evaluation**

State the specific outcomes expected, if any.

- ~~(i.e., Example: “it is expected that 100-300 homeless people will be referred to housing every year~~ able to access dry and warm shelter during the 3-month extension of the winter shelter program”)

Also state ~~and~~ what reporting or evaluation is recommended. \_

- Example: The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).

#### **14. Contact Information**

#### **15. Attachments/Supporting Materials**

## APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These Guidelines are mandatory for all Major Items and strongly recommended for Standard Items. While not all elements are applicable to every type of agenda item, the Guidelines prompt Authors to consider important elements of a complete item and to present items with as much relevant information and analysis as possible.

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 Considerations
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

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### 1. **Title**

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

### 2. **Consent/Action/Information Calendar**

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

### 3. **Recommendation**

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options, that can be presented singularly or in combination with others, include:

- Adopt first reading of ordinance
- Adopt a resolution

- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away; it is not placed on any referral list)
- Referral to a Commission, Council Policy Committee, or other Legislative Body
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

#### **4. Summary Statement**

A short resume of the circumstances that give rise to the need for the recommended action(s).

- Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
- Example (fictional):  
*Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process \$40,000 to cover costs of an additional two months of shelter operations.*

#### **5. Background**

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

#### **6. Review of Existing Plans, Programs, Policies and Laws**

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan

Review of similar legislation previously introduced/passed by Council

Review of County, State and Federal laws/policies/programs/plans, if applicable

## **7. Actions/Alternatives Considered**

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

## **8. Consultation/Outreach Overview and Results**

- Review/list external and internal stakeholders that were consulted, as relevant.
  - **External:** constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal:** staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, City Clerk, etc.
  - **Commissions:** what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?
- What reports, articles, books, websites and other materials were consulted?

- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

## **9. Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- *Example: Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.*

## **10. Implementation, Administration and Enforcement**

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

## **11. Environmental Sustainability**

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

## **12. Fiscal Considerations**

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs and benefits. Initial, high-level consultation with the City Manager and/or the City

Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

**13. Outcomes and Evaluation**

State the specific outcomes expected, if any.

- Example: *“It is expected that 300 homeless people will be able to access dry and warm shelter during the 3-month extension of the winter shelter program.”*

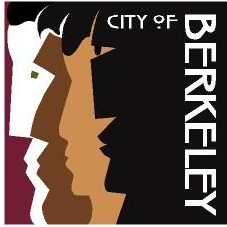
Also state what reporting or evaluation is recommended.

- Example: *“The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).”*

**14. Contact Information**

**15. Attachments/Supporting Materials**





Kate Harrison  
Councilmember District 4

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet**

**Meeting Date:**       **October 10, 2023**

**Item Number:**       **1**

**Item Description:**   **City Council Legislative Systems Redesign**

**Submitted by:**       **Councilmembers Harrison, Robinson, and Taplin**

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described in the background section.



Kate Harrison  
Councilmember District 4

ACTION CALENDAR

October 10, 2023

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison (Author), Councilmember Robinson (Co-Sponsor), and Councilmember Taplin (Co-Sponsor)

Subject: Alternative Council Legislative Process

RECOMMENDATION

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described below in the background section:

1. Incorporate positive elements of the Councilmember Hahn proposal, including mandatory Council memo guidelines, a formal process for City staff to provide conceptual input to authors, re-evaluating backlogged items for potential removal, and policy committees’ using a checklist to guide their analysis;<sup>1</sup>
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.

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<sup>1</sup> 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>  
2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7140 • TDD: (510) 981-6903 • Fax: (510) 981-6903 E-Mail: KHarrison@cityofberkeley.info

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:

- o review items for completeness and alignment with Strategic Plan goals;
- o 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;
- o include a positive, qualified, or negative "Committee recommendation" based on these criteria.<sup>2</sup>

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.<sup>3</sup> Ultimately the City Manager's proposal was not adopted by Council, and was

<sup>2</sup> 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>.

<sup>3</sup> 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***

## Alternative Council Legislative Process

- Council items are required to follow the guidelines already promulgated rather than leaving these guidelines as recommended only;<sup>4</sup>
- Formal process for City staff to provide high level conceptual input to authors before they submit proposals;<sup>5</sup>
- Process for addressing or re-prioritizing the “backlog” of unfunded items;<sup>6</sup>
- 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).<sup>7</sup>
- Policy Committees’ analysis is enhanced using a checklist (excluding Hahn proposal to rate items).<sup>8</sup>

***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.”<sup>9</sup>
- 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.<sup>10</sup> The proposal does not appreciate the September deadline artificially circumscribes Council’s ability to be responsive to public.<sup>11</sup> 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.<sup>12</sup>
- 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.<sup>13</sup>
- Provides Policy Committees inappropriate authority to prioritize/score items they review. Currently, Policy Committees provide recommendations about individual

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<sup>4</sup> Councilmember Hahn Draft Proposal, p. 44.

<sup>5</sup> Id., p. 43.

<sup>6</sup> Id., p. 47.

<sup>7</sup> Id., p. 44.

<sup>8</sup> Id., p. 36.

<sup>9</sup> Id., p. 24.

<sup>10</sup> Id., p. 43.

<sup>11</sup> Id. p. 27.

<sup>12</sup> 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.

<sup>13</sup> Id., p. 44.

policies, and Council as a whole is rightly tasked with prioritizing and scoring items in terms of approval and budgeting.<sup>14</sup>

- 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).<sup>15</sup>
- 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.<sup>16</sup>
- 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.<sup>17</sup>

### ***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

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<sup>14</sup> Id.

<sup>15</sup> Id., p. 26.

<sup>16</sup> Id.

<sup>17</sup> Id., p. 45

## Alternative Council Legislative Process

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.

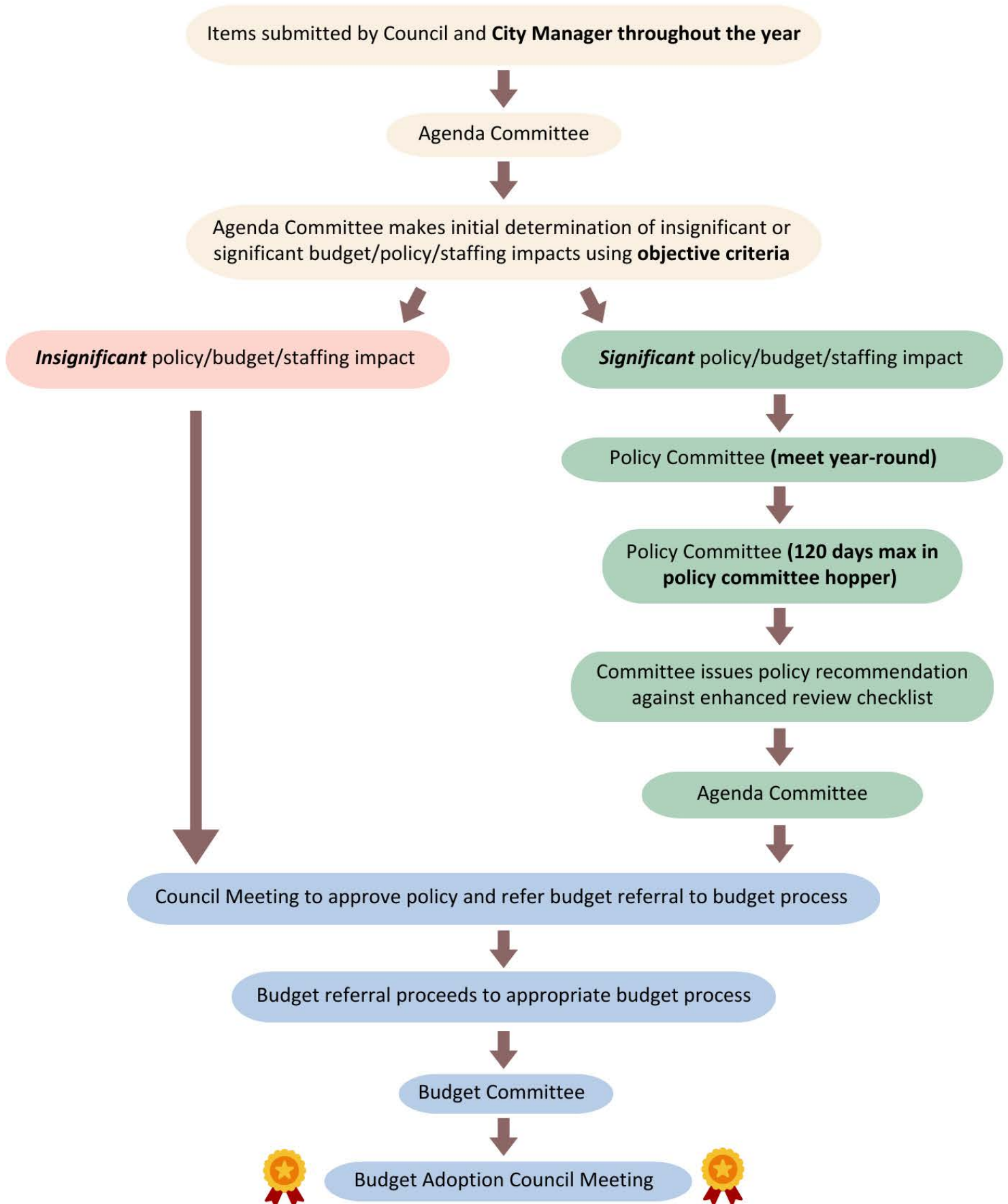
#### CONTACT

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

City Council Legislative Systems Redesign

WORKSESSION  
October 10, 2023

**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 COMMITTEE

## 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**

# 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].

# 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

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## 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

Page 1132 of 1413

## Public, Staff, City Attorney, Commission Inputs

- Active Outreach to all identifiable Stakeholders
- Multiple Hearings to allow for robust community, Staff, and City Attorney inputs + Discussion
- ENHANCE/EMPOWER City Attorney & Staff participation to ensure meaningful input, without requirement for formal reports
- Committee Schedule (set early October) will help ensure the right staff/attorneys are present for each item
- *Consider how to obtain/integrate input from Commissions*

# PRIORITIZATION – SPECIAL *BACKLOGGED QUEUE*

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

# 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

# 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

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

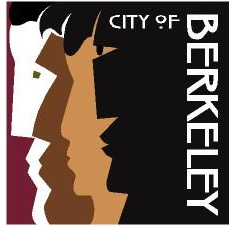
| Item Date                 | JM                                                                                                                                                                                                                                                                                                                                                                            | LM                                                                                                                                                                                                                          | LM                                                                                                                                                                                                                                                                                              | JM                                                                                                                                                                                                                                                                                                                                                                                                                           | LM                                                                                                                                                                                                                                 | LM                                                                                                                                                                                                                                                                                                                                  | JM                                                                                                                                                                                                                                                                            | JM                                                                                                                                                                                                                                                              |
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|                           | City Manager's System's Realignment Proposal<br>4/26/2021                                                                                                                                                                                                                                                                                                                     | Droste Response<br>5/18/2021                                                                                                                                                                                                | Council Feedback from Work Session<br>5/18/2021                                                                                                                                                                                                                                                 | Hahn Proposal<br>6/15/2021                                                                                                                                                                                                                                                                                                                                                                                                   | Harrison Proposal<br>6/15/2021                                                                                                                                                                                                     | 2021 Council Feedback<br>6/15/2021                                                                                                                                                                                                                                                                                                  | Droste BERIPE Plan<br>3/14/2023                                                                                                                                                                                                                                               | Hahn/City Clerk Proposal to A & R<br>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 recommendations 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 researched, revised and vetted with input from stakeholders, the public, City Staff and Council colleagues. 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 coincide 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<br>If not major, agendaized for Council meeting                                                                                                                                                                                                                                                                                                | Council Agenda Item Template recommended adjustments:<br>- add: Define the Problem<br>-Include Criteria Considered &<br>-Rationale for Recommendation<br>-Make Equity its own category<br>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<br>All Major Items, regardless of where originated follow the prescribed process<br>Council is encouraged to consult with staff during proposal development but may wait until during the Committee process<br>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<br>Divided into Seasons with deadlines for each phase                                                                                                                                                                         |
| Major Item Definition     | - Cannot be operationalized over time with existing resources<br>- Displaces an existing prioritized item<br>- Not implementable with existing resources<br>- Unable to sustain enforcement activities<br>- Subject to legal challenge and/or pre-emption<br>- Additional/new FTE on a temporary or permanent basis<br>- 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<br>EXCEPTIONS:<br>- Grant deadlines<br>- Public Safety Issues<br>- Declared local emergencies<br>If exceptions granted, projects "in process" must be identified and delayed                                                                                                                                                                    | Major Item Determination Checklist<br>recommended adjustments:<br>Define "smaller" and "less impactful" and state how that is determined.                                                                                   |                                                                                                                                                                                                                                                                                                 | (see definition above)<br>Can originate from Councilmembers, City Manager (often as referral responses) or Commissions<br>A & R makes determination if a submittal is a Major Item - can be sent back to originator for more information and compliance with Guidelines                                                                                                                                                      | 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<br>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<br>Agendaized 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<br>Councilmember limited to submitting 1 major legislative item or set of amendments to existing ordinances/yr<br>Mayor limited to submitting 2 major legislative items or set of amendments to existing ordinances/yr<br>DEADLINE TBD | September 30 for next fiscal year consideration                                                                                                                                                                                                                 |

