AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING

MONDAY, APRIL 14, 2025
2:30 P.M.

2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

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

Use this URL https://cityofberkeley-info.zoomgov.com/j/1614796877 to access the meeting remotely. 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: 161 479 6877**. 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 $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 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: April 1, 2025**
2. **Review and Approve Draft Agenda:**
   a. 4/29/25 – Regular City Council Meeting
3. **Adjournments In Memory**

Scheduling

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

Referred Items for Review

- **None**

Unscheduled Items

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

Items for Future Agendas

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

Adjournment – Next Meeting Monday, April 21, 2025

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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 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.

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BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

TUESDAY, APRIL 1, 2025
2:30 P.M.

Redwood Room – 2180 Milvia Street, Sixth Floor, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

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

Use this URL https://cityofberkeley-info.zoomgov.com/j/1607420968 to access the meeting remotely. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 742 0968**. To provide public comment, press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov.

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Roll Call: 2:31 p.m. All present.

Public Comment – 6 speakers

Review of Agendas

1. **Approval of Minutes: March 10, 2025**
   Action: M/S/C (Humbert/Taplin) to approve the minutes of 3/10/25.
   Vote: All Ayes.

2. **Review and Approve Draft Agenda:**
   a. 4/15/25 – Regular City Council Meeting

   Action: M/S/C (Humbert/Taplin) to refer Item 22 to the Health Committee.
   Vote: Ayes – Taplin, Humbert; Noes - Ishii.

   Action: M/S/C (Humbert/Taplin) to approve the agenda of 4/15/2025 with the changes noted below.
   - *Item 9 Purchase Order (City Manager) – revised dollar amount in recommendation*
   - *Item 17 Playground (O'Keefe) – revised item submitted; Councilmember Humbert added as a co-sponsor*
   - *Item 20 Berkeley Police (Police Accountability Board) – moved to Consent Calendar to be agendized with Item 23*
   - *Item 21 Sanctuary City (Ishii) – revised item submitted; moved to Consent Calendar*
   - *Item 22 Housing Options (O'Keefe) – revised item submitted; referred to the Health, Life Enrichment, Equity & Community Committee*
   - *Item 23 Berkeley Police (Blackaby) – moved to Consent Calendar with Item 20*
   - *Item 25 Referral Response (City Manager) – item removed from the agenda*

   Vote: All Ayes

3. **Adjournments In Memory** – None

Scheduling

4. **Council Worksessions Schedule** – noted addition of 4/28/25 special meeting

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

6. **Land Use Calendar** – potential scheduling changes to accommodate high number of appeals filed.

Referred Items for Review

- **None**

Unscheduled Items

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

Items for Future Agendas

- **None**

Adjournment

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

Adjourned at 3:27 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on April 1, 2025.

_____
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.

DRAFT AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, April 29, 2025
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
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. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of March 10, 2025 (closed), March 11, 2025 (special and regular), March 18, 2025 (special and regular), March 25, 2025 (special and regular).
Financial Implications: None.
Contact: Mark Numainville, City Clerk, (510) 981-6900

2. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on April 29, 2025
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division.? All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

3. Contract: Public Consulting Group for Professional Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to enter into a contract with Public Consulting Group (PCG) for professional services related to the Ground Emergency Medical Transport (GEMT), Quality Assurance Fee (QAF), Intergovernmental Transfer (IGT), and Public Provider Ground Emergency Medical Transport (PP-GEMT) programs using the General Services Agency's (GSA) contract No. 47QTCA20D004Y for an amount not to exceed $200,000 in the base term from April 1, 2025 through March 31, 2027 with two (2), two (2) year extensions to March 31, 2031 in an amount not to exceed $300,000 in total.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473

4. Amend Berkeley Police Association (BPA) MOU Section 19.5 Administrative Leave for Captains (50 hours increased to 60 hours)
From: City Manager
Recommendation: Adopt a Resolution amending Memorandums of Understanding (MOUs) for Berkeley Police Association (BPA) MOU Section 19.5 Administrative Leave for Captains to increase administrative leave from 50 to 60 hours.
Financial Implications: See report
Contact: Monica Walker, Human Resources, (510) 981-6800

5. Contract No. 31900270 Amendment: Dell Computers, Inc
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900270 with Dell Computers, Inc. for the purchase of hardware, software, and related services utilizing the County of Riverside Agreement 8084445, for an additional $2,786,057 for a total not to exceed value of $8,197,733 for the period commencing on November 1, 2019 and through October 31, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

6. New Contract: Tyler Technologies Inc. for the Open Data Portal's (ODP) Hosting Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a new contract with Tyler Technologies, Inc., for the purposes of hosting the City's Open Data Portal, in the total contract amount not to exceed $171,323 and extending the term through June 30, 2027
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

7. Process for Adjusting Police Accountability Board Stipend Cap Following AAO#1 Carryover Approval
From: Director of Police Accountability
Recommendation: Adopt a Resolution temporarily increasing the stipend cap for Police Accountability Board (PAB) members to ensure the distribution of previously approved funds and provide compensation for meetings that exceeded the existing monthly cap. On November 19, 2024, the City Council allocated $12,000 in FY 2024 carryover funds for "PAB Committee + Training Stipends Adjustments" as part of the Annual Appropriations Ordinance #1 (AAO#1). These funds were intended to compensate PAB members for their expanded workload in 2024, including increased participation in subcommittees and training sessions. A temporary adjustment to the stipend cap is necessary to equitably distribute these funds in accordance with the Berkeley City Charter.
Financial Implications: See report
Contact: Hansel Aguilar, Office of Director of Police Accountability, (510) 981-4950

8. Contract No. 32200208 Amendment: West Coast Code Consultants for Plan Checking Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200208 with West Coast Code Consultants (WC3) to add additional funds, increasing the contract amount by $100,000 to a new total not-to-exceed contract amount of $1,600,000
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

9. Contract No. 32200207 Amendment: Telesis for Plan Checking Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200207 with Telesis to add additional funds, increasing the contract amount by $100,000 to a new total not-to-exceed contract amount of $1,600,000.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

10. Purchase Order Amendment: Braun Northwest Inc. for Two (2) 2025 Ford F-450 North Star Engine Remount of Ambulance Bodies to New Chassis
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend the purchase order with Braun Northwest, Inc. to purchase two (2) 2025 Ford F-450 North Star Ambulance chassis by increasing the purchase order spend amount by $75,000 for a total not-to-exceed spending amount of $505,000.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

11. Final Map of Tract 8717: 805 Jones Street
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8717 for a 7-unit condominium project consisting of 6 residential units and 1 commercial unit at 805 Jones Street.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

12. Contract: Bay Cities Paving & Grading, Inc. for FY 2025 Street Maintenance and Rehabilitation Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the FY 2025 Street Maintenance and Rehabilitation Project, Specification No. 25-11690-C; 2. Accepting the bid of Bay Cities Paving & Grading, 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 in an amount not to exceed $12,323,848.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

13. Contract: Terocons Inc. for South Berkeley Bikeway and Bus Stop Improvements Project
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving plans and specifications for the South Berkeley Bikeway and Bus Stop Improvements Project, Specification No. 25-11716-C; 2. Accepting the bid of Terocons Inc., the lowest, responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract with Terocons Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed $4,208,200, which includes a 10% contingency for unforeseen circumstances.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

14. Contracts: M&A Towing and City Towing for Towing Services
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to:
1. Execute a contract with any amendments with M&A Towing to provide towing services for a three (3) year period from May 1, 2025, to May 1, 2028 in an amount not to exceed $150,000, with an option to extend for two (2) additional one (1) year terms.
2. Execute a contract with any amendments with City Towing to provide towing services for a three (3) year period from May 1, 2025, to May 1, 2028 in an amount not to exceed $150,000, with an option to extend for two (2) additional one (1) year terms.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Council Consent Items

15. Budget Referral Funding Afterschool Program Expansion
From: Councilmember Taplin (Author)
Recommendation: Refer $300,000 to fund afterschool program expansion to the Fiscal Year 26 Mid-Biennial Budget Update.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

16. Budget Referral Funding F and G Dock Deck Replacement
From: Councilmember Taplin (Author)
Recommendation: Refer $250,000 for F and G dock replacement funding to the Fiscal Year 26 Mid-Biennial Budget Update.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

17. Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds
From: Councilmember Bartlett (Author)
Recommendation: Approve the expenditure of funds, including $2500 from Councilmember Bartlett for pre-planning of the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Council Consent Items

18. Budget Referral: City of Berkeley Annual Holocaust Remembrance Day
From: Councilmember Tregub (Author), Councilmember O'Keefe (Author), Councilmember Humbert (Author), Mayor Ishii (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2026/2027 budget process a request for $7,000 annually to fund the City of Berkeley's Annual Holocaust Remembrance Day Program.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

19. Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to Bay Area Robotics Education Sustainability Alliance for the 2025 Berkeley High Robotics Team's East Bay Regional Robotics Competition.
From: Councilmember Tregub (Author), Councilmember O'Keefe (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Mayor Ishii (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $250 per member of the City Council from the D13 Discretionary Accounts of members of the Berkeley City Council, including $250 from Mayor Ishii and Councilmembers O'Keefe, Taplin, and Tregub, and inviting other members of the City Council to contribute, to support the Berkeley High Robotics Team (Berkelium 5419) in hosting the East Bay Regional FIRST Robotics Competition . Funds will be transferred to the City's general fund and to Bay Area Robotics Education Sustainability Alliance, a fiscal agent for the 2025 Berkeley High Robotics Team's East Bay Regional Robotics Competition to support this valuable community event. The relinquishment of funds from the respective discretionary Council Office Budgets of such members of the Berkeley City Council who wish to contribute will support this important initiative, fostering STEM education, student leadership, and international collaboration.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

20. Letter in Support of SB 456: Muralist Exemption
From: Councilmember O'Keefe (Author)
Recommendation: Send a letter to Senator Angelique Ashby (cc: Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks) in support of Senate Bill 456, which would exempt muralists from having to obtain a contractor's license through the Contractors State Licensing Board (CSLB) before being commissioned for public and private art projects.
Financial Implications: None
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150

Council Consent Items

21. Budget Referral: Deportation Defense Legal and Education Funds
From: Councilmember Blackaby (Author), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Refer to the Fiscal Year 2026/2027 Budget Process an allocation of $200,000 for Deportation Defense Legal and Education Funds.
Financial Implications: See report
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

22. Refer $25,000 to the June 2025 Mid-Biennial Budget Process to Partially Cover Street Spirit's Operational and Programming Costs
From: Councilmember Lunaparra (Author)
Recommendation: Refer $25,000 to the June 2025 Mid-Biennial budget process to subsidize the cost of running Street Spirit's drop-in center and vendor coordination program.
Financial Implications: See report
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

23. Supporting State and Regional Funding for Bay Area Public Transit
From: Councilmember Lunaparra (Author)
Recommendation: Adopt a resolution Supporting State and Regional Funding for Bay Area Public Transit.
Financial Implications: None
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

24. Resolution Supporting a State Budget Request for the CalFresh Fruit and Vegetable EBT Program and Endorsing AB 936 (CalFresh Fruit and Vegetable Supplemental Benefits Program)
From: Councilmember Lunaparra (Author)
Recommendation: Adopt a resolution supporting a State Budget Request to reinstate CalFresh Fruit and Vegetable EBT Program and endorsing AB 936.
Financial Implications: None
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

25. Defer $150,000 referral for Round Park from Nov 2024 FY2025 AAO#1
From: Councilmember Humbert (Author)
Recommendation: Place a hold on or otherwise defer the FY2025 $150,000 budget referral from the November 2024 AAO#1 budget, which set aside funding for initiating a process to potentially convert the median informally known as "Round Park" (and possibly other nearby medians) to an official City park in District 8.
Financial Implications: See report
Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

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.

Action Calendar – Public Hearings

26. Submission of the 2025-2030 Consolidated Plan and Program Year 2025 Annual Action Plan
From: City Manager
Recommendation: Conduct a public hearing on the 2025-2030 Consolidated Plan and Program Year (PY) 2025 Annual Action Plan (AAP), including allocations of federal Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), and HOME Investment Partnership Grant (HOME); and upon conclusion, adopt a Resolution authorizing the City Manager to:
1. Execute any resultant agreements and amendments for agencies receiving funding under the CDBG, ESG, or HOME Program in accordance with the proposal approved hereunder. If the federal government does not allocate sufficient funds to cover the allocations attached to this resolution in this year or subsequent years, the City may either terminate the resultant agreements with agencies without any liability occurring to the City. A record copy of said contracts and any amendments are on file in the Office of the City Clerk; and
2. Allocate 20% of the PY 2025 (FY26) CDBG funds to the Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Community Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation differ than the amount currently allocated; and
3. Allocate the allowable 10% of PY 2025 (FY26) HOME funds for program administration, up to the allowable 5% for CHDO operating support, and allocate the remainder to the Housing Trust Fund; and
4. Allocate the allowable 7.5% of the PY 2025 (FY 2026) ESG to Administration, $6,676 to the HMIS system and the remaining amount to Rapid Rehousing, and shelter activities (not to exceed 60% of PY25 ESG entitlement); and
5. Carry over any ESG earlier unspent funds from PY 2024 (FY 2025) into PY 2025 (FY 2026) and allocate those funds to the Stair Navigation Center operator (currently Bay Area Community Services (BACS)) for ESG eligible activities (e.g., rapid re-housing). The BACS Stair Center has used ESG funding for shelter operations and rapid rehousing activities for the past few years and is well-equipped to meet HUD's program and administrative requirements. These funds will be included in the First Amendment to the FY 2026 Annual Appropriations Ordinance; and
6. Finalize the 2025-2030 Consolidated Plan, including the PY 2025 Annual Action Plan, and the Regional Analysis of Impediments, including responses to public comments received until April 29, 2025 adding required U.S. Department of Housing and Urban Development (HUD) application forms and certifications, and including other HUD required information, submit it to HUD, and execute all documents necessary to receive the City's entitlement grants under the CDBG, ESG and HOME Programs.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Action Calendar – Public Hearings

27. Implement Residential Preferential Parking (RPP) Program on the 1500 Block of Virginia Street
From: City Manager
Recommendation: Conduct a public hearing and upon its conclusion, adopt a Resolution amending Resolution No. 56,508-N.S. Section 25P by adding a subsection to implement Residential Preferential Parking (RPP) on the south side of Virginia Street, between California and Eola streets (1528-1546 Virginia Street) in RPP Area N.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

28. Zoning Ordinance and General Plan Amendments Relating to Middle Housing
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion:
1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Title 23 (Zoning Ordinance) and the Zoning Map, for the purposes of encouraging development of "middle housing" in areas currently zoned R-1, R-1A, R-2, R-2A and MU-R ("low-density residential districts"), with an effective date of September 1, 2025; and
2. Adopt a Resolution amending the General Plan for the same purpose.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Council Action Items

29. Resolution: Opposition to Police Brutality and Use of Force on Nonviolent Protesters (*Reviewed by the Public Safety Policy Committee*)
From: Councilmember Harrison (Author)
Recommendation: Adopt a Resolution reaffirming the City of Berkeley's opposition to and condemning police brutality towards nonviolent protesters and discouraging use of "less-lethal" weapons for crowd control.
Policy Committee Recommendation: To send item to City Council with a negative recommendation.
Financial Implications: See report
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140

Action Calendar – Policy Committee Track Items

30. Berkeley Green New Deal: Workforce Development
From: Councilmember Taplin (Author)
Recommendation: Refer to the City Manager a feasibility analysis and request for recommendations for establishing a City of Berkeley workforce development board to create pathways to green jobs and accelerate the transition to a fossil-free local economy.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Action Calendar – Policy Committee Track Items

31. Fire Facility Revenue Measures
From: Councilmember Taplin (Author)
Recommendation: Refer to the City Manager the assessment of potential 2026 revenue ballot measures to support capital improvements to fire department facilities and return recommendations for council adoption.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

32. Referral: Oxford for All
From: Councilmember Tregub (Author), Councilmember Lunaparra (Co-Sponsor)
Recommendation:
1. Refer to the City Manager to design and construct a quick-build class IV bicycle facility on the east side of Oxford Street and Fulton Street between Bancroft Way and Hearst Avenue and implement pedestrian safety improvements on the corridor, potentially through quick-build planning and construction methods.
2. Refer $400,000 to the June budget process (FY26 Mid-Biennial Update) to provide the City of Berkeley Public Works Department with necessary funds to support design, engineering, and construction costs for the project.
3. Refer to the City Manager and to The City/UC/Student Relations “4x6” Committee to explore opportunities to leverage existing and establish new financial partnerships with UC Berkeley on safety projects along Oxford Street and adjacent areas, including the Oxford and Bancroft volleyball courts project and similar initiatives.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

33. Adding ADA expertise to the SAFE STREETS Citizen Oversight Committee
From: Councilmember Blackaby (Author), Councilmember Tregub (Co-Sponsor)
Recommendation: Approve an amendment to the Measure FF SAFE STREETS Citizen Oversight Committee (SSCOC) Resolution and Ordinance approved for establishment at the March 18, 2025 Council Meeting, to add an additional qualifying skillset for appointment: a background in ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

Action Calendar – Policy Committee Track Items

34. Amend AB-645 (2023-2024) to add the City of Berkeley to California's Automated Speed Enforcement Pilot
From: Councilmember Blackaby (Author), Councilmember Taplin (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Adopt a Resolution to send to Assemblymember Buffy Wicks and Senator Jesse Arreguín, requesting that the Legislature amend AB-645 (Friedman) Vehicles: Speed Safety Pilot Program (2023-2024), in order to add the City of Berkeley to the pilot.
Financial Implications: None
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

Information Reports

35. 2025 Police Accountability Board Workplan
From: Police Accountability Board
Contact: Hansel Aguilar, Commission Secretary, (510) 981-4950

36. Restaurant Inspections Audit Report Wins National Recognition
From: Auditor
Contact: Jenny Wong, Auditor, (510) 981-6750

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on

the first floor of City Hall located at 2180 Milvia Street, 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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Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

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

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To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 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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BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

02a.15

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral Funding Afterschool Program Expansion

RECOMMENDATION
Refer $300,000 to fund afterschool program expansion to the Fiscal Year 26 Mid-Biennial Budget Update.

FINANCIAL IMPLICATIONS
$300,000 and staff time.

CURRENT SITUATION AND ITS EFFECTS
Community members have reached out to the Berkeley Unified School District (BUSD) and the 2x2 Committee about insufficient aftercare. In August, our office was informed by school board directors that there were 25 staff vacancies and hundreds of students on waitlists.

BACKGROUND
The City of Berkeley provides quality elementary afterschool programs at multiple locations that currently serve 245 BUSD youth. The programs are subsidized by the General Fund and offer 50% and 100% scholarships to those who need them. The programs are staffed by full- and part-time employees in the Parks, Recreation, and Waterfront Department's Recreation Division.

The city's current afterschool program is at the following sites:

Live Oak Community Center (60)
James Kenney Community Center (75, includes Therapeutic Recreation Program)
Frances Albrier Community Center (65)
Willard Clubhouse (45)

The current cost per pupil is just under $3,000 per school year. With the new Willard Clubhouse, the planned MLK Jr. Youth Services Center expansion, and an additional $300,000, the city can serve an additional 100 elementary age youth.

Live Oak Community Center (80)
James Kenney Community Center (85, includes Therapeutic Recreation Program)
Frances Albrier Community Center (75)
Willard Clubhouse (65)

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MLK Jr. Youth Services Center (40)

Additionally, the city would need to come up with a plan to expand its transportation program in order to ensure students can get from their school to the program site. Attached is a press release from Zum, a student transportation provider, who announced in August that they deployed an all-electric fleet of school buses in Oakland Unified School District (OUSD), making it the first major school district in the U.S. to transition to a 100% electrified school bus system.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
N/A.

CONTACT PERSON
Councilmember Terry Taplin, District 2, 510-981-7120.

Attachments:

1 - Press Release: Zum Deploys Nation’s First 100% Electric School Bus Fleet in Oakland, California for the 2024-2025 School Year

We're hiring bus drivers and attendants for St Louis, MO and Millard, NE. Apply now!

Press Release

Share:



Zum Deploys Nation's First 100% Electric School Bus Fleet in Oakland,

California for the 2024-2025 School Year

By: Zum Community Team | August 27, 2024

Historic achievement in Oakland Unified School District will improve children's health and return energy to the grid

Oakland, Calif., August 27, 2024 – Zūm, the leader in modern student transportation, today announced that it has deployed an all-electric fleet of school buses in Oakland Unified School District (OUSD), making it the first major school district in the U.S. to transition to a 100% electrified school bus system. This first-in-the-nation EV fleet is also equipped with groundbreaking vehicle-to-grid (V2G) technology, enabling the buses to return energy to the grid at scale when not in use.

Zum is deploying a fleet of 74 electric school buses in Oakland, each with its own bidirectional charger, managed via an AI-enabled Virtual Power Plant (VPP). The all-EV fleet will decarbonize student transportation while sending 2.1 gigawatt hours of energy back to the grid annually.

"Today marks an exciting milestone in student transportation," said Ritu Narayan, Founder and CEO of Zum. "By converting Oakland Unified's school bus fleet to 100% electric, we are showing that sustainability solutions are here – and can positively impact an entire community. Electric school buses with V2G capability create cleaner transportation and send untapped energy from bus batteries back to the grid. It's a win-win for children, families, schools and drivers."

Student transportation is the largest mass transit system in the nation, moving 27 million students twice daily. Today, over 90% of the nation's 500,000 school buses run on carbon-based fuels, releasing over 8.4 million tons of greenhouse gases annually,

exposing students and communities to harmful fumes every day. Oakland's EV fleet will help remove 25,000 metric tons of greenhouse gases from the environment, which will have a major impact on the community.

"OUSD is proud to lead the way with safe and sustainable transportation for our students," said Superintendent Dr. Kyla Johnson-Trammell of Oakland Unified School District. "This is a landmark achievement, especially in Oakland, where families are disproportionately impacted by exposure to air pollution and high rates of asthma and other respiratory ailments. Zum's electric school buses provide our students quieter, cleaner rides to and from school, giving them a better chance at success in the classroom, while ensuring the District is doing its part to cut down on air pollution to the benefit of all Oakland residents."

Zum's utility partner, Pacific Gas and Electric Company, worked closely with Zum to complete the site, which involved extensive infrastructure upgrades and other equipment to power 74 bi-directional EV chargers. PG&E was able to provide 2.7 megawatts of load to Zum's Oakland EV-ready facility in record time, allowing this project to be deployed one year ahead of schedule.

"Converting to electric transportation reduces the leading cause of emissions and has the potential to offer a flexible power supply that benefits all customers. Our partnership with Zum and Oakland Unified on its fully electric school bus fleet is a blueprint for schools across California and the nation to better serve our students, local communities and, ultimately, our planet," said PG&E Corporation CEO Patti Poppe.

Other partners that have been critical to the electrification of the OUSD fleet include the Environmental Protection Agency's (EPA) Clean School Bus program, California Air Resources Board (CARB), Heavy Vehicle Incentive Program (HVIP) vouchers, Bay Area Air Quality Management District (BAAQMD) and Clean Mobility Options (CMO) programs.

"With funding to Zum of over $35 million for California school districts, EPA is proud to be advancing the rollout of electric school buses here in Oakland and across our state,

helping create a future where our children can breathe cleaner air," said EPA Pacific Southwest Deputy Regional Administrator Cheree Peterson. "I've seen firsthand the advantages of these electric buses, with the absence of noxious diesel emissions benefiting students, school staff, and neighboring communities. Thanks to the unprecedented federal investments in this technology, more zero-emissions school buses will be on the road in Oakland."

Zum has set a goal of electrifying 10,000 bidirectional school buses which will create the potential to supply 300 gigawatt hours of energy to local power grids annually. Plans are already underway for Zum to deploy 100% electric fleets across the country in the coming years.

About Zūm

Zum is a modern transportation solution transforming school transportation, the largest mass transit system in the U.S. Today, the company provides turnkey modern transportation solutions to school districts in California, Colorado, Connecticut, Illinois, Maryland, Massachusetts, Missouri, Nebraska, Pennsylvania, Tennessee, Texas, Washington, Utah, and Virginia, and is expanding rapidly nationwide. Recognized globally for its innovative transportation and energy as a service platform, Zum has been featured among Fast Company's World Changing Ideas, CNBC Disruptor 50, CNBC Changemakers, World Economic Forum and Financial Times' Fastest Growing Companies. Learn more about Zum at www.ridezum.com.

CONTACT:

Jenny Mayfield, Vice President of Communications – press@ridezum.com

Previous

Safety, Reliability and Sustainability Among Parents' Top Concerns Going Into 2024-25 School Year, Zum Survey Finds

Next

Zum CEO and Founder Ritu Narayan Named One of 2024's Most Influential Women in Bay Area Business

Parent FAQs

Sustainability

Our Commitment

Zum at Davos 2024

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BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

02a.16

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Budget Referral Funding F and G Dock Deck Replacement

RECOMMENDATION

Refer $250,000 for F and G dock replacement funding to the Fiscal Year 26 Mid-Biennial Budget Update.

FINANCIAL IMPLICATIONS

$250,000 and staff time.

CURRENT SITUATION AND ITS EFFECTS

The wooden decking on the F and G docks at the Berkeley Marina is heavily worn and weathered from over 27 years of use and constant exposure to the marine environment. The average life expectancy of such wood decking is roughly 15-20 years in a non-marine environment. In the last few years, staff have received many complaints of trip hazards, splinters, and overall concern for the safety of the docks.

City maintenance staff strongly recommends that the entirety of the dock decking, consisting of 2x6 foot wooden planks, be replaced with composite decking immediately. Completing this task would also require the removal and replacement of roughly 500 cleats, 118 dock boxes, and 40 electrical pedestals.

BACKGROUND

The F and G docks were installed in 1997 in the eastern side of the basin. They are wooden docks floating on encapsulated foam tubs, held in place with concrete piles. The docks have 118 slips ranging from 22’ to 84’ which are used by fishermen, sailors and liveaboards. The docks are popular and have an occupancy rate of 91%.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

N/A

CONTACT PERSON

Councilmember Terry Taplin, District 2, 510-981-7120.

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BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

02a.17

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:
Approve the expenditure of funds, including $2500 from Councilmember Bartlett for pre-planning of the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.

CURRENT SITUATION:
The 2025 Berkeley Juneteenth Festival will be held on Sunday, June 15, 2025, in the heart of South Berkeley's historic Lorin District on Adeline Street beginning at 11:00 AM, welcoming the diverse Berkeley and East Bay population. Throughout the week leading up to the Sunday celebration, which will feature local artisans, food vendors, musical, dance, and cultural presentations, and information booths staffed by local non-profit organizations, we will hold educational and cultural events at various locations, including the Ed Roberts Campus.

BACKGROUND:
President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863, declaring freedom for enslaved individuals in Confederate states. However, in Texas, enslaved people remained unaware of their freedom for more than two years, as their captors deliberately withheld this information. On June 18, 1865, Major General Gordon Granger of the Union Army arrived in Galveston, Texas, accompanied by 1,800 soldiers, to enforce the emancipation of over 250,000 enslaved people in the state.

The following year, on June 19, 1866, newly freed individuals in Texas took to the streets to commemorate their emancipation, establishing an enduring celebration tradition. Over time, local communities preserved this annual observance, and in 1979, Texas officially recognized June 19th as Black Heritage Day with the passage of H.B. 1016. Today, Juneteenth is widely celebrated nationwide as a day honoring African American culture, heritage, and resilience.

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The Berkeley Juneteenth Festival was founded by R.D. Bonds, Bradley Walters, and Sam Dyke to foster community pride and unite South Berkeley residents and businesses in celebrating this significant cultural event. The establishment of Berkeley Juneteenth Association, Inc. (BJAI) led to the first annual Festival in 1987. Former City Councilmembers Mary Wainwright and the late Maudelle Shirek played pivotal roles in securing City sponsorship, while the late Lothario Lotho and Giselle Thomas contributed over 25 years of dedicated service to the event's development.

ENVIRONMENTAL SUSTAINABILITY
No negative impact.

FISCAL IMPACTS OF RECOMMENDATION
No General Fund impact; $2500 is available from the discretionary council office budget of Councilmember Ben Bartlett.

CONTACT PERSON:
Councilmember Ben Bartlett bbartlett@berkeleyca.gov
James Chang jchang@berkeleyca.gov

ATTACHMENT:
1. Resolution to authorize the expenditure of surplus funds added.

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmembers Bartlett has surplus funds in his office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation – Berkeley Juneteenth Association, Inc. – will receive the funds; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: Berkeley Juneteenth Association, Inc. (BJAI) Promotes greater societal cohesiveness and well-being by educating and involving the community-at-large in historical, family, and cultural activities pertaining to people of color; and

WHEREAS, BJAI hosts various activities including Black History Month Celebrations and the Berkeley Juneteenth Festival; and

WHEREAS, cultural celebrations are critical to the social and spiritual unity of our community, and are integrated into BJAI events; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their council office budget, of an amount to be determined by each Councilmember, shall be granted to Berkeley Juneteenth Association, Inc.

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02a.18

CONSENT CALENDAR
April 29, 2025

Igor Tregub, Councilmember District 4

Shoshana O'Keefe, Councilmember District 5

Mark Humbert, Councilmember District 8

Adena Ishii, Mayor

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Co-Author), Shoshana O'Keefe (Co-Author), Mark Humbert (Co-Author), and Mayor Adena Ishii (Co-Sponsor)

Subject: Budget Referral: City of Berkeley Annual Holocaust Remembrance Day

RECOMMENDATION

Refer to the Fiscal Year 2026/2027 budget process a request for $7,000 annually to fund the City of Berkeley's Annual Holocaust Remembrance Day Program.

FINANCIAL IMPLICATIONS

A total of $14,000 over two years.

CURRENT SITUATION AND ITS EFFECTS

For the past 21 years, The City of Berkeley has sponsored a Holocaust Remembrance Day Program. Participation in this important annual program has exceeded expectation, with attendance at in-person events of more than 200 people. The pandemic-necessitated virtual program has brought in between 300 and 750 viewers each of the last four years.

Councilmembers have always given generously to this program from their discretionary accounts. In 2018, with the goal of ensuring continuation of the only non-secular Holocaust Remembrance Day Program in the East Bay Area, Council approved a modest $6,000 expenditure from its General Fund Budget to support the Annual Program. City funding has since been approved each year a budget referral was brought forward.

This budget request is for a slightly increased amount of $7,000 each year for the next two years. These funds will be leveraged by volunteer labor and donations, guaranteeing the continuance of the City's program through 2027.

Antisemitic hate crimes have significantly increased locally[1], statewide[2], and nationally[3] since 2023. It is critical that Berkeley's Holocaust Remembrance Day Program continues annually. The history of the Holocaust needs to be remembered for the purpose of educating and keeping the memory alive for generations to come in order to safeguard the future.

ENVIRONMENTAL SUSTAINABILITY

No identifiable environmental sustainability impacts.

CONTACT PERSON

Igor Tregub, Councilmember District 4, ITregub@Berkeleyca.gov
Olga Bolotina, Chief of Staff, Council District 4, OBolotina@Berkeleyca.gov
Phone: 510-981-7140

[1] https://berkeleyca.gov/sites/default/files/documents/2025-0318%20Special%20Item%2001%202024%20Berkeley%20Police%20Department.pdf; https://bpd-transparencyinitiative-berkeleypd.hub.arcgis.com/pages/current-trends 4 https://abcnews.go.com/US/hate-crimes-lgbtq-community-rise-fbi-data/story?id=113962673

[2] https://oag.ca.gov/news/press-releases/attorney-general-bonta-releases-2023-hate-crime-report-highlightscontinued

[3] https://www.adl.org/resources/press-release/us-antisemitic-incidents-skyrocketed-360-aftermath-attack-israelaccording

02a.19

CONSENT CALENDAR
April 29, 2025

Adena Ishii, Mayor

Igor Tregub, Councilmember District 4

Terry Taplin, Councilmember District 2

Shoshana O'Keefe, Councilmember District 5

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author), Shoshana O'Keefe (Co-Sponsor), Terry Taplin (Co-Sponsor), and Mayor Adena Ishii (Co-Sponsor)

Subject: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to Bay Area Robotics Education Sustainability Alliance for the 2025 Berkeley High Robotics Team's East Bay Regional Robotics Competition.

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed $250 per member of the City Council from the D13 Discretionary Accounts of members of the Berkeley City Council, including $250 from Mayor Ishii and Councilmembers O'Keefe, Taplin, and Tregub, and inviting other members of the City Council to contribute, to support the Berkeley High Robotics Team (Berkelium 5419[1]) in hosting the East Bay Regional FIRST[2] Robotics Competition[3]. Funds will be transferred to the City's general fund and to Bay Area Robotics Education Sustainability Alliance, a fiscal agent for the 2025 Berkeley High Robotics Team's East Bay Regional Robotics Competition to support this valuable community event.

The relinquishment of funds from the respective discretionary Council Office Budgets of such members of the Berkeley City Council who wish to contribute will support this important initiative, fostering STEM education, student leadership, and international collaboration.

[1] https://team5419.wixsite.com/team5419
[2] https://www.firstinspires.org/
[3] https://cafirst.org/frc/east-bay-regional/#

BACKGROUND

The East Bay Regional FIRST Robotics Competition[4], hosted annually by the Berkeley High Robotics Team (Berkelium 5419[5]), is a premier science, technology, engineering, and mathematics (STEM) event that brings together high school robotics teams from across California, the nation, and around the globe. This year, 56 teams were competing in the exciting "Reefscape" challenge at Berkeley High School, drawing students, mentors, parents, and supporters from all corners of the world.

The competition offers an unparalleled opportunity for students to engage in hands-on learning, collaboration, and friendly competition in the STEM fields. The event highlights the talents and innovations of over 80 student members of the Berkeley High Robotics Team, which is entirely student-run with invaluable guidance from volunteer mentors.

As a student-led team without the backing of corporate sponsors or paid mentors, Berkelium 5419 faces unique financial challenges. To ensure the event's success and maintain its high standards, the team is working to raise $15,000-$20,000 to cover essential costs such as event logistics, equipment, and travel expenses for both local and international teams.

The Berkeley High Robotics Team also proudly hosts participants from Hawaii, as well as other countries like Turkey, Japan, Australia, further elevating the event's prestige and showcasing the City of Berkeley’s commitment to fostering global STEM education. This event not only provides a transformative educational experience but also serves as a point of pride for the community, drawing positive attention to Berkeley as a leader in STEM innovation and collaboration.

CURRENT SITUATION AND ITS EFFECTS

The escalating costs of hosting the East Bay Regional FIRST Robotics competition have put significant financial pressure on the Berkeley High Robotics Team. These costs include expenses for the venue, essential equipment, safety measures, and travel for both local and international teams. In order to ensure the event's continued success and to provide ongoing STEM opportunities to Berkeley students, additional funding is crucial to cover the following needs:

- Event logistics and venue rental;
- Materials and equipment required for competition setup;
- Travel expenses for participating teams; and

[4] https://team5419.wixsite.com/team5419/support-us

- Support for both local and international teams, enhancing the event's diversity and scope

As the Berkeley High Robotics Team operates independently and is not categorized as a formal school "club," it does not receive regular funding from the school district. Therefore, financial support from the City Council is vital to the successful hosting of this prestigious event and to ensuring that students from all backgrounds continue to benefit from these valuable educational experiences.

FINANCIAL IMPLICATIONS

No General Fund impact. Up to $250 is available from contributing Mayor's and Councilmembers' Council Office Budget discretionary accounts.

ATTACHMENTS

#1 Resolution

CONTACT PERSON

Councilmember Igor Tregub | itregub@berkeleyca.gov | 510-981-7140

Shamaila Ahmed | Legislative Aid | sahmed@berkeleyca.gov

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF COUNCILMEMBERS FOR A GRANT TO SUPPORT THE BERKELEY HIGH ROBOTICS TEAM'S EAST BAY REGIONAL FIRST ROBOTICS COMPETITION

WHEREAS, Mayor Ishii and Councilmembers O'Keefe, Taplin, and Tregub have surplus funds in their D13 discretionary office expenditure account and will contribute $250, and invite other Councilmembers to join in contributing; and

WHEREAS, the Berkeley High Robotics Team, "Berkelium 5419," is a fully student-led team competing in the prestigious FIRST Robotics international league, dedicated to fostering innovation, teamwork, and STEM education among high school students; and

WHEREAS, from April 3-6, 2025, Berkelium 5419, along with their newly established Freshman team, "Bearium 5499," hosted the East Bay Regional FIRST Robotics Competition at Berkeley High School, attracting 56 teams from across California and Hawaii, and the world, including international teams from Turkey, Japan, Australia, to compete in the "Reefscape" challenge; and

WHEREAS, this event brings recognition and prestige to Berkeley High School and the City of Berkeley, highlighting student achievements and fostering collaboration among local and international teams; and

WHEREAS, the successful execution of this large-scale competition requires additional funding to cover logistics, materials, equipment, and operational expenses, with an estimated funding need of $15,000 to $20,000; and

WHEREAS, as a student-run team without school district funding, the Berkeley High Robotics Team relies on community donations, sponsorships, and fundraising to cover costs associated with participation and event hosting; and

WHEREAS, the provision of such funding fulfills the municipal public purpose of supporting science, technology, engineering, and mathematics (STEM) education, youth leadership, and community engagement through a high-profile, student-led competition;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their discretionary office budgets, up to $250 per office, shall be granted to Bay Area Robotics Education Sustainability Alliance for the 2025 Berkeley High Robotics to support the successful hosting of the East Bay Regional FIRST Robotics Competition.

02a.20

CONSENT CALENDAR
April 29, 2025

Shoshana O'Keefe
CITY COUNCILMEMBER DISTRICT 5

To: Honorable Mayor and Members of the City Council
From: Councilmember Shoshana O'Keefe (Author)
Subject: Letter in Support of SB 456: Muralist Exemption

RECOMMENDATION

Send a letter to Senator Angelique Ashby (cc: Governor Gavin Newsom, Senator Jesse Arreguín, Assemblymember Buffy Wicks) in support of Senate Bill 456, which would exempt muralists from having to obtain a contractor's license through the Contractors State Licensing Board (CSLB) before being commissioned for public and private art projects.

SUMMARY STATEMENT

The State of California's Contractors State Licensing Board (CSLB) oversees the state's licensing requirements for various types of contractors, including fines or misdemeanor charges for violators. Current law makes it a misdemeanor for a person to engage in the business, or act in the capacity of a contractor without a license, unless exempted.

Currently, muralists who paint their artwork on permanent structures are subject to the same licensing requirements as commercial painters under the Business and Professions Code, even though these two roles are not equivalent in a variety of important ways. This bill would exempt from that law a muralist pursuant to an agreement with a person who could legally authorize the work.

Public art and murals are proven drivers of community and economic health, attracting tourists, supporting jobs, generating revenue, and improving public safety and wellbeing. Murals are also works of art protected under federal copyright laws and are fundamentally different from the roles of other CSLB licensees.

BACKGROUND

In 2023, public notices began being issued to municipalities indicating that muralists fall within the definition of a "contractor" under Business and Professions Code section 7026. As a result, muralists must carry a contractor's license if they undertake a mural on a building for more than $500. Additionally, per Business and Professions Code section 7028.15 (e), city staff may be fined for knowingly hiring an unlicensed muralist. Due to these licensure requirements, cities across California have had to cease or stall the implementation of mural projects.

To qualify for these commercial licenses, muralists must accumulate four years of specialized experience under a licensed contractor, pass the Law and Business examination, and pay

annual licensing fees. These requirements create unnecessary barriers to work on public art projects, and expose city employees and artists to fines if such requirements are not met.

Muralists provide a fundamentally different service than a painting contractor, as their work is an artistic expression rather than addressing the structural integrity of a building. It is appropriate to provide a narrow exception to the state's licensing requirements for muralists, as SB 456 seeks to provide them with the flexibility to continue their artistic expression.

RATIONALE FOR RECOMMENDATION

Local arts activities play an important role in community life and have a positive impact on the social health and economic vitality of cities. Muralists are vital contributors to public artistic and cultural expression, especially community-based artists and others who have not found the same support in the traditional art world.

The State Legislature should create an exception for muralists under the Business and Professions code. This would help further safeguard artists and communities from potential legal issues and risk associated with practicing this valuable form of art. This would also provide the City of Berkeley with a legal path to be able to (once again) commission murals for our public spaces.

ENVIRONMENTAL SUSTAINABILITY

N/A

FISCAL IMPACTS

None.

CONTACT

Councilmember Shoshana O'Keefe, (510) 981-7150

Attachments:

1. Letter of Support
2. Senate Bill 456

The Berkeley City Council
2180 Milvia Street
Berkeley, CA 94704

April 29, 2025

The Honorable Angelique Ashby
California State Senate
1021 O Street, Suite 8620
Sacramento, CA 95814

RE: City of Berkeley's Support for SB 456

Dear Senator Ashby:

The Berkeley City Council writes to express its strong support for Senate Bill 456, which would exempt artists who draw, paint, apply, execute, restore, or conserve murals from having to obtain a contractor's license through the Contractors State Licensing Board (CSLB).

Under current law, muralists are categorized alongside commercial painters, subjecting them to licensing standards that do not reflect the nature of their work. These requirements present unnecessary barriers to artistic and creative expression. Public art and murals are proven drivers of community and economic health, attracting tourists, supporting jobs, generating revenue, and improving public safety and wellbeing. They can also be catalysts for public dialogue, and aid efforts at neighborhood revitalization and beautification.

The State Legislature should create an exception for muralists under the Business and Professions code to safeguard artists and communities from potential legal issues and risk associated with practicing this valuable form of art. The City of Berkeley strongly supports the re-creation of a viable legal pathway to commission murals for our public spaces.

We believe our community and city at large, as well as artist communities across California stand to benefit greatly from this change in law, and we thank you for your leadership.

Sincerely,
The Berkeley City Council

cc:
Governor Gavin Newsom

Senator Jesse Arreguín
Assemblymember Buffy Wicks

AMENDED IN SENATE APRIL 02, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL **NO. 456**

Introduced by Senator Ashby
(Coauthor: Senator Laird)

February 19, 2025

An act to ~~amend~~ *add* Section ~~7044 of~~ *7050 to* the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 456, as amended, Ashby. Contractors: exemptions: muralists.

Existing law, the Contractors State License Law, establishes the Contractors State License Board within the Department of Consumer Affairs and sets forth its powers and duties relating to the licensure and regulation of contractors. Existing law makes it a misdemeanor for a person to engage in the business, or act in the capacity, of a contractor without a license, unless exempted. Existing law exempts from the Contractors State License Law, among other things, a nonprofit corporation providing assistance to an owner, as specified.

~~This bill would exempt from that law a muralist, as defined, who produces a mural, as defined, pursuant to an agreement with a person who could legally authorize the work.~~

This bill would exempt from that law an artist who draws, paints, applies, executes, restores, or conserves a mural, as defined, pursuant to an agreement with a person who could legally authorize the work.

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 7050 is added to the Business and Professions Code, to read:*

7050. (a) This chapter does not apply to an artist who draws, paints, applies, executes, restores, or conserves a mural pursuant to an agreement with a person who could legally authorize the work.

(b) For purposes of this section, "mural" means a unique work of fine art that is protected by copyright, trademark, label, or patent and that is drawn or painted by hand directly onto interior or exterior walls or ceilings, fixtures, or other appurtenances of a building or structure. "Mural" does not include painted wall signs.

~~SECTION 1.Section 7044 of the Business and Professions Code is amended to read:~~

~~7044.(a)This chapter does not apply to any of the following:~~

~~(1)An owner who builds or improves a structure on the owner's property, provided that both of the following conditions are met:~~

~~(A)None of the improvements are intended or offered for sale.~~

~~(B)The property owner personally performs all of the work or any work not performed by the owner is performed by the owner's employees with wages as their sole compensation.~~

~~(2)An owner who builds or improves a structure on the owner's property, provided that both of the following conditions are met:~~

~~(A)The owner directly contracts with licensees who are duly licensed to contract for the work of the respective trades involved in completing the project.~~

~~(B)For projects involving single-family residential structures, no more than four of these structures are intended or offered for sale in a calendar year. This subparagraph shall not apply if the owner contracts with a general contractor for the construction.~~

~~(3)A homeowner improving the homeowner's principal place of residence or appurtenances thereto, provided that all of the following conditions exist:~~

~~(A)The work is performed prior to sale.~~

~~(B)The homeowner has actually resided in the residence for the 12 months prior to completion of the work.~~

~~(C)The homeowner has not claimed the exemption in this paragraph on more than two structures more than once during any three-year period.~~

~~(4)A nonprofit corporation providing assistance to an owner-builder, as defined in subdivision (a) of Section 50692 of the Health and Safety Code, who is participating in a mutual self-help housing program, as defined in Section 50078 of the Health and Safety Code.~~

~~(5)A muralist who produces a mural.~~

~~(A)For purposes of this section, a "muralist" means an artist who draws, paints, applies, executes, restores, conserves, or affixes visual art directly onto walls, ceilings, or other fixtures of a building or structure pursuant to an agreement with a person who could legally authorize the work.~~

~~(B)For purposes of this section, a "mural" means a unique work of visual art that is protected by copyright, trademark, label, or patent and that is drawn or painted by hand directly upon, or affixed directly to, an exterior or interior wall or ceiling of a building or structure.~~

~~(b)In all actions brought under this chapter, both of the following shall apply:~~

~~(1)Except as provided in paragraph (2), proof of the sale or offering for sale of a structure by or for the owner-builder within one year after completion of the structure constitutes a rebuttable presumption affecting the burden of proof that the structure was undertaken for purposes of sale.~~

~~(2)Proof of the sale or offering for sale of five or more structures by the owner-builder within one year after completion constitutes a conclusive presumption that the structures were undertaken for purposes of sale.~~

02a.21

Brent Blackaby
Councilmember District 6

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Councilmember Lunaparra (Co-sponsor)

Subject: Budget Referral: Deportation Defense Legal and Education Funds

RECOMMENDATION

Refer to the Fiscal Year 2026/2027 Budget Process an allocation of $200,000 for Deportation Defense Legal and Education Funds.

FINANCIAL IMPLICATIONS

$200,000 in FY 2026.

CURRENT SITUATION AND ITS EFFECTS

When President Donald Trump was elected he promised “Mass Deportations.” On his first day of office, President Trump rescinded the Biden Administration’s guidelines to not allow immigration enforcement in or near “sensitive” areas such as schools, hospitals, social service centers and places of worship, unless there are exigent circumstances. Now Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) can enter and deport Berkeley residents at those sites as well as others.

This Budget referral would fund additional legal and educational services to help protect our immigrant communities against the national mass deportation movement. Wait lists for these services are already at 200+ people at our Berkeley-based Immigration Service Providers (Social Justice Collaborative, Oasis Legal Services, Multicultural Institute, East Bay Sanctuary Covenant, East Bay Community Law Center). East Bay Sanctuary Covenant would distribute the funds among the five agencies for coordinated Legal Consultation and Support for Immigrants, including:

- Legal consultations/screenings
  - 20 min legal consultations/screenings - from trained attorney or DOJ accredited representative
  - Pro-se clinics for I-589 (affirmative asylum)
  - Virtual consultations and screenings
- Legal immigration services and limited scope representation, including limited relief and defensive relief.
- Community legal consultation events
- Know Your Rights (KYR) events

- Support Family Preparedness Preparation Trainings across the schools.
- Coordination with BUSD to implement 1-2 Train the Trainer workshops for all school staff (with follow up support).

The funding would allow our local immigration services agencies to implement urgently needed legal support services for Berkeley residents, demonstrate the City of Berkeley's commitment to protect and defend immigrant communities, and leverage additional funding. County funding recently allocated for emergency legal services is not going to any Berkeley based non-profits.

The City shall enter into a contract with East Bay Sanctuary Covenant that requests documentation at six months and 12 months to ensure that funds were used for the purpose for which they were allocated.

East Bay Sanctuary Covenant is currently seeking additional funding for coordinated legal consultation and support for immigrants through a grant from the Vera Institute of Justice SAFE Network catalyst funding of $100,000, participation in a California Funder briefing on April 17th to leverage additional funds, and partnering with county organizations like Alameda County Immigration Legal and Education Partnership.

BACKGROUND
East Bay Sanctuary Covenant has been supporting Berkeley's sanctuary movement for over 40 years. They are one of the largest affirmative-asylum programs in the U.S.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

CONTACT PERSON
Councilmember Brent Blackaby Council District 6 510-981-7160

02a.22

Cecilia Lunaparra
Councilmember Berkeley District 7

CONSENT CALENDAR
April 29, 2025

To: Honorable Members of the City Council

From: Councilmember Lunaparra

Subject: Refer $25,000 to the June 2025 Mid-Biennial Budget Process to Partially Cover Street Spirit's Operational and Programming Costs

RECOMMENDATION

Refer $25,000 to the June 2025 Mid-Biennial budget process to subsidize the cost of running Street Spirit's drop-in center and vendor coordination program.

CURRENT SITUATION AND ITS EFFECTS

In the summer of 2023, Street Spirit's non-profit parent organization had a budgetary crisis and pulled all funding overnight. In March 2024, Street Spirit waged an emergency fundraising campaign that enabled its continuation as an independent organization. It has been operating independently under a fiscal sponsor since the spring of 2024, but is still in the early stages of creating a sustainable base of funding that can keep the program alive.

As Street Spirit faces a precarious moment as an organization, our local and regional communities are similarly witnessing unprecedented challenges in the lives of unhoused individuals. With the Supreme Court's *Grants Pass* ruling and the subsequent local and regional policy amendments, the number of places where unhoused people are legally allowed to exist is steadily shrinking. Soon after moving into its new South Berkeley office in February 2024, Street Spirit became a critical resource hub for the neighborhood. As the local policy that governs homelessness becomes stricter in Berkeley, unhoused people rely on grassroots support to navigate these changes and make ends meet.

On average, 70 Street Spirit vendors visit the office each month and that number is steadily growing, according to Street Spirit's data collection. 80% of these people are African American and 76% report being born in Berkeley or Oakland. 88% are over the age of 50, and many are seniors in their 70s. 98% are either currently homeless or have moved off the streets and into housing sometime in the last 10 years. There are also numerous people who visit the office to access resources who are not enrolled in the program.

2180 Milvia Street, Berkeley, CA 94704 ● (510) 981-7170 ● clunaparra@berkeleyca.gov

BACKGROUND

Before Street Spirit was founded in 1995, the *Oakland Tribune* paid homeless people to sell their newspaper across the East Bay. Founders Terry Messman and Sally Hindman believed that the stories published in the *Tribune* were often degrading to unhoused people and felt that there should be a better option for people living on the street: one that uplifts their humanity and gives them space to tell their own stories. In the mid-nineties, the street newspaper movement began to blossom across America and around the world. With the help of San Francisco organizers who started Street Sheet in San Francisco, Messman and Hindman set out to launch a street newspaper for the East Bay.

Now, Street Spirit is an independent, monthly newspaper that has been dedicated to covering poverty and homelessness for 30 years. It is also a vital source of income for the homeless people who sell the paper on the streets of Berkeley, Oakland, and beyond. These people keep 100% of the money they earn selling newspapers and use the funds to cover the costs of essential resources such as food, medication, temporary lodging, transit, and more. Street Spirit provides vocational training for the people in the program, and the South Berkeley office has become a critical resource hub to distribute food, clothing, and hygiene supplies. It also provides unhoused people a healthy social environment where they can sit down and relax.

For homeless newspaper vendors, Street Spirit is an opportunity to rebuild healthy social connections; for their customers, a chance to understand the lives and experiences of a growing population of people living outside. The challenge of homelessness is no longer abstract and intractable when there is a trusted and effective channel of communication.

RATIONALE FOR RECOMMENDATION

Building and nurturing strong relationships with community partners is one of the few proven solutions to addressing the current crisis. For 30 years, Street Spirit has demonstrated unwavering passion and commitment in covering the lived experiences of unhoused individuals. With the new opportunities at hand, the organization is poised to expand its services without increasing its budget. This is possible because Street Spirit is deeply embedded in the community, engaging directly with unhoused individuals every day and understanding their needs firsthand. Through creative problem-solving in an increasingly complex funding landscape, they have remained steadfast in keeping their programs running.

A recent Street Spirit Instagram post sums up the most significant and meaningful interaction Street Spirit enables: “Street newspapers are a quiet catalyst for connection in our hectic, ever-changing cityscapes, and the vendors--the core of the street news operation–each bring different lived experiences to the task of engaging with strangers, making conversation, and forging lasting relationships that begging on the streets and sidewalks”.[1]

[1] https://www.instagram.com/streetspiritnews/?hl=en

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FISCAL IMPACTS OF RECOMMENDATION

A grant of $25,000 would provide significant support to the vendor program. While Street Spirit has received grant funding and donations from individuals to support editorial operations, carrying the financial burden of providing resources and programming to unhoused residents of the East Bay has been a challenge. $25,000 covers half of the salary and benefits cost of the vendor coordinator, who staffs the drop-in center, which is open from 10:00am-5:00pm Monday-Thursday. The vendor coordinator:

- helps both Street Spirit vendors and other unhoused community members utilize our resources, such as free clothing, hot food, coffee, hygiene supplies, a bathroom, bus passes (these are only for SS vendors) and a place to sit down;
- makes sure the space is clean and organized;
- onboards new Street Spirit vendors. This includes walking them through our vendor handbook, doing an intake form, showing them our vendor training video, and providing ongoing vocational training (where and how to sell the paper successfully;.
- resolves occasional vendor conflicts with de-escalation methods;
- organizes monthly vendor lunches;
- conducts new vendor outreach and visits The Hope Center twice a month to talk to residents about Street Spirit programming and is currently securing similar outreach projects with the Suitcase Clinic, Downtown Streets Team, and Dorothy Day House;
- organizes and facilitates poetry workshops.

Street Spirit's current structural deficit threatens the unique, life-changing, and individual-centered programming they provide. Supporting this organization impacts all who live in Berkeley by providing the tools and opportunities for people to attain and maintain security. The services and resources Street Spirit provides are vital for helping homeless residents build stability, routine, and relationships that help them transition into housing. This benefit to our community is worth far more than $25,000; if Street Spirit were to shut down operations, replacing their impact would cost the City of Berkeley exponentially more.

ENVIRONMENTAL SUSTAINABILITY

This recommendation is not expected to have any impacts on the city's environmental sustainability.

CONTACT PERSON

Councilmember Cecilia Lunaparra, 510-981-7170
Sara Cerami, Chief of Staff

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02a.23

Cecilia Lunaparra
Councilmember Berkeley District 7

CONSENT CALENDAR
April 29, 2025

To: Honorable Members of the City Council

From: Councilmember Lunaparra (author)

Subject: Supporting State and Regional Funding for Bay Area Public Transit

RECOMMENDATION
Adopt a resolution Supporting State and Regional Funding for Bay Area Public Transit

BACKGROUND
Our nation has been underfunding public transit relative to other forms of transportation for decades. In particular, California, as a state, has been underfunding transit operations relative to many other states for decades. In 2019, transit agencies in the Bay Area received, on average, less than 16 percent of their operating funding from the state, compared to 21 percent state funding in Chicago, 30 percent in New York City, 44 percent in Boston, and 50 percent in Philadelphia. California spends over 80% of its transportation budget on infrastructure and services in support of personal automobiles.

The residents and economy of the City of Berkeley depend on public transit, particularly AC Transit, BART and East Bay Paratransit. BART experienced ridership of over 50 million in calendar year 2024, while AC Transit experienced ridership of nearly 40 million for fiscal year 2024. Our communities are at risk of losing public transit service and suffering fare increases, as a result of the expiration of federal operations funds for transit. Transit service is fundamental to access for affordable housing and cuts to service combined with increased fare costs impede development of new affordable housing. Reliable, frequent, affordable, safe and sustainable public transit is essential to the mobility needs of many in our community, including youth, elders, disabled people and the estimated 30% of us who do not have drivers' licenses, as well as those who simply cannot afford to own and drive an automobile.

Major cuts to public transit would cause massive ripple effects for our local economy. Without good quality public transit, fewer customers and employees will be able to access businesses, fewer fans will be able to attend concerts and sporting events, and thousands of low income people will lose their only transportation option. There are 800,000 jobs within a 15-minute walk to a BART station and major cuts to public transit could cause traffic on the Bay Bridge to increase by 72% and cause commutes for key routes connecting the East Bay to San Francisco to increase by up to 10 hours per week.

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CURRENT SITUATION AND ITS EFFECTS
BART is facing a budget shortfall of $385M and AC Transit is facing a shortfall of $60 million annually, and will face drastic service cuts by 2027. To address this, State Senator Arreguín, together with Assemblymember Gonzalez, has submitted an urgent budget request to increase public transit funding by $2 billion in the next fiscal year. Senators Arreguín and Weiner have introduced a bill to authorize a multi-county transit ballot measure, SB 63. In order to generate the needed funding on the timeline needed to avert service cuts, that bill must be signed this year, and a measure brought to the voters no later than November 2026.

FINANCIAL IMPLICATIONS
None.

ENVIRONMENTAL SUSTAINABILITY
It is crucial to our climate goals that more people use public transit to reduce vehicle miles traveled and get more people using zero-emission vehicles sooner, since public transit vehicles are required to be zero-emission earlier than any other segment. Cutting service threatens our efforts to reduce greenhouse gas emissions, while increasing traffic congestion and costs for cash-strapped households.

ATTACHMENTS
1. Resolution

CONTACT PERSON
Councilmember Cecilia Lunaparra, 510-981-7170
Jonah Gottlieb, Chief of Staff

2180 Milvia Street, Berkeley, CA 94704 ● (510) 981-7170 ● clunaparra@berkeleyca.gov

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

SUPPORTING STATE AND REGIONAL FUNDING FOR BAY AREA PUBLIC TRANSIT

WHEREAS, The residents and economy of the City of Berkeley depend on public transit, particularly AC Transit, BART and East Bay Paratransit; and

WHEREAS, Our communities are at risk of losing public transit service and suffering fare increases, as a result of the expiration of federal operations funds for transit systems; and

WHEREAS, Transit service is fundamental to access for affordable housing and cuts to service combined with increased fare costs impede development of new affordable housing; and

WHEREAS, Reliable, frequent, affordable, safe and sustainable public transit is essential to the mobility needs of many in our community, including youth, elders, disabled people and the estimated 30% of us who do not have drivers' licenses as well as those who simply cannot afford to own and drive an automobile; and

WHEREAS, It is crucial to the State's climate goals that more people use public transit to reduce vehicle miles traveled and get more people using zero-emission vehicles sooner, since public transit vehicles are required to be zero-emission earlier than any other segment; and

WHEREAS, Cutting transit service threatens our efforts to reduce greenhouse gas emissions, while increasing traffic congestion and costs for low income households; and

WHEREAS, Our nation has been underfunding public transit relative to other forms of transportation for decades and California spends over 80% of its transportation budget on infrastructure and services in support of personal automobiles; and

WHEREAS, Major cuts to public transit would cause massive ripple effects for our local economy. Without good quality public transit, fewer customers and employees will be able to access businesses, fewer fans will be able to attend concerts and sporting events, and thousands of low income people will lose their only transportation option; and

WHEREAS, There are 800,000 jobs within a 15-minute walk to a BART station and major cuts to public transit could cause traffic on the Bay Bridge to increase by 72% and cause commutes for key routes connecting the East Bay to San Francisco to increase by up to 10 hours per week; and

WHEREAS, California, as a state, has been underfunding transit operations relative to many other states for decades. In 2019, transit agencies in the Bay Area received, on average, less than 16 percent of their operating funding from the state, compared to 21 percent state funding in Chicago, 30 percent in New York City, 44 percent in Boston, and 50 percent in Philadelphia; and

WHEREAS, BART experienced ridership of over 50 million in calendar year 2024, while AC Transit experienced ridership of nearly 40 million for fiscal year 2024; and

WHEREAS, BART is facing a budget shortfall of $385M and AC Transit is facing a shortfall of $60 million annually, and will face drastic service cuts by 2027; and

WHEREAS, AC Transit plans for over $500 million over the next 25 years to make transit faster, more frequent and more reliable; and

WHEREAS, State Senator Arreguín, together with Assemblymember Gonzalez, has submitted a budget request to increase public transit funding by $2 billion in the next fiscal year; and

WHEREAS, A bill to authorize a multi-county transit ballot measure, SB 63 (Wiener, Arreguín), has been introduced in the state Legislature this year; and

WHEREAS, In order to generate the needed funding on the timeline needed to avert service cuts, that bill must be signed this year, and a measure brought to the voters no later than November 2026.

NOW THEREFORE BE IT RESOLVED, The City of Berkeley supports the vision shared by rider, climate and labor groups of a measure that (1) provides enough funding to preserve and increase transit service levels across the region and distributes the funds equitably, (2) is funded primarily with progressive sources, rather than a sales tax, to ensure that the burden of paying for improved transportation options does not fall most heavily on those with the least resources, and (3) prioritizes funding for transit operations, and does not prioritize funding for projects which could increase carbon emissions; and

BE IT FURTHER RESOLVED, The City of Berkeley urges Assemblymember Wicks and Senator Arreguín to champion a bill that achieves that vision in the Legislature this year; and

BE IT FURTHER RESOLVED, The City of Berkeley urges Assemblymember Wicks, Senator Arreguín, and their colleagues, as well as Governor Newsom, to support the current $2 billion budget request and further budget actions that significantly increase the state’s support for transit operating needs on a sustainable basis; and

FINALLY, BE IT RESOLVED, that upon passage, a copy of this Resolution be sent to Governor Gavin Newsom, State Senator Jesse Arreguín, and Assemblymember Buffy Wicks.

Cecilia Lunaparra
Councilmember Berkeley District 7

CONSENT CALENDAR
April 29, 2025

To: Honorable Members of the City Council

From: Councilmember Lunaparra (Author)

Subject: Resolution Supporting a State Budget Request for the CalFresh Fruit and Vegetable EBT Program and Endorsing AB 936 (CalFresh Fruit and Vegetable Supplemental Benefits Program)

RECOMMENDATION

Adopt a resolution supporting a State Budget Request to reinstate CalFresh Fruit and Vegetable EBT Program and endorsing AB 936

CURRENT SITUATION AND ITS EFFECTS

The CalFresh Fruit and Vegetable EBT Program was forced to shut down on January 31, 2025, due to a depletion of its funding. As a result, families experiencing food insecurity are no longer able to receive up to $60 in rebates to purchase fresh fruits and vegetables with their CalFresh benefits. Since its inception in 2023, the CalFresh Fruit and Vegetable EBT Program has been successful in subsidizing fresh fruit and vegetables to individuals and families experiencing food insecurity, making fresh and nutritious food more affordable. Research has shown that communities with limited access to fresh produce experience increased risk for chronic diseases, emphasizing the critical need for this program.

In response, Assemblymember Alex Lee submitted a budget request for $63 million for one-time funding from the State to restart the CalFresh Fruit and Vegetable Supplemental Benefits Program (previously referred to as the CalFresh Fruit and Vegetable EBT Pilot Project). This funding would allow the program to operate continuously for 12 months and expand its reach, doubling the number of households it serves each month to a total of 111,000 households statewide, making healthy food more affordable for those in need. The budget request has been endorsed by a coalition of over 60 state and local organizations with an interest in promoting healthy food access.

Additionally, Assemblymember Lee introduced AB 936, which would help make the pilot program permanent and modify its framework to allow the CalFresh Fruit and Vegetable Supplemental Benefits Program to expand its reach to additional retail locations, allowing more families across the state to participate.

This resolution supports both the budget request and AB 936, which jointly facilitate the ongoing operations of the program.

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BACKGROUND
The California Association of Foodbanks cites that as of September 2024, 22% of California households and 27% of California households with children face food insecurity, making this program crucial for reducing hardship and improving access to nutritious food for low-income residents of the state.[1] Subsidizing nutritious fruit and vegetables ensures that individuals, especially those facing financial barriers, have access to affordable, nutritious options, improving public health and reducing healthcare costs in the long term.

RATIONALE FOR RECOMMENDATION
A one-time allocation of $63 million from the state's general fund would enable the program to operate for a full year, effectively doubling its impact and expanding its reach to more retailers across California. With sufficient funding from the state budget, the program can continue to combat hunger and promote better health for CalFresh participants statewide.

FISCAL IMPACTS OF RECOMMENDATION
No fiscal impacts of the recommendation.

ENVIRONMENTAL SUSTAINABILITY
This recommendation is not expected to have any impacts on the city's environmental sustainability.

CONTACT PERSON
Councilmember Cecilia Lunaparra, 510-981-7170
Jonah Gottlieb, Chief of Staff

[1] https://www.cafoodbanks.org/hunger-data-reports/

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

SUPPORTING A STATE BUDGET REQUEST FOR THE CALFRESH FRUIT AND VEGETABLE EBT PROGRAM AND ENDORSING AB 936 (CALFRESH FRUIT AND VEGETABLE SUPPLEMENTAL BENEFITS PROGRAM)

WHEREAS, the CalFresh Fruit & Vegetable EBT Program was forced to shut down on January 31, 2025, due to a depletion of its funding; and

WHEREAS, as a result, families experiencing food insecurity have decreased access to nutritious food; and

WHEREAS, Assemblymember Alex Lee submitted a budget request for $63 million to revitalize the CalFresh Fruit & Vegetable EBT Program; and

WHEREAS, the budget request has been endorsed by over 60 state and local organizations with an interest in promoting healthy food access; and

WHEREAS, Assemblymember Lee also introduced AB 936, which would help make the CalFresh Fruit and Vegetable EBT Pilot Project permanent and modify its framework to allow the CalFresh Fruit and Vegetable Supplemental Benefits Program to expand its reach to additional retail locations, allowing more families across the state to participate; and

WHEREAS, the City of Berkeley is committed to supporting those experiencing food insecurity, as evidenced by its investment in local food banks and nonprofits that provide hot meals to individuals in our city; and

NOW BE IT RESOLVED, that the Berkeley City Council hereby declares its support for the $63 million state budget request to ensure wider access to nutritious fruits and vegetables for those in need; and

BE IT FURTHER RESOLVED, that the Berkeley City Council hereby declares its support for AB 936 to make the CalFresh Fruit and Vegetable EBT Pilot Project permanent; and

FINALLY, BE IT RESOLVED, that upon passage, a copy of this Resolution be sent to Governor Gavin Newsom, State Senator Jesse Arreguín, Assemblymember Buffy Wicks, and Assemblymember Alex Lee.

Berkeley City Councilmember
Mark Humbert, District 8
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www.MarkHumbert.com

02a.25

CONSENT CALENDAR
April 29, 2025

To: Members of the Berkeley City Council

From: Councilmember Mark Humbert (Author)

Subject: Defer $150,000 referral for Round Park from Nov 2024 FY2025 AAO#1

RECOMMENDATION: Place a hold on or otherwise defer the FY2025 $150,000 budget referral from the November 2024 AAO#1 budget, which set aside funding for initiating a process to potentially convert the median informally known as “Round Park” (and possibly other nearby medians) to an official City park in District 8.

FISCAL IMPACT: None or net positive for FY2025. The $150,000 in funds for the potential Round Park public engagement and planning process were allocated but not spent. This item seeks to defer that budget allocation while maintaining the referral among other outstanding referrals for consideration at a future budget, thereby freeing up $150,000 for other immediate FY25 budget priorities.

BACKGROUND: City Council approved this $150,000 allocation as part of its Fall 2024 Annual Appropriations Ordinance process for the FY2025 budget. The referral was initiated by Councilmember Humbert at the behest of neighbors who wished to explore this project. The budget allocation was approved at the November 19, 2024 meeting.

CURRENT SITUATION AND ITS EFFECTS: Subsequent input from neighbors revealed insufficient consensus existed for the City to move forward with further engagement and planning efforts. Additional discussion among neighbors and members of various neighborhood-level organizations is needed before the City considers next steps.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS: Since this proposal pauses a planning effort that was not yet underway, no environmental effects exist.

POSSIBLE FUTURE ACTION: The Council would need to re-approve the allocation of these funds as part of a future budget adoption/action. Upon completion of consultant work, conceptual design, and public outreach, additional Council actions and City funding would be necessary to create final designs and begin physical improvements.

CONTACT PERSON
Councilmember Mark Humbert — mhumbert@berkeleyca.gov, 510-981-7180

Kate Harrison
Councilmember, District 4

ACTION CALENDAR
April 29, 2025

To: Honorable Members of the City Council

From: Councilmember Harrison

Subject: Resolution: Opposition to Police Brutality and Use of Force on Nonviolent Protesters

RECOMMENDATION

Adopt a Resolution reaffirming the City of Berkeley's opposition to and condemning police brutality towards nonviolent protesters and discouraging use of "less-lethal" weapons for crowd control.

POLICY COMMITTEE RECOMMENDATION

On March 24, 2025, the Public Safety Committee adopted the following action: M/S/C (Kesarwani/O'Keefe) to send item to City Council with a negative recommendation. Vote: All Ayes.

BACKGROUND

The City of Berkeley has a long and storied history of nonviolent protest and civil disobedience. Unfortunately, that history is coupled with one of police brutality directed at nonviolent protesters. The most infamous example of police brutality in Berkeley occurred on "Bloody Thursday" in 1969 when James Rector was murdered by the Alameda County Sheriff force and a National Guard helicopter sprayed CS (tear gas) on thousands of protesters shortly following the founding of People's Park and deputies shot birdshot and buckshot at demonstrators.

While CS gas and pepper spray are both banned in warfare by international law, police in the United States commonly use them for crowd control purposes. On June 9, 2020, the City Council unanimously passed a motion to prohibit the use of CS gas by the Berkeley Police Departments or by any agency called for mutual aid in Berkeley.[1] This motion also prohibited the use of pepper spray and smoke by the Berkeley Police Department and by any agency called for mutual aid response in Berkeley, during the

[1] https://berkeleyca.gov/sites/default/files/city-council-meetings/06-09%20Annotated%20Agenda%204pm.pdf

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COVID-19 pandemic and until such time that the City Council removes this prohibition.[2] The City's recent suspension of the local COVID emergency does not mean that the COVID-19 pandemic is over, nor does it overturn the Council's 2020 pepper spray and smoke prohibition policy.

Other devices can also harm people. LRADs, or Long-Range Acoustic Devices, have dire consequences for the protesters and bystanders who are exposed to them. According to the Berkeley Police Department's 2022 Police Equipment and Community Safety Annual Report, BPD currently has two LRADs in its possession. Use of LRADs in crowd control situations can be dangerous according to Physicians for Human Rights, and the City of Berkeley regulates their use. LRADs are "capable of causing not only permanent hearing loss, but also migraine, vestibular, and other auditory symptoms" and emit decibels up to 162 dB SPL (sound pressure level), exponentially higher than jet engines at 130 dB SPL, as decibel levels increase exponentially.[3]

Batons are commonly used by police to brutalize protesters, and recent legislation strongly restricts their use by the Berkeley Police Department. Under international law, "batons must never be used as a means of punishment, to disperse peaceful protests, or against people who are already restrained."[4] Yet batons were used by police forces across the United States to disperse peaceful protests during the Black Lives Matter protests of 2020, for example. During Berkeley Black Lives Matter protests in December of 2014, police forces used CS gas, blast rounds, and harmed protesters with batons to force crowds to disperse—which led to a successful civil rights lawsuit against the city.[5]

As a result, the City now is required to apply standards when less lethal weapons are used in a crowd using a standard closer to the lethal force standard. In addition, the policy requires BPD personnel to have a clear shot at an allegedly violent target to prevent injury to others, expansive use of force reporting, implementation of body worn cameras, cite and release provisions, crowd liaisons, and prohibitions on skirmish lines advancing rapidly into a crowd. Berkeley has to live up to its commitments, and other jurisdictions must adopt similar policies.

So-called less-lethal or "kinetic impact" projectiles, including rubber bullets, are used by police forces across the country against nonviolent protesters, and their use should be strongly restricted. According to Amnesty International, "there has been an alarming increase in eye injuries, including eyeball ruptures, retinal detachments and the

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[2]https://records.cityofberkeley.info/PublicAccess/api/Document/AfRL%C3%89LmUm28As5bQtd10Au1FOSJIk1QHHaoDvg0JDhYupGbecgfU%C3%89KphfxL4BQWn%C3%81GtBMi8Z0%C3%81w8NXdky5pxceo%3D/

[3] https://www.asha.org/news/2020/long-range-acoustic-devices-for-crowd-control-can-cause-serious-hearing-loss-and-harm/

[4] https://www.amnesty.org/en/latest/news/2022/06/global-20-rules-for-ending-widespread-misuse-of-police-batons/

[5] https://www.berkeleyside.org/2015/06/11/police-report-mistakes-challenges-in-berkeley-protests

complete loss of sight, as well as bone and skull fractures, brain injuries, the rupture of internal organs and hemorrhaging, punctured hearts and lungs from broken ribs, damage to genitalia, and psychological trauma" by less-lethal munitions. [6] These weapons also include hard foam, rubberized buckshot, and CS gas. Amnesty International also states that "at least 53 people died from projectiles fired by security forces, according to a peer-reviewed study based on medical literature worldwide between 1990 and June 2017. It also concluded that 300 of the 1,984 people injured suffered permanent disability." All less-lethal munitions can still be lethal, and should not be used for crowd control in Berkeley by UCPD or mutual aid agencies.

Finally, the practice of corralling, or "kettling," can pose severe dangers to nonviolent and peaceful protesters. When police corral protesters in a confined space, there is nowhere to go if police begin to use force against protesters. As nonviolent and peaceful protesters are corralled into the same confined and potentially dangerous space, protesters may become victims of excessive police force more easily. Beyond the inability to escape police use of force, corralled protesters are put in a plainly frightening situation that may cause immense psychological distress. Importantly, even if police are focused on certain protesters, kettling places all protesters, including nonviolent and peaceful protesters, into the same confined and dangerous space. The City of Berkeley should strongly discourage any police departments responding to civil disobedience and protest in Berkeley from utilizing this strategy for crowd control.