Systems Realignment Matrix - Updated 10-3-2023

| Item Date                 | JM<br>City Manager's System's<br>Realignment Proposal<br>4/26/2021 | LM<br>Droste Response<br>5/18/2021                                                                                                                                                                                                                                                           | LM<br>Council Feedback from<br>Work Session<br>5/18/2021                                                                                                                                                                                      | JM<br>Hahn Proposal<br>6/15/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | LM<br>Harrison Proposal<br>6/15/2021                                                                                                                                                                                            | LM<br>2021 Council Feedback<br>6/15/2021 | JM<br>Droste BERIPE Plan<br>3/14/2023                                                                                                                                                                                                                                                                                                                                                                                                                                         | JM<br>Hahn/City Clerk Proposal to A & R<br>10/10/2023                                                                                                                                                                                                                                                                                                                               |
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|                           |                                                                    |                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                 |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                     |
| Item Distinction/ Process | <b>Policy Committee Review</b>                                     | Referred by A & R<br>Reviewed for completeness and alignment with Strategic Plan goals.<br>Commission review.<br>Once approved for consideration moves to Implementation Conference                                                                                                          | Policy Committee Ranking Form<br>recommended adjustments:<br>-Use score rather than rank<br>NOTE:<br>CM presentation no longer recommends using the Ranking Form                                                                              | A & R makes determination if a proposal meets information in Guidelines prior to sending on to Committees - Author has right to appeal<br>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<br>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<br>A & R - October: will require special meetings. determines completeness based on Major Items Guidelines edits must be completed by 3rd Friday in October in order to move to Committees<br>Committees determine order of hearings, create calendar, group like items together, understand staffing impacts, follow Enhanced Review Process |
|                           | <b>Implementation Conference</b>                                   | CM or designee, CAO, Department Head or designee<br>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<br>recommended adjustments:<br>-Reduce amount of redundant components and specify what impact means.<br>-Include similar additions as Council Item Template.<br>-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.<br><br>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.<br><br>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                                                                                                                                                                                                                                                                                                                                                                                 |
|                           | <b>Implementation Conference Deadline</b>                          | August 31                                                                                                                                                                                                                                                                                    | No calendar deadline                                                                                                                                                                                                                          | No calendar deadline                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | No calendar deadline. Rolling basis.                                                                                                                                                                                            | N/A                                      | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | N/A                                                                                                                                                                                                                                                                                                                                                                                 |
|                           | <b>Initial Prioritization</b>                                      | July 31.<br>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                                                                                                                                                                                                                                                                                                                            |
|                           | <b>Council Approval and Final Prioritization</b>                   | October Council Calendar Council approval, prioritization, assign fiscal year for implementation, identify removal of items that new initiatives will replace<br>If Council does not approve, item can be reintroduced the following year<br>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 Implementation                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 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.<br>Year 2 and ongoing: Only new legislative submittals will be prioritized | Council Season: Feb 1 - April 30<br>CAO must confirm compliance with Ordinances<br><br>Prioritization: Council and Committee prioritize and send to Budget Committee                                                                                                                                                                                                                |

Systems Realignment Matrix - Updated 10-3-2023

| Item Date                   | JM<br>City Manager's System's Realignment Proposal<br>4/26/2021                                                                                                                                                                                            | LM<br>Droste Response<br>5/18/2021 | LM<br>Council Feedback from Work Session<br>5/18/2021 | JM<br>Hahn Proposal<br>6/15/2021                                                                                 | LM<br>Harrison Proposal<br>6/15/2021                       | LM<br>2021 Council Feedback<br>6/15/2021 | JM<br>Droste BERIPE Plan<br>3/14/2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | JM<br>Hahn/City Clerk Proposal to A & R<br>10/10/2023                                                                                                                                                                                                                                |
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|                             |                                                                                                                                                                                                                                                            |                                    |                                                       |                                                                                                                  |                                                            |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |
| Budget & Strategic Planning | December/January<br>Staff to incorporate approved items into Budget/workplan ranked by priority<br>January - March<br>Council and Staff revise the budget based on department presentations to BC<br>May/June<br>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)<br>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.<br><br>No budget referral can directly fund a specific organization or event. Organizations receiving 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<br>Council prioritization to Budget committee not binding. Budget Committee makes recommendations to full Council<br>Funded Council approved items move to Implementation<br>Unfunded Council approved items rollover to future funding opportunities |
| Implementation              |                                                                                                                                                                                                                                                            |                                    |                                                       |                                                                                                                  |                                                            | N/A                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | July (Month 1 of new fiscal year)<br>Implementation Lead and Team assigned<br>Meeting with Authors for clarity, timelines, challenges<br>Implementation Team prepared Launch and Operational Plans                                                                                   |
| Tools                       | Council Item template outlining required information<br>Major Item checklist<br>Implementation Conference Worksheet<br>Major Item Determination Checklist<br>Policy Committee Ranking Form                                                                 |                                    |                                                       | Guidelines for Proposals/Council Items                                                                           | Alternative Systems Alignment Proposal flowchart.          | N/A                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Major Items Guidelines Format<br>Enhanced Review Process                                                                                                                                                                                                                             |
| Consolidated Yearly Cycle   | Implementation Conference<br>Deadline: August 31<br>Council Prioritization<br>Deadline: July 31<br>Council Approval Deadline: November 30<br>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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Submission Season: Year round with August 1 deadline for next fiscal year consideration<br>Committee Season: Sept 1 - January 30<br>A & R and council committee review<br>Council Season: Feb 1 - April 30<br>Budget Season: May 1 - June 30                                         |
| Recommendations             | 1 - Staff input in legislative drafting is important                                                                                                                                                                                                       |                                    |                                                       |                                                                                                                  |                                                            |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |
| Consensus                   | 1 - Different timelines for different types of items (some staggered, some ongoing)                                                                                                                                                                        |                                    |                                                       |                                                                                                                  |                                                            |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |
| Variable Differences        | 1 - What impact does this have on the RPP process? What needs to change? What limits revisions to a systems redesign process?                                                                                                                              |                                    |                                                       |                                                                                                                  |                                                            |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |
| Outstanding Questions       |                                                                                                                                                                                                                                                            |                                    |                                                       |                                                                                                                  |                                                            |                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                      |



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 overall 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 stymie 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: *DWR* 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 three-quarters of 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 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> 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,<sup>1</sup> 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

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<sup>1</sup> 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 Guidelines, 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 Guidelines, 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:

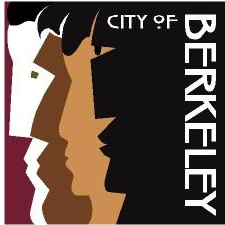
| PROCESS ELEMENT                                                             | CONTENT                                                                                                                                                                                                                                                                                                                           | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MAJOR ITEM SUBMISSION                                                       | <i>Strongly encourage Authors to present Major Items in the full Guidelines format, which prompts for deep research, analysis and consultation</i>                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 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. <i>The adoption of a definition for Major Items clarifies a practice that is already in place.</i><br><br>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”). <i>All of this is already reflected in the Rules governing Policy Committees.</i> |
| 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. <i>The Rules should be amended to require all Major Items, regardless of where they originated, to be reviewed in Committee</i> unless they fall under the Time Critical Track or another exception.                                                                                                                                                                                                                                                                                             |
| Make <b>Guidelines Mandatory</b> 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Staff Consultation is encouraged, but not required</b> 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.                                                                                                                                                                                                                                                         |
| <b>City Attorney Consultation</b>                                                                                                                                               | 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. |
| <b>Agenda Committee makes an initial determination</b> of whether an Item is "Major" and will be referred to a Committee, with input from the Author(s).                        | <i>This tracks the current practice</i> - 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 <i>not</i> referred to Committees. <i>This practice will be unchanged.</i>                                                              |
| The Agenda Committee may <b>require a Major Item not presented and/or fully rendered according to the Guidelines to be more amply developed</b> 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.<br><br>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.                                                                                                                              |
| <b>Appeal/Override</b> 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.                                                                                        |
| <b>Major Items that are Complete</b> go to Committee (or items that are incomplete but subject to an override)                                                                  | <i>Per existing rules</i> , Major Items will be routed to a policy committee unless an exception applies.                                                                                                                                                                                                                                                                                                                | Exceptions are already listed in the Rules.                                                                                                                                                                                                                                                                                       |

| MAJOR ITEM COMMITTEE REVIEW                                                                                   | <b><i>Clarify and significantly improve process and substance of Major Item review @ Committee, including development of a preliminary launch and implementation plan and associated costs</i></b>                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Committee hears Major Item more than once -</b><br>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 Committee 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.                                                                                                                                                                                              |
| <b>Committee reviews specific elements</b> 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.<br><br>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.                                                                                                                                 |
| <b>Committee identifies and does specific outreach to Stakeholders and Experts</b>                            | 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.<br><br>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.                                                                                                         |
| <b>Staff input is agendized and includes preliminary review of Launch and Implementation</b>                  | 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. <i>In addition, a specific time for staff input should be agendized.</i><br><br>The Staff presentation should include <i>preliminary review of staffing and budget/resource needs for both Launch and Implementation.</i>                             | 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 <b>Staffing of Committees</b>               | 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 <b>passed by Council</b>                  | 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.



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.

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 remuneration 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 within 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):

- o 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.
- o 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.
- o 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.
- o 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

Comments and Alternative Systems Alignment Proposal

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.

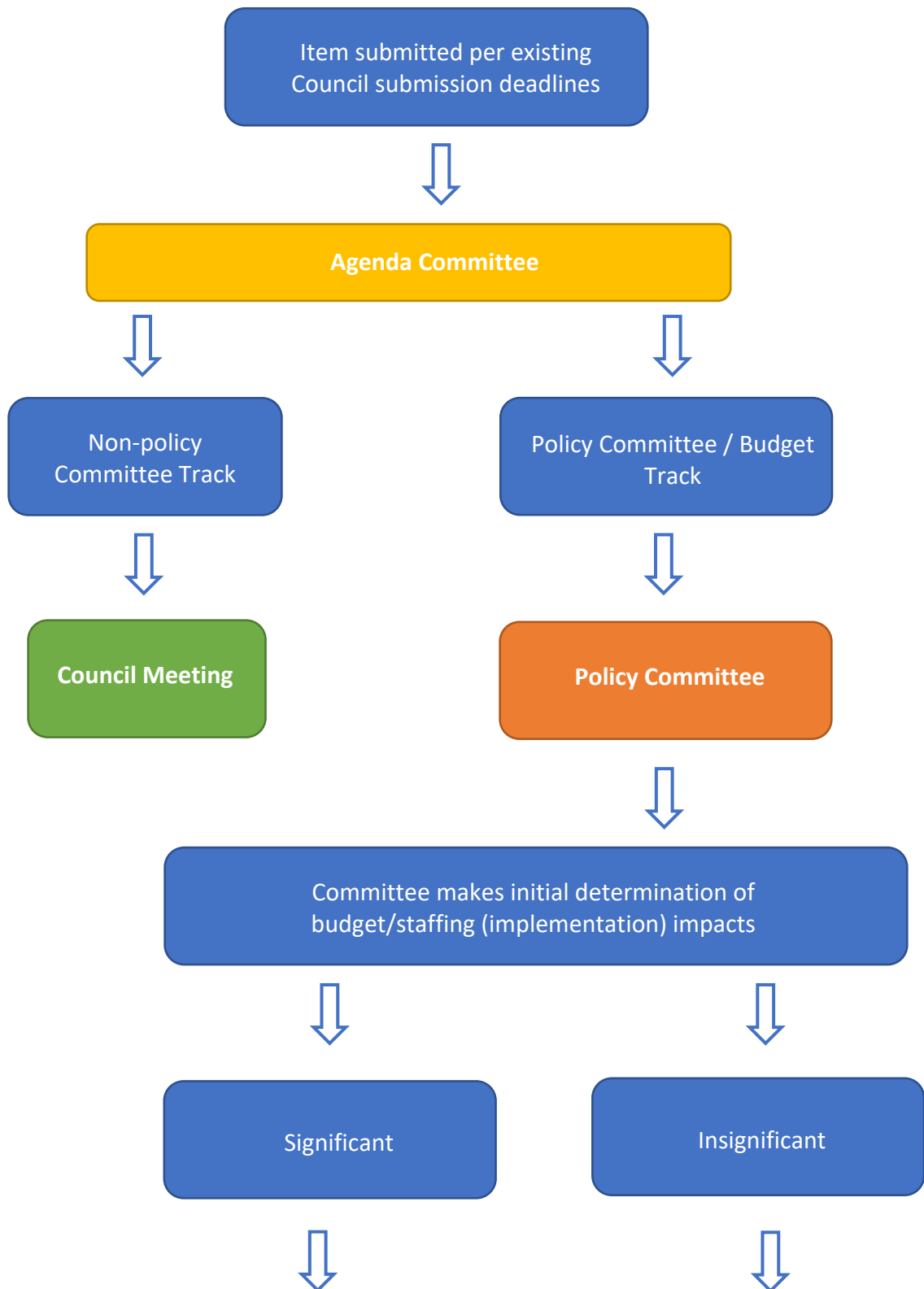
CONTACT

Councilmember Kate Harrison  
kharrison@cityofberkeley.info | 510-981-7140

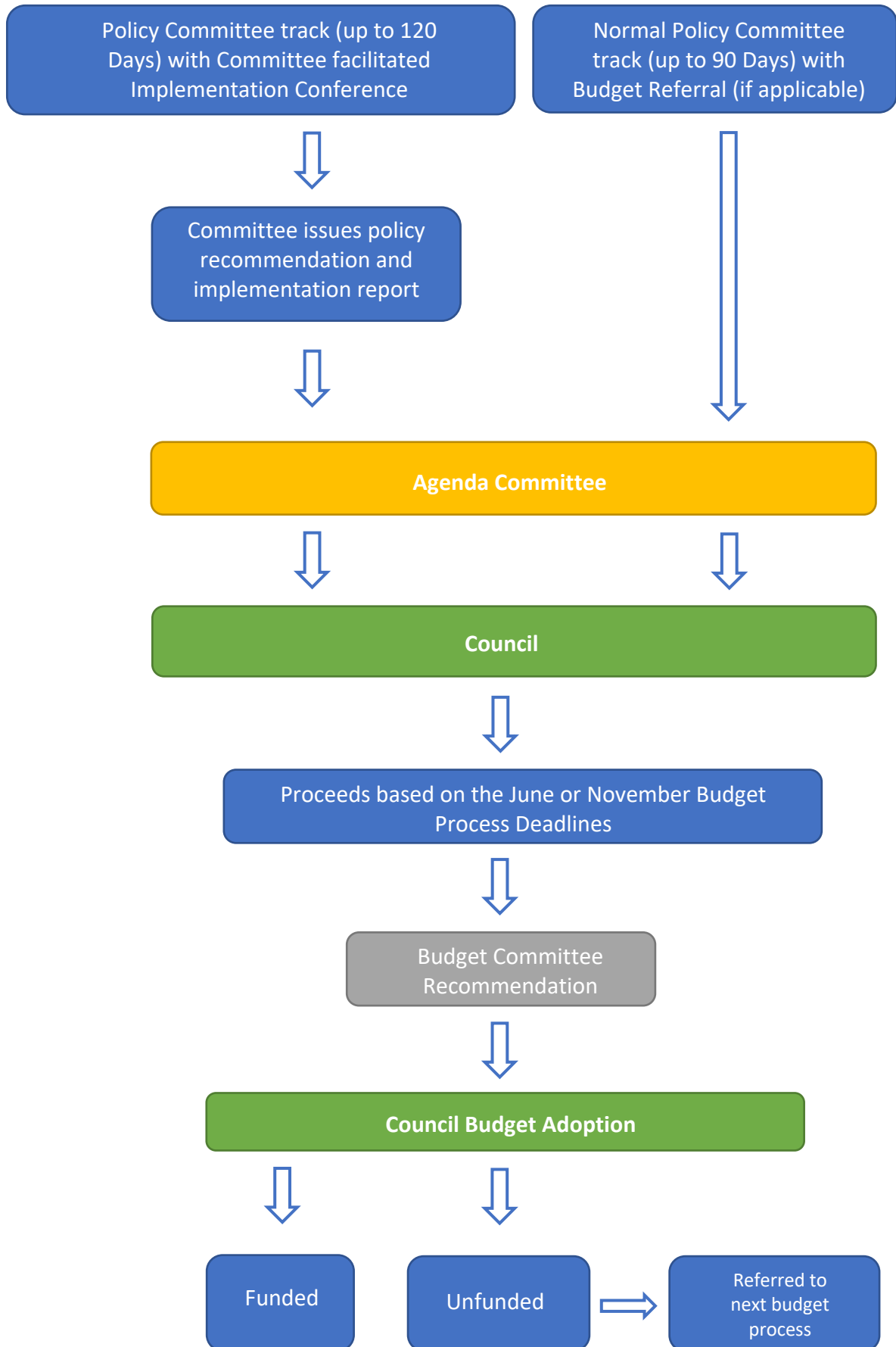
ATTACHMENTS:

1. Flowchart of Alternative Systems Alignment Proposal

## Alternative Systems Alignment Proposal









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<sup>1</sup> (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

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<sup>1</sup> 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](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-healthy 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<sup>2</sup>, including but not limited to health and

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<sup>2</sup> 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](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf),<sup>3</sup> the Policy

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<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf](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
  - o Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
  - o Summarizes and confirms what was learned from consultation,
  - o Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,<sup>4</sup>
- *Implementation, Administration, and Enforcement*, which
  - o Identifies internal and external benefits and impacts, and

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<sup>4</sup> 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.

- o Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
  - o Summarizes any operational impacts,
  - o Identifies necessary resources, including specific staff resources needed and costs.<sup>5</sup>

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 or special Council meeting in October for approval and inclusion in the RRV process.

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<sup>5</sup> 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.<sup>6</sup> 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.

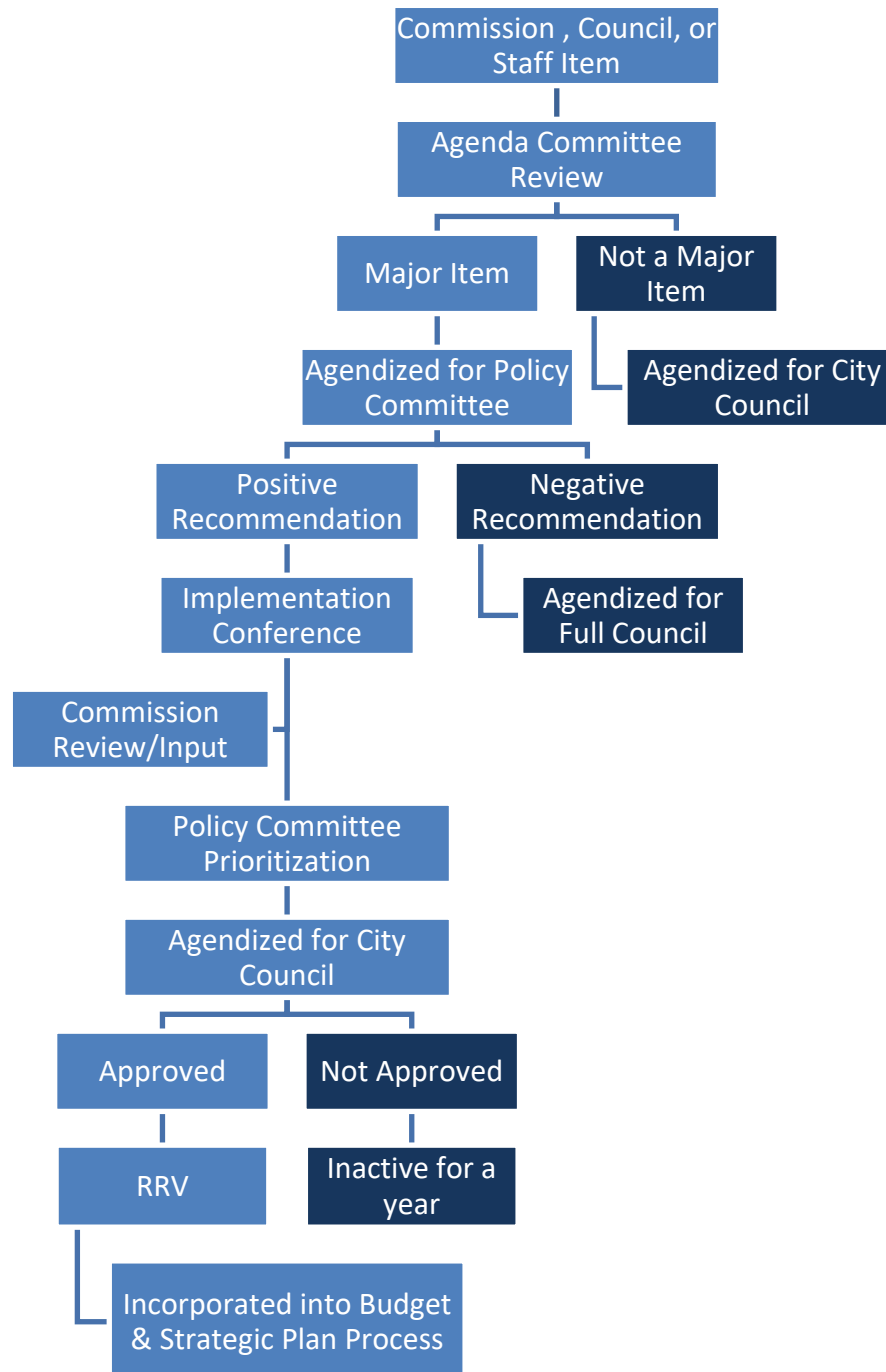
During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by 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 biennial. 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.