"Less-lethal," which is often erroneously described as "less-than-lethal," is only relatively so. It can maim and even kill. It is known to have a disproportionate impact on persons with both physical disabilities and mental challenges. CS can be very detrimental to persons with asthma, COVID-19 or other respiratory diseases. Crowd control is a dynamic setting, and officers' ability for precise shots is greatly impaired. The chances of hitting the intended individual with a projectile are low, and of hitting uninvolved protesters is high. Chemical munitions by their nature affect large numbers of people and even spread far beyond the immediate area. BPD Chief Meehan confirmed this in a *Berkeleyside* account from June 11, 2015:

> "Chief Meehan noted that, even when an officer is focused on an individual, the projectile does not always find its mark due to the unpredictable movements of a crowd. A similar explanation was provided regarding baton strikes. Police said they are trained to avoid areas such as the head and neck, but that blows don't always land in the right place because subjects move."[7]

[6] https://www.amnesty.org/en/latest/news/2023/03/global-dozens-killed-and-thousands-maimed-by-police-misuse-of-rubber-bullets/#:~:text=There%20has%20been%20an%20alarming,damage%20to%20genitalia%2C%20and%20psychological

[7] https://www.berkeleyside.org/2015/06/11/police-report-mistakes-challenges-in-berkeley-protests

Use of less-lethal weapons in an indiscriminate manner against a demonstration that is non-violent, or even mixed, is a denial of First Amendment rights to free speech and assembly. In fact, it is tantamount to collective punishment, a denial of due process.

In September of 2021, Governor Gavin Newsom signed AB 48, which restricts police departments use of kinetic energy projectiles and chemical agents to disperse any assembly, protest, or demonstration, and AB 481, which requires law enforcement agencies to obtain approval of military equipment. While these laws restrict the use of "less-lethal" munitions California law enforcement agencies, they also do not preclude municipalities from adopting more stringent policies or reaffirming their opposition to their use on nonviolent protesters.

This subject is of particular concern because the University of California is currently awaiting a decision by the Supreme Court in Make UC a Good Neighbor v. The Regents of University of California that could allow the University to begin building housing there, with resulting protests a likely outcome. On September 19, 2023, the City of Berkeley adopted a resolution authorizing the City Attorney to submit an amicus brief in support of the University of California Regents, defending the University's proposed development of People's Park. It is important that the Berkeley City Council immediately adopt a resolution denouncing the use of "less-lethal" devices and any police brutality against nonviolent protesters in Berkeley from any agencies and police departments, whether or not our police department participates in enforcement actions.

FISCAL IMPACTS OF RECOMMENDATION

Following Berkeley's policies on crowd control will reduce the need for resource-intensive and expensive paramedic and medical care for injured protestors.

ENVIRONMENTAL SUSTAINABILITY

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

ATTACHMENTS

1: Resolution

RESOLUTION NO. XXXX-N.S.

REAFFIRMING OPPOSITION TO AND CONDEMNING POLICE BRUTALITY TOWARDS NONVIOLENT PROTESTERS AND DISCOURAGING USE OF "LESS-LETHAL" WEAPONS FOR CROWD CONTROL

WHEREAS, Berkeley's Southside neighborhood has historically been the site of violent police use of force and brutality towards protesting students and community members, most famously during "Bloody Thursday" in 1969 where the Alameda County Sheriff force murdered James Rector and a National Guard helicopter sprayed CS (tear gas) on thousands of protesters shortly following the founding of People's Park; and

WHEREAS, the Chemical Weapons Convention and Geneva Convention prohibit CS gas and pepper spray in warfare; and

WHEREAS, the State of California recently enacted AB 481[8] and AB 48,[9] which demilitarize and regulate police departments' acquisition and use of projectiles, chemical weapons, military equipment, and others, and protect protesters' First and Fourth Amendment rights; and

WHEREAS, on April 27, 2021, the Berkeley City Council unanimously passed an ordinance to oversee and make transparent militarized police equipment used for crowd control and SWAT operations; and

WHEREAS, Berkeley Police Department's 2022 Police Equipment and Community Safety Annual Report provided an inventory of reportable equipment, including 20 Less Lethal single 40MM launchers, 2 Less Lethal Milkor LTL 40 MM multi-launchers, 724 associated 40mm rounds, 8 Less Lethal FN 303 Launchers, 5,445 associated FN rounds, 190 Oleoresin capsicum (OC spray), 204 Chlorobenzylidene Malononitrile and Oleoresin capsicum, 2 Long Range Acoustic Devices, and 195 36' batons; and

WHEREAS, on June 9, 2020,[10] the Berkeley City Council unanimously voted to prohibit the use of CS gas by the Berkeley Police Department or any outside department or agency called to respond to mutual aid in Berkeley and of pepper spray or smoke for crowd control by the Berkeley Police Department, or any outside department or agency called to respond to mutual aid in Berkeley, during the COVID-19 pandemic and beyond; and

WHEREAS, the University of California's University-wide Police Policies and Procedures[11] allow the University of California Police Department to apply intermediate force, including batons, tasers, pepper spray, chemical agents (such as CS gas), and

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[8] https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB481.
[9] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB48.
[10] https://berkeleyca.gov/sites/default/files/city-council-meetings/06-09%20Annotated%20Agenda%204pm.pdf.
[11] https://ucnet.universityofcalifornia.edu/tools-and-services/administrators/policies/proposed/police-procedures-manual.pdf.

rubber bullets, on nonviolent protesters displaying active resistance, which is defined as intentionally and unlawfully opposing the lawful order of a peace officer in a physical manner; and

WHEREAS, on August 3, 2022, UC Berkeley police forces in riot gear confronted protesters,[12] arrested students and community members participating in civil disobedience, and allegedly forcibly shoved nonviolent defenders of the park, resulting in severe injuries;[13] and

WHEREAS, following the conflict on August 3, 2022, police forces retreated and UC Berkeley declared construction paused indefinitely; and

WHEREAS, on August 3, 2022, the Berkeley City Council called for a special meeting on August 4th, 2022 to discuss and consider the temporary suspension of the June 9, 2020 policy prohibiting the use of CS gas, smoke, and pepper spray for the duration of the City Council recess following pressure from the Alameda County Sheriff, and then canceled it on August 4, 2022 following public outrage; and

WHEREAS, in 2020, 84% of Berkeley voters[14] approved amending the city charter to establish an independent police accountability board and director to provide oversight of local law enforcement, pointing to the public's desire for police reform; and

WHEREAS, violent, less-lethal forms of crowd control used by BPD, UCPD or mutual aid agencies, include but are not limited to Long Range Acoustic Devices, plastic and rubber bullets, hard foam, batons, corralling, launch projectiles, and Active Denial Systems; and[15]

WHEREAS, less-lethal weapons and tactics deployed in crowd control have disproportionate impacts on persons with both physical disabilities and mental challenges, can have detrimental impacts to persons with asthma, COVID-19 or other respiratory diseases; and

WHEREAS, less-lethal crowd control is a dynamic operation in which officers' ability for precise shots is greatly impaired and the chances of hitting the intended individual with a projectile are low, and of hitting uninvolved protesters is high; and

WHEREAS, chemical munitions by their nature affect large numbers of people and even spread far beyond the immediate area; and

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[12] https://www.berkeleyside.org/2022/08/03/uc-berkeley-fences-off-peoples-park-begins-construction-process.

[13] https://www.instagram.com/p/ChYn3ZYrU9j/?img_index=2.

[14]https://ballotpedia.org/Berkeley,_California,_Measure_II,_Police_Accountability_Charter_Amendment_(November_2020).

[15] https://news.berkeley.edu/2020/06/05/are-crowd-control-weapons-dangerous-very-says-uc-berkeley-expert.

WHEREAS, use of less-lethal weapons or tactics in an indiscriminate manner against a demonstration that is non-violent, or even mixed, is a denial of First Amendment rights to free speech and assembly, and is tantamount to collective punishment, and a denial of due process.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley reaffirms its objection to and denounces any and all police brutality and use of force against nonviolent protesters, including those participating in nonviolent civil disobedience.

BE IT FURTHER AND FINALLY RESOLVED that the Council of the City of Berkeley strongly urges the University of California Police Department and any outside departments or agencies called to respond to mutual aid in Berkeley against using “less-lethal” weapons and tactics—including but not limited to CS gas, pepper spray, smoke, Long-Range Acoustic Devices, batons, rubber bullets, launched projectiles, and corralling—against nonviolent protesters, including those participating in nonviolent civil disobedience.

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Berkeley Green New Deal: Workforce Development

RECOMMENDATION

Refer to the City Manager a feasibility analysis and request for recommendations for establishing a City of Berkeley workforce development board to create pathways to green jobs and accelerate the transition to a fossil-free local economy.

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[1], or the California Strategic Growth Council's Transformative Climate Communities[2] 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.

[1] Metropolitan Transportation Commission: Land Use Programs. https://mtc.ca.gov/planning/land-use

[2] California Strategic Growth Council: Transformative Climate Communities. https://sgc.ca.gov/programs/tcc/

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(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[3], adopted in 2011[4], predate SB1000 requirements.

This contributes to a growing need to update area planning with recent accomplishments including: a renewed Development Agreement with Bayer[5] (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)[6] uses to Manufacturing zones, including development of a Manufacturing - Research & Development (M-RD)[7] zone; development of a San Pablo Avenue Specific Area Plan.[8] 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[9]; and the overall increasing risk of flooding, fires, and other natural disasters due to anthropogenic climate change.[10]

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

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[3] City of Berkeley. (1993, Dec. 14.) Resolution 57,301-N.S. Adopting the Certification of Environmental Impact Report for the West Berkeley Plan…The West Berkeley Plan as an Area Plan and as an Amendment to the City of Berkeley Master Plan. https://berkeleyca.gov/sites/default/files/2022-03/12_14_1993%3B%20CLK%20-%20Resolution%3B%20City%20Council%3B%2057301%3B%20West%20Berkeley%20Area%20Plan%3B.pdf

[4] https://berkeleyca.gov/sites/default/files/2022-03/3_22_2011%3B%20CLK%20-%20Resolution%3B%20City%20Council%3B%2065210%3B%20%3B%20West%20Berkeley%20Project_%20Amending%20the%20West%20Berkeley%20Plan%20and%2C%20by%20Reference%2C%20the%20General%20Plan.pdf

[5] City of Berkeley. (2021). Bayer Healthcare LLC – Amended and Restated Development Agreement. https://newspack-berkeleyside-cityside.s3.amazonaws.com/wp-content/uploads/2021/12/2021-11-30-Item-24-Bayer-Healthcare-LLC-%E2%80%93-Amended-and-Restated-Development-Agreement-1.pdf

[6] Robinson, R. & Chen, A. (2022). Referral: Keep Innovation in Berkeley. https://berkeleyca.gov/sites/default/files/documents/2022-09-13%20Item%2030%20Referral%20Keep%20Innovation%20in%20Berkeley.pdf

[7] City of Berkeley Planning Commission Presentation (2023, Feb. 1). https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2023_02_01_Item%2012_Gilman%20Gateway%20Rezone_Presentation.pdf

[8] City of Berkeley: San Pablo Avenue Specific Plan. https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/san-pablo-avenue-specific

[9] kristina hill, Daniella Hirschfeld, Caroline Stanhope Lindquist, et al. Rising coastal groundwater as a result of sea-level rise will influence contaminated coastal sites and underground infrastructure. ESS Open Archive. May 25, 2023. DOI: 10.22541/essoar.168500245.55690018/v1

[10] City of Berkeley: January 2023 Disaster Preparedness Notice. https://berkeleyca.gov/community-recreation/news/rains-and-winds-continue-stay-alert-and-safe-while-still-reporting

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.[11] 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.[12]

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.[13]

While the City of Oakland[14] and the City of Richmond[15] 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.[16] 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

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[11] Glass, A. & Walter, K. (2022). How Biden's American-Style Industrial Policy Will Create Quality Jobs. Center for American Progress. Retrieved 16 May, 2024 from https://www.americanprogress.org/article/how-bidens-american-style-industrial-policy-will-create-quality-jobs/

[12] Department of Energy. (2022, March 18). Press Release: https://www.energy.gov/articles/doe-announces-5-million-launch-lithium-battery-workforce-initiative

[13] https://berkeleyca.gov/sites/default/files/documents/2022-12-06%20Item%2006%20Office%20of%20Racial%20Equity.pdf

[14] https://www.oaklandca.gov/topics/2021-24-local-plan

[15] https://www.ci.richmond.ca.us/DocumentCenter/View/57308/RWDB-PY-2021-24-Local-Plan-FINAL?bidId=

[16] https://www.eastbayworks.com/wp-content/uploads/2021/03/EBRPU-Regional-Plan-03-11-21.pdf

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."[17] 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

[17] Climate Justice Alliance. (2018). Just Transition Principles. *Climate Justice Alliance.* https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf

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.[18] 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[19] proposed by Democratic lawmakers[20], some aspects of which have been passed in the Inflation Reduction Act of 2022, was designed to increase domestic high-road employment[21] 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[22], 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[23] 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.[24]

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[18] Weber, Isabella M.; Jauregui, Jesus Lara; Teixeira, Lucas; and Nassif Pires, Luiza, "Inflation in Times of Overlapping Emergencies: Systemically Significant Prices from an Input-output Perspective" (2022). *Economics Department Working Paper Series.* 340. https://doi.org/10.7275/0c5b-6a92

[19] Carlock, G. & Mangan, E. (2018). A Green New Deal. *Data for Progress.* https://www.filesforprogress.org/pdfs/Green_New_Deal.pdf

[20] House Resolution 109. (2019). https://www.congress.gov/116/bills/hres109/BILLS-116hres109ih.pdf

[21] Williams, M., et al. (2022). The Inflation Reduction Act Provides Pathways to High-Quality Jobs. *Center for American Progress. https://www.americanprogress.org/article/the-inflation-reduction-act-provides-pathways-to-high-quality-jobs/*

[22] https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf

[23] City of Berkeley Staff Report: Business Support Zoning Amendment Referrals – Research and Development. (2021, June 20). pp. 13-56.https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2021-10-06%20PC%20Agenda%20Packet.pdf

[24] Lala, C. (2023). Direct pay: an uncapped promise of the Inflation Reduction Act. *Center for Public Enterprise.* Retrieved from https://static1.squarespace.com/static/622cca56a2f5926affd807c6/t/64257e7047150f31bf02e7cf/1680178800773/Direct+Pay+101+-+Center+for+Public+Enterprise.pdf

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.[25]

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 fenceline communities — have the resilience and expertise to be in the leadership of crafting solutions.

[25] Gass, P. (2019). In Search of Just Transition: Examples From Around the World. *International Institute for Sustainable Development.* https://www.iisd.org/articles/just-transition-examples

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.[26]

[26] Climate Justice Alliance. (2018). Just Transition Principles. *Climate Justice Alliance.* https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf

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."[27] 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.[28]

The California Air Resources Board released an updated Scoping Plan[29] 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.*

[27] California Air Resources Board: 2018 Progress Report. https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf
[28] City of Berkeley: Climate Action Plan. https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Climate-Action-Plan.pdf
[29] California Air Resources Board: 2022 Scoping Plan. https://ww2.arb.ca.gov/news/california-releases-final-2022-climate-scoping-plan-proposal

- *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 PERSON
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)
5: Workforce Development Recommendations to Advance Berkeley's Green New Deal Policy by Yaa Freemah Sarkodie and Kathryn Cuiffo

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.

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 Iintervention 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. Resoultion 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 SerivceNow 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: Rashi 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

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

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

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

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.[1]

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.[2] 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.[3] 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.[4] 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

[1] https://www.nature.com/articles/nature04188

[2] https://www.energy.ca.gov/sites/default/files/2019-11/Reg_Report-SUM-CCCA4-2018-005_SanFranciscoBayArea_ADA.pdf

[3] https://www.energy.ca.gov/sites/default/files/2019-11/Reg_Report-SUM-CCCA4-2018-005_SanFranciscoBayArea_ADA.pdf

[4] https://science.sciencemag.org/content/356/6345/1362

up with it.[5] 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."[6] 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."[7]

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.[8] "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"[9]. 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"[10]. 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[11]. The more

[5] https://www.aeaweb.org/articles?id=10.1257/089533006776526102
[6] 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.
[7] Wilson, B. (2020). Urban heat management and the legacy of redlining. Journal of the American Planning Association, 86(4), 443-457.
[8] https://link.springer.com/article/10.1023/A:1006995507723
[9] https://link.springer.com/article/10.1023/A:1006995507723
[10] https://link.springer.com/article/10.1023/A:1006995507723
[11] 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.[12] 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.

[12] 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.[13] 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.[14] 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.

[13] http://web.stanford.edu/group/efmh/jacobson/Articles/I/USStatesWWS.pdf
[14] 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.”[15] 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 fenceline 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.

[15] 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.[16]

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.[17]

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.

[16] https://climatejusticealliance.org/wp-content/uploads/2018/06/CJA_JustTransition_Principles_final_hi-rez.pdf
[17] https://www.iisd.org/articles/just-transition-examples

On June 12, 2018, City Council adopted a resolution[18] establishing the goal of becoming a Fossil Fuel-Free city. On June 12, 2018, City Council adopted a Climate Emergency Declaration.[19] 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.[20]

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

[18] https://www.cityofberkeley.info/Clerk/City_Council/2018/06_June/Documents/06-12_Annotated_Agenda.aspx

[19] 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

[20] 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[21] 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."[22]

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

[21] https://www.cityofberkeley.info/Planning_and_Development/Home/West_Berkeley_-_Transportation.aspx

[22] 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."[23]

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[24] and the most aggressive state and federal plans are on similar timetables[25]. The vast majority of the vehicles on the road will be gas powered far beyond 2030.[26] 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."[27]

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[23] https://www.cityofberkeley.info/Clerk/City_Council/2020/07_Jul/Documents/2020-07-21_Special_Item_05_Climate_Action_Plan_pdf.aspx

[24] 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

[25] 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/

[26] 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

[27] 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"[28] 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[29]. 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.[30] 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

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[28] https://ww2.arb.ca.gov/sites/default/files/2018-11/Final2018Report_SB150_112618_02_Report.pdf

[29] Page 11: https://www.cityofberkeley.info/uploadedFiles/Public_Works/Level_3_-_Transportation/Berkeley-Bicycle-Plan-2017-Executive%20Summary.pdf

[30] 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.[31]

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."[32] 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.[33] 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.[34] 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

[31] 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
[32] https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf
[33] https://www.pnas.org/content/117/32/19122
[34] 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[35], 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"[36], 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.[37]

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

[35] https://cities-today.com/seattle-passes-minimum-wage-for-rideshare-drivers/

[36] 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.

[37] 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)[38] 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.[39]

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[40], or 5 additional miles per day per curb space.[41] Collecting parking fees based on fair market value can reduce the overcrowding of parking spaces, increase parking availability, and increase funding for public services.[42] According to the US Department of Transportation[43], 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.[44]

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*~~

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[38] 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

[39] 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

[40] 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/

[41] Shoup, D. C. (2006). Cruising for parking. Transport policy, 13(6), 479-486.

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

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

[44] Shoup, D. C. (2004). The ideal source of local public revenue. Regional Science and Urban Economics, 34(6), 753-784.

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[45] 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

[46] 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

[47] 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/

[48] Shoup, D. C. (2006). Cruising for parking. Transport policy, 13(6), 479-486.

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

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

[51] 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.[52] 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."[53] 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.[54] 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

[52] https://www.cityofberkeley.info/climate/
[53] https://www.cityofberkeley.info/uploadedFiles/Council_2/Level_3_-_General/Climate%20Emergency%20Declaration%20-%20Adopted%2012%20June%202018%20-%20BCC.pdf
[54] 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 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;~~,~~

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.



UN environment

International Resource Panel

THE WEIGHT OF CITIES: RESOURCE REQUIREMENTS OF FUTURE URBANIZATION

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_2, 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^2 to over 2.5 million km^2 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.[1] In addition, the relationship between gross domestic product (GDP)[2] 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^2) 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^2). 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).

1 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.
2 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.

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WORKFORCE DEVELOPMENT RECOMMENDATIONS TO ADVANCE THE CITY OF BERKELEY'S GREEN NEW DEAL POLICY

AUGUST 2024







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Our understanding of residents' priorities was deeply informed by the insights shared by numerous community leaders and members, both named and unnamed. We extend our gratitude to the residents of West and South Berkeley and the many organizations that contributed to this effort, including the Councilmember Terry Taplin's Office, Just Cities, Dellums Clinic, McGee Baptist Church, Student Environmental Resource Center, Green the Church, Ecology Center, Rising Sun,the City of Berkeley Economic Development Department, Alameda County Workforce Development, Goldman School of Public Policy, the Berkeley Food Network, Environment of Planning, Vice Chancellor's Office, Climate Center - Reimagining Public Safety Community Task Force, Homeless Force Coalition, Berkeley Unified School District Board Member, the Confederated Villages of Lisjan, Healthy Black Families, Alameda County Workforce Development Boards, and many others.

EXECUTIVE SUMMARY

The City of Berkeley's Green New Deal (GND) is a transformative policy initiative that addresses climate change and social inequities, focusing on vulnerable communities in West and South Berkeley. Since the passage of the city-wide Green New Deal Resolution in 2021, Councilmember Terry Taplin has advocated for targeted efforts to address historical environmental injustices and ensure a just transition for the area's most impacted populations. However, gaps remain in how these policies address the needs of low-income and marginalized residents, particularly in the area of workforce development.

Key challenges include high unemployment rates in West and South Berkeley, especially among Black and other underrepresented communities. Interviews with city staff and community members revealed that the current reliance on the Alameda County Workforce Investment Board (WIB) does not adequately serve Berkeley residents, with a lack of data on the number of local beneficiaries and insufficiently targeted job training programs for emerging green jobs.
Recommendations

The City of Berkeley should **prioritize job training for low-income residents** to prepare them for employment opportunities in the growing green economy. Specifically:

1) **The City of Berkeley should prioritize job training for low-income residents to access new jobs in the green economy.** The City should have its own job-training programs and create a new local funding stream for Berkeley residents rather than only utilizing the current Alameda County Workforce Investment Board programs.
2) **Create a dedicated local funding stream** to support these job-training initiatives rather than relying solely on Alameda County Workforce Investment Board programs, which have not adequately addressed the City's unique workforce needs.

By adopting these recommendations, Berkeley can take proactive steps to ensure that all Berkeley residents, particularly those from historically marginalized communities, secure a livable future, combat environmental racism, and have access to good-paying jobs. This approach addresses unemployment and fosters an equitable transition to a sustainable economy.

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1. Introduction

Workforce development is a critical component in advancing the City of Berkeley's Green New Deal, as it directly aligns with the initiative's goals of promoting environmental sustainability and economic equity. To achieve a transformative impact, it is essential to not only implement green policies but also ensure that the local workforce is equipped with the skills and knowledge required to thrive in a green economy. This entails creating job training programs that focus on emerging industries such as renewable energy, sustainable construction, and green technology, while also addressing the needs of vulnerable populations. By strategically developing and implementing these workforce initiatives, Berkeley can support its Green New Deal objectives, drive economic growth, and foster a more inclusive and resilient community.

A. Background

I. The City of Berkeley's Green New Deal

Councilmember Terry Taplin has made the Berkeley Green New Deal a central initiative, particularly addressing the distinct needs of West Berkeley. The City of Berkeley introduced and passed a city-wide Green New Deal Resolution in 2021, which commits to a Just Transition and a West Berkeley Green New Deal, acknowledging the severity of environmental injustice. Vulnerable residents, including seniors, disabled individuals, and those with low incomes, face barriers to accessing climate change mitigation programs[1]. The Green New Deal Project emphasizes targeted strategies, aligning with a Just Transition within the local context. This approach ensures inclusivity and addresses the unique challenges faced by West Berkeley's vulnerable populations, demonstrating a commitment to balancing industrial activities, transportation pollution, and sustainability in the area.

A Green New Deal is a transformative policy initiative designed to tackle economic inequality and climate change simultaneously. It aims to shift from fossil fuels to clean energy by mobilizing public resources to create dignified jobs and promote sustainable industries. Cities cannot wait for the federal government to act, so the City of Berkeley lays out a framework for tackling climate change while securing a livable future for ALL Berkeleyans by repairing societal injustices, like economic inequality and environmental racism. With five goals, the primary goals

1. **Goal #1: Achieve Net Zero Emission**
2. **Goal #2: Secure Basic Needs**
3. **Goal #3: Increase Access to Quality Jobs**

[1]Taplin, Council Member Terry . "Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley Green New Deal," December 14, 2021

4. **Goal #4: Invest in Green Infrastructure**
5. **Goal #5: Repair environmental oppression**

Figure 1: Summary of Green New Deal

Figure 1 presents the five major goals developed through interactions with Berkeley residents, reflecting their needs and understanding of the Green New Deal. This figure also includes an overview of existing Green New Deal policies, highlighting those that have been passed and those that have failed at both the federal and city levels. These insights help illustrate the alignment between community priorities and broader policy outcomes.



The Office of Councilmember Taplin partnered with the Goldman School of Public Policy (GSPP) and the College of Environmental Design (CED) at UC Berkeley through the Dellums Clinic, and the Just Cities Institute (Just Cities) to engage in research, analysis, development and rollout the steps of the implementation of Green New Deal policies and plans. In the initial proposal presented by Councilmember Terry Taplin office, focused on implementing a Green New Deal with a specific emphasis on prioritizing communities of color and the construction of decarbonized homes for low-income families[2]. This partnership will benefit Berkeley residents by incorporating the values of social justice, equity, and ethics into the vision and plan of how Berkeley government, led by D2's Green New Deal, can design its city, infrastructure, and public services in ways that not only sustainable and climate resilient, but accessible and inclusive as well. The target population for this project are low- and middle-income residents of D2. The geographic area of the project is bounded by University Avenue on the north side, Sacramento

[2] Council Member Terry Taplin Grant Application, February 6, 2023.

Street on the east side, Alcatraz Avenue/Haskell Street on the south side, and extending to the Berkeley Marina and Waterfront. As of the 2020 Census, there are 16,177 residents within District 2, of which 17.9% are Black (2,902), 17.4% are Latino (2,809), and 12.9% are Asian (2,082).[3]

II. Addressing Historical Inequities: Why Prioritize West and South Berkeley Needs

West Berkeley, represented by Council Member Terry Taplin, has long borne the scars of historical injustices, primarily due to redlining and the ongoing impact of environmental racism. For example, this area has suffered disproportionately from air pollution caused by nearby sources like Interstate 80 and soil and groundwater contamination stemming from a legacy of heavy industrial activities.[4]

U.S. Census data from 2010 to 2020 reveals that Census Tract 4220 in West Berkeley experienced the fastest growth during this period.[5] However, this growth comes with significant environmental risks, including rising sea levels and toxic groundwater exposure. Recognizing these challenges, Councilmember Taplin saw the need to specify just transition goals for these areas to ensure that development is both equitable and sustainable.

Recognizing the intersection of environmental justice and economic development, the City Council has expanded its focus to include South Berkeley in its resolutions. This broader scope acknowledges the shared struggles of historically marginalized communities in both regions and underscores the necessity of implementing equitable strategies for a just transition.

The data also shows a dramatic decline in the Black population across various Berkeley neighborhoods from the 1970s to 2020. In West Berkeley-Industrial, the Black population decreased, dropping from 29.25% in the 1970s to 18.7% in 2020. South Berkeley experienced similar trends, reflecting a significant demographic shift and displacement of the Black community over the past five decades.

Figure 5: The Environmental Justice Urgency

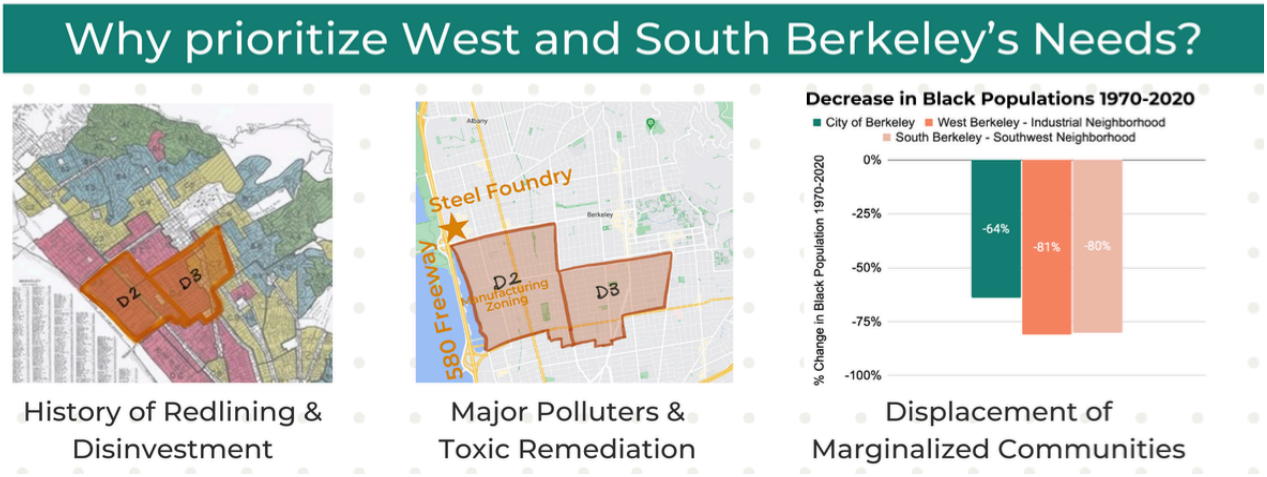
Figure 5 illustrates the severity of historical redlining in Districts 2 and 3, encompassing West and South Berkeley, and highlights how these areas have been disproportionately impacted by

[3] Taplin, Council Member Terry . "Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley Green New Deal," December 14, 2021

[4] Hernandez Story, Ruben (Chief of staff, Council Member Terry Taplin), December 5, 2023

[5] Barber, J. (2023, February 27). Redlining: The history of Berkeley's segregated neighborhoods. *Berkeleyside*. https://www.berkeleyside.org/2018/09/20/redlining-the-history-of-berkeleys-segregated-neighborhoods

major pollutants. The figure also shows a significant decline in the Black population in these districts, spanning from 1970 to 2020, underscoring the long-lasting effects of both environmental and social inequities.



This stark reduction points to systemic issues such as gentrification, rising housing costs, and economic pressures that have disproportionately impacted Black residents. These figures underscore the pressing challenges faced by the remaining Black community in these areas, reflecting broader trends of displacement and economic inequity.

Figure 6: The Decline of Black Berkeley Residents from 1970 to 2020

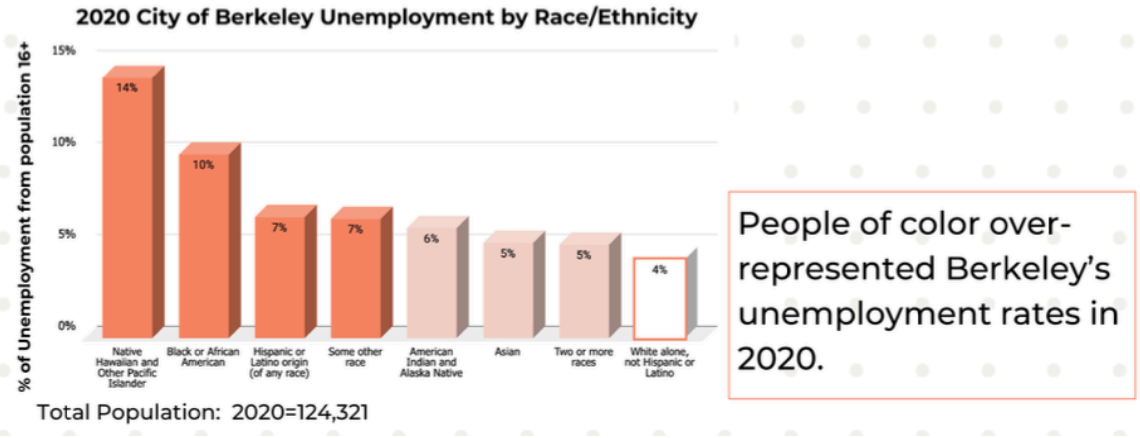
Figure 6 illustrates how Black residents have been particularly marginalized by practices such as redlining and gentrification, which have endured for decades..

Black Population 1970s		**Black Population 2020**		**Change Between 1970 to 2020**
West Berkeley-Industrial	29.25%	West Berkeley-Industrial	18.7%	**-36.07%**
San Pablo Park	85.7%	San Pablo Park	21.7%	**-74.68%**
Southwest Berkeley	88.1%	Southwest Berkeley	17.4%	**-80.25%**

South Berkeley	78.8	South Berkeley	19.9%	**-74.75%**
West Berkeley- south		West Berkeley-south	16.9%	

Figure 7 shows The 2020 unemployment data for Berkeley shows marked racial disparities. Black or African American residents had a 10% unemployment rate, and Native Hawaiian and Other Pacific Islanders faced the highest rate at 14.2%, compared to 4.3% for White (non-Hispanic) residents. Other groups, including Hispanic or Latino (6.6%) and American Indian or Alaska Native (6%), also had elevated unemployment rates. These figures indicate ongoing inequities in employment, suggesting a need for targeted workforce support for affected communities.

Figure 7: 2020 City of Berkeley Unemployment by Race/ Ethnicity



Evidence and community needs—Surveys and interviews indicate a strong need for localized workforce development solutions and for examining unemployment rates by race and geography.

B. The Problem

Councilmember Taplin's initial proposal highlighted the importance of centering communities of color in the Green New Deal policy, particularly by constructing decarbonized homes for

low-income families.[6] However, the existing resolution did not specify clear goals for achieving a Just Transition, nor did it outline the steps needed to address and reverse historical environmental racism. To address these gaps, it is essential to identify the top priorities for unhoused and low-income tenants in West Berkeley and other low-income communities. The goal is to ensure that Green New Deal policies in Berkeley promote a livable future for all residents, combat environmental racism, and provide access to well-paying jobs.

C. This Report

This report seeks to provide actionable implementation recommendations that translate the broader City of Berkeley Green New Deal policy into specific, practical strategies. The primary goal is to develop clear, detailed recommendations that address the immediate needs of Berkeley's diverse communities, particularly those who are District 2 and District 3. These recommendations will focus on creating targeted initiatives that ensure equitable access to jobs, and environmental justice. By outlining actionable steps, the report aims to guide policymakers, community organizations, and stakeholders in effectively implementing the Green New Deal, ensuring that the policy not only addresses climate change but also promotes social and economic equity for all Berkeley residents.

[6] Taplin, Council Member Terry . "Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley Green New Deal," December 14, 2021

2. Methods, Analysis, & Findings

To develop these recommendations, this analysis utilizes a methodology that emphasizes the importance of empathy, inclusivity, and community-centered approaches. Lived experiences of marginalized communities such as the impacts of historical redlining, exposure to toxic pollutants, and the displacement of BIPOC residents from Berkeley, are crucial to creating equitable policies. These experiences highlight long-standing racial inequities and emphasize the need for policies that directly confront these systemic challenges to ensure a more just and inclusive future.

This report develops policy recommendations rooted in the realities faced by those most affected by systemic inequities. This approach ensures that our initiatives are responsive to immediate needs and aligned with long-term goals of community empowerment and equity.

The authors conducted extensive community engagement and demographic analysis, and identified a critical need for new job creation, particularly in light of significant demographic shifts, including a decline in Black or African American, American Indian, and Alaska Native populations.

A. Interviews

I. Interviews with Community Members

This report reflects interviews with diverse stakeholders including long-term residents, displaced individuals, community leaders, environmental advocates, and founders of non-profit organizations. These conversations were instrumental in identifying the immediate needs for environmental resilience, assessing existing community resources, and uncovering the root causes of service gaps. The Berkeley Subpopulation Needs and Service Matrix was developed to translate these insights into actionable strategies.[7] This tool enabled us to systematically organize and analyze information about various subpopulations, including the unhoused, seniors, disabled individuals, youth, rent-burdened tenants, and low-income residents. By identifying their unique needs and evaluating the availability of services, we were able to craft targeted approaches to address these challenges. We identified six critical needs for each subpopulation, including job creation and training, food security, health, electricity/energy, resilient housing, and recycling/repurposing (refer to **Appendix B** for a detailed analysis of our findings). These findings provide a comprehensive framework for addressing community concerns and promoting a more equitable and sustainable future.

[7] https://docs.google.com/spreadsheets/d/1tTxvowIIiAFush_dvhGyEDaZUIrWJ3WyhmUKiAFCE5c/edit?usp=share_link

II. Key Insights from Interviews with Community Members

Common themes include the need for localized services, better communication between agencies and residents, and tailored support for different community segments–all united around the community perspective that the Green New Deal should prioritize basic human needs, including job training so that low-income residents could access jobs in the new green economy. This priority aligns with the broader issue of supporting BIPOC, low-income residents in securing a livable future, combating environmental racism, and accessing well-paying jobs, as outlined in the problem statement: "What are the top priorities for West Berkeley's unhoused and low-income tenants within the Berkeley Green New Deal policies that allow all residents to secure a livable future?"

Our analysis also revealed that while non-BIPOC residents shared many concerns with their BIPOC counterparts, such as affordable housing and energy security, they also expressed additional interests in environmental sustainability and job creation with the evolving green economy. Notably, the concept of "energy" differed significantly across subpopulations: for example, for the unhoused, energy access might mean finding locations to charge mobile devices, while for rent-burdened tenants, it could involve managing high utility costs. These nuanced needs underscore the importance of developing inclusive strategies and tailored solutions that address the specific challenges faced by each group, ensuring that our initiatives are responsive to both the unique and shared concerns across Berkeley's diverse population.

After engaging with residents, feedback highlighted the community's most pressing concerns. While decarbonization was recognized as important, it was not an immediate priority. Instead, residents emphasized more urgent needs, such as access to Job training, food security, and reliable electricity. There was broad agreement on the importance of workforce development programs to better integrate unhoused and low-income populations into the local economy. This feedback underscored the necessity of addressing practical, immediate needs before focusing on long-term environmental goals.

Council Member Terry Taplin has been responsive to these findings, acknowledging that decarbonization, while vital, does not address the community's immediate concerns and agreed for a shift in focus towards more pressing issues, particularly workforce development, as a key strategy to address local needs. His support reflects a commitment to aligning city policies with the real-time needs of the community, specifically by empowering low-income and unhoused residents through job training and employment opportunities. This shift in focus will help stabilize these populations and build a more inclusive, resilient community.

Workforce development plays a pivotal role within the Green New Deal (GND) framework, particularly in the context of Berkeley's commitment to sustainability and social equity. At its

core, the GND aims to reduce greenhouse gas emissions and promote green infrastructure, which Berkeley actively pursues through initiatives in energy and sustainable development. However, crucially expanding the GND's scope, Berkeley recognizes that true sustainability includes ensuring equitable access to green jobs. These jobs not only contribute to environmental goals but also provide a pathway to economic stability and social inclusion for all residents, including BIPOC communities disproportionately affected by historical inequities and gentrification pressures. By focusing on workforce development initiatives that create accessible pathways to green employment, Berkeley not only strengthens its environmental resilience but also fosters a more inclusive community where diverse populations can thrive economically and contribute to the city's sustainable future. This integrated approach aligns with Berkeley's commitment to addressing both environmental challenges and social justice, ensuring that the benefits of a green economy are shared equitably among all Berkeleyans.

III. Interviews with City of Berkeley Staff and Alameda County Workforce Development Board

Discussions with Berkeley City staff from the Economic Development Department have revealed a significant gap in data regarding the number of Berkeley residents benefiting from job training programs facilitated through partnerships between the City and other organizations. No City staff could identify who represents Berkeley on the Alameda County Workforce Development Board. County officials confirmed that the Board currently does not have dedicated personnel or a specific representative for the City of Berkeley. This lack of representation exacerbates the problem of inadequate advocacy for Berkeley’s specific workforce development needs at the county level.

IV. Insights from Interviews with City of Berkeley Staff and Alameda County Workforce Development Board

Berkeley relies on the Alameda County Workforce Development Board, unlike Oakland and Richmond, which have more localized workforce development programs. This board serves multiple municipalities across the county, resulting in a less targeted approach to Berkeley's specific needs. While Berkeley benefits from workforce-related activities facilitated by the Office of Economic Development, including talent recruitment and support for STEM education, these efforts are not part of a unified, city-wide strategy. Additionally, while institutions like Berkeley City College offer various training opportunities, there is no coordinated approach to address the specific needs of Berkeley’s low-income residents. This fragmented approach limits the effectiveness of workforce development initiatives in the city,as programs often operate in silos, lacking alignment with community-specific challenges. Without a unified strategy that

directly targets the economic barriers and skill gaps faced by low-income residents, these initiatives struggle to provide long-term, sustainable solutions for upward mobility.

Initiatives like the Berkeley Startup Cluster, which aims to foster inclusive growth in the tech sector, also operate independently with separate fiscal oversight rather than being directly managed by the city. Although the Alameda County Workforce Development Board provides training programs and support for individuals facing employment barriers, there remains a disconnect between these programs and local hiring practices.

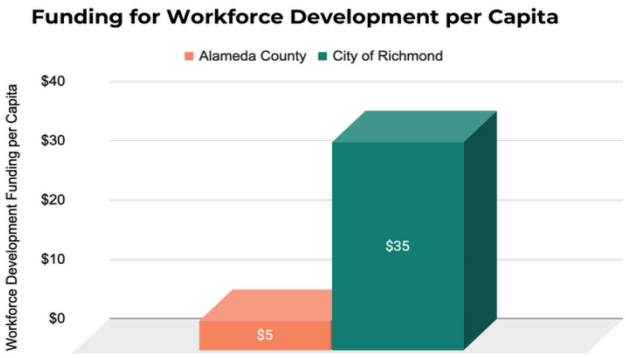
Alameda County funds its workforce development with ***a $7.2 million budget for 2023-2024, projected to increase to $8 million***. This budget covers special programs and staffing across four sub-regions, aiming to distribute services equitably based on demographic and economic factors;[8] the absence of specific data on the number of Berkeley residents served by these programs makes it challenging to assess their direct impact on Berkeley's workforce needs.
Examining the current allocation of federal dollars for job training in Alameda County reveals that workforce development is relatively small, which limits the scope and impact of the programs that can be implemented. With such limited funding, it's challenging to address the diverse and complex needs of the county's workforce.

Richmond Workforce Development Board provides a useful comparison, illustrating the need for a localized job training strategy in Berkeley***. With a $4 million budget, Richmond invests approximately $35 per resident, serving a smaller population. In contrast, Alameda County's job training funding is just $4.93 per resident.*** This significant discrepancy in per capita funding highlights the pressing need for a localized job training strategy for Berkeley. Berkeley should explore the possibilities of establishing local job training programs and allocating a substantially higher budget per resident. By doing so, the city can provide more comprehensive and effective training opportunities tailored to its residents' specific needs. This localized approach will enable Berkeley to equip its workforce with the relevant skills necessary to thrive in the evolving green economy.

[8] *ALAMEDA COUNTY WORKFORCE DEVELOPMENT BOARD*. (2024, April 10). acwdb.org. Retrieved May 6, 2024, from https://acwdb.org/wp-content/uploads/2024/04/4.10.24-OE-Packet.pdf

Figure 8: Funding for Workforce Development per Capita

The City of Berkeley competes with all other cities that Alameda County manages, resulting in a $30 per capita difference when compared to a city that its manages own workforce development funding.



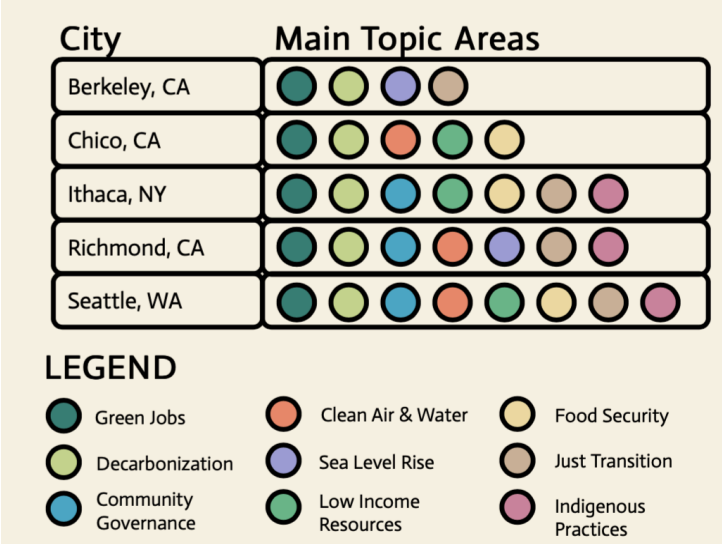
Such a program would advocate for Berkeley's diverse populations, including low-income, BIPOC, formerly incarcerated, and unhoused residents, and align workforce development efforts with the city's socioeconomic landscape. It would also foster collaboration between local businesses, educational institutions, and community organizations to create a more integrated and effective approach to workforce development. This strategy could pave the way for Berkeley to make a significant impact, akin to the successes of neighboring towns like Richmond and Oakland. Investing more heavily in residents' skills development will be crucial in positioning Berkeley with greater control over its economic development strategies, fostering inclusive growth, and better equipping its workforce for success in an evolving job market and sustainability initiatives.

B. Comparative Analysis

To better understand this we reviewed comparable city-based resolutions to understand better how other cities are addressing equity-focused Green New Deals and Just Transitions. Our analysis mapped key environmental policy themes present in these resolutions, including green jobs, decarbonization, sea level rise, and Just Transition initiatives.

Figure 2 compares how cities are addressing equity-focused Green New Deals and Just Transitions. We analyzed city-based resolutions, mapping key environmental policy themes. While Berkeley's resolution covers green jobs, decarbonization, sea level rise, and a Just Transition, it falls short of the more comprehensive vision seen in other cities. This comparison highlights areas where Berkeley's approach could be further developed to align with more robust frameworks seen elsewhere

Figure 2; Green New Deal Policies From Other Jurisdictions



While Berkeley's resolution includes language on these important themes, it falls short in offering a holistic vision compared to the more detailed and enforceable frameworks in other cities like Richmond and Seattle. This absence of specificity makes Berkeley's resolution feel less accountable and actionable. For example, Richmond's resolution emphasizes a planning process to establish a clear vision and actionable steps, likewise Ithaca's Green New Deal provides specific targets and timelines for achieving its goals. Appendix A provides a comparative analysis highlighting the particular targets, timelines, and enforceable measures included in the Green New Deals from other cities.

This mapping exercise highlights these discrepancies and assists council members in drafting a more comprehensive Green New Deal resolution for Berkeley. Such a resolution would capture the full breadth of the community's needs and ensure that the city's commitments are clear, enforceable, and aligned with the best practices observed in other leading cities.

3. Targeted Recommendations– Prioritizing Local Job Training and Addressing Historical Inequities

A. Recommendations

The City of Berkeley should prioritize job training for low-income residents to access new jobs in the green economy. The City should have its own job-training programs and create a new local funding stream for Berkeley residents rather than only utilizing the current Alameda County Workforce Investment Board programs.

B. Rationale: Why Should the City of Berkeley Take the Recommended Action?

I. **Lack of Data on Berkeley Residents Served by Alameda County Workforce Investment Board WIB Programs:**

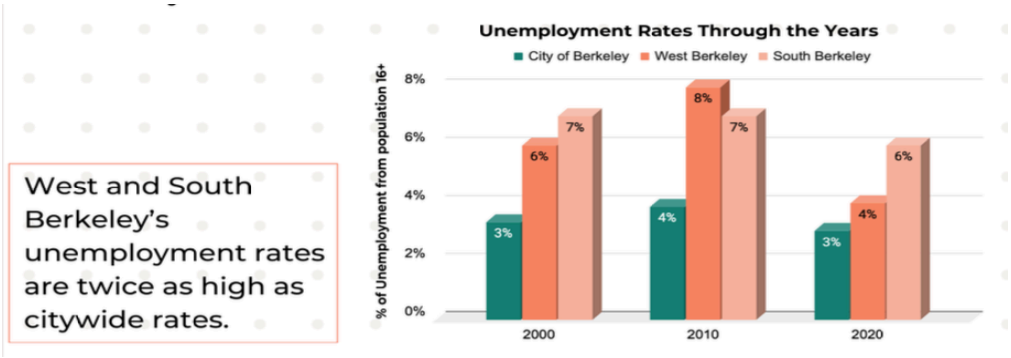
- The City of Berkeley currently lacks data on how many residents benefit from Alameda County Workforce Investment Board (WIB) programs.
- The Alameda County WIB does not track the information of residents who have benefitted from the training programs at the municipal level, and no city office explicitly addresses the basic, immediate workforce needs of Berkeley residents, mainly through the lens of environmental sustainability and resilience.

II. **Berkeley residents who are unemployed or underemployed need help.**

- The Unemployment Disparities By Neighborhood and Race Data below confirms this.

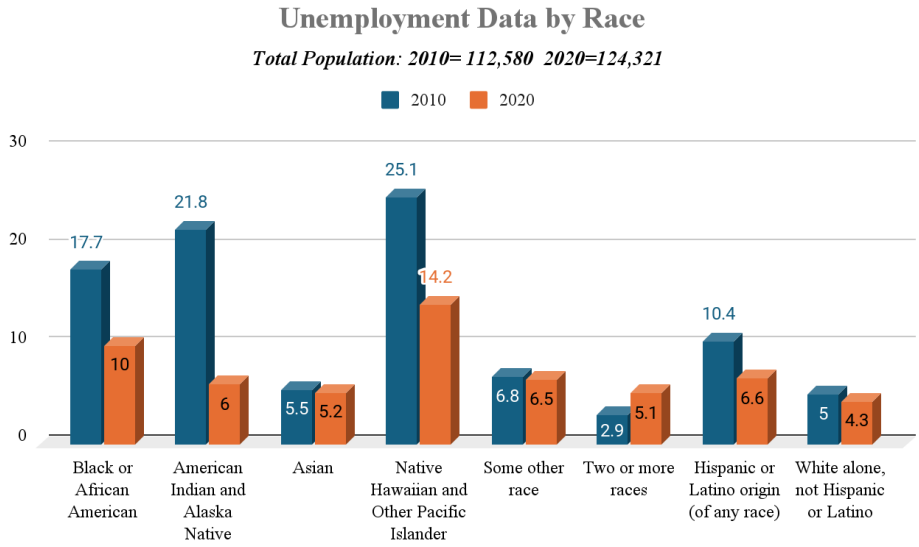
Figure 3 reveals that citywide unemployment in Berkeley has remained relatively steady, but regional disparities persist. West Berkeley, in particular, experienced fluctuations, with unemployment rates rising from 6% in 2000 to 8% in 2010 before dropping to 4% in 2020. In contrast, South Berkeley's rates have been more stable, slightly decreasing from 7% to 6% over the same period.

Figure 3: Unemployment Disparities By Neighborhood[9]



Similarly, **Figure 4** highlights significant racial disparities in unemployment across Berkeley between 2010 and 2020. Substantial gaps remain despite unemployment rates decreasing for Native Hawaiian, Other Pacific Islander, American Indian, and Alaska Native populations. Moreover, Black or African American unemployment has also declined yet remains disproportionately high. Meanwhile, Asian unemployment rates have remained stable, and unemployment among individuals of two or more races has increased.

Figure 4: City of Berkeley's Unemployment Data by Race



[9] *Explore Census Data*. (n.d.). https://data.census.gov/

The persistent disparities in unemployment rates across Berkeley indicate underlying systemic issues beyond mere fluctuations. Research identifies several factors contributing to high unemployment rates, including barriers related to access to job skills, inadequate training opportunities, and limited resources for job search and career advancement.[10] For example, communities experiencing higher unemployment rates often have lower levels of formal education and fewer opportunities for skill development.[11]

In areas like West Berkeley and South Berkeley, where conditions are more fragile, these gaps are exacerbated by the lack of targeted job training programs. Evidence suggests that without tailored workforce development initiatives, residents may struggle to acquire the skills necessary for high-demand jobs, which can contribute to persistent employment disparities.[12] Addressing these issues through localized job training programs is crucial for providing residents with the necessary skills and support. By investing in such programs, Berkeley can work towards bridging skill gaps and improving employment outcomes, particularly for its most vulnerable populations.

III. Financial stability is fundamental to all basic needs uplifted from community interviews.

IV. Green workforce development is a main tenet of Green New Deal definitions across all governmental levels.

V. Developing a new revenue stream provides the city with greater spending flexibility than federal or state funding, allowing for investment in resources tailored to local needs.

[10] Smith, A., Jones, B., & Davis, C. (2022). *Barriers to Employment and Skill Development in Urban Areas*. Journal of Labor Economics, 45(2), 123-145

[11] Johnson, Robert. *Educational Attainment and Employment Outcomes in High-Unemployment Areas*. Boston: Academic Publications, 2021.

[12] Brown, Lisa, and Michael Lee. *Barriers to Employment: The Role of Job Training Programs in Addressing Unemployment Disparities*. New York: Employment Studies Press, 2023.

4. Case Study: How Local Job Training Programs Make a Difference for Low-Income Communities of Color

To illustrate the transformative potential of local job training programs, the Richmond case study provides a compelling example of how workforce development initiatives can positively impact low-income communities of color. Richmond's approach highlights the benefits of tailored, community-focused strategies that address both immediate employment needs and long-term economic resilience. This case study was selected because of its relevance to Berkeley, particularly in demonstrating how comprehensive workforce development can reduce unemployment, improve economic mobility, and support marginalized populations.

Richmond Case Study

Richmond is a compelling example of the transformative impact of well-planned workforce development initiatives on a community. Since its establishment in 2017, the Richmond Workforce Development Board (RWDB) has consistently addressed the diverse needs of job seekers and employers in the region.[13] In response to the challenges posed by the COVID-19 pandemic and ongoing economic difficulties, the RWDB swiftly adapted to virtual platforms, ensuring the continued delivery of vital workforce services. This responsiveness and dedication illustrate the significant benefits of localized, tailored workforce development strategies.

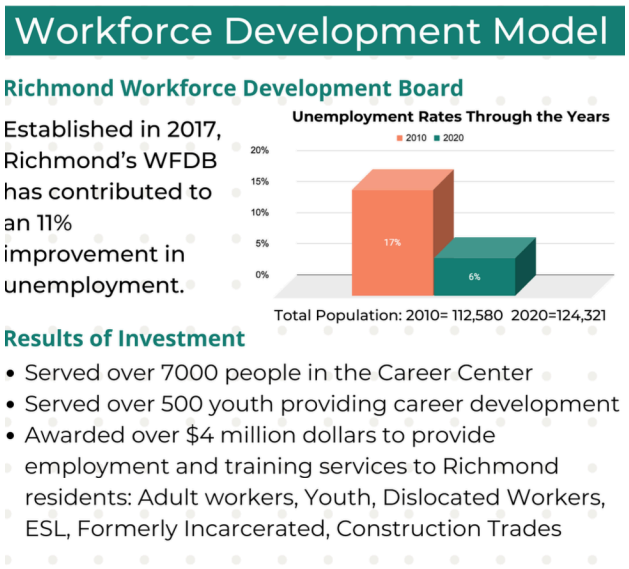
The RWDB was established with a clear vision and defined goals. It initially operated with a budget of $4 million to maximize its impact on the local economy and workforce. Key objectives include maintaining strong ties with the City of Richmond, leveraging resources to create customized pre-apprenticeship programs, and fostering collaborative relationships with employers, educational institutions, unions, and community organizations.

The RWDB's primary goals underscore a commitment to building a skilled labor force that meets the evolving needs of the job market. These efforts include year-round employment opportunities, career advancement training programs, and support services for youth. The RWDB also focuses on forming partnerships with regional organizations to help individuals enter high-growth, well-paying industries and prepare residents for careers in the construction trades.

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[13] *COMMUNITY SERVICES - EMPLOYMENT & TRAINING*. (2024, January). City Richmond Ca Budget Book. Retrieved February 6, 2024, from https://city-richmond-ca-budget-book.cleargov.com/9811/departments/library-and-community-services-employment-training

In 2023, the RWDB developed a targeted strategy to address the specific needs of Richmond residents. This plan included establishing training programs to enhance technical skills, creating job opportunities with competitive wages and benefits, and providing comprehensive workforce preparation services aligned with local labor market demands. Additionally, the RWDB aimed to provide work-based learning opportunities to 500 youth and train 100 residents for careers in the construction and renewable energy sectors.



The RWDB's achievements illustrate its significant impact on the Richmond community, allocating over $4 million to employment and training services for diverse individuals, including adult workers, youth, dislocated workers, ESL learners, individuals with disabilities, and formerly incarcerated individuals. The RWDB's initiatives, such as the Richmond Beautification Program and support for the Richmond Housing Authority, highlight its holistic approach to community development. The RWDB also served more than 7,000 individuals at their career center, providing professional development, occupational skills training, and paid work experience opportunities to 500 youth across Richmond.[14]

The Regional Workforce Development Board's (RWDB) success is largely due to its well-structured organizational framework, led by the Deputy Director for Employment and Training. This framework includes key departments such as fiscal services, youth programs, construction initiatives, and contract compliance. To enhance its reach and effectiveness, the RWDB has established partnerships with 14 organizations, including the EASTBAY Works One-Stop Career Centers, the business community, and labor representatives.

The RWDB is committed to inclusivity, strictly following the Workforce Innovation and Opportunity Act (WIOA) requirements.[15] These requirements prioritize services for vulnerable

[14] *COMMUNITY SERVICES - EMPLOYMENT & TRAINING*. (2024, January). City Richmond Ca Budget Book. Retrieved February 6, 2024, from https://city-richmond-ca-budget-book.cleargov.com/9811/departments/library-and-community-services-employment-training

[15] *COMMUNITY SERVICES - EMPLOYMENT & TRAINING*. (2024, January). City Richmond Ca Budget Book. Retrieved February 6, 2024, from https://city-richmond-ca-budget-book.cleargov.com/9811/departments/library-and-community-services-employment-training

populations, including low-income individuals, English language learners, veterans, and individuals with disabilities. Through programs like Accelerating Careers through Essential Skills Academy and YouthBUILD, the RWDB aims to empower individuals from diverse backgrounds to achieve economic mobility and self-sufficiency.

Comparison of Richmond Unemployment Data by Race Before and After The Establishment of Local WFDB

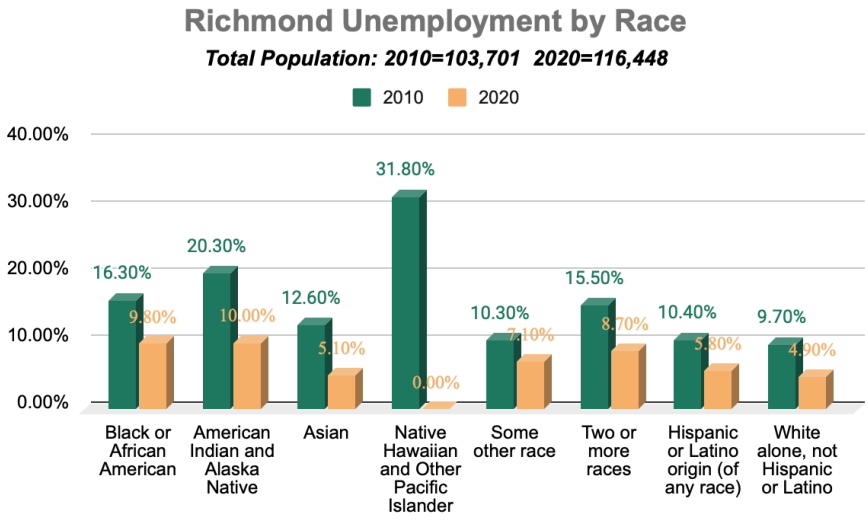
Richmond's employment data demonstrates a significant decline in unemployment rates from 2010 to 2020, coinciding with the establishment of the local workforce development board. **In 2010, the total unemployed population stood at 9,108, accounting for 16.53% of the workforce. By 2020, this number had significantly decreased to 3,733 individuals, representing a much lower unemployment rate of 6.32%.** The creation of RWDB in 2017 likely substantially impacted this decline. The introduction of workforce development programs and initiatives played a crucial role in providing job opportunities, skills training, and support services, thereby reducing unemployment.

Figure 8: Richmond's Unemployment and Employment Data from 2010 to 2020[16]

Year	Employment Status Population 16> = Civilian Labor Force	Unemployment Status Population 16> =Civilian Labor Force	Percent
2010	55111	9108	**16.53%**
2020	59042	3733	**6.32%**

[16] *Black Census Berkeley Analysis*. (n.d.). https://darrellowensrcd.github.io/infoTransit/1970_vs_2020.html

Figure 9: Richmond Unemployment Data By Race



Census data on race from 2010 to 2020 shows significant reductions in unemployment rates across various racial groups in Richmond. Notable decreases were observed for Black or African American individuals (16.30% to 9.80%), American Indian and Alaska Native individuals (20.30% to 10.00%), Asian individuals (12.60% to 5.10%), Some other race (10.30% to 7.10%), Two or more races (15.50% to 8.70%), Hispanic or Latino origin (10.40% to 5.80%), and White alone, not Hispanic or Latino individuals (9.70% to 4.90%). These reductions suggest positive employment opportunities and economic growth trends across various racial demographics in Richmond over the past decade, amplifying the positive impact the RWDB has made.

What Berkeley Can Learn:

Richmond's experiences and successes, mainly through the work of the RWDB, provide valuable insights from which Berkeley could benefit. Richmond's commitment to comprehensive workforce development has significantly impacted its community, evidenced by the reduction in unemployment rates and the creation of numerous opportunities for diverse groups, including youth, low-income individuals, and those facing employment barriers. The RWDB's strategic partnerships, targeted training programs, and inclusive initiatives serve as a model for effectively addressing local economic challenges.

Berkeley stands to gain considerably by adopting a similar approach. By establishing a dedicated local workforce development board, Berkeley can ensure that the unique needs of its residents, especially the unhoused and low-income populations, are met more effectively. This could involve creating customized pre-apprenticeship programs, forming robust partnerships with employers, educational institutions, and community organizations, and focusing on industries

poised for growth, such as renewable energy and construction. Emulating Richmond's model would address immediate employment needs and foster long-term economic stability and inclusivity. Such a strategic shift would align with Berkeley's goals of providing sustainable livelihoods, combating environmental racism, and ensuring that all residents have access to well-paying jobs and a secure future.

5.Implementation Considerations: Financial, Staffing, and Economic Impacts of Localized Job Training

A. Financing: Tax Revenue Models

To understand how cities can fund essential services, especially those targeting vulnerable populations, this section examines case studies that highlight progressive tax policies. These models provide useful lessons on how targeted tax initiatives can generate substantial revenue for homelessness services, workforce development, and other critical programs.By analyzing these policies, potential strategies for Berkeley to ensure sustainable funding for its community programs can be identified.

I. Case Study 1: San Francisco, CA Proposition C, Special Tax for Homelessness Services

In November 2022, Proposition C, a gross receipts business tax initiative to fund homelessness services, was voted into law with 61% approval. This policy imposes an additional tax on San Francisco individuals and businesses earning more than **$50 million** in total annual income. It impacts roughly 300 to 400 businesses (2-3%) of the 13,000 already paying gross receipts tax before the proposition was approved. The additional tax on businesses earning more than **$50 million** ranges from 0.175 to 0.69 percent. For businesses earning more than **$50 million** and that pay the payroll tax instead of the gross receipts tax, their payroll tax rate would increase by 1.5%. This increase in business tax is estimated to generate $250 million to $300 million annually. The newly generated revenue is deposited into the City, The Home Fund, distributed across Housing and Community Development, Homelessness and Supportive Housing, and the Department of Public Health to support shelters, hygiene programs, mental health services, and permanent affordable housing.[17]

This municipal tax policy increased the tax burden on high-earner businesses and individuals, creating a new local revenue stream dedicated to a specific set of services reserved for unhoused individuals. The strategic tax increase structure and focus on businesses and individuals earning more than **$50 million** introduce a more progressive tax policy than applying a flat tax increase across all individuals or businesses that pay the gross receipts or payroll tax. This tax policy differs from a general tax change or charter amendment because it reserves the generated revenue for a specific purpose. Proposition C establishes a baseline level of funding for homelessness programs, ensuring that this revenue remains dedicated to these initiatives rather

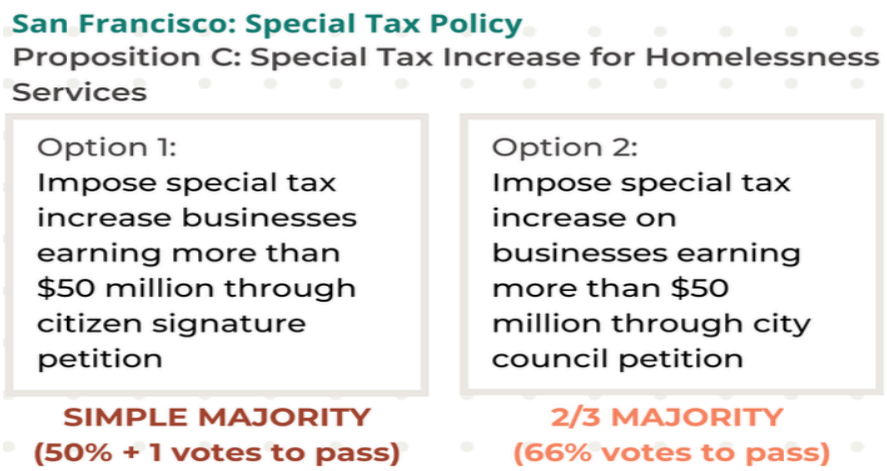
[17] Spur. (2023, December 16). *San Francisco Prop C - Business Tax for Homeless Services*. SPUR. https://www.spur.org/voter-guide/2018-11/sf-prop-c-business-tax-homeless-services

than being diverted to other city programs. This strategy actively redistributes wealth from some of San Francisco's highest-earning entities to its lowest-income residents.

This policy received some litigation when a taxpayer association raised a lawsuit that argued its special tax nature required a ⅔ majority vote instead of a simple majority vote (½ + 1 vote) to pass. The California State Supreme Court ultimately denied the review, upholding San Francisco's right to use a majority vote since the proposition was placed on the ballot through a citizen signature petition. The Coalition on Homelessness, Flide, and other homeless advocates gathered voter signatures to put the measure on the ballot, citing the California Supreme Court's Upland decision determined that a tax measure placed on a local ballot by citizen petition only requires a simple majority to pass. The ruling in Proposition C's lawsuit confirmed that the two-thirds supermajority vote requirement for local special taxes in California applies to tax measures referred to the ballot by lawmakers but not to citizen initiatives.[18]

In reviewing San Francisco's successful models, it becomes clear that strategic and well-planned workforce development and funding initiatives can significantly enhance community support services. San Francisco's Proposition C demonstrates the power of leveraging high-earning businesses to fund critical services for the unhoused population.

By imposing a progressive tax on businesses earning over $50 million, San Francisco has created a dedicated revenue stream annually, generating $250 million to $300 million for homelessness services. This initiative ensures a consistent funding baseline for shelters, hygiene programs, mental health services, and permanent affordable housing, illustrating a robust model for addressing homelessness through



[18] *San Francisco, California, Proposition C, Gross Receipts Tax for Homelessness Services*. (2018, November). BALLOTPEDIA. Retrieved March 2024, from https://ballotpedia.org/San_Francisco,_California,_Proposition_C,_Gross_Receipts_Tax_for_Homelessness_Services_(November_2018)

strategic taxation and dedicated funding.

Given San Francisco's successes, the City of Berkeley should consider adopting similar strategies since establishing and maintaining a local job training system will require significant funding. Berkeley could explore implementing a **progressive tax on high-earning businesses to create a dedicated fund** for homelessness services and other critical community needs.

II. Case Study 2: Oakland Progressive Business Tax

In November 2022, a Ballot Measure was introduced by 4 Councilmembers and was unanimously voted for placement on the ballot by the Council on May 26, 2022. The objective is to modernize Oakland's 20-year-old, regressive business tax structure and raise nearly $22 million to protect and expand essential city services to address homelessness, fix, and clean streets, and provide tax relief and COVID recovery support to more than 20,000 struggling small businesses, many owned by women and people of color.[19]

Oakland's proposed progressive business tax increase offers a critical opportunity to promote fiscal equity while sustaining the city's long-term economic vitality. By introducing a tiered-rate structure, this initiative ensures that larger businesses, particularly multi-million-dollar corporations that have experienced significant profit growth during the pandemic, contribute more fairly to the city's tax base. Currently, 18% of businesses, representing a small fraction of taxable gross receipts, contribute 34% of all business taxes. In contrast, larger businesses, which account for 82% of gross receipts, contribute a disproportionately smaller share. This imbalance highlights the need for reform.[20]

The new tax structure is designed to relieve small businesses from excessive tax burdens. Over 20,000 small enterprises comprising 39% of all businesses in Oakland are expected to benefit from reduced taxes. Retailers, restaurants, grocers, wholesalers, and various service firms with up to $2.5 million in gross receipts and manufacturers with up to $1 million in gross receipts will see tax cuts. This policy ensures that 97% of Oakland businesses will either maintain their current tax rates or experience reductions, fostering a more supportive environment for local enterprises.

The proposal introduces higher tax rates for the top 3% of Oakland's largest businesses, which generate $100 million or more annually. The goal is to balance fiscal responsibility with maintaining regional competitiveness. Increased contributions from these high-revenue

[19]Oakland, C. O. (2022, May 26). *Progressive Business Tax Proposal*. City of Oakland. https://www.oaklandca.gov/resources/progressive-business-tax-proposal

[20] Oakland, C. O. (2022, May 26). *Progressive Business Tax Proposal*. City of Oakland. https://www.oaklandca.gov/resources/progressive-business-tax-proposal

businesses are expected to enhance city services without imposing additional tax burdens on homeowners and renters.

However, the proposed tax increases, which could reach up to 760% for some businesses, have sparked valid concerns about their potential impact on Oakland's economic landscape.[21] The substantial rise in tax rates may lead some large employers to reconsider their presence in the city, possibly resulting in job losses and a slowdown in economic activity. The city must closely monitor these effects to ensure the tax policy does not inadvertently hinder the region's business growth or economic expansion.

This progressive business tax proposal represents a significant step forward for Oakland by increasing taxes on higher gross income levels and promoting a fairer tax system. By implementing a tiered-rate structure, the city aims to ensure that the largest and most profitable businesses contribute their fair share of revenue, addressing existing disparities. This approach not only supports small businesses with tax reductions but also strengthens the city's revenue base in a manner that is progressive and consistent with Oakland's economic and fiscal objectives.

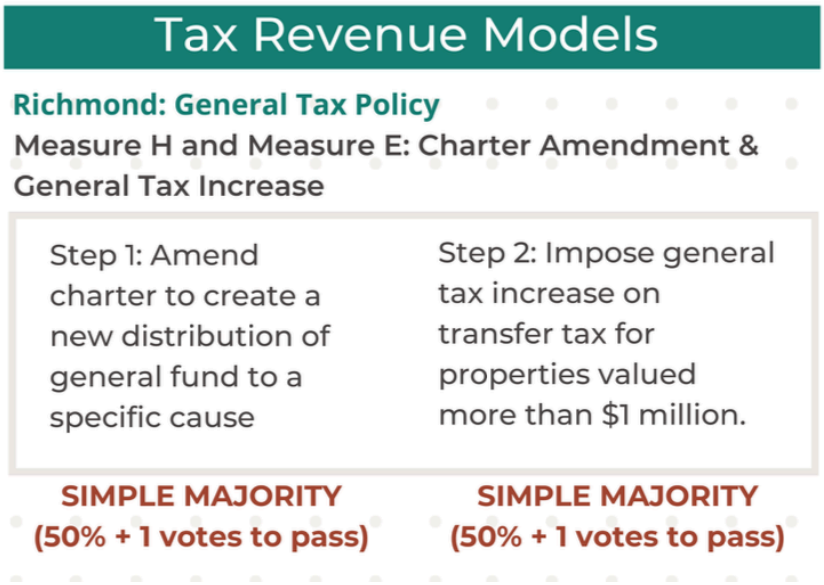
III. Alternatives: Richmond, CA Measure H, and Measure E – General Tax Increase and Charter Amendment

In June 2018, Measure E, a charter amendment authorizing the city to dedicate a portion of the city's general funds for youth programs and services, was voted into law with 76% approval. This measure proposed a gradual increase in the portion of city funds that would be dedicated to youth services, beginning with $700,000 in its first year of implementation, 1% of the general fund in its second year, 2% of the general fund in its third year, and then 3% of the general fund in its 3rd year and every year after. The funding was intended to establish a department of children and youth within the city manager's office and a 15-member oversight board, also known as the Kid's First Initiative[22]. Then, in November 2018, Measure H, a property transfer tax initiative to increase the transfer tax for properties valued at more than **$1 million**, was voted into law with 64% approval. Properties valued over $1 million would experience some tax increase between 0.55%-2.3%, while properties valued below $1 million would see no change in their existing 0.7% transfer tax fee. This increase in property transfer tax is estimated to generate $4.8 million annually and had no determined specific use for the revenue as it would be

[21] An Analysis of Oakland's Proposed Business Tax Increase. (2022). In *Bay Area Council Economic Institute – Oakland Business Tax – March 2022*. https://www.bayareaeconomy.org/files/pdf/Oakland_BusinessTaxAnalysis_BACEI_March2022.pdf

[22] *Richmond Kids Initiative Fund: The Richmond Fund for Kids and Youth*. (n.d.). Retrieved February 2024, from https://www.ci.richmond.ca.us/DocumentCenter/View/48207/Richmond-Kids-First-Measure-E?bidId=

deposited into the city's general fund "for a public purpose".[23]



This policy strategy combined a charter amendment that dedicated a portion of the city's general fund to a specific purpose and a general tax increase in the form of a property transfer tax to increase the general fund's overall value. This set of policies had a similar objective to San Francisco's Proposition C: they generated a new local revenue source to fund a specific purpose. However, by going the general tax and charter amendment route, this policy strategy avoided the challenges of special taxes. No citizen signature petitions were needed to get the measures on the ballot, and no two thirds ⅔ votes were required to pass the measures. Also, charter amendments to distribute existing funding to causes that voters care about often result in more easily adopted campaigns than introducing new taxes. So, Measure H being introduced before Measure E was both a tactical move and a risk if Measure E did not pass because then the Kid's First Initiative would be dipping into the existing general fund already supporting other needed services. Measure E had an advantage in getting approved as a general tax since it only required a simple majority to pass one half plus one vote (½ + 1 vote).