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<sup>6</sup> 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<sup>7</sup>



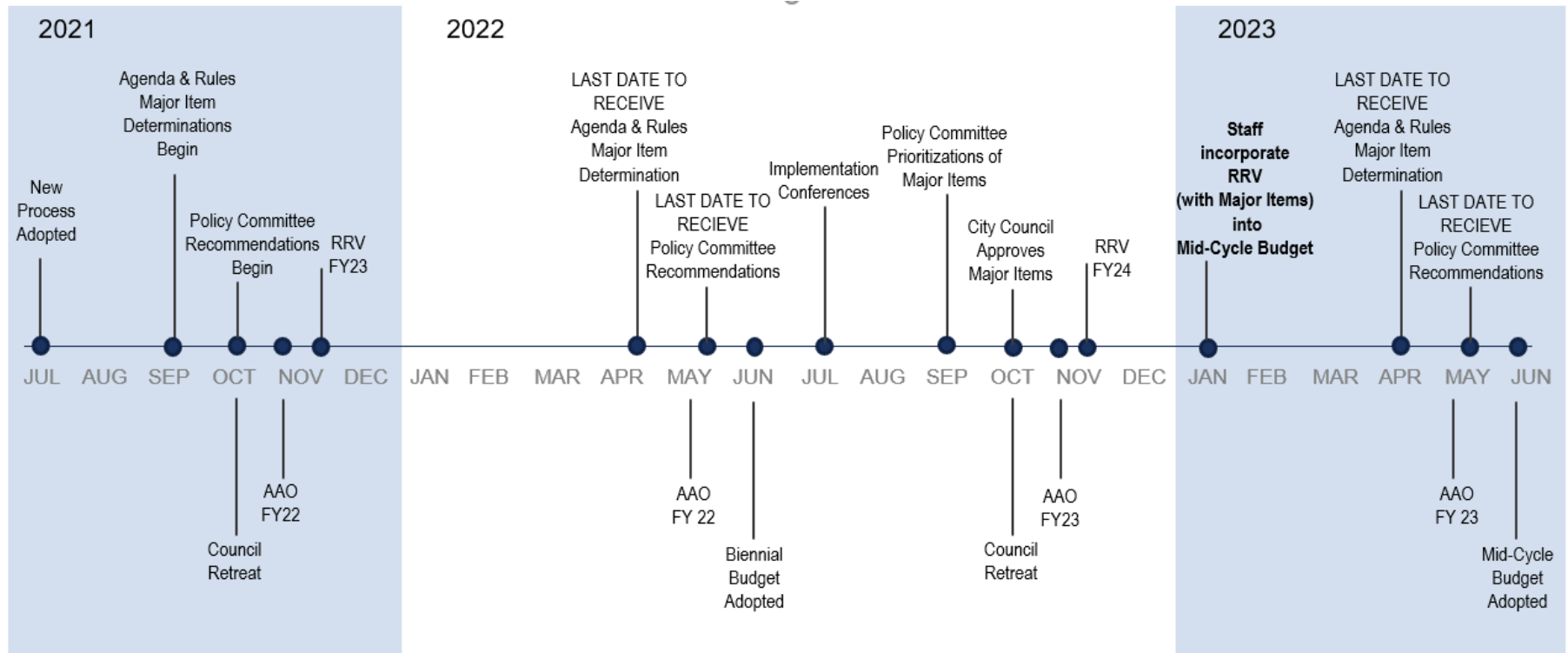
<sup>7</sup> Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.





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 \_\_\_\_\_



[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.

[Title of Report]

CALENDAR

Macrobutton NoMacro [Meeting Date (MM dd, yyyy)]

- 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:                                      |

|                                                                                       |
|---------------------------------------------------------------------------------------|
| 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:<br><br>Number of FTE/hours:<br>Type of staff resource needed: |
| Costs:<br><br>Amount(s):<br>Funding Source:                                           |

## STAFF SECTION

Staff may complete section to provide required information for the report.

|                                                     |                    |
|-----------------------------------------------------|--------------------|
| Estimated Launch/implementation Deliverables/Dates: |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |
| Estimated Administration Deliverables/Dates:        |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |

### Legal Consultation:

☐ Confirmed

Name/Date \_\_\_\_\_

### Staff Consultation:

☐ Confirmed

Name(s)/Date(s) \_\_\_\_\_



## 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<br>1 is highest | Major Item Name | Major Item Author | Considerations<br>H high M medium L low |      |                      |
|--------------------------|-----------------|-------------------|-----------------------------------------|------|----------------------|
|                          |                 |                   | Staff Resources                         | Cost | Benefits/<br>Savings |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |

### Policy Committee Determination:

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_



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 amelioration.**

*(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~~

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  - provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
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  - 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.
  - 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.
- ENVIRONMENTAL SUSTAINABILITY

### **RATIONALE FOR RECOMMENDATION**

This section should describe how the author landed on the recommendation using the criteria considered. This section can also describe other alternatives considered.

### **CONTACT PERSON**

Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]

1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]

2: [Title or Description of Attachment]

3: [Title or Description of Attachment]

### Implementation Conference Worksheet

|                                                                                    |
|------------------------------------------------------------------------------------|
| Descriptive Title                                                                  |
| Consent Action or Information                                                      |
| Recommendation                                                                     |
| <b><u>Problem</u></b> Statement                                                    |
| Background, etc                                                                    |
| Plans, etc.                                                                        |
| <b><u>Current Situation and Its Effects</u></b>                                    |
| Actions/Alternatives Considered                                                    |
| <b><u>Stakeholders Consultation and Results</u></b>                                |
| 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 <i>should go at the end after evaluative criteria</i> |
| <b><u>Policy Benefit</u></b>                                                       |
| Internal Benefits of Implementation:                                               |
| Internal Impacts of Implementation:                                                |
| External Benefits of Implementation:                                               |
| External Impacts of Implementation:                                                |
| Equity Considerations                                                              |
| Environmental Considerations                                                       |
| Operational Impacts                                                                |
| <b><u>Strategic Plan Goal Alignment</u></b>                                        |
| Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):       |
| Costs (Amount(s), Funding Source):                                                 |
| <b><u>Rationale for Recommendation</u></b> <i>(after analysis)</i>                 |





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

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Lori Droste  
Vice Mayor District 8

To: Mayor and Council  
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### Implementation Conference Worksheet

|                                                                                    |
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| Recommendation                                                                     |
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| Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):       |
| Costs (Amount(s), Funding Source):                                                 |
| <b><u>Rationale for Recommendation</u></b> <i>(after analysis)</i>                 |



# SYSTEMS ALIGNMENT

PROCESS PROPOSAL FOR VETTING & PRIORITIZING MAJOR ITEMS



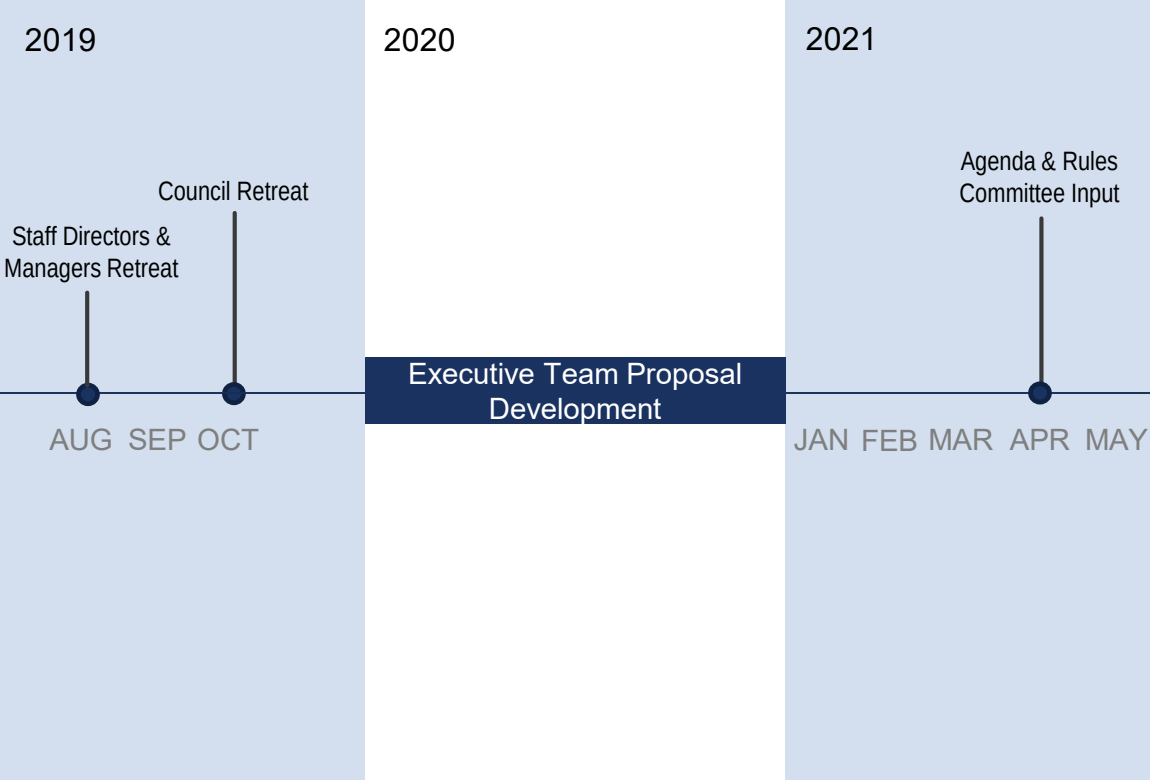
# THE TEAM



## AGENDA & RULES COMMITTEE



# BACKGROUND



**ANNOTATED AGENDA  
BERKELEY CITY COUNCIL  
SPECIAL MEETING MINUTES  
MONDAY, OCTOBER 21, 2019**

9:00 a.m.  
Community Room – Main Branch Library,  
JESSE ARREGUIN  
Councilmember

DISTRICT 1 – RASHI KESARWANI  
DISTRICT 2 – CHERYL DAVILA  
DISTRICT 3 – BEN BARTLETT  
DISTRICT 4 – KATE HARRISON

**Preliminary Matters**

**Roll Call:** 9:19 a.m.

**Present:** Kesarwani, Harrison, Hahn, Wengraf

**Absent:** Davila, Bartlett

Councilmember Davila present at 9:29 a.m.

**Public Comment – Items on this agenda**

**Action Calendar**

1. Discussion of Systems Realignment  
the City's Legislative Process and  
From: City Manager  
Contact: Dee Williams-Ridley, City Manager  
Action: Presentations made and discussed

**Adjournment**

**Action:** M/S/C (Droste/Wengraf) to adjourn the meeting.  
**Vote:** Ayes – Kesarwani, Davila, Harrison, Hahn, Wengraf  
Noes – None; Abstain – None; Absent – Bartlett

Adjourned at 1:52 p.m.