B. Implementation Consideration

The case studies of San Francisco's Proposition C, Oakland's progressive business tax, and Richmond's Measures H and E collectively offer valuable insights into innovative funding mechanisms for municipal services. Proposition C demonstrates the effectiveness of leveraging high-earning businesses through a targeted gross receipts tax to generate substantial revenue for homelessness services. Oakland's progressive business tax illustrates how a tiered-rate structure can balance fiscal equity by ensuring that large businesses contribute more fairly to city revenues. Richmond's Measures H and E highlight a dual approach where a charter amendment

[23]Rosales, B. M. (2018, December 12). *The breakdown: three local ballot measures explained*. Richmond Confidential. https://richmondconfidential.org/2018/10/13/the-breakdown-three-local-ballot-measures-explained/

dedicates funds to specific services while a general tax increase enhances overall revenue, demonstrating flexibility in funding strategies.

These case studies underscore several key takeaways for the City of Berkeley. First, targeted tax initiatives, such as progressive taxes on high-earning businesses or property transfer taxes, can create dedicated revenue streams for essential services without overburdening small businesses or residents. Second, combining specific allocations with broader revenue increases can offer a balanced approach to addressing diverse community needs. Finally, ensuring a clear connection between revenue sources and their intended purposes can increase public support and the effectiveness of funding initiatives.

In light of these insights, Berkeley should consider implementing a multifaceted funding strategy that integrates elements from these case studies. This could involve introducing a progressive tax on high-earning businesses to support targeted community programs, such as homelessness services or workforce development. Additionally, exploring general revenue-enhancing measures, like a property transfer tax, could provide a supplementary funding source for broader municipal needs. By adopting these strategies, Berkeley can create a sustainable and equitable funding framework that supports its diverse community needs and promotes long-term economic stability.

The Economic Impact of a Local Job Training Program

Investing in job training programs can enhance the skill set of the local workforce, potentially leading to benefits for both businesses and the broader economy. By focusing on training programs in high-demand fields such as renewable energy, technology, and healthcare, the City of Berkeley can help residents acquire valuable skills that align with current job market needs. This approach may improve the employability of the local workforce and create an environment that attracts businesses seeking skilled talent. Additionally, a well-trained workforce has the potential to contribute to increased productivity and innovation within local businesses. This, in turn, could support job creation and contribute to economic growth. While these outcomes are promising, the actual impact will depend on the effectiveness of the training programs and their alignment with industry requirements. The broader economic benefits could include improved employment rates and increased consumer spending, which would contribute to a more resilient local economy.

Appendices

Appendix A: Summary of Green New Deal Policy Comparison Matrix From Other Jurisdictions

City and Policy Name	Main Policy Areas	Bill Language	Enforceability
Berkeley, CA- Commit The City of Berkeley to A Just Transition from The Fossil Fuel Economy	Green Jobs Decarbonization/ Electrification Sea level Just Transition	NOW THEREFORE, BE IT RESOLVED that the City Council commits the City of Berkeley to a Just Transition to zero carbon emissions that secures a livable future for all Berkeleyans, pursue 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. 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.	Not implemented
Richmond, CA-Resolution To Begin A Planning Process To Establish A Vision And	Green Jobs Decarbonization/ Electrification Community Governance Clean Air and Water Access	BE IT RESOLVED, that such a plan will Draft a principled and practical concrete implantation plan (including both low-hanging fruit and long-term projects) to address the climate crisis with a multi-year approach to new job	The City Manager's office released a Request for Proposal in October 2021 to solicit professional services to develop/implement a

Identify Actions To Implement A Local Green-Blue New Deal That Will Provide 21 St Century Jobs For Our Richmond Community	Sea level Just Transition	creation. • Maintain a responsibility to deliver environmental justice and equity through an inclusive economy, producing results at the community level, guided by communities themselves. • Provide a pathway to the green and blue economies, creating pipelines to good paying, sustainable jobs with labor and union-friendly agreements, such as PLAs and a just transition as we enter an era of changing work trends. • Provide ideas for public investment in good jobs for our residents, as well as policy ideas for advancing the latest sustainability practices and regulation of polluting industries, as we begin to shift away from dependency on the fossil fuel industry so that no workers and no communities are left behind. • Demonstrate a resolve to demonstrate the art of the possible and lead the way, walking the walk and using our people and our budget to drive change. BE IT FURTHER RESOLVED that such a planning process will include reaching out to: • Experts, authors and other specialists on the Green New Deal and the Blue New Deal. • The overall Richmond community and stakeholders through community meetings, town hall gatherings, workshops, webinars and other outreach methods. Stakeholder meetings should include (but not be limited	community-based workforce development plan using the Green-Blue New Deal/JT Framework. Appraccel, LLC was awarded the contract in April 2022.

		to) Richmond environmental justice and environmental health organizations, climate change organizations, shoreline groups, neighborhood councils, unions (public sector and private sector), the business community, and nonprofits. BE IT FINALLY RESOLVED that this planning process should be approximately a one (1) year to 18-month process with study session updates presented to the City Council every 6 months to update the Council and the public at large. Given the urgency of the climate crisis, these updates should also advise the Council on potential implementation of certain recommendations, even prior to the end of the planning process.[24]	
Seattle, WA -Resolution For Green New Deal For Seattle	Green Jobs Decarbonization/ Electrification Community Governance Clean Air and Water Access Resource for Low Income Food Security Just Transition	BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT: Section 1. The City of Seattle ("City") supports policies that promote strong families and communities, including paid family and sick leave, affordable child care, universal health care, and high-quality, free educational opportunities for all as laid out by the federal Green New Deal resolution and urges the United States Congress to pass the Green New Deal. Section 2. The City recognizes	Green New Deal Executive Order[26]

[24] https://www.ci.richmond.ca.us/ArchiveCenter/ViewFile/Item/11284

[26] Durkan, J. A. (2020). *Executive Order 2020-01: Advancing a Green New Deal for Seattle*. https://wayback.archive-it.org/3241/20211218155953/https://durkan.seattle.gov/wp-content/uploads/sites/9/2020/01/Final-Executive-Order-2020-01-Advancing-a-Green-New-Deal-for-Seattle_.pdf

		that, while it has made some progress towards reducing its dependence on fossil fuels, that progress is insufficient to make the necessary changes to shift Seattle's economy to be more equitable and ecologically sustainable. Section 3. The City envisions a future where Seattle residents can live healthy, prosperous lives, free of toxic chemicals and fossil fuels, and all people's social and ecological well-being is prioritized over the profit of private corporations. Section 4. To achieve this vision, the City commits to creating a Green New Deal for Seattle with the following goals: A. Make Seattle free of climate pollutants, meaning those that cause shifts in climate patterns, including carbon dioxide, black carbon, methane, nitrogen oxides, and fluorinated gasses, by 2030; B. Prioritize investment in communities historically most harmed by economic, racial, and environmental injustice; SEATTLE CITY COUNCIL Page 5 of 12 Printed on 4/2/2022[25]	
Ithaca, NY-Adoption of Ithaca Green New Deal-Resolution)	Green Jobs Decarbonization/ Electrification Community Governance Resource for Low Income Food Security	RESOLVED, That the City of Ithaca endorses the following actions to achieve these goals: Create a climate action plan (CAP) in 2020 to provide details on how to achieve the Ithaca Green New Deal, and update the CAP regularly;	City's department of Planning and development released Ordinance to Amend Chapter 8 (Advisory Commission) of Part I (Administrative Legislation) of the

[25] *SEATTLE CITY COUNCIL - Office of the City Clerk* (n.d.). http://seattle.legistar.com/Default.aspx

	Just Transition	Track and annually report on progress towards the goals listed above Adopt a Green Building Policy for new buildings in 2019; Adopt a Green Building Policy for existing buildings by 2021; and Assign additional staff as needed to implement the plan ; and, be it further RESOLVED, That the Mayor and Common Council will work with department heads and city staff, members of appropriate boards and commissions, businesses, community groups, academic institutions, organizations, and other local governments to develop a comprehensive public input process to enable achievement of these goals; · and, be it further RESOLVED, That the City of Ithaca will ensure that the benefits of the Ithaca Green New Deal are shared among all of our local communities to reduce historical social and economic inequities; and, be it further[27]	Code of the City of Ithaca to Establish a Sustainability and Climate Justice Commission[28]

Appendix B: Brief High-level Analysis of Findings Berkeley Subpopulation Needs Matrix

Unhouse People

Analyzing the unhoused need matrix reveals that alongside the immediate needs of emergency shelter and long-term housing, addressing access to food security, clean water, and reliable electricity is paramount for the well-being of the unhoused population. Moreover, comprehensive

[27] *Adoption of the Ithaca Green New Deal·- Resolution*. (n.d.). cityofithaca.org. Retrieved October 2023, from https://www.cityofithaca.org/DocumentCenter/View/11052/Ithaca-Green-New-Deal-Resolution-FINAL-cert?bidId=

[28] *Proposed Amendment to §258-10 of the City Code* (By L. Nicholas,). (2022, November 28). cityofithaca.org. Retrieved October 2023, from https://www.cityofithaca.org/DocumentCenter/View/14501/Chapter-8-Circulation-Memo-with-Ordinance?bidId=

health services are crucial for addressing their physical and mental health needs. Furthermore, the analysis highlights the nuanced understanding of energy needs among the unhoused population, where access to electricity is crucial for charging essential devices. Mobility justice is also substantial, particularly for disabled individuals who require assistive devices like wheelchairs and walkers, which rely on access to electricity. However, equally important is the emphasis on workforce development programs, which play a pivotal role in facilitating the integration of unhoused individuals into society and breaking the cycle of

Homelessness. While specific West Berkeley community services/resources tailored to the unhoused population may be limited, existing city services such as Health, Housing, and Community Services play a crucial role in providing essential support.

By prioritizing access to workforce development initiatives, such as job training programs and employment assistance services, we can empower unhoused individuals to acquire the skills and resources necessary for sustainable employment opportunities. This enhances inclusion in the green economy and economic stability and fosters a sense of dignity and purpose, facilitating their transition towards self-sufficiency and long-term stability.

It's imperative to recognize that addressing the multifaceted needs of the unhoused population requires a comprehensive and holistic approach. By combining efforts to provide essential services like housing and healthcare with targeted interventions in workforce development, we can create pathways toward a brighter and more secure future for individuals experiencing homelessness. Through collaboration and innovation, we can work towards building inclusive communities where every individual has the opportunity to thrive.

Rent Burdened Residents

Analyzing the needs of rent-burdened residents in Berkeley reveals that, alongside addressing food security, health, and access to utilities, there is a crucial demand for high-paying jobs and a sustainable cash flow. One resident emphasized, "Quality jobs are essential for us to break the cycle of financial instability. It's not just about paying rent; it's about building a future." Organizations such as Rising Sun and SERC, with the support of the Office of Economic Development, are pivotal in providing quality job opportunities that can help alleviate the financial stress experienced by these residents. Ensuring access to well-paying employment allows individuals to manage their rent more effectively and contributes to their overall economic stability and well-being.

In addition to job opportunities, the need for sustainable living conditions remains paramount. The Ecology Center and other local entities are instrumental in promoting energy efficiency, water savings, and recycling practices. Another community member noted, "Sustainable jobs

mean we can care for our families and the planet simultaneously." By integrating workforce development initiatives with these sustainability efforts, residents can benefit from a holistic approach that addresses immediate financial needs and long-term environmental goals. This comprehensive strategy empowers rent-burdened individuals by providing them with the necessary skills and resources to secure stable employment, thereby reducing rent burdens and fostering a more resilient and inclusive community**.**

Low-Income Homeowners

Examining the low-income homeowners' subpopulation highlights a multifaceted landscape of needs essential for improving their well-being and socio-economic stability. Beyond addressing fundamental requirements like food security and access to clean water, ensuring affordable and sustainable housing options remains a priority. Additionally, energy concerns extend beyond mere access to electricity; for low-income homeowners, it translates to lower utility bills, enabling them to allocate savings towards critical expenses such as mortgage payments. Moreover, the significance of quality job opportunities cannot be overstated. Empowering low-income homeowners with access to stable and well-paying employment is integral to breaking the cycle of poverty and fostering long-term financial security. Health services also emerge as a crucial component, necessitating accessible and affordable healthcare options tailored to their needs.

Despite this, there seems to be a scarcity of community services/resources tailored explicitly to low-income homeowners in West Berkeley. Nonetheless, certain city services such as Planning and Development - Office of Energy & Sustainable Development play a crucial role in addressing some of these needs. Integrating workforce development programs into the equation becomes imperative, as it provides individuals with the skills and resources necessary for securing stable employment and contributes to broader community development efforts. Addressing these multifaceted needs comprehensively creates a more inclusive and equitable environment for low-income homeowners in West Berkeley.

These voices served as reminders that basic needs lay in the heart of the Green New Deal. These insights inspired us to develop a Subpopulation Service Need Matrix tailored to Berkeley's unique demographics. We sought to understand their distinct needs and how they tie into the Green New Deal and evaluate existing community services to fill any gaps.

Analysis from the Service Need Matrix

One need that ran similar across the subpopulation was **workforce development,** as this also was one way to help BIPOC low-income residents of South and West Berkeley meet the more extensive umbrella of our problem statement **“What are the top priorities for West Berkeley unhoused and low-income tenants and low income in Berkeley Green New Deal policies**

that allow all Berkeley residents to secure a livable future, combat environmental racism, and access to good paying jobs."

After engaging with residents in West Berkeley to understand their priority areas, we received a range of reactions that highlighted the community's immediate concerns. Many residents expressed that while decarbonization is essential, it is perceived as expensive and not an urgent priority for them. Instead, they emphasized the need for immediate support, particularly in areas such as access to affordable housing, food security, and reliable electricity. There was a strong consensus on the importance of comprehensive health services and targeted workforce development programs to help integrate the unhoused and low-income populations into the local economy. The feedback underscored that practical and immediate needs should precede long-term environmental goals.

We would also like to acknowledge Council Member Terry Taplin's responsiveness to our findings. Recognizing that decarbonization, though crucial, does not represent the most immediate concerns of the residents, he supported the redirection of efforts toward more pressing needs. Council Member Taplin highlighted the importance of workforce development as a core component of addressing the community's issues. His willingness to adjust priorities based on resident feedback demonstrates a commitment to ensuring that city policies align with the community's needs, particularly in empowering low-income and unhoused individuals through job training and employment opportunities. This alignment will support the residents' journey toward stability and self-sufficiency while building a more inclusive and resilient community.

This became our project's narrowed scope and focus, with the definition of a more tailored problem solution: ***"The creation of green jobs is happening right now through building decarbonization, retrofits, and investment in green infrastructure. Green job training organizations and apprenticeship programs like Rising Sun have expressed that the interest to enter the construction industry is non-existent in Berkeley, not because they believe there are no people interested in finding quality jobs in this industry, but because they are having trouble connecting with people who would benefit most from filling these types of roles."***

In analyzing what specific policy solution, we scanned through two leading solutions: 1) ***Expanding the City's current First Source Hire policy and programs to expand concrete opportunities for low-income youth, formerly incarcerated, formerly unhoused (the people in critical job training programs)*** 2) ***New sustainable funding stream such to invest in publicly funded green construction projects and increase funding for impactful job training programs.***

Workforce development plays a pivotal role within the Green New Deal (GND) framework, particularly in the context of Berkeley's commitment to sustainability and social equity. At its core, the GND aims to reduce greenhouse gas emissions and promote green infrastructure, which

Berkeley actively pursues through energy and sustainable development initiatives. However, crucially expanding the GND's scope, Berkeley recognizes that true sustainability includes ensuring equitable access to green jobs. These jobs not only contribute to environmental goals but also provide a pathway to economic stability and social inclusion for all residents, including BIPOC communities disproportionately affected by historical inequities and gentrification pressures. By focusing on workforce development initiatives that create accessible pathways to green employment, Berkeley strengthens its environmental resilience. He fosters a more inclusive community where diverse populations can thrive economically and contribute to the city's sustainable future. This integrated approach aligns with Berkeley's commitment to addressing environmental challenges and social justice, ensuring that the benefits of a green economy are shared equitably among all Berkeleyans.

Appendix C: Defining Green

Green New Deal: Cities cannot wait for the federal government to act, so the City of Berkeley lays out a framework for tackling climate change while securing a livable future for ALL Berkeleyans by repairing societal injustices, like economic inequality and environmental racism. With five goals, the primary goals

6. **Goal #1: Achieve Net Zero Emission**
7. **Goal #2: Secure Basic Needs**
8. **Goal #3: Increase Access to Quality Jobs**
9. **Goal #4: Invest in Green Infrastructure**
10. **Goal #5: Repair environmental oppression**

Green Industry: New and traditional industry sectors that are implementing environmentally conscious and/or energy-efficient standards. Green industries can include, but are not limited to, sustainable construction, transportation, clean and renewable energy, water conservation, waste management, sustainable farming and food production, bio pharm, and tech companies.

Green Jobs: any living-wage, family-supporting job within a green industry company or environmentally conscious small business that assists with environmental protection and renewable energy development or promotion. Examples of Green Jobs include solar panel designers and small green business owners to wind turbine facility janitors and home energy auditors. Most construction and installation-based green jobs are likely to be “middle-skill” jobs, requiring workers to possess training or education beyond a high school diploma but less than a 4-year college degree.[29]

[29] Center for American Progress. Green Recovery: A Program to Create Good Jobs and Start Building a Low-Carbon Economy. September 2008

Green Workforce Training: Any private or publicly financed professional effort to train current or potential employees in technical skills and "soft skills" appropriate for emerging green industry sectors. Green workforce training can be provided in a classroom, at the workplace, online, or through internships, residential programs and apprenticeships.[30]

Inclusive Green Workforce Training: Any professional training program that actively recruits and serves a significant portion of low-income individuals in gaining technical and "soft skills" appropriate for emerging green industry sectors. Inclusive green workforce training includes options for wrap-around services such as childcare, transportation assistance and case management for participants needing additional services.[31]

Appendix D:Policy Summary: Racial Equity Impact Assessment for Seattle's Building Emissions Performance Standard (BEPS) Ordinance

As part of Seattle's building decarbonization effort under their Green New Deal goals, Seattles' Building Emissions Performance Standard (BEPS) seeks to transition Seattle's large buildings (over 20,000 sqft) to net-zero emissions by 2050. Buildings make up 37% of Seattle's greenhouse emissions, and large buildings[32] – including commercial, municipal, multifamily and affordable housing – comprise 27% of overall building emissions.[33] The policy establishes greenhouse gas intensity targets (GHGIT) – levels of buildings emissions per square foot) – which scale incrementally to net-zero over three compliance periods, each 5 years. Each compliance interval begins with the largest buildings (with the greatest emissions impact) reporting progress towards their GHGITs first and ends with smallest buildings.[34]

To provide flexibility to building owners, especially of affordable housing, low-income market-rate housing, and buildings providing social services like shelters, the BEPS offers several "pathways" to achieving net-zero:

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[30] "Soft Skills" refers to any training in office/workplace etiquette– ranging from punctuality and computer skills to language development.

[31] Renee Willette Inclusive Green Jobs, May 2009

[32] Office of Sustainability & Environment, "City of Seattle Draft Ordinance on a Building Emissions Performance Standard," *OSE* (June 5, 2023), 1, https://www.seattle.gov/documents/Departments/OSE/Building%20Energy/1-Draft_BEPS_Ordinance_06.05.23.pdf.

[33] Climate Solutions and Rocky Mountain Institute, "Technical recommendations for Seattle's BEPS proposal," (April 14, 2023).

[34] Seattle Office of Sustainability & Environment, "Director's Report: Seattle Building Emissions Performance Standard Policy Proposal," *OSE* (May 30, 2023), 6, https://www.seattle.gov/documents/Departments/OSE/Building%20Energy/2-Seattle-BEPS-Directors-Report-Draft-05.30.23-with-appendix.pdf.

- Large Non-commercial buildings allowed an ACP during the first compliance period (funds from which will go to low income building upgrades).
- Affordable multi-family housing and buildings supporting social services may claim an exemption from the first compliance period (2031-35) and request an extension (shifting their final compliance period into 2045-50).[35]
- All multifamily buildings may adopt prescriptive options (e.g., replacing hot water heating) in lieu of meeting targets in each compliance period.
- Low-income housing, affordable housing, and buildings in financial distress, can waive GHGITs altogether if they adopt an approved Decarbonization Compliance Plan to get to net-zero or low emissions by 2045-2050.
- The policy also outlines several revenue streams and enforcement mechanisms to support implementation,which we discuss subsequently.

Seattle's Office of Sustainability and Environment (OSE) released a draft version of the BEPS in May 2023, and plans to finalize the policy by December 2023. This analysis was conducted as OSE was collecting comments before submitting an updated version of the policy to the Mayor's Office and City Council in November 2023.

REIA Component	Analysis
1 Identify Stakeholders Which racial/ethnic groups may be most affected by and concerned with the issues related to this proposal? Have stakeholders from different racial/ethnic groups—especially those most adversely affected—been informed, meaningfully involved and **authentically represented** in the **development** of this	The policy will apply to building owners with more than 20,000 square feet (SF) that are already required to comply with Seattle Energy Benchmarking & Reporting." **This equates to approximately 1,650 nonresidential structures, 1,885 multifamily structures, and 45 campuses (representing approximately 600 structures).** This includes the majority of large nonresidential and multifamily buildings downtown and in denser urban neighborhoods such as Capitol Hill, the Chinatown International District, First Hill, and SODO, as well as some buildings in the heart of Seattle's many urban villages such as Ballard and Columbia City. Private entities, nonprofits, affordable housing, market rate apartments, condominiums, municipal and public-school buildings, universities, and hospitals are all examples of ownership. Exempt are buildings used for industrial and manufacturing purposes. OSE currently does not have race-based information about the owners of approximately 4,135 buildings that must comply with these mandates. Therefore, OSE utilizes several proxies to target outreach, technical

[35] Seattle Office of Sustainability & Environment, "Director's Report," 7.

proposal?	assistance, and early compliance engagement to reduce the burden of non-compliance fines and ensure OSE is not enforcing regulations in disparate ways across our community. Key data used includes the City's Race and Social Equity Index Map to identify Racial & Social Equity (RSE) priority communities and ownership criteria, such as community-based organization, nonprofit, Women-Minority Owned Businesses (WMBE). These tools enable us to systematically flag priority businesses, target customized support, and mitigate disproportionate impacts.[36] In accordance with the prioritized focus areas outlined by the RSE, **the Duwamish Valley emerges as a prominent region characterized by elevated levels of disadvantage, experiencing persistent climate injustices over the years.** Within these **most disadvantaged areas, 55%** of its residents identify as people of color, with a median income of $89,756. It is noteworthy that 15% of these inhabitants fall below the poverty line. Additionally, 35% of residents are homeowners, while the majority, constituting 65%, are renters.
2) Engage stakeholders Who's missing and how can they be engaged?	Phase 1 - Stakeholder Engagement Prior to Policy Proposal: From June 2022 to June 2022, this phase included OSE's two online open houses, which were attended by approximately 550 people in total, six technical advisory group meetings, and six meetings of the Housing Development Consortium's affordable housing task force. Climate advocates, labor organizations, building owners, building professionals, government partners, and utilities were also met by OSE. This included equity-focused interactions with non-profit owners, community-based organizations, and residential tenants. • Phase 2 - Focused Stakeholder Engagement to Refine Draft Policy: From July to Mid-May 2023, this phase included two online webinars attended by approximately 330 people, which shared details about the draft greenhouse gas intensity targets as well as an overview of the proposed policy. OSE also solicited feedback from stakeholders on specific aspects of the draft policy. This feedback has resulted in changes that will be included in the final policy draft. Acknowledging the significance of the influence and representation of particular racial groups in stakeholder engagement, and comprehending the consideration given to feedback from marginalized communities, is imperative. Despite the directors' report underscoring the conduct of over 100 meetings with more than 500 participants, a conspicuous omission is observed concerning information pertaining to the racial identities of the attendees. Furthermore, there is a lack of concrete evidence demonstrating the effectiveness of these meetings in addressing the needs and concerns

[36] Seattle Office of Sustainability & Environment, "Director's Report," 18.

	of these representatives in the implementation of the ordinance. The absence of transparency raises questions about the elements influencing equity and justice in the decision-making process.
3) Identify & document racial inequities Which racial/ethnic groups are currently most advantaged and most disadvantaged by the issues this proposal seeks to address? How are they affected differently? What quantitative and qualitative evidence of inequality exists? What evidence is missing or needed?	This policy applies to all commercial, municipal, multifamily and affordable housing buildings across the city, so racial demographic mixes and associated inequities will vary by location and neighborhood, but will be prevalent citywide. A Racial and Social Equity (RSE) Index created for Seattle's BEPS details that the highest and second highest disadvantaged areas in Seattle include downtown, SODO, South Park, Rainier Valley area, parts of the Central District and northern areas near Lake City. These areas have been identified in the director's report as priority areas to assess for disparate outcomes of this policy. Based off feedback from community outreach performed by Seattle, the following inequities that this policy could further exacerbate are as follows: ● **Small businesses have less available staff and funding to comply with reporting standards.** ○ Based on reporting from prior building performance programs, class B and C commercial buildings tend to collect lower rents, thus resulting in less disposable finances to dedicate to the administrative efforts of reporting. Also, smaller business owners tend to not have a formal sustainability manager in place to dedicate skills and time to compliance.[7] ● **Older buildings that have older heating and cooling systems will have higher upgrade or remedy costs than newer buildings that may already have the proper infrastructure to meet emission goals.** ○ Older buildings are more likely to be the most affordable than new buildings and thus, more likely to be owned by lower income people of color and non-profits[7]. ○ Multi-family residential buildings that fall into this category also tend to have smaller unit sizes than newer apartment buildings since they often pre-date the 1990s. This results in units renting for less than market rate, thus making them the most affordable for low income residents. If building owners increase rents to pay for building upgrades, then this could greatly reduce the already short supply for these types of affordable units, thus resulting in

	displacement of rent burdened Seattle residents. ○ Lastly, these older buildings tend to be unsubsidized due to their age pre-dating the 1990s, which limits the availability to resources like sustainability staff and assistance with retrofits or housing expansion that subsidized buildings get access to. ● **Low-income building owners don't have disposable financial capacity to pay for alternative compliance payments (ACP) to defer meeting the requirements of this ordinance in its first year when compared to larger and wealthier business owners in Seattle.** ○ Seattle's BEPS explains that ACP revenue will be dedicated to funding technical assistance and financial support for under-resourced buildings to support emissions reductions efforts in communities experiencing climate change first and worst. However, there is no clarity around when those building owners will receive that support and under-resourced buildings are already being granted a multi-year extension to meet their compliance standards. So the concern is that under-resourced buildings will be waiting years to see funding support to even get started on their upgrades.[7]
4) Examine the causes of the racial inequities What factors may be producing and perpetuating racial inequities associated with this issue? How did the inequities arise? Are they expanding or narrowing? Does the proposal address root causes? If not, how could it?	Although this is not an exhaustive list, below are some causes that have been identified to perpetuate racial inequities in this type of policy. ● **Insufficient representation of all people who could be negatively impacted by a proposed piece of policy.** ○ It was noted in the Racial Equity Toolkit organized for Seattle's BEPS that previous building policy development processes have primarily relied on input from professional organizations, owners of larger buildings and portfolios of buildings, established engineering firms, and climate organizations.[37] This left out the voices of nonprofits, buildings serving lower-income and/or BIPOC communities, and affordable housing (both subsidized and unsubsidized), as well as engagement with residential and small business tenants who would also be held accountable to building performance policy. ● **Historic acts of environmental racism and discrimination that have lasting intergenerational effects that are still lived today.** ○ Longstanding systemic and structural racism have historically meant that BIPOC are far more likely to have

[37] Seattle Office of Sustainability & Environment, "Director's Report," Appendix

	less generational wealth and be less able to afford leasing in buildings with higher rents. With Seattle's high rents, for both residential and commercial tenants, and with an affordable housing shortage, lower rent buildings are also at greatest risk for redevelopment which can further exacerbate inequities, displacement and create more shortage for housing. BIPOC tenants with lower incomes/lower wealth have less access to the benefits of Energy-efficient, due to the costs of upgrades and capital needed for building owners to make these upgrades.[38] The following are just a few examples of this type of cause. ● **Seattle was built on stolen indigenous land from the still living Suquamish and Duwamish Tribes.** ● **Seattle economically developed and expanded from the growth of pretty heavy industrial sites located around neighborhoods that were most impacted by redlining and racially restrictive covenants**
5) Clarify the proposed policy/plan purpose What does the proposal seek to accomplish? Will it reduce disparities or discrimination?	The proposed policy targets the significant contribution of buildings, comprising **37% of the City's core greenhouse gas emissions. Seattle aims to cut building emissions by 39% from 2008 levels, reaching zero net emissions by 2050**, in line with Council Resolution 31895's endorsement of a Green New Deal for the city. The policy prioritizes decarbonization in historically disadvantaged communities, collaborating with building owners, including non-profits and providers for lower-income or BIPOC communities. It also involves engaging affected residential and small business tenants. Additionally, ***the policy aims to create jobs in the clean energy sector, emphasizing an inclusive workforce with a focus on women and BIPOC individuals to address environmental, racial, and economic injustices.*** The **policy's objective is to reconcile the swift decarbonization imperative with the concerns of building owners and the vulnerabilities of residents facing climate impacts, displacement, and housing insecurity. The delicate balancing act inherent in this approach is identified as a key factor contributing to adverse impacts on the communities we prioritize**.
6) Consider adverse impacts of the proposed policy/plan What adverse impacts	Although this is not an exhaustive list, below are possibly impacts that this policy can have on low in-come people of color: ● 65% of Seattle's building emissions come from large/mid size nonresidential buildings, but this policy applies equally to

[38] Seattle Office of Sustainability & Environment, "Director's Report," Appendix

or unintended consequences could result from this policy? Which racial/ethnic groups could be negatively affected?	multifamily, affordable housing, nonprofit, and small commercial buildings. The policy could place a disproportionate burden on under-resourced building owners to retrofit their buildings for little reduction in emissions compared to larger commercial or industrial building owners committing a larger share of Seattle's emissions. Further, larger commercial buildings should have more intensive GHG reduction goals and a faster timeline. ● Affordable housing and multifamily buildings may apply for exemptions or deferrals to comply with the building standards detailed in the BEPS. Although it is beneficial to support under-resourced buildings to meet the BEPS standards, without penalty for non-compliance due to lack of resources, this form of support can prolong low income residents of color exposure to gas heating and cooking, with adverse health long-term impacts. ● Rental costs and property values for unsubsidized affordable housing units may increase if landlords need to offset costs of updates or are opportunistic. This could result in the displacement of individuals who are rent burdened or live below the poverty line. ● Displacement of tenants during retrofit upgrades can occur if there is no transitional housing or lodging support that building owners can offer tenants. ● Establishing a white male dominated workforce in the renewable energy sector with fewer future renewable energy jobs than existing fossil fuel related jobs. With the deprecation of jobs in the fossil fuel sector and the expansion of new jobs in the renewable energy sector, there will be a need to ensure that the new green workforce is inclusive of women, BIPOC, formerly incarcerated, and unhoused individuals. It must be ensured that burdened populations are well positioned to have access to training and clean energy/trade jobs, through investments in apprenticeships and partnerships with organized labor organizations[7]. ● "Gas Pruning", which means that as wealthier people electrify and move away from gas, neighbors who rely on gas now have to pay more to maintain gas infrastructure and transport to their neighborhood ● No real reductions in GHG's in the atmosphere as fuels like renewable natural gas still result in harmful GHG. Also, off ramps like ACPs can have ineffective impacts similar to those cited around the carbon credit economy.

7) Advancing equitable impacts What positive impacts on equality and inclusion, if any, could result from this proposal? Which racial/ethnic groups could benefit? Are there further ways to maximize equitable opportunities and impacts?	If the OSE proactively addresses the adverse impacts summarized above, the BEPS has the potential to benefit low-income residents and communities of color by: ● **Reducing a substantial portion of emissions that exacerbate climate impacts** (including extreme heat, flooding, and wildfire smoke)[39] that low-income communities of color are disproportionately vulnerable to. ● **Enhancing climate resilience** by prioritizing "community facing" municipal buildings and those that can serve as resilience hubs (over other municipal buildings).[40] ● **Improving health outcomes** through building and unit-level upgrades. Replacing gas-based cooking and heating systems should lead to a reduction in respiratory illnesses, and energy efficiency upgrades can reduce the impact of extreme heat and cold on health outcomes. Heat pumps, which provide much more efficient heating and cooling, can also provide air filtration that will benefit communities burdened by air pollution or wildfire smoke.[41] ● **Reducing electricity bills** through energy efficiency upgrades, and **eliminating gas bill costs** by replacing gas-based stoves and heating systems with electric ones. To further these impacts, we recommend that OSE and other City departments take several steps outlined below.
8) Examining alternatives or improvements Are there better ways to reduce racial disparities and advance racial equity? What provisions could be changed or added to ensure positive	Unless OSE proactively addresses the above mentioned adverse impacts, the BEPS may not achieve its intended equity benefits, and may instead perpetuate patterns of extraction, displacement, and environmental injustice. We recommend that the OSE: **(1) Build structures and processes to empower low-income communities of color** to participate meaningfully in the finalization of the ordinance, as well as in monitoring its

[39] Ann Grodnik-Nagle, "Is Seattle Prepared for Climate Change?," Yale Insights, October 5, 2021, https://insights.som.yale.edu/insights/is-seattle-prepared-for-climate-change.
[40] Seattle Office of Sustainability & Environment, "Director's Report," 18.
[41] CBC News, "Can a Heat Pump Beat the Heat and Wildfire Smoke at Home?," *CBC*, July 20, 2023, https://www.cbc.ca/news/canada/british-columbia/bc-heat-pumps-explainer-2023-1.6911499.

impacts on racial equity and inclusion?	implementation. These could include establishing a resident advisory council that holds decision making power alongside OSE, or working with community-based organizations to conduct community engagement and community-led monitoring. **(2) Explore modifications to 'frontload' upgrades that meet residents' stated needs, while avoiding displacement** from affordable housing and low-income multifamily housing buildings. In a recent City survey of low-income multifamily building tenants, tenants identified several urgent needs which can be addressed through BEPS upgrades, including: need for air conditioning, broken boilers (no hot water or heat), utility costs, old windows, and mold.[42] The current draft policy allows owners of low-income and affordable multifamily housing to postpone upgrades that our most vulnerable neighbors deserve by claiming an exemption from the 2031-35 compliance period and extending their last period out to 2045-50. OSE should consider eliminating the extension/exemption options, and instead allow those buildings to pursue prescriptive options (heat pumps, electric cooking and heating systems, sealing windows, and energy efficiency) in lieu of meeting targets – which it already allows these buildings in other compliance periods. Adequate funding will be critical to supporting these buildings to making these upgrades on an earlier timetable. OSE should conduct an analysis of existing revenue for the BEPS and identify additional revenue streams as needed to ensure that low-income and affordable multi-family buildings can begin making these upgrades during the first compliance period. OSE should also prioritize utilizing Inflation Reduction Act (IRA) funding while available. **(3) Add additional measures to avoid triggering temporary relocation and preventing longer term displacement.** These measures should be co-created with residents and anti-displacement advocates, but could include: ensuring that landlords and/or city are fully covering costs of temporary relocations, requiring in-situ or incremental upgrades, legally ensuring just-cause eviction, and regulating or barring pass-through costs among others.

[42] Seattle Office of Sustainability & Environment, "Stakeholder Engagement Summary," 7.

	(4) Incentivize alternatives to renewable natural gas. While the ordinance legally cannot prescribe specific decarbonization pathways,[43] it can create additional incentives to encourage building owners to pursue efficiency and electrification upgrades over relying on renewable natural gas. OSE should conduct an analysis on how to establish rebates, tax credits, or subsidies – including through IRA funds – to support residents' needs (as outlined in Recommendation 2). **(5) Impose stricter compliance periods and fees to ensure speedy decarbonization.** Several stakeholders have raised concern that OSE's choices to extend the compliance timeline by an extra 3 years, allow an ACP during the first compliance period, and impose lax non-compliance fees will prevent the BEPS from hitting its goal of decarbonizing large buildings in time to avert the worst climate impacts. We recommend that OSE: ● **Eliminate the ACP option** for non-residential large buildings in the first compliance period, and **reinstating the original compliance timeline** of 2027-2042 for all building types. ● Raise the non-compliance fees to a level that incentivizes compliance, and conduct an analysis if needed to identify how to structure the fees. Several stakeholders who commented on the draft BEPS have cautioned that these fines are too low to incentivize compliance,[44] and substantially lower than fines from other BEPS policies across the country. In D.C. the fine for non-compliance is $10/sqft. ● Revenue from fines should be reinvested into environmental justice priority areas to assist lower-income building owners with their compliance efforts.
9) Ensuring viability & sustainability Is the proposal realistic, adequately funded, with mechanisms to ensure successful	The BEPS is supported by several funding streams as well as several mechanisms to ensure implementation and enforcement. However, its reporting process is not public and it does not specify any mechanisms for public accountability or stakeholder participation. <u>Support for Building Owners</u> To support building owners to meet their GHGITs, the BEPS specifies that

[43] Syris Valentine, "Seattle Releases Plan to Curb Climate Pollution from Buildings," *The Urbanist*, September 19, 2023, https://www.theurbanist.org/2023/06/09/the-battle-over-building-climate-pollution.
[44] Valentine, "Seattle Releases Plan to Curb Climate Pollution from Buildings."

implementation and enforcement. Are there provisions to ensure ongoing data collection, public reporting, stakeholder participation and public accountability?	OSE will conduct "outreach, education, and compliance assistance…to all owners, including outreach materials, a phone and email helpdesk, training workshops for owners and service providers, and fact sheets, tools, and case studies on topics such as financial support and calculating building emissions.[45] OSE will also provide "deeper levels of technical assistance, funding for engineering analysis, and direct capital investments…towards supporting building owners and tenants that are in or serve frontline communities.[46] Reporting & Monitoring To track buildings' progress towards their GHGITs, the BEPS relies on an Energy Benchmarking program that already covers impacted buildings and has been "successfully running for a decade with over 93% compliance in 2021."[47] The BEPS specifies that results from the Benchmarking must be independently verified by a "qualified person" to ensure accuracy. To limit the administrative burden placed on building owners from this requirement, the City will streamline overlapping reporting requirements from other programs.[48] While this reporting system is robust and reliable, it is not publicly accessible, and **we urge the OSE to release all compliance data collected under the BEPS.** Non-Compliance Fees For building owners who do not properly report or meet their GHGITs, the BEPS imposes the following penalties:[49] ● For failure to meet goals, $2.50/sqft for multifamily buildings and $3.33/sqft for non-residential buildings. ● Flat fines for failure to report ($15,000) or inaccurate reporting ($7,500) As noted in Section 8 of this analysis, **it is likely that these fees are too low to incentivize compliance, and OSE should consider raising them.** External Accountability Mechanisms In its Directors Report on the Draft BEPS, OSE acknowledges that Seattle's Green New Deal Oversight Board (GNDOB) "commits to continue to monitor that there is enough funding for low-income owners and tenants to make the transition."[50] While the GNDOB membership includes residents from "impacted communities," it is not clear what power the GNDOB has to direct implementation of the plan or involve

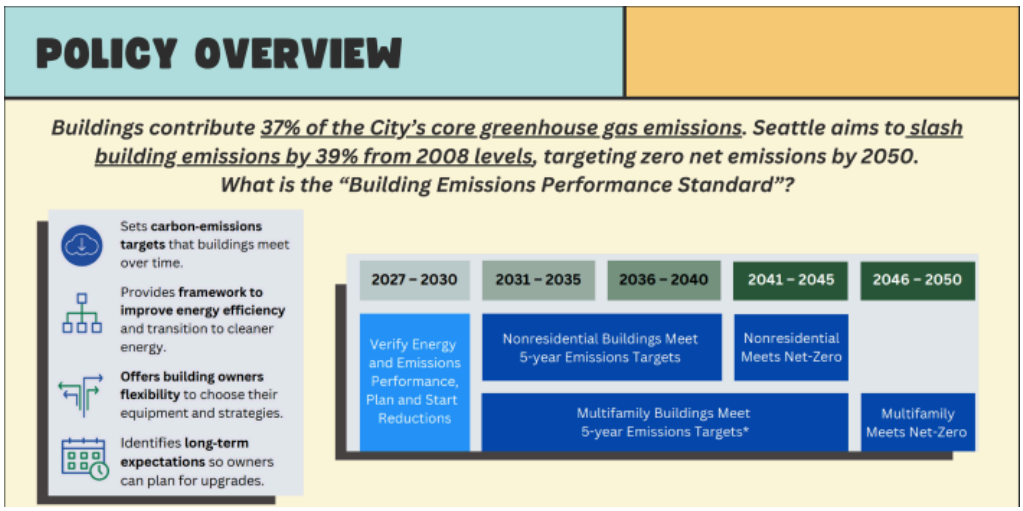
[45] Seattle Office of Sustainability & Environment, "Director's Report," 8.
[46] Seattle Office of Sustainability & Environment, "Director's Report," 22.
[47] Seattle Office of Sustainability & Environment, "Director's Report," 10.
[48] Ibid.
[49] Seattle Office of Sustainability & Environment, "Director's Report," 8.
[50] Seattle Office of Sustainability & Environment, "Stakeholder Engagement Summary," 9.

	greater numbers of impacted residents in implementation and monitoring. As noted in Section 8 of this analysis **we recommend that OSE establish fora and structures for low-income residents and communities of color to participate in implementation and monitoring, to ensure that the BEPS best serves their needs.** <u>Funding Streams</u> OSE identifies several funding streams that will support BEPS implementation, which are summarized below. **We recommend that OSE conduct an analysis to identify any additional funds to frontload needed upgrades to low-income residents of color, and to understand whether and how the BEPS might impact funding/implementation of other racial justice-relevant policies**. For example, Seattle's Office of Housing has raised concern that the costs of meeting the BEPS requirement "may conflict with their funding priorities towards creating new units." and with upgrades that could trigger building code substantial alteration requirements.[51] Major funding streams include: ● *$6-12M in revenue from the ACP* depending on how many owners opt to use the ACP. ● *$8.8M in capital funding* through 2024 alone to support building owners, especially of affordable housing, to make needed upgrades. This includes "$4.5 million/year in the endorsed 2024 budget, for in-depth engineering design and capital support for nonprofit and affordable housing buildings serving low-income and BIPOC communities."[52] ● *$2M from the 2022 adopted budget* (Seattle Payroll Expense Tax-PET Opportunity Fund) for multi-family affordable housing electrification, starting in 2023.[53] ● *2023 budget increases for Clean Buildings Accelerator* including funding for a new full-time position and consultant support to make the Accelerator into a "robust resource hub" for building owners.[54] ● *$1M for workforce development* in the 2022 budget, and another $1M annually in the 2023 budget for pre-apprenticeship and job readiness programs for clean energy careers. ● *Federal infrastructure and inflation reduction funds,* as available.[55]

[51] Seattle Office of Sustainability & Environment, "Stakeholder Engagement Summary," 7.
[52] Seattle Office of Sustainability & Environment, "Director's Report," 8.
[53] Seattle Office of Sustainability & Environment, "Director's Report," 25.
[54] Seattle Office of Sustainability & Environment, "Director's Report," 8.
[55] Seattle Office of Sustainability & Environment, "Director's Report," 24.

10) Identifying success indicators What are the success indicators and progress benchmarks? How will impacts be documented and evaluated? How will the level, diversity and quality of ongoing stakeholder engagement be assessed?	The BEPS evaluates buildings' emissions reductions progress using greenhouse gas intensity (GHGI). GHGI is defined as "the total of the weather-normalized energy for each fuel source to the building (e.g., electric, gas, district stream) multiplied by the emissions factor of each fuel source divided by the building gross floor area" and measured in kgCO2e/SF/year). GHGI is a well-established metric already collected by the city of Seattle and recommended by the EPA. While GHGI may help measure emissions reductions, it is insufficient to measure whether the benefits and costs of building decarbonization are being spread equitably. **We recommend that OSE work with residents to co-create and implement additional indicators** that measure whether and how the BEPS meets the needs of low-income residents and communities of color. As an example, these indicators could include:[56] • Energy bill savings and change in energy burden (the ratio of energy costs to income) • Number of gas system replacements or percentage of gas system replacements by income, • Average days of temporary displacement during upgrades • Changes in rent by level of market-rate housing • Unit turnover in affordable and low-income multifamily buildings, above a pre-BEPS baseline • Percentage of local hires per project

Seattle Green New Deal Policy Roadmap



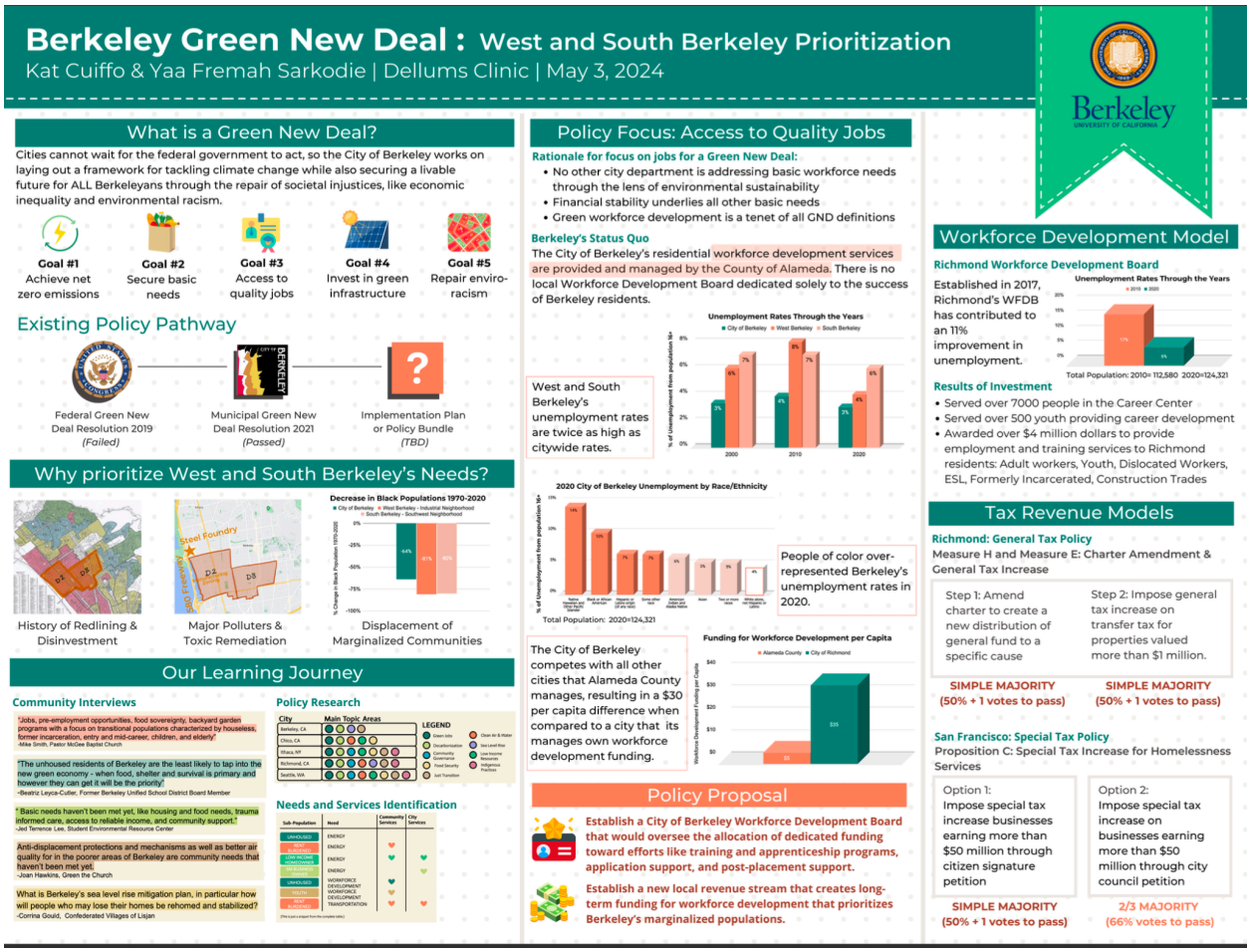
[56] https://greenlining.org/wp-content/uploads/2019/10/Greenlining_EquitableElectrification_Report_2019_WEB.pdf

Berkeley City & Regional Planning

Appendix E:Berkeley Green New Deal Infographic



Appendix F:Berkeley Green New Deal Poster Presentation



BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council
From: Councilmember Taplin

Subject:: Fire Facility Revenue Measures

RECOMMENDATION

Refer to the City Manager the assessment of potential 2026 revenue ballot measures to support capital improvements to fire department facilities and return recommendations for council adoption.

FINANCIAL IMPLICATIONS

Community polling to help set priorities for a bond initiative that will exclusively pay for remodeling or replacement of fire facilities is expected to cost between $XX and $XX.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Fire Department Facilities Master Plan (FMP) establishes a ten-year timeline to implement critical remodels and replacements of fire facility capital improvements necessary to keep pace with the department's evolving and expanding mission, meet the growing demand for service in the city, and comply with modern building codes and industry standards, and align with best practices. Needed improvements include renovation and expansion (Fire Stations 3, 6, and 7), on-site replacement (Fire Stations 2, 4, and 5), relocation (Fire Station 1, Fire Administration, Fire Training Center), and remodeling (Fire Warehouse).

The 2023 Standards of Coverage and Community Risk Assessment (SOC) indicate that the city has an appropriate number of stations, which need to be maintained to retain this status. Furthermore, the SOC recommends strategic staffing in the downtown core and additional staffing during wildfire weather, both of which are beyond the current capacity of existing stations.

The budgets below represent an "Order of Magnitude Cost Plan," intended to estimate costs within a broad range rather than the lowest possible amount. These figures are for planning purposes and exclude escalation beyond 2024, property acquisition, and program management costs. They do include construction, equipment, furnishings, design, environmental review, permitting, and related fees. The proposed phasing prioritizes projects with the highest call volumes and staffing needs. Station 1 is slated to begin first as a relocation; once complete, the original facility can serve as temporary housing for future replacements.

SEQUENCED PROJECTS

Design Start		Rough Order of Magnitude Costs LOW x $ Million	HIGH x $ Million
2024	**Fire Station 1** Relocation New site on/near San Pablo Ave	$42	$47
2026	**Fire Station 2** Replacement Temporary Location - Station 1, 4, 5	$51	$56
2028	**Fire Station 5** Replacement Temporary Location - Station 1, 4, 2	$53	$58
2030	**Fire Station 4** Replacement Temporary Location - Station 2, 6	$36	$41

INDEPENDENT PROJECTS

Design Start		Rough Order of Magnitude Costs LOW x $ Million	HIGH x $ Million
2023	**New Headquarters** Site TBD	$33	$36
2023	**Training Center** Phase 1 Renovation Phase 2 Replacement Regional Site TBD	$81	$90
2026	**Fire Station 3** Renovation + Expansion Temporary Location - Station 2, 5	$12.0	$16
2028	**Fire Station 6** Renovation + Expansion Temporary Location - Trailer on site	$11.6	$15
2030	**Fire Station 7** Renovation + Expansion Temporary Location - TBD	$10.0	$13
	TOTAL Rough Order of Magnitude Project Cost	$330	$372

BACKGROUND

The history of Berkeley's fire service begins in 1877 with the first volunteer hose-and-bucket brigade founded by residents of West Berkeley. Following Berkeley's incorporation, the Board of Town Trustees recognized Beacon #1 Fire Company as the Volunteer Fire Department. The Town Trustees established the Paid Fire Department on October 1, 1904, and appointed James Keney as Berkeley's first fire chief. Over the last one hundred and twenty-one years, the Berkeley Fire Department has provided dedicated exemplary service to the community 24 hours a day responding to medical emergencies, fires, hazardous material events, technical rescues, utility emergencies, water rescues, disaster response, active shooter incidents, vehicle extrications, and other critical and life-threatening events. The cities growing population, increasing density, increasing physical height of structures along with advances in technology have driven an expansion and evolution of the Department's mission which require modern facilities with a footprint of adequate size to sustain operations.

Since 1995, the volume of local calls for service for emergencies has grown from 6,300 to 17,500 calls annually in 2024. There are now spikes of over 300% in the daily average call volume during extreme weather events that necessitate additional surge staffing. Space for these additional employees and emergency response vehicles is required in the city's firehouses. As these extreme weather events increase in frequency, the Department is planning for how to integrate these modifications into its long-term infrastructure plans.

In order to fulfill the modern mission of the fire department and in order to be prepared and to address hazards while adhering to emission standards, apparatus have grown in size including wildland engines, ambulances, off-road vehicles and boats, and other equipment.

Research spanning decades, continents, and more than 80,000 firefighters validates the connection between firefighting and occupational cancer. Cancer is the most dangerous threat to firefighter health and safety today. Firefighters have a 9 percent higher risk of being diagnosed with cancer and a 14 percent higher risk of dying from cancer than the general U.S. population, according to research by the CDC/National Institute for Occupational Health and Safety (NIOSH). This has driven ire station best practices have evolved to update spatial layouts to include dedicated turnout and decontamination rooms, dedicated fitness rooms, airlock separation between apparatus bays and living quarters, and reorganized circulation, to minimize exposure to carcinogens.

In order to fulfill commitments to reduce carbon emissions and promote the health of firefighters and the community at large, the City of Berkeley and the Berkeley Fire Department are moving to electrify stations and apparatus. The process of electrifying fire stations is expensive, and staff has determined that the investment that would be required should be deferred until the fire stations undergo needed remodels, rebuilds or relocation. To invest in these upgrades prior to these known and impending actions was not seen as fiscally responsible when the analysis was completed.

To accommodate the needs of our existing diverse and inclusive workforce, and to create spaces that welcome higher percentages of under-represented groups, the Department calls for increased privacy and accessibility in stations via gender-neutral restrooms, single occupancy bedrooms, and dedicated offices for supervisors.

The majority of the city’s fire stations were built in the 1960s, receiving seismic upgrades in the 1990s while the Training Facility was built in 1996, the Public Safety Building in 2000, and Station 7 in 2006. Despite having undergone some degree of modification since construction, most fire stations currently lack the specifications to properly house modern apparatus, equipment, and cannot absorb additional units and new staff, to meet current policy, codes, and health, safety, and inclusion standards. Many stations also contain outdated features, hinder alignment with best practices for health and the environment.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no immediate impacts from conducting polling, however, if a tax measure was successful and this work occurred it would allow for electrification of the Department's fleet in alignment with the City's long-term goals outlined in the Municipal Fleet Electrification Plan. According to current policy, any new construction in Berkeley is required to be all electric. Going all-electric for buildings and the fleet will require significant revisions to the site power supply including:

- Changing the type of power entering the building (from single to three-phase in most instances)
- Increasing the electrical service to 800 or 1200 amps
- Installing solar arrays and energy storage systems

This move improves health and safety at stations and addresses environmental considerations by:

- Improving indoor air quality by eliminating natural gas (for heating and cooking) in the buildings
- Decreasing fossil fuel reliance and carbon pollution by providing electric charging stations for fire department vehicles and apparatus, and staff's personal electric vehicles
- Employing clean energy sources while the power grid is up and during emergencies when it is down.

RATIONALE FOR RECOMMENDATION

Renovation, replacement, and relocation of stations and facilities are required to align the Department with best practices, address modern needs, and keep up with operational demands. Furthermore, the city's Local Hazard Mitigation Plan indicates that the city is vulnerable to earthquake, wildland-urban interface fire, extreme heat, events, and assesses the likelihood of each to be high and the impacts of each risk to be severe. Additionally, daily calls for service and the response-needs of the city continue to grow.

ALTERNATIVE ACTIONS CONSIDERED

Waiting to pursue revenue measures in subsequent cycles, seeking to use General Fund dollars, and inaction were all considered but the current recommendation was ultimately decided.

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Council District 2
510-981-7120

Attachments:

1. Fire Department Master Plan
2. Standards of Coverage

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VOLUME 2 of 2 – Map Atlas (separately bound)

EXECUTIVE SUMMARY

The City of Berkeley (City) Fire Department (Department) retained Citygate Associates, LLC (Citygate) to conduct the City's first Standards of Cover (SOC) Study and Community Risk Assessment to define appropriate levels of service based on a comprehensive analysis of historical performance; expectations; and existing and projected community risk factors, hazards, population growth and aging, topography, and the density and vertical growth of the build environment. Deployment strategies will then be proposed as indicated by the analysis. The study will assist the City in determining whether the current levels of service are appropriate for the risks to be protected in the City, and that the methods to ensure suitable service levels are consistent with generally accepted national standards and benchmarks.

This report is presented in two volumes. The Technical Report (**Volume 1**) includes: this Executive Summary, which contains a summary of our analysis and suggested next steps; Sections 1 and 2, which contain the deployment and SOC portions of the study; and a comprehensive Community Risk Assessment provided as **Appendix A**. A Map Atlas of deployment coverage measures is provided in **Volume 2**.

Throughout this report, Citygate makes key findings and, where appropriate, specific action item recommendations. Overall, there are 17 key findings and 10 specific action item recommendations. This summary cannot discuss every single issue in depth, but all are important and would not have been included in the Final Report otherwise.

POLICY CHOICES FRAMEWORK

While there are no mandatory federal or state regulations directing the level of fire service response times and outcomes, there are guidelines and best practices from the National Fire Protection Association (NFPA), the Insurance Services Office (ISO), the Commission on Fire Accreditation International (CFAI), and the California Occupational Safety and Health Administration (Cal/OSHA). The level of service provided, and any resultant costs, is the choice of local communities in the United States. The body of regulations related to fire services suggests that if fire services are provided, they must be provided with the safety of the firefighters and the publicpubic in mind. Thus, there is often a constructive tension between the desired level of service and the level that can be funded, and many communities may not have the level of service they desire. The City's investments in fire services over the past decades serve as its baseline commitment today.

This study identifies that the community has a high expectation for service delivery and, in order to meet that expectation, additional investment in fire services is necessary. The fundamental policy choices that drive a city's investment in fire services are derived from two key questions:

1. **What outcomes are desired for the emergencies to which the Department responds?** Is the desire to keep a building fire to the room, building, or block of origin, and to provide emergency medical care in time to lessen the possibility of preventable death and severe disability?

2. **Should equitable response time coverage be provided to all neighborhoods with similar risks (building types and population density) to protect?** Once desired outcomes are determined, fire and emergency medical services (EMS) first responder and ambulance deployment can then be designed to cover the most geography in the fewest minutes to meet stated outcome goals. In a large city with multiple neighborhoods such as Berkeley, it must be determined whether similarly populated areas should receive similar response time performance from both fire and ambulance services units.

RESPONSE PERFORMANCE SUMMARY

Citygate finds that the Department is organized only to accomplish "yesterday's mission" and is struggling to meet current demand, much less the future growth of the City and university. The Department is working to adopt best practices, become proactive, and pursue understanding and service provision that is data driven. Citygate found a caring, committed workforce that is *strongly dedicated* to the City and agency, using best practices where possible to anticipate and meet the risks to be protected in the City. In conducting this study, Citygate received outstanding cooperation from Department and City executives. However, the Department is challenged by EMS call volume growth, which significantly exceeds crew workload limits. The growth in population and medical incident demand which has occurred in the City over the past two decades, and which is projected to continue, will increasingly strain the Department's response times, which are already substantially slower than best practice recommendations. There are solutions to these issues that will take more than one fiscal year to correct. City leadership can use this study as a master plan to drive policy choices over the next several years.

The Department serves a diversity of populations, from residents to business employees and students. These populations, across a varied zoning pattern combined with topography and road design constraints, place significant restrictions on best practice-based fire and EMS response times. Population drives service demand, and development brings population. Of the top 50 largest cities in California, Berkeley is already the second most densely populated city per square mile—second only to San Francisco—*without* factoring in the daily influx of students, Citywide employment, tourism, and cars on the freeways. The City needs an ***urban*** level of fire, EMS, and specialty rescue services.

The Department protects large tourism and non-resident population densities. As different areas continue to infill develop with resultant increases in population density, the Department's firefighting and ambulance services will need adjustment just to *recover* timely response capacity, much less *improve* response times equitably across all neighborhoods—more so when simultaneous incidents occur at peak hours of the day.

Fire service deployment, simply summarized, is about the *speed* and *weight* of response. *Speed* refers to initial (first-due) response of all-risk intervention resources (e.g., engines, ladder trucks, and ambulances) strategically deployed across a jurisdiction for response to emergencies within a travel time interval sufficient to control routine-to-moderate emergencies without the incident escalating to greater size or severity. *Weight* refers to multiple-unit (Effective Response Force, or ERF) responses for more serious emergencies such as building fires, multiple-patient medical emergencies, vehicle collisions with extrication required, or technical rescue incidents. In these situations, enough firefighters must be assembled within a time interval to safely control the emergency and prevent it from escalating into an even more serious event.

Throughout the City, while the substantial growth in EMS incidents over the past two decades seems all-consuming, for the foreseeable future there will always be the need for both a first-due unit and multiple-unit response consistent with current best practices to limit the risk of fire damage to only part of an affected building and keep wildland fires small within the initial response force's capabilities. Stated this way, *all neighborhoods need a standby and readily available firefighting force* that can respond when fires break out, regardless of peak-hour EMS workload. As demonstrated by current extreme weather emergencies, there is also a need for a strong Fire Department during natural disasters, as the vulnerable members of the City's population will need help from first responders.

INTEGRATED CHALLENGES – RESPONSE TIME, INCIDENT VOLUME, AND GROWTH

The following table summarizes Citygate's benchmarking the Department's operational response performance for reporting year (RY) 2020/21 relative to national recognized best practices. These best practices were used as the City/Department do not yet have adopted performance measures.

Table 1—Response Performance Summary – RY 20/21

Response Component	Best Practice		90th Percentile Performance	Performance Versus Best Practice and Current Goal
	Time	Reference		

Response	Best Practice		90th Percentile	Performance Versus Best
Call Processing / Dispatch	1:30	NFPA	**2:29**	**+ 0:59**
Crew Turnout	2:00	Citygate	**2:05**	**+ 0:05**
First-Unit Travel	4:00	NFPA	**5:53**	**+ 1:53**
First-Unit Call to Arrival	7:30	Citygate	**9:32**	**+ 2:02**
ERF Call to Arrival	11:30	Citygate	**18:50**	**+ 7:20**

As the table shows, call processing is taking longer than best practice. Crew turnout performance is nearly meeting recognized best practice goals. First-unit travel performance is 1:53 minutes *slower* than the 4:00-minute best practice goal due to several factors: station location, open spaces, terrain, and traffic congestion. Overall, first-unit call-to-arrival and ERF call-to-arrival performance, which is a fire agency's true customer service measure, are both significantly *slower* than their respective 7:30-minute and 11:30-minute best practice goals.

To set a travel time goal and a resultant total response time goal for Berkeley, Citygate assessed the results by the *fifth* minute of travel, which we find to be acceptable in *urban* areas. In the City, the fifth *travel* minute coverage per fire station area ranges from 53.5 percent to 90.5 percent. The three most populated and highest incident volume station areas are stations 1, 2, and 5, whose grouping is the "triangle" of stations at the City's core. By the fifth minute of travel, performance across all three stations averages 86.9 percent, with stations 2 and 5 both hitting 90 percent. Thus, the largest population, risk, and incident densities are reached by the fifth minute of travel.

Based on fifth-minute coverage in the core of the City, and due to the fact that the waterfront and upper hills areas cannot be covered as quickly due to road design and topography, Citygate recommends the City adopt a 5:00-minute *travel* time goal which, when added to an improved, best practice dispatch time of 1:30 minutes and a turnout goal of 2:00 minutes, yields a total response time goal of 8:30 minutes. This will deliver first responder paramedics to the highest-risk areas in an acceptable amount of time.

The City is also evolving to improve its housing shortages by approving mid- and high-rise residential buildings. UC Berkeley is completing its new master plan to add students, faculty, on-campus buildings and housing off-campus.

The ongoing intensification of land uses, building heights, and population density will make several sections of the City very urban—typical of the largest metropolitan cities for building fire and rescue/EMS challenges. The cumulative effect of these projects around the City necessitates a shift in staffing and response models as well as an increase in the flexibility of emergency medical resources. The City's fire and ambulance programs must evolve to those suitable for a major urban fire department in staffing, unit types, and facility locations. Citygate acknowledges this will not only be costly but also very difficult to find new locations for responders.

While state fire code requires fire sprinklers in residential dwellings, it will be many more decades before enough residential units are replaced or remodeled with automatic fire sprinklers. If desired outcomes include limiting building fire damage to only part of the inside of an affected building and minimizing permanent impairment resulting from a medical emergency, then the City will need coverage in all neighborhoods that is consistent with Citygate's response performance recommendation for Berkeley. Based on Citygate's study, this response performance recommendation entails *no more than* 8:30 minutes for the arrival of a single first responder, and 11:30 minutes for a multiple-unit arrival to more serious incidents, from the time of 9-1-1 notification at the Berkeley Police Communications Center—all at 90 percent or better reliability.

Dispatch, turnout, and travel times all need to be reduced. Dispatch time must decrease by 0:59 seconds to meet a 1:30-minutes call-processing goal, turnout time by :05 seconds to meet a 2:00-minute goal, and travel time by 0:53 seconds to meet a proposed goal of no more than 5:00 minutes for first-due units in *congested urban* areas. Collectively, Citygate's recommended first-unit total response time goal is 8:30 minutes (1:30 + 2:00 + 5:00).

Stated this way, *"Berkeley must get its fire department back"* to offer availability for serious, life-threatening fires and EMS events and to field enough firefighters to serious building or wildland fires quickly.

~~The City is facing three choices regarding emergency unit response times:~~

~~1. Do nothing and accept sluggish response times that are likely to continue to degrade with infill development and ongoing traffic calming measures and/or streets restricted to bicycles and pedestrians.~~

~~2. Implement Department improvements and strictly limit traffic calming on primary and secondary arterials to improve response times.~~

~~3.~~1. ~~If the changes in #2 do not improve response times, add infill fire/ambulance stations between existing sites to lower travel distances.~~

OVERALL SUMMARY OF CITY FIRE SERVICE DEPLOYMENT

Recovering response time and unit capacity goals will require multiple changes over the next three years to first improve and then maintain response times as growth occurs:

1. Increasing the number of ambulances from four to six.
2. Shifting responsibility for non-acute EMS calls from the 9-1-1 Fire/Ambulance program to a Mobile Integrated Health program like the City's pilot Mobile Integrated Paramedic (MIP) program.
3. Improving dispatch staffing and systems to allow for EMS clinical call triage. W
4. Work collaboratively with Public Works staff and traffic safety advocates to engineer methods to lessen disproportionate impacts on emergency response times as the City redesigns streets and crossings to achieve Vision Zero.
5. Increasing staffing to four personnel each on key engines and ladder trucks.
6. Adding a second field operations Battalion Chief 24/7 for improved crew supervision and to add an immediate scene safety officer to support the Battalion Chief / Incident Commander for serious emergency incidents.

If these six strategies do not improve acute emergency response times *and lower unit-hour utilization (UHU) workload to no more than 30 percent,* the City should construct infill fire or ambulance-only stations between the current busiest station pairs of 2 and 5 and 1 and 6. These areas are also where much of the infill development, high-rise building, and UC Berkeley campus growth will occur.

Citygate finds the Department's response apparatus types to be appropriate to protect against the hazards likely to impact the City. However, *fire crew staffing of three per unit is insufficient* to provide the necessary "weight" of response to serious fires—especially so in mid- and high-rise buildings and for severe wildland fires that start in the hills. Currently, the Department's service capacity for fire and non-fire risk consists of 37 personnel on duty daily, including one Battalion Chief, one mobile Paramedic Supervisor, and 27 firefighters staffing seven engines and two aerial ladder trucks. An additional eight firefighters currently staff four ambulances and operate from the Department's seven fire stations. However, engines are very busy providing EMS response, and the firefighters staffing ambulances are not consistently available for firefighting at present. Over the next several years, three firefighters per day will be moved to an engine and both ladders, thus raising three of the nine firefighting units to four-firefighter staffing consistent with NFPA Standard 1710 and Citygate best practices for high-density urban core areas. These firefighters will be replaced by non-firefighter EMS personnel on the ambulances, thus aligning the classification with the work and creating a more efficient system. However, only three units with

four-firefighter staffing will not be enough. At a minimum, four-firefighter staffing should be provided:

- On four engines: 1, 2, 5, and 6
- On trucks 2 and 5
- Occasionally (on high-fire danger wildland fire days) on engines 3, 4, and 7.

When increasing firefighting units to four crew members each, one additional firefighter per day will have to be newly funded, which amounts to a total of three added firefighting personnel *per crew* (plus the overtime to cover their leave absences) on a three-platoon fire crew rotation system. The wildfire threat days which increase staffing to four each can be handled via overtime during daylight hours or when winds are most severe. When the engine and ladder units identified are staffed with four personnel each, the daily staffing for units other than ambulances increases from 27 to 33 per day—much more consistent with the risks to be protected in a thriving, growing urban area with internationally known assets and a tragic history of wildland fires.

FINDINGS AND RECOMMENDATIONS

Following are all findings and recommendations presented throughout this report.

Findings

Finding #1: The Department's physical response unit *types* are appropriate to protect against the hazards likely to impact the City.

Finding #2: The Department's minimum daily Citywide staffing of 27 firefighting unit response personnel assigned to engine and truck companies is only sufficient for a modest single-family house fire or small commercial building fire at the ground floor.

Finding #3: The Department has not established response performance goals consistent with best practice recommendations as published by the Commission on Fire Accreditation International. The current City Council budget goal measures do not reflect policy resolution or a specific General Plan policy.

Finding #4: The Department has a standard response plan that considers risk and establishes an appropriate initial response for each incident type; each type of call for service receives the combination of engines, trucks, ambulances, specialty units, and command officers customarily needed to effectively control that type of incident based on Department experience.

Finding #5: The mapping evaluation of coverage demonstrates that the City has an adequate number of fire stations. However, as incident statistics demonstrate, best practice travel times are not being delivered due to multiple factors.

Finding #6: As shown in this study's GIS models, traffic congestion decreases first-unit road mile coverage by only 3.6 percent, which, in Citygate's experience, is not severe. However, overall traffic congestion does still contribute to the Department's slower real-world, non-GIS-modeled travel times. There is a more significant impact on multiple-unit ERF responses, eroding road mile coverage by 26 percent.

Finding #7: At least two simultaneous incidents are occurring nearly 47 percent of the time. This primarily impacts station areas 5, 2, and 1.

Finding #8: While the annual number of simultaneous incidents has decreased slightly, the response time coverage provided by the busiest companies to their own and to adjacent station areas remains diminished, shifting workload to other companies.

Finding #9: The City's ambulance system must provide an increased number of full- and part-time ambulances.

Finding #10: The City's call processing / dispatch performance is *not* meeting Citygate's recommended best-practice goal of 1:30 minutes at 90 percent or better reliability.

Finding #11: At 2:05 minutes averaged over 24 hours, the Department is just over meeting Citygate's recommended 2:00-minute crew turnout performance goal. As sleeping hours increase turnout time, consider adopting a turnout measure of 1:30 minutes during daytime hours to provide greater clarity and reflect Department performance more accurately.

Finding #12: At 5:53 minutes, 90th percentile first-unit travel time is *significantly* higher than the 5:00-minute best practice goal for urban areas.

Finding #13: At 9:32 minutes in RY 20/21, 90th percentile first-unit call-to-arrival performance is 2:02 minutes *slower* than an optimum best practice goal of 7:30 minutes for urban areas.

Finding #14: At 18:50 minutes across the three years of data, 90th percentile ERF (First Alarm) call-to-arrival performance *is 7:20 minutes slower than* the 11:30-minute Citygate-recommended best practice goal for urban areas.

Finding #15: Improve procedures by which the Fire Department, Public Works staff, and traffic safety advocates work collaboratively to identify ways to implement traffic safety improvements without unnecessary impacts on emergency response. ~~Berkeley Planning, Traffic Engineering, and the Fire Department do not have an effective set of integrated policies and traffic-calming methods to partially mitigate the impacts of walkable street designs on fire and ambulance response times~~.

Finding #16: The City's planned expansion of ambulance service is consistent with best practices and will provide needed improvement, but upgrades in dispatcher skills for clinical evaluation to recognize and separate low-acuity incidents will not be fully realized for at least three more years, and likely longer. Given the ongoing strain on ambulances staffed with only firefighter/paramedics, the process of conversion and expansion of ambulances is too slow to meet current (and growing) EMS service demands.

Finding #17: Based on the most recent year's quantity of mental health transport patients being held for evaluation in the City, for the Department to be tasked with management of these patients would require the addition of one 24-hour unit and one 12-hour peak unit—both operating seven days a week. At present, the Department does not have the units or personnel to administer this workload.

Recommendations

Recommendation #1: Proceed with the planned conversion to staffing the four current ambulances with non-firefighter paramedics and EMTs.

Recommendation #2: The Department needs to add two additional ambulances, requiring 16 additional non-firefighter Paramedics and/or EMT FTE personnel.

Recommendation #3: The City needs to upgrade its dispatch staffing, training, and software to allow for clinical call triage to send Basic Life Support (BLS) ambulances or alternative care units to low-acuity EMS requests, as outlined in the analysis from Federal Engineering Communications consulting.

Recommendation #4: Design and focus on new strategies to provide for a balance of emergency response times in concert with necessary safety improvements with Vision Zero's goals. ~~traffic calming and pedestrian safety while not significantly worsening emergency response times or community evacuation times.~~

Recommendation #5: Increase the staffing on six of the nine firefighting units (four engines, two aerial trucks) from three to four personnel per day.

Recommendation #6: Provide the overtime staffing increase from three to four firefighters for engines 3, 4, and 7, which are closest to the eastern hills during high-hazard wildfire threat periods.

Recommendation #7: If ambulance and dispatch improvements do not improve acute emergency response times and lower unit-hour utilization (UHU) workload to no more than 30 percent for long, contiguous hours of the day, the City should construct infill fire or ambulance-only stations between the current busiest station pairs of 2 and 5 and 1 and 6.

Recommendation #8: Adopt updated deployment policies: City Council should consider adopting complete performance measures that begin with a 9-1-1 call being answered and end with the Fire Department and/or an ambulance arriving at the emergency incident. The measures of time should be designed to save patients and keep small but serious fires from becoming more complex or damaging. With this is mind, Citygate recommends the following outcome-based measures for the major emergency types:

8.1: **Geographic Distribution of Fire Stations:** To treat medical patients and control small fires, the first-due unit should arrive within 8:30 minutes, 90 percent of the time, from receipt of the 9-1-1 call in the fire dispatch center. This equates to a 90-second dispatch time, a maximum 2:00-minute nighttime company turnout time, and a 5:00-minute travel time, which is realistic for Berkeley as a more urban area.