**Communications**

- None

**Supplemental Communications and**

Monday, October 21, 2019

**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

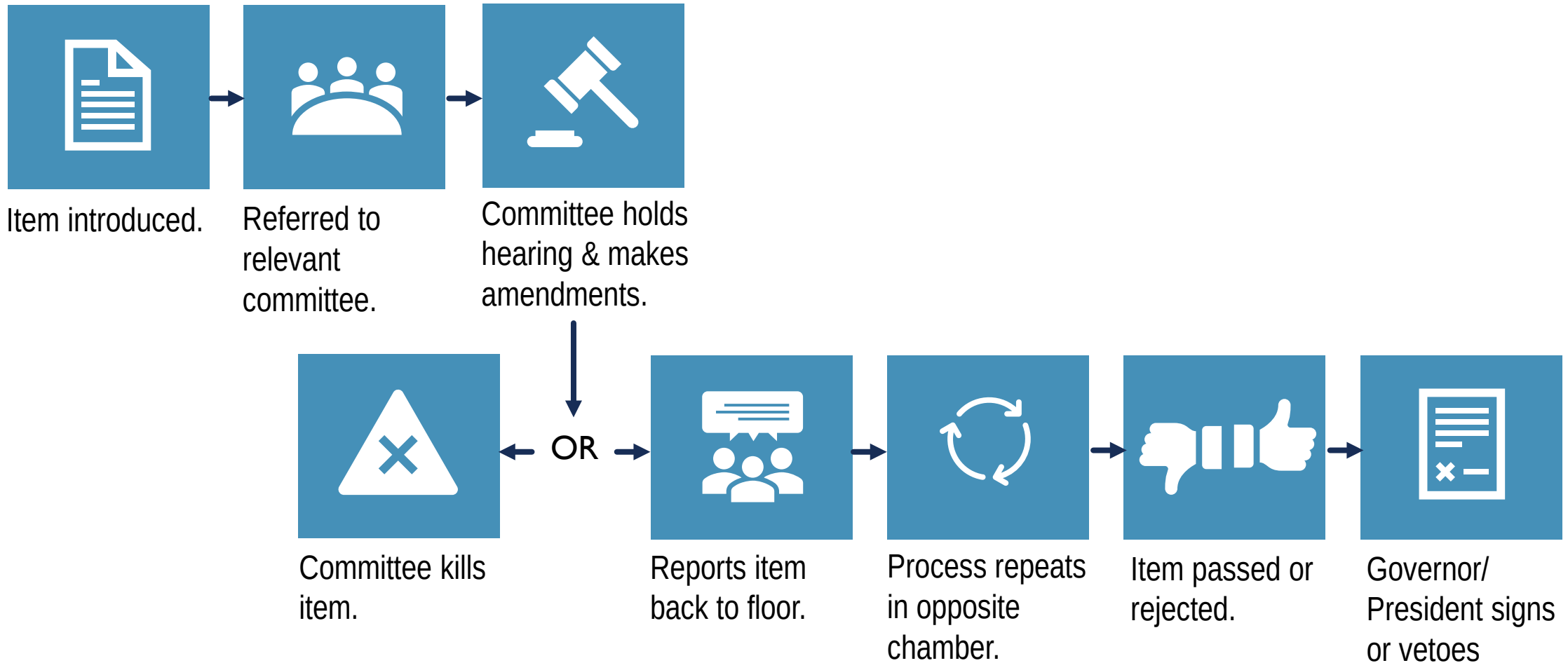
**Referred Items for Review**

8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings

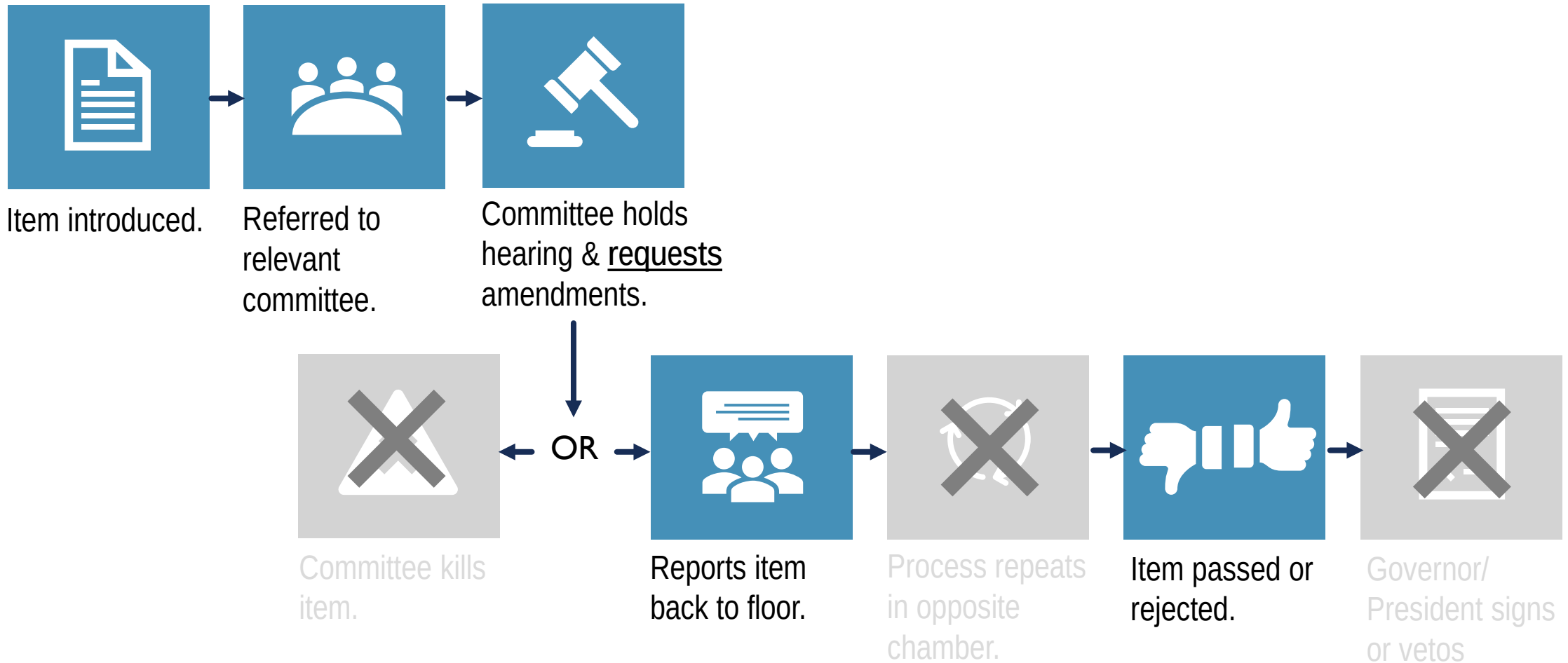
## OBJECTIVES

- 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

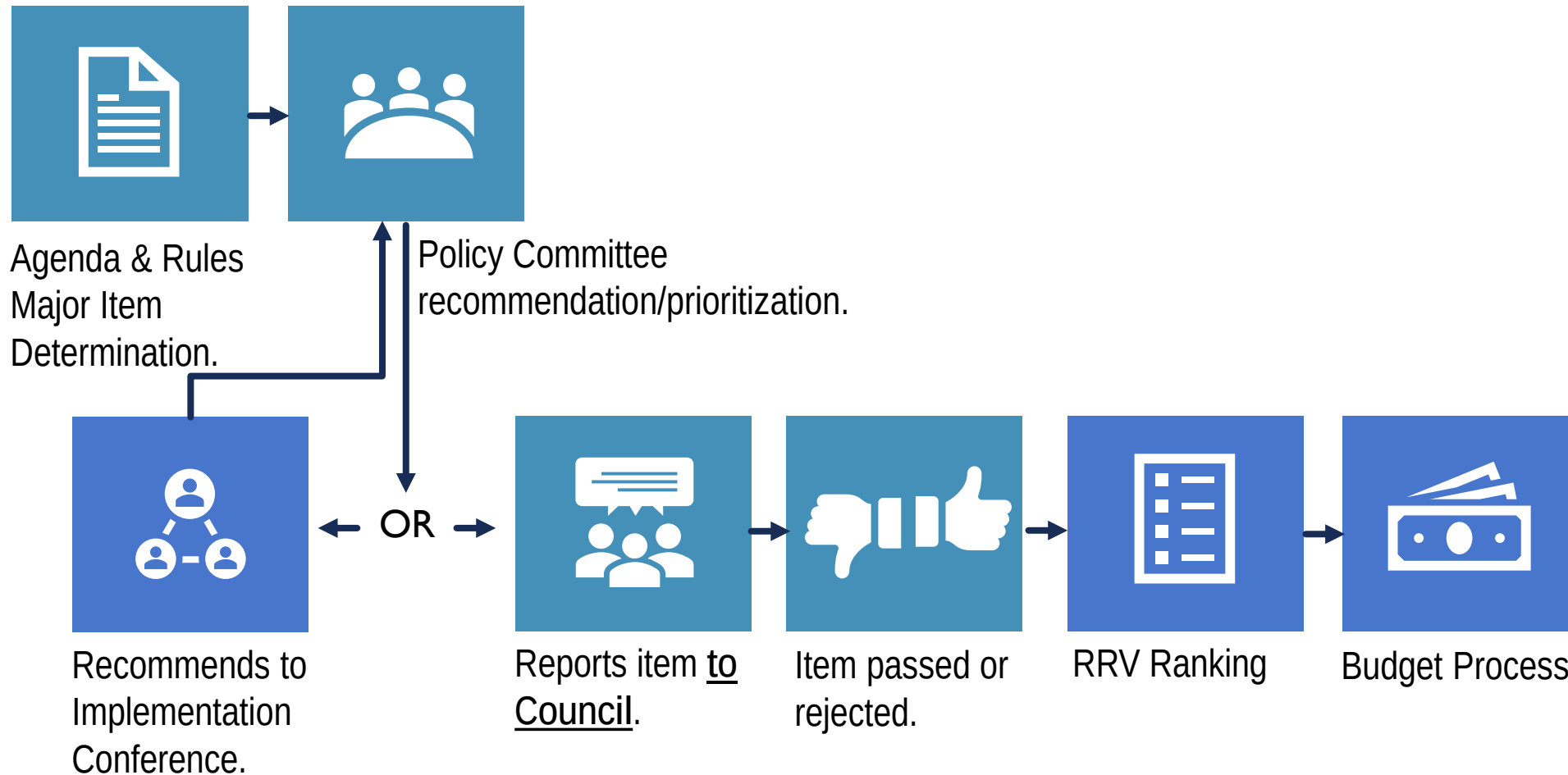


# HYBRID MODEL





# 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 COMMITTEE

**NOT RECOMMENDED**

## • Agenda & Rules Committee

### ▪ Appointees:

Jesse Arreguin, [Mayor](#)  
 Sophie Hahn, [Councilmember, District 5](#)  
 Susan Wengraf, [Councilmember, District 6](#)

### ▪ Alternate: Lori Droste, [Councilmember, District 8](#)

## • Budget & Finance Committee

### ▪ Appointees:

Jesse Arreguin, [Mayor](#)  
 Kate Harrison, [Councilmember, District 4](#)  
 Rigel Robinson, [Councilmember, District 7](#)

### ▪ Alternate: Sophie Hahn, [Councilmember, District 5](#)

## • Environment, Equity & Community Committee

### ▪ Appointees:

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                       |                                                                                                                                |
|--------------------------|--------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant change to existing law, program, or policy.                                                      |
| <input type="checkbox"/> | <input type="checkbox"/> | Item represents a significant addition to existing law, program, or policy.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | 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                       |                                                                     |
|--------------------------|--------------------------|---------------------------------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related the City's COVID-19 response.                       |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to the City Budget process.                         |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is related to essential or ongoing City processes or business. |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is urgent.                                                     |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is time-sensitive.                                             |
| <input type="checkbox"/> | <input type="checkbox"/> | Item is smaller.                                                    |
| <input type="checkbox"/> | <input type="checkbox"/> | 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 information

|                                                                |
|----------------------------------------------------------------|
| Descriptive title:                                             |
| Is this for Consent, Action, or Information Calendar?          |
| Recommendation:                                                |
| Summary statement:                                             |
| Background (history, circumstances and context)                |
| Plans, programs, policies and/or laws were taken into account: |
| Actions/alternatives considered:                               |
| Internal stakeholders consulted:                               |
| Name/date of Commission(s) item submitted to:                  |
| List of external stakeholders consulted:                       |

|                                                                   |
|-------------------------------------------------------------------|
| Summary of what was learned from consultation:                    |
| 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



ght, think about and then indicate whether each con  
orities. The highest priority would be "1", the

Item Name

**NOT RECOMMENDED**

**Policy Committee Determination:**

Per Committee Member\_\_\_\_\_

Per Committee Member\_\_\_\_\_

Per Committee Member \_\_\_\_\_





[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)]  
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RECOMMENDATION  
Adopt a Resolution...  
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or write a letter to \_\_\_ in support of \_\_\_\_\_...  
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- be a global leader in addressing climate change, advancing environmental

[Title of Report]

CALENDAR

- 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

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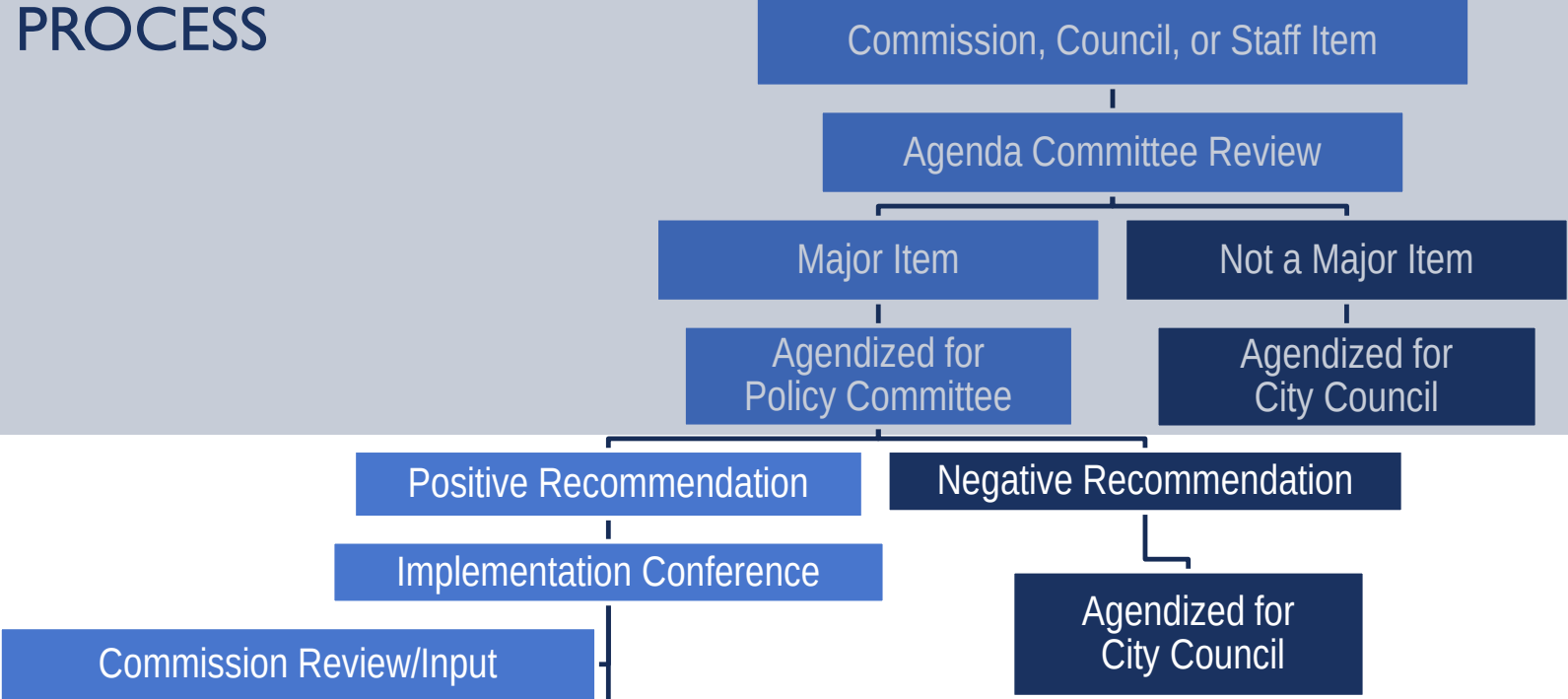
PROPOSED PROCESS

FLOW CHART



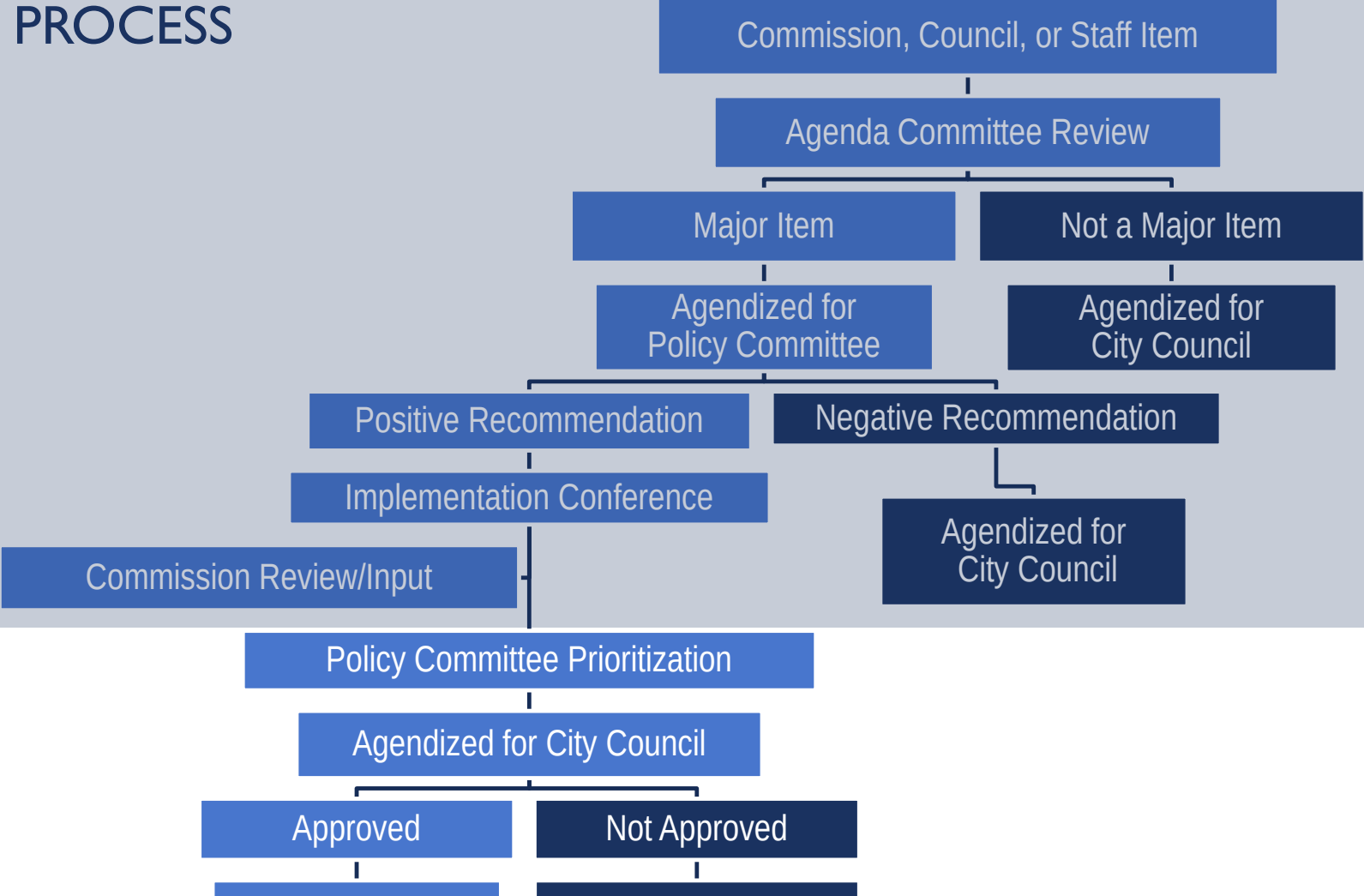
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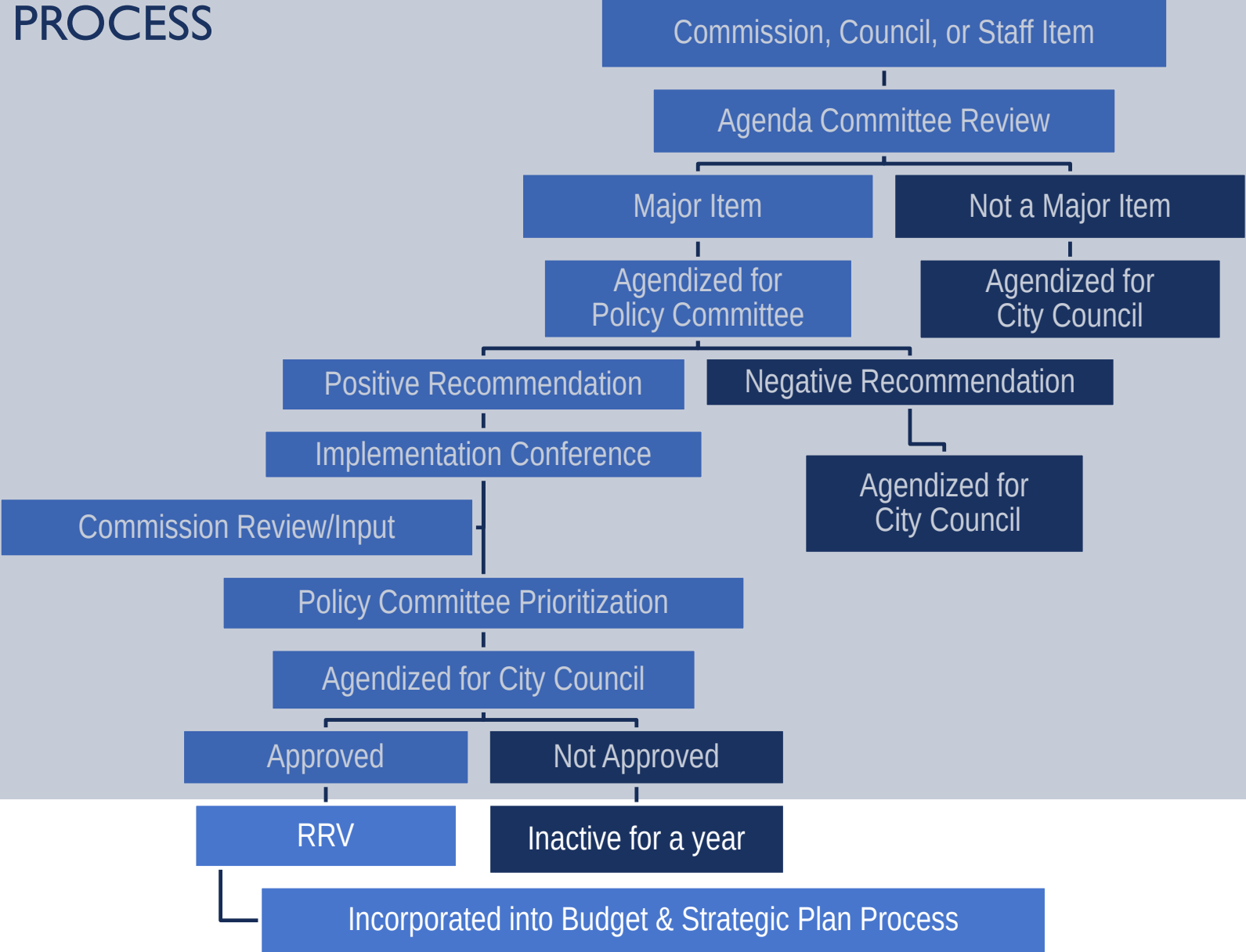
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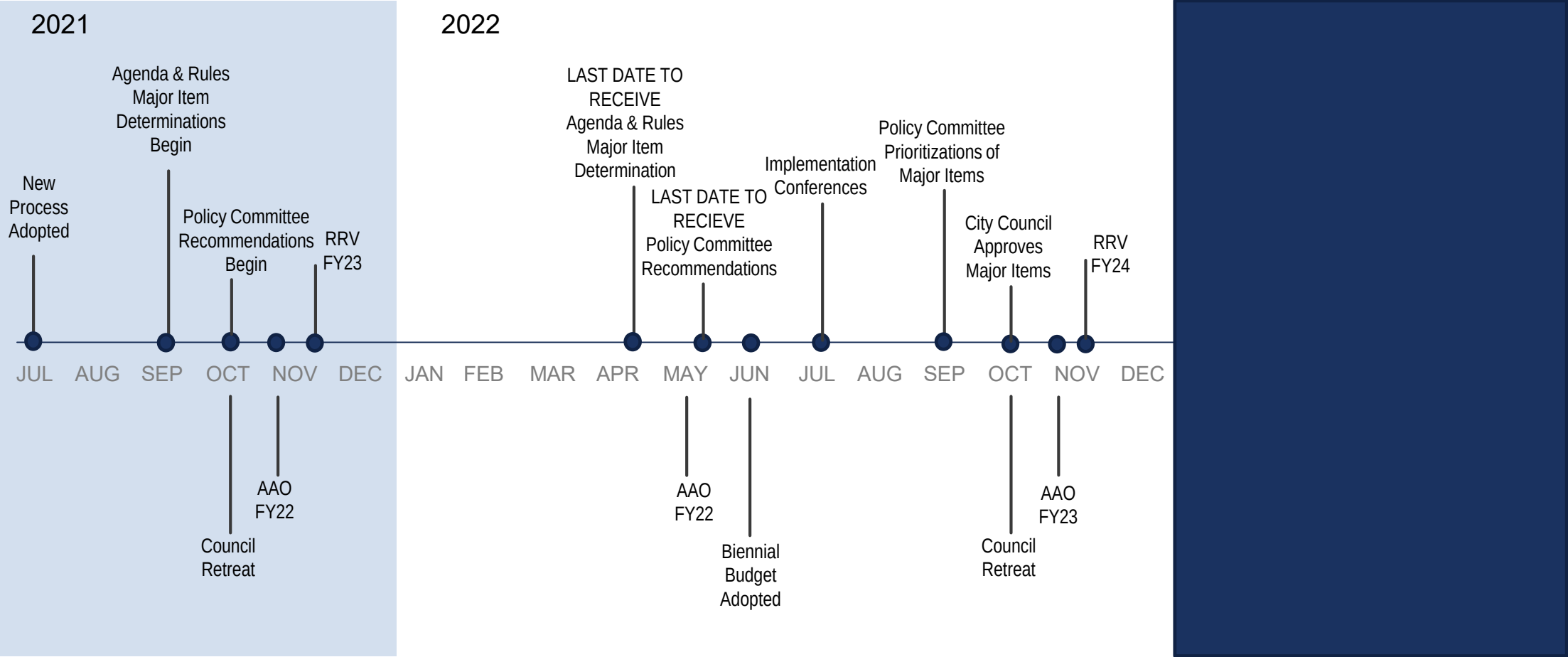
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FLOW CHART