8.2: **Multiple-Unit Effective Response Force for Serious Emergencies:** To confine fires near the room of origin and treat up to five medical patients at once, a multiple-unit response of a minimum of four engines, two ladder trucks, one ambulance, one Medic Supervisor, and one Battalion Chief—totaling a minimum of 22 personnel—should arrive within 11:30 minutes from the time of 9-1-1 call receipt in fire dispatch, 90 percent of the time. This equates to a 90-second dispatch time, a 2:00-minute company turnout time, and an 8:00-minute travel time.

8.3: **Hazardous Materials Response:** The Department needs to maintain its hazardous materials response as designed to protect the community from hazards associated with uncontrolled release of hazardous and toxic materials. The first-due unit should arrive to investigate a hazmat release at the operations level within 8:30 minutes, 90 percent of the time. This equates to a 90-second dispatch time, a 2:00-minute company turnout time, and a 5:00-minute travel time in urban population areas. After assessment and scene evaluation is completed, a determination can be made whether to request additional resources.

8.4: **Technical Rescue:** To respond to technical rescue emergencies as efficiently and effectively as possible with enough trained personnel to facilitate a successful rescue, the first-due company to arrive for assessment of the rescue should achieve a 5:00-minute travel time in urban to suburban areas, 90 percent of the time. Additional resources capable of initiating a rescue should be assembled within a total response time of 11:30 minutes, 90 percent of the time, with the result being a safe and complete rescue/extrication to ensure delivery of patients to a definitive care facility.

Recommendation #9: Adopt a split turnout time measure consisting of 2:00 minutes or less, 90 percent of the time, averaged over a 24-hour period, and within that, a daytime measure of 1:30 minutes or less, 90 percent of the time, from 0700–2200 hours.

Recommendation #10: The City should add a second field operations Battalion Chief 24/7 as soon as fiscally possible.

NEXT STEPS

Near Term

- Review and absorb the content, findings, and recommendations of this report.
- Adopt, as a City Council, revised response performance goals.
- ~~Refocus on balancing traffic safety and emergency response ability.~~
- As soon as possible, increase the pace of the conversion program for Department ambulances to add non-firefighter ambulance crews, add two more ambulances, increase fire unit staffing, and upgrade dispatch EMS capabilities.

- Start long-term planning for infill fire and EMS stations if response times cannot be improved per the recommendations in this study. Consider working now with large block redevelopment applicants to provide street-level small spaces for a single emergency response unit/crew.

SECTION 1—INTRODUCTION AND BACKGROUND

The City of Berkeley (City) Fire Department (Department) retained Citygate Associates, LLC (Citygate) to conduct a Standards of Cover (SOC) Study and Community Risk Assessment to define appropriate levels of service based on a comprehensive analysis of historical performance; expectations; and existing and projected community risk factors, hazards, population growth and aging, topography, and the density and vertical growth of the build environment. Deployment strategies will then be proposed as indicated by the analysis. The study will assist the Department in determining whether the current levels of service are appropriate for the risks to be protected in the City, and that the methods to ensure suitable service levels are consistent with generally accepted national standards and benchmarks.

Citygate's scope of work conforms with the methodology outlined in *Standards of Response Coverage* (fifth and sixth editions) as published by the Commission on Fire Accreditation International (CFAI) and addresses all elements of the City's requested scope of work. The study also incorporates guidelines and best practices in the field of deployment and risk analysis from the National Fire Protection Association (NFPA), the Insurance Services Office (ISO), the CFAI, the California Occupational Safety and Health Administration (Cal/OSHA), relevant federal and state laws and regulations, and other recognized industry best practices.

1.1 REPORT ORGANIZATION

This report is organized into the following sections. **Volume 2—Map Atlas** is separately bound.

Executive Summary	Summarizes fire service policy choices and all findings and recommendations that can be used to strategically guide the City's and Department's efforts.
Section 1	**Introduction and Background**: Describes Citygate's project approach, methodology, and scope of work and provides an overview of the City and Department.
Section 2	**Standards of Cover Analysis**: Describes Citygate's updated service demand and response performance analysis in detail, as well as our findings and recommendations for each Standards of Cover element.
Appendix A	**Community Risk Assessment**: Provides a comprehensive analysis of the fire and non-fire hazards likely to impact the City.

1.1.1 Goals of Report

Citygate cites findings and makes recommendations as appropriate related to each finding. Findings and recommendations throughout this report are sequentially numbered. A complete list of the same findings and recommendations is provided in the Executive Summary.

This document provides technical information about how fire services are provided and legally regulated and the way the Department currently operates. This information is presented in the form of recommendations and policy choices for consideration by the Department and City.

The result is a strong technical foundation upon which to understand the advantages and disadvantages of the choices facing Department and City leadership regarding the best way to provide fire services and, more specifically, at what level of desired outcome and expense.

1.1.2 Limitations of Report

In the United States, there are no federal or state regulations requiring a specific minimum level of fire services. Each community, through the public policy process, is expected to understand the local fire and non-fire risks and its ability to pay and then choose its level of fire services. *If* fire services are provided at all, federal and state regulations specify how to safely provide them for the public and for the personnel providing the services.

While this report and technical explanation can provide a framework for the discussion of Department services, neither this report nor the Citygate team can make the final decisions, nor can they cost out every possible alternative in detail. Once final strategic choices receive policy approval, City staff can conduct any final costing and fiscal analyses as typically completed in its normal operating and capital budget preparation cycle.

1.2 Project Approach and Scope of Work

1.2.1 Project Approach and Methodology

At the start of this study, Citygate reviewed relevant background data and information to better understand current service levels, costs, and the history of service level decisions, including prior studies.

Citygate subsequently reviewed demographic information about the City and the potential for future growth and development. Citygate also obtained map and response data from which to model current and projected fire service deployment, with the goal to identify the location(s) of stations and crew quantities required to best serve the City as it currently exists and to facilitate future deployment planning.

Once Citygate gained an understanding of the Department's service area and its fire and non-fire risks, the Citygate team then developed a deployment model that was tested against the travel time mapping and prior response data to ensure an appropriate fit. Citygate also evaluated future City growth as well as UC Berkeley's proposed on- and off-campus expansion to model service demand by risk type and evaluate potential alternative emergency service delivery models. This resulted in Citygate proposing an approach to address current and long-range needs with effective and efficient use of existing resources. The result is a framework for enhancing Department services while meeting reasonable community expectations and fiscal realities.

1.2.2 Scope of Work

Citygate's approach to this study included:

- Reviewing relevant information data and information provided by the Department and City.
- Interviewing internal City and Department study team members and stakeholders.
- Receiving a general summary of the City and services provided by the Fire Department.
- Using best practice study guidelines as needed from the CFAI, the NFPA, the International Code Council, the ISO, Cal/OSHA, federal and state laws, and recognized industry best practices.
- Obtaining the Department's historical incident data.
- Understanding and forecasting the Department's ambulance delivery system needs.
- Conducting a comprehensive Community Risk Assessment.
- Preparing a comprehensive report that includes analysis-based findings and recommendations, including an executive summary presentation of the written report for City stakeholders.

1.3 CITY OVERVIEW[1]

The City of Berkeley is in Alameda County on the east side of the San Francisco Bay approximately ten miles east of San Francisco. The City encompasses 10.43 square miles of land and 7.22 square miles of water for a total area of 17.66 square miles, and has an estimated *resident*

[1] City of Berkeley Comprehensive Annual Financial Report FY 2021, pages 9 and 10.

population of 124,563,[2] making it the second most densely populated of the 51 most populated Cities in California, second only to San Francisco.

The City is among the oldest cities in California. Founded in 1864, it was incorporated as a town in 1878 and as a city in 1909. The original City Charter was adopted in 1895. As the geographic midpoint of the Greater Bay Area, Berkeley is 20 minutes from San Francisco and close to population centers in Contra Costa County and the Silicon Valley.

The City is governed by a City Council composed of members elected from eight districts to serve four-year terms, and a Mayor who serves as the president of the City Council, elected Citywide to a four-year term. The City's fiscal year (FY) 2021 adopted budget included $447,702,457 of expenditures and reserves, of which $194,718,710 was allocated to the General Fund of the City and $252,983,747 to all other funds. The City employs approximately 1,579 full-time equivalent (FTE) employees. The City provides a full range of services exceeding that of most similarly sized cities in California.

To a large degree, the City is defined both culturally and economically by the presence of the University of California campus located on the eastern side of the City. The City has a diversified economy led by UC Berkeley, Lawrence Berkely National Laboratory, tourism, technology, and commercial/industrial businesses. The City provides a full range of urban community services, including police, fire, marina, water, refuse and recycling, street, parking, planning, building, engineering, parks, economic development, library, recreation, cultural, and educational services.

With 45,057 students and approximately 20,129[3] employees of all types, the UC Berkeley institution provides a high degree of economic stability for the City and has spurred growth in the high technology and biotechnology sectors. The Federal Government Lawrence Berkeley Laboratory also has 4,200 employees, and the Alta Bates Medical Center has approximately 3,100 employees. The City's current economic base consists of approximately 12,100 active licensed businesses operating in the City. These businesses include private manufacturing, technology research, retail and service businesses, educational services, healthcare and social assistance, cannabis clubs, consulting, arts and entertainment, and hospitality services, along with several state, federal, and non-profit institutions.[4]

[2] State of California Department of Finance E-1 Report, May 2022.
[3] Cal Online facts, student and staff counts.
[4] Ibid #1.

1.3.1 Future Growth and Development

The previous Association of Bay Area Governments (ABAG) 2040 Plan projected that Berkeley's population would grow by 17.8 percent to 140,935 by 2040.[5] That plan is now obsolete, however, and the new 2050 One Bay Area Plan does not make specific projections for local communities, focusing instead on regional growth. As the following table shows, historical population data from the State Department of Finance cites Berkeley's prior population growth rate at 8.9 percent *when accounting solely for residents.*

Table 2—Population Change in State, County, and Neighboring Cities (2000–2020)

Jurisdiction	2000	2010	2020	% Change 2000-2010	% Change 2010-2020
California	33,871,648	37,253,956	39,782,870	10.0%	6.8%
Alameda County	1,443,741	1,510,271	1,670,834	4.6%	10.6%
Berkeley	102,743	112,580	122,580	9.6%	8.9%
Oakland	399,484	390,724	433,697	-2.2%	11.0%
Fremont	203,413	214,089	234,220	5.2%	9.4%
San Francisco	776,733	805,235	897,806	3.7%	11.5%
San Leandro	79,452	84,950	87,930	6.9%	3.5%
Hayward	140,030	144,186	160,311	3.0%	11.2%
Richmond	99,216	103,701	111,217	4.5%	7.2%

Sources: Decennial Census, 2000, 2010; California Department of Finance, E-5 series, 2020.

However, for the purposes of this fire and EMS services assessment, prior growth rates should not be used. The City recently updated single-family zoning and accessory dwelling unit (ADU) allowances along with processing multiple mid- and high-rise residential building plans. As of late 2021, the City has 61 residential units of all types approved or under construction totaling 3,560 units. Another 11 projects were in design that would contain several hundred more residential units. All but two of these projects ranged in height from three to six stories. The City has moved in many areas to increased density development and redevelopment over that of single-family zoning. For example, 5,000 more dwelling units with an average of 2.44 people[6] per unit could

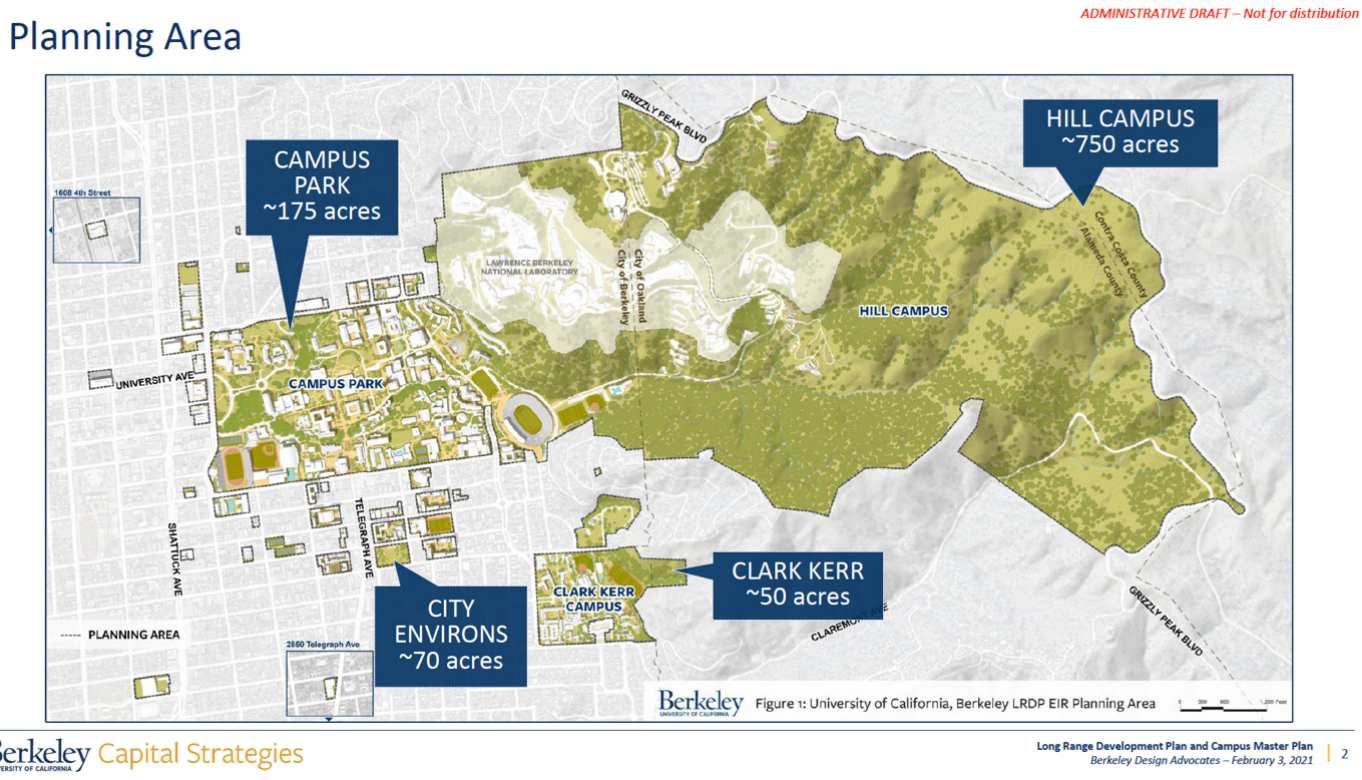
[5] Source: Plan Bay Area 2040, Plan Bay Area Projections 2040.
[6] City of Berkeley Draft Housing Element Update, November 2022.

add 12,200 more residents in three to seven years, which—in addition to the current population of 124,563—would be an increase of 9.8 percent, which is likely a low estimate.

UC Berkeley Growth

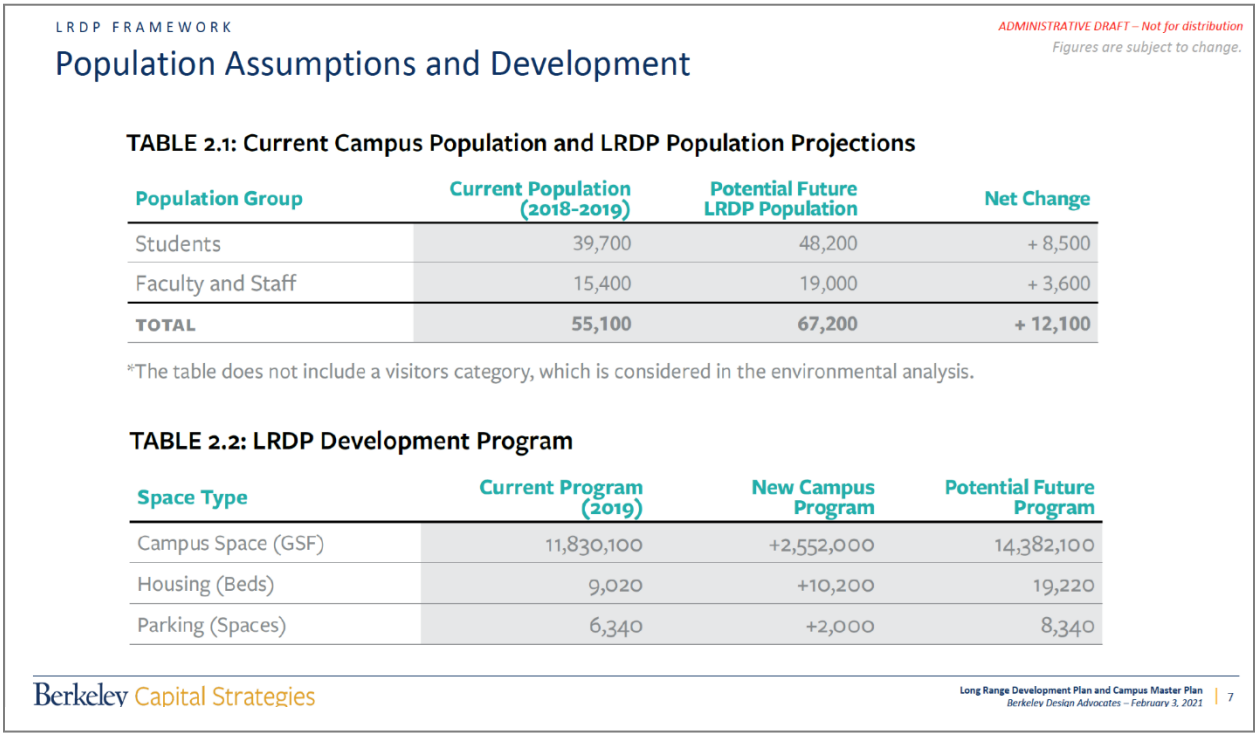
Since late 2020, UC Berkeley has been doing advance planning for its future needs in cooperation with the City. Two planning projects are processing together—the 2021 Long Range Development Plan (LRDP) and the Campus Master Plan. The LRDP is the regulatory framework to drive high-level population projections and a subsequent EIR. The Campus Master Plan is an aspirational planning document. The LRDP was completed mid-2021 and focuses on the planning areas shown in the following figure.

Figure 1—Long-Range Development Planning Areas



To date, the planning projects have generated these campus community population projections. The potential student and faculty residential developments are at all sides of core campus and at the Clark Kerr campus. All development areas are at the perimeter or just inside the City, and thus are protected by the Department.

Figure 2—Population Assumptions and Development



LRDP FRAMEWORK

ADMINISTRATIVE DRAFT – Not for distribution
Figures are subject to change.

Population Assumptions and Development

TABLE 2.1: Current Campus Population and LRDP Population Projections

Population Group	Current Population (2018-2019)	Potential Future LRDP Population	Net Change
Students	39,700	48,200	+ 8,500
Faculty and Staff	15,400	19,000	+ 3,600
TOTAL	55,100	67,200	+ 12,100

*The table does not include a visitors category, which is considered in the environmental analysis.

TABLE 2.2: LRDP Development Program

Space Type	Current Program (2019)	New Campus Program	Potential Future Program
Campus Space (GSF)	11,830,100	+2,552,000	14,382,100
Housing (Beds)	9,020	+10,200	19,220
Parking (Spaces)	6,340	+2,000	8,340

Berkeley Capital Strategies

Long Range Development Plan and Campus Master Plan
Berkeley Design Advocates – February 3, 2021 | 7

If all campus population and facility square footage growth projected in the previous figure is eventually realized, the result will be significant, measurable impacts to the Department, as will be discussed elsewhere in this study.

Service Demand of Population by Age

Population drives demand for EMS services. However, it is not easy to account for multiple variables by age group, such as basic access to health care, being fully insured, access to preventive care, cultural and language barriers etc. One recent estimate put forth 40 percent of California's population as eligible for MediCal (Medicaid); however, this does not mean that percentage of the population is enrolled. Further, MediCal has not historically covered more than a token payment against the true, full cost of an ambulance transport.

Utilizing EMS incident data for the City, generally 40 percent of patients are over age 65, which represents only 13.7 percent of the total population according to census data. Patients between 18 and 23 years of age account for approximately 10 percent of patients. Patients between the ages of 18 and 23, and those 65 or older, account for roughly half of all the documented patients in Berkeley. According to the same data, the number of documented patients over 65 has steadily risen since 2013. It is commonly understood that America is "graying," but this generality does

not mean that every senior is dependent on EMS for primary health care access. The houseless represent many age groups and most have no routine health care. What can be said is that until there is fundamental health care reform economically in America, the issues that have dramatically increased ambulance demand over the last two decades show no signs of slowing.

1.4 Fire Department Overview

1.4.1 Organization

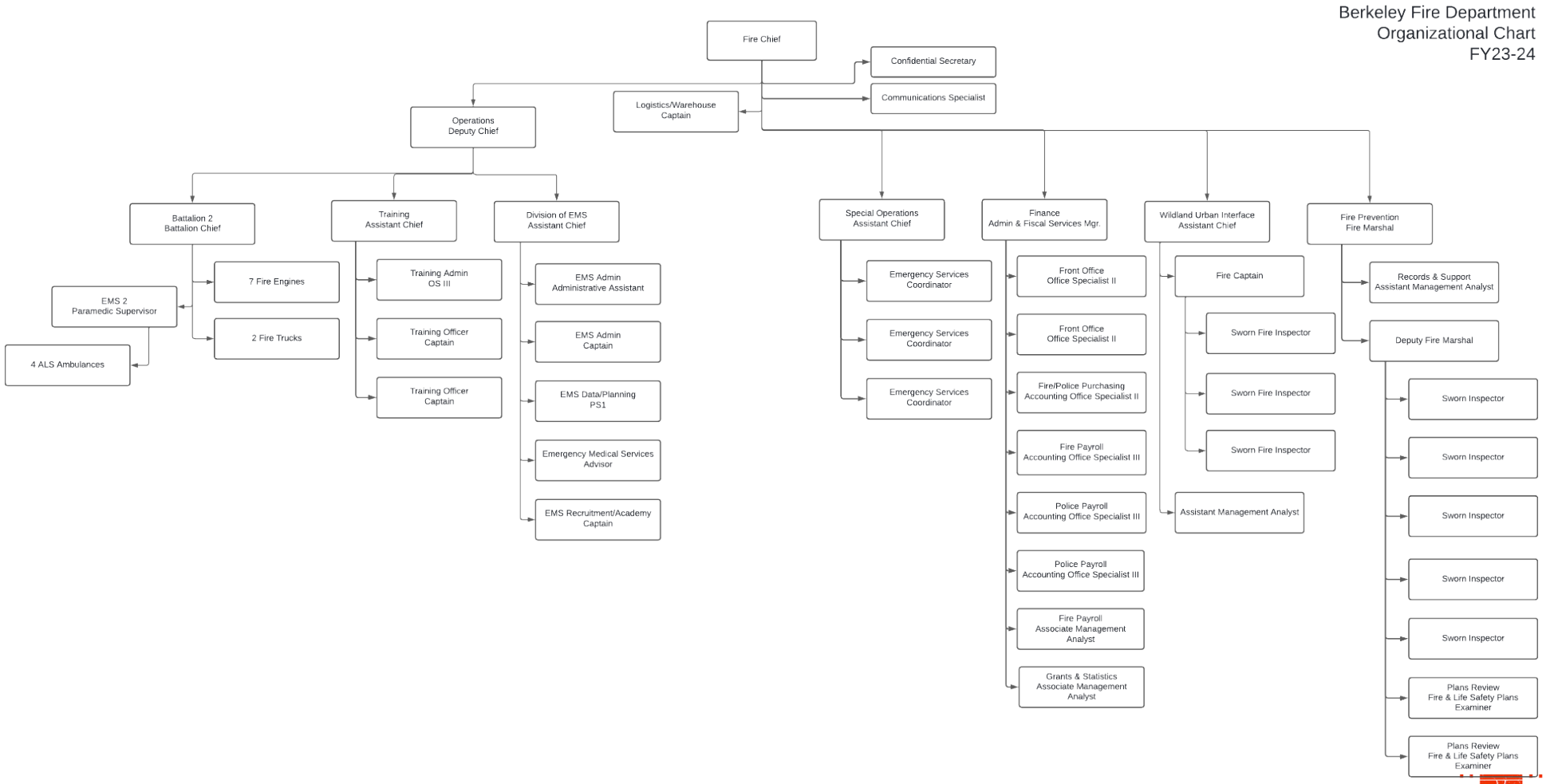
The Department provides fire suppression, Advanced Life Support (ALS) ground ambulance transportation, ALS pre-hospital emergency medical, water rescue, hazardous material release, fire prevention, wildland-urban interface, office of emergency services, community outreach, and related fire and life safety services with a staff of 154 personnel organized into five divisions, as summarized in the following table and figure.

Table 3—Budgeted FTE – Fire Department

Division	Budgeted FTE[1]
Office of the Fire Chief	3
Administrative and Fiscal Services	10
Fire/EMS Operations	122
Office of Emergency Services (OES)	4
Wildland-Urban Interface	5
Fire Prevention	10
Total	**154**

[1] FTE = Full-Time Equivalent
Source: City of Berkeley Fiscal Year 2022-23 Adopted Budget

Figure 3—Fire Department Organization



1.4.2 Facilities and Resources

The Department provides services from seven fire stations and Fire Administration located in the Public Safety building with the Police Department and 9-1-1 Dispatch.

Table 4—Fire Department Facilities, Resources, and Daily Response Staffing – 2022 (Prior to the Expansion of the Ambulance Program)

Station Number	Address	Unit Staffing (Minimum/Maximum)
1	2442 Eighth St.	Engine 1 Ambulance Medic 1 Confidence (boat – cross-staffed by E1/M1) RWC 1 (jet ski – cross-staffed by E1/M1)
2	2029 Berkeley Way	Engine 2 Truck 2 Ambulance Medic 2 Battalion 2 HM2 (Hazmat – cross-staffed by E2/T2) E602 (Type VI – cross-staffed by T2)
3	2710 Russell St.	Engine 3 Ambulance Medic 3
4	1900 Marin Ave.	Engine 4
5	2680 Shattuck Ave.	Engine 5 Truck 5 Ambulance Medic 5 E305 (Type III cross-staffed by T5)
6	999 Cedar St.	Engine 6
7	3000 Shasta Rd.	Engine 7 QRV7 (Polaris cross-staffed) OES Type VI (cross-staffed)

All front-line engine, ladder, and ambulance units are staffed with firefighter/EMTs and firefighter/paramedics as appropriate.

1.4.3 Service Capacity

Service capacity refers to the Department's available response force; the size, types, and condition of its response fleet and any specialized equipment; core and specialized performance capabilities

and competencies; resource distribution and concentration; availability of automatic or mutual aid; and any other agency-specific factors influencing its ability to meet current and prospective future service demand relative to the risks to be protected.

The Department's service capacity for fire and non-fire risk consists of 37 personnel on duty daily—including one mobile Paramedic Supervisor and one Battalion Chief—staffing seven engines, two aerial ladder trucks, and four ambulances, and operating from the Department's seven fire stations. The Department also has one Type-3 wildland engine, two Type-6 wildland engines, one hazardous materials apparatus, one fireboat, one rescue watercraft, and two all-terrain vehicles (ATVs) that can be cross-staffed by on-duty personnel as needed.

All response personnel are trained to either the Emergency Medical Technician (EMT) level, capable of providing Basic Life Support (BLS) pre-hospital emergency medical care, or EMT-Paramedic (Paramedic) level, capable of providing Advanced Life Support (ALS) pre-hospital emergency medical care. All engines are staffed with a minimum of one EMT-Paramedic, and ambulances are staffed with two paramedics. The Department also provides ground ambulance services; air ambulance services, when needed, are provided by CALSTAR/REACH from Concord, Stanford Life Flight from Palo Alto, East Bay Regional Parks Police Department, or the California Highway Patrol. Emergency room services are available at Alameda Hospital (Alameda), Alan Bates Summit Medical Centers and Highland Hospital (Oakland), Kaiser Oakland (Oakland), and UCSF Benioff Children's Hospital (Oakland). Highland Hospital and UCSF Benioff Children's Hospital are also Level 1 Trauma Centers, and Eden Medical Center is a Level 2 Trauma Center.

Response personnel are also trained to the U.S. Department of Transportation Hazardous Material First Responder Operational level to provide initial hazardous material incident assessment, hazard isolation, and support for a hazardous material response team. When needed, technical hazardous materials response is provided by Station 2 personnel trained to the Hazardous Materials Specialist level cross-staffing a hazardous material apparatus. For significant spills and releases, the Department responds via the Alameda County Fire Department Hazardous Materials Team.

All response personnel are further trained to the Confined Space Awareness level, with technical rescue capability available as needed from the City of Oakland. The Department has obtained a Cal OES Type-2 Urban Search and Rescue trailer and is designing a technical rescue program.

Marine response capacity includes up to 24 personnel certified to the State Fire Training Open Water Rescuer and/or Open Water Rescue Boat Operator level. In addition, the Department cross-staffs a 27-foot Type IV fireboat and a trailered rescue watercraft—moored at the Berkeley Marina and staffed with on-duty Station 1 and Station 6 personnel as needed.

The Department has automatic and mutual aid agreements with all the directly adjoining departments in both Alameda and Contra Costa counties, along with being a signatory to the Alameda County Fire Mutual Aid Plan and California Master Mutual Aid Agreement.

Finding #1:	The Department's physical response unit *types* are appropriate to protect against the hazards likely to impact the City.
Finding #2:	The Department's minimum daily Citywide staffing of 27 firefighting unit response personnel assigned to engine and truck companies is only sufficient for a modest single-family house fire or small commercial building fire at the ground floor.

SECTION 2—STANDARDS OF COVER ANALYSIS

This section provides a detailed analysis of the Department's current ability to deploy and mitigate hazards within its service area. The response analysis uses prior response statistics and geographic mapping to help the Department and the community to visualize what the current response system can and cannot deliver.

2.1 STANDARDS OF COVER PROCESS OVERVIEW

The core methodology used by Citygate in the scope of its deployment analysis work is *Standards of Response Coverage* (fifth and sixth editions), which is a systems-based approach to fire department deployment published by the CFAI. This approach uses local risks and demographics to determine the level of protection best fitting a community's needs.

The SOC method evaluates deployment as part of a fire agency's self-assessment process. This approach uses risk and community expectations regarding outcomes to help elected officials make informed decisions regarding fire and emergency medical services deployment levels. Citygate has adopted this multiple-part systems approach as a comprehensive tool to evaluate fire station locations. Depending on the needs of the study, the depth of the components may vary.

In contrast to a one-size-fits-all prescriptive formula, such a systems approach to deployment allows for local determination. In this comprehensive approach, each agency can match local needs (risks and expectations) with the costs of various levels of service. In an informed public policy debate, a governing board "purchases" the fire and emergency medical service levels the community needs and can afford.

While working with multiple components to conduct a deployment analysis is admittedly more work, it yields a much better result than using only a singular component. For instance, if only travel time is considered and the frequency of multiple calls is not, the analysis could miss overworked companies. If a risk assessment for deployment is not considered and deployment is based only on travel time, a community could under-deploy to incidents.

The following table describes the eight elements of the SOC process.

Table 5—Standards of Coverage Process Elements

SOC Element		Description
1	**Existing Deployment System**	Overview of the community served, authority to provide services, and current deployment model and performance metrics
2	**Community Outcome Expectations**	Review of the community's expectations relative to response services provided by the agency
3	**Community Risk Assessment**	Description of the values to be protected within the service area, and analysis of the fire and non-fire risks likely to impact the service area
4	**Critical Task Analysis**	Review of the essential tasks that must be performed and the personnel required to deliver a stated outcome for an Effective Response Force (ERF)
5	**Distribution Analysis**	Review of the spacing of initial response (first-due) resources (typically engines) to control routine emergencies to achieve desired outcomes
6	**Concentration Analysis**	Review of the spacing of fire stations so that larger or more complex emergencies receive sufficient resources in a timely manner (ERF) to achieve desired outcomes
7	**Reliability and Historical Response Effectiveness Analysis**	Using recent prior response statistics, determining the percentage of conformance to established response performance goals the existing deployment system delivers
8	**Overall Evaluation**	Proposing Standards of Coverage statements by risk type as appropriate

Source: CFAI, *Standards of Cover*, fifth edition

Fire service deployment, simply summarized, is about the *speed* and *weight* of response. *Speed* refers to initial (first-due) response of all-risk intervention resources (e.g., engines, ladder trucks, and ambulances) strategically deployed across a jurisdiction for response to emergencies within a travel time interval sufficient to control routine-to-moderate emergencies without the incident escalating to greater size or severity. *Weight* refers to multiple-unit ERF responses for more serious emergencies such as building fires, multiple-patient medical emergencies, vehicle collisions with extrication required, or technical rescue incidents. In these situations, enough firefighters must be assembled within a time interval to safely control the emergency and prevent it from escalating into an even more serious event.

The following table illustrates this deployment paradigm.

Table 6—Fire Service Deployment Paradigm

Element	Description	Purpose
***Speed** of Response*	Response time of initial all-risk intervention units strategically located across a jurisdiction	Controlling routine to moderate emergencies without the incident escalating in size or complexity
***Weight** of Response*	Number of firefighters in a multiple-unit response for serious emergencies	Assembling enough firefighters within a reasonable time frame to safely control a more complex emergency without escalation

Thus, smaller fires and less complex emergencies require a single- or two-unit response (engine or specialty resource such as an ambulance) within a relatively short response time. Larger or more complex incidents require more units and personnel to control. In either case, if crews arrive too late or the total number of personnel is too few for the emergency, they are drawn into an escalating and more dangerous situation. The science of fire crew deployment is to spread crews out across a community or jurisdiction for quick response to keep emergencies small with positive outcomes without spreading resources so far apart they cannot assemble quickly enough to effectively control more serious emergencies.

2.2 CURRENT DEPLOYMENT

SOC ELEMENT 1 OF 8
EXISTING DEPLOYMENT POLICIES

Nationally recognized standards and best practices suggest using several incremental measurements to define response time. Ideally, the clock start time is when the 9-1-1 dispatcher receives the emergency call. In some cases, the call must then be transferred to a separate fire dispatch center. In this setting, the response time clock starts when the fire center receives the 9-1-1 call into its computer-aided dispatch (CAD) system. Response time increments include dispatch center call processing, crew alerting and response unit boarding (commonly called turnout time), and actual driving (travel) time.

The following table summarizes the Department's current response performance goals;[7] however, City Council has not, by separate Council policy, adopted performance goals. The General Plan does not contain specific response measures, but rather strategies reflecting the need to protect the community from fire. In the annual City Fire Department budget measure page, the Department does report the following response time measure. While the entire budget is adopted by the

[7] Source: City of Berkeley 2022 Proposed Budget, page 208.

Council, it would be a stronger best practice to adopt, by Council resolution, performance measures by which to govern fire and emergency medical services. Otherwise, at any given budget cycle, a council could choose to deviate from the Department's reported measures without a specific vote on changing the response time goals.

Table 7—Current City Budget Response Performance Goals

Response Component	Current Performance Goal	Percentage Reliability Goal
Call Processing / Dispatch	None	90%
Crew Turnout (*internal FD policy*)	60–90 sec	90%
First-Due Travel	None	90%
First-Due Call-to Arrival (Distribution)	None	90%
Fire Crew Notification to First-Unit Arrival	5:15 average 4:46 median	None
Multiple-Unit ERF Call to Arrival (Concentration)	None	90%
Ambulance Call to Arrival	None	90%

The Department's current response performance goals *do not* mirror industry-recognized best practices for first-unit responses, including all three response elements and reliability percentages.[8] NFPA Standard 1710, a recommended deployment standard for career fire departments in urban/suburban areas, recommends initial (first-due) intervention units arrive within a travel time of 4:00 minutes, and all resources comprising a multiple-unit First Alarm arrive within a travel time of 8:00 minutes, all at 90 percent or better reliability.

The most recently published NFPA best practices have decreased recommended dispatch / call processing time to 1:00 minute for events with an imminent threat to life or significant property damage and 1:30 minutes for hazardous materials or technical rescue incidents, for joint response with law enforcement involving weapons, or for incidents involving language barriers.[9] Further, for crew turnout time, 60 to 80 seconds is recommended. However, the prior edition of NFPA Standard 1221—and Citygate's experience across many systems—finds 90 seconds for dispatch, and a turnout time of 2:00 minutes across a 24-hour-per-day average, to be effective and safe goals. During high demand daylight hours, the turnout goal should be closer to 1:30 minutes.

[8] NFPA 1710 – Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments (2020 Edition).

[9] NFPA 1221 – Standard for the Installation, Maintenance, and Use of Emergency Services Communications Systems (2019 Edition).

If the travel time measures recommended by the NFPA and Citygate are added to dispatch processing and crew turnout times recommended by Citygate and NFPA best practices, then a realistic 90 percent first-due unit response performance goal is now 7:30 minutes (or 8:30 minutes if a 5:00-minute *travel* time is used) from the time of the Berkeley Police 9-1-1 dispatch center receiving the call. This includes 1:30 minutes for call processing / dispatch, 2:00 minutes for crew turnout, and 4:00–5:00 minutes for travel time.

Finding #3:	The Department has not established response performance goals consistent with best practice recommendations as published by the Commission on Fire Accreditation International. The current City Council budget goal measures do not reflect policy resolution or a specific General Plan policy.

2.2.1 Current Deployment Model

Resources and Staffing

The Department's current deployment model meets the minimum staffing standards for building fires as recommended by NFPA 1710, providing sufficient personnel for serious fire incidents or other emergencies requiring a multiple-unit response to effectively resolve, along with providing additional response capacity for one to two simultaneous incidents.

At present, the Department's EMS Division provides paramedic ambulance transport services with four ambulances, supplemented by a paramedic on each fire crew. The ambulance program has grown in volume and was being expanded concurrently with Citygate's study. This expansion will be reviewed in more detail in the deployment recommendations section.

Response Plan

The Department is an all-risk fire agency providing the population it protects with services that include fire suppression; pre-hospital paramedic (ALS) emergency medical services; ambulance transport; hazardous material and technical rescue response; open water safety/response; and other non-emergency services, including fire prevention, wildland-urban interface, office of emergency services, community outreach, and other related services.

Given these risks, the Department utilizes a tiered response plan calling for different types and numbers of resources depending on incident/risk type. The City's 9-1-1 dispatch CAD system selects and dispatches the closest and most appropriate resource(s) pursuant to the Department's response plan, as summarized in the following table.

Table 8—Response Plan by Type of Emergency

Incident Type	Response	Total Personnel
Medical Emergency	1 Engine or Truck, 1 Ambulance	**5**
Building Fire	4 Engines, 2 Trucks, 1 Ambulance, 1 Medic Supervisor, 1 Battalion Chief	**22**
Vehicle Fire	1 Engine	**3**
Traffic Collision	1 Engine or 1 Truck, 1 Ambulance	**5**
Hazardous Material Incident	2 Engines, 1 Hazmat Unit, 1 Ambulance, 1 Medic Supervisor, 1 Battalion Chief	**13**
Technical Rescue	2 Engines, 1 Truck, 1 Ambulance, 1 Medic Supervisor, 1 Battalion Chief	**12**

Source: City Dispatch Unit Assignments List

Finding #4: The Department has a standard response plan that considers risk and establishes an appropriate initial response for each incident type; each type of call for service receives the combination of engines, trucks, ambulances, specialty units, and command officers customarily needed to effectively control that type of incident based on Department experience.

2.3 Outcome Expectations

SOC Element 2 of 8
Community Outcome Expectations

The SOC process begins by reviewing existing emergency services outcome expectations. This includes determining for what purpose the response system exists and whether the governing body has adopted any response performance measures. If it has, the time measures used must be understood and good data must be available.

Current national best practice is to measure percent completion of a goal (e.g., 90 percent of responses) instead of an average measure. Mathematically, this is called a fractile measure.[10] This is because measuring the average only identifies the central or middle point of response time

[10] A *fractile* is that point below which a stated fraction of the values lies. The fraction is often given in percent; the term percentile may then be used.

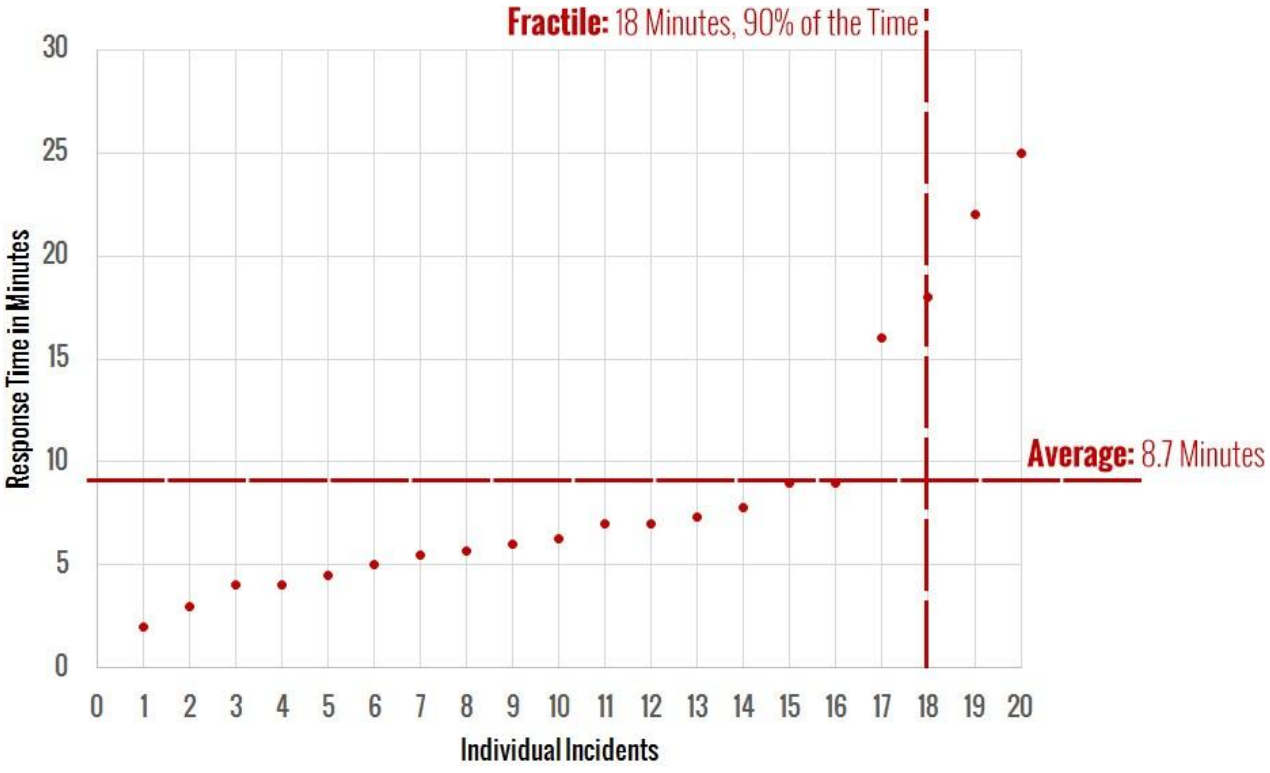
performance for all calls for service in the data set. Using an average makes it impossible to know how many incidents had response times that were far above the average or just above.

For example, the following figure shows response times for a hypothetical small fire department that receives 20 calls for service each month. Each response time has been plotted on the graph from shortest response time to longest response time.

The following figure shows that the average response time is 8.7 minutes. However, the average response time fails to properly account for four calls for service with response times far exceeding a threshold in which positive outcomes could be expected. In fact, it is evident in the figure that 20 percent of responses are far too slow, and that this hypothetical jurisdiction has a potential life-threatening service delivery problem. Average response time as a fire service delivery measurement is simply not sufficient. This is a significant issue in larger cities if hundreds or thousands of calls are answered far beyond the average point.

By using the fractile measurement with 90 percent of all responses, this small jurisdiction has a response time of 18:00 minutes, 90 percent of the time. Stated another way, 90 percent of all responses are 18:00 minutes or less. This fractile measurement is far more accurate in reflecting the service delivery situation of this small agency.

Figure 4—Fractile versus Average Response Time Measurements



More importantly, within the SOC process, positive outcomes are the goal. From that, crew size and response time can be calculated to provide appropriate fire station spacing (distribution and concentration) to achieve the desired goal. Emergency medical incidents include situations with the most severe time constraints. The brain can only survive 4:00 to 6:00 minutes without oxygen. Cardiac arrest and other events can cause oxygen deprivation to the brain. Cardiac arrests make up a small percentage, with drowning, choking, trauma constrictions, or other similar events having the same effect. In a building fire, a small incipient fire can grow to involve the entire room in a 3:00- to 5:00-minute time frame. If fire service response is to achieve positive outcomes in severe emergency medical situations and incipient fire situations, *all* responding crews must arrive, assess the situation, and deploy effective measures before brain death occurs or the fire spreads beyond the room of origin.

Thus, from the time of 9-1-1 receiving the call, an effective deployment system is *beginning* to manage the problem within a 7:00- to 8:00-minute total response time. This is right at the point that brain death is becoming irreversible, and the fire has grown to the point of leaving the room of origin and becoming very serious. Thus, the City needs a first-due response goal that is within a range to give the situation hope for a positive outcome. It is important to note that fire or medical emergency events continue to deteriorate from the time of inception, not from the time the fire engine or ambulance starts to drive the response route. Ideally, the emergency is noticed immediately, and the 9-1-1 system is activated promptly. This step of awareness—calling 9-1-1 and giving the dispatcher accurate information—takes, in the best of circumstances, 1:00 minute. Then crew notification and travel time take additional minutes. Upon arrival, the crew must approach the patient or emergency, assess the situation, and appropriately deploy its skills and tools. Even in easy-to-access situations, this step can take 2:00 minutes or more. This time frame may be increased considerably due to long driveways, apartment buildings with limited access, multiple-story buildings, or enclosed shopping centers.

Unfortunately, there are times when the emergency has become too severe, even before the 9-1-1 notification or fire department response, for the responding crew to reverse; however, when an appropriate response time policy is combined with a well-designed deployment system, then only anomalies like bad weather, poor traffic conditions, or multiple emergencies slow down the response system. Consequently, a properly designed system will give citizens the hope of a positive outcome for their tax dollar expenditure.

For this report, total response time is the sum of the Berkeley Police 9-1-1 center call processing/dispatch, fire crew turnout, and road travel time intervals, which is consistent with CFAI and NFPA best practice recommendations.

2.4 COMMUNITY RISK ASSESSMENT

SOC ELEMENT 3 OF 8
COMMUNITY RISK ASSESSMENT

The third element of the SOC process is a community risk assessment. Within the context of an SOC study, the objectives of a community risk assessment are to:

- Identify the values at risk to be protected within the community or service area.
- Identify the specific hazards with the potential to adversely impact the community or service area.
- Quantify the overall risk associated with each hazard.
- Establish a foundation for current/future deployment decisions and risk-reduction/hazard-mitigation planning and evaluation.

A hazard is broadly defined as a situation or condition that can cause or contribute to harm. Examples include fire, medical emergency, vehicle collision, earthquake, flood, etc. Risk is broadly defined as the *probability of hazard occurrence* in combination with the *likely severity of resultant impacts* to people, property, and the community.

2.4.1 Risk Assessment Methodology

The methodology employed by Citygate to assess community risks as an integral element of an SOC study incorporates the following elements:

- Identification of geographic planning sub-zones (risk zones) appropriate to the community or jurisdiction.
- Identification and quantification, to the extent data is available, of the specific values at risk to various hazards within the community or service area.
- Identification of the fire and non-fire hazards likely to impact the community or service area relative to services provided by the fire agency.
- Determination of the probability of occurrence for each hazard.
- Determination of the *likely* impact severity for each hazard by planning zone.
- Determination of overall risk by hazard considering probability of occurrence and likely impact severity according to the following template.

Table 9—Overall Risk Template

Probability of Occurrence	Impact Severity				
	Insignificant	Minor	Moderate	Major	Catastrophic
Rare	*Low*	*Low*	*Low*	*Moderate*	*High*
Unlikely	*Low*	*Low*	*Low*	*Moderate*	*High*
Possible	*Low*	*Low*	*Moderate*	*High*	*Extreme*
Probable	*Low*	*Low*	*Moderate*	*High*	*Extreme*
Frequent	*Low*	*Moderate*	*High*	*Extreme*	*Extreme*

2.4.2 Values to Be Protected

Broadly defined, *values* are those tangibles of significant importance or value to the community or jurisdiction that are potentially at risk of harm or damage from a hazard occurrence. Values at risk typically include people, buildings, critical facilities/infrastructure, and key economic, cultural, historic, and natural resources.

People

Residents, employees, visitors, and travelers in a community or jurisdiction are vulnerable to harm from a hazard occurrence. Particularly vulnerable are specific at-risk populations, including those unable to care for themselves or self-evacuate in the event of an emergency. At-risk populations typically include children younger than 10 years, the elderly, and people housed in institutional settings. Key demographic data for the City includes the following:[11]

- The Department serves a diverse urban population with densities ranging from less than 5,000 to more than 40,000 people per square mile over a varied land use pattern.
- The City's population is projected to increase by nearly 18 percent by 2040 for an average annualized increase of slightly less than one percent.
- The City has a large inventory of residential and non-residential buildings to protect as identified in this assessment.
- The City also has significant economic and other resource values to be protected as identified in this assessment.

[11] Source: Esri Community Profile (2021).

- The City and Alameda County have a mass emergency notification system to effectively communicate crucial information to the public in a timely manner.
- The City's overall risk for six hazards related to emergency services provided by the Department range from **Low** to **Extreme,** as will be summarized in Table 9.

Buildings

The City has more than 51,000 housing units and nearly 7,000 businesses, including offices, professional services, retail sales, restaurants/bars, motels, churches, schools, government facilities, healthcare facilities, and other business types as described in **Appendix A**.[12]

Critical Infrastructure / Key Resources

The City has identified 81 critical facilities. A hazard occurrence with significant impact severity affecting one or more of these facilities would likely adversely impact critical public or community services.

Cultural, Economic, Historic, and Natural Resources

Of the nearly 7,000 businesses employing more than 98,000 people in Berkeley, top industries include services and retail sales, followed by manufacturing and construction, as identified in **Appendix A** of this report.[13] Top employers with more than 500 employees include:[14]

- University of California Berkeley
- Lawrence Berkeley National Laboratory
- Sutter East Bay Medical Foundation
- City of Berkeley
- Bayer Corporation
- Berkeley Unified School District
- Kaiser Permanente Medical Group
- Siemens Corporation / Healthcare Diagnostics, Inc.
- Berkeley Bowl Produce

[12] Source: Esri Community Analyst Business Summary (2021).

[13] Source: Esri Community Business Summary (2021).

[14] Source: City of Berkeley Fiscal Year 2020/2021 Annual Comprehensive Financial Report

Natural Resources

Key natural resources to be protected within the City include:

- San Francisco Bay
- Aquatic Park
- Shorebird Park Nature Center
- McLaughlin East Shore State Seashore

Cultural/Historic Resources

Key cultural/historic resources within Berkeley include:

- Berkeley Art Museum and Pacific Film Archive
- Berkeley History Center
- Berkeley Public Library
- Berkeley Repertory Theater
- Hearst Greek Theater
- Judah Magnes Museum

Special/Unique Resources

Following are special/unique resources to be protected within the City of Berkeley:

- University of California Berkeley
- Lawrence Berkeley National Laboratory
  - The laboratory, in some very controlled settings, does use extremely toxic hazardous materials for research and development. Quantities are typically low, and the lab employs fire and hazardous materials safety personnel to ensure best practice mechanical controls are used to prevent a sustained, dangerous release. However, a catastrophic accident could occur that could spread downwind beyond a parking lot buffer and into other lab buildings, the UC campus, or the City itself. The lab and its fire department contractor, along with the Berkeley Fire Department, are trained and have plans for such a rare occurrence.

2.4.3 Hazard Identification

Citygate utilized prior risk studies where available, fire and non-fire hazards as identified by the CFAI, and agency- and jurisdiction-specific data and information to identify the hazards to be evaluated for this study.

The 2019 City of Berkeley Local Hazard Mitigation Plan (LHMP) identifies the following seven hazards with potential to impact the City:

1. Earthquake
2. Wildland-Urban Interface Fire
3. Rainfall-Triggered Landslide
4. Floods
5. Tsunami
6. Climate Change
7. Extreme Heat

Although the Department has no legal authority or responsibility to mitigate any of these hazards other than wildland-urban interface fires, it does provide services related to all hazards, including fire suppression, emergency medical services, technical rescue, and hazardous materials response.

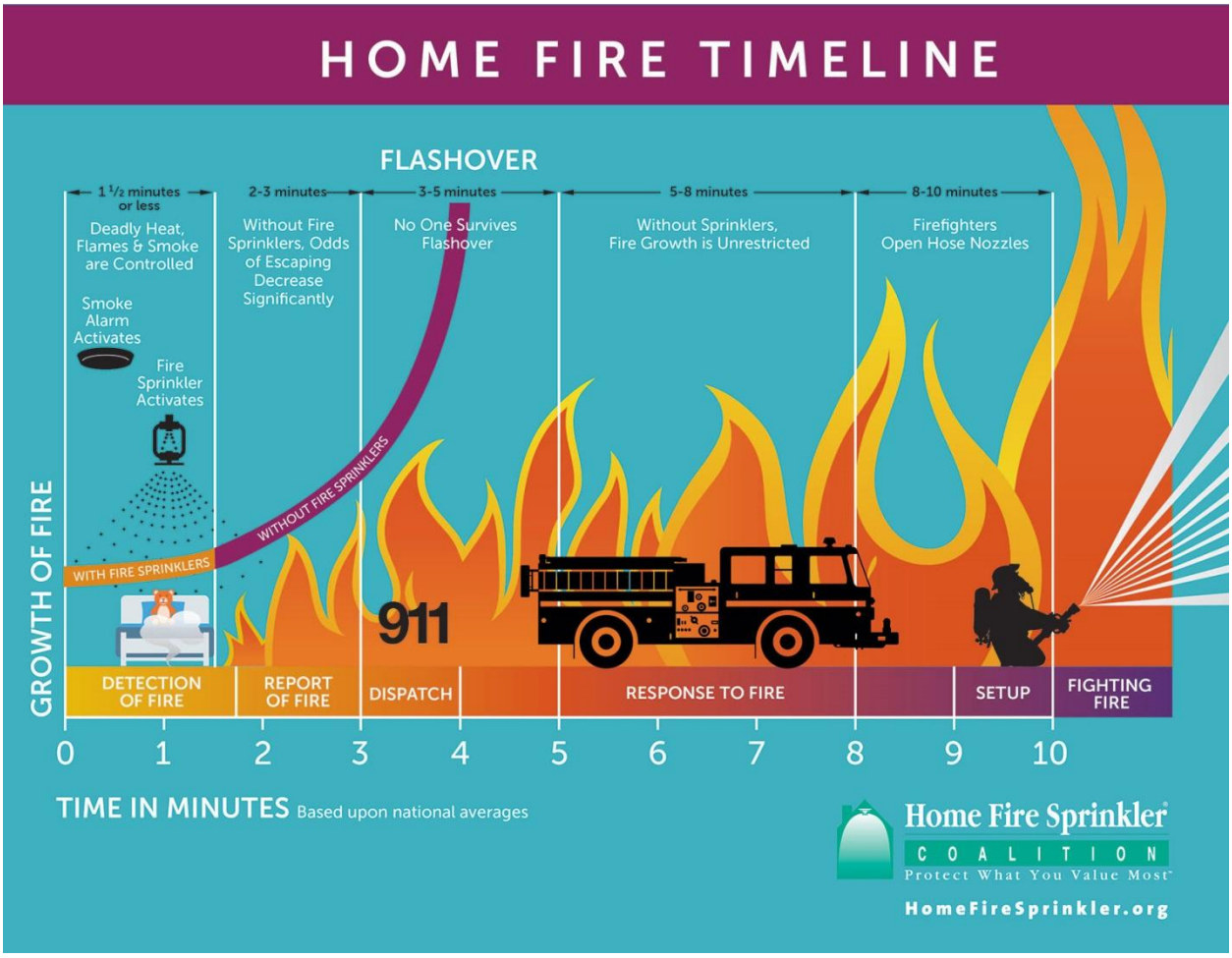
The following is a brief overview of building fire and medical emergency risk. **Appendix A** contains the full risk assessment for all six hazards.

Building Fire Risk

One of the primary hazards in any community is building fire. Building fire risk factors include building size, age, construction type, density, and occupancy; number of stories above ground level; required fire flow; proximity to other buildings; built-in fire protection/alarm systems; available fire suppression water supply; building fire service capacity; and fire suppression resource deployment (distribution/concentration), staffing, and response time.

The following figure illustrates the building fire progression timeline and shows that flashover, which is the point at which the entire room erupts into fire after all the combustible objects in that room reach their ignition temperature, can occur as early as three to five minutes from the initial ignition. Human survival in a room after flashover is extremely improbable.

Figure 5—Building Fire Progression Timeline

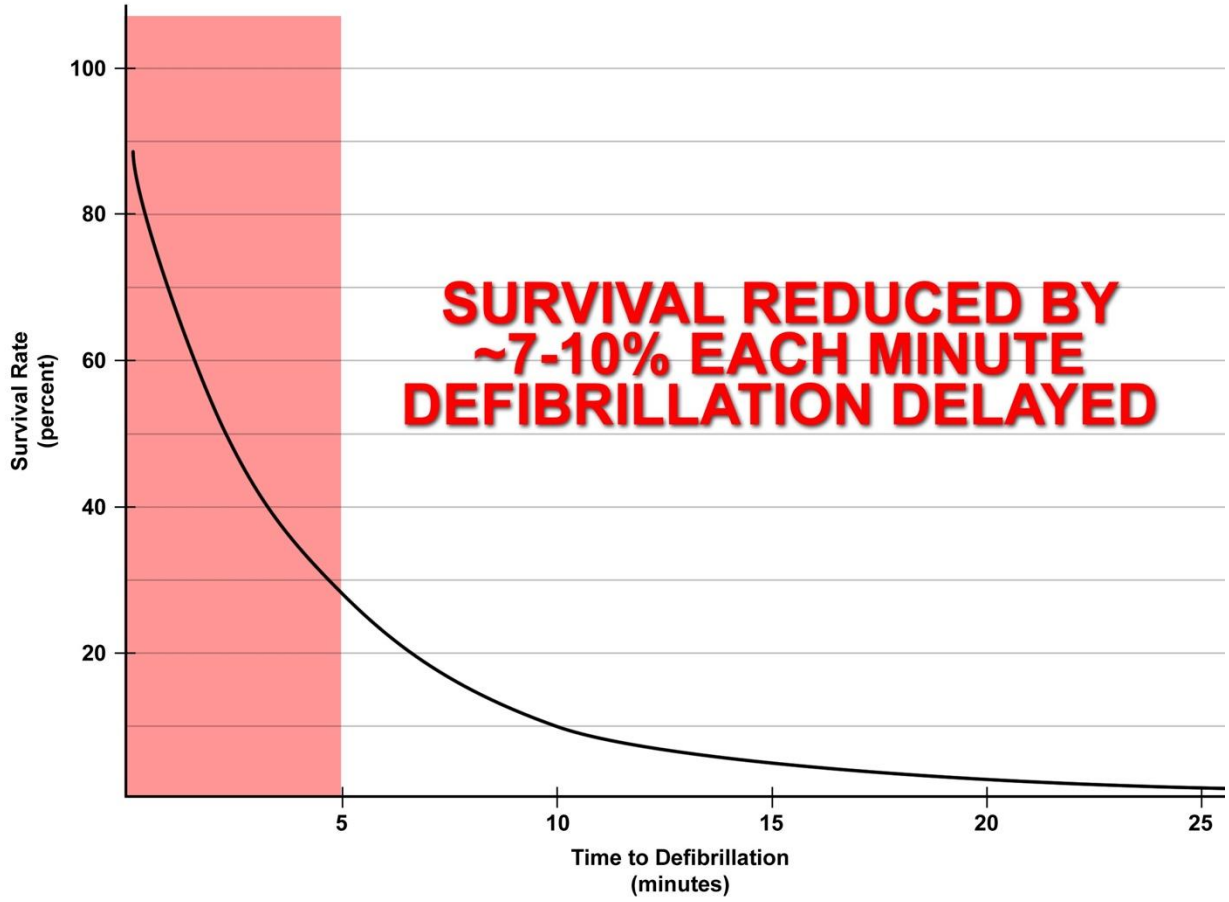


Source: http://www.firesprinklerassoc.org.

Medical Emergency Risk

Fire agency service demand in most jurisdictions is predominantly for medical emergencies. The following figure illustrates the reduced survivability of a cardiac arrest victim as time to defibrillation increases.

Figure 6—Survival Rate versus Time of Defibrillation



The Department currently provides BLS and ALS pre-hospital ambulance emergency medical services, with operational personnel trained to the EMT or EMT-Paramedic level.

2.4.4 Risk Assessment Summary

Citygate's evaluation of the values at risk and hazards likely to impact the City yields the following:

- The City has a large inventory of residential and non-residential buildings to protect, as identified in this assessment.
- The City also has significant economic and other resource values to be protected, as identified in this assessment.
- The City utilizes multiple methods to effectively communicate emergency notifications and information to the public in a timely manner.

- The City's overall risk for six hazards related to emergency services provided by the Fire Department range from **Low** to **Extreme**, as summarized in the following table.

Table 10—Overall Risk by Hazard

Hazard		Risk Planning Zone						
		Station 1	Station 2	Station 3	Station 4	Station 5	Station 6	Station 7
1	Building Fire	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*
2	Vegetation/Wildland Fire	*Low*	*Extreme*	*Extreme*	*Extreme*	*Moderate*	*Low*	*Extreme*
3	Medical Emergency	*High*	*High*	*High*	*High*	*High*	*High*	*High*
4	Hazardous Materials	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*
5	Technical Rescue	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Low*
6	Marine Incident	*Moderate*	*Low*	*Low*	*Low*	*Low*	*Moderate*	*Low*

2.5 Critical Task Time Measures—What Must Be Done over What Time Frame to Achieve the Stated Outcome Expectation?

SOC Element 4 of 8
Critical Task Time Study

SOC studies use critical task information to determine the number of firefighters needed within a time frame to achieve desired objectives on fire and emergency medical incidents. The following tables illustrate critical tasks typical of building fire and medical emergency incidents, including the minimum number of personnel required to complete each task. These tables are composites from Citygate clients in urban/suburban departments like Berkeley, with units staffed with three personnel per engine or ladder truck. It is important to understand the following relative to these tables:

- It can take considerable time after a task is ordered by command to complete the task and achieve the desired outcome.
- Task completion time is usually a function of the number of personnel that are *simultaneously* available. The fewer firefighters available, the longer some tasks will take to complete. Conversely, with more firefighters available, some tasks are completed concurrently.
- Some tasks must be conducted by a minimum of two firefighters to comply with safety regulations. For example, two firefighters are required to search a smoke-filled room for a victim.

2.5.1 Critical Firefighting Tasks

The following table illustrates the critical tasks required to control a typical single-family dwelling fire with nine response units for a total ERF of 22 personnel (four engines, two ladder trucks, one ambulance, one Medic Supervisor, and one Battalion Chief). These tasks are taken from typical fire departments' operational procedures, which are consistent with the customary findings of other agencies using the SOC process. No conditions exist to override the Occupational Safety and Health Administration (OSHA) two-in/two-out safety policy, which requires that firefighters enter atmospheres that are immediately dangerous to life and health, such as building fires, in teams of two while two more firefighters are outside and immediately ready to rescue them should trouble arise.

Scenario: *Simulated approximately 2,000-square-foot, two-story, residential fire with unknown rescue situation. Responding companies receive dispatch information typical for a witnessed fire. Upon arrival, they find approximately 50 percent of the second floor involved in fire.*

Table 11—First Alarm Residential Fire Critical Tasks – 22 Personnel

	Critical Task Description	Personnel Required
First-Due Engine (3 Personnel)		
1	Conditions report	**1**
2	Establish supply line to hydrant	**2**
3	Deploy initial fire attack line to point of building access	**1–2**
4	Operate pump and charge attack line	**1**
5	Or skip the above and establish incident command	**1**
6	Or conduct primary search within OSHA regulations	**2**
Second-Due Engine (3 Personnel)		
1	If necessary, establish supply line to hydrant	**1–2**
2	Deploy an attack or backup attack line	**1–2**
3	Or establish Initial Rapid Intervention Team (IRIT)	**2**
First Due Truck (3 Personnel)		
1	Conduct initial search and rescue, if not already completed	**2**
2	Deploy ground ladders to roof	**1–2**
3	Establish horizontal or vertical building ventilation	**1–2**
4	Open concealed spaces as required	**2**
First Chief Officer		
1	Transfer of incident command from first- or second-in Captain	**1**
2	Establish exterior command and scene safety	
Third- and Fourth-Due Engines (6 Personnel)		
1	Establish full Rapid Intervention Crew	**4**
2	Secure utilities	**1**
3	Or deploy second attack line(s) as needed	**2**
Ambulance Unit		
1	Establish incident rehab	**2**

Grouped together, the duties in the previous table form an ERF, or First Alarm Assignment. These distinct tasks must be performed to effectively achieve the desired outcome; arriving on scene does not stop the emergency from escalating. While firefighters accomplish these tasks, the incident progression clock continues to run.

Fire in a building can double in size during its free-burn period before fire suppression is initiated. Many studies have shown that a small fire can spread to engulf an entire room in less than 3:00 to

5:00 minutes after free burning has started. Once the room is completely superheated and involved in fire (known as flashover), the fire will spread quickly throughout the structure and into the attic and walls. For this reason, it is imperative that fire suppression and search/rescue operations commence before the flashover point occurs *if* the outcome goal is to keep the fire damage in or near the room of origin. In addition, flashover presents a life-threatening situation to both firefighters and any building occupants.

2.5.2 Critical Medical Emergency Tasks

The Department responds to approximately 7,800 EMS incidents annually, including vehicle accidents, strokes, heart attacks, difficulty breathing, falls, childbirths, and other medical emergencies. For comparison, the following table summarizes the critical tasks required for a cardiac arrest patient.

Table 12—Cardiac Arrest Critical Tasks – Three Engine or Truck Personnel + ALS Ambulance

Critical Task		Personnel Required	Critical Task Description
1	Chest compressions	**1–2**	Compression of chest to circulate blood
2	Ventilate/oxygenate	**1–2**	Mouth-to-mouth, bag-valve-mask, apply O_2
3	Airway control	**1–2**	Manual techniques/intubation/cricothyroidotomy
4	Defibrillate	**1–2**	Electrical defibrillation of dysrhythmia
5	Establish I.V.	**1–2**	Peripheral or central intravenous access
6	Control hemorrhage	**1–2**	Direct pressure, pressure bandage, tourniquet
7	Splint fractures	**2–3**	Manual, board splint, HARE traction, spine
8	Interpret ECG	**2**	Identify type and treat dysrhythmia
9	Administer drugs	**2**	Administer appropriate pharmacological agents
10	Spinal immobilization	**2–3**	Prevent or limit paralysis to extremities
11	Extricate patient	**3–4**	Remove patient from vehicle, entrapment
12	Patient charting	**1–2**	Record vitals, treatments administered, etc.
13	Hospital communication	**1–2**	Receive treatment orders from physician
14	Treat en route to hospital	**2–3**	Continue to treat/monitor/transport patient

2.5.3 Critical Task Analysis and Effective Response Force Size

The time required to complete the critical tasks necessary to stop the escalation of an emergency (as shown in Table 11 and Table 12) must be compared to outcomes. As shown in nationally

published fire service time-versus-temperature tables, a building fire will escalate to the point of flashover after approximately 4:00 to 5:00 minutes of free burning in an enclosed room. At this point, the entire room is engulfed in fire, the fire extends rapidly both horizontally and vertically, and human survival near or in the room of fire origin becomes impossible. Additionally, brain death begins to occur within 4:00 to 6:00 minutes of the heart stopping. Thus, the ERF must arrive in time to prevent these emergency events from becoming worse.

The Department's daily staffing provides an ERF of 22 personnel to a building fire—if they can arrive in time, which the statistical analysis of this report will discuss in depth. Mitigating an emergency event is a team effort once the units have arrived. This refers to the *weight* of response analogy; if too few personnel arrive too slowly, then the emergency will escalate instead of improving. The outcome times, of course, will be longer and yield less-desirable results if the arriving force is smaller or arrives later.

The quantity of staffing and the arrival time frame can be critical in a serious fire. Fires in older or multiple-story buildings could require the initial firefighters to rescue trapped or immobile occupants. If the ERF is too small, rescue and firefighting operations *cannot* be conducted simultaneously.

Fires and complex medical incidents require that additional units arrive in time to complete an effective intervention. Time is one factor that comes from *proper station placement*. Good performance also comes from *adequate staffing* and training. However, where fire stations are spaced too far apart, and one unit must cover another unit's area or multiple units are needed, these units can be too far away, and the emergency will escalate or result in a less-than-desirable outcome.

Previous critical task studies conducted by Citygate, the National Institute of Standards and Technology (NIST), and NFPA Standard 1710 find that all units need to arrive with 15 or more firefighters within 11:30 minutes (from the time of 9-1-1 call) at a building fire to be able to *perform the tasks of rescue, fire suppression, and ventilation simultaneously and effectively*.

A question one might ask is, "If fewer firefighters arrive, *what* from the list of tasks mentioned would not be completed?" Most likely, the search team would be delayed, as would ventilation. The attack lines would only consist of two firefighters, which does not allow for rapid movement of the hose line above the first floor in a multiple-story building. Rescue is conducted with at least two-person teams; thus, when rescue is essential, other tasks are not completed in a simultaneous, timely manner. Effective deployment is about the **speed** *(travel time)* and the **weight** *(number of firefighters)* of the response.

An initial response of 22 personnel can handle a moderate-risk confined building fire; however, even this ERF will be seriously slowed if the fire is above the first floor in a low-rise apartment

building or commercial/industrial building. This is where the capability to add additional personnel and resources to the standard response becomes critical.

Given that the Department's ERF plan delivers 22 City personnel to a building fire, it reflects a goal to confine serious building fires to or near the room of origin and to prevent the spread of fire to adjoining buildings. This is a typical desired outcome in urban/suburban areas and requires more firefighters more quickly than the typical rural outcome of keeping the fire contained to the building, not room, of origin.

The Department's current physical response to building fires is, in effect, its de-facto deployment measure—*if those areas are within a reasonable travel time from a fire station*. Thus, this becomes the baseline policy for the deployment of firefighters.

2.6 Distribution and Concentration Studies—How the Location of First-Due and First Alarm Resources Affects Emergency Incident Outcomes

SOC Element 5 of 8
Distribution Study

SOC Element 6 of 8
Concentration Study

The City is served today by seven fire stations deploying the resources and staffing identified in Table 4. It is appropriate to understand, using geographic mapping tools, what the existing stations do and do not cover within specified travel time goals, if there are any coverage gaps needing one or more stations, and what, if anything, to do about them.

In brief, there are two geographic perspectives to fire station deployment:

- **Distribution** – the spacing of first-due fire units to control routine emergencies before they escalate and require additional resources.
- **Concentration** – the spacing of fire stations sufficiently close to each other so that more complex emergency incidents can quickly receive sufficient resources from multiple fire stations. As indicated, this is known as the **Effective Response Force** (ERF), or, more commonly, the First Alarm Assignment—the collection of a sufficient number of firefighters on scene, delivered within the concentration time goal to stop the escalation of the problem.

To analyze first-due fire unit travel time coverage, Citygate used a geographic mapping tool that can measure theoretical travel time over a street network. For this calculation, Citygate used the base map and street travel speeds calibrated to actual fire apparatus travel times from previous responses to simulate real-world travel time coverage. A second model of traffic congestion

limitations is used to show realistic negative impacts on travel times. Using these tools, Citygate ran several deployment tests and measured their impact on various parts of the City. A 4:00-minute first-due and 8:00-minute ERF *travel* time were used consistent with national best practice response performance goals for positive outcomes in urban areas.

2.6.1 Deployment Baselines

All maps referenced can be found in **Volume 2—Map Atlas**.

Map #1 – General Geography, Station Locations, and Response Resource Types

Map #1 shows the City boundary and fire station locations. This is a reference map for other maps that follow. Station symbols denote the type of staffed fire apparatus at each station. All engines and trucks are staffed with a minimum of three personnel each, and there are four ambulance units that are staffed with two firefighter/paramedics each.

Map #2 – Risk Assessment: Population Density

Map #2a shows population densities in the City. EMS incidents are principally driven by population density. In the City's case, with rental housing for students and others, it is apparent the highest density areas are adjacent to the UC Berkeley campus.

Map #2a – Risk Assessment: High Wildfire Hazard Zones

This map displays the locations of the City's identified high fire hazard areas as required by state law to adopt or use the CAL FIRE maps generated statewide. Even without knowing the history of the Hills Fires in 1991 and 1923, due to the hilly terrain and natural vegetation types, the areas pose a dangerous threat of wildfire to populations and buildings.

Map #3 – Distribution: 4:00-Minute First-Due Travel Time Coverage

Map #3 shows in green the City's public road miles that should be expected to be reached within 4:00 minutes of travel time from the City's seven fire station locations *without traffic congestion*, assuming the responding resource is in-station.

The purpose of response time modeling is to determine response time coverage across a jurisdiction's geography and station locations. This geo-mapping design is then validated against actual response data to reflect actual travel times. There should be some overlap between station areas so that a second-due unit can have a chance of an acceptable response time when it responds to a call in a different station's first-due response area.

Map #3a – Distribution: 4:00-Minute First-Due Travel Time Coverage With Automatic Aid

This map factors in the coverage provided by partner agencies under automatic aid agreements from Kensington Fire District and the Alameda County Fire Department which serves Emeryville. There is small added coverage into the hills north of Station 4 and almost no added coverage from Emeryville. While this helps when Berkeley units are busy with other incidents, automatic aid coverage is not large enough to replace that of a Berkeley fire station.