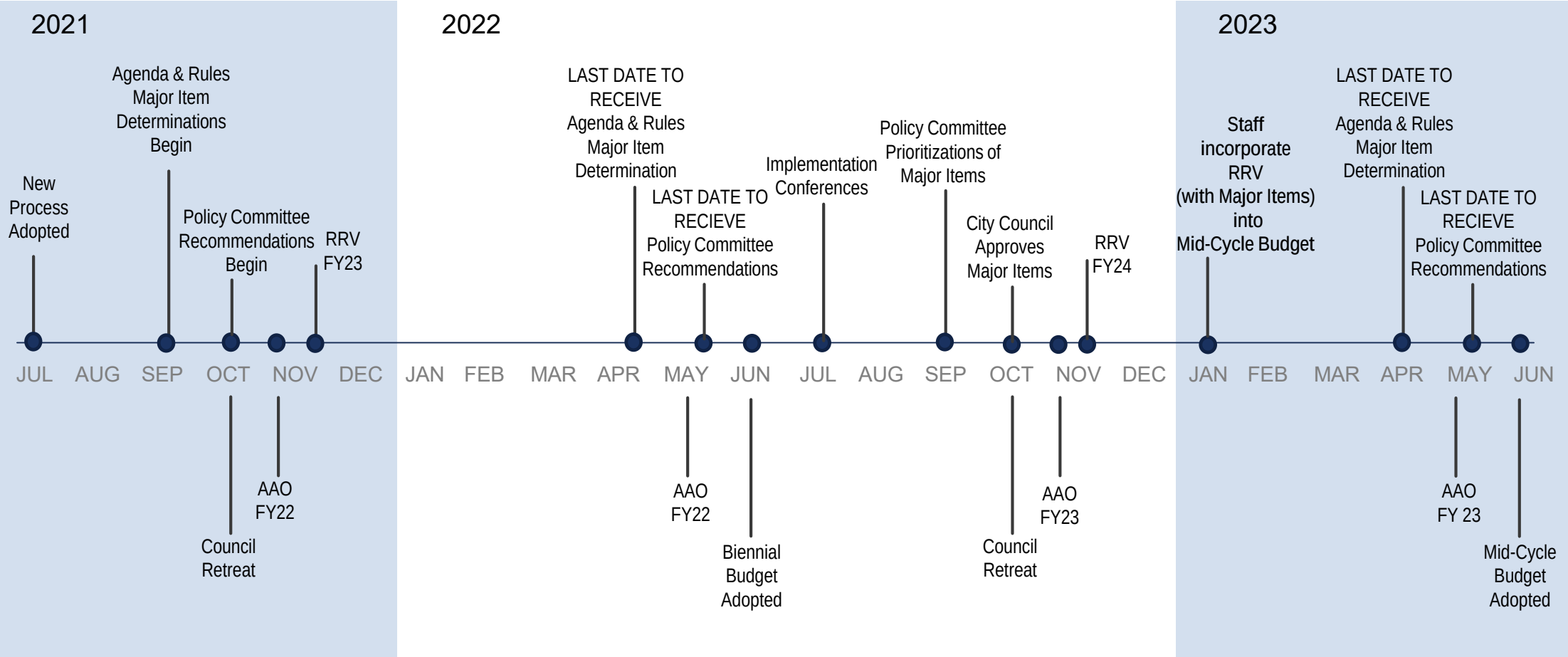




**PROPOSED IMPLEMENTATION**  
PHASE-IN OF SYSTEMS ALIGNMENT



**PROPOSED IMPLEMENTATION**  
PHASE-IN OF SYSTEMS ALIGNMENT



**PROPOSED IMPLEMENTATION**  
PHASE-IN OF SYSTEMS ALIGNMENT



# SEQUENCING & TIMING

## Existing

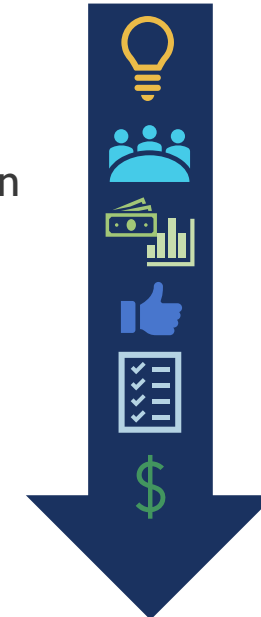
1. Idea
2. Committee Consideration
3. Council Approval
4. Costing
5. Budget development
6. RRV



Uncertain Timeline

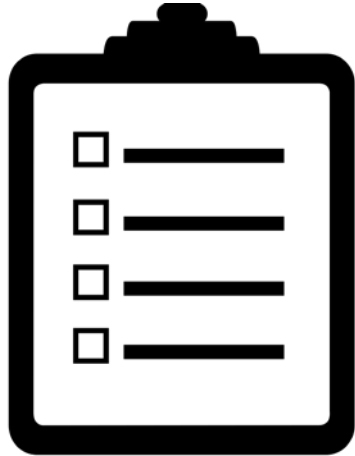
## Proposed

1. Idea
2. Committee Consideration
3. Vetting & Costing
4. Council Approval
5. RRV
6. Budget development



Certain Timeline

# WHAT'S DIFFERENT



Mandatory Guidelines

Implementation Conferences

Policy Committee Prioritization

Moving the RRV process

New required forms and processes

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary 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.

## 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

**01****Worksession Item**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<sup>1</sup> (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

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<sup>1</sup> 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](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-healthy 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<sup>2</sup>, 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.

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<sup>2</sup> 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](https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf),<sup>3</sup> 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).

<sup>3</sup> [https://www.cityofberkeley.info/uploadedFiles/Clerk/Level\\_3\\_-\\_City\\_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf](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
  - o Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
  - o Summarizes and confirms what was learned from consultation,
  - o Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,<sup>4</sup>
- *Implementation, Administration, and Enforcement*, which
  - o Identifies internal and external benefits and impacts, and
  - o Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
  - o Summarizes any operational impacts,

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<sup>4</sup> 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.

- o Identifies necessary resources, including specific staff resources needed and costs.<sup>5</sup>

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 or 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

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<sup>5</sup> 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.<sup>6</sup> 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.

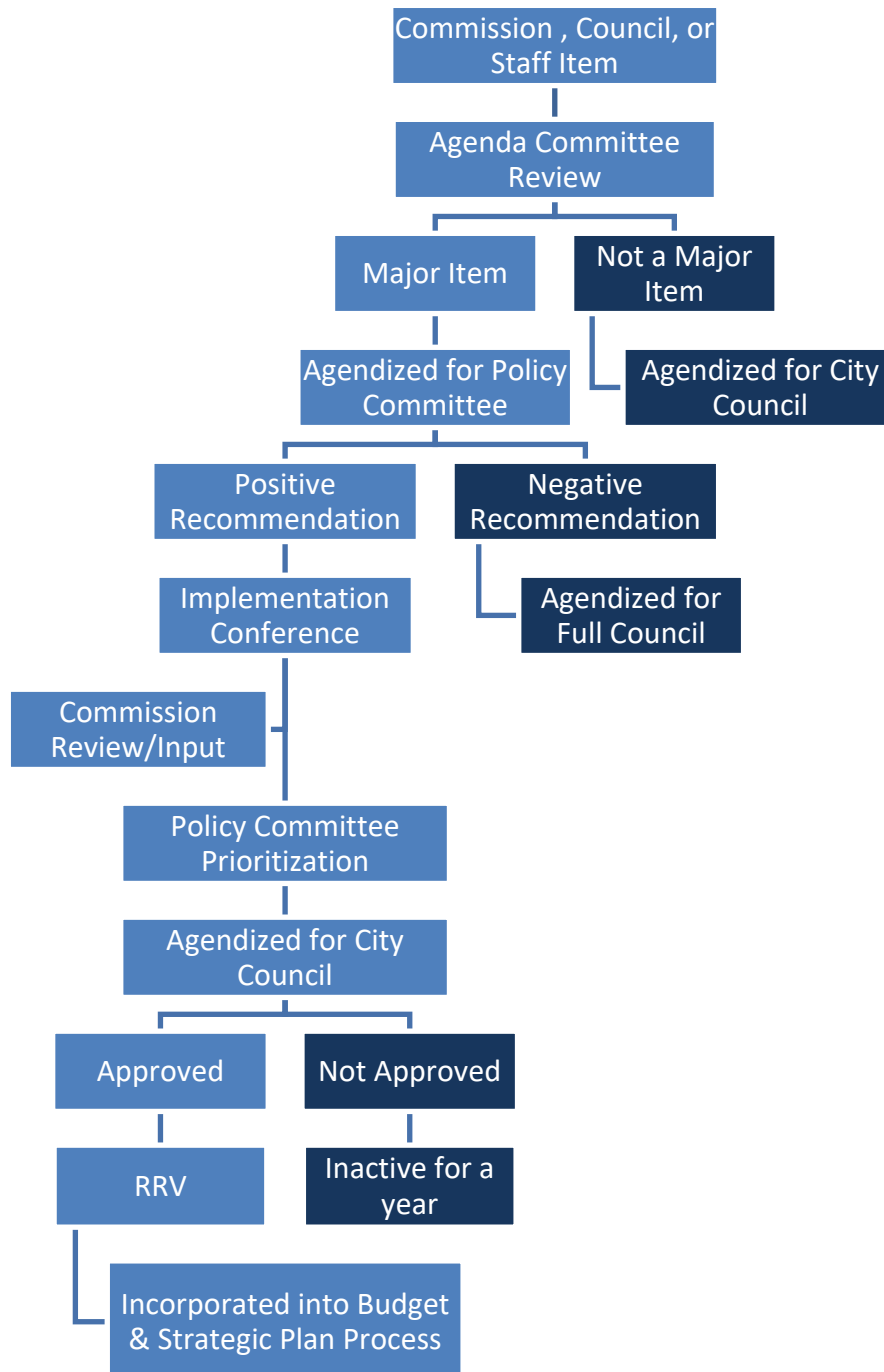
During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by 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 biennial. 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.

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<sup>6</sup> 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<sup>7</sup>

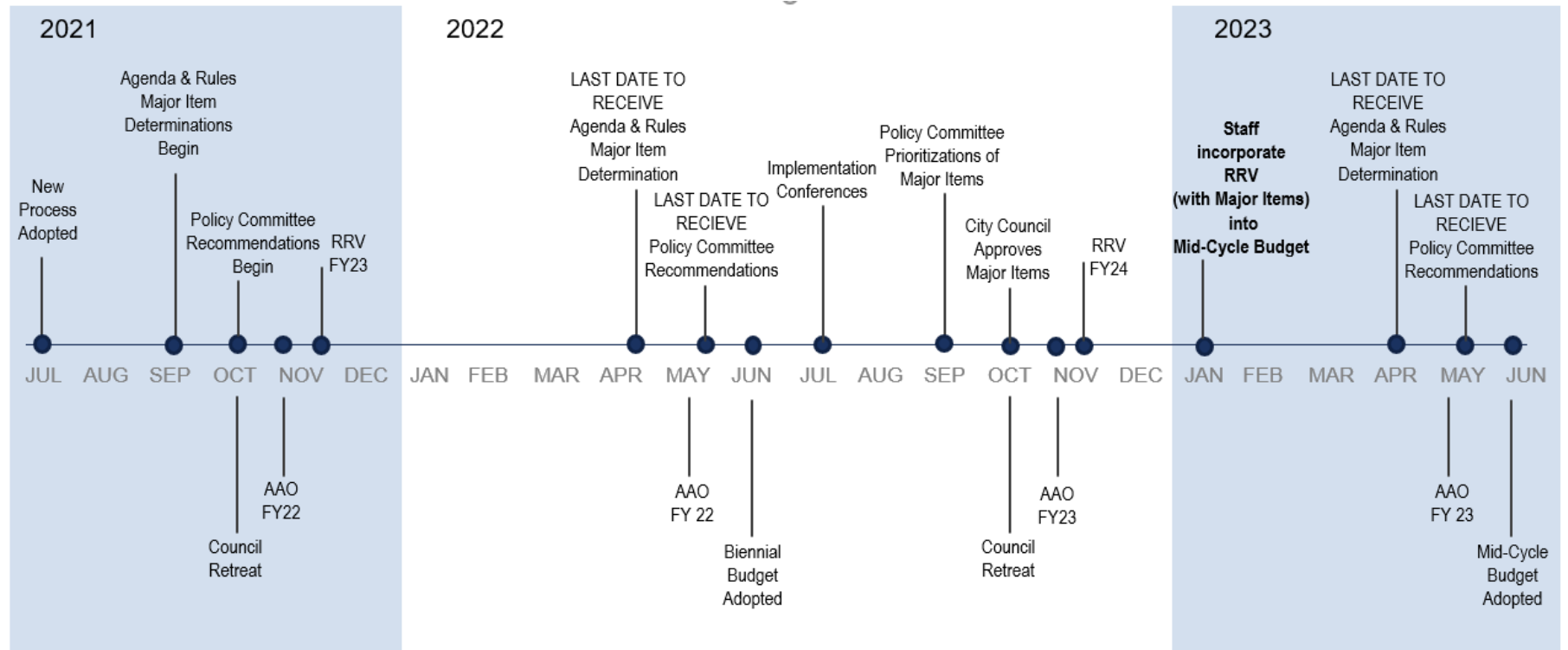


<sup>7</sup> Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.



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 \_\_\_\_\_



[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-healthy 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.

[Title of Report]

CALENDAR

Macrobutton NoMacro [Meeting Date (MM dd, yyyy)]

- 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:                                      |

|                                                                                       |
|---------------------------------------------------------------------------------------|
| 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:<br><br>Number of FTE/hours:<br>Type of staff resource needed: |
| Costs:<br><br>Amount(s):<br>Funding Source:                                           |

## STAFF SECTION

Staff may complete section to provide required information for the report.

|                                                     |                    |
|-----------------------------------------------------|--------------------|
| Estimated Launch/implementation Deliverables/Dates: |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |
| Estimated Administration Deliverables/Dates:        |                    |
| <i>Month/Year</i>                                   | <i>Deliverable</i> |

### Legal Consultation:

☐ Confirmed

Name/Date \_\_\_\_\_

### Staff Consultation:

☐ Confirmed

Name(s)/Date(s) \_\_\_\_\_





# 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<br>1 is highest | Major Item Name | Major Item Author | Considerations<br>H high M medium L low |      |                      |
|--------------------------|-----------------|-------------------|-----------------------------------------|------|----------------------|
|                          |                 |                   | Staff<br>Resources                      | Cost | Benefits/<br>Savings |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
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|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |
|                          |                 |                   |                                         |      |                      |

## Policy Committee Determination:

Indicate name and date below.

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_

Per Committee Member \_\_\_\_\_



*This information provided by a Certified Realtime Reporter. The City of Berkeley cannot certify the following text since we did not create it.*

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 NEED 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 NOW. 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 FIRM 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 INCREASE 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 BASED 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 PROVIDE 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 BASED 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 HUMBLLED 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 ANSWERS 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 CREATE 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 TO 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

# Unofficial Text File

>> GOOD AFTERNOON.

THANK YOU FOR WAITING PAITENTLY.

I WOULD NOW LIKE TO CALL TO ORDER THE SPECIAL MEETING OF THE  
BERKELEY CITY COUNCIL FOR TUESDAY, OCTOBER 10<sup>TH</sup>, 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.

>> 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.

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.

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. 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.

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.

AND I DID I WAS ABLE TO WORK WITH THE CITY MANAGER AND THE CITY CLERK'S OFFICE, NOT JUST TO GET THEIR INPUT BUT BECAUSE I NEEDED BUDDIES TO HELP DEVELOP THIS AND HAD NO OPPORTUNITY TO WORK WITH MY COLLEAGUES.

I ALSO JUST WANT TO BE REALLY CLEAR, I'M EXTREMELY PROUD OF THE WORK PRODUCT BEING BROUGHT FORWARD AS A THOUGHT EXERCISE HERE TODAY.

BUT THIS IS NOT MY PROPOSAL.

THE PACKET HAS MY PROPOSAL.

MY PROPOSAL IS ON PAGE 43 OF THE PACKET.

AND IF ANYONE WANTS TO KNOW WHAT MY PROPOSAL IS, THAT IS IT.

I AM HAPPY TO TAKE CREDIT FOR HAVING LISTENED TO MANY DIFFERENT STAKEHOLDERS AND LOOKED AT MANY DIFFERENT PROPOSALS THAT ARE HERE IN THE RECORD.

AND TO HAVE WORKED, TO PUT SOMETHING TOGETHER THAT HOPEFULLY REFLECTS AN AMALGAMATION OF MANY DIFFERENT IDEAS AND THAT PROVIDES A CONVERSATION OPPORTUNITY FOR THE WHOLE COUNCIL, WHICH IS WHAT WAS ALWAYS INTENDED.

SO I JUST, I DO THINK THERE HAS BEEN A LITTLE CONFUSION.

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AND I WANTED TO CLARIFY WHILE I'M PROUD TO HAVE DONE WORK ON THIS, THIS IS NOT MY PROPOSAL.

MY PROPOSAL IS ELSEWHERE IN THE PACKET.

I ALSO WANTED TO JUST BRING YOUR ATTENTION TO THIS FIRST PAGE. PROCESS SKETCH FOR DISCUSSION.

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.

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.

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.

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.

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.

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. 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.

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.

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.

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.

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.

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.

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.

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.

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. 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.

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.

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.

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.

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.

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.

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. 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. 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.

WE'LL FELT 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.

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.

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.

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.

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.

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.

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.

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 HERE AN IMPLICATION THE POLICY  
COMMITTEES ARE A TIME COMMITMENT BURDEN. ON STAFF AND THE  
COUNCIL.

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.

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 O COUNCILMEMBER 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.

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.

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.

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.

THOSE TWO PRESENTATIONS ARE HARD ACTS TO FOLLOW CERTAINLY.

I WANT TO SAY HOW MUCH I APPRECIATE ALL OF THE WORK THAT AGENDA AND RULES COMMITTEE DID TO REVIEW AND SUMMARIZE THE PROPOSALS CURRENTLY ON THE TABLE.

AND TO ESPECIALLY THANK THE MAYOR, COUNCILMEMBER WENGRAF AND THEIR STAFF FOR THE WORK THEY DID TO CREATE THE MATRIX.

IT WAS A LOT OF MATERIAL.

THE MATRIX TO ME WAS REALLY HELPFUL IN BEING ABLE TO DO A MORE APPLES TO APPLE COMPARISON BETWEEN THE PROPOSALS THAT HAVE COME DOWN DURING A SIGNIFICANT PERIOD OF HISTORY.

AND HOW THEY WOULD POTENTIALLY IMPACT VARIOUS COMPONENTS OF THE LEGISLATIVE PROCESS.

I ALSO WANT TO DEEPLY THANK COUNCILMEMBER HAHN FOR HER WORK IN PRESENTING A MORE STRUCTURED PROCESS THAT IMPLEMENTED WOULD CERTAINLY HELP ENSURE THE DETAILS AND POLICIES AND PROPOSALS ARE DRILLED INTO WELL BEFORE THEY REACH THE COUNCIL STAGE.

I ALSO WANT TO THANK COUNCILMEMBER HARRISON, ALONG WITH COUNCILMEMBERS TAPLIN AND ROBINSON FOR THEIR WORK TO PUT FORWARD AN ALTERNATIVE LEGISLATIVE CYCLE APPROACH.

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I APPRECIATE HAVING DIFFERENT OPTIONS TO CONSIDER.

AND I THINK THIS ALTERNATIVE HAS SOME ADDITIONAL POSITIVE CHARACTERISTICS.

INCLUDING SIMPLICITY THAT MERIT STRONG CONSIDERATION.

OVERALL THOUGH I HAVE TO AGREE, ALTHOUGH I AGREE THAT PROPOSALS SOMETIMES NEED MORE WORK BEFORE COMING TO COUNCIL, BASED ON MY LIMITED EXPERIENCE ON COUNCIL, I DON'T NECESSARILY FEEL THAT A LACK OF COMPLETENESS IS THE BIGGEST PROBLEM WE FACE IN TERMS OF COUNCIL'S APPROACH TO MAJOR ITEMS.

I THINK THAT OUR EXISTING COMMITTEE APPROACH AND EXTREMELY CAPABLE STAFF ALREADY DO A PRETTY GOOD JOB OF ENSURING ITEMS EITHER GET TO COUNCIL OR COME OUT OF COUNCIL IN DESCENT SHAPE. AND THERE IS ALSO THE FACT THAT COUNCIL WAS A POLICY SETTING BODY WITH IMPLEMENTATION AND OPERATIONS BEING THE PROVINCE OF STAFF.

I DON'T KNOW THAT COUNCIL AND COUNCIL COMMITTEES GETTING EVEN MORE INTO THE WEEDS ON MINUTE DETAILS IS NECESSARILY GOING TO HELP STAFF DO THEIR JOBS.

IT MIGHT EVEN HAVE THE OPPOSITE EFFECT FOR POLICIES AND PROGRAMS AND HAVE LESS FLEXIBILITY.

THIS BRINGS ME TO WHAT I THINK IS THE FUNDAMENTAL PROBLEM WITH OUR APPROACH TO LEGISLATING, WE DO TOO MUCH OF IT.

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I THINK THE CITY MANAGER HAS BEEN JUST ABOUT AS CLEAR AS SHE CAN BE IN TELLING US WE NEED TO SLOW OUR GENERATION OF REFERRALS WHEN IT COMES TO THE MAJOR POLICIES AND PROGRAMS COMING OFF OF THIS DAIS.

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.

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?

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.

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.

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.  
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.

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 QUANTITATIVE 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.

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.

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.

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.

>> 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.

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.

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?

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.

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?

>> 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.

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.

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.

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.

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 29TH RETREAT.

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.

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.

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.

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.

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.

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?

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.

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.

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. 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.

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.

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.

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.

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.  
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.

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.

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.

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.





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