Map #3b – Distribution: 4:00-Minute First-Due Travel Time Coverage with Traffic Congestion

This map shows reduced traffic congestion coverage in red color over that of the green 4:00-minute travel time reach. While densely populated in non-hills areas, coverage loss due to traffic congestion is minimal as it is being mitigated by the City's well-spaced fire stations.

Map #4 – Insurance Services Office 1.5-Mile Coverage

Map #4 displays the ISO recommendation that urban stations cover a 1.5-mile *distance* response area. Depending on a jurisdiction's road network, the 1.5-mile measure usually equates to a 3:30- to 4:00-minute travel time. However, a 1.5-mile measure is a reasonable indicator of station spacing and overlap. As can be seen, the 1.5-mile ISO coverage is good except in small pockets at the eastern central Hills area, and the Marina on the Bay. This coverage shows the value of the seven fire station locations.

Map #5 – Concentration: 8:00-Minute Effective Response Force (ERF) Travel Time Coverage

This map shows, in green, the City's public road miles that *should* be reachable within 8:00 minutes of travel time for a minimum initial ERF of four engines, two ladder trucks, one ambulance, one Medic Supervisor, and one Battalion Chief *without traffic congestion*. This quantity of units is a challenging number to deliver to the entire City within a *travel* time of 8:00 minutes, and there are coverage gaps in three corners of the City, mostly in the hills.

Map #5a – Concentration: 8:00-Minute ERF Travel Time Coverage with Traffic Congestion

This map shows the significant *reduction* in 8:00-minute ERF travel time coverage *with traffic congestion*, primarily impacting all but the center core of the City.

Map #6 – Concentration: 8:00-Minute ERF Travel Time Coverage – Ladder Trucks

Map #6 shows the ERF coverage from the City's two ladder trucks. As can be seen the two units are properly located to cover the entire City.

Map #7 – 8:00-Minute Battalion Chief Travel Time Coverage

This map displays 8:00-minute travel time coverage for a Battalion Chief from Station 1 without traffic congestion. It is apparent that the single Battalion Chief travel time coverage includes nearly all the City except for the extreme southeast corner.

Map #8 – All Incident Locations

This map shows the location of all incident responses from July 1, 2018, through June 30, 2021, which occurred on almost every street segment in the City. Incidents plotted outside the city are due to the City's mutual aid supporting other agencies.

Map #9 – Emergency Medical Services and Rescue Incident Locations

Map #9 illustrates only the emergency medical and rescue incident locations for the three reporting years of data being analyzed. With most of the calls for service being medical emergencies, virtually all areas of the City need pre-hospital emergency medical services.

Map #10 – All Fire Locations

This map displays the location of all fires within the City in the three reporting years being studied, which includes any type of fire call, from vehicle, to dumpster, to building. There are obviously fewer fires than medical or rescue calls. Even given this fact, it is evident that fires occur in all fire station areas and clustered along major arterials and the more densely populated areas on two sides of the UC Berkeley campus.

Map #11 – Building Fire Locations

Map #11 shows the locations of all building fire incidents in the three reporting years being studied. While the number of building fires is a smaller subset of total fires, in Citygate's experience this is consistent with other, similar cities in the western United States. As with the prior map showing all types of fires, there are more building fires in the more densely populated and older building stock areas close to the UC Berkeley campus.

Map #12 – Emergency Medical Services and Rescue Incident Location Densities

This map displays, by mathematical density, where clusters of EMS and rescue incident activity occurred during the three reporting years of data analyzed by Citygate. In this set, the darker density color plots the highest concentration of EMS and rescue incidents. This type of map makes the location of frequent workload more meaningful than simply mapping the locations of all EMS and rescue incidents, as was shown in Map #9.

This perspective is important because the deployment system needs an overlap of units to ensure the delivery of multiple units when needed for more serious incidents or to handle simultaneous

calls for service, as is evident for the higher population density areas of the City. There is a particular incident density west and southwest of the UC Berkeley campus, close to Station 2 and Station 5.

Map #13 – Fire Incident Location Densities

Map #13 shows the hot spots for all types of fire incidents (shown in Map #10).

Map #14 – Building Fire Incident Location Densities

This map shows the hot spots for building fire incidents (shown in Map #11). The density of structure fire incidents is most pronounced around the UC Berkeley campus and in the western region of the City near the Marina.

2.6.2 Travel Time Road Mile Coverage Measures

In addition to the visual displays of coverage that maps provide, the following table summarizes non-congested coverage versus the impacts of traffic congestion, both with the current station location and with stations 5 and 8 being relocated.

Table 13—First-Due and ERF Road Mile Coverage of 327 Miles – Congested Versus Non-Congested Traffic

Map	Travel Time Measure	Road Miles Covered	Percentage of Miles Covered
3	**4:00-Minute First-Due**	285.27	**87%**
3b	**4:00-Minute First-Due – Congested**	273.61	**84%**
5	**8:00-Minute ERF** (4 Engines, 1 Truck, 1 Battalion Chief, 1 Medic)	257.35	**79%**
5a	**8:00-Minute ERF** (4 Engines, 1 Truck, 1 Battalion Chief, 1 Medic) – **Congested**	172.42	**53%**

As the table shows, 4:00-minute first-due unit coverage is reduced by 3.6 percent with traffic congestion. With 4:00 minutes as a desirable first-due travel time goal, and data in Table 23 showing the Department's 90th percentile first-due travel time performance is 5:40 minutes, traffic congestion is, at least in part, impacting the additional 1:40 minutes of travel time. The 8:00-minute ERF travel time coverage without traffic congestion is adequate at 79 percent of total road miles, but congestion significantly erodes it by 26 percent.

Finding #5:	The mapping evaluation of coverage demonstrates that the City has an adequate number of fire stations. However, as incident statistics demonstrate, best practice travel times are not being delivered due to multiple factors.
Finding #6:	As shown in this study's GIS models, traffic congestion decreases first-unit road mile coverage by only 3.6 percent, which, in Citygate's experience, is not severe. However, overall traffic congestion does still contribute to the Department's slower real-world, non-GIS-modeled travel times. There is a more significant impact on multiple-unit ERF responses, eroding road mile coverage by 26 percent.

2.7 STATISTICAL ANALYSIS

SOC ELEMENT 7 OF 8
RELIABILITY & HISTORICAL RESPONSE EFFECTIVENESS STUDIES

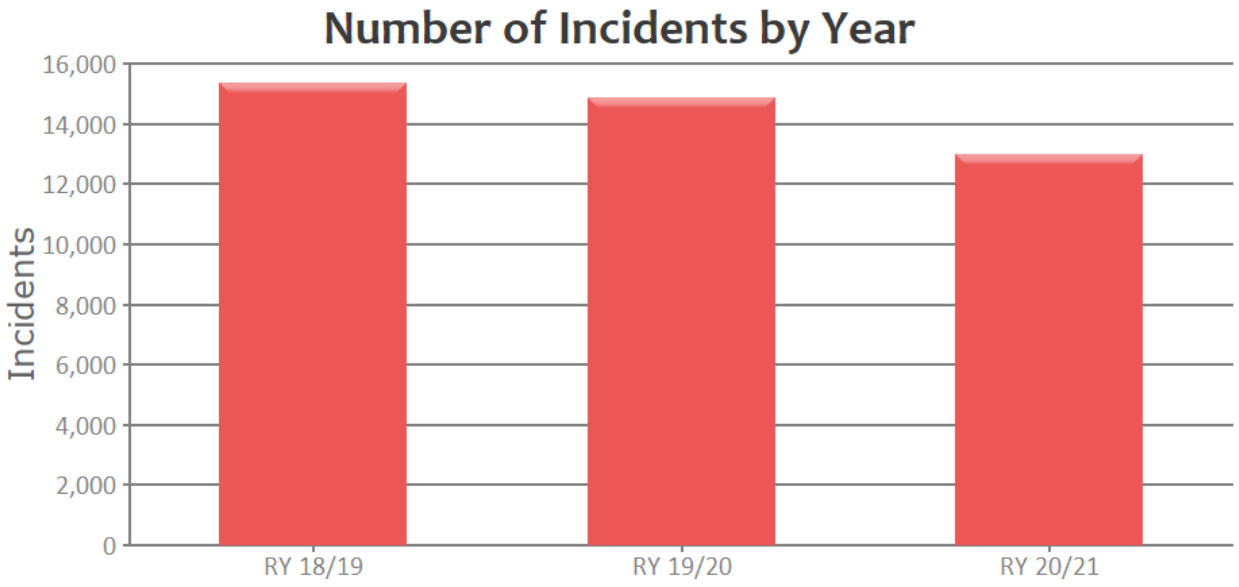
The maps described in **Section 2.6** and presented in **Volume 2—Map Atlas** show the ideal situation for response times and response effectiveness given no competing calls, units out of place, or simultaneous calls for service. Examination of the response time data provides a picture of actual response performance with simultaneous calls, rush hour traffic congestion, units out of position, and delayed travel time for events such as periods of severe weather.

The following subsections provide summary statistical information regarding the Department and its services.

2.7.1 Demand for Service

The Department provided both NFIRS 5 incident and records management system apparatus response data from July 1, 2018, through June 30, 2021. These two data sets were merged, providing 43,260 incidents and 87,805 apparatus response records across the three reporting years being analyzed. The Department experienced a decrease in incident activity in the last reporting year, most likely due to the ongoing COVID-19 pandemic.

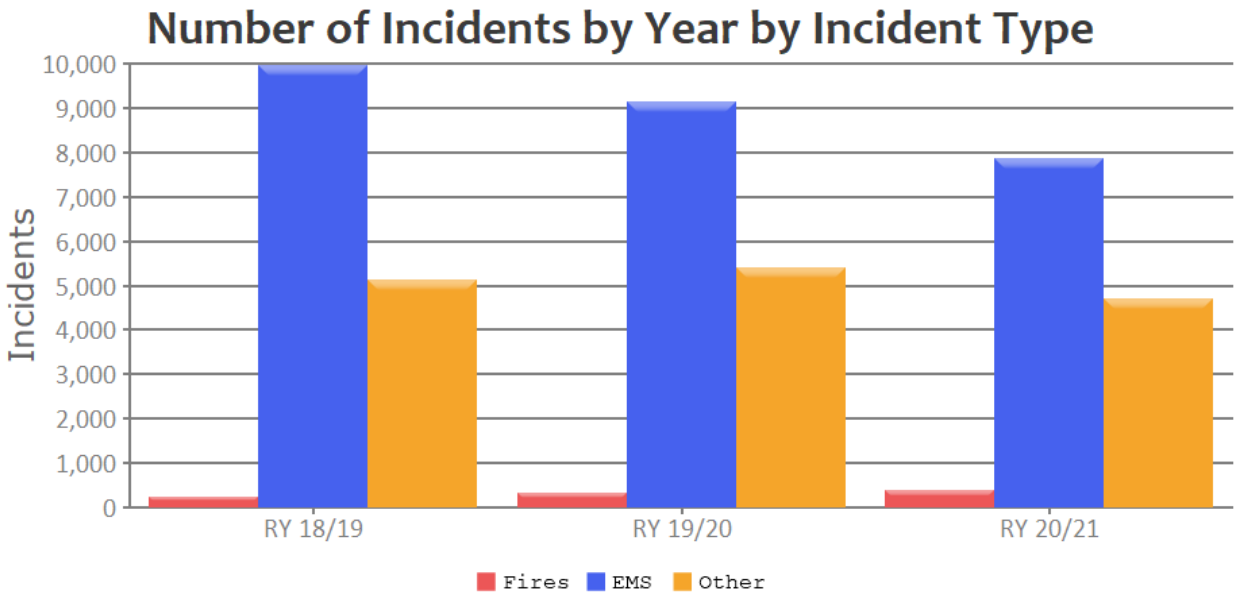
Figure 7—Total Service Demand by Year



In RY 20/21, the Department responded to 13,003 incidents. During the year, the City had a daily demand of 35.62 incidents, of which 3.15 percent were fire incidents, 60.53 percent were EMS incidents, and 36.32 percent were other incident types. During this same period there were 27,402 total apparatus responses, which means there was an average of 2.11 apparatus responses per incident (typically a fire truck and an ambulance).

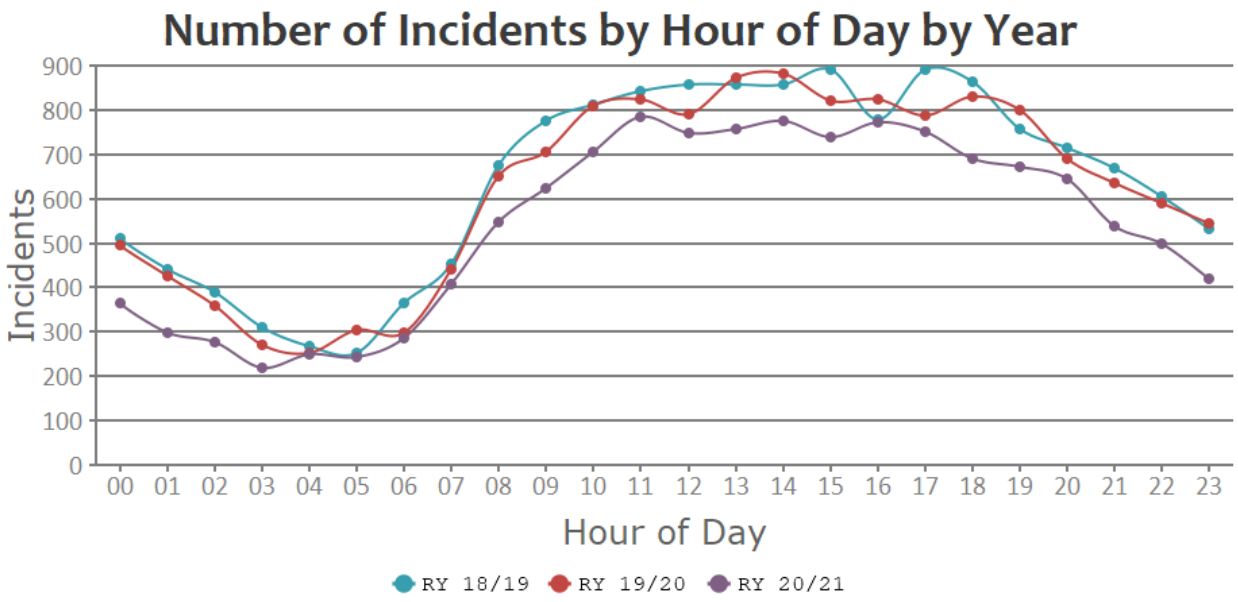
The following figure illustrates the number of incidents by incident type by reporting year. The number of EMS incidents appears to have declined by about 1,000 per year over the three reporting years assessed for this study. However, given the disruptions and changes brought about by COVID-19, it likely not a permanent trend.

Figure 8—Annual Service Demand by Incident Type



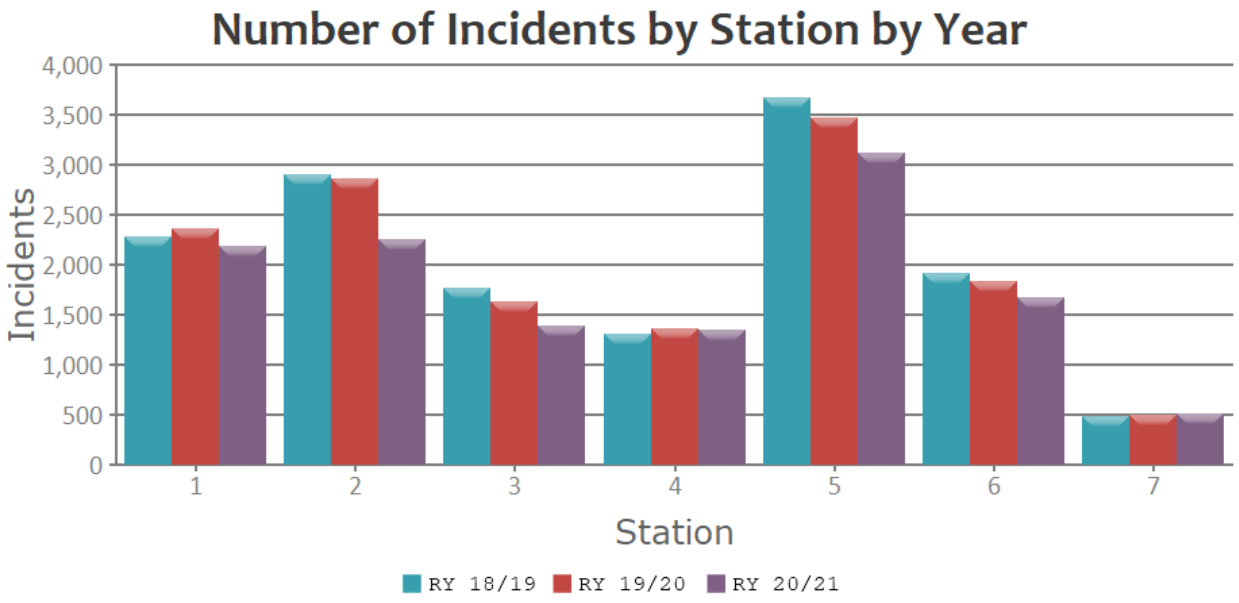
The following figure breaks down incidents by hour of the day by reporting year. There was a slight decline in incident activity in RY 20/21 throughout the late morning and early afternoon hours, and then again from the early evening hours through the early morning hours.

Figure 9—Service Demand by Hour of Day and Year



The following figure is a breakdown of the number of incidents by station area by reporting year. Activity in all but Station 4 and Station 7 seems to have declined, but this may be due to COVID-19.

Figure 10—Service Demand by Station Area by Year



The following table shows the activity rankings of incidents by incident type by reporting year. There was a strong ranking for EMS incidents. Cancelled en route incidents also ranked high on the list. Only incident types with more than **30** calls for service over five years are shown. Also, responding units were cancelled prior to arrival on 4.6 percent of all incidents.

Table 14—Service Demand by Incident Type – RY 20/21

Incident Type	RY 20/21
321 EMS call, excluding vehicle accident with injury	5,552
320 Emergency Medical Service, other	1,215
611 Dispatched and canceled en route	604
745 Alarm system sounded, no fire – unintentional	525
300 Rescue, emergency medical call (EMS) call, other	473
700 False alarm or false call, other	414
554 Assist invalid	383
622 No incident found on arrival of incident address	299

Incident Type	RY 20/21
400 Hazardous conditions, other	224
743 Smoke detector activation, no fire – unintentional	223
651 Smoke scare, odor of smoke	216
600 Good intent call, other	192
311 Medical assist, assist EMS crew	181
324 Motor vehicle accident no injuries	168
322 Vehicle accident with injuries	146
740 Unintentional transmission of alarm, other	127
500 Service Call, other	115
510 Person in distress, other	112
151 Outside rubbish, trash, or waste fire	109
150 Outside rubbish fire, other	107
744 Detector activation, no fire – unintentional	101
550 Public service assistance, other	99
412 Gas leak (natural gas or LPG)	93
444 Power line down	75
522 Water or steam leak	70
440 Electrical wiring/equipment problem, other	64
710 Malicious, mischievous false call, other	61
323 Motor vehicle/pedestrian accident (MV Ped)	59
520 Water problem, other	57
746 Carbon monoxide detector activation, no CO	48
531 Smoke or odor removal	47
733 Smoke detector activation due to malfunction	42
424 Carbon monoxide incident	41
730 System malfunction, other	40
736 CO detector activation due to malfunction	39
353 Removal of victim(s) from stalled elevator	38
131 Passenger vehicle fire	34
551 Assist police or another governmental agency	33
553 Public service	33
100 Fire, other	33

Incident Type	RY 20/21
711 Municipal alarm system, malicious false alarm	32
900 Special type of incident, other	31
111 Building fire	**30**

The following table ranks incidents by property use where occurrences were greater than **100**. The highest rankings for incidents by property use were residential dwellings.

Table 15—Service Demand by Property Use – RY 20/21

Property Use	RY 20/21
419 One- or two-family dwelling	3,120
429 Multifamily dwellings	2,258
963 Street or road in commercial area	1,059
400 Residential, other	917
900 Outside or special property, other	744
960 Street, other	590
962 Residential street, road, or residential driveway	441
311 24-hour care Nursing homes, four or more persons	321
961 Highway or divided highway	267
331 Hospital - medical or psychiatric	221
340 Clinics, Doctors' offices, hemodialysis centers	212
965 Vehicle parking area	140
462 Sorority house, fraternity house	128
449 Hotel/motel, commercial	127

Property Use	RY 20/21
460 Dormitory type residence, other	117
241 Adult education center, college classroom	114
500 Mercantile, business, other	105
519 Food and beverage sales, grocery store	101
931 Open land or field	100

2.7.2 Simultaneous Incident Activity

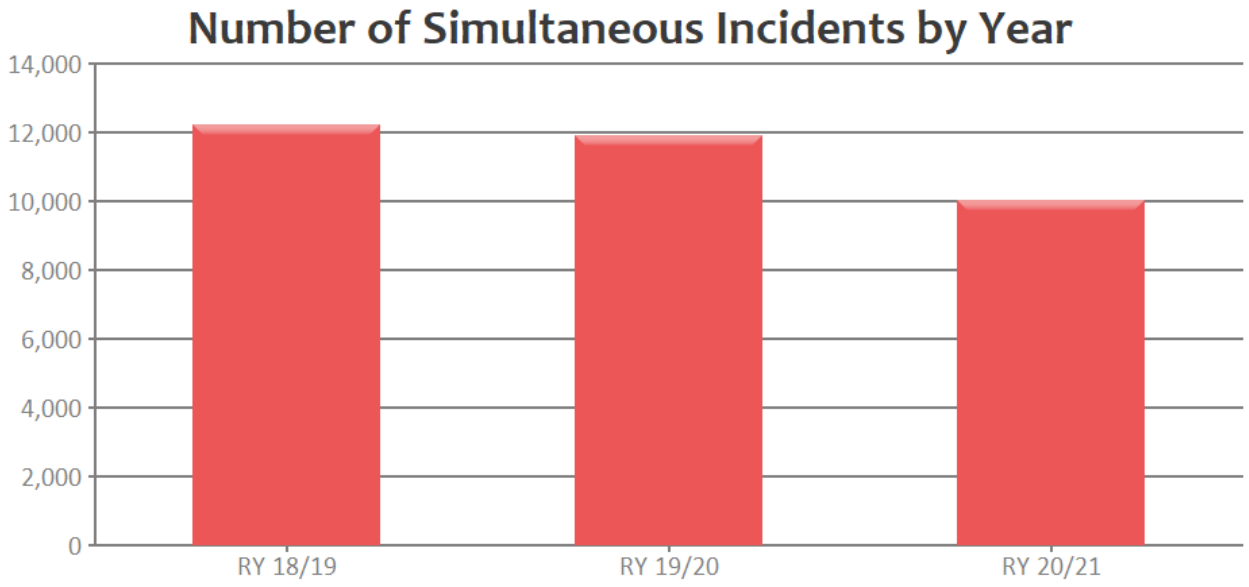
Simultaneous incidents occur when other incidents are underway at the time a new incident begins. During RY 20/21, 77.31 percent of the City's incidents occurred while one or more other incidents were underway.

Table 16—Simultaneous Incident Activity – RY 20/21

Number of Simultaneous Incidents	Percentage
1 or more	77.31%
2 or more	47.18%
3 or more	23.49%
4 or more	9.67%
5 or more	3.36%
6 or more	.97%

This following figure shows the number of simultaneous incidents by year. As with incident volume, there was a decrease in the number of simultaneous incidents in RY 20/21, which may be due to COVID-19.

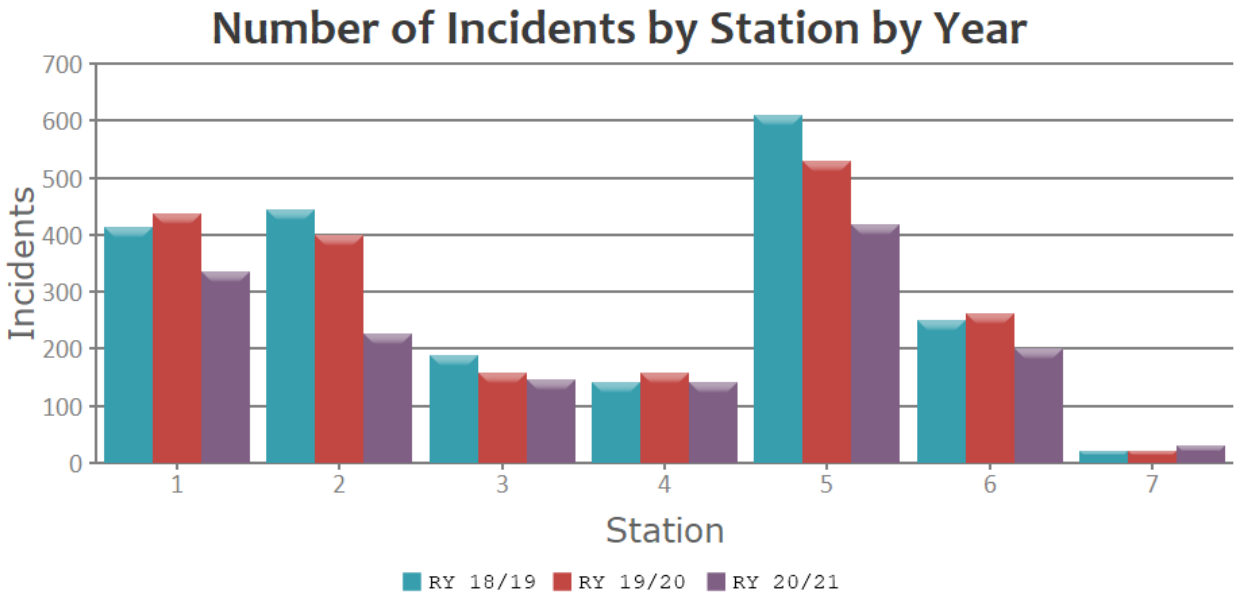
Figure 11—Number of Simultaneous Incidents by Year



In a larger city, simultaneous incidents in different station areas have very little operational consequence. However, when simultaneous incidents occur within a single station area, there can be significant delays in response times.

The following figure illustrates the number of single-station simultaneous incidents by station area by reporting year. Station 5 had the greatest number of single-station simultaneous incidents over the three reporting years. Station 7 had the lowest.

Figure 12—Number of Single-Station Simultaneous Incidents by Station by Year



Finding #7:	At least two simultaneous incidents are occurring nearly 47 percent of the time. This primarily impacts station areas 5, 2, and 1.
Finding #8:	While the annual number of simultaneous incidents has decreased slightly, the response time coverage provided by the busiest companies to their own and to adjacent station areas remains diminished, shifting workload to other companies.

2.7.3 Apparatus Deployment – Simultaneous Incident Impact

The following table shows 90 percent travel time performance in minutes and seconds. This table illustrates that Station 1's area has a 7:38 minute travel time for Station 1 units. However, when resources respond from Station 1 (column 1, row 6) they take 9:17 minutes (time to 90 percent compliance) to arrive in Station 6's territory.

Table 17—Apparatus: 90 Percent Performance Minutes – Assigned Station by Station Area

Station Area	Assigned Station of the First-Arriving Apparatus						
	Station 1	Station 2	Station 3	Station 4	Station 5	Station 6	Station 7
Station 1	07:38 (2,001)	10:21 (203)	12:00 (84)	06:08 (5)	09:22 (263)	08:06 (122)	13:30 (3)
Station 2	10:50 (82)	06:00 (2,133)	09:14 (98)	06:09 (25)	07:49 (232)	08:20 (14)	10:18 (5)
Station 3	13:42 (12)	08:59 (36)	06:21 (1,208)	06:39 (2)	07:52 (95)	02:54 (1)	09:27 (1)
Station 4	11:10 (36)	09:19 (523)	13:56 (42)	06:43 (683)	12:39 (115)	08:25 (25)	07:38 (15)
Station 5	08:11 (177)	07:32 (175)	07:26 (344)	09:53 (8)	05:55 (3,259)	07:08 (11)	08:03 (1)
Station 6	09:17 (706)	09:57 (267)	12:28 (32)	10:48 (19)	10:15 (75)	06:22 (937)	-
Station 7	16:50 (3)	12:26 (165)	14:19 (20)	12:34 (12)	14:54 (41)	06:32 (1)	07:53 (239)

2.7.4 Unit-Hour Utilization

The unit-hour utilization percentage is calculated using the number of responses and duration of the responses to show the percentage of time that a response resource is committed to an active incident during a given hour of the day. **In Citygate's experience, a unit-hour utilization of 30 percent or higher over *multiple* consecutive hours becomes the point at which other responsibilities, such as training, do not get completed.** The following table shows a unit-hour utilization summary for the City's engine companies. The busiest engines are listed first. Engine 5 has two hours over 50 percent utilization and 11 consecutive hours over 30 percent utilization.

Table 18—Unit-Hour Utilization – Engines (20/21)

Hour	Engine 5	Engine 1	Engine 2	Engine 6	Engine 4	Engine 3	Engine 7
00:00	23.23%	15.11%	17.16%	9.62%	10.14%	11.33%	0.58%
01:00	25.88%	10.21%	15.51%	11.19%	6.41%	9.09%	3.37%
02:00	18.81%	12.81%	10.79%	11.12%	9.66%	7.74%	3.56%
03:00	13.47%	6.63%	12.40%	6.71%	7.76%	4.40%	2.06%
04:00	11.55%	13.59%	10.26%	10.62%	7.61%	7.62%	1.69%
05:00	15.01%	6.44%	7.62%	3.69%	9.87%	4.93%	2.59%
06:00	11.08%	19.01%	10.05%	9.78%	13.02%	5.63%	3.00%
07:00	25.01%	21.97%	20.84%	18.37%	13.97%	8.97%	6.10%
08:00	30.47%	31.19%	22.80%	20.58%	20.92%	13.10%	5.44%
09:00	38.00%	31.75%	22.75%	28.75%	21.67%	14.57%	5.65%
10:00	41.58%	42.32%	28.32%	23.47%	25.77%	19.88%	11.49%
11:00	52.86%	31.20%	35.07%	41.62%	28.02%	23.70%	7.28%
12:00	49.05%	28.41%	31.70%	34.37%	20.78%	18.56%	9.29%
13:00	53.48%	43.37%	30.66%	31.32%	31.70%	29.91%	7.95%
14:00	45.24%	43.90%	39.12%	34.42%	36.53%	25.40%	15.68%
15:00	38.09%	38.93%	32.49%	31.93%	20.30%	18.31%	7.38%
16:00	47.27%	34.35%	34.50%	28.96%	22.18%	20.99%	12.14%
17:00	44.46%	33.94%	34.26%	22.25%	22.90%	20.69%	8.62%
18:00	32.84%	31.45%	30.75%	22.85%	23.40%	20.74%	11.46%
19:00	29.80%	30.92%	25.06%	29.59%	21.39%	18.51%	10.09%
20:00	25.59%	32.76%	23.66%	24.96%	20.72%	15.76%	9.20%
21:00	29.23%	20.37%	20.49%	18.23%	12.64%	12.76%	6.77%
22:00	26.99%	21.79%	16.67%	12.63%	9.51%	12.90%	4.69%
23:00	19.81%	24.27%	15.45%	21.47%	16.11%	8.64%	3.85%

The following table shows unit-hour utilization for the two truck companies for RY 20/21.

Table 19—Unit-Hour Utilization – Trucks (20/21)

Hour	Truck 5	Truck 2
00:00	6.87%	5.07%
01:00	4.84%	4.42%
02:00	4.63%	3.45%
03:00	1.68%	1.41%
04:00	3.10%	3.53%
05:00	1.95%	2.76%
06:00	4.25%	6.36%
07:00	3.96%	7.08%
08:00	7.73%	11.87%
09:00	20.38%	14.38%
10:00	24.35%	18.19%
11:00	26.10%	15.98%
12:00	14.58%	13.39%
13:00	23.15%	20.47%
14:00	20.43%	13.91%
15:00	16.57%	12.32%
16:00	22.90%	13.25%
17:00	24.16%	12.88%
18:00	14.36%	13.44%
19:00	11.24%	8.43%
20:00	9.11%	11.14%
21:00	6.00%	6.70%
22:00	6.74%	7.34%
23:00	4.05%	8.37%

The following table illustrates a unit-hour utilization summary for the City's EMS apparatus. M5, M2, and M1 each have several hours of 50 percent utilization and Medic 5 and Medic 2 each have one hour over 60 percent utilization and at least 13 consecutive hours at or above 30 percent utilization.

Table 20—Unit-Hour Utilization – EMS Units (20/21)

Hour	M5	M2	M1	M3
00:00	22.87%	17.48%	12.56%	9.32%
01:00	22.85%	15.75%	19.46%	9.27%
02:00	17.34%	16.40%	17.53%	7.35%
03:00	13.61%	16.98%	10.92%	4.04%
04:00	8.71%	14.86%	18.86%	6.86%
05:00	13.06%	14.24%	8.26%	3.46%
06:00	8.95%	13.17%	16.14%	2.94%
07:00	25.50%	34.83%	33.70%	12.56%
08:00	48.33%	29.77%	33.16%	15.43%
09:00	44.71%	39.61%	38.97%	27.70%
10:00	48.82%	45.75%	42.94%	33.54%
11:00	51.40%	60.08%	41.92%	34.01%
12:00	49.60%	55.48%	42.34%	27.61%
13:00	51.46%	44.70%	54.43%	42.82%
14:00	65.37%	47.39%	56.38%	36.85%
15:00	45.36%	37.26%	52.01%	28.99%
16:00	52.28%	54.10%	44.79%	36.74%
17:00	41.93%	46.57%	42.89%	27.86%
18:00	48.24%	46.87%	35.45%	25.95%
19:00	31.61%	34.82%	42.09%	19.44%
20:00	30.19%	34.40%	38.01%	15.91%
21:00	22.49%	30.65%	26.78%	17.02%
22:00	26.16%	22.41%	23.65%	11.37%
23:00	21.09%	26.63%	25.70%	6.88%

Three of the ambulance units exceeded a 30 percent threshold for long periods of time during consecutive daylight hours in RY 20/21.

Finding #9: The City's ambulance system must provide an increased number of full- and part-time ambulances.

2.7.5 Operational Performance

Measurements for the performance of the first response apparatus to arrive at emergency incidents are the number of minutes and seconds necessary for 90 percent completion of the following response components:

- Call processing / dispatch
- Crew turnout
- Travel
- Call to arrival

Call Processing / Dispatch

Call processing measures the time from the first incident timestamp until completion of the dispatch notification. Call processing performance depends on what is being measured. If the first incident timestamp takes place at the time the public-safety answering point (PSAP) physically answers a 9-1-1 call (at times, calls can be briefly held in queue), then call processing begins at *PSAP Time*. In Berkeley this is the Police Department, which also dispatches for the Fire Department.

In addition, not all requests for assistance are received via landline 9-1-1. Generally, there are numerous ways that requests for assistance are received, including landline telephone, cellular telephone, SMS text message, fire or police officer-initiated requests, TTY/TDD operator, etc., that each have a separate timestamp at a different point in the processing operation. This is not as much of a factor if most requests are received via 9-1-1 PSAP.

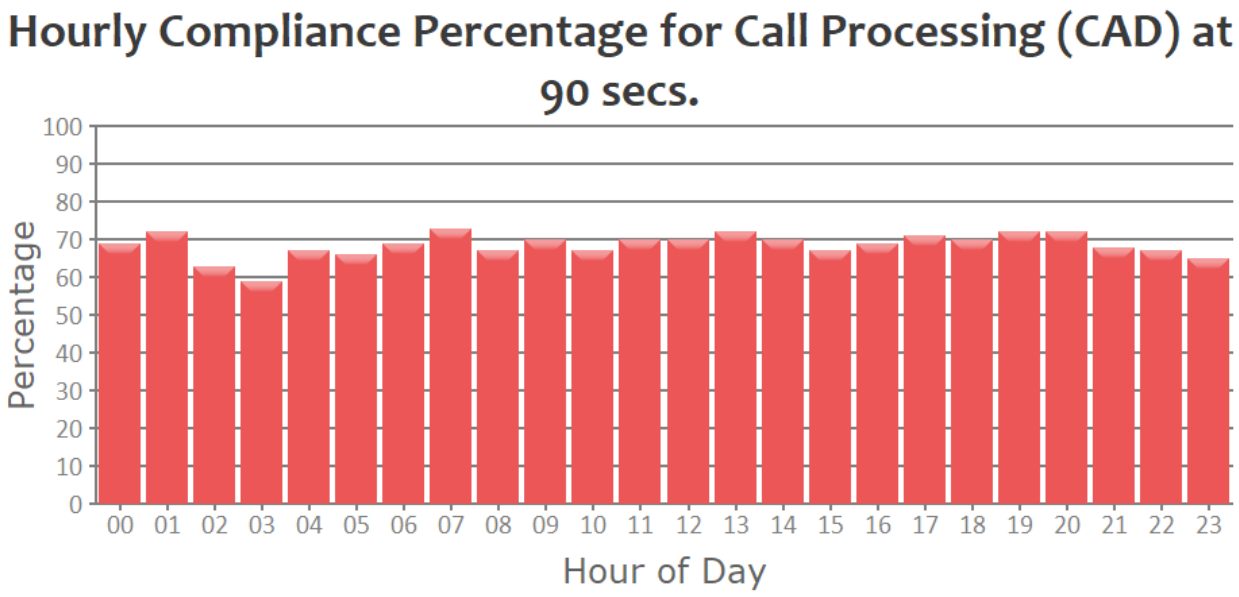
The following table shows call processing / dispatch performance from time of call receipt at the Police Department. This performance does not meet a 1:30-minute Citygate best practice goal, nor a more aggressive NFPA Standard 1710 recommendation of 65 seconds. Also noteworthy is the consistency of performance across all three reporting years. Stated this way, COVID-19 only slightly lengthened dispatch processing time by approximately five seconds.

Table 21—90th Percentile Call Processing / Dispatch Performance

Station	Overall	RY 18/19	RY 19/20	RY 20/21
Department-Wide	2:27	2:24	2:29	2:29

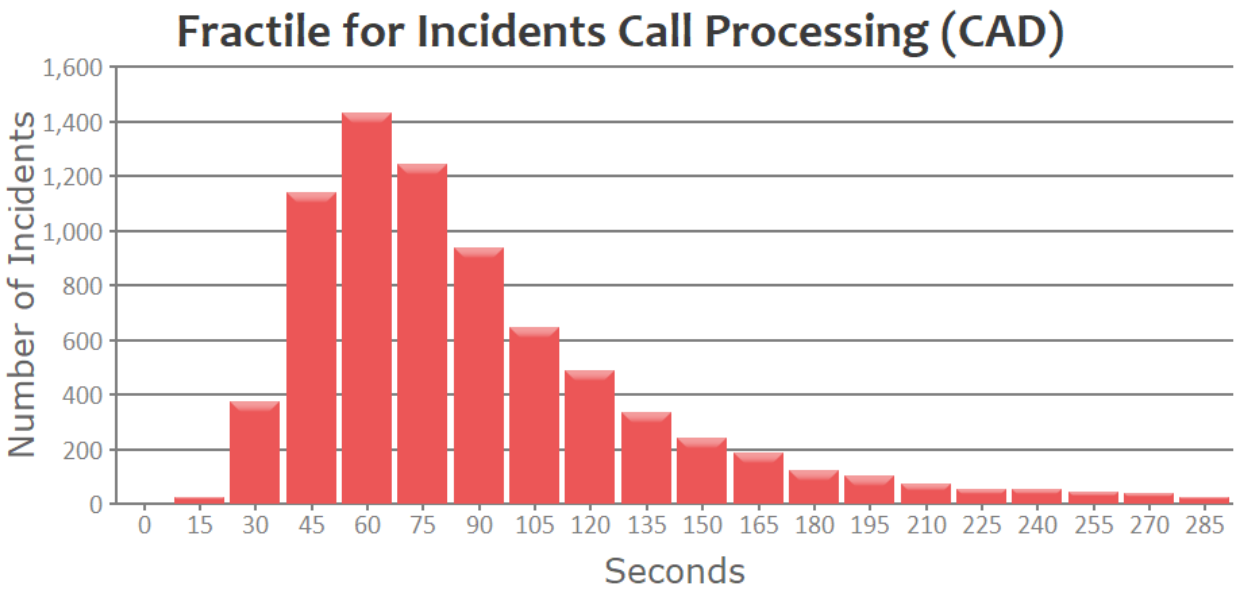
The following is an hourly **compliance** figure revealing call processing compliance between 60 percent and 70 percent nearly every hour of the day.

Figure 13— Hourly Compliance Percentage for Call Processing (CAD) – 2020



The following figure illustrates that most requests are being processed within 90 seconds, with a peak at 60 seconds.

Figure 14—Fractile for Incidents Call Processing (CAD)



Finding #10: The City's call processing / dispatch performance is *not* meeting Citygate's recommended best-practice goal of 1:30 minutes at 90 percent or better reliability.

Crew Turnout

Crew turnout performance measures the time interval from completion of the dispatch notification until the start of apparatus travel to the incident. While the most recent NFPA recommendation for crew turnout performance is 1:00 minute at 90 percent reliability for EMS incidents and 1:20 minutes at 90 percent reliability for fire incidents, Citygate has found over hundreds of fire department studies that few, if any, departments are able to achieve this level of performance when measured across a 24-hour shift.[15] Thus, for many years, Citygate has recommended a 2:00-minute best practice goal for crew turnout at 90 percent or better reliability.

The following table summarizes the City's crew turnout performance for the three reporting years, which very nearly meets Citygate's recommendation of 2:00 minutes. Continued focus on this important measure will be needed to maintain this positive effort.

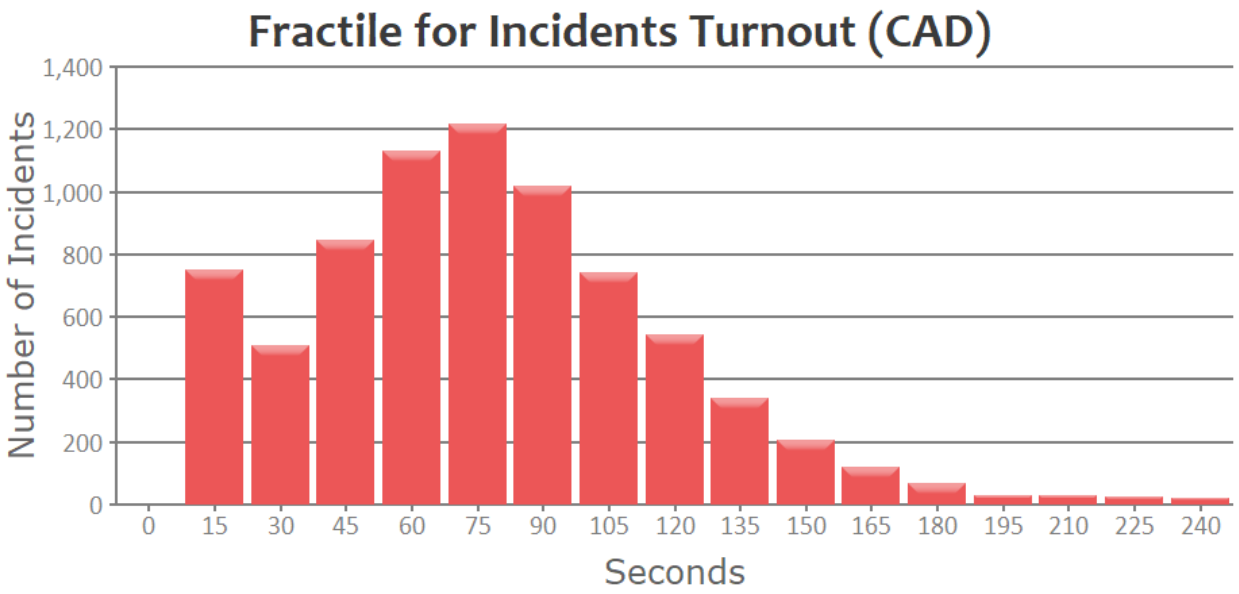
Table 22—90th Percentile Crew Turnout Performance

Station	Overall	RY 18/19	RY 19/20	RY 20/21
Department-Wide	2:03	2:03	2:02	2:05

The following figure illustrates turnout performance by number of seconds. Most turnout occurs in 120 seconds or less, but there are turnouts for emergency incidents that take longer.

[15] NFPA 1710 – Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments (2020 Edition).

Figure 15—Fractile Crew Turnout Performance (2020)



Finding #11: At 2:05 minutes averaged over 24 hours, the Department is just over meeting Citygate's recommended 2:00-minute crew turnout performance goal. As sleeping hours increase turnout time, consider adopting a turnout measure of 1:30 minutes during daytime hours to provide greater clarity and reflect Department performance more accurately.

Fire Station Distribution: First-Unit Travel

Travel performance measures the interval from start of first-due apparatus movement to arrival at the emergency incident. For most urban/suburban jurisdictions, a 4:00-minute first-due unit travel time 90 percent of the time would be considered highly desirable.

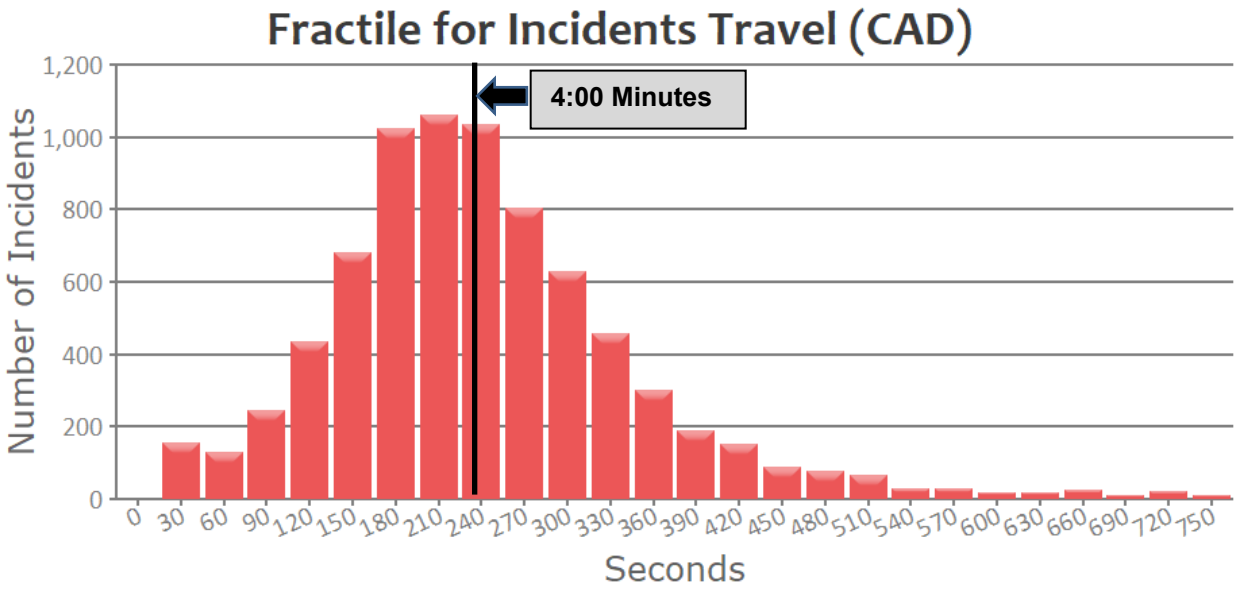
As the following table illustrates, the Department's 90th percentile first-due unit travel time performance over the past three reporting years is 5:40 minutes, which is *30 percent slower* than a best practice-based 4:00-minute goal for highly urban areas. In addition, stations 4 and 7 have overall travel times *both less than and greater than 7:00 minutes*.

Table 23—90th Percentile First-Unit Travel Time Performance

Station	Overall	RY 18/19	RY 19/20	RY 20/21
Department-Wide	**05:40**	**05:25**	**05:42**	**05:53**
Station 1	06:00	05:31	05:57	06:19
Station 2	04:57	04:40	04:57	05:13
Station 3	05:16	05:12	05:15	05:23
Station 4	06:58	06:49	07:20	06:51
Station 5	04:56	04:49	04:52	05:09
Station 6	06:04	05:46	06:10	06:18
Station 7	08:14	08:12	08:30	08:05

The following figure illustrates fractile travel time performance. The peak segment for travel performance is 210 seconds, or 3:30 minutes, with a slow drop-off in volume after the 240-second mark, indicating that 68 percent of incidents are reached within the first 4:00 minutes, though a significant number of incidents require much longer travel time.

Figure 16—Fractile for First-Due Travel Performance (CAD)



Finding #12: At 5:53 minutes, 90th percentile first-unit travel time is *significantly higher* than the 4:00-minute best practice goal for urban areas.

Fire Station Distribution: Call to First-Unit Arrival

Call to first-unit arrival performance measures the time interval from receipt of the 9-1-1 call in the Berkeley Police dispatch center until first-unit arrival at the emergency incident. This measure is a fire agency's primary customer service metric. For urban population areas, Citygate typically recommends a 7:30- to 8:30-minute first-unit call-to-arrival goal at 90 percent compliance.[16] As the following table shows, the Department's overall 90th percentile call-to-arrival performance across three reporting years is 9:23 minutes, or 1:53 minutes *slower* than an optimum 7:30-minute goal.

Across all reporting years, and in each station area, the weak performance is consistent:

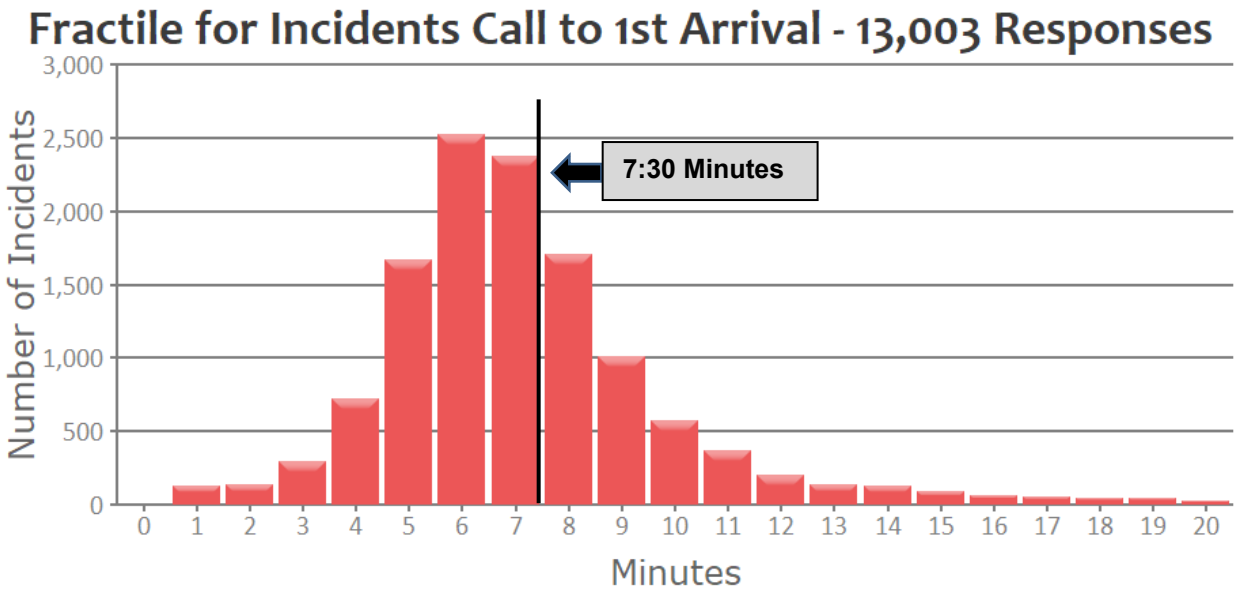
Table 24—90th Percentile First-Unit Call-to-Arrival Performance

Station	Overall	RY 18/19	RY 19/20	RY 20/21
Department-Wide	**09:23 (25,366)**	**09:00 (9,161)**	**09:32 (8,552)**	**09:32 (7,653)**
Station 1	09:51 (4,269)	09:35 (1,482)	09:52 (1,425)	09:59 (1,362)
Station 2	08:38 (5,154)	08:26 (1,914)	08:35 (1,846)	08:56 (1,394)
Station 3	09:05 (2,450)	08:56 (918)	09:07 (817)	09:07 (715)
Station 4	09:55 (2,290)	09:50 (745)	10:27 (771)	09:36 (774)
Station 5	08:16 (6,977)	08:03 (2,601)	08:17 (2,290)	08:26 (2,086)
Station 6	10:10 (3,471)	09:21 (1,289)	10:39 (1,141)	10:37 (1,041)
Station 7	12:11 (755)	11:49 (212)	12:30 (262)	12:11 (281)

The following figure shows peak call to first-unit arrival occurring at 6:00 minutes (360 seconds), and the right-shifted graph indicates the number of incidents with longer call to arrival time.

[16] The 7:30-minute call to first-unit arrival goal in urban areas includes 1:30 minutes for call processing / dispatch time, 2:00 minutes for crew turnout time, and 4:00 minutes for travel time.

Figure 17—Fractile Call to First-Unit Arrival Performance – RY 20/21



Finding #13: At 9:32 minutes in RY 20/21, 90th percentile first-unit call-to-arrival performance is 1:53 minutes *slower* than an optimum best practice goal of 7:30 minutes for urban areas.

Fire Station Concentration: ERF (First Alarm) Call to Arrival

The Department's ERF for building fires includes four engines, two ladder trucks, one ambulance, one Medic Supervisor, and one Battalion Chief for a total of 22 personnel. Over the period of three reporting years that were studied, there were 24 incidents for which the entire ERF arrived, with a 90th percentile call-to-arrival performance of 18:50 minutes, which is 7:20 minutes *slower* than Citygate's recommended 11:30-minute goal for urban areas. Most of this slower response is due to the longer travel times, when several units must cross most of the City to reach the incident.

Table 25—90th Percentile ERF Call-to-Arrival Performance

Station	Overall	RY 18/19	RY 19/20	RY 20/21
Department-Wide	18:50 (25)	11:50 (6)	16:29 (9)	18:50 (10)
Station 1	18:50 (2)	-	-	18:50 (2)
Station 2	13:18 (8)	11:50 (3)	13:18 (2)	25:28 (3)
Station 3	15:20 (4)	-	11:17 (2)	15:20 (2)
Station 4	20:59 (2)	-	20:59 (2)	-
Station 5	10:16 (6)	09:45 (2)	16:29 (2)	08:29 (2)
Station 6	17:28 (3)	17:28 (1)	07:40 (1)	08:47 (1)
Station 7	-	-	-	-

Finding #14: At 18:50 minutes across the three years of data, 90th percentile ERF (First Alarm) call-to-arrival performance *is 7:20 minutes slower than* the 11:30-minute Citygate-recommended best practice goal for urban areas.

Response Performance Summary

The following table summarizes the Department's operational response performance over the three-reporting-year period of data studied relative to recognized best practices. As the table illustrates, response performance for RYs 18/19, 19/20, and 20/21 was *slower* than Citygate's best practice recommendation to ensure positive outcomes for serious emergencies.

Table 26—Response Performance Summary

Response Component	Best Practice		90th Percentile Performance	Performance Versus Best Practice and Current Goal
	Time	Reference		

Response	Best Practice		90th Percentile	Performance Versus Best
Call Processing / Dispatch	1:30	NFPA	**2:29**	**+ 0:59**
Crew Turnout	2:00	Citygate	**2:05**	**+ 0:05**
First-Unit Travel	4:00	NFPA	**5:53**	**+ 1:53**
First-Unit Call to Arrival	7:30	Citygate	**9:32**	**+ 2:02**
ERF Call to Arrival	11:30	Citygate	**18:50**	**+ 7:20**

2.8 ~~Special Challenges to Deployment – Traffic Congestion and Street Designs~~Traffic Congestion, Street Safety Improvements and Emergency Response

This study has noted how emergency incident travel times are 1:53 minutes slower than recommended best practice travel times to serious events. This measure is consistent across the City and by fire station district. Even in 2020, with many shutdowns related to the onset of the COVID-19 pandemic, travel time remained sluggish.

The GIS data measured only a small, 3.6 percent reduction in first-due road mile coverage resulting from traffic congestion. In Citygate's experience with many other Bay Area cities, this is the most minimal impact between peak and off-peak hours we have witnessed. Some area cities see peak-hour impacts which decrease the road miles covered by approximately 15–25 percent.

Residing in Alameda County, and having visited Berkeley multiple times, Citygate's lead consultant on this project took note of the City's street designs, the hills, street parking, buildings at corners and trees affecting sight lines—plus the large volume of traffic during most hours of the day, with the exception of very late evening to pre-morning rush hour. All these factors combine to negatively impact travel times for emergency vehicles in general. Traffic congestion specifically plays only a minor part in delaying first-due units; however, traffic congestion does severely impact multiple-unit ERF travel times—even with traffic signal preemption control, as there is nowhere cars and trucks can move to make space for emergency vehicles.

To protect pedestrians and automobile passengers, the City has long used various traffic-calming measures, including barriers on some residential streets, to stop "cut-through" traffic. The street closure barriers were built to allow the passage of fire trucks—*but only slowly*. Emergency response units cannot drive over these barriers at the speed limit. Many of these devices completely restrict ambulance passage as ambulances sit lower to the ground than fire trucks.

Throughout the country over the last 20 plus years, traffic engineers have deployed approximately 20 street design elements to slow through traffic. A few examples of such elements are speed humps, lumps, split lumps, intersection bulb-outs, traffic circles, and raised intersections. Most communities have a formal process to consider these tools during development or upon neighborhood request. The more common devices that slow traffic—such as lumps or traffic circles—slow a fire unit by 9–10 seconds *per device encountered.* Thus, if a unit had to encounter and navigate three devices en route to an incident, 27–30 seconds would be lost across the total response time.

Currently the City has adopted Vision Zeros as a set of strategies to significantly improve pedestrian and bicycle safety. Fire departments are typically involved in the approval process for traffic-calming elements to understand the impacts to response time. One strategy to lessen impacts on fire and ambulance response times is to have the fire department identify "priority response routes" that are the prime arterials and or main boulevards leaving a fire station, and which allow units to quickly travel across half of a fire station district to the actual residential streets in need of service. Priority response routes should be identified based on specific criteria, and couldwould employ fewer, or perhaps differently designed, if any, traffic-calming methods.

There is a constructive tension between preserving public safety travel times and pedestrian and automobile safety. The City is to be commended on also working to shift with incentives the burden of traffic congestion from high automobile use to non-vehicular modes of transit. Doing so now is important work, asWorsening the current, congested City response times as measured in this study, if left unmitigated the use of more automobiles with urban planning is adding more street design restrictions to lower traffic volumes, decrease vehicle speeds, and encourage "walkable communities." Additionally, there is the an increase in development density for mid-rise residential dwelling buildings and ADU units on single-family lots. Even with some limits as to the parking of cars and the use of rideshare services, and despite the city's best efforts to incentivize residents to reduce vehicle trips and get around using sustainable modes such as on foot or bike or public transit, the total growth envisioned for the City and UC campus means it is quite likely that will likely increase *will increase street traffic will increase* even more.

Further, "vertical" high-rise populations mean the time to emergency response is even longer. After a unit reaches an address, it must then ascend several stories to where the patient or fire is. While dense, high-rise housing plays an important role in meeting the city's housing goals, it is creating an increasingly complicated landscape for first responders and emergency response times. The three following proposed projects are in the active development process and are representative of infill growth changes. All three projects are to the western side of the UC Berkeley Campus, not spread throughout the City:

- iHub Berkeley – 26 stories at Oxford and Center streets. 485 apartments and a 4,000-square-foot restaurant as part of 13,500 square feet of commercial use space.
- 26 stories at 1974 Shattuck Avenue. 297 units plus commercial space at street level.
- 25 stories at 2190 Shattuck Avenue, to contain 326 units and other uses.

All of these factors indicate that traditional measures to mitigate the impacts of traffic congestion and safe streets calming on fire/EMS travel times will not materially lower response times to that of a decade ago and will probably barely mitigate the impacts of new growth in traffic. However, it is not Citygate's suggestion that the Department should give up. The Department must be more involved in traffic design approvals, setting forth priority response routes and requesting funding for technology control of traffic signals—more so the use of "smart corridor" controls to sync several traffic signals at once along a fire unit route.

~~The City is facing three choices regarding emergency unit response times:~~

~~1. Do nothing and accept sluggish response times that are likely to continue to degrade with infill development and ongoing traffic calming measures and/or streets restricted to bicycles and pedestrians.~~

~~4. Implement Department improvements and strictly limit traffic calming on primary and secondary arterials to improve response times.~~

~~5. If the changes in #2 do not improve response times,~~ It may be necessary to add infill fire/ambulance stations between existing sites to lower travel distances. This

2. ~~Option 3~~ is essentially the way downtown urban cores such as Manhattan, Chicago, and Los Angeles must provide coverage. In these agencies, fire/EMS stations are almost in sight of each other due to traffic congestion and high-rise building populations.

Finding #15: Berkeley Planning, Traffic Engineering, and the Fire Department do not have an effective set of integrated policies and traffic-calming methods to partially mitigate the impacts of walkable street designs on fire and ambulance response times.

2.9 PLANNED AMBULANCE SYSTEM IMPROVEMENTS

This study has identified how overcommitted the Department's four paramedic ambulance units are for most of the daytime to mid-evening hours. This is due to the City not adding a sufficient number of new ambulances over the years, a dispatch center that is not capable of triaging and

diverting non-urgent calls for service, increases in population, and—given the state of health care and housing in America—the increase in non-medically insured populations, both housed and houseless.

In parallel with beginning this study, the Department understood the issues associated with the workload per ambulance per hour and gained City support for a plan to grow and change the deployment of Department ambulances. Over the next three years, the Department will make the transition from ambulances staffed with only firefighter/paramedics to ambulances staffed with non-firefighter/paramedics and EMTs. During this transition to staffing ambulances with full-time medical personnel only, some existing firefighter/paramedics will be reduced through attrition, and some will be reassigned to ladder units to increase first responder staffing to emergencies that firefighters are trained for.

Initially, the program will alter staffing for the existing four ambulances, which will **not reduce** unit workload. As a second step, the Department will add BLS ambulances to handle low-acuity patients who do not require ALS paramedic care, but this change will also require upgrades to dispatcher training and technology to sort 9-1-1 callers into clinical categories.

Over time, ambulance staffing changes will reduce the cost associated with each ambulance staff member by approximately 20 percent for non-firefighter paramedics and 50 percent for non-firefighter EMTs. These cost savings will allow the Department to strategically increase some fire apparatus staffing from three to four crew members and deploy additional ambulances at a lower cost.

This conversation will also allow the Department to build a recruitment pathway from local vocational schools to provide entry-level EMT positions that pay well and provide good benefits. An employee is then inside the Department and can be further mentored and developed to take on a variety of career paths valuable to the City—all of which are high skill, high pay, and in need of qualified applicants.

In early 2023, the Department will begin transitioning staffing for ALS ambulances to non-firefighter paramedics. This will require at least four paramedic recruitments over three years. The anticipated sequence of ambulance conversion will be Medic 2, Medic 1, Medic 3, and Medic 5.

The Department will also work to deploy BLS ambulances staffed with EMTs. These positions will be entry-level, with limited-term contracts, that will provide the primary recruitment tool for the organization. Employment contracts will last for three years but may be extended to five if the employee enrolls in a fire academy or paramedic program.

The Department would like to hire as many as 28 EMTs (with current funding for 10). The soonest that EMT ambulance positions can be added would be 2024. Thus, it is all but impossible for the Department to add a fifth or sixth ambulance of any type before early 2024.

Finding #16: The City's planned expansion of ambulance service is consistent with best practices and will provide needed improvement, but upgrades in dispatcher skills for clinical evaluation to recognize and separate low-acuity incidents will not be fully realized for at least three more years, and likely longer. Given the ongoing strain on ambulances staffed with only firefighter/paramedics, the process of conversion and expansion of ambulances is too slow to meet current (and growing) EMS service demands.

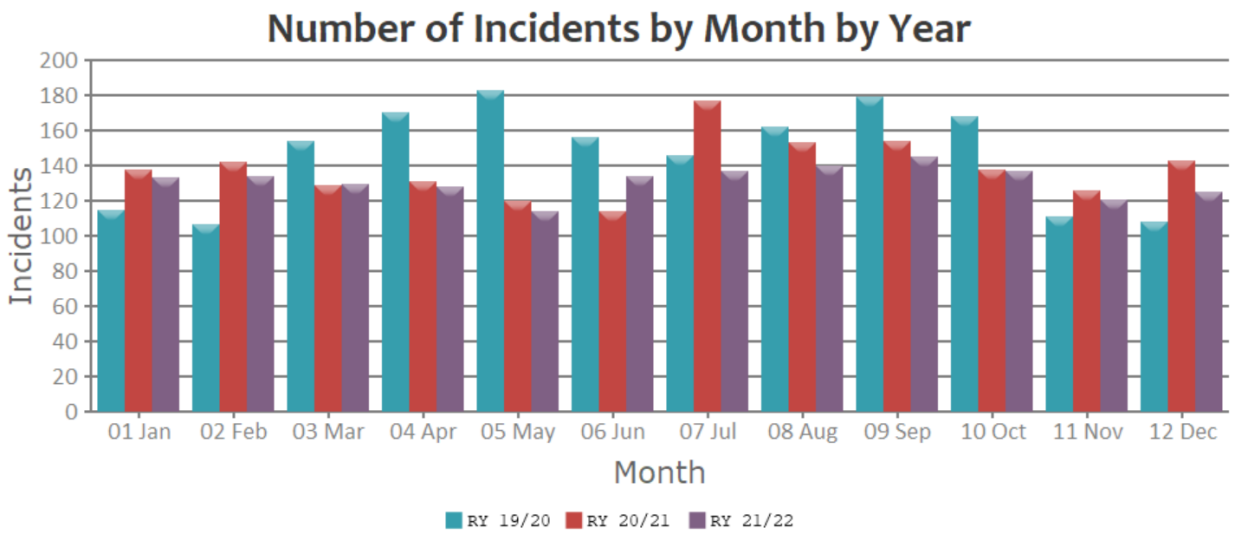
2.10 Mental Health Patient Transport

Another type of EMS patient care is when a patient is experiencing a mental health crisis so severe that a police officer can require the person be placed on 72-hour hold for in-patient mental health evaluation. To date in Alameda County, these patients are transported by the County's ambulance provider to several facilities. In addition to police, Department first responders and ambulances also respond at times given uncertainty as to the medical situation when 9-1-1 is first called. The short form name for these incidents comes from the California Government Code for the mental health holds—Section 5150. These 5150 incidents are separately counted in the Berkeley Police and Fire incident records and as such are not included in the EMS incident counts elsewhere in this study.

Citygate was provided 5150 incident data for three reporting years between 7/1/2019 and 6/30/2022. During this period, there were 5,002 mental health incidents and 15,534 apparatus response records—demonstrating that, for many incidents, the initial response is three units: police, fire first responder, and fire ambulance. In the last reporting year, there were 1,578 total incidents and 3.1 apparatus responses per incident. The number of incidents per day was 4.32.

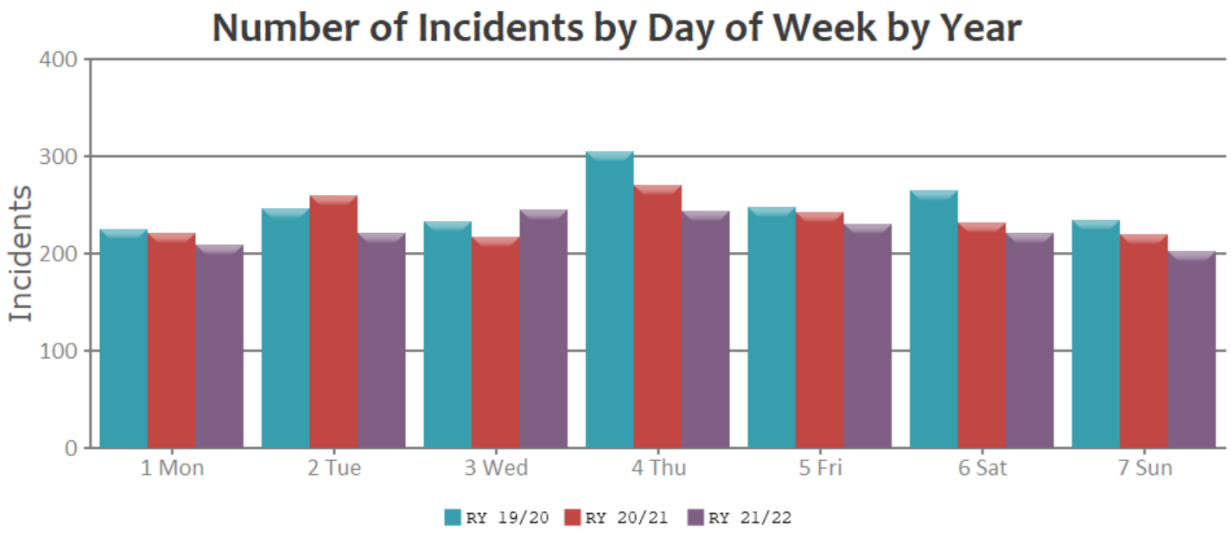
The following figure illustrates the number of incidents by month by year. There is more activity during summer months, with activity decreasing during winter months.

Figure 18—Number of 5150 Incidents by Month by Year



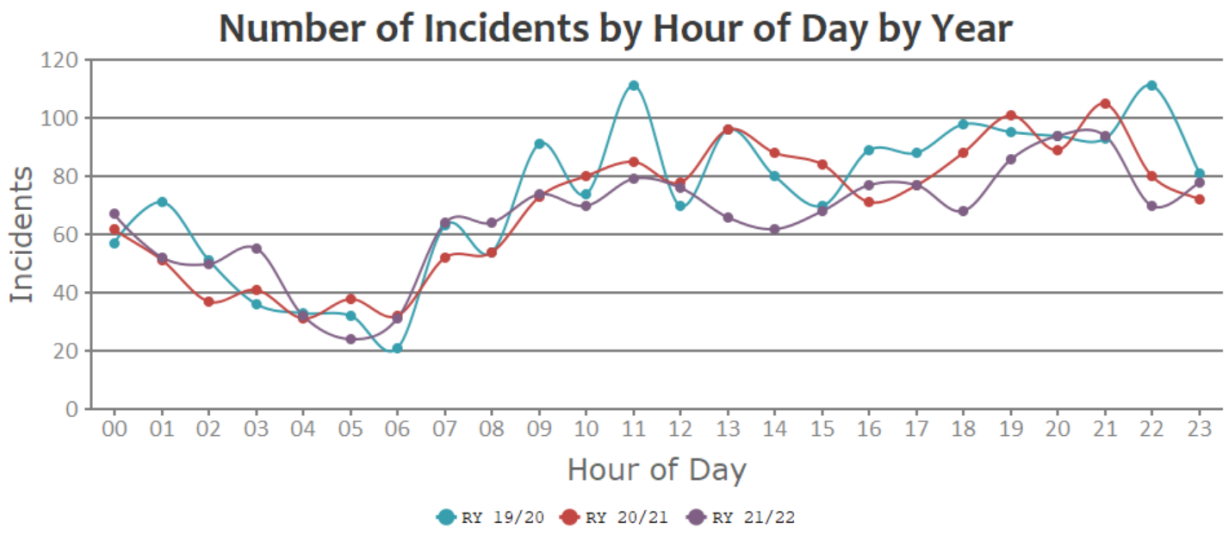
The following figure shows that peak activity occurs on Thursday, with minimal activity on Sunday and Monday.

Figure 19—Number of 5150 Incidents by Day of Week by Year



The following figure illustrates the breakdown of incidents by hour of day by year.

Figure 20—Number of 5150 Incidents by Hour of Day by Year



The following table illustrates the total number of hours spent for 5150 incidents by department.

Table 27—5150 Incidents – Total Duration Hours by Year by Department

Department	RY 19/20	RY 20/21	RY 21/22	Total
Berkeley Fire Department	15.4	14.3	18.8	**48.5**
Berkeley Police Department	696.2	696.1	738.4	**2130.7**
County Ambulance System Transport	1835.9	1755.6	1821.0	**5412.5**
Total	**2547.6**	**2466.0**	**2578.2**	**7591.8**

The following table illustrates 5150 incidents by destination hospital by year.

Table 28—5150 Incident Count – Year by Destination Hospital

Hospital	RY 19/20	RY 20/21	RY 21/22	Total
-Blank-	786	525	462	**1,773**
Alameda County Fairmont Hospital			1	**1**
Alameda County Medical Center, Highland	8	15	10	**33**
Alta Bates Summit Medical Center, Alta Bates Campus	472	654	536	**1,662**
Alta Bates Summit Medical Center, Herrick Campus	5	4	10	**19**
Alta Bates Summit Medical Center, Summit Campus	25	33	46	**104**
Children's Hospital & Research Center Oakland	9	10	4	**23**
Eden Medical Center	4	3	2	**9**
John George Psychiatric Pavilion	372	374	434	**1,180**
Kaiser Permanente, Oakland Medical Center	43	36	56	**135**
Kaiser Permanente, San Leandro Medical Center		1	2	**3**
San Leandro Hospital	11	4	12	**27**
Willow Rock Center	22	6	3	**31**
Total	**1,759**	**1,665**	**1,578**	**5,002**

The following table illustrates hours and minutes to 90 percent duration performance for 5150 incidents by destination hospital by year. Given the number of mental health crisis patients in the north county, take note of the time it takes the ambulance to transfer care of the patient at the County's John George facility and Alta Bates Summit Center:

Table 29—90 Percent Performance Minutes for 5150 Incidents – Year per Hospital

Hospital	RY 19/20	RY 20/21	RY 21/22
-Blank-	02:35 (786)	02:32 (525)	02:23 (462)
Alameda County Fairmont Hospital			03:22 (1)
Alameda County Medical Center, Highland	02:07 (8)	03:25 (15)	04:02 (10)
Alta Bates Summit Medical Center, Alta Bates Campus	**02:29 (472)**	**02:37 (654)**	**02:38 (536)**
Alta Bates Summit Medical Center, Herrick Campus	01:48 (5)	01:11 (4)	02:44 (10)
Alta Bates Summit Medical Center, Summit Campus	01:56 (25)	04:22 (33)	03:07 (46)
Children's Hospital & Research Center Oakland	01:33 (9)	02:32 (10)	05:08 (4)
Eden Medical Center	02:44 (4)	04:16 (3)	03:32 (2)
John George Psychiatric Pavilion	**02:53 (372)**	**02:52 (374)**	**03:32 (434)**
Kaiser Permanente, Oakland Medical Center	02:09 (43)	02:27 (36)	02:43 (56)
Kaiser Permanente, San Leandro Medical Center		01:41 (1)	03:31 (2)
San Leandro Hospital	02:54 (11)	02:41 (4)	04:34 (12)
Willow Rock Center	02:50 (22)	03:08 (6)	03:23 (3)

It is not uncommon for more than one of these incidents to occur at the same time in the City.

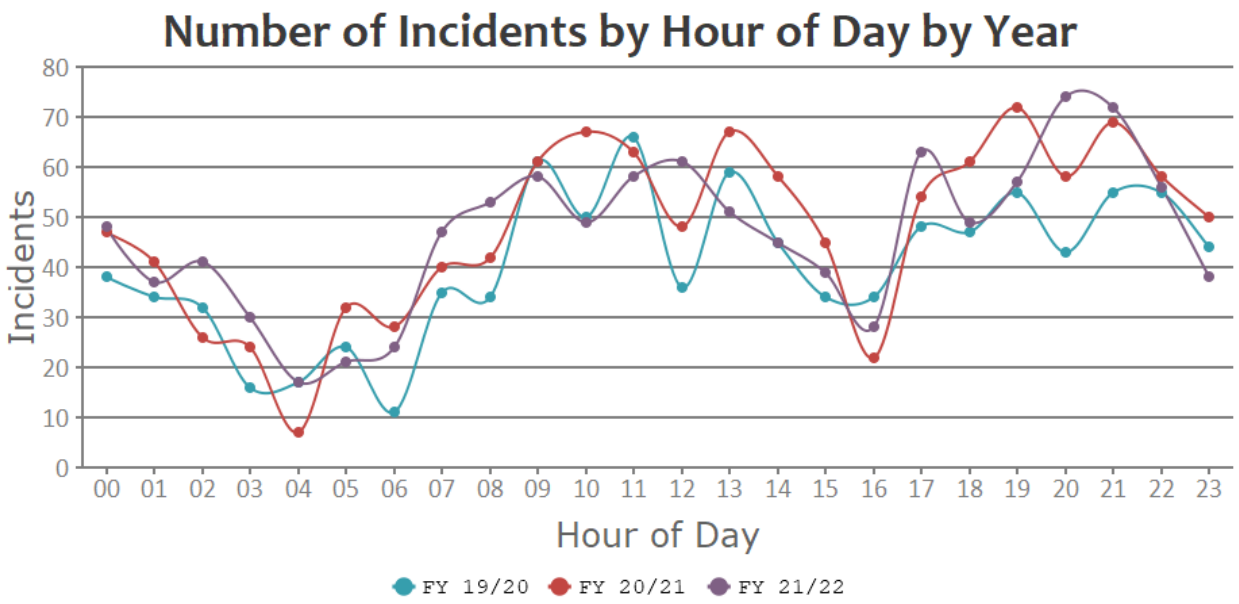
The following table shows simultaneous 5150 incidents by hour of day and day of week.

Table 30—Simultaneous 5150 Incidents (Two or More at the Same Time)

Hour	1 Mon	2 Tue	3 Wed	4 Thu	5 Fri	6 Sat	7 Sun	Total
00:00	11	17	7	11	15	12	9	**82**
01:00	10	7	4	12	11	5	10	**59**
02:00	5	10	10	13	6	9	4	**57**
03:00	8	9	7	8	8	5	5	**50**
04:00	5	2	9	7	2	5	4	**34**
05:00	2	7	2	4	4	7	8	**34**
06:00	9	4	7	6	3	4	3	**36**
07:00	5	6	9	15	14	12	11	**72**
08:00	7	7	16	16	14	7	4	**71**
09:00	17	19	11	22	17	13	9	**108**
10:00	11	15	17	21	16	14	6	**100**
11:00	20	21	8	13	18	16	18	**114**
12:00	18	16	10	16	8	9	18	**95**
13:00	24	23	16	18	16	12	14	**123**
14:00	17	17	12	14	15	10	14	**99**
15:00	14	18	13	22	5	18	10	**100**
16:00	17	13	16	22	14	15	2	**99**
17:00	12	5	17	23	13	23	7	**100**
18:00	10	10	19	16	12	17	16	**100**
19:00	16	11	13	25	23	16	27	**131**
20:00	10	19	9	24	17	17	17	**113**
21:00	14	19	23	20	27	11	12	**126**
22:00	10	13	21	14	18	15	19	**110**
23:00	13	15	15	10	19	15	14	**101**
Total	**285**	**303**	**291**	**372**	**315**	**287**	**261**	**2,114**

The following figure illustrates the breakdown of transport incidents by hour of the day by year.

Figure 21—Number of 5150 Transport Incidents by Hour of Day by Year



The number and frequency of mental health evaluation holds and resultant transports to an appropriate care facility are a significant daily event in the City.

Finding #17: Based on the most recent year's quantity of mental health transport patients being held for evaluation in the City, for the Department to be tasked with management of these patients would require the addition of one 24-hour unit and one 12-hour peak unit—both operating seven days a week. At present, the Department does not have the units or personnel to administer this workload.

2.11 Overall Deployment Evaluation

The Department serves a diverse urban population with a mixed residential and non-residential land-use pattern typical of an East San Francisco Bay area city. Due to the City's bayfront location, the University of California campus and the Lawrence Berkeley National Laboratory, the Department protects large tourism and non-resident population densities. The City also is evolving to improve its housing shortages by approving mid- and high-rise residential buildings. UC

SOC ELEMENT 8 OF 8
OVERALL EVALUATION

Berkeley is completing its new master plan to add students, faculty, on-campus buildings and housing off-campus.

The intensification of land uses and populations will make several sections of Berkeley very "urban" to a degree typical of the largest metropolitan cities for population densities and traffic. This will require the City's fire and ambulance programs to evolve beyond those of a "suburban" agency to those suitable for a major urban fire department in staffing, unit types, and facility locations. Citygate acknowledges this will not only be costly but also difficult to find new locations for responders in an already built-up City.

For comparison, the following table displays population density per square mile. Of the top 50 largest cities in California, Berkeley is already the second most densely populated city per square mile—even *without students, citywide employment, tourism, and cars on the freeways.* The City needs an ***urban*** level of fire, EMS, and specialty rescue services.

Table 31—California Cities: Population Density per Square Mile

Rank by Population	Rank by Density	City	Population	Size (Square Miles)	Population per Square Mile
4	1	San Francisco	873,965	46.91	18,630.68
51	**2**	**Berkeley**	**124,321**	**10.43**	**11,919.56**
13	3	Santa Ana	310,227	27.34	11,347.00
31	4	Garden Grove	171,949	17.96	9,574.00
7	5	Long Beach	466,742	50.71	9,204.14
1	6	Los Angeles	3,898,747	469.49	8,304.22
8	7	Oakland	440,646	55.93	7,878.53
22	8	Oxnard	202,063	26.53	7,616.40
23	9	Huntington Beach	198,711	27	7,359.67
46	10	Santa Clara	127,151	18.28	6,955.74
33	11	Salinas	163,542	23.52	6,953.32
36	12	Sunnyvale	155,805	22.08	7,056.39
40	13	Torrance	147,067	20.52	7,167.01
10	14	Anaheim	346,824	50.27	6,899.22
37	15	Pomona	151,713	22.99	6,599.09
41	16	Fullerton	143,617	22.42	6,405.75
24	17	Glendale	196,543	30.48	6,448.26
44	18	Pasadena	138,699	22.96	6,040.90

Rank by Population	Rank by Density	City	Population	Size (Square Miles)	Population per Square Mile
19	19	Modesto	218,464	43.05	5,074.66
3	20	San Jose	1,013,240	178.26	5,684.06
43	21	Orange	139,911	25.67	5,450.37
15	22	Chula Vista	275,487	49.64	5,549.70
6	23	Sacramento	524,943	98.61	5,323.43
11	24	Stockton	320,804	62.21	5,156.79
21	25	Fontana	208,393	43.07	4,838.47
5	26	Fresno	542,107	115.18	4,706.61
14	27	Irvine	307,670	65.61	4,689.38
25	28	Santa Rosa	178,127	42.53	4,188.27
28	29	Rancho Cucamonga	174,453	40.11	4,349.36
17	30	Santa Clarita	228,673	70.75	3,232.13
2	31	San Diego	1,386,932	325.88	4,255.96
29	32	Oceanside	174,068	41.27	4,217.79
26	33	Elk Grove	176,124	41.99	4,194.43
38	34	Escondido	151,038	37.35	4,043.86
20	35	Moreno Valley	208,634	51.33	4,064.56
50	36	Concord	125,410	30.55	4,105.07
35	37	Corona	157,136	39.94	3,934.30
39	38	Roseville	147,773	44.08	3,352.38
49	39	Vallejo	126,090	30.42	4,144.97
42	40	Visalia	141,384	37.94	3,726.52
12	41	Riverside	314,998	81.23	3,877.85
18	42	San Bernardino	222,101	62.13	3,574.78
34	43	Hayward	162,954	45.82	3,556.39
27	44	Ontario	175,265	49.97	3,507.40
48	45	Simi Valley	126,356	41.55	3,041.06
16	46	Fremont	230,504	78.31	2,943.48
9	47	Bakersfield	403,455	149.78	2,693.65
47	48	Thousand Oaks	126,966	55.26	2,297.61
30	49	Lancaster	173,516	94.27	1,840.63
45	50	Victorville	134,810	73.71	1,828.92
32	51	Palmdale	169,450	106.06	1,597.68

While state fire code requires fire sprinklers in residential dwellings, it will be many more decades before enough residential units are replaced or remodeled with automatic fire sprinklers. If desired outcomes include limiting building fire damage to only part of the inside of an affected building and minimizing permanent impairment resulting from a medical emergency, then the City will need coverage in all neighborhoods that is consistent with Citygate's response performance recommendation for Berkeley. Based on Citygate's study, this response performance recommendation entails *no more than* 8:30 minutes for the arrival of a single first responder, and 11:30 minutes for a multiple-unit arrival to more serious incidents, from the time of 9-1-1 notification at the Berkeley Police Communications Center—all at 90 percent or better reliability.

Dispatch, turnout, and travel times all need to be reduced. Dispatch time must decrease by 0:59 seconds to meet a 1:30-minutes call-processing goal, turnout time by :05 seconds to meet a 2:00-minute goal, and travel time by 0:53 seconds to meet a proposed goal of no more than 5:00 minutes for first-due units in *congested urban* areas. Collectively, Citygate's recommended first-unit total response time goal is 8:30 minutes (1:30 + 2:00 + 5:00).

Stated this way, *"Berkeley must get its fire department back"* to offer availability for serious, life-threatening fires and EMS events and to field enough firefighters to serious building or wildland fires quickly.

Accomplishing this goal means multiple changes over the next three years to first improve and then maintain response times as growth occurs:

1. Increasing the number of ambulances from four to six.
2. Shifting responsibility for non-acute EMS calls from the 9-1-1 Fire/Ambulance program to a Mobile Integrated Health program like the City pilot Mobile Integrated Paramedic (MIP) program.
3. Improving dispatch staffing and systems to allow for EMS clinical call triage.
4. Engineering traffic systems to give priority access to first responders in addition to providing pedestrian safety.
5. Increasing staffing to four personnel each on key engines and ladder trucks.
6. Adding a second field operations Battalion Chief 24/7 for improved crew supervision and to add an immediate scene safety officer to support the Battalion Chief / Incident Commander for serious emergency incidents.

If these six strategies do not improve acute emergency response times *and lower unit-hour utilization (UHU) workload to no more than 30 percent,* the City should construct infill fire or ambulance-only stations between the current busiest station pairs of 2 and 5 and 1 and 6. These

areas are also where much of the infill development, high-rise building, and UC Berkeley campus growth will occur.

One solution employed by some fire departments that struggle with UHU and response time is to deploy a smaller, two-firefighter staffed squad unit to handle low-risk / low-acuity calls. In the City, ambulances—at both ALS and BLS levels of care—are non-firefighting, two-person units. Proposed alternative response units like the Mobile Integrated Paramedic (MIP) or similar model could also employ two-person staffing. Given the large building, wildland fire, technical rescue, and hazardous materials risks, City firefighter units require a fully staffed crew to arrive quickly and concurrently with all the needed tools to provide rapid mitigation of the problem. Adding personnel to existing units will result in the appropriate number of firefighters arriving in a shorter amount of time. Given these dynamics, Citygate is not recommending the use of firefighting squads in the City.

Given our analysis, Citygate finds the Department's response apparatus types to be appropriate to protect against the hazards likely to impact the City. However, *fire crew staffing of three per unit is insufficient* to provide the necessary "weight" of response to serious fires—especially so in mid- and high-rise buildings and for severe wildland fires that start in the hills. Currently, the Department's service capacity for fire and non-fire risk consists of 37 personnel on duty daily, including one Battalion Chief, one mobile Paramedic Supervisor, and 27 firefighters staffing seven engines and two aerial ladder trucks. An additional eight firefighters currently staff four ambulances and operate from the Department's seven fire stations. However, engines are very busy providing EMS response, and the firefighters staffing ambulances are not consistently available for firefighting at present. Over the next several years, three firefighters per day will be moved to an engine and both ladders, thus raising three of the nine firefighting units to four-firefighter staffing consistent with NFPA Standard 1710 and Citygate best practices for high-density urban core areas. These firefighters will be replaced by non-firefighter EMS personnel on the ambulances, thus aligning the classification with the work and creating a more efficient system. However, only three units with four-firefighter staffing will not be enough. At a minimum, four-firefighter staffing should be provided:

- On four engines: 1, 2, 5, and 6
- On trucks 2 and 5
- Occasionally (on high-fire danger wildland fire days) on engines 3, 4, and 7.

When increasing firefighting units to four crew members each, one additional firefighter per day will have to be newly funded, which amounts to a total of three added firefighting personnel *per crew* (plus the overtime to cover their leave absences) on a three-platoon fire crew rotation system. The wildfire threat days which increase staffing to four each can be handled via overtime during

daylight hours or when winds are most severe. When the engine and ladder units identified are staffed with four personnel each, the daily staffing for units other than ambulances increases from 27 to 33 per day—much more consistent with the risks to be protected in a thriving, growing urban area with internationally known assets and a tragic history of wildland fires.

There is also a need to add a second field operations Battalion Chief 24 hours per day for improved crew supervision and to add an immediate scene safety officer to support the Battalion Chief / Incident Commander for serious emergency incidents.

The Department's on-duty operations staff has grown to 10 direct reports to a single on-duty Battalion Chief. This is beyond an effective span of control of 5–7 subordinates per supervisor. A 10:1 span of control provides no time for mentoring and training subordinates, which contributes to long-term challenges relating to succession planning. Further, this 10:1 ratio does not factor in any future expansion of the organization to meet the changing needs of the community.

Performing competent emergency incident command is very challenging, especially in the initial minutes of an incident when rapid decisions have to be made that influence the preservation of life, property, and the environment. Industry best practice is to have two chief officers on the scene of significant emergencies. As defined by National Institute of Occupational Safety and Health (NIOSH),[17] four of the top five contributing factors to firefighter fatalities on an emergency scene are the responsibility of the Incident Commander:

1. Improper or Inadequate Risk Assessment
2. Lack of Incident Command
3. Lack of Accountability
4. Inadequate or Poor Communications
5. Lack of SOPs or failure to follow established SOPs.

A novel forensic study of over 12,000 firefighter incident emergencies called Project Mayday[18] provides useful data to help fire department incident commanders predict and prevent firefighter injuries and deaths. Surprisingly, there have been at least 10 firefighter maydays called by City Firefighters since 2001—incidents where firefighters were in life-threatening situations and required immediate assistance from crews and complex coordination from the sole Incident Commander on scene.

[17] https://www.cdc.gov/niosh/fire/default.html

[18] http://projectmayday.net/

1. Two crew members caught and burned in a rapid fire progression during a warehouse fire.
2. One crew member becomes disoriented, lost, and jumps out a window during the search of a residential structure on fire.
3. Two crew members trapped under a roof collapse during a structure fire on Milvia St.
4. Two crew members caught in a rapid fire event while fighting a residential structure fire on Fulton St.
5. One crew member separated from other team members and caught in rapid fire progression, rescued from a window during a church fire.
6. Two crew members lost and become trapped during a search of a residential structure fire on Milvia St.
7. One crew member becomes disoriented and lost during the search of a commercial structure on fire on Ninth St.
8. One crew member falls into a swimming pool that was covered with foam and not visible.
9. Multiple crews escape electrocution when high-tension PG&E lines are burned through and drop during a warehouse fire on Fourth St.
10. Two crew members fall through a floor collapse at a fire on College Ave.

The Department has implemented a temporary second Duty Chief program where 40-hour staff chief officers rotate on-duty as second chief officers. Project Mayday tells us that 85 percent of firefighter emergencies occur during non-business hours, when a department's second Duty Chief system has personnel traveling from home often with a response time of 45:00 minutes or more. Project Mayday data reveals that 40 percent of firefighter emergencies occur within the first 25 minutes of operations. Thus, a response time of 45:00 minutes or more for additional chief-level support must be improved.

According to Dr. Richard Gasaway,[19] "[Task] Saturation results when the brain takes in the maximum amount of stimulation it can handle—it's working at full capacity—yet more and more information is coming in. When the brain gets completely saturated with task demands, it simply cannot process any more information." With only one chief officer on the scene of critical

[19] https://www.samatters.com/task-saturation-impacts-situational-awareness/

incidents, even seasoned incident commanders become task saturated as they are attempting to simultaneously:

- Manage communications on multiple radio channels
- Absorb face-to-face communication from civilians and firefighters
- Maintain incident accountability and resource tracking (on paper)
- Perform ongoing risk analysis
- Monitor strategy and tactics to ensure they are in alignment with the problem and standard operating guidelines
- Order and coordinate mutual aid resources to provide coverage to Berkeley fire stations for other 9-1-1 calls that will continue to occur
- Initiate emergency call back of off-duty staff if needed such as the PIO and Fire Investigator
- Identify and initiate an evacuation plan using Zonehaven (if necessary)
- Develop and deploy emergency messaging to the community
- Perform the role of Safety Officer for the scene
- Make phone calls to dispatch and other members of command staff to coordinate and provide critical updates.

Partially due to task saturation and the resulting auditory exclusion, Project Mayday informs us that when a firefighter initiates an emergency and makes a critical "mayday" radio transmission to the incident commander, informing them of the situation and the urgent need for help—*which is sometimes the first and last transmission a seriously injured firefighter is able to make*—the incident commander misses these transmissions 36 percent of the time.

2.11.1 Overall Deployment Recommendations

Based on the technical analysis and findings contained in this SOC study, Citygate offers the following overall deployment recommendations:

Recommendation #1:	Proceed with the planned conversion to staffing the four current ambulances with non-firefighter paramedics and EMTs.

Recommendation #2:	The Department needs to add two additional ambulances, requiring 16 additional non-firefighter Paramedics and/or EMT FTE personnel.
Recommendation #3:	The City needs to upgrade its dispatch staffing, training, and software to allow for clinical call triage to send Basic Life Support (BLS) ambulances or alternative care units to low-acuity EMS requests, as outlined in the analysis from Federal Engineering Communications consulting.
Recommendation #4:	Design and focus on new strategies to provide for traffic calming and pedestrian safety while not significantly worsening emergency response times or community evacuation times.

Recommendation #5:	Increase the staffing on six of the nine firefighting units (four engines, two aerial trucks) from three to four personnel per day.
Recommendation #6:	Provide the overtime staffing increase from three to four firefighters for engines 3, 4, and 7, which are closest to the eastern hills during high-hazard wildfire threat periods.
Recommendation #7:	If ambulance and dispatch improvements do not improve acute emergency response times and lower unit-hour utilization (UHU) workload to no more than 30 percent for long, contiguous hours of the day, the City should construct infill fire or ambulance-only stations between the current busiest station pairs of 2 and 5 and 1 and 6.

Recommendation #8: Adopt updated deployment policies: City Council should consider adopting complete performance measures that begin with a 9-1-1 call being answered and end with the Fire Department and/or an ambulance arriving at the emergency incident. The measures of time should be designed to save patients and keep small but serious fires from becoming more complex or damaging. With this is mind, Citygate recommends the following outcome-based measures for the major emergency types:

8.1: **Geographic Distribution of Fire Stations:** To treat medical patients and control small fires, the first-due unit should arrive within 8:30 minutes, 90 percent of the time, from receipt of the 9-1-1 call in the fire dispatch center. This equates to a 90-second dispatch time, a maximum 2:00-minute nighttime company turnout time, and a 5:00-minute travel time, which is realistic for Berkeley as a more urban area.

8.2: **Multiple-Unit Effective Response Force for Serious Emergencies:** To confine fires near the room of origin and treat up to five medical patients at once, a multiple-unit response of a minimum of four engines, two ladder trucks, one ambulance, one Medic Supervisor, and one Battalion Chief—totaling a minimum of 22 personnel—should arrive within 11:30 minutes from the time of 9-1-1 call receipt in fire dispatch, 90 percent of the time. This equates to a 90-second dispatch time, a 2:00-minute company turnout time, and an 8:00-minute travel time.

8.3: **Hazardous Materials Response:** The Department needs to maintain its hazardous materials response as designed to protect the community from hazards associated with uncontrolled release of hazardous and toxic materials. The first-due unit should arrive to investigate a hazmat release at the operations level within 8:30 minutes, 90 percent of the time. This equates to a 90-second dispatch time, a 2:00-minute company turnout time, and a 5:00-minute travel time in urban population areas. After assessment and scene evaluation is completed, a determination can be made whether to request additional resources.

8.4: **Technical Rescue:** To respond to technical rescue emergencies as efficiently and effectively as possible with enough trained personnel to facilitate a successful rescue, the first-due company to arrive for assessment of the rescue should achieve a 5:00-minute travel time in urban to suburban areas, 90 percent of the time. Additional resources capable of initiating a rescue should be assembled within a total response time of 11:30 minutes, 90 percent of the time, with the result being a safe and complete rescue/extrication to ensure delivery of patients to a definitive care facility.

Recommendation #9: Adopt a split turnout time measure consisting of 2:00 minutes or less, 90 percent of the time, averaged over a 24-hour period, and within that, a daytime measure of 1:30 minutes or less, 90 percent of the time, from 0700–2200 hours.

Recommendation #10: The City should add a second field operations Battalion Chief 24/7 as soon as fiscally possible.

APPENDIX A—RISK ASSESSMENT

A.1 COMMUNITY RISK ASSESSMENT

SOC ELEMENT 3 OF 8
COMMUNITY RISK ASSESSMENT

The third element of the Standards of Coverage (SOC) process is a community risk assessment. Within the context of an SOC study, the objectives of a community risk assessment are to:

- Identify the values at risk to be protected within the community or service area.
- Identify the hazards with potential to adversely impact the community or service area.
- Quantify the overall risk associated with each hazard.
- Establish a foundation for current and future deployment decisions and risk-reduction / hazard-mitigation planning and evaluation.

A hazard is broadly defined as a situation or condition that can cause or contribute to harm. Examples include fire, medical emergency, vehicle collision, earthquake, flood, etc. Risk is broadly defined as the *probability of hazard occurrence* in combination with the *likely severity of resultant impacts* to people, property, and the broader community.

A.1.1 Risk Assessment Methodology

The methodology employed by Citygate to assess community risks as an integral element of an SOC study incorporates the following elements:

- Identification of geographic planning sub-zones (risk zones) appropriate to the community or jurisdiction.
- Identification and quantification, to the extent data is available, of the specific values at risk to various hazards within the community or service area.
- Identification of the fire and non-fire hazards to be evaluated.
- Determination of the probability of occurrence for each hazard.
- Evaluation of *probable* impact severity for each hazard by planning zone using agency/jurisdiction-specific data and information.
- Determination of overall risk by hazard using the following template.

Table 32—Overall Risk Template

Probability of Occurrence	Probable Impact Severity				
	Insignificant	Minor	Moderate	Major	Catastrophic
Rare	*Low*	*Low*	*Low*	*Moderate*	*High*
Unlikely	*Low*	*Low*	*Low*	*Moderate*	*High*
Possible	*Low*	*Low*	*Moderate*	*High*	*Extreme*
Probable	*Low*	*Low*	*Moderate*	*High*	*Extreme*
Frequent	*Low*	*Moderate*	*High*	*Extreme*	*Extreme*

Citygate used the following data sources for this study to understand the hazards and values to be protected in the City:

- Esri and U.S. Census Bureau population and demographic data
- City and County geographical information systems data
- City General Plan and Zoning information
- City of Berkeley Local Hazard Mitigation Plan
- Fire Department data and information

A.1.2 Risk Assessment Summary

Citygate's evaluation of the values at risk and hazards likely to impact the City of Berkeley yields the following:

- The Department serves a diverse urban population with densities ranging from less than 5,000 to more than 40,000 people per square mile over a varied land use pattern.
- The City's population is projected to increase by nearly 18 percent by 2040 for an average annualized increase of slightly less than one percent.
- The City has a large inventory of residential and non-residential buildings to protect as identified in this assessment.
- The City also has significant economic and other resource values to be protected as identified in this assessment.

- The City and Alameda County have a mass emergency notification system to effectively communicate emergency notifications and information to the public in a timely manner.
- Berkeley's overall risk for six hazards related to emergency services provided by the Fire Department range from **Low** to **Extreme** as summarized in the following table.

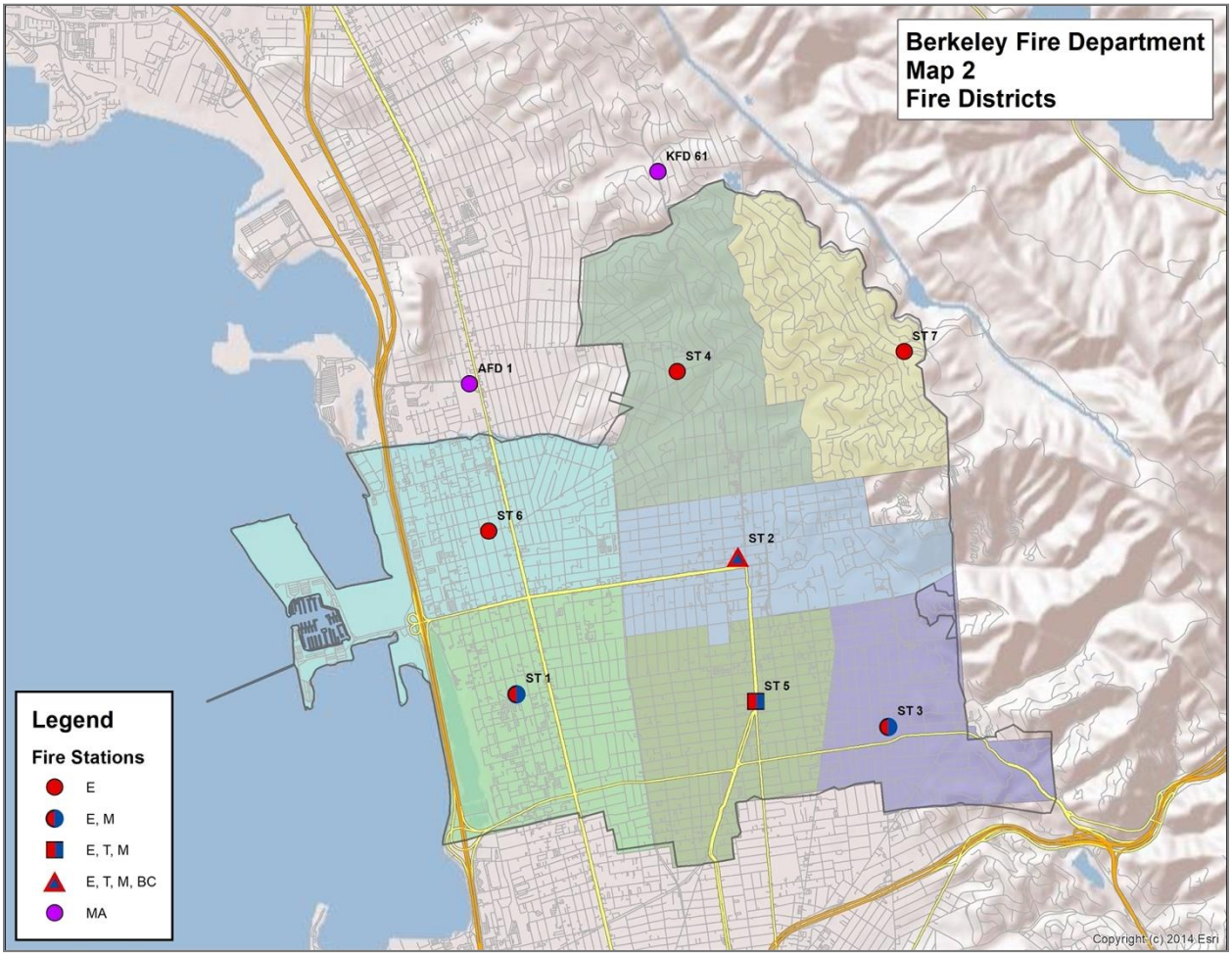
Table 33—Overall Risk by Hazard

Hazard		Risk Planning Zone						
		Station 1	Station 2	Station 3	Station 4	Station 5	Station 6	Station 7
1	Building Fire	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*
2	Vegetation/Wildland Fire	*Low*	*Extreme*	*Extreme*	*Extreme*	*Moderate*	*Low*	*Extreme*
3	Medical Emergency	*High*	*High*	*High*	*High*	*High*	*High*	*High*
4	Hazardous Materials	*Moderate*	*Moderate*	*High*	*Moderate*	*Moderate*	*Moderate*	*High*
5	Technical Rescue	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Low*
6	Marine Incident	*Moderate*	*Low*	*Low*	*Low*	*Low*	*Moderate*	*Low*

A.1.3 Risk Planning Zones

The Commission on Fire Accreditation International (CFAI) recommends jurisdictions establish geographic planning zones to better understand risk at a sub-jurisdictional level. For example, portions of a jurisdiction may contain predominantly moderate risk building occupancies, such as detached single-family residences, while other areas may contain high- or maximum-risk occupancies, such as commercial and industrial buildings with a high hazard fire load. If risk were to be evaluated on a jurisdiction-wide basis, the predominant moderate risk could outweigh the high or maximum risk and may not be a significant factor in an overall assessment of risk. If, however, high- or maximum-risk occupancies are a larger percentage of the risk in a smaller planning zone, they become a more significant risk factor. Another consideration in establishing planning zones is that the jurisdiction's record management system must also track the specific zone for each incident to appropriately evaluate service demand and response performance relative to each zone. As shown in the following map, Citygate utilized seven planning zones corresponding with the Department's current first-due response areas for this assessment.

Figure 22—Risk Planning Zones



A.1.4 Values at Risk to Be Protected

Values at risk, broadly defined, are tangibles of significant importance or value to the community or jurisdiction potentially at risk of harm or damage from a hazard occurrence. Values at risk typically include people, critical facilities/infrastructure, buildings, and key economic, cultural, historic, and natural resources.

People

Residents, employees, visitors, and travelers in a community or jurisdiction are vulnerable to harm from a hazard occurrence. Particularly vulnerable are specific at-risk populations, including those unable to care for themselves or self-evacuate in the event of an emergency. At-risk populations typically include children under the age of 10, the elderly, and people housed in institutional settings. The following tables summarizes key demographic data for the City.

Table 34—Key Demographic Data – Berkeley

Demographic	2021
Population	**119,619**
Under 10 years	6.30%
10–14 years	3.40%
15–64 years	74.40%
65–74 years	9.30%
75 years and older	6.60%
Median age	32.8
Daytime population	144,863
Housing Units	**51,470**
Owner-Occupied	37.60%
Renter-Occupied	57.00%
Vacant	5.30%
Average Household Size	2.19
Median Home Value	$1,203,262
Race/Ethnicity	
White	53.90%
Asian	28.70%
Black / African American	7.60%
Other / Two or More Races	9.80%
Hispanic/Latino	11.20%
Diversity Index	72.3
Education (population over 24 years of age)	**75,144**
High School Graduate	96.80%
Undergraduate Degree	75.20%
Graduate/Professional Degree	40.50%
Employment (population over 15 years of age)	**65,514**
In Labor Force	92.60%
Unemployed	7.40%
Median Household Income	$92,345
Population Below Poverty Level	18.70%
Population without Health Insurance Coverage	2.60%

Source: Esri Community Analyst (2021) and U.S. Census Bureau

Of note from the table:

- Slightly more than 22 percent of the population is under 10 years or 65 years of age and older.
- The City's daytime population is 21 percent more than its resident population.
- The City's population is predominantly White (54 percent), followed by Asian (29 percent), Black / African American (8 percent), and Other (10 percent), with those of Hispanic/Latino ethnicity representing 11 percent of the population.
- Of the population over 24 years of age, nearly 97 percent have a high school or equivalent level of education.
- More than 75 percent of the population over 24 years of age has an undergraduate, graduate, or professional degree.
- Of the population older than 15 years of age, nearly 93 percent are in the workforce.
- The median household income is slightly more than $92,000.
- The population below the federal poverty level is 18.7 percent.
- The population without health insurance coverage is 2.6 percent.

The Association of Bay Area Governments (ABAG) projects that Berkeley's population will grow by 17.8 percent to 140,935 by 2040.[20]

Buildings

Berkeley has more than 51,000 housing units and nearly 7,000 businesses, including offices, professional services, retail sales, restaurants/bars, motels, churches, schools, government facilities, healthcare facilities, and other business types.[21]

Building Occupancy Risk Categories

The CFAI identifies the following four risk categories that relate to building occupancy:

Low Risk – includes detached garages, storage sheds, outbuildings, and similar building occupancies that pose a relatively low risk of harm to humans or the community if damaged or destroyed by fire.

[20] Source: Plan Bay Area 2040, Plan Bay Area Projections 2040
[21] Source: Esri Community Analyst Business Summary (2021).

Moderate Risk – includes detached single-family or two-family dwellings; mobile homes; commercial and industrial buildings fewer than 10,000 square feet without a high hazard fire load; aircraft; railroad facilities; and similar building occupancies where loss of life or property damage is limited to the single building.

High Risk – includes apartment/condominium buildings; commercial and industrial buildings more than 10,000 square feet without a high hazard fire load; low-occupant load buildings with high fuel loading or hazardous materials; and similar occupancies with potential for substantial loss of life or unusual property damage or financial impact.

Maximum Risk – includes buildings or facilities with unusually high risk requiring an Effective Response Force (ERF) involving a significant augmentation of resources and personnel and where a fire would pose the potential for a catastrophic event involving large loss of life or significant economic impact to the community.

Evaluation of the City's building inventory identified 3,971 high/maximum-risk building uses as they relate to the CFAI building fire risk categories, as summarized in the following table.

Table 35—High-Risk Building Occupancies

Occupancy Classification		Number[1]	Risk Category[2]
A-1	Assembly	**15**	***Maximum***
H	Hazardous	**17**	***Maximum***
I	Institutional	**25**	***High***
R-1	Hotel/Motel	**22**	***High***
R-2	Multi-Family Residential	**3,892**	***High***
	Total	**3,971**	

[1] Source: City of Berkeley
[2] CFAI *Standards of Cover* (Fifth Edition)

Critical Facilities

The U.S. Department of Homeland Security defines critical infrastructure and key resources as those physical assets essential to the public health and safety, economic vitality, and resilience of a community, such as lifeline utilities infrastructure, telecommunications infrastructure, essential government services facilities, public safety facilities, schools, hospitals, airports, etc. The City has identified 81 critical facilities as summarized in the following table. A hazard occurrence with

significant impact severity affecting one or more of these facilities would likely adversely impact critical public or community services.

Table 36—Critical Facilities

Critical Facility Category	Number
Communications	1
Community Services	7
Education	18
Government Services	11
Healthcare	7
Public Safety	21
Transportation	3
Utility	13
Total	**81**

Source: City of Berkeley

Economic Resources

Of the nearly 7,000 businesses employing more than 98,000 people in the City, top industries include services and retail sales, followed by manufacturing and construction.[22] Top employers with more than 500 employees include:[23]

- University of California Berkeley
- Lawrence Berkeley National Laboratory
- Sutter East Bay Medical Foundation
- City of Berkeley
- Bayer Corporation
- Berkeley Unified School District
- Kaiser Permanente Medical Group

[22] Source: Esri Community Business Summary (2021).
[23] Source: City of Berkeley Fiscal Year 2020/2021 Annual Comprehensive Financial Report.

- Siemens Corporation/Healthcare Diagnostics, Inc.
- Berkeley Bowl Produce

Natural Resources

Key natural resources to be protected within the City include:

- San Francisco Bay
- Aquatic Park
- Shorebird Park Nature Center
- McLaughlin Eastshore State Seashore

Cultural/Historic Resources

Key cultural/historic resources within Berkeley include:

- Berkeley Art Museum and Pacific Film Archive
- Berkeley History Center
- Berkeley Public Library
- Berkeley Repertory Theater
- Hearst Greek Theater
- Judah Magnes Museum

Special/Unique Resources

Following are special/unique resources to be protected within the City of Berkeley:

- University of California Berkeley
- Lawrence Berkeley National Laboratory

A.1.5 Hazard Identification

Citygate utilized prior risk studies where available, fire and non-fire hazards as identified by the CFAI, and agency/jurisdiction-specific data and information to identify the hazards to be evaluated for this study. The 2019 City of Berkeley Local Hazard Mitigation Plan (LHMP) identifies the following seven hazards with potential to impact the City.

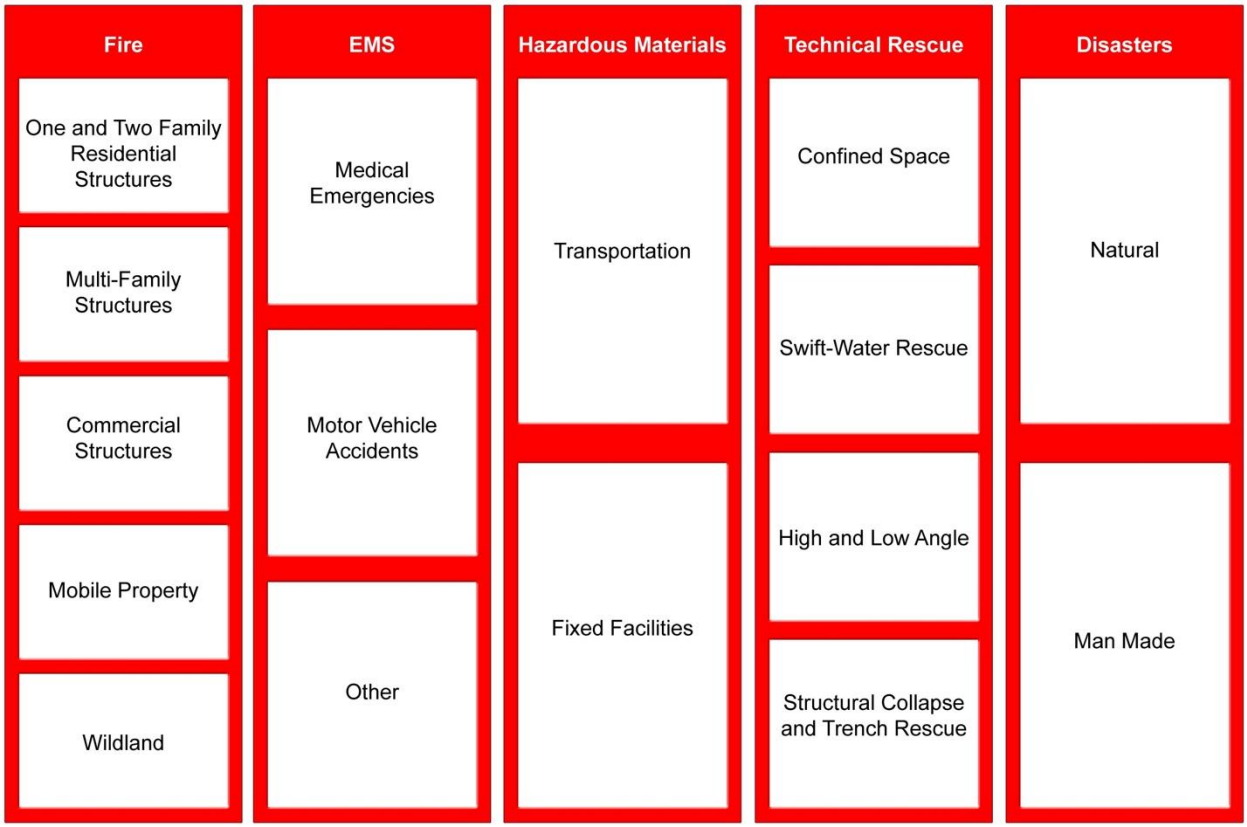
1. Earthquake

8. Wildland Urban Interface Fire
9. Rainfall-Triggered Landslide
10. Floods
11. Tsunami
12. Climate Change
13. Extreme Heat

Although the Department has no legal authority or responsibility to mitigate any of these hazards other than wildland-urban interface fires, it does provide services related to all hazards, including fire suppression, emergency medical services, technical rescue, and hazardous materials response.

The CFAI groups hazards into fire and non-fire categories, as shown in the following table. Identification, qualification, and quantification of the various fire and non-fire hazards are important factors in evaluating how resources are or can be deployed to mitigate those risks.

Figure 23—Commission on Fire Accreditation International Hazard Categories



Source: CFAI *Standards of Cover* (Fifth Edition)

Following review and evaluation of the hazards identified in the City of Berkeley LHMP and the fire and non-fire hazards as identified by the CFAI as they relate to services provided by the Department, Citygate evaluated the following six hazards for this risk assessment:

1. Building fire
14. Vegetation/wildland fire
15. Medical emergency
16. Hazardous material release/spill
17. Technical rescue
18. Marine Incident

A.1.6 Service Capacity

Service capacity refers to the Department's available response force; the size, types, and condition of its response fleet and any specialized equipment; core and specialized performance capabilities and competencies; resource distribution and concentration; availability of automatic or mutual aid; and any other agency-specific factors influencing its ability to meet current and prospective future service demand relative to the risks to be protected.

The Department's service capacity for fire and non-fire risk consists of 37 personnel on duty daily—including one mobile Paramedic Supervisor and one Battalion Chief—staffing seven engines, two aerial ladder trucks, and four ambulances, and operating from the Department's seven fire stations. The Department also has one Type-3 wildland engine, two Type-6 wildland engines, one hazardous materials apparatus, one fireboat, one rescue watercraft, and two ATVs that can be cross-staffed by on-duty personnel as needed.

All response personnel are trained to either the Emergency Medical Technician (EMT) level, capable of providing Basic Life Support (BLS) pre-hospital emergency medical care, or EMT-Paramedic (Paramedic) level, capable of providing Advanced Life Support (ALS) pre-hospital emergency medical care. All engines are staffed with a minimum of one EMT-Paramedic, and ambulances are staffed with two paramedics. The Department also provides ground ambulance services; air ambulance services, when needed, are provided by CALSTAR/REACH from Concord, Stanford Life Flight from Palo Alto, East Bay Regional Parks Police Department, or the California Highway Patrol. Emergency room services are available at Alameda Hospital (Alameda), Alan Bates Summit Medical Centers and Highland Hospital (Oakland), Kaiser Oakland (Oakland), and UCSF Benioff Children's Hospital (Oakland). Highland Hospital and UCSF Benioff Children's Hospital are also Level 1 Trauma Centers, and Eden Medical Center is a Level 2 Trauma Center.

Response personnel are also trained to the U.S. Department of Transportation Hazardous Material First Responder Operational level to provide initial hazardous material incident assessment, hazard isolation, and support for a hazardous material response team. When needed, technical hazardous materials response is provided by Station 2 personnel trained to the Hazardous Materials Specialist level cross-staffing a hazardous material apparatus. For significant spills and releases, the Department responds via the Alameda County Fire Department Hazardous Materials Team.

All response personnel are further trained to the Confined Space Awareness level, with technical rescue capability available as needed from the City of Oakland. The Department is in the process of obtaining a Cal OES Type-2 Urban Search and Rescue trailer.

Marine response capacity includes up to 24 personnel certified to the State Fire Training Open Water Rescuer and/or Open Water Rescue Boat Operator level. In addition, the Department cross-staffs a 27-foot Type IV fireboat and a trailered rescue watercraft—moored at the Berkeley Marina and staffed with on-duty Station 1 and Station 6 personnel as needed.

A.1.7 Probability of Occurrence

Probability of occurrence refers to the probability of a future hazard occurrence during a specific period. Because the CFAI agency accreditation process requires annual review of an agency's risk assessment and baseline performance measures, Citygate recommends using the 12 months following completion of an SOC study as an appropriate period for the probability of occurrence evaluation. The following table describes the five probability of occurrence categories and related characteristics used for this analysis.

Table 37—Probability of Occurrence Categories

Probability	General Characteristics	Expected Frequency of Occurrence
Rare	• Hazard ***may occur*** rarely under unusual conditions.	> 10 years
Unlikely	• Hazard ***could occur*** infrequently. • No recorded or anecdotal evidence of occurrence. • Little opportunity, reason, or means for hazard to occur.	2–10 years
Possible	• Hazard ***should occur*** occasionally. • Infrequent, random recorded or anecdotal evidence of occurrence. • Some opportunity, reason, or means for hazard to occur.	1–23 months
Probable	• Hazard will ***probably occur*** regularly. • Regular recorded or strong anecdotal evidence of occurrence. • Considerable opportunity, reason, or means for hazard to occur.	1–4 weeks
Frequent	• Hazard is ***expected to occur*** frequently. • High level of recorded or anecdotal evidence of regular occurrence.	Daily to weekly

	• Strong opportunity, reason, or means for hazard to occur. • Frequent hazard recurrence.	

Citygate's SOC assessments use recent multiple-year incident response data to project the probability of hazard occurrence for the ensuing 12-month period.

A.1.8 Impact Severity

Impact severity refers to the *probable* extent a hazard occurrence impacts people, buildings, lifeline services, the environment, and the broader community. The following table summarizes the five impact severity categories and related general criteria used for this assessment.

Table 38—Impact Severity Categories

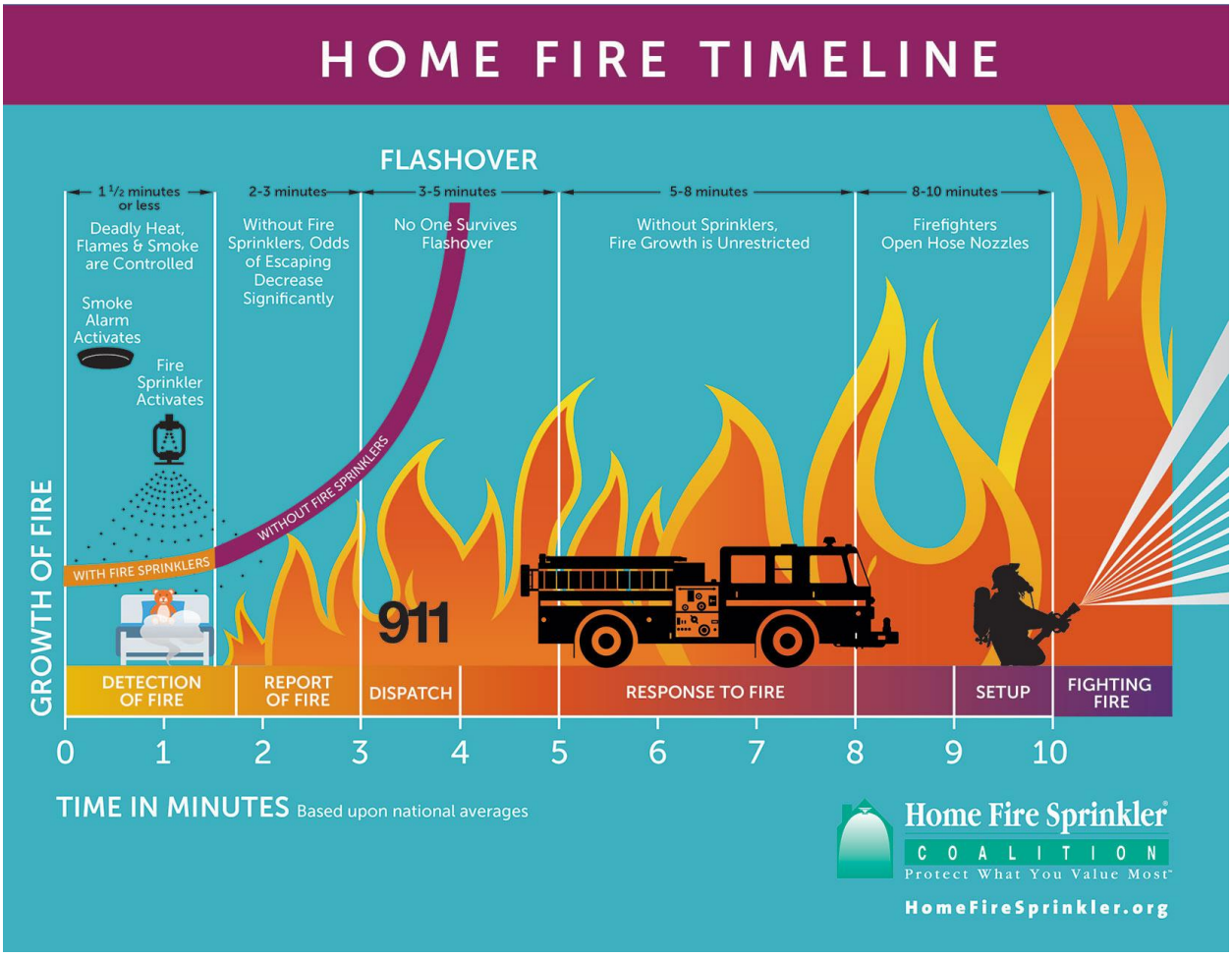
Impact Severity Category	Characteristics
Insignificant	• No injuries or fatalities • None to few persons displaced for short duration • Little or no personal support required • None to inconsequential damage • None to minimal community disruption • No measurable environmental impacts • None to minimal financial loss • No wildland Fire Hazard Severity Zones (FHSZs)
Minor	• Few injuries; no fatalities; minor medical treatment only • Some displacement of persons for less than 24 hours • Some personal support required • Some minor damage • Minor community disruption of short duration • Small environmental impacts with no lasting effects • Minor financial loss • No wildland FHSZs
Moderate	• Medical treatment required; some hospitalizations; few fatalities • Localized displacement of persons for fewer than 24 hours • Personal support satisfied with local resources • Localized damage • Normal community functioning with some inconvenience • No measurable environmental impacts with no long-term effects, or small impacts with long-term effect • Moderate financial loss • Less than 25% of area in *Moderate* or *High* wildland FHSZs
Major	• Extensive injuries; significant hospitalizations; many fatalities • Large number of persons displaced for more than 24 hours • External resources required for personal support • Significant damage • Significant community disruption; some services not available • Some impact to environment with long-term effects • Major financial loss with some financial assistance required • More than 25% of area in *Moderate* or *High* wildland FHSZs; less than 25% in *Very High* wildland FHSZs
Catastrophic	• Large number of severe injuries requiring hospitalization; significant fatalities • General displacement for extended duration • Extensive personal support required • Extensive damage • Community unable to function without significant external support • Significant impact to environment and/or permanent damage • Catastrophic financial loss; unable to function without significant support • More than 50% of area in *High* wildland FHSZs; more than 25% of area in *Very High* wildland FHSZs

A.1.9 Building Fire Risk

One of the primary hazards in any community is building fire. Building fire risk factors include building size, age, construction type, density, occupancy, number of stories above ground level, required fire flow, proximity to other buildings, built-in fire protection/alarm systems, available fire suppression water supply, building fire service capacity, fire suppression resource deployment (distribution/concentration), staffing, and response time. Citygate used available data from the Department and the U.S. Census Bureau to assist in determining the City's building fire risk.

The following figure illustrates the building fire progression timeline and shows that flashover, which is the point at which the entire room erupts into fire after all the combustible objects in that room reach their ignition temperature, can occur as early as three to five minutes from the initial ignition. Human survival in a room after flashover is extremely improbable.

Figure 24—Building Fire Progression Timeline



Source: http://www.firesprinklerassoc.org

Population Density

The population density in the City ranges from less than 5,000 to more than 40,000 people per square mile as shown in Map #2 (**Volume 2—Map Atlas**). Although risk analysis across a wide spectrum of other Citygate clients shows no direct correlation between population density and building fire *occurrence*, it is reasonable to conclude that building fire *risk* relative to potential impact on human life is greater as population density increases, particularly in areas with high-density, multiple-story buildings.

Water Supply

A reliable public water system providing adequate volume, pressure, and flow duration near all buildings is a critical factor in mitigating the potential impact severity of a community's building fire risk. Potable water for the City is provided by the East Bay Municipal Utility District. According to City staff, fire flow, pressure, and hydrant spacing are adequate throughout the City except for in areas west of I-80 and some of the higher elevation areas in the eastern/northeastern Berkeley Hills.

Building Fire Service Demand

For the three-year study period from July 1, 2018, through June 30, 2021, the Department responded to 193 building fire incidents comprising 0.45 percent of total annual service demand over the same period, as summarized in the following table.

Table 39—Building Fire Service Demand

Hazard	Year	Risk Planning Zone								Total	Percent Total Annual Demand
		Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7	Other		
Building Fire	RY 18/19	8	13	7	0	13	10	1	1	**53**	0.35%
	RY 19/20	8	19	10	8	23	11	2	3	**84**	0.56%
	RY 20/21	16	8	2	7	15	6	0	2	**56**	0.43%
Total		**32**	**40**	**19**	**15**	**51**	**27**	**3**	**6**	**193**	**0.45%**
Percent Total Station Demand		0.47%	0.50%	0.40%	0.37%	0.50%	0.50%	0.20%	0.26%		

As the table shows, building fire service demand was consistent over the three-year study period, with the greatest demand in Station 5's response area, and the least demand in Station 7's response area. **Overall, building fire service demand is like that of other California jurisdictions of similar size and demographics.**

Building Fire Risk Assessment

The following table summarizes Citygate's assessment of the City's building fire risk by planning zone.

Table 40—Building Fire Risk Assessment

Building Fire Risk	Planning Zone						
	Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7
Probability of Occurrence	*Possible*	*Probable*	*Possible*	*Possible*	*Probable*	*Possible*	*Possible*
Probable Impact Severity	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*
Overall Risk	***Moderate***	***Moderate***	***Moderate***	***Moderate***	***Moderate***	***Moderate***	***Moderate***

A.1.10 Vegetation/Wildland Fire Risk

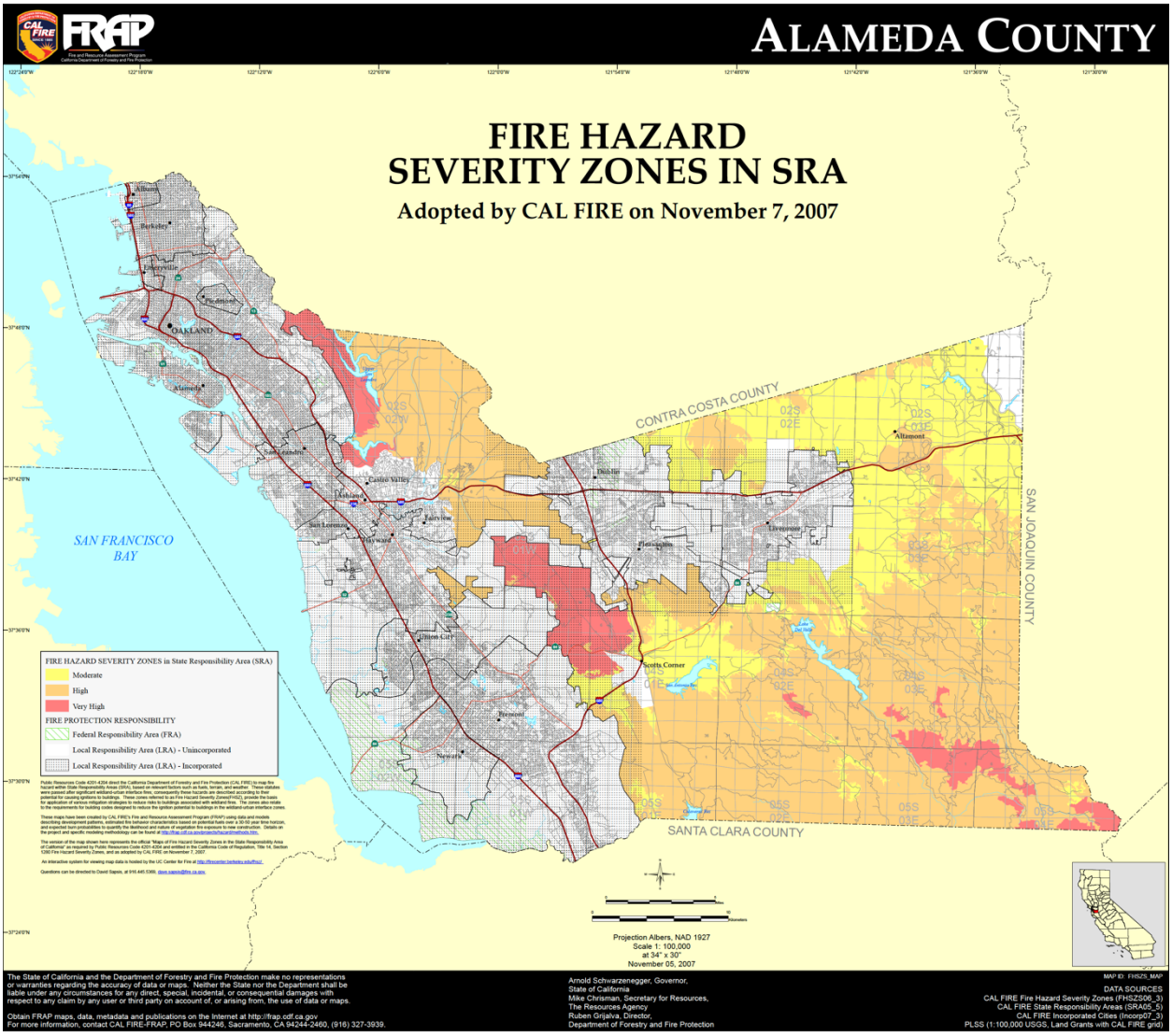
Many areas within and adjacent to the City are susceptible to a vegetation/wildland fire, particularly a wind-driven fire along the City's eastern Berkeley Hills border. The fire risk facing people and properties in the eastern hills is compounded by the area's mountainous topography, limited water supply, and limited access/egress routes. The City's flatlands are also exposed to a fire that spreads west from the hills. The flatlands are densely covered with old wooden buildings housing low-income and vulnerable populations, including isolated seniors, people with disabilities, and students.

Vegetation/wildland fire risk factors include vegetative fuel types and configuration, weather, topography, prior fires, water supply, mitigation measures, and vegetation fire service capacity.

Wildland Fire Hazard Severity Zones

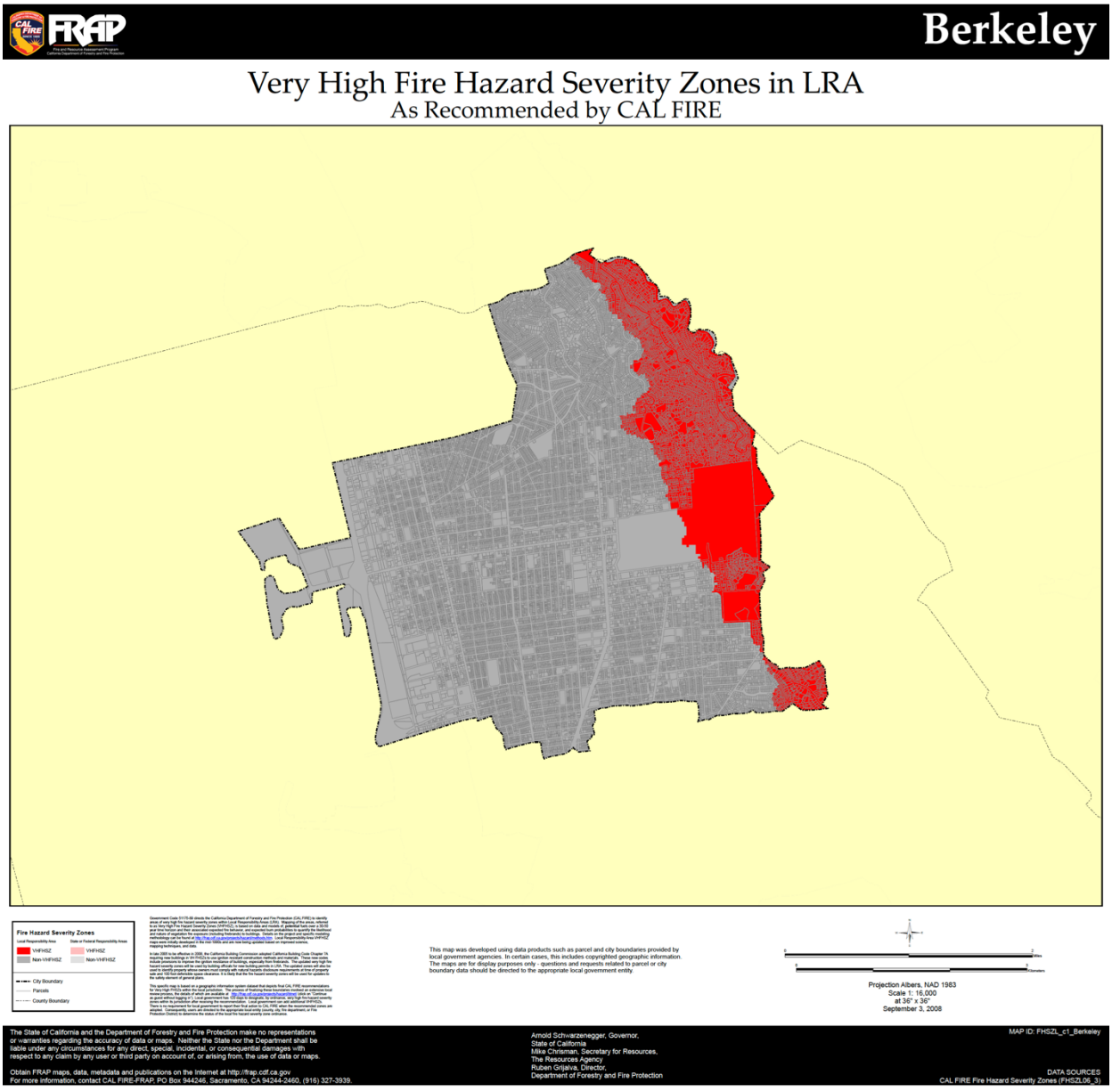
The California Department of Forestry and Fire Protection (CAL FIRE) designates wildland Fire Hazard Severity Zones (FHSZ) throughout the state based on analysis of multiple wildland fire hazard factors and modeling of potential wildland fire behavior. For State Responsibility Areas (SRAs) where CAL FIRE has fiscal responsibility for wildland fire protection, CAL FIRE designates ***Moderate***, ***High***, and ***Very High*** FHSZs by county, as shown in yellow, orange, and red, respectively, in the following map for Alameda County. Although not shown on this map, the entire western edge of Contra Costa County east of the City is a ***Very High*** FHSZ.

Figure 25—SRA Wildland Fire Hazard Severity Zones – Alameda County



CAL FIRE also identifies recommended ***Very High*** FHSZs for Local Responsibility Areas (LRAs) where the local jurisdiction is responsible for wildland fire protection, including incorporated cities, as shown in red in the following map for the City.

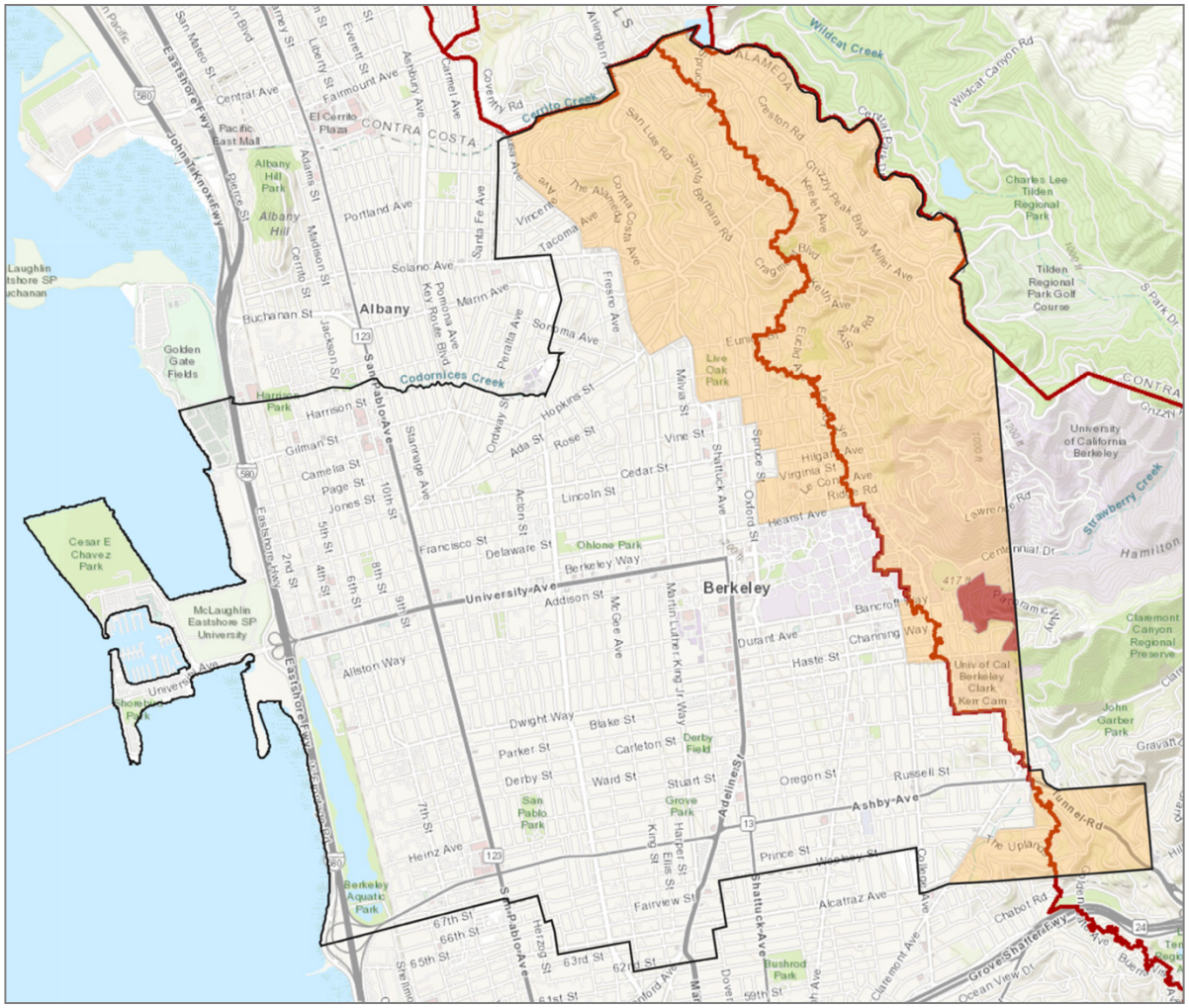
Figure 26—Berkeley Recommended Very High Wildland Fire Hazard Severity Zones in LRA



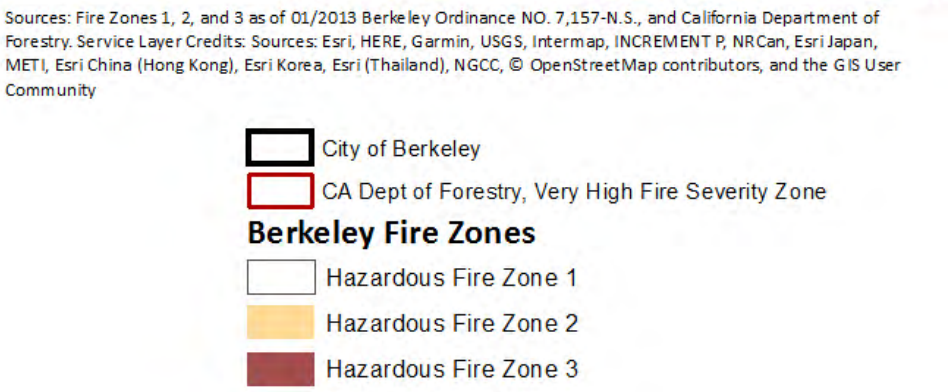
On December 6, 2023, via Ordinance #7845 adopting its Fire Code, the City of Berkeley adopted a more locally tailored VHFHSZ expanding CAL FIRE's recommended area shown in the previous figure. Instead, and as shown in the following figure, the City adopted all of the orange- and red-shaded areas as Berkeley's VHFHSZ.

In addition, the City has divided Berkeley into three separate Hazardous Fire zones, as also shown in the following figure. Fire Zone 3 is the Panoramic area, shaded in red. Fire Zone 2 is the remainder of the Berkeley Hills (and VHFHSZ) area, shaded in orange. The Berkeley flats are not shaded, and represent Fire Zone 1.[24]

Figure 27—Very High Fire Hazard Severity Zone and Hazardous Fire Zones – Berkeley



[24] Source: City of Berkeley 2019 Local Hazard Mitigation Plan, Map 16.



Vegetative Fuels

Vegetative fuel factors influencing fire intensity and spread include fuel type (vegetation species), height, arrangement, density, and moisture. In addition to decorative landscape species, vegetative fuels within the City consist of a mix of annual grasses and weeds, manzanita/knob cone, chaparral, deciduous, eucalyptus, and mixed conifer tree species. Once ignited, vegetation fires can burn intensely and contribute to rapid fire spread under the right fuel, weather, and topographic conditions.

Weather

Weather elements, including temperature, relative humidity, wind, and lightning, also affect vegetation/wildland fire potential and behavior. High temperatures and low relative humidity dry out vegetative fuels, creating a situation where fuels will more readily ignite and burn more intensely. Wind is the most significant weather factor influencing vegetation/wildland fire behavior, with higher wind speeds increasing fire spread and intensity. The City has a Mediterranean climate with warm, dry summers and cool, wet winters. Summers are cooler than a typical Mediterranean climate due to foggy nights and mornings. Average summer high temperatures are in the mid-70s, with an average of less than three days per year over 90 degrees Fahrenheit. Strong offshore winds develop in late spring and early fall producing higher temperatures and lower humidity. Average annual rainfall is 25 inches. Fuel and weather conditions conducive to vegetation/wildland fires primarily occur during the summer and fall months.

Topography

Vegetation/wildland fires tend to burn more intensely and spread faster when burning uphill and up-canyon, except for a wind-driven downhill or down-canyon fire. The City's topography transitions from being flat / sea level along San Francisco Bay in the west to steeper, sloped terrain

approaching 1,000 feet in elevation in the Berkeley Hills along the City's eastern edge. The eastern Berkeley Hills area of the City can influence vegetation/wildland fire behavior and spread.

Water Supply

Another significant vegetation fire impact severity factor is the water supply immediately available for fire suppression. According to Fire Department staff, available fire flow, pressure, and hydrant spacing is adequate except west of I-80 and some areas in the Berkeley Hills sections of the City with wharf type hydrants with low flow and pressure.

Wildland Fire History

The risk of a wildland-urban interface (WUI) fire in the City was clearly demonstrated in the 1991 Tunnel Fire, which resulted in 25 deaths and 62 homes destroyed in Berkeley and more than 3,000 in Oakland. Accounts of major wildfires in the City date back to at least 1905 when a fire burned through Strawberry Canyon and threatened the University campus and the small Panoramic Hill subdivision. Other major fires occurred in the 1970s and 1980s.

Vegetation/Wildland Fire Hazard Mitigation

Hazard mitigation refers to specific actions or measures taken to prevent a hazard from occurring or to minimize the severity of impacts resulting from a hazard occurrence. While none of the hazards subject to this study can be entirely prevented, measures *can* be taken to minimize the impacts when those hazards do occur.

The City employs a comprehensive strategy to reduce both the occurrence and severity of its vegetation/wildland fires, including strict building and fire code provisions with more restrictive local amendments, annual inspection, and enforcement of vegetation fire hazard clearances in high-risk areas, improvement of access/egress routes, and infrastructure maintenance. Fire Department staff inspect more than 1,400 properties in Fire Hazard Zones 2 and 3 each year, and other properties throughout the City on a complaint basis. The City also has several other ongoing fuel management/reduction programs to reduce vegetative fuel loading in higher fire hazard areas.

Vegetation/Wildland Fire Service Demand

The Department responded to 59 vegetation fires over the three-year study period, comprising 0.14 percent of total service demand over the same period, as summarized in the following table.

Table 41—Vegetation/Wildland Fire Service Demand

Hazard	Year	Risk Planning Zone								Total	Percent Total Annual Demand
		Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7	Other		

Vegetation / Wildland Fire	**RY 18/19**	5	1	1	2	1	4	1	1	**16**	0.10%
	RY 19/20	3	0	2	1	2	3	2	2	**15**	0.10%
	RY 20/21	5	7	0	1	0	8	2	5	**28**	0.22%
Total		**13**	**8**	**3**	**4**	**3**	**15**	**5**	**8**	**59**	**0.14%**
Percent Total Station Demand		0.19%	0.10%	0.06%	0.10%	0.03%	0.28%	0.33%	0.34%		

Vegetation/Wildland Fire Risk Assessment

The following table summarizes Citygate's assessment of the City's vegetation/wildland fire risk by planning zone.

Table 42—Vegetation/Wildland Fire Risk Assessment

Vegetation/Wildland Fire Risk	Risk Planning Zone						
	Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7
Probability of Occurrence	*Possible*	*Possible*	*Possible*	*Possible*	*Possible*	*Possible*	*Possible*
Probable Impact Severity	*Minor*	*Catastrophic*	*Catastrophic*	*Catastrophic*	*Moderate*	*Minor*	*Catastrophic*
Overall Risk	***Low***	***Extreme***	***Extreme***	***Extreme***	***Moderate***	***Low***	***Extreme***

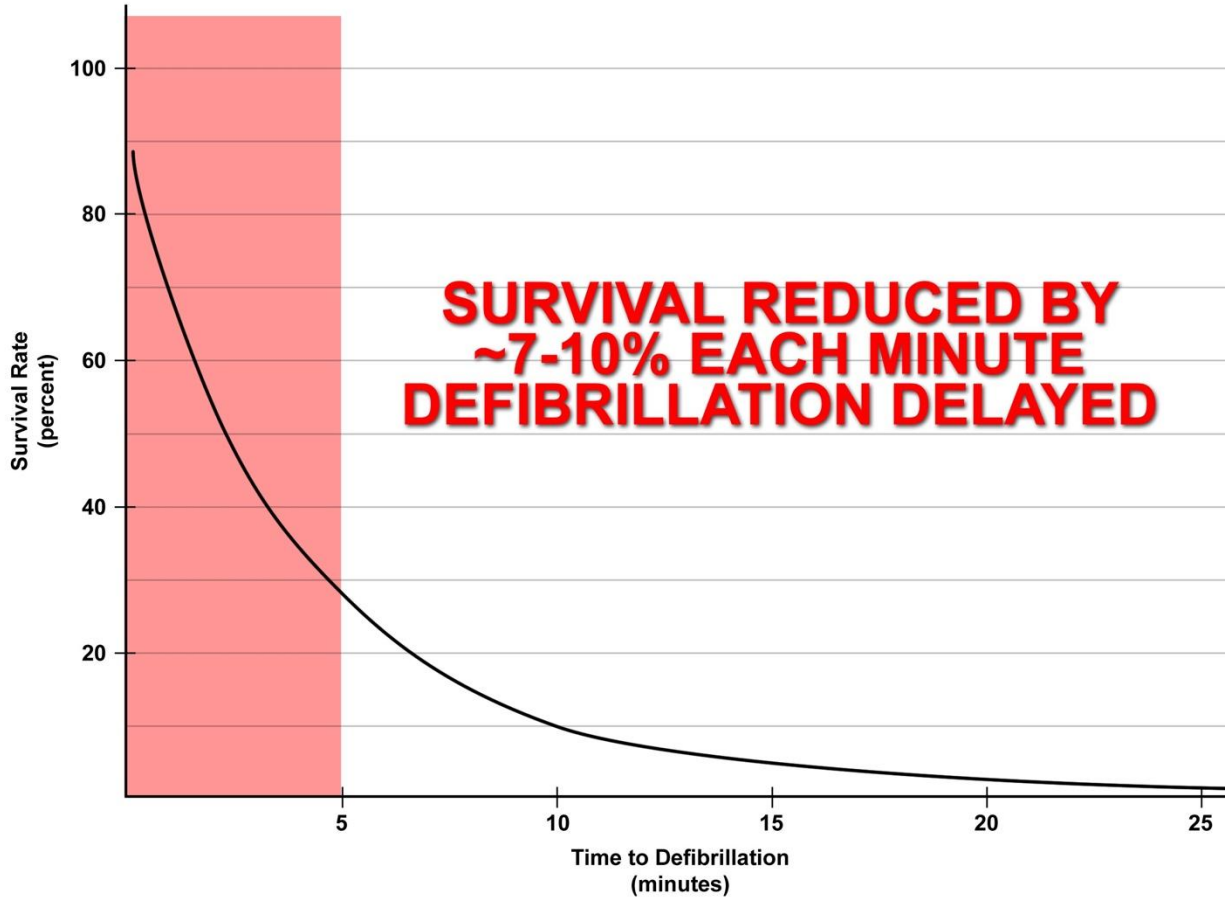
A.1.11 Medical Emergency Risk

Medical emergency risk in most communities is predominantly a function of population density, demographics, violence, health insurance coverage, and vehicle traffic.

Medical emergency risk can also be categorized as either a medical emergency resulting from a traumatic injury or from a health-related condition or event. Cardiac arrest is one serious medical emergency among many where there is an interruption or blockage of oxygen to the brain.

The following figure illustrates the reduced survivability of a cardiac arrest victim as time to defibrillation increases. While early defibrillation is one factor in cardiac arrest survivability, other factors can influence survivability as well, such as early CPR and pre-hospital advanced life support interventions.

Figure 28—Survival Rate Versus Time to Defibrillation



Population Density

Population density in the City ranges from less than 5,000 to more than 40,000 people per square mile, as shown in Map #2 (**Volume 2—Map Atlas**). Risk analysis across a wide spectrum of other Citygate clients shows a direct correlation between population density and the *occurrence* of medical emergencies, particularly in high urban population density zones.

Demographics

Medical emergency risk tends to be higher among older, poorer, less educated, and uninsured populations. As shown in Table 32, nearly 16 percent of the population is 65 and older, only slightly more than 3 percent of the population over 24 years of age has less than a high school

education or equivalent, nearly 19 percent of the population is at or below poverty level, and 2.6 percent of the population does not have health insurance coverage.[25]

Vehicle Traffic

Medical emergency risk tends to be higher in areas of a community with high daily vehicle traffic volume, particularly areas with high traffic volume traveling at high speeds. The City's transportation network includes State Routes 13 and 123, and Interstate 80 carrying an aggregate annual average daily traffic volume of more than 278,000 vehicles, with a peak-hour load of more than 20,000 vehicles.[26]

Medical Emergency Service Demand

Medical emergency service demand over the three-year study period includes more than 23,000 calls for service comprising 53.2 percent of total service demand over the same period, as summarized in the following table.

Table 43—Medical Emergency Service Demand

Hazard	Year	Risk Planning Zone								Total	Percent Total Annual Demand
		Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7	Other		
Medical Emergency	RY 18/19	1,358	1,871	863	681	2,055	1,223	213	542	**8,806**	57.33%
	RY 19/20	1,341	1,711	666	572	1,614	1,042	252	438	**7,636**	51.26%
	RY 20/21	1,261	1,330	460	639	1,551	889	271	183	**6,584**	50.63%
Total		**3,960**	**4,912**	**1,989**	**1,892**	**5,220**	**3,154**	**736**	**1,163**	**23,026**	**53.23%**
Percent Total Station Demand		57.78%	61.25%	41.39%	47.03%	50.81%	58.10%	48.87%	49.49%		

As the previous table shows, medical emergency service demand varies significantly by planning zone and *decreased* more than 25 percent over the three-year study period. Overall, medical emergency service demand is typical of other jurisdictions with similar demographics.

Medical Emergency Risk Assessment

The following table summarizes Citygate's assessment of medical emergency risk by planning zone.

[25] Source: Esri Community Analyst Community Profile (2021) and U. S. Census Bureau.
[26] Source: California Department of Transportation (2020).

Table 44—Medical Emergency Risk Assessment

Medical Emergency Risk	Risk Planning Zone						
	Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7
Probability of Occurrence	*Frequent*	*Frequent*	*Frequent*	*Frequent*	*Frequent*	*Frequent*	*Frequent*
Probable Impact Severity	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*
Overall Risk	***High***	***High***	***High***	***High***	***High***	***High***	***High***

A.1.12 Hazardous Material Risk

Hazardous material risk factors include fixed facilities that store, use, or produce hazardous chemicals or waste; underground pipelines conveying hazardous materials; aviation, railroad, maritime, and vehicle transportation of hazardous commodities into or through a jurisdiction; vulnerable populations; emergency evacuation planning and related training; and specialized hazardous material service capacity.

Fixed Hazardous Materials Facilities

City staff identified six facilities within Berkeley that require a state or local Certified Unified Program Agency (CUPA) operating permit, and an additional 294 facilities that generate hazardous waste. There are also PG&E natural gas transmission pipelines running generally north/south along Seventh Street, and east/west along Allston Way and Russell Streets.

There are 15 different locations on the UC Berkeley Campus where regulated quantities of hazardous materials are used. Many materials are in small quantities for research and teaching purposes. All use locations are inspected by City Fire and or City Toxics Management staff amounting to approximately six inspections per year as part of a three-year cycle. The Campus safety staffs also provide oversight to these locations. The regulations, reporting and oversight inspections are the same as any other commercial site in the City. Further, the Fire Department's Hazardous Material incident response capability is prepared for these types of materials and will respond appropriately should an accidental release occur.

The Lawrence Berkeley National Laboratory (LBNL) is a 202-acre facility in the Berkeley Hills above the UC Berkeley campus supported by the U.S. Department of Energy (DOE) Office of Science and managed by the University of California. Employing approximately 5,200 scientists, engineers, and support staff to conduct unclassified research across a wide range of scientific disciplines. The lab hosts an average of 19,000 visitors annually, including U.S. citizens and foreign nationals. Additional on-site contractors, visiting researchers, students, and other guests frequent the LBNL campus in part to use or support the five National User Facilities: the Advanced

Light Source, Energy Sciences Network, Joint Genome Institute, Molecular Foundry, and National Energy Research Scientific Computing Center in addition to the other on-site and off-site user facilities. The main campus consists of approximately 226 facilities and structures, of which approximately 82 are occupied by LBNL staff, researchers, or visitors.

The laboratory, in some very controlled settings, does use extremely toxic hazardous materials for research and development. Quantities are typically low, and the lab employs fire and hazardous materials safety personnel to ensure best practice mechanical controls are used to prevent a sustained, dangerous release. However, a catastrophic accident could occur that could spread downwind beyond a parking lot buffer and into other lab buildings, the UC campus, or the City itself. The lab and its fire department contractor, along with the Berkeley Fire Department, are trained and have plans for such a rare occurrence.

In addition to having on-site emergency assessment and response teams, LBNL contracts with the Alameda County Fire Department (ACFD) for on-site fire and EMS services, including a full ACFD hazardous materials response team that coordinates closely with facility staff and the Department's Hazardous Materials Response Team. All hazardous materials and processes are regularly screened for quantity, toxicity, and dispersibility, and comprehensive emergency plans developed to largely mitigate risks to the interior of an affected building in conformance with federal Emergency Management Program requirements, however a worst-case scenario could potentially affect eastern Berkeley including the UC campus.

Transportation-Related Hazardous Materials

The City also has transportation-related hazardous material risk because of its road transportation network, including State Routes 13 and 123, and Interstate 80, with heavy daily truck traffic volume, many carrying hazardous commodities, as summarized in the following table.

Table 45—Average Annual Daily Truck Traffic

Highway	Crossing	AADT[1]	Truck AADT by Axles				Percentage of Truck AADT by Axles			
			2	3	4	5+	2	3	4	5+
SR 13	SR 123	758	522	123	26	86	68.87%	16.23%	3.43%	11.35%
I-80	SR 13	10,438	3,655	1,041	416	5,327	35.02%	9.97%	3.99%	51.03%
SR 123	SR 13	431	338	53	8	32	78.42%	12.30%	1.86%	7.42%
	Total	**11,627**	**4,515**	**1,217**	**450**	**5,445**	**38.83%**	**10.47%**	**3.87%**	**46.83%**

[1] Average Annual Daily Trips
Source: California Department of Transportation (2020)

There is also a Union Pacific railroad line running generally north/south between Interstate 80 and State Route 123, and it is reasonable to assume that some railcars are transporting hazardous commodities.

Population Density

Because hazardous material emergencies have the potential to adversely impact human health, it is logical that the higher the population density, the greater the potential population exposed to a hazardous material release or spill. As shown in Map #2 Population Density by Block Group (**Volume 2—Map Atlas**), the population density within the City ranges from less than 5,000 to more than 40,000 people per square mile.

Vulnerable Populations

Persons vulnerable to a hazardous material release/spill include individuals or groups unable to self-evacuate, generally including children under the age of 10, the elderly, and persons confined to an institution or other setting where they are unable to leave voluntarily. As shown in Table 33, slightly more than 22 percent of the population is under age 10 or is 65 years of age and older.

Emergency Evacuation Planning, Training, Implementation, and Effectiveness

Another significant hazardous material impact severity factor is a jurisdiction's shelter-in-place / emergency evacuation planning and training. In the event of a hazardous material release or spill, time can be a critical factor in notifying potentially affected persons, particularly at-risk populations, to either shelter-in-place or evacuate to a safe location. Essential to this process is an effective emergency plan that incorporates one or more mass emergency notification capabilities, as well as pre-established evacuation procedures. It is also essential to conduct regular, periodic exercises involving these two emergency plan elements to evaluate readiness and to identify and remediate any planning or training gaps to ensure ongoing emergency incident readiness and effectiveness.

Through Berkeley Ready, the Department's Office of Emergency Services (OES) coordinates a suite of programs to build and maintain community disaster resilience. For example, OES maintains real-time online evacuation maps that are accessible to the public and provide incident location(s), evacuation route(s), and temporary evacuation shelter locations.[27]

In addition, the City participates in AC Alert, a free subscription and reverse 9-1-1-based mass emergency notification system that can provide emergency alerts, notifications, and other emergency information to email accounts, cell phones, smartphones, tablets, and landline telephones. The City also utilizes social media, Wireless Emergency Alerts (WEA), local AM and

[27] https://community.zonehaven.com

FM radio stations, and local television outlets to provide timely emergency information and alerts. OES has established 78 pre-designated geographic evacuation zones within the City, and AC Alert emergency notification messages can be issued by numerous designated OES, City Manager's Office, and Fire and Police Department personnel down to the supervisor level. OES also conducts ongoing Emergency Operations Center training as needed and strives to conduct a full EOC exercise at least annually.

Hazardous Material Service Demand

The Department responded to 565 hazardous material incidents over the study period of three reporting years, comprising 1.31 percent of total service demand over the same period, as summarized in the following table.

Table 46—Hazardous Material Service Demand

Hazard	Year	Risk Planning Zone								Total	Percent Total Annual Demand
		Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7	Other		
Hazardous Material	RY 18/19	33	33	20	26	41	19	7	9	**188**	1.22%
	RY 19/20	32	35	19	18	43	42	10	5	**204**	1.37%
	RY 20/21	20	33	20	17	38	29	9	7	**173**	1.33%
Total		**85**	**101**	**59**	**61**	**122**	**90**	**26**	**21**	**565**	**1.31%**
Percent Total Station Demand		1.24%	1.26%	1.23%	1.52%	1.19%	1.66%	1.73%	0.89%		

As the table shows, hazardous material service demand varies significantly by planning zone and was generally consistent over the three reporting years analyzed within this study.

Hazardous Materials Risk Assessment

The following table summarizes Citygate's assessment of the City's hazardous materials risk by planning zone.

Table 47—Hazardous Materials Risk Assessment

Hazardous Materials Risk	Risk Planning Zone						
	Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7
Probability of Occurrence	*Probable*	*Probable*	*Probable*	*Probable*	*Probable*	*Probable*	*Possible*
Probable Impact Severity	*Moderate*	*Moderate*	*Major*	*Moderate*	*Moderate*	*Moderate*	*Major*
Overall Risk	***Moderate***	***Moderate***	***High***	***Moderate***	***Moderate***	***Moderate***	***High***

A.1.13 Technical Rescue Risk

Technical rescue risk factors include active construction projects; structural collapse potential; confined spaces, such as tanks and underground vaults; bodies of water, including rivers and streams; industrial machinery use; transportation volume; and earthquake, flood, and landslide potential.

Construction Activity

There is ongoing residential, commercial, industrial, and infrastructure construction activity occurring within the City.

Confined Spaces

There are multiple confined spaces within the City, including tanks, vaults, and open trenches.

Bodies of Water

Bodies of water within the City include San Francisco Bay and smaller ponds, creeks, and seasonal waterways.

Transportation Volume

Another technical rescue risk factor is transportation-related incidents requiring technical rescue. This risk factor is primarily a function of vehicle, railway, maritime, and aviation traffic. Vehicle traffic volume is the greatest of these factors within the service area, with State Routes 13 and 123 and Interstate 80 carrying an aggregate annual average daily traffic volume of more than 278,000 vehicles, with a peak-hour load of more than 20,000 vehicles.

Earthquake Risk[28]

A significant earthquake event is one of the hazards of greatest concern to the City, with a high probability of occurrence and the potential for widespread damage. There are several known and potentially undiscovered faults in Alameda County, including the Hayward Fault with three fault segments, the San Andreas Fault with ten fault segments, and the Northern Calaveras and Greenville Faults.

Numerous destructive earthquakes have occurred historically in the greater San Francisco Bay Area region, and the U.S. Geological Service (USGS) predicts a 72 percent probability of one or more Magnitude 6.7 or greater earthquakes over the next 21 years.

[28] Source: 2019 City of Berkeley Hazard Mitigation Plan, Section B.5.

Flood Risk[29]

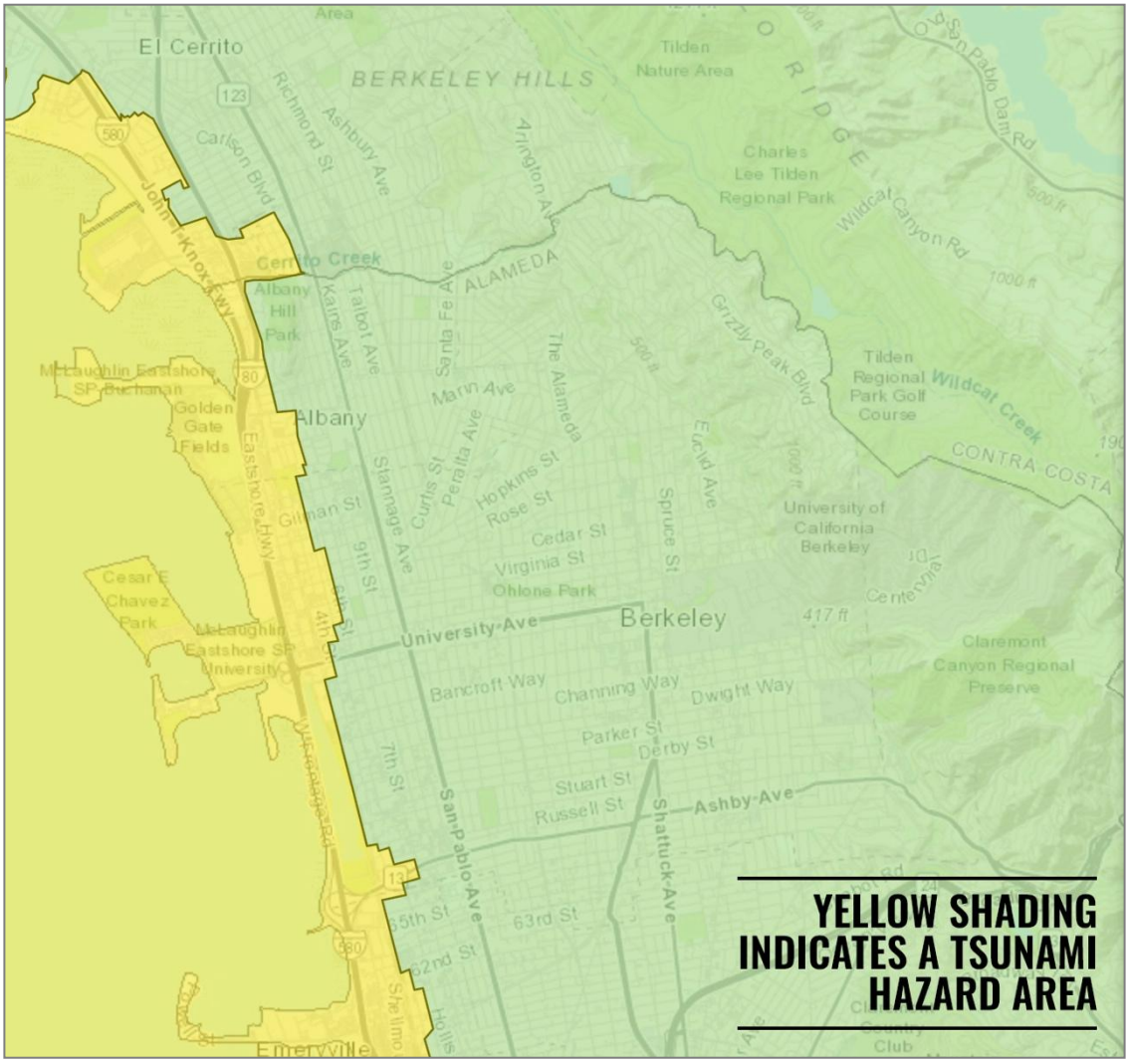
Some areas of the City are subject to minor flooding hazard, primarily from local creek flooding and storm drain overflow along the western edge of the City adjacent to San Francisco Bay, the low-lying areas between Harrison Street and Dartmouth Street, and some areas of the UC Berkeley campus.

Tsunami Risk[30]

Tsunamis affecting the Bay Area can result from offshore earthquakes within the Bay Area, or from more distant events. While it is most common for tsunamis impacting the Bay Area to be generated by faults in Washington and Alaska, local tsunamis can be generated from local underwater faults. While tsunamis entering San Francisco Bay are rare, a March 2011 tsunami event resulted in a half-meter-tall surge and $158,000 damage to boats and docks in the Berkeley Marina. The following map shows the areas of the City potentially subject to inundation from a tsunami event.

[29] Source: 2019 City of Berkeley Hazard Mitigation Plan, Section B.8.
[30] Source: 2019 City of Berkeley Hazard Mitigation Plan, Section B.9.

Figure 29—Tsunami Inundation Zones



Source: California Department of Conservation Tsunami Maps (Updated 2022)

Technical Rescue Service Demand

Over the three-year study period, there were 224 technical rescue incidents in the City comprising 0.52 percent of total service demand, as summarized in the following table.

Table 48—Technical Rescue Service Demand

Hazard	Year	Risk Planning Zone								Total	Percent Total Annual Demand
		Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7	Other		

Technical Rescue	**RY 18/19**	10	14	14	6	18	11	2	9	**84**	0.55%
	RY 19/20	8	19	13	3	19	8	0	3	**73**	0.49%
	RY 20/21	16	12	4	4	15	14	0	2	**67**	0.52%
Total		**34**	**45**	**31**	**13**	**52**	**33**	**2**	**14**	**224**	**0.52%**
Percent Total Station Demand		0.50%	0.56%	0.65%	0.32%	0.51%	0.61%	0.13%	0.60%		

Technical Rescue Risk Assessment

The following table summarizes Citygate's assessment of technical rescue risk by planning zone.

Table 49—Technical Rescue Risk Assessment

Technical Rescue Risk	Risk Planning Zone						
	Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7
Probability of Occurrence	*Possible*	*Probable*	*Possible*	*Possible*	*Probable*	*Possible*	*Unlikely*
Probable Impact Severity	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*	*Moderate*
Overall Risk	***Moderate***	***Moderate***	***Moderate***	***Moderate***	***Moderate***	***Moderate***	***Low***

A.1.14 Marine Incident Risk

Marine incident risk factors include water and near-shore recreational activity, and watercraft storage and use in or on City waterways. Marine incidents include watercraft fires, searches for person(s) in water, and water and watercraft rescues.

Waterways

The primary bodies of water in the City are San Francisco Bay and Aquatic Park.

Berkeley Marina

The Berkeley Marina, located on the western side of the City adjacent to San Francisco Bay, has approximately 925 slips accommodating boats up to 80+ feet in length.

Recreational Activity

The Berkeley waterfront / San Francisco Bay is a popular destination for near-shore and open water recreational activities, including boating, swimming, snorkeling, diving, fishing, etc.

Marine Incident Service Capacity

The Department's marine incident service capacity includes up to 24 personnel certified by State Fire Training as Open Water Rescue swimmers, a 27-foot aluminum fire boat, and one rescue watercraft.

Marine Incident Service Demand

Over the three-year study period, the Department responded to 40 marine incidents comprising 0.09 percent of total service demand over the same period as shown in the following table.

Table 50—Marine Incident Service Demand

Hazard	Year	Risk Planning Zone								Total	Percent Total Annual Demand
		Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7	Other		
Marine Incident	RY 18/19	0	0	0	0	0	10	0	2	**12**	0.08%
	RY 19/20	4	0	0	1	0	8	0	0	**13**	0.09%
	RY 20/21	3	0	0	0	0	10	0	2	**15**	0.12%
Total		**7**	**0**	**0**	**1**	**0**	**28**	**0**	**4**	**40**	**0.09%**
Percent Total Station Demand		0.10%	0.00%	0.00%	0.02%	0.00%	0.52%	0.00%	0.17%		

Marine Incident Risk Assessment

The following table summarizes Citygate's assessment of the City's marine incident risk by planning zone.

Table 51—Marine Incident Risk Assessment

Marine Incident Risk	Risk Planning Zone						
	Sta. 1	Sta. 2	Sta. 3	Sta. 4	Sta. 5	Sta. 6	Sta. 7
Probability of Occurrence	*Possible*	*Rare*	*Rare*	*Unlikely*	*Rare*	*Possible*	*Possible*
Probable Impact Severity	*Moderate*	*Minor*	*Minor*	*Minor*	*Minor*	*Moderate*	*Minor*
Overall Risk	***Moderate***	***Low***	***Low***	***Low***	***Low***	***Moderate***	***Low***

CITY OF BERKELEY

BERKELEY FIRE DEPARTMENT MASTER PLAN

VOLUME I

DRAFT MAY 08, 2023

SIEGEL & STRAIN Architects

MARY MCGRATH | ARCHITECTS

The Berkeley Fire Department protects life, property, and the environment through emergency response, prevention, and community preparedness.

In 1877, the year before Berkeley incorporated as a town, several West Berkeley residents banded together to form a volunteer hose-and-bucket brigade. On August 21, 1882, the Berkeley Board of Town Trustees officially recognized Beacon #1 Fire Company as the Volunteer Fire Department. A 1,000-pound bell was installed in the nearby Church of the Good Shepherd tower to serve as both a church bell and fire alarm. The Town Trustees established the Paid Fire Department on October 1, 1904. James Kenney was appointed the first fire chief. Ironically, Town Hall burned down on October 22, just a few weeks later, after attic wires sparked a blaze.

For over 100 years the Berkeley Fire Department organization has built an unmatched legacy of trust in the community. The core of the Department's strength comes from its members' fundamental commitment to excellent customer service, high professional standards and their commitment to one another.

Today, the Department provides 24-hour response to emergencies including fires, medical emergencies, hazardous materials events, technical rescue, utility emergencies, water rescue, disaster response, active shooter, vehicle extrication, and other life-threatening situations.

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A. EXECUTIVE SUMMARY

THE PURPOSE OF THE BERKELEY FIRE DEPARTMENT MASTER PLAN (FDMP) is to provide City leaders with a ten-year strategic approach for addressing the City's aging, undersized, and outdated essential facilities to meet today's needs and anticipated demands on Berkeley's fire and emergency services. The Berkeley Fire Department Master Plan recommends a series of facility improvements necessary to support its mission, comply with building codes and industry standards, and align with best practices in ways that are fiscally responsible in fulfilling the forward-looking mission of the Berkeley Fire Department.

THE EVOLVING AND EXPANDING MISSION of the Berkeley Fire Department has led to many changes within the Department's response and delivery since its founding in 1904. The range of operational factors facing the larger firefighting community and the world, and within BFD has increased significantly over time. These operational changes include:

- Increased local call volume from 6,300 annual calls in 1995 for structural fires and medical emergencies to 16,000 annual calls in 2022 for a broad range of emergencies. The volume of daily calls in one 24-hour period in March 2023 due to an extreme weather event was 292 calls, compared to an average of 44 daily calls in 2022.
- Apparatus have grown in size in order to accommodate firefighters and the equipment necessary to accomplish the modern all-hazards mission of the fire service. The type and number of specialty units, such as those for wildland engines, ambulances, off-road vehicles and boats, has also increased.
- Best practices for fire stations have evolved to include space layouts that limit firefighters' exposure to carcinogens. This includes dedicated turnout and decontamination rooms, dedicated fitness rooms, airlock separation between apparatus bays and living quarters, and reorganized circulation.
- The City of Berkeley and the BFD are dedicated to moving towards an all-electric infrastructure. Electrification of both the stations and the apparatus is a future goal of the Department to support the health of firefighters and the larger community, and to reduce carbon emissions.
- The diverse and inclusive workforce of the Department calls for increased privacy and accessibility within the stations. Gender neutral restrooms, single occupancy bedrooms, and dedicated offices for supervisors are needed. Americans with Disability Act (ADA) and other local laws also dictate that the stations be accessible for both the community and the firefighters.

These internal and external changes can no longer be accommodated within the existing fire stations and support facilities. Volume II of this Master Plan outlines specific station needs and proposes modifications necessary to bring each of the stations into alignment with codes, industry standards, and the Berkeley Fire Department mission and culture.

FACILITIES EXISTING CONDITIONS: Most of Berkeley's fire stations were built in the 1960's and received seismic upgrades in the 1990's. The Training Facility was built in 1996, the Public Safety Building in 2000, and Station 7 in 2006. Based on existing conditions assessments, the FDMP team found that since their original construction, most BFD facilities have undergone some modifications but not to the extent necessary to properly house modern apparatus, equipment, additional units and new staff, nor to meet current policy, codes and health, safety and inclusion standards. Additionally, many of the stations house outdated features (such as hose drying towers) and hinder healthy environmental practices (such as physical training in apparatus bays). Without further renovation, replacement or relocation, the stations will continue to fall short of addressing the present-day needs and expanding and changing operational demands.

BFD is approaching an acute situation of not being able to meet the expressed needs of the community due to a lack of adequate facility space.



MASTER PLAN SITES: The FDMP scope includes ten (10) properties used by the Berkeley Fire Department:

- Seven (7) fire stations
- Division of Training
- Headquarters
- Warehouse on Folger/Heinz

APPROACH AND RECOMMENDATIONS: The FDMP team walked all ten properties used by the Fire Department and reviewed provided documentation relevant to the structures and programmatic needs. With each facility, the FDMP team first sought the most fiscally conservative renovation approach to accommodate the evolving mission, changes to staffing and adoption of best practices at each site. When these planning priorities could not be met through renovation, the FDMP team looked at accommodating operational needs with a new structure on either existing or expanded sites. In instances where renovation or new construction on existing or expanded sites was not feasible, the team recommended relocation to a new site.

Fire Stations 3, 6, and 7 - RENOVATION AND EXPANSION
These stations and their sites are of a size and configuration that can be expanded and operationally upgraded in their current locations, substantially reducing project costs compared to new construction.

Fire Stations 2, 4, and 5 - REPLACEMENT ON SITE
These fire stations are too small for current and projected needs and require replacement to accommodate the expanded mission, increased staffing, larger and more apparatus, and safe operating conditions. The existing sites of Station 2 and 5 are of ample size to accommodate new larger stations. The proposal at Station 4 includes an expansion into the adjacent roadway, yielding substantial cost savings over what would otherwise be incurred with relocation.

Fire Station 1 - RELOCATION
The current Station 1 building and site are too small to accommodate the increase in staffing and the new units needed within this response area. The existing and expanded Fire Station 1 units and operations are proposed to be relocated to a new site (yet to be identified) within the response area.

Fire Administration - RELOCATION
The administration functions including recently expanded staffing across most divisions, the newly established Wildland Urban Interface (WUI) Division, and the needed ambulance deployment center do not fit in the currently designated spaces within the Public Safety Building at 2100 Martin Luther King Jr. Way. This Master Plan includes a preliminary spatial program for a BFD Headquarters in a larger location.

Fire Training Center - RELOCATION
The existing Training Center on Cedar Street no longer supports the training needs of a modern fire department. The site is undersized and located in a residential neighborhood, which has created an untenable situation for neighbors and unrealistic limitations on the type of training events that can be conducted, the hours that training can occur, and the parking needs for trainers and trainees. BFD is currently collaborating with Albany, El Cerrito, and Richmond Fire Departments to identify appropriately sized and zoned sites that could be shared by the jurisdictions. A portion of the current training site at Cedar Street will be used for the expansion of Station 6. The remaining training building could be modified for use as a meeting hall and for staff accommodations during unplanned fluctuations in service demand due to emergencies such as wildfire urban interface fire events, extreme climate events, and seismic events.

Fire Warehouse - REMODEL
The existing Warehouse located at 1011 Folger, although small, remains useful as a central supply depot and overflow storage for reserve and specialty apparatus. A project is currently underway to add office space inside the warehouse to make the facility more usable.


PROBATIONARY
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BERKELEY

B. BFD MASTER PLAN BACKGROUND

In 2021, the Berkeley Fire Chief and the Public Works Director, both new to their positions, realized that there was not a long-term plan that evaluated the current state of Fire Department facilities or provided a roadmap for known or projected renovation or replacement. They identified the need to create a Fire Department Master Plan (FDMP). This plan is one of five foundational studies that the Berkeley Fire Department (BFD) has undertaken over the last few years which collectively aim to provide a clear set of priorities that the City can use over the next years to guide improvements. The other foundational efforts are:

Berkeley's Community Wildfire Protection Plan (CWPP), initiated in 2022, will organize a community's efforts to protect itself from wildfire, and empower citizens to move in a cohesive, common direction. This includes goals for improving wildfire response, community preparedness, fuel management, infrastructure, ignition reduction, home hardening, and more. The CWPP draft plan is currently under review with a final plan to be adopted in spring of 2023.

Standards of Coverage and Community Risk Assessment Study (SOC), conducted in 2022-2023 defined appropriate levels of service based on a comprehensive analysis of a number of factors: historical performance; expectations; existing and projected community risk factors, hazards, population growth and aging, topography, the density and vertical growth of the build environment; and performance as compared to national standards and best practices. The report outlines five strategies to improve acute emergency response time, four of which have spatial implications for the fire stations that have been addressed by the FDMP. These include: increase in the number of ambulances; creation of a Mobile Integrated Paramedic (MIP) program; increase of staffing on key engines; and addition of a second Battalion Chief.

Internal Berkeley Fire Department Reorganization, which started in 2015, is a comprehensive re-organization of the Department designed to result in a more efficient response system, strengthen the existing culture that is community and employee centric, create pathways from the community to career positions, and build an organization that is better able to respond to the changing needs and risk of our community. These priorities are accounted for in the FDMP by proposing reconfigurations to stations to better serve both the community and the BFD.

Dispatch Needs Analysis (DNA), in December of 2021 the Department contracted with Federal Engineering Inc. to conduct a comprehensive needs assessment of the Berkeley Communications Center in response to City Council's request to enhance operations to meet the community's growing needs under the omnibus reimagining package. The project will examine existing dispatch capabilities and the City's goals to develop a path forward on how to triage calls, divert non-emergency calls—including mental health calls—to appropriate resources, and implement the delivery of emergency medical instructions to callers. Federal Engineering Consultants' work will result in a wide-ranging plan that recommends adjustments to staffing, hardware and software, implementation of pre-arrival and emergency medical dispatch systems, diversion of sub-acute calls to the most appropriate resource, training for dispatchers, and dispatch center facilities.

Kitchell Facilities Condition Assessment, completed in August of 2021, documents the existing conditions of the ten BFD facilities owned by The City of Berkeley. The object of the assessment was to understand the deficiencies of the buildings, proposed maintenance and corrections, and create budgets for the work at each facility. The assessment report also includes a facility condition needs index that is accounted for in the FDMP.

Each of these four studies articulate goals and aspects that impact BFD facilities and, as such, have influenced the Berkeley Fire Department Facilities Master Plan and its planning process.



C. FACILITIES MASTER PLAN PURPOSE & GOALS

THE PURPOSE of this Fire Department Master Plan (FDMP) is to provide the City of Berkeley leaders and policy makers with a multi-year strategic approach for addressing the City's aging, undersized, and outdated essential facilities to meet today's needs and anticipated demands on Berkeley's fire and emergency services.

The FDMP recommends a series of renovations and replacement of the Fire Department's critical facilities needed to support its mission, comply with building codes and industry standards, and align with best practices in ways that are fiscally responsible and fulfill the forward-looking mission of the Berkeley Fire Department.

As a planning tool, this document is meant to help prioritize and inform capital improvement decisions necessary for the City to develop a funding and implementation plan.

SPECIFIC PLANNING GOALS for Fire Department Master Plan focus on:

1. Improving, expanding and/or replacing each of the City's fire stations so that they support current fire operations and have flex capacity as the mission of the fire service evolves both in day-to-day call volume and in the event of major disasters.

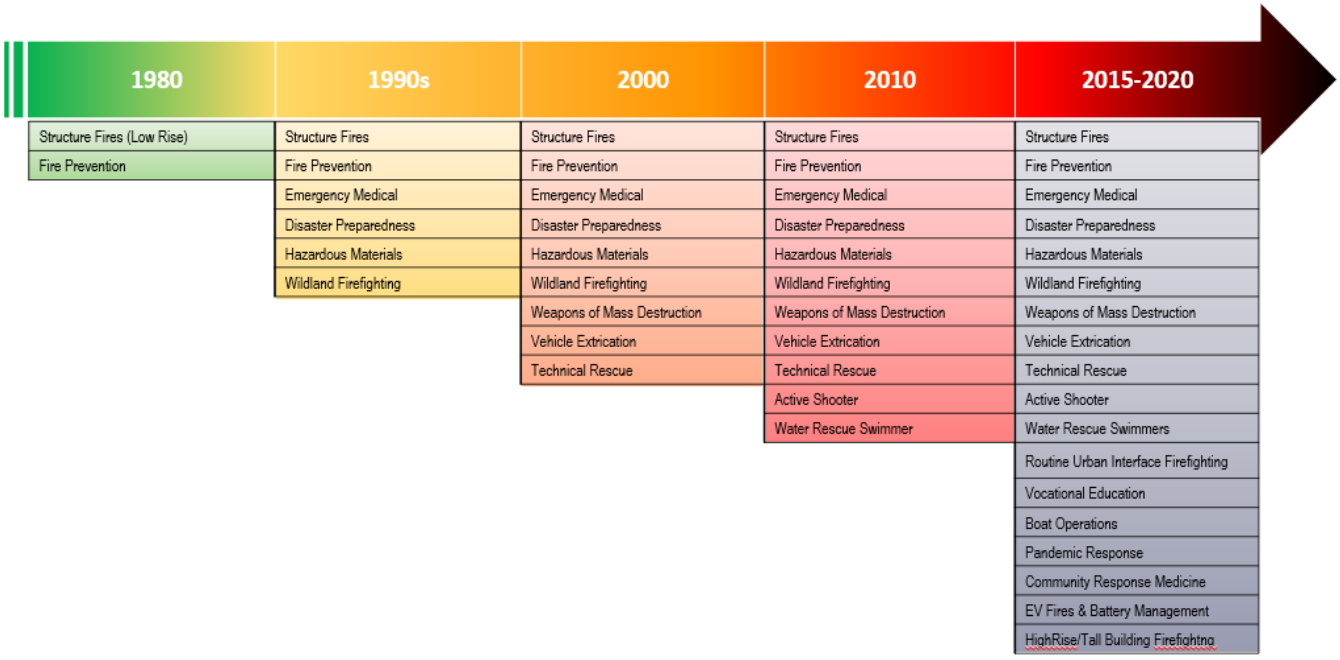
2. Integrating improved health, safety and personnel needs of the first responders, including reduced exposure to carcinogens, into the design and operations of Fire Department facilities.

3. Relocating current and expanding Fire Department Headquarters functions to a facility that can accommodate growing needs including: a fully functional office setting for fire department support; an Emergency Operations Center (EOC) which can be used as a conference room or classroom outside of emergency conditions; and a deployment center for additional ambulances.

4. Identifying a suitable location for the delivery of future proposed integrated community health programs which provide resources for the under-insured and other high-volume system users that require services other than ambulance trips and emergency room visits.

5. Developing facilities improvement proposals that are adequate and appropriate in meeting and not exceeding established needs through renovation where feasible, or relocation or replacement where renovation is not feasible. The development improvements must demonstrate the trust the Fire Department has established with the community and be respectful of the public funds.

EVOLVING BERKELEY FIRE DEPARTMENT MISSION



The Berkeley Fire Departments mission and responsibilities have evolved and expanded over the last 50 years.

D. OPERATIONAL CHANGES

BFD is approaching an acute situation of not being able to meet the expressed needs of the community due to a lack of adequate facility space required to accommodate a number of operational changes. Only few of these needs have been properly considered or addressed in the Department's budget or space allocations. This Master Plan chapter documents the drivers behind the space needs, and Volume II documents high-level space plans that address these needs.

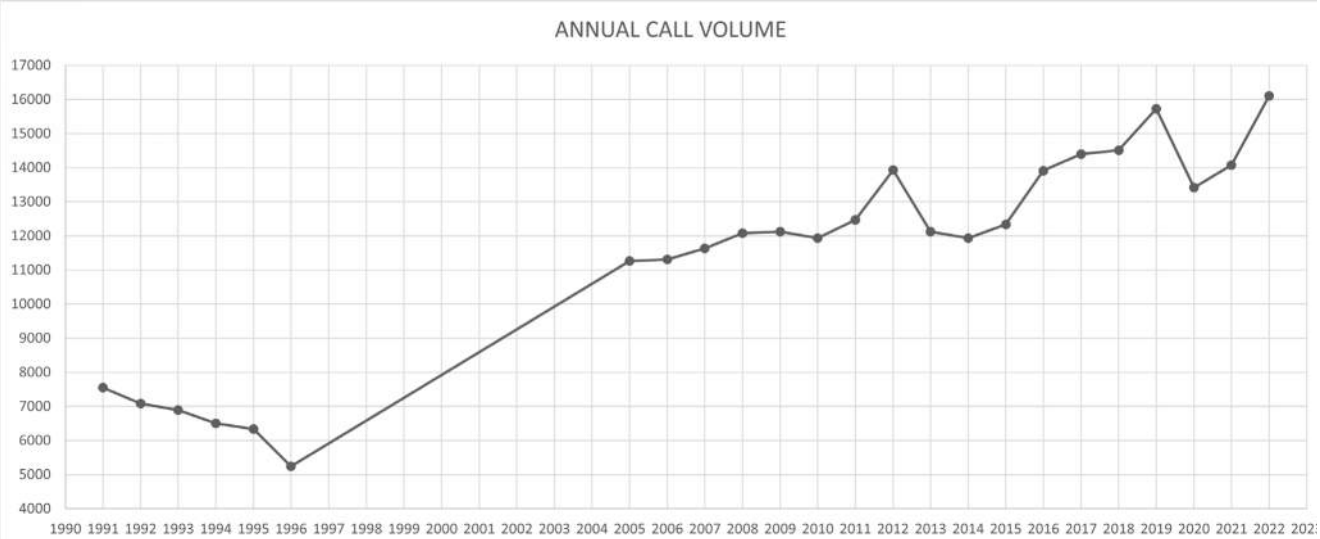
EVOLVING MISSION: The work of fire departments is constantly evolving and expanding. In most fire departments today, putting out fires is just a small part of a day's work. External and internal factors alike have influenced the arc of BFD's evolving mission.

Over the years well-intentioned fire administrators and firefighters alike have seen a natural logic in tasking themselves with response capabilities motivated by the instinct to be ready to mitigate anything life throws at the Berkeley community. In the 1970s doctors home from the war in Vietnam introduced emergency medicine into firefighting. Hazardous materials response emerged in the 1990s. BFD's water rescue unit emerged from the bottom up in the early 2000's when firefighters jumped in the Bay in their underwear to rescue a drowning civilian. The number of specialty disciplines that BFD has taken on since with little to no training or infrastructure support is simultaneously impressive and staggering. While firefighters are now properly cross-trained, the stations do not have adequate space or support functions to accommodate these specialty first responder units and the added apparatus, equipment, personnel, and training requirements that come with.

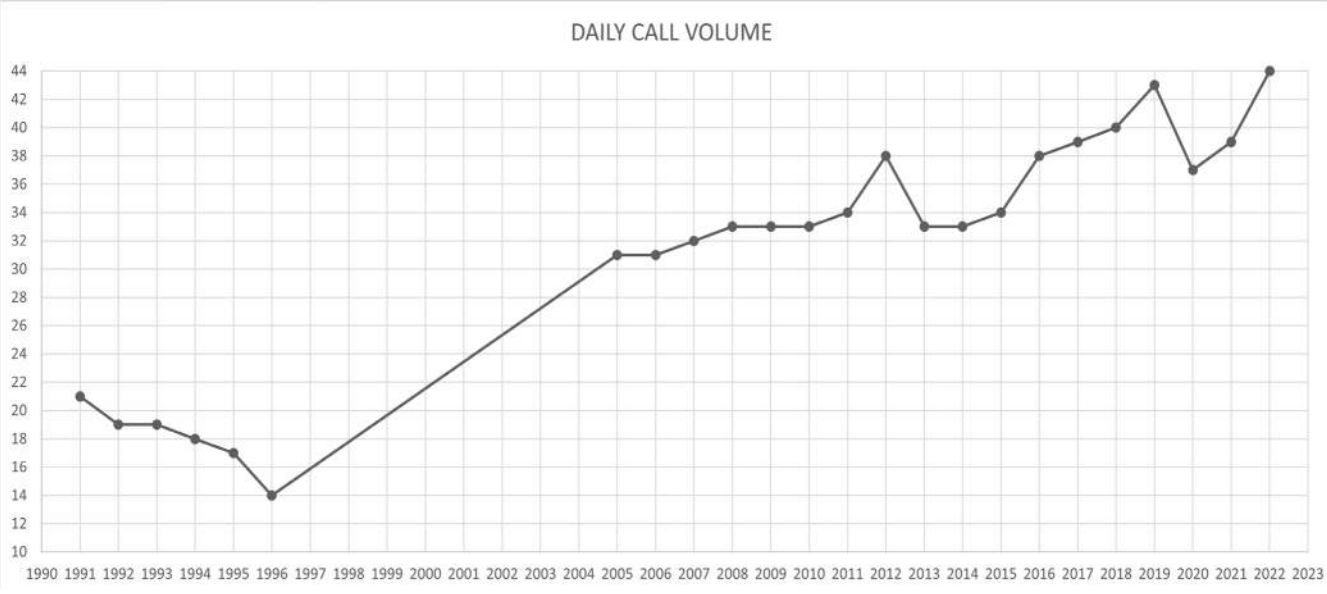
This ever-expanding mission increase can be problematic, stretching resources thin and diluting firefighters' ability to be proficient at any discipline. Nonetheless, adding these disciplines to the Fire Department's scope makes sense from a service model and fiscal perspective. The alternative would likely require establishing a new department or division, adding even more staffing and infrastructure needs.

The ripple effect this evolution of BFD's mission has had on all aspects of the organization is substantial: an increase in specialized types of apparatus and equipment; more equipment on apparatus and a reciprocal increase in apparatus size; more on-duty staff to dispatch and respond to emergencies; more support staff to conduct plan checks and to educate residents in prevention, disaster preparedness and enhanced wildfire safety; and expanded training to cover more area-specific hazard types. All of these mission-critical aspects have space implications.

CALL VOLUME: Since its establishment in 1904, the Berkeley Fire Department (BFD) has evolved to respond to all manner of emergencies and hazards. Using call volume as a key metric for assessing fire department needs, in 1995 the BFD responded to 6,300 annual calls-for-service, mostly structure fires and medical emergencies. In 2022 the annual call volume was over 16,000 calls – or an average of 44 calls a day – for a much broader range of emergencies compared to prior years.



Daily call volume, which also drives the staffing required in the firehouses, has also recently experienced dramatic fluctuations due to extreme weather conditions and climate change, which is an emerging risk. BFD recently set two daily records: on January 4, 2023, the Department received 80 calls, nearly double the daily average; and less than three months later the Department received a dramatic 292 calls for service spanning a 24-hour period between March 21 to 22, demonstrating that demand for BFD services is ever-evolving and consistently trending higher.



EXTREME WEATHER EVENTS: According to a 2023 United Nations climate change report, human-caused climate change is already affecting weather and climate extremes in every region across the globe. These extreme events are leading to the increased demand for fire department services. The two weather events which are major contributors to increased call volumes for the BFD are wildfires and atmospheric rivers. Climate change projections predict that atmospheric rivers will become the main source of precipitation in western North America. This will lead to an even more pronounced "flood or drought" climate in California. The prevalence of major wildfires in drought years and the prevalence of ground saturation and flooding in wet years will impact the fire department.

The record breaking call volume days of January 4th, 2023 and March 21-22, 2023 were both during an atmospheric river event. Moving forward the BFD will need space to provide emergency accommodations for additional staff during these surges in demand.

RESPONSE AND DELIVERY CHANGES: The City has changed substantially over the last 20 years, transitioning from a suburban, mostly single-story, single-family residential community to a dense, urban, vertically-oriented community. Berkeley is now the second most dense city of the top 51st most populated cities in California, behind San Francisco.

The Standards of Coverage (SOC) analysis prepared by Citygate observed "… *that the Department is organized only to accomplish 'yesterday's mission' and is struggling to meet current demand, much less the future growth of the City and University."* Relative to the FDMP, the SOC goes on to explain that *"The ongoing intensification of land uses, building heights, and population density will make several sections of the City very urban—typical of the largest metropolitan cities for building fire and rescue/EMS challenges. The cumulative effect of these projects around the City necessitates a shift in staffing and response models as well as an increase in the flexibility of emergency medical resources. The City's fire and ambulance programs must evolve to those suitable for a major urban fire department in staffing, unit types, and facility locations. Citygate acknowledges this will not only be costly but also very difficult to find new locations for responders*."

Changes in local policies have also driven increases in density and vertical orientation of the City and committed the City to providing services to the unhoused and to those with psychiatric emergencies. However, there have not been correlating modifications to the Fire Department facilities or staffing over that same period of time to address these changes. As a result the City, including the Fire Department, is now faced with a large, acute gap between community need and service expectation, and what the Department's infrastructure can accommodate.

RECOMMENDATIONS FROM RECENT EFFORTS: The Standards of Coverage study, the re-shaping of the organization following the passage of Measure FF, the implementation of the department reorganization, and the Dispatch Needs Analysis have spatial repercussions on stations and administration headquarters, the most significant being:

- Adding ambulances to recover and maintain Unit Hour utilization and response times.
- Adding a Mobile Integrated Health program similar to the Department's pilot Mobile Integrated Paramedic (MIP) program.
- Deploying the Wildfire Urban Interface (WUI) Division.
- Adding staff to support the modern mission of the Divisions of Training, Emergency Medical Services (EMS) and Fire Prevention.
- Increasing the size of the dispatch center for triaging increased call volume, appropriately handling calls for psychiatric emergencies, and delivering pre-arrival instructions.
- Adding a future Battalion Chief.

> Increasing full-time staff on six of nine fire companies from three to four personnel (and the remaining three companies from three to four personnel during high-fire danger days) to address changing risk and demand arising from new development in Berkeley and the implications of climate change on our natural environment.



APPARATUS AND SPECIALTY UNITS: To support the evolving mission and modern safety regulations, BFD apparatus have grown in size. In the past, fire department personnel rode on the rear tailboard of an engine, uncovered and unprotected, causing hundreds of firefighter injuries and deaths across the country. In addition to firefighters moving inside the cabs, apparatus have also grown in size to accommodate all the equipment necessary to accomplish the modern all-hazards mission of the fire service. Other specialty apparatus acquired to accommodate BFD's mission includes wildland engines, ambulances, off-road vehicles and boats, all of which need proper storage and maintenance facilities.

ELECTRIFICATION: The Department is actively researching electrification of its fleet to meet the City's long-term goals outlined in the Municipal Fleet Electrification Plan. According to current policy, any new construction in Berkeley is required to be all-electric. Going all-electric for buildings and the fleet will require significant revisions to the site power supply including:

> Changing the type of power entering the building (from single to three-phase in most instances)
> Increasing the electrical service to 800 or 1200 amps
> Installing solar arrays and energy storage systems

This move towards electrification improves health and safety at stations and addresses environmental considerations by:

> Improving indoor air quality by eliminating natural gas (for space and water heating, and cooking) in the buildings
> Decreasing fossil fuel reliance and carbon pollution by providing electric charging stations for fire department vehicles and apparatus, and staff's personal electric vehicles
> Employing clean energy sources while the power grid is up and during emergencies when it is down

City Council will need to provide direction to BFD as to whether fire stations should be electrified prior to a full remodel or replacement. Costs associated with both electrification and the purchase of these types of apparatus will be significant. The cost to electrify the stations will be approximately $400,000 each. Electrical apparatus are currently double the cost of a typical apparatus.



DECONTAMINATION: Significant health and safety concerns related to carcinogens from turnout gear and equipment, and the overall air quality at fire stations have long been identified as unsafe. Research spanning decades, continents, and more than 80,000 firefighters validates the connection between fire fighting and occupational cancer. Cancer is the most dangerous threat to firefighter health and safety today. The Department currently has five members with active cancer cases and five recent retirees with active cancer cases. These are only the reported cases and there are likely more which have not been reported.

- Cancer caused 66 percent of the career firefighter line-of-duty deaths from 2002 to 2019, according to data from the International Association of Firefighters (IAFF). Heart disease caused 18 percent of career LODDs for the same period.
- Cancer caused 70 percent of the line-of-duty deaths for career firefighters in 2016 (Smith, Cardiovascular Strain of Fire fighting and the Risk of, 2016).
- Firefighters have a 9 percent higher risk of being diagnosed with cancer and a 14 percent higher risk of dying from cancer than the general U.S. population, according to research by the CDC/National Institute for Occupational Health and Safety (NIOSH).

Firefighters' risks are significantly higher for some types of cancer than the general population, including:

- Testicular cancer – 2.02 times the risk (100% = double = 2 times)
- Mesothelioma – 2.0 times greater risk
- Multiple myeloma -1.53 times greater risk
- Non-Hodgkin's lymphoma – 1.51 times greater risk
- Skin cancer – 1.39 times greater risk
- Malignant melanoma – 1.31 times greater risk
- Brain cancer -1.31 times greater risk
- Prostate cancer – 1.28 times greater risk
- Colon cancer -1.21 times great risk and
- Leukemia – 1.14 times greater risk

Industry standards call for each structure/vehicle fire to be treated like a hazardous materials incident, including recommendations for firefighters to literally wash each other with special soap to remove carcinogens and to be placed out of service for additional decontamination measures following the incident. Personal Protective Equipment (PPE) needs to be properly bagged and decontaminated, and stations need facilities to keep PPE isolated from physical fitness and living areas as this equipment continues to off gas carcinogens and other toxins.

To reduce the prevalence of cancer in the workforce, best practice recommendations that the City must begin to implement are:

> Dedicated turnout rooms with personnel decontamination and turnout cleaning facilities
> Reorganized path of travel to and from the apparatus bay for decontamination between each call, setting up what is referred to as the "Hot, Warm and Cool" zone organization.
> Hands-free medical cleanup facilities
> Dedicated physical fitness rooms not in apparatus bays
> Airlock air separation between apparatus bay and the stations' living and office quarters
> Direct capture or similar vehicle exhaust systems in apparatus bays, an effort that was implemented in 2001

INCLUSION & PRIVACY CONSIDERATIONS: The fire service is a community-based organization and as such it is critical that the BFD staff reflects the makeup of the community it serves. This commitment to inclusion drives changes to the work environment and the facilities necessary in creating a safe workplace for a diverse workforce by increasing privacy and accessibility in living and office environments. Specific improvements include:

> Gender neutral restrooms
> Single occupancy bedrooms
> Dedicated Captains' offices
> Accessible accommodations



E. EXISTING FACILITIES

ORIGINAL CONSTRUCTION: Most of the Berkeley Fire Stations were built in the 1960's. The Training Facility was built in 1996, the Public Safety Building in 2000, and Station 7 in 2006.

The stations built in the 1960's were designed for a single engine and three personnel per shift. Additionally, at the time of original construction, each station design and site layout offered very little room for expansion or to accommodate future needs and an evolving mission.

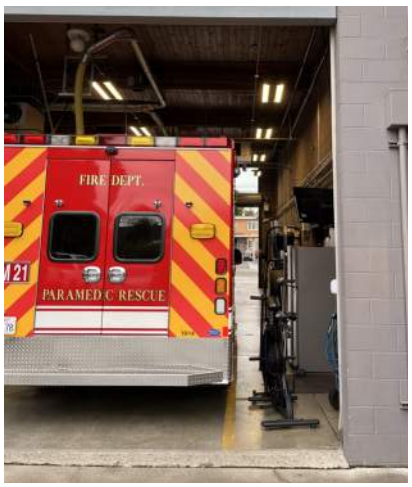
FACILITIES MODIFICATIONS: While the stations have not been significantly modified since they were built, they have been stretched to perform beyond their original design by simply squeezing in additional needs and services. Since their original construction in the 1960s, the older stations have been renovated to accommodate:

- Three ambulances when the service was established in 1977
- Two reserve ambulances and additional equipment when paramedic services were established in 1986
- Improved building seismic performance in the 1990s, following the 1986 Loma Prieta Earthquake
- Hazardous Materials Response apparatus and equipment in the 1990s
- A fourth ambulance and additional reserve ambulances in 2008 to partially meet increased call volume
- Water rescue apparatus and equipment in 2010
- Specialty wildfire apparatus and equipment over the past thirty years
- Disaster response supplies and equipment in the 1990s and 2000's
- A mobile emergency medical supervisor vehicle and staff in 2023

While the stations have undergone minor improvements and ongoing maintenance including, for example, lighting, kitchen and restroom upgrades, they have not been modified to the extent necessary to properly house modern apparatus and equipment, additional units and new staff. These expanded services have been accommodated by simply pushing the stations beyond their spatial capacity at the expense of properly addressing safety, health, and privacy (related to inclusion and diversity) protocols.

OUTDATED FACILITIES: As a result, the BFD stations are packed, outdated and potentially unsafe.

- Apparatus are parked inches away from roll up doors, creating narrow spaces for personnel to circulate.
- Towers, once necessary for drying cotton hoses, are now obsolete due to updated hose material technology.
- Exercise equipment is typically set up in apparatus bays adjacent to apparatus and personal protective equipment (or PPE) that off-gas diesel fumes and known carcinogens.







In 2021 the Berkeley Public Works Department, which is responsible for Berkeley public facilities maintenance, authorized Kitchell to prepare Facility Condition Assessments of each of the Stations and the Public Safety Building. The report found that in the short-term Fire Stations 1, 4, and 7 are in good condition, Fire Stations 2, 3, and 5 are in fair condition, and Fire Station 6 is in poor condition. In the longer-term Fire Station 1 will be in fair condition, Fire Station 7 will remain in good condition, and the rest will be in poor condition, meaning that in 15 years the bulk of the fire stations will be in poor condition.

Given the limited expansion space in stations and the fact that most Berkeley fire stations do not meet health and safety protocols or industry standards, many of the facilities are in need of major overhauls. Based on existing conditions and needs assessments, most BFD facilities are currently at or beyond capacity. Without significant expansion and modifications, they cannot be made hazards-ready nor can they support the evolving inclusive culture of the Berkeley Fire Department. Renovation or replacement or relocation is necessary to accommodate identified staffing and operational needs. Volume II of this Master Plan outlines specific station needs and proposes modifications necessary to bring each of the stations into alignment with codes, industry standards, and the Berkeley Fire Department mission and culture.



Turnouts, exercise equipment, and apparatus all in the same space do not meet current best practices.

F. METHODOLOGY

MASTER PLANNING TEAM: The Fire Department Master Plan (FDMP) effort has relied on a close working relationship with the Fire Chief, members of the command team and members of IAFF Local 1227. The consultant team includes:

- Architects with expertise in fire department facilities planning and design
- Economic planner who investigated mixed use facilities combining fire stations with residential uses
- Design specialists on the programing and conceptual design development of a regionally shared training facility

MASTER PLANNING SCOPE: The FDMP effort began in began in earnest in Feb 2022 and included the following tasks:

- Collecting and reviewing the provided existing construction documents for each station
- Visiting each site
- Conducting a kick-off meeting with Fire Department representatives
- Documenting the fire department's spatial program needs
- Developing alternative layouts for each station, with the goal of reusing, renovating and/or adding to existing buildings and sites. Where renovation and reuse options did not achieve the requisite goals of improved health, safety, and service, the planning team studied replacement options.
- Preparing high-level construction cost estimates
- Exploring implementation and phasing scenarios to determining how improvements might roll out

KEY TAKEAWAYS:
Primary findings thus far are that all uses fundamental to fire fighting, emergency medical service, training, rescue and prevention can be accommodated at the planned stations (including specialty units at a few specific stations), headquarters, and training center.

Given space constraints at the station sites, all new ambulances and integrated mobile health programs (MIP or similar) could not be accommodated at the stations without significant expansion which would substantially increase costs at each facility. Therefore, the FDMP team proposes that this service be part of a new BFD Headquarters.

Reserve apparatus are currently proposed by this master plan as stored outdoors at some of the fire stations which is not optimal. Ideally these apparatus would be stored indoors at a centrally located warehouse, which would free up more space at the fire stations and allow for more efficient maintenance regiment.

Adequate onsite parking for first responders' private vehicles during shift changes was a major design driver in the site plans and station design options. Adequate onsite parking for first responders' private vehicles is necessary at each site because most employees commute from outside the Bay Area from locations that lack mass-transit options. Once at work, often responders are required to move from one station to another with a hundred pounds of safety equipment in tow.

VOLUME II of this report outlines in greater detail the implications of these findings at each station, BFD Headquarters and the Training Center.


6

G. APPROACHES TO IMPROVEMENTS

RENOVATION APPROACH: For each station, the FDMP team first sought a renovation approach to accommodate the evolving mission, changes to staffing, and the adoption of best practice environmental controls by providing:

- Private sleeping rooms for all on-duty staff
- Gender-neutral restrooms
- Dedicated turnout storage and decontamination spaces
- Dedicated Fitness Room apart from the apparatus bay and vehicle exhaust
- Office space for on-duty supervisor(s)
- Increased size of common spaces – kitchen, dining and day rooms – to accommodate added staff
- Clear and safe paths of travel throughout stations
- Additional apparatus bays for future units at Stations 1 and 4
- Sufficient parking for staff
- Appropriate facilities for electrification of the fleet (solar, charging, storage, transformers, etc)

REPLACEMENT APPROACH – NEW CONSTRUCTION: When the aforementioned priorities could not be accommodated through renovation, the team then looked at accommodating all the operational needs in new structures on either existing, expanded or new sites.

MIXED USE CASE STUDY: The Fire Department leadership team had hoped that with the City's goals of increasing density and affordable housing, fire stations could be rebuilt along with residential units to maximize city property that is centrally located and close to transit hubs. To research this concept, economics planner Strategic Economics researched three mixed-use projects which combined housing and fire stations on a single site. The case study sites are:



Fire Station 13, San Francisco, CA



Potomac Yard, Alexandria, VA



Lincoln Towers, Wilmington, DE

Mixed Use Case Studies Findings: The major takeaway from these mixed-use case studies is that combining housing and fire services on the same property is not a common development approach and for good reason. California's seismic building codes are extremely stringent for public safety buildings making them difficult to pair with other uses. Given the costs associated with the seismic safety requirements for fire stations and other public uses, pairing affordable housing with a fire station is not cost-effective in Berkeley.

Where this was attempted locally in San Francisco for Station 13 located at 530 Sansome Street, the residential component is a luxury hotel plus commercial uses. These non-fire station uses were designed to be separated and independently structured from the fire station by cantilevering the building that housed them over the station. This solution is only financially viable due to its location in San Francisco's financial district where the private development will generate enough value to pay for extra construction costs without impacting the rates of return. The land value in Berkeley is not comparable to the land value in San Francisco and thus this approach would not be attractive to a developer.

The projects in Virginia and Delaware were made possible because of the massive tracts of land available to the developers. This allowed for large-scale development which offset the costs of the fire stations. This is also not possible in Berkeley due to the small amount of city owned land. Another takeaway from the case studies is that each project studied benefitted from having other funding sources in place prior to design and construction to offset costs.

The complete case study report prepared by Strategic Economics is included in this Master Plan's appendix.

H. DEVELOPMENT SCENARIO RECOMMENDATION

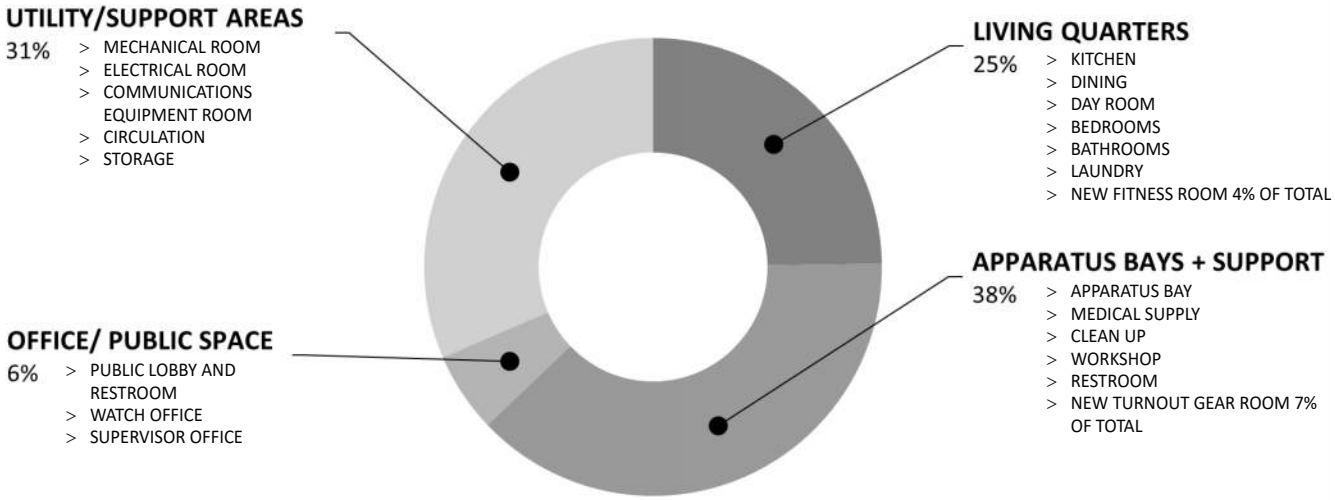
GUIDING PRINCIPLES: The following principles were established to inform the development of the Fire Department Master Plan.

1. All key operational efficiency and safety issues must be addressed.
2. In the station renovations, the addition of sleeping, dedicated turnout and fitness rooms are prioritized.
3. The plan prioritizes the replacement or renovation of the busiest stations first.
4. All additional ambulances or alternate response type programs (staff & vehicles) will be housed outside of the fire houses.
5. The project delivery schedule must allows funds to be maximized through the use of existing facilities as temporary unit locations during construction phases.
6. Utilize city owned property, if possible, to maximize funds for the new headquarters facility
7. Plan and build a regional training center in collaboration with other jurisdictions to the north in Alameda and Contra Costa.

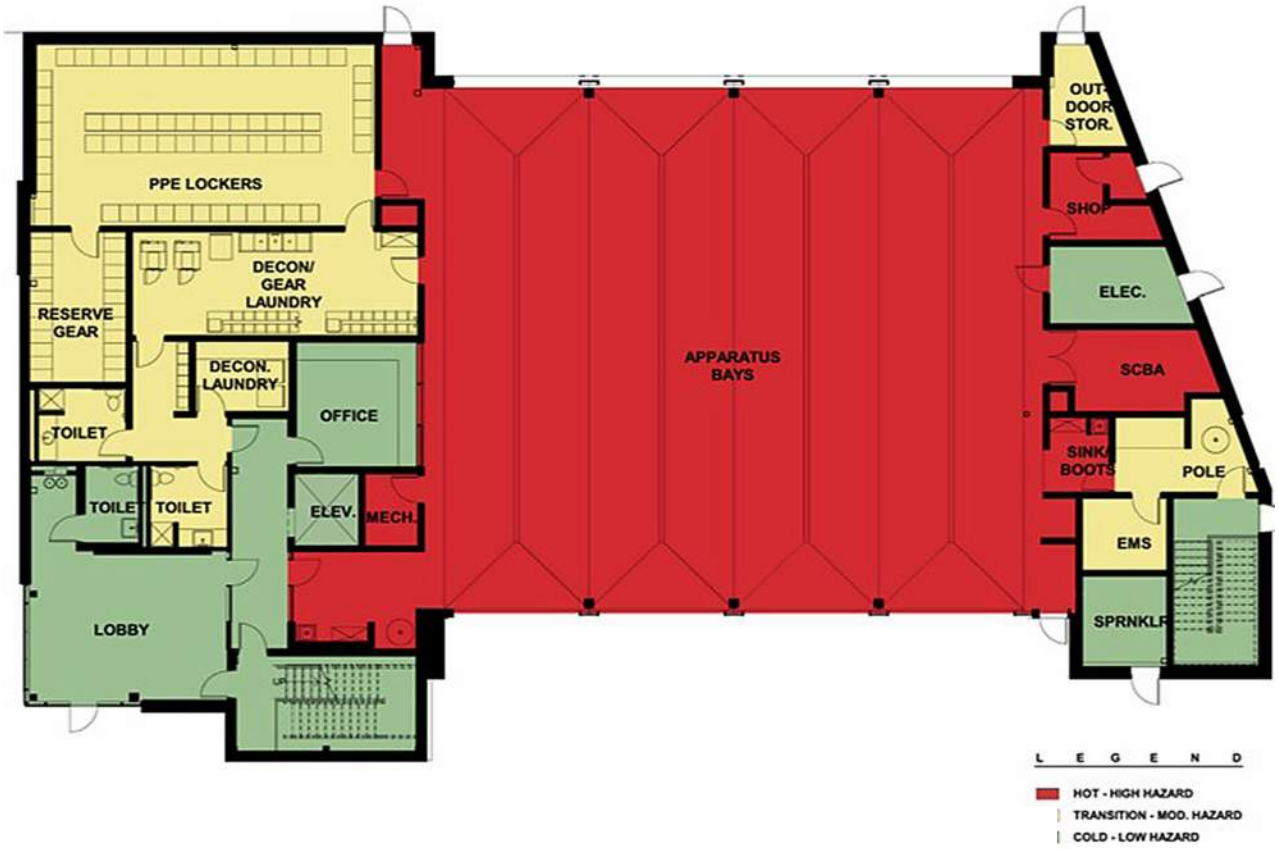
USES IN A TYPICAL STATION: Fire stations in and of themselves are a complex mixed-use building, combining residential, business and quasi-industrial uses under one roof. There are four major space need categories:

- The greatest single use space in a station – roughly 38% – is taken up by apparatus, fire fighting equipment and gear, including Turnouts
- Living quarters take up a quarter of a station and include shared and private spaces and fitness rooms which have typically been shoehorned into apparatus bays
- A comparatively smaller area – 6% of a station – goes to administrative uses, entry and public restrooms.
- The rest of the space – nearly a third of the stations – supports circulation and operations, such as: Storage, Mechanical, Electrical, and communication equipment rooms

TYPICAL STATION AREA BREAKDOWN



HOT WARM COOL ZONE DIAGRAM



The separation of the hazardous areas of the station with the living and office quarters is paramount to increased safety in a fire station. The diagram above indicates the areas of the station that are considered hazardous (Hot Zones), moderately hazardous (Warm Zones) and the balance of the areas , low hazard living quarters and office facilities are considered (Cool Zones).

RECOMMENDED SCENARIO: The development phasing scenario recommended by this FDMP maximizes operational improvements by focusing first on the busiest and largest stations. The team tested a variety of ways to meet the guiding principles, a process which ultimately helped shape the principles themselves. For instance, the original goal was to add all the new ambulance and alternative response units to the existing stations. This proved to be impossible without expanding almost every station and purchasing adjacent residential parcels at each location. The recommended development scenario described bellow made the best use of the existing sites. A summary of the key points of each project follows.

SCENARIO DESCRIPTION: Most station projects can be implemented on city-owned property except for Station 1. This scenario successfully addresses increased staffing needs and key operational efficiencies.

The budgets reflected below are "Rough Order of Magnitude Cost Plans." As a perspective, an order of magnitude cost model has the objective of identifying costs within an order of magnitude. The budget is not meant to be the lowest possible, but rather, to identify the order of magnitude of costs in considering next steps. A range of costs was used for planning purposes. The ranges below do not include escalation beyond 2024, property acquisition costs or program management costs. They include all construction, equipment and furnishings costs, plus fees for design, environmental review, permits, etc., associated with project delivery. In the recommended development phasing scenario, the initial focus is on the projects with highest call load and largest staffing numbers. Station 1 was proposed to be implemented first because it is a relocation project. Once a new Station 1 is complete and online, the existing original Station 1 can be used as temporary housing for the future replacement projects.

SEQUENCED PROJECTS

Design Start		*Rough Order of Magnitude Costs LOW x $ Million*	*HIGH x $ Million*
2024	**Fire Station 1** Relocation New site on/near San Pablo Ave	$42	$47
2026	**Fire Station 2** Replacement Temporary Location - Station 1, 4, 5	$51	$56
2028	**Fire Station 5** Replacement Temporary Location - Station 1, 4, 2	$53	$58
2030	**Fire Station 4** Replacement Temporary Location - Station 2, 6	$36	$41

INDEPENDENT PROJECTS

Design Start		*Rough Order of Magnitude Costs LOW x $ Million*	*HIGH x $ Million*
2023	**New Headquarters** Site TBD	$33	$36
2023	**Training Center** Phase 1 Renovation Phase 2 Replacement Regional Site TBD	$81	$90
2026	**Fire Station 3** Renovation + Expansion Temporary Location - Station 2, 5	$12	$16
2028	**Fire Station 6** Renovation + Expansion Temporary Location - Trailer on site	$12	$15
2030	**Fire Station 7** Renovation + Expansion Temporary Location - TBD	$10	$13

TOTAL Rough Order of Magnitude Project Cost	$330	$372

H. DEVELOPMENT SCENARIO RECOMMENDATION



THE PROPOSED PROJECTS IN ORDER OF DEVELOPMENT ARE OUTLINED BELOW:

Fire Station No. 1 - Relocation and Replacement on a new site (to be identified)



Key Attributes: Relocation and expansion of Fire Station 1 to a more commercial site in the same response area. Current station can then be used as a temporary station as others are renovated.

Rationale: The existing site is located in a residential neighborhood. The adjacent properties would need to be purchased to accommodate an expansion or replacement on site. These properties contain apartment buildings. Dozens of house units would need to be removed to accommodate the operational needs at this location. Therefore, it is recommended to relocate this facility to a site in a commercial area.

Order of Magnitude Budget Range: $42-47M

Schedule: Recommended design start 2024

Fire Station No. 2 – Replacement at existing site (2029 Berkeley Way)



Key Attributes: Replace the station on the existing site with a new 3-story building that includes all required parking.

Rationale: Fire Station No. 2 is the Fire Department's most populated and busiest station with multiple cross staff units. The current configuration does not allow the staging of all apparatus for response. In addition, there is not adequate on-site staff or visitor parking. The replacement of the station includes a parking deck which allows this station to meet all current and projected needs.

Order of Magnitude Budget Range: $51-56M

Schedule: After completion of Fire Station 1

Fire Station No. 5 - Replacement at existing site (2680 Shattuck Avenue)



Key Attributes: Replacement of existing station with a new 2-story building plus basement parking in order to fully meet all programmatic and parking needs on site.

Rationale: Station No. 5 is the Department's second most populated and busiest station. It also houses multiple support units. The station has been renovated multiple times and is past its useful life. The site area is very compact and does not currently allow adequate space for site operations. The recommended option replaces the station onsite and adds subterranean parking for staff and the supporting units.

Order of Magnitude Budget Range: $53-58M

Schedule: After completion of Fire Station 2

Fire Station No. 4 – Replace at existing expanded existing site (1900 Marin Avenue)



Key Attributes: Replacement of existing building on an expanded site to meet programmatic and parking requirements.

Rationale: This response area of the City has been identified as an area that should plan for an additional ambulance. The existing fire station can not be expanded to add the apparatus bay necessary for this new unit due to its unique configuration. The recommendation for this station is to replace it at the existing site and expand the site into the adjacent road right of ways.

Order of Magnitude Budget Range: $36-41M

Schedule: Design start 2030

Fire Station No. 3 – Renovation and addition at existing site (2710 Russell Street)



Key Attributes: Renovation and expansion of existing fire station to provide a dedicated fitness room, turnout storage, private office and private sleeping rooms.

Rationale: This station is not recommended to add new units. The renovation will focus on improving the health, safety and privacy aspects of the fire station.

Order of Magnitude Budget Range: $12-16M

Schedule: Design start 2026

Fire Station No. 6 – Renovation and addition at existing site at existing site (999 Cedar Street)



Key Attributes: Renovation and expansion of the existing fire station to provide a dedicated fitness room, turnout storage, private offices and private sleeping room. The entire station will be renovated to allow modernize the kitchen, dining and dayroom.

Rationale: This station is not recommended to add new units although the increases in staffing on existing units are driving the need to modernize the living quarters. In addition, the station will be expanded to improve the health, safety and privacy aspects of the station.

Order of Magnitude Budget Range: $11.6-14.6M

Schedule: Design start 2028

Fire Station No. 7– Renovation and addition at existing site (3000 Shasta Road)



Key Attributes: Renovation and expansion of existing fire station to provide a dedicated fitness room, turnout storage and private sleeping quarters for the additional staffing staged at this location during high fire season.

Rationale: Station 7 is the Department's newest station, however, it is lacking some of the basic spaces required to provide a safe work environment. Primarily the missing space is a dedicated turnout room with decontamination equipment. In addition, additional sleeping rooms are necessary to accommodate the move up staffing during fire season.

Order of Magnitude Budget Range: $10-13M

Schedule: Design start 2030

Headquarters – Relocation to new site.



Key Attributes: Relocation of headquarters to a city owned building. Location to be big enough to Administrative offices, training classrooms, and the ambulance deployment center.

Rationale: Current location cannot accommodate the growing staff or the ambulance deployment center.

Order of Magnitude Budget Range: $33-36M

Schedule: Design start 2023

Training Facility – New construction and renovation at site to be determined



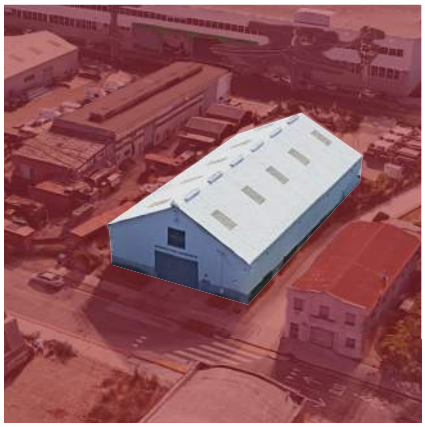
Key Attributes: Relocation of the training facility in partnership with other local municipalities.

Rationale: The current location is undersized and located in a residential neighborhood which impacts what training can occur there. The region is missing a large training facility for emergency responders

Order of Magnitude Budget Range: $81-90M

Schedule: Phase 1 design Start 2023

Warehouse – Renovation at site in progress



Key Attributes: Renovation of this building is currently in the design phase and will provide a small office and meeting location.

Rationale: The current location has staff assigned but they work from a desk in the warehouse space, exposed to noise and exhaust, and without climate controls.

Order of Magnitude Budget Range: $800-1.5m

Schedule: Design underway

I. REFERENCES

FACILITY & DECONTAMINATION:
NFPA 1584: Standard on the Rehabilitation Process for Members during Emergency Operations and Training Exercises, Section 7.4.2

NFPA 1700: Guide for Structural Fire Fighting, Section 11

NFPA 1500: Standard on Fire Department Occupational Safety, Health, and Wellness Program, Section 7, 10, 14, Annex C, Annex F

Occupational Safety and Health Act (OSHA), Occupational Safety and Health Standards (1910), Toxic and Hazardous Substances (subpart Z), Air Contaminants (§ 1910.1000)

Occupational Safety and Health Act (OSHA), Permissible Exposure Limits (PELs), OSHA Annotated Tables Z-1, Z-2, Z-3

California Occupational Safety and Health Act (Cal/OSHA), Subchapter 7, Group 16, Article 109 Hazardous Substances and Processes

California Occupational Safety and Health Act (Cal/OSHA), Subchapter 7, Group 16, Article 107 Dusts, Fumes, Mists, Vapors and Gases

California Occupational Safety and Health Act (Cal/OSHA), Table AC 1 - Permissible Exposure Limits (PELs)

Firefighter Cancer Registry Act; https://www.congress.gov/bill/115th-congress/house-bill/931

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65), https://oehha.ca.gov/proposition-65/about-proposition-65

Lavender Ribbon Report, Best Practicews for Preventing Firefighter Cancer, International Association of Fire Chiefs & National Volunteer Fire Council, 2018

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CONSENT CALENDAR
April 29, 2025

Igor Tregub, Councilmember District 4

Cecilia Lunaparra, Councilmember District 7

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author) and Cecilia Lunaparra (Co-Sponsor)

Subject: Referral: Oxford for All

RECOMMENDATION

1. Refer to the City Manager to design and construct a quick-build class IV bicycle facility on the east side of Oxford Street and Fulton Street between Bancroft Way and Hearst Avenue and implement pedestrian safety improvements on the corridor, potentially through quick-build planning and construction methods.
2. Refer $400,000 to the June budget process (FY26 Mid-Biennial Update) to provide the City of Berkeley Public Works Department with necessary funds to support design, engineering, and construction costs for the project.
3. Refer to the City Manager and to The City/UC/Student Relations “4x6” Committee to explore opportunities to leverage existing and establish new financial partnerships with UC Berkeley on safety projects along Oxford Street and adjacent areas, including the Oxford and Bancroft volleyball courts project and similar initiatives.

FINANCIAL IMPLICATIONS

$400,000 in the June budget process (FY26 Mid-Biennial Update)

CURRENT SITUATION AND ITS EFFECTS

Oxford and Fulton Streets mark the western boundary of the UC Berkeley campus. The corridor’s current configuration reflects antiquated traffic engineering conventions that prioritize vehicular throughput over pedestrian and bicycle safety. Oxford Street serves as the primary pedestrian gateway to the campus from Downtown Berkeley, yet it lacks a distinct ground-level identity.

Just as if not more importantly, the Oxford/Fulton Street corridor is unsafe for many bicyclists, pedestrians, and micro- mobility users, as traffic throughput has been prioritized over safety and comfort.

The outdated current design for Oxford Street/Fulton Street — focused on maximizing car speeds and throughput — is dangerous for all road users, including drivers. On Oxford Street and Fulton Street from Hearst Ave. to Bancroft Way since 2017, there have been 19 total car driver and passenger injuries, including 2 severe injuries; 8 total pedestrian injuries; and 5 total cyclist injuries, including 1 severe injury. Prior to 2017, Shlomo Bentin, a guest lecturer at UC Berkeley, was killed by a truck driver while cycling at Fulton St. and Bancroft Way in 2012.[1] In 2016, Berkeley resident Megan Schwarzman came minutes from death after being struck by a driver at Fulton St. and Bancroft Way and suffered severe injuries.[2]

From Bancroft Way to Hearst Avenue., Oxford Street and Fulton Street resemble a suburban arterial with four travel lanes, two parking lanes, and a median with turn lanes at intersections. Cyclists must use Class II bike lanes that put them at risk of getting “doored” if they feel confident enough to ride on Oxford Street, and pedestrians must use narrow sidewalks that do not reflect the significant demand generated by the campus and downtown or the increased demand that will be spurred by future developments. Not only is the current Class II bike lane on Oxford dangerous for getting "doored," but also cars frequently use the southbound bike lane as a temporary parking spot and loading zone for Anchor House, placing users at risk. While the solutions to some of these challenges—including sidewalk widening—may require longer-term projects, there are short-term, quick-build solutions that would significantly improve safety along the Oxford-Fulton corridor.

Improving safety on Oxford Street and Fulton Street is especially important at this moment. In the next decade, many significant developments are planned along the Oxford corridor that could dramatically affect transportation, development, urban design, housing, potentially land values/affordability and more! The University of California is planning to redevelop and expand University Hall at Oxford and University and is planning a student housing project at Fulton and Bancroft that will contain an estimated 1625 beds.[3] Anchor House, between University and Hearst on Oxford has already come online with 772 new beds for transfer students.[4] Additionally, a 17-story, 283-unit private

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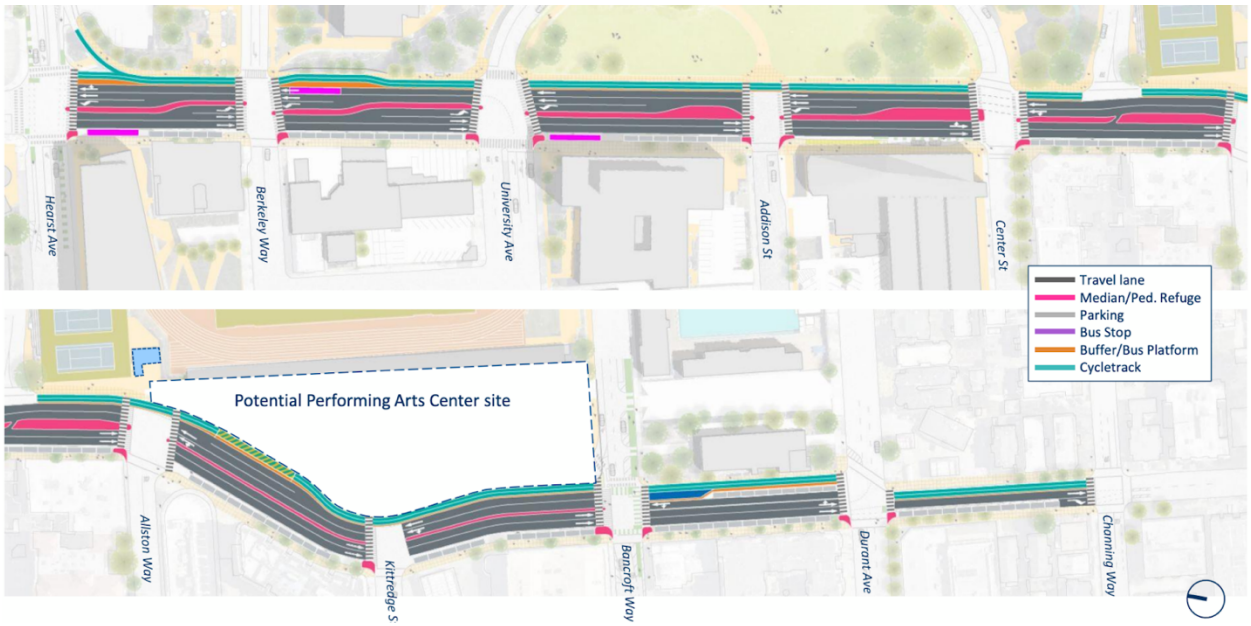
[1] https://www.berkeleyside.org/2012/07/16/neuroscientist-shlomo-bentin-killed-in-bike-accident
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[3] https://capitalstrategies.berkeley.edu/Bancroft-Fulton
[4] https://studenthousingbusiness.com/uc-berkeley-completes-772-bed-residence-hall-for-transfer-students/

mixed use development called The Hub will be built at the intersection of Oxford Street and Center Street[5]. Nearby on Hearst Avenue, the entirely new College of Data and Society Gateway building is currently under construction.[6] Beyond these projects, many substantial projects are planned on adjacent streets. These new developments will spur new transportation demand for safe bicycle and pedestrian infrastructure.

There is a long history of interest in redesigning Oxford Street to better serve all street users. The 2017 Berkeley Bicycle Plan identifies the Oxford-Fulton corridor as an ideal candidate for a Class IV cycle track facility. Oxford serves as a crucial connection between the north and south sides of campus and downtown for people riding bikes. Additionally, Oxford is on the City of Berkeley's High-Injury Network identified in the City's 2019 Vision Zero Action Plan,[7] meaning that it is one of the small number of streets in the city that account for the most traffic injuries and deaths.

In 2021, UC Berkeley completed an Oxford St./Fulton St. Multimodal Mobility and Urban Design Study, authored by Sasaki and Fehr & Peers[8]. This comprehensive study included data analysis of vehicle, bicycle, and pedestrian counts and the evaluation of many different alternatives. The study identified the need for improved bicycle and pedestrian safety infrastructure on Oxford Street and recommended the construction of a two-way Class IV cycle track on the east side of Oxford Street. Fehr & Peers found that a cycle track on the east side of Oxford Street, as proposed in this referral, would have "minimal impact on vehicular operations" and would not require removing the median.

[5] https://berkeleyca.gov/sites/default/files/2022-04/4-The-HUB-Applicant-Statement-01-20-22-2128-Oxford.pdf
[6] https://capitalstrategies.berkeley.edu/gateway
[7] https://berkeleyca.gov/sites/default/files/2022-02/Berkeley-Vision-Zero-Action-Plan.pdf
[8] http://www.preservenet.com/20211130_OxfordCorridorStudy.pdf



Preferred Alternative from UC Berkeley Oxford St./Fulton St. Multimodal Mobility and Urban Design Study between Hearst Ave. and Channing Way. Construction has been completed for the blocks between Bancroft Way and Channing Way as part of the Southside Complete Streets Project (Fehr & Peers).

In 2023, students in UC Berkeley's Master of City Planning program at the College of Environmental Design studied the existing conditions and needs for safety improvements on Oxford Street as part of an intensive transportation studio. This team reviewed previous plans and documents, collected average pedestrian and bicycle intersection counts, conducted on-site community engagement, and authored a comprehensive 71-page report.[9] Among other recommendations, this report recommended implementing protected bicycle lanes connected to existing facilities and installing traffic calming measures including bollard curb extensions and painted crossings.

[9] https://ideas.repec.org/p/cdl/itsrrp/qt53g9g83t.html



Illustration of what a Class IV bicycle facility on Oxford Street could look like. Katie Heuser

On September 12, 2023, City Council approved a referral titled 51B BRT + University/Shattuck Corridor Mobility Improvements,[10] that, among other recommendations, included a $150,000 budget referral to conduct corridor studies — including on Oxford Street and Fulton Street — to identify appropriate road safety improvements that advance city-adopted safety, transportation, and climate goals. While $150,000 was allocated in the FY 2025 budget,[11] to the best of our knowledge, these funds have not been expended, and no study has commenced.

RATIONALE FOR RECOMMENDATION

This referral builds on prior work and recognizes the urgent need to address traffic safety on Oxford Street with proven infrastructural solutions. In particular, quick-build solutions have become widely utilized to improve traffic safety rapidly at a low cost and could be effective, inexpensive, and quick to implement on the Oxford-Fulton corridor. In fact, quick-build safety improvements were previously successfully implemented on Fulton Street just one block south of this item's project area.

In 2016, Berkeley resident Megan Schwarzman was struck by a driver while riding her bike on Fulton Street just south of Bancroft Way and dragged under a car for 60 feet.

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[10] https://berkeleyca.gov/sites/default/files/documents/2023-09-12 Item 29 51B BRT %2B University-Shattuck.pdf

[11] https://berkeleyca.gov/sites/default/files/documents/2024-06-25 Item 53 Fiscal Years 2025 2026 Biennial Budget Adoption - Supp %28Budget%29.pdf

She suffered severe injuries, including “a lacerated liver, collapsed lung, broken ribs, multiple pelvic fractures, a broken collarbone and broken facial bones, along with extreme blood loss” and was minutes from losing her life.[12]

After a significant push by advocates to prevent more traumatic crashes like the one that almost took Megan’s life, the City of Berkeley rapidly approved and built a cycle track from Bancroft Way to Channing Way with only paint and plastic delineators, or flex posts. This quick-build facility was recently removed, as the permanent cycle track constructed with the Southside Complete Streets Project replaced it. While this quick-build improvement was implemented in response to a serious crash that almost took a Berkeleyan’s life, it is in our best interest to identify streets in need of quick-build improvements and prevent future tragedies *before* they occur. We must be proactive, not just reactive.



Before-and-after comparison showing the quick-build bicycle facility constructed on Fulton St. in 2016 (Google Street View).

Quick-build improvements can be implemented without precluding future changes to revise or improve a street’s design and can be built at a low cost and on a quick timeline. While the quick-build bicycle facility constructed on Fulton St. in 2016 is one example, quick-build projects have been implemented across the United States and across the world to great success, especially in the last 10-15 years.[13]

While quick-build improvements would be an excellent option for this corridor, this referral in no way intends to preclude staff from planning and constructing more permanent facilities. When planning and designing this project, staff may wish to consult the Transportation and Infrastructure Commission to receive input. Staff should

[12] https://www.berkeleyscanner.com/2024/08/06/traffic-safety/berkeley-street-trauma-prevention-program-mike-wilson-meg-schwarzman/
[13] https://nacto.org/wp-content/uploads/2016PeoplefoBikes_Quick-Builds-for-Better-Streets.pdf

additionally consult with AC Transit regarding AC Transit's current Line 6 terminus on Oxford Street at Addison Street to discuss options to accommodate it in the proposed quick-build design, move it back to its previous location on the 2100 block of Addison St, or otherwise address impacts to this terminus.

ENVIRONMENTAL SUSTAINABILITY

Berkeley's 2019 Greenhouse Gas Inventory found that 60 percent of emissions in the City come from transportation sources, predominantly private vehicles. Building connected, safe active transportation facilities is one of the most effective ways Berkeley can reduce its largest source of greenhouse gas emissions. Oxford St. and Fulton St. next to campus are highly interconnected to other nearby streets that have already received bicycle and pedestrian safety improvements, such as Bancroft Way, Oxford Street, and Fulton Street south of Bancroft Way. Because this project would close a key gap in Berkeley's bicycle network, its impacts in reducing greenhouse gas emissions would be particularly high.

CONTACT PERSON

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Phone: 510-981-7140

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Brent Blackaby
Councilmember District 6

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Councilmember Tregub (Co-Sponsor)

Subject: Adding ADA expertise to the SAFE STREETS Citizen Oversight Committee

RECOMMENDATION

Approve an amendment to the Measure FF SAFE STREETS Citizen Oversight Committee (SSCOC) Resolution and Ordinance approved for establishment at the March 18, 2025 Council Meeting, to add an additional qualifying skillset for appointment: a background in ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.

FISCAL IMPACTS OF RECOMMENDATION

None

CURRENT SITUATION AND ITS EFFECTS

On March 18, 2025 City Council unanimously adopted Resolution No. 71,695–N.S. to support the establishment of a SAFE STREETS Citizen Oversight Committee (SSCOC), and authorized the City Manager to further implement Section 7.11.040 of City Ordinance 7,952-N.S, to ensure compliance with all requirements. Councilmember Blackaby stated at the meeting his interest in ensuring one of the SSCOC members have a background in ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face and that he would bring an amendment to a near future meeting to do so.

Measure FF, approved by Berkeley residents on November 5, 2025, stated the SAFE STREETS Citizen Oversight Committee members must have a background in one of the following:

- civil engineering
- transportation engineering
- infrastructure program management
- implementation of municipal bond or tax measures

However, it is also critical that at least one SSCOC member have a background in ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face to ensure accessible infrastructure development for all.

This item amends BMC 7.11.040 SAFE STREETS Citizen Oversight Committee to add expertise in ADA compliance and a background in senior and disability issues to the list of backgrounds necessary to be appointed to the SAFE STREETS Citizen Oversight Committee. The amended language of BMC 7.11.040 B. 2. shall read, "…Members of the public shall be required to have a background in civil engineering, transportation engineering, infrastructure program management, the implementation of municipal bond or tax measures, or ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face"

This item also amends the Resolution to reflect the additional expertise requirement to the SAFE STREETS Citizen Oversight Committee.

Measure FF amendments can be made to the Ordinance without voter approval, per Section 7. of the Measure, under special circumstances, including changes that do not "reduce the public input, oversight, and accountability processes set forth in section 7.11.040 and 7.11.050."

Amending the Measure FF Ordinance to require additional expertise for Oversight Committee members does not reduce public input, oversight and accountability, rather it enshrines input representing our senior and disabled communities.

BACKGROUND
On November 5, 2025, Berkeley residents voted for Measure FF: Sidewalk and Street Repairs Parcel Tax with 60% approval. The Measure calls for a Safe Streets Citizen Oversight Committee to help oversee funding for city streets, sidewalks, pedestrian paths, and stormwater management.

On March 18, 2025, Public Works Director Terrance Davis put forward, Council Item #7, Establishing a Measure FF SAFE STREETS Citizen Oversight Committee. Council unanimously adopted Resolution No. 71,695–N.S.,

1. Establishing a SAFE STREETS Citizen Oversight Committee (SSCOC) to review expenditures and progress reports from the City Manager and City Auditor to ensure compliance with the intent of Measure FF, evaluating the impacts and outcomes of tax expenditures on stated goals and prepare public reports on the Committee's findings; and

2. Authorizing the City Manager to further implement Section 7.11.040 of City Ordinance 7,952-N.S, to ensure compliance with all requirements.

Requirements for establishing the SSCOC through Council Resolution are explicitly laid out in Section 7.11.040 of City Ordinance 7,952-N.S, with a specific membership composition detailed in Section 7.11.040 (B):

B. Composition:
1. The SSCOC shall consist of seven members, as follows:
    a. Two members of the Transportation and Infrastructure Commission
    b. One member of the Environment and Climate Commission
    c. Four members of the public who are Berkeley residents
2. SSCOC members from commissions shall be appointed by their respective bodies, and members of the public shall be appointed by the City Council as a whole. Members of the public shall be required to have a background in civil engineering, transportation engineering, infrastructure program management, or the implementation of municipal bond or tax measures.
3. The SSCOC annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
There are no environmental sustainability effects directly associated with the recommendations in this report.

RATIONALE FOR RECOMMENDATION
Input from the senior and disability communities.

ALTERNATIVE ACTIONS CONSIDERED
Increasing the number of members from seven to eight so that one could be appointed from the Commission on Disabilities. However, the desire to keep the Commission at seven won over with the thought that the expertise can come from one of the four members of the public.

CONTACT PERSON
Councilmember Brent Blackaby, (510) 981-7160

Attachments:
1: Resolution & Ordinance with Tracked Changes
2: Resolution & Ordinance with Changes incorporated

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

ESTABLISHING A MEASURE FF SAFE STREETS CITIZEN OVERSIGHT COMMITTEE

WHEREAS, Measure FF, also known as the known as the Sustainable and Accountable Funding for Equitable Street Transformation, Revitalization, Enhancements, and Essential Traffic Safety (SAFE STREETS) Initiative, was passed by voters on November 5, 2025 and adopted as Ordinance 7,952-N.S. on December 10, 2025, requires the establishment of the SAFE STREETS Citizen Oversight Committee (SSCOC) in Section 7.11.040; and

WHEREAS, Implementation of SAFE STREETS Initiative will be managed by the Department of Public Works in alignment with existing City Plans, as detailed in Ordinance 7,952-N.S.; and

WHEREAS, Requirements for establishing the SSCOC are explicitly laid out in Section 7.11.040 of City Ordinance 7,952-N.S, with a specific membership composition detailed in Section 7.11.040 (B).

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berkeley that the SAFE STREETS Citizen Oversight Committee is hereby created.

BE IT FURTHER RESOLVED, According to Ordinance 7,952-N.S., Section 7.11.040 (B):

1. The SSCOC shall consist of seven members, as follows:
    a. Two members of the Transportation and Infrastructure Commission
    b. One member of the Environment and Climate Commission
    c. Four members of the public who are Berkeley residents
2. SSCOC members from commissions shall be appointed by their respective bodies, and members of the public shall be appointed by the City Council as a whole. Members of the public shall be required to have a background in civil engineering, transportation engineering, infrastructure program management, ~~or~~ the implementation of municipal bond or tax measures, or ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.
3. The SSCOC annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson.

BE IT FURTHER RESOLVED that the SSCOC is established to review expenditures and progress reports from the City Manager and City Auditor to ensure compliance with the intent of Measure FF, passed by voters on November 5, 2024, evaluating the impacts and outcomes of tax expenditures on stated goals and prepare public reports on the Committee's findings.

BE IT FURTHER RESOLVED that the committee may make and alter rules governing its organization and procedures which are consistent with this Chapter or any other applicable ordinance or resolution of the City. A majority of the members appointed to the committee shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

BE IT FURTHER RESOLVED that the Committee shall prepare an annual independent report of progress and performance. Each report shall be made publicly available on the City's website and submitted to the City Council.

BE IT FURTHER RESOLVED that the SSCOC shall sunset pursuant to BMC 7.11.030 and Section 7 of Ordinance 7,952-N.S.

BE IT FURTHER RESOLVED that if there are remaining funds or remaining reporting requirements after the completion of the SAFE STREETS implementation, completion of these requirements may be fulfilled by the SSCOC as a subcommittee to be absorbed by either the Transportation and Infrastructure Commission or the Environment and Climate Commission, or their successors, as deemed appropriate by the City Manager.

BE IT FURTHER RESOLVED that the City Manager is authorized to further implement Section 7.11.040 of City Ordinance 7,952-N.S, to ensure compliance with all requirements.

Exhibits

A: Ordinance 7,952-N.S, SAFE STREETS Initiative (Adopted December 10, 2024)

ORDINANCE NO. 7,952-N.S.

MEASURE TO BE SUBMITTED TO THE VOTERS AUTHORIZING THE CITY OF BERKELEY TO LEVY A PARCEL TAX TO FINANCE STREET AND SIDEWALK REPAIR AND TRAFFIC SAFETY

The people of the City of Berkeley do ordain as follows:

Section 1. Title
This measure shall be known as the Sustainable and Accountable Funding for Equitable Street Transformation, Revitalization, Enhancements, and Essential Traffic Safety (SAFE STREETS) Initiative

Section 2. Findings
The People of the City of Berkeley find and declare as follows:

A. The City's Vision 2050 Framework is a comprehensive plan to repair and upgrade Berkeley's infrastructure and facilities to be more sustainable, safe, and resilient and to meet the needs of future generations, including addressing climate and environmental challenges. The Vision 2050 task force identified the highest priority is to rehabilitate Berkeley's core infrastructure, which is the infrastructure within the street right-of-way; and is inclusive of street paving, sidewalks, mobility and traffic safety, quick build transit projects, green infrastructure, and street trees.

B. Berkeley's street pavement has an overall Pavement Condition Index (PCI) of 57 and is currently classified as "at risk" condition by the Metropolitan Transportation Commission and by the City Auditor. Failure to make urgently needed street repairs in a timely manner will result in the need for more costly repairs in the future. City staff estimates show that improving the overall PCI to 70, classified as "good" condition, would require $320 million over 12 years, or an estimated $350 million over 14 years. Funding will continue to come largely from existing sources, such as the General Fund, and augmented by an estimated $110 million in funds from this initiative.

On July 26, 2022, in Resolution No. 70,456-N.S., the City Council committed to increase annual funding of street maintenance from the General Fund to approximately $8 million, for a total of $15.3 million, and to continue that funding and increase it to account for inflation and maintenance once repairs have been made.

C. City staff estimate a backlog of about $35 million is needed to repair sidewalks and pathways.

D. The Berkeley City Council adopted the 2019 Vision Zero Action Plan, with the goal of eliminating fatal and severe traffic crashes by 2028, and outlined a set of priority actions, including implementation of adopted and updated plans such as the 2017 Bicycle Plan and 2020 Pedestrian Plan. The Bicycle and Pedestrian Plans had a total estimated cost of $124 million when initially adopted, but have remained largely unfunded while costs have increased. This initiative will prioritize the most critical projects to improve pedestrian and bike safety and will require an investment of about $70 million, which will be leveraged as matching funds to win additional grant monies.

The pedestrian safety projects are described in the 2020 Pedestrian Plan, and include signal, intersection and street improvements at 10 priority street segments. The estimated cost ranges from $18 to $61 million.

Bicycle safety projects will prioritize Tier I projects described in the 2017 Bicycle Master Plan Appendix E, primarily consisting of improvements to existing bicycle routes, including traffic calming on bike boulevards and intersection improvements (including protected intersections and flashing beacons). The Executive Summary of the Bicycle Master Plan estimates the Tier I bicycle projects at a total cost of $48 million.

E. Berkeley has declared a climate emergency and set a goal of achieving 100% sustainable transportation by 2040. The State has mandated the inclusion of green infrastructure iri roads that are reconstructed. This initiative includes funding for environmental improvements, including the use of green infrastructure, permeable surfaces, use of native plants, and tree plantings, as well as community spaces, benches, bus shelters, and other appropriate uses to improve the environment of our streets and adapt to a changing climate. The funding allocated in this measure for these types of improvements is roughly $20 million.

F. A special parcel tax within the City provides an equitable mechanism for funding capital investments and ongoing maintenance and improvements of streets, sidewalks, and traffic safety features, including for pedestrian and bicyclist safety. An exemption from the 'tax for low-income homeowners will help ensure the cost of the measure is not a burden for residents on fixed or limited incomes. A split-roll tax under which commercial properties pay more than residential properties, as used in numerous prior parcel taxes, ensures equity in raising funds.

G. The intent of this measure is to augment current city funding for paving and sidewalk repair for a temporary period and allow long-deferred repairs to be made so that the

overall condition of the roads and sidewalks will be made acceptable and safe within 14 years, and maintenance costs will be reduced.

Section 3. Code Amendment
A new Chapter 7.11 is hereby added to the Berkeley Municipal Code as follows:

Chapter 7.11
Sustainable and Accountable Funding for Equitable Street Transformation, Revitalization, Enhancements, and Essential Traffic Safety (SAFE STREETS) Tax

7.11.01O Special Tax - Use.
A. A special tax for the purpose of funding repairs and improvements to streets, sidewalks, and pedestrian paths is hereby authorized to be imposed on all improvements in the City of Berkeley as more fully set forth in this Chapter.

B. The Council may impose the tax authorized by this Chapter up to the rate, and subject to inflation adjustments, set forth in Section 7.11.020.

C. This special tax is imposed under Article XIIIA, Section 4, of the California Constitution and the City's constitutional authority as a charter city under Article XI, Section 5 of the California Constitution.

D. All proceeds of the tax are subject to review, allocation, and approval by the City Council.

E. The proceeds of the tax imposed by this Chapter shall be placed in a special fund to be used only for the purposes of enhancing streets, sidewalks, and pedestrian paths within City limits by funding the following types of projects:

1. Repair, repaving, and reconstruction of streets, sidewalks, and pedestrian paths,
2. Safety improvements to streets, sidewalks, and pedestrian paths,
3. Environmental enhancements to streets, sidewalks, and pedestrian paths.

F. Proceeds of the tax may be used to pay or reimburse the City for actual, verifiable costs of City staff when they are performing work on, or necessary and incidental to, projects funded by the tax, or public input, oversight, and accountability elements required by this chapter. Proceeds of the tax may also be used to pay or reimburse the City for the costs of City Auditor staff time spent auditing the tax expenditures of this measure.

G. Proceeds of the tax may be used to pay or reimburse the City for the costs of updating the Transportation Element of the General Plan, once every ten years, to integrate and reflect all relevant adopted plans and policies.

H. Proceeds of the tax may be used to pay or reimburse the City for the costs of reviewing and updating the City's public works project delivery process, once every ten years.

I. Proceeds of the tax may be used for public art, limited to no more than 1.75% of applicable project budgets and consistent with Section 6.13.020. Public art funded by this tax shall be in public spaces.

J. Proceeds of the tax may not be used to fund bicycle-specific safety improvements (such as cycletracks or protected bike lanes) on Hopkins Street between McGee and Gilman.

K. The goal of this tax is to achieve the following by December 31, 2036:

1) Raise Berkeley's Pavement Condition Index (PCI) to or above 70 (rated as "Good" by the Metropolitan Transportation Commission), ideally with no streets having a PCI below 50; and
2) Eliminate the backlog of damaged sidewalks and pedestrian paths in Berkeley; and
3) Significantly reduce or eliminate fatal and severe traffic crashes throughout the city, particularly involving pedestrians or cyclists.

It is also a goal of this tax to achieve the above in a way that is in line with current best practices, ensures accessibility for all users, enhances the sustainability and resiliency of Berkeley's public right-of-way facilities, and provides benefits to Berkeley's entire community.

7.11.020 Tax Authorized - Tax Rate and Allocation - Adjustments for Inflation

A. The City Council is hereby authorized to impose and allocate a special tax as follows:

1) **Residential Rate:** For all dwelling units, the tax may be imposed at the rate of up to $0.17 per square foot of improvements.
2) **Non-Residential Rate:** For all other property, the tax may be imposed at the rate of up to $0.25 per square foot of improvements.

B. Annually in May, the City Council may increase the previous year's rate by up to the greater of the cost of living in the immediate San Francisco Bay Area or per capita personal income growth in the state, as verified by official United States Bureau of Labor Statistics data. If either index referred to above is discontinued, the City shall use any

successor index specified by the applicable agency, or if there is none, the most similar existing index then in existence.

C. Tax proceeds shall be allocated approximately as follows:

1) 60% for streets and sidewalks, of which roughly three quarters (45%) will be for streets and one quarter (15%) will be for sidewalks and pedestrian paths, until the backlog of damaged sidewalks and pedestrian paths is eliminated.
2) 30% for safety improvements.
3) The remaining 10% shall include environmental enhancements, any required fees to the County, and any permitted uses as specified in Section 7.11.010.

D. When the City's average PCI is 70 or higher, the allocations specified in Section 7.11.030(C) shall not be required.

E. If another measure providing an additional source of revenue for uses covered in this tax is approved by the voters on the same ballot as this measure, the tax rates authorized in Section 7.11.020(A) shall be reduced by an equivalent amount, and the percentages specified in 7.11.020(C) shall be adjusted as necessary to meet the goals of this chapter, while that measure remains in effect.

7.11.030 Duration and Renewal - City Funding Required

A. This measure shall remain in place for 14 years from the effective date, unless extended by the voters.

B. If the City Council fails to adopt a budget with at least $15.3 million in funding for street maintenance, from sources other than this tax, and adjusted for inflation, per Resolution No. 70,456-N.S. (adopted July 26, 2022), the City Council shall not be authorized to impose the special tax for the following two years.

C. In the event of a loss of any external funding source for street maintenance, or a decline in the amount provided for street maintenance by an external funding source included in the 2023-24 budget (adjusted for inflation), the required budgeted amount in Section 7.11.030(8) shall be reduced by an equivalent amount.

D. Section 7.11.030(8) shall not apply for years in which the City Council draws upon $1 million (or more) from the Stabilization Reserve in order to adopt a budget, or the City of Berkeley is included in the site of a natural disaster recognized by the Federal Emergency Management Agency or in a state or federal declaration of a state of emergency.

7.11.040 SAFE STREETS Citizen Oversight Committee

A. The City Council shall establish a SAFE STREETS Citizen Oversight Committee (SSCOC) to review expenditures and progress reports from the City Manager and City Auditor to ensure compliance with the intent of this chapter, evaluate the impacts and outcomes of tax expenditures on this chapter's stated goals, and prepare public reports on the committee's findings.

B. Composition:

1. The SSCOC shall consist of seven members, as follows:
   (a) Two members of the Transportation and Infrastructure Commission
   (b) One member of the Environment and Climate Commission
   (c) Four members of the public who are Berkeley residents

2. SSCOC members from commissions shall be appointed by their respective bodies, and members of the public shall be appointed by the City Council as a whole. Members of the public shall be required to have a background in civil engineering, transportation engineering, infrastructure program management, ~~or~~ the implementation of municipal bond or tax measures, or ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.

3. The SSCOC annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson.

C. The City Manager shall designate a staff person to serve as secretary of the committee.

D. The committee shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of committee meetings shall be as determined by City Council Resolution, but no less than four per year.

E The committee may make and alter rules governing its organization and procedures which are consistent with this Chapter or any other applicable ordinance of the City. A majority of the members appointed to the committee shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

F. The Committee shall prepare an annual independent report of progress and performance. Each report shall be made publicly available on the City's website and submitted to the City Council.

7.11.050 Public Input, Reporting, and Accountability

A. To ensure public input for the projects and priorities funded by this measure, City staff shall hold at least three workshops in different areas of the city, every three years, to solicit input on projects and priorities from residents and civic, neighborhood, and business organizations, in addition to the regular meetings of the Transportation and Infrastructure Commission.

B. The City Manager shall prepare and submit to the City Council and the SSCOC an annual report of performance metrics, outcomes, and accomplishments that reflects all City street, sidewalk, and safety funding. To promote effective communication, the report shall also be presented in an online dashboard, and include the following metrics:

1. Streets paved, cost per mile, changes to the citywide average PCI, the PCI of all streets, and a schedule that estimates which streets will be paved in the next 5 years; and
2. Progress on sidewalks and pedestrian paths; and
3. Safety projects implemented, and fatal and severe injuries over time; and
4. Progress on green infrastructure, tree planting, climate resiliency measures, and changes in trip modality; and
5. Awarded and in-progress grants.

C. All expenditures, and verification of progress towards the goals set forth in Section 7.11.010(K), shall be subject to an independent performance audit by the City Auditor, at least once every three years, to confirm that the tax expenditures and reports are accurate and consistent with the intent of this chapter.

7.11.060 Use of Adopted Plans and Policies

A. Any project funded by the proceeds of the tax must be consistent with one or more adopted City of Berkeley plans or policies. Adopted City of Berkeley plans and policies shall inform project prioritization.

B. Any project funded by the proceeds of the tax which includes street repair, repaving, and/or reconstruction shall implement safety improvements concurrently, unless the City Council adopts a written finding based on substantial evidence that there are no improvements which would materially increase safety and are consistent with an adopted City plan or policy.

C. Any project funded by proceeds of the tax which includes safety improvements must be consistent with one or more of the following City of Berkeley plans and policies, as may be amended from time to time, or their successor plans as adopted by City Council:

i) the Vision Zero Action Plan, adopted March 10, 2019; or

ii) the Pedestrian Plan, adopted January 26, 2021; or

iii) the Berkeley Bicycle Plan, adopted May 7, 2017; or
iv) the Complete Streets Policy, adopted December 11, 2012.

A project funded by the proceeds of the tax which includes safety improvements may alternatively be consistent with one or more Safe Routes to Schools Safety Assessment and/or Improvement Plan, as may be amended from time to time by the Berkeley Unified School District and Alameda County Transportation Commission.

D. Additional City of Berkeley adopted plans and policies, such as the Vision 2050 Framework, Street Maintenance and Rehabilitation Policy, Repaving Plan, Berkeley Strategic Transportation Plan (BeST), Age-Friendly Berkeley Action Plan, Streets and Open Space Improvement Plan (SOSIP), Green Infrastructure Plan, Stormwater Management Plan, Local Hazard Mitigation Plan, Berkeley Electric Mobility Roadmap, Berkeley Resilience Strategy, Berkeley Transit-First Policy Implementation Plan, or area-specific plans, including the Adeline Corridor Specific Plan, Downtown Area Plan, South Shattuck Strategic Plan, Southside Plan, University Avenue Strategic Plan, and West Berkeley Plan, shall be considered, as appropriate, when identifying or evaluating projects to be funded by proceeds of this tax.

7.11.070 Definitions

For the purposes of this chapter, the following terms shall be defined as set forth below:

A. "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "building" includes the word "structure."

B. "Improvements" shall mean all buildings or structures erected or affixed to the land.

C. "Square footage" shall mean the total gross horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes, notwithstanding paragraph 3 below, the square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:

1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.
2. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to

stoops, balconies and to natural ground areas, terraces, pools, and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building.

3. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display storage, service, or production areas.

D. "Structure" shall mean anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

E. "Parcel" shall mean a unit of real estate in one ownership as shown on the most current official assessment roll of the Alameda County Assessor.

F. "Repair, repaving, and reconstruction" shall refer to a suite of interventions designed to restore and upgrade the physical integrity and functionality of streets and sidewalks, including pedestrian paths, including all ordinary and necessary expenses and features as required by applicable law.

G. "Safety improvements" shall mean improvements to sidewalks, streets, and highways inclusive of state highways that implement features designed to reduce collisions, injuries, and fatalities, including traffic calming measures. Safety improvements shall include features recommended by the Urban Street Design Guide published by the National Association of City Transportation Officials (NACTO), features recommended by the Proven Safety Countermeasures initiative published by the Federal Highway Administration, and/or other similar features to reduce collisions, injuries, and fatalities recommended by national organizations of planning or transportation experts. Safety improvements shall also include improvements to emergency vehicle access and response times, such as fire/emergency evacuation lanes, transit lanes that also serve emergency vehicles, cycle tracks that can accommodate emergency vehicles, traffic signal controls for emergency vehicles, retractable bollards, curb management, and signage for evacuation routes.

H. "Traffic calming measures" shall mean safety improvements specifically designed to reduce vehicle speeds, including horizontal or vertical deflections (such as chicanes and speed bumps), width reductions (such as bulb-outs and medians), and routing restrictions (such as diverters and bollards), or other similar measures recommended by the Institute of Traffic Engineers, the Federal Highway Administration, or other national organizations of transportation experts.

I. "Environmental enhancements" shall mean improvements to sidewalks, streets, and highways, inclusive of state highways, that improve resiliency or sustainability, and/or provide community amenities. Environmental enhancements shall include, but not be limited to, green infrastructure, permeable surfaces, native plants, street trees, planted verges and medians, transit rider facilities, and community spaces.

J. "Transit rider facilities" shall mean improvements to sidewalks, streets, and highways inclusive of state highways that implement features to improve comfort and reliability for transit riders, such as elements recommended in the Transit Street Design Guide published by NACTO, including but not limited to bus shelters, benches, and bus station islands.

K. "Pavement Condition Index" or "PCI" shall refer to the numerical index between Oto 100 used to determine the general condition of the pavement, following standards set forth by ASTM D6433 - 20, or an equivalent appropriate methodology developed for non-asphalt surfaces.

7.11.080 Exemptions.

A. The tax imposed by this Chapter shall not apply to parcels and improvements exempt from taxation by the City pursuant to the laws or constitutions of the United States and the State of California.

B. The tax imposed by this Chapter shall not apply to any property owned by any person whose total personal income, from all sources, for the previous calendar year, does not exceed that level which shall constitute "very low-income," as may be established by resolution of the City Council. Any taxpayer claiming the exemption under this section shall be required to demonstrate their entitlement thereto annually by submitting an application and supporting documentation to the City Manager or their designee in the manner and at the time established in regulations and/or guidelines hereafter promulgated by the City Manager subject to review by the City Council in its discretion. Such applications shall be on forms provided by the City Manager, or their designee, and shall provide and/or be accompanied by such information as the City Manager shall require, including but not limited to, federal income tax returns and W-2 forms.

C. Any person or entity claiming an exemption from the tax imposed by this Chapter shall file a verified statement of exemption on a form prescribed by the City Manager prior to June 30th of the first fiscal year for which the exemption is sought.

7.11.090 Duties and Authority of the City Manager.

It shall be the duty of the City Manager to collect and receive all taxes imposed by this Chapter and to keep an accurate record thereof. The City Manager is charged with the enforcement of this Chapter, except as otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this chapter, including provisions for the re-examination and correction of returns and payments.

7.11.100 Collection with Property Tax - Penalties and Interest.

The special tax imposed by this Chapter shall be due in the same manner, on the same dates, and subject to the same penalties and interest as established by law for other charges and taxes fixed and collected by the County of Alameda on behalf of the City of Berkeley. The special tax imposed by this Chapter, together with all penalties and interest thereon, shall constitute a lien upon the parcel upon which it is levied until it has been paid, and shall constitute a personal obligation of the owners of the parcel on the date the tax is due.

7.11.110 Collection.

The amount of any tax, penalty, or interest imposed under the provisions of this chapter shall be deemed a debt to the City. Any person owing money under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount. The City shall be entitled to reasonable attorneys' fees and its costs of suit in any such action.

7.11.120 Refunds.

Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in Chapter 7.20 of the Berkeley Municipal Code or any such successor chapter.

7.11.130 Savings clause - Severability.

The provisions of this chapter shall not apply to any person, association, corporation, entity, or property as to whom or which it is beyond the power of the City of Berkeley to impose the tax herein provided. If any sentence, clause, section, or part of this chapter, or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal, or invalid, such sentence, clause, section or part shall be severable and such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section, or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of the City Council and the People of the City of Berkeley that

this chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

7.11.140 Violation - Penalty.
Any person who fails to perform any duty or obligation imposed by this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code. The penalties provided in this section are in addition to the several remedies provided in this chapter.

Section 4. Increase appropriations limit.
Pursuant to California Constitution Article XIIIB, the appropriation limit for the City of Berkeley is hereby increased by the aggregate sum authorized to be levied by this special tax for each of the four fiscal years from 2025 through 2028.

Section 5. Effective date.
The tax imposed by this Chapter shall be operative on January 1, 2025.

Section 6. Conflicting Ballot Measures

(a) In the event that this measure and another measure(s) relating to local taxes to fund any or all of the uses permitted in this measure are approved by a majority of the voters at the same election, and this measure receives a greater number of affirmative votes than any other such measure(s), this measure shall control in its entirety, and the other measure(s) shall be rendered void and without any legal effect. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than the other measure(s), this measure shall take effect to the extent permitted by law.

(b) If any provisions of this measure are superseded by the provisions of any other conflicting measure approved by the voters and receiving a greater number of affirmative votes at the same election, and the conflicting measure is subsequently held to be invalid, repealed, or terminated, the provisions of this measure shall be revived and shall have full force of law.

Section 7. Amendment, repeal, and reenactment.

(a) Without voter approval, the City Council may repeal this ordinance or amend it in any manner that does not:

1) Result in an increase in the tax authorized to be imposed;
2) Expand the permissible uses in Section 7.11.010, or materially alter relevant definitions in Sections 7.11.070, in a way that is inconsistent with the original intent of this chapter;

3) Alter the allocations of Section 7.11.020;
4) Extend the sunset or reduce the City budgeting requirements set forth in Section 7.11.030;
5) Reduce the public input, oversight, and accountability processes set forth in Section 7.11.040 and 7.11.050;
6) Reduce the use of adopted plans and policies in Section 7.11.060;
7) Lower the threshold of "substantial evidence" in Section 7.11.060(8);
8) Add or modify exemptions (in a manner that would increase the tax).

(b) If the City Council repeals this ordinance, it may subsequently reenact it without voter approval, as long as the reenacted ordinance does not:

1) Result in an increase in the tax authorized to be imposed;
2) Expand the permissible uses in Section 7.11.010, or materially alter relevant definitions in Sections 7.11.070, in a way that is inconsistent with the original intent of this chapter;
3) Alter the allocations of Section 7.11.020;
4) Extend the sunset or reduce the City budgeting requirements set forth in Section 7.11.030;
5) Reduce the public input, oversight, and accountability processes set forth in Section 7.11.040 and 7.11.050;
6) Reduce the use of adopted plans and policies in Section 7.11.060;
7) Lower the threshold of "substantial evidence" in Section 7.11.060(8);
8) Add or modify exemptions (in a manner that would increase the tax).

(c) In the event that this measure and another measure(s) relating to local taxes to fund street and sidewalk repair, repaving, and reconstruction both take effect, the City Council may make any amendments to this ordinance necessary to consolidate and align this measure with the other measure(s), that does not result in a tax authorized to be imposed greater than the tax authorized by this measure.

Section 8. California Environmental Quality Act Requirements.
This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., under, including without limitation, Public Resources Code section 21065 and CEQA Guidelines sections 15378(b)(3) and 15378(b)(4).

Section 9. Special Tax; Majority Vote Requirement. This Ordinance imposes a special tax for restricted purposes and is being placed on the ballot via signature petition. It shall be effective only if approved by a majority of the voters voting thereon.

The foregoing is a true and correct copy of Ordinance No. 7,952-N.S., and the same was approved by a vote of the electorate of the City of Berkeley on November 5, 2024.
At a special meeting of the Council of the City of Berkeley held on December 10, 2024, this Ordinance was adopted by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

Adena Ishii, Mayor

ATTEST:
Mark Numainville, City Clerk

Date signed: December 30, 2024

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

ESTABLISHING A MEASURE FF SAFE STREETS CITIZEN OVERSIGHT COMMITTEE

WHEREAS, Measure FF, also known as the known as the Sustainable and Accountable Funding for Equitable Street Transformation, Revitalization, Enhancements, and Essential Traffic Safety (SAFE STREETS) Initiative, was passed by voters on November 5, 2025 and adopted as Ordinance 7,952-N.S. on December 10, 2025, requires the establishment of the SAFE STREETS Citizen Oversight Committee (SSCOC) in Section 7.11.040; and

WHEREAS, Implementation of SAFE STREETS Initiative will be managed by the Department of Public Works in alignment with existing City Plans, as detailed in Ordinance 7,952-N.S.; and

WHEREAS, Requirements for establishing the SSCOC are explicitly laid out in Section 7.11.040 of City Ordinance 7,952-N.S, with a specific membership composition detailed in Section 7.11.040 (B).

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Berkeley that the SAFE STREETS Citizen Oversight Committee is hereby created.

BE IT FURTHER RESOLVED, According to Ordinance 7,952-N.S., Section 7.11.040 (B):

1. The SSCOC shall consist of seven members, as follows:
    a. Two members of the Transportation and Infrastructure Commission
    b. One member of the Environment and Climate Commission
    c. Four members of the public who are Berkeley residents
2. SSCOC members from commissions shall be appointed by their respective bodies, and members of the public shall be appointed by the City Council as a whole. Members of the public shall be required to have a background in civil engineering, transportation engineering, infrastructure program management, the implementation of municipal bond or tax measures, or ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.
3. The SSCOC annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson.

BE IT FURTHER RESOLVED that the SSCOC is established to review expenditures and progress reports from the City Manager and City Auditor to ensure compliance with the intent of Measure FF, passed by voters on November 5, 2024, evaluating the impacts and outcomes of tax expenditures on stated goals and prepare public reports on the Committee’s findings.

BE IT FURTHER RESOLVED that the committee may make and alter rules governing its organization and procedures which are consistent with this Chapter or any other applicable ordinance or resolution of the City. A majority of the members appointed to the committee shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

BE IT FURTHER RESOLVED that the Committee shall prepare an annual independent report of progress and performance. Each report shall be made publicly available on the City's website and submitted to the City Council.

BE IT FURTHER RESOLVED that the SSCOC shall sunset pursuant to BMC 7.11.030 and Section 7 of Ordinance 7,952-N.S.

BE IT FURTHER RESOLVED that if there are remaining funds or remaining reporting requirements after the completion of the SAFE STREETS implementation, completion of these requirements may be fulfilled by the SSCOC as a subcommittee to be absorbed by either the Transportation and Infrastructure Commission or the Environment and Climate Commission, or their successors, as deemed appropriate by the City Manager.

BE IT FURTHER RESOLVED that the City Manager is authorized to further implement Section 7.11.040 of City Ordinance 7,952-N.S, to ensure compliance with all requirements.

Exhibits

A: Ordinance 7,952-N.S, SAFE STREETS Initiative (Adopted December 10, 2024)

ORDINANCE NO. 7,952-N.S.

MEASURE TO BE SUBMITTED TO THE VOTERS AUTHORIZING THE CITY OF BERKELEY TO LEVY A PARCEL TAX TO FINANCE STREET AND SIDEWALK REPAIR AND TRAFFIC SAFETY

The people of the City of Berkeley do ordain as follows:

Section 1. Title
This measure shall be known as the Sustainable and Accountable Funding for Equitable Street Transformation, Revitalization, Enhancements, and Essential Traffic Safety (SAFE STREETS) Initiative

Section 2. Findings
The People of the City of Berkeley find and declare as follows:

H. The City's Vision 2050 Framework is a comprehensive plan to repair and upgrade Berkeley's infrastructure and facilities to be more sustainable, safe, and resilient and to meet the needs of future generations, including addressing climate and environmental challenges. The Vision 2050 task force identified the highest priority is to rehabilitate Berkeley's core infrastructure, which is the infrastructure within the street right-of-way; and is inclusive of street paving, sidewalks, mobility and traffic safety, quick build transit projects, green infrastructure, and street trees.

I. Berkeley's street pavement has an overall Pavement Condition Index (PCI) of 57 and is currently classified as "at risk" condition by the Metropolitan Transportation Commission and by the City Auditor. Failure to make urgently needed street repairs in a timely manner will result in the need for more costly repairs in the future. City staff estimates show that improving the overall PCI to 70, classified as "good" condition, would require $320 million over 12 years, or an estimated $350 million over 14 years. Funding will continue to come largely from existing sources, such as the General Fund, and augmented by an estimated $110 million in funds from this initiative.

On July 26, 2022, in Resolution No. 70,456-N.S., the City Council committed to increase annual funding of street maintenance from the General Fund to approximately $8 million, for a total of $15.3 million, and to continue that funding and increase it to account for inflation and maintenance once repairs have been made.

J. City staff estimate a backlog of about $35 million is needed to repair sidewalks and pathways.

K. The Berkeley City Council adopted the 2019 Vision Zero Action Plan, with the goal of eliminating fatal and severe traffic crashes by 2028, and outlined a set of priority actions, including implementation of adopted and updated plans such as the 2017 Bicycle Plan and 2020 Pedestrian Plan. The Bicycle and Pedestrian Plans had a total estimated cost of $124 million when initially adopted, but have remained largely unfunded while costs have increased. This initiative will prioritize the most critical projects to improve pedestrian and bike safety and will require an investment of about $70 million, which will be leveraged as matching funds to win additional grant monies.

The pedestrian safety projects are described in the 2020 Pedestrian Plan, and include signal, intersection and street improvements at 10 priority street segments. The estimated cost ranges from $18 to $61 million.

Bicycle safety projects will prioritize Tier I projects described in the 2017 Bicycle Master Plan Appendix E, primarily consisting of improvements to existing bicycle routes, including traffic calming on bike boulevards and intersection improvements (including protected intersections and flashing beacons). The Executive Summary of the Bicycle Master Plan estimates the Tier I bicycle projects at a total cost of $48 million.

L. Berkeley has declared a climate emergency and set a goal of achieving 100% sustainable transportation by 2040. The State has mandated the inclusion of green infrastructure iri roads that are reconstructed. This initiative includes funding for environmental improvements, including the use of green infrastructure, permeable surfaces, use of native plants, and tree plantings, as well as community spaces, benches, bus shelters, and other appropriate uses to improve the environment of our streets and adapt to a changing climate. The funding allocated in this measure for these types of improvements is roughly $20 million.

M. A special parcel tax within the City provides an equitable mechanism for funding capital investments and ongoing maintenance and improvements of streets, sidewalks, and traffic safety features, including for pedestrian and bicyclist safety. An exemption from the 'tax for low-income homeowners will help ensure the cost of the measure is not a burden for residents on fixed or limited incomes. A split-roll tax under which commercial properties pay more than residential properties, as used in numerous prior parcel taxes, ensures equity in raising funds.

N. The intent of this measure is to augment current city funding for paving and sidewalk repair for a temporary period and allow long-deferred repairs to be made so that the

overall condition of the roads and sidewalks will be made acceptable and safe within 14 years, and maintenance costs will be reduced.

Section 3. Code Amendment
A new Chapter 7.11 is hereby added to the Berkeley Municipal Code as follows:

Chapter 7.11
Sustainable and Accountable Funding for Equitable Street Transformation, Revitalization, Enhancements, and Essential Traffic Safety (SAFE STREETS) Tax

7.11.010 Special Tax - Use.
L. A special tax for the purpose of funding repairs and improvements to streets, sidewalks, and pedestrian paths is hereby authorized to be imposed on all improvements in the City of Berkeley as more fully set forth in this Chapter.

M. The Council may impose the tax authorized by this Chapter up to the rate, and subject to inflation adjustments, set forth in Section 7.11.020.

N. This special tax is imposed under Article XIIIA, Section 4, of the California Constitution and the City's constitutional authority as a charter city under Article XI, Section 5 of the California Constitution.

O. All proceeds of the tax are subject to review, allocation, and approval by the City Council.

P. The proceeds of the tax imposed by this Chapter shall be placed in a special fund to be used only for the purposes of enhancing streets, sidewalks, and pedestrian paths within City limits by funding the following types of projects:

1. Repair, repaving, and reconstruction of streets, sidewalks, and pedestrian paths,
2. Safety improvements to streets, sidewalks, and pedestrian paths,
3. Environmental enhancements to streets, sidewalks, and pedestrian paths.

Q. Proceeds of the tax may be used to pay or reimburse the City for actual, verifiable costs of City staff when they are performing work on, or necessary and incidental to, projects funded by the tax, or public input, oversight, and accountability elements required by this chapter. Proceeds of the tax may also be used to pay or reimburse the City for the costs of City Auditor staff time spent auditing the tax expenditures of this measure.

R. Proceeds of the tax may be used to pay or reimburse the City for the costs of updating the Transportation Element of the General Plan, once every ten years, to integrate and reflect all relevant adopted plans and policies.

S. Proceeds of the tax may be used to pay or reimburse the City for the costs of reviewing and updating the City's public works project delivery process, once every ten years.

T. Proceeds of the tax may be used for public art, limited to no more than 1.75% of applicable project budgets and consistent with Section 6.13.020. Public art funded by this tax shall be in public spaces.

U. Proceeds of the tax may not be used to fund bicycle-specific safety improvements (such as cycletracks or protected bike lanes) on Hopkins Street between McGee and Gilman.

V. The goal of this tax is to achieve the following by December 31, 2036:

4) Raise Berkeley's Pavement Condition Index (PCI) to or above 70 (rated as "Good" by the Metropolitan Transportation Commission), ideally with no streets having a PCI below 50; and
5) Eliminate the backlog of damaged sidewalks and pedestrian paths in Berkeley; and
6) Significantly reduce or eliminate fatal and severe traffic crashes throughout the city, particularly involving pedestrians or cyclists.

It is also a goal of this tax to achieve the above in a way that is in line with current best practices, ensures accessibility for all users, enhances the sustainability and resiliency of Berkeley's public right-of-way facilities, and provides benefits to Berkeley's entire community.

7.11.020 Tax Authorized - Tax Rate and Allocation - Adjustments for Inflation

G. The City Council is hereby authorized to impose and allocate a special tax as follows:

1) **Residential Rate:** For all dwelling units, the tax may be imposed at the rate of up to $0.17 per square foot of improvements.
2) **Non-Residential Rate:** For all other property, the tax may be imposed at the rate of up to $0.25 per square foot of improvements.

H. Annually in May, the City Council may increase the previous year's rate by up to the greater of the cost of living in the immediate San Francisco Bay Area or per capita personal income growth in the state, as verified by official United States Bureau of Labor Statistics data. If either index referred to above is discontinued, the City shall use any

successor index specified by the applicable agency, or if there is none, the most similar existing index then in existence.

I. Tax proceeds shall be allocated approximately as follows:
1) 60% for streets and sidewalks, of which roughly three quarters (45%) will be for streets and one quarter (15%) will be for sidewalks and pedestrian paths, until the backlog of damaged sidewalks and pedestrian paths is eliminated.
2) 30% for safety improvements.
3) The remaining 10% shall include environmental enhancements, any required fees to the County, and any permitted uses as specified in Section 7.11.010.

J. When the City's average PCI is 70 or higher, the allocations specified in Section 7.11.030(C) shall not be required.

K. If another measure providing an additional source of revenue for uses covered in this tax is approved by the voters on the same ballot as this measure, the tax rates authorized in Section 7.11.020(A) shall be reduced by an equivalent amount, and the percentages specified in 7.11.020(C) shall be adjusted as necessary to meet the goals of this chapter, while that measure remains in effect.

7.11.030 Duration and Renewal - City Funding Required

E. This measure shall remain in place for 14 years from the effective date, unless extended by the voters.

F. If the City Council fails to adopt a budget with at least $15.3 million in funding for street maintenance, from sources other than this tax, and adjusted for inflation, per Resolution No. 70,456-N.S. (adopted July 26, 2022), the City Council shall not be authorized to impose the special tax for the following two years.

G. In the event of a loss of any external funding source for street maintenance, or a decline in the amount provided for street maintenance by an external funding source included in the 2023-24 budget (adjusted for inflation), the required budgeted amount in Section 7.11.030(8) shall be reduced by an equivalent amount.

H. Section 7.11.030(8) shall not apply for years in which the City Council draws upon $1 million (or more) from the Stabilization Reserve in order to adopt a budget, or the City of Berkeley is included in the site of a natural disaster recognized by the Federal Emergency Management Agency or in a state or federal declaration of a state of emergency.

7.11.040 SAFE STREETS Citizen Oversight Committee

E. The City Council shall establish a SAFE STREETS Citizen Oversight Committee (SSCOC) to review expenditures and progress reports from the City Manager and City Auditor to ensure compliance with the intent of this chapter, evaluate the impacts and outcomes of tax expenditures on this chapter's stated goals, and prepare public reports on the committee's findings.

F. Composition:

1. The SSCOC shall consist of seven members, as follows:
   (a) Two members of the Transportation and Infrastructure Commission
   (b) One member of the Environment and Climate Commission
   (c) Four members of the public who are Berkeley residents

2. SSCOC members from commissions shall be appointed by their respective bodies, and members of the public shall be appointed by the City Council as a whole. Members of the public shall be required to have a background in civil engineering, transportation engineering, infrastructure program management, the implementation of municipal bond or tax measures, or ADA compliance and the accessible infrastructure challenges that seniors and disabled community members face.

3. The SSCOC annually shall elect one of its members as the chairperson and one of its members as the vice-chairperson.

G. The City Manager shall designate a staff person to serve as secretary of the committee.

H. The committee shall establish a regular place and time for meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. The frequency of committee meetings shall be as determined by City Council Resolution, but no less than four per year.

E The committee may make and alter rules governing its organization and procedures which are consistent with this Chapter or any other applicable ordinance of the City. A majority of the members appointed to the committee shall constitute a quorum and the affirmative vote of a majority of the members appointed is required to take any action.

L. The Committee shall prepare an annual independent report of progress and performance. Each report shall be made publicly available on the City's website and submitted to the City Council.

7.11.050 Public Input, Reporting, and Accountability

D. To ensure public input for the projects and priorities funded by this measure, City staff shall hold at least three workshops in different areas of the city, every three years, to solicit input on projects and priorities from residents and civic, neighborhood, and business organizations, in addition to the regular meetings of the Transportation and Infrastructure Commission.

E. The City Manager shall prepare and submit to the City Council and the SSCOC an annual report of performance metrics, outcomes, and accomplishments that reflects all City street, sidewalk, and safety funding. To promote effective communication, the report shall also be presented in an online dashboard, and include the following metrics:

1. Streets paved, cost per mile, changes to the citywide average PCI, the PCI of all streets, and a schedule that estimates which streets will be paved in the next 5 years; and
2. Progress on sidewalks and pedestrian paths; and
3. Safety projects implemented, and fatal and severe injuries over time; and
4. Progress on green infrastructure, tree planting, climate resiliency measures, and changes in trip modality; and
5. Awarded and in-progress grants.

F. All expenditures, and verification of progress towards the goals set forth in Section 7.11.010(K), shall be subject to an independent performance audit by the City Auditor, at least once every three years, to confirm that the tax expenditures and reports are accurate and consistent with the intent of this chapter.

7.11.060 Use of Adopted Plans and Policies

E. Any project funded by the proceeds of the tax must be consistent with one or more adopted City of Berkeley plans or policies. Adopted City of Berkeley plans and policies shall inform project prioritization.

F. Any project funded by the proceeds of the tax which includes street repair, repaving, and/or reconstruction shall implement safety improvements concurrently, unless the City Council adopts a written finding based on substantial evidence that there are no improvements which would materially increase safety and are consistent with an adopted City plan or policy.

G. Any project funded by proceeds of the tax which includes safety improvements must be consistent with one or more of the following City of Berkeley plans and policies, as may be amended from time to time, or their successor plans as adopted by City Council:

i) the Vision Zero Action Plan, adopted March 10, 2019; or

ii) the Pedestrian Plan, adopted January 26, 2021; or
iii) the Berkeley Bicycle Plan, adopted May 7, 2017; or
iv) the Complete Streets Policy, adopted December 11, 2012.

A project funded by the proceeds of the tax which includes safety improvements may alternatively be consistent with one or more Safe Routes to Schools Safety Assessment and/or Improvement Plan, as may be amended from time to time by the Berkeley Unified School District and Alameda County Transportation Commission.

H. Additional City of Berkeley adopted plans and policies, such as the Vision 2050 Framework, Street Maintenance and Rehabilitation Policy, Repaving Plan, Berkeley Strategic Transportation Plan (BeST), Age-Friendly Berkeley Action Plan, Streets and Open Space Improvement Plan (SOSIP), Green Infrastructure Plan, Stormwater Management Plan, Local Hazard Mitigation Plan, Berkeley Electric Mobility Roadmap, Berkeley Resilience Strategy, Berkeley Transit-First Policy Implementation Plan, or area-specific plans, including the Adeline Corridor Specific Plan, Downtown Area Plan, South Shattuck Strategic Plan, Southside Plan, University Avenue Strategic Plan, and West Berkeley Plan, shall be considered, as appropriate, when identifying or evaluating projects to be funded by proceeds of this tax.

7.11.070 Definitions

For the purposes of this chapter, the following terms shall be defined as set forth below:

L. "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "building" includes the word "structure."

M. "Improvements" shall mean all buildings or structures erected or affixed to the land.

N. "Square footage" shall mean the total gross horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes, notwithstanding paragraph 3 below, the square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:

1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.
2. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to

stoops, balconies and to natural ground areas, terraces, pools, and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building.

3. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display storage, service, or production areas.

O. "Structure" shall mean anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

P. "Parcel" shall mean a unit of real estate in one ownership as shown on the most current official assessment roll of the Alameda County Assessor.

Q. "Repair, repaving, and reconstruction" shall refer to a suite of interventions designed to restore and upgrade the physical integrity and functionality of streets and sidewalks, including pedestrian paths, including all ordinary and necessary expenses and features as required by applicable law.

R. "Safety improvements" shall mean improvements to sidewalks, streets, and highways inclusive of state highways that implement features designed to reduce collisions, injuries, and fatalities, including traffic calming measures. Safety improvements shall include features recommended by the Urban Street Design Guide published by the National Association of City Transportation Officials (NACTO), features recommended by the Proven Safety Countermeasures initiative published by the Federal Highway Administration, and/or other similar features to reduce collisions, injuries, and fatalities recommended by national organizations of planning or transportation experts. Safety improvements shall also include improvements to emergency vehicle access and response times, such as fire/emergency evacuation lanes, transit lanes that also serve emergency vehicles, cycle tracks that can accommodate emergency vehicles, traffic signal controls for emergency vehicles, retractable bollards, curb management, and signage for evacuation routes.

S. "Traffic calming measures" shall mean safety improvements specifically designed to reduce vehicle speeds, including horizontal or vertical deflections (such as chicanes and speed bumps), width reductions (such as bulb-outs and medians), and routing restrictions (such as diverters and bollards), or other similar measures recommended by the Institute of Traffic Engineers, the Federal Highway Administration, or other national organizations of transportation experts.

T."Environmental enhancements" shall mean improvements to sidewalks, streets, and highways, inclusive of state highways, that improve resiliency or sustainability, and/or provide community amenities. Environmental enhancements shall include, but not be limited to, green infrastructure, permeable surfaces, native plants, street trees, planted verges and medians, transit rider facilities, and community spaces.

U."Transit rider facilities" shall mean improvements to sidewalks, streets, and highways inclusive of state highways that implement features to improve comfort and reliability for transit riders, such as elements recommended in the Transit Street Design Guide published by NACTO, including but not limited to bus shelters, benches, and bus station islands.

V. "Pavement Condition Index" or "PCI" shall refer to the numerical index between Oto 100 used to determine the general condition of the pavement, following standards set forth by ASTM D6433 - 20, or an equivalent appropriate methodology developed for non-asphalt surfaces.

7.11.080 Exemptions.

D. The tax imposed by this Chapter shall not apply to parcels and improvements exempt from taxation by the City pursuant to the laws or constitutions of the United States and the State of California.

E. The tax imposed by this Chapter shall not apply to any property owned by any person whose total personal income, from all sources, for the previous calendar year, does not exceed that level which shall constitute "very low-income," as may be established by resolution of the City Council. Any taxpayer claiming the exemption under this section shall be required to demonstrate their entitlement thereto annually by submitting an application and supporting documentation to the City Manager or their designee in the manner and at the time established in regulations and/or guidelines hereafter promulgated by the City Manager subject to review by the City Council in its discretion. Such applications shall be on forms provided by the City Manager, or their designee, and shall provide and/or be accompanied by such information as the City Manager shall require, including but not limited to, federal income tax returns and W-2 forms.

F. Any person or entity claiming an exemption from the tax imposed by this Chapter shall file a verified statement of exemption on a form prescribed by the City Manager prior to June 30th of the first fiscal year for which the exemption is sought.

7.11.090 Duties and Authority of the City Manager.

It shall be the duty of the City Manager to collect and receive all taxes imposed by this Chapter and to keep an accurate record thereof. The City Manager is charged with the enforcement of this Chapter, except as otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this chapter, including provisions for the re-examination and correction of returns and payments.

7.11.100 Collection with Property Tax - Penalties and Interest.

The special tax imposed by this Chapter shall be due in the same manner, on the same dates, and subject to the same penalties and interest as established by law for other charges and taxes fixed and collected by the County of Alameda on behalf of the City of Berkeley. The special tax imposed by this Chapter, together with all penalties and interest thereon, shall constitute a lien upon the parcel upon which it is levied until it has been paid, and shall constitute a personal obligation of the owners of the parcel on the date the tax is due.

7.11.110 Collection.

The amount of any tax, penalty, or interest imposed under the provisions of this chapter shall be deemed a debt to the City. Any person owing money under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of such amount. The City shall be entitled to reasonable attorneys' fees and its costs of suit in any such action.

7.11.120 Refunds.

Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in Chapter 7.20 of the Berkeley Municipal Code or any such successor chapter.

7.11.130 Savings clause - Severability.

The provisions of this chapter shall not apply to any person, association, corporation, entity, or property as to whom or which it is beyond the power of the City of Berkeley to impose the tax herein provided. If any sentence, clause, section, or part of this chapter, or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal, or invalid, such sentence, clause, section or part shall be severable and such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section, or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or other parts of this chapter. It is hereby declared to be the intention of the City Council and the People of the City of Berkeley that

this chapter would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

7.11.140 Violation - Penalty.
Any person who fails to perform any duty or obligation imposed by this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code. The penalties provided in this section are in addition to the several remedies provided in this chapter.

Section 4. Increase appropriations limit.
Pursuant to California Constitution Article XIIIB, the appropriation limit for the City of Berkeley is hereby increased by the aggregate sum authorized to be levied by this special tax for each of the four fiscal years from 2025 through 2028.

Section 5. Effective date.
The tax imposed by this Chapter shall be operative on January 1, 2025.

Section 6. Conflicting Ballot Measures

(c) In the event that this measure and another measure(s) relating to local taxes to fund any or all of the uses permitted in this measure are approved by a majority of the voters at the same election, and this measure receives a greater number of affirmative votes than any other such measure(s), this measure shall control in its entirety, and the other measure(s) shall be rendered void and without any legal effect. If this measure is approved by a majority of the voters but does not receive a greater number of affirmative votes than the other measure(s), this measure shall take effect to the extent permitted by law.

(d) If any provisions of this measure are superseded by the provisions of any other conflicting measure approved by the voters and receiving a greater number of affirmative votes at the same election, and the conflicting measure is subsequently held to be invalid, repealed, or terminated, the provisions of this measure shall be revived and shall have full force of law.

Section 7. Amendment, repeal, and reenactment.

(d) Without voter approval, the City Council may repeal this ordinance or amend it in any manner that does not:

1) Result in an increase in the tax authorized to be imposed;
2) Expand the permissible uses in Section 7.11.010, or materially alter relevant definitions in Sections 7.11.070, in a way that is inconsistent with the original intent of this chapter;

3) Alter the allocations of Section 7.11.020;
4) Extend the sunset or reduce the City budgeting requirements set forth in Section 7.11.030;
5) Reduce the public input, oversight, and accountability processes set forth in Section 7.11.040 and 7.11.050;
6) Reduce the use of adopted plans and policies in Section 7.11.060;
7) Lower the threshold of "substantial evidence" in Section 7.11.060(8);
8) Add or modify exemptions (in a manner that would increase the tax).

(e) If the City Council repeals this ordinance, it may subsequently reenact it without voter approval, as long as the reenacted ordinance does not:

1) Result in an increase in the tax authorized to be imposed;
2) Expand the permissible uses in Section 7.11.010, or materially alter relevant definitions in Sections 7.11.070, in a way that is inconsistent with the original intent of this chapter;
3) Alter the allocations of Section 7.11.020;
4) Extend the sunset or reduce the City budgeting requirements set forth in Section 7.11.030;
5) Reduce the public input, oversight, and accountability processes set forth in Section 7.11.040 and 7.11.050;
6) Reduce the use of adopted plans and policies in Section 7.11.060;
7) Lower the threshold of "substantial evidence" in Section 7.11.060(8);
8) Add or modify exemptions (in a manner that would increase the tax).

(f) In the event that this measure and another measure(s) relating to local taxes to fund street and sidewalk repair, repaving, and reconstruction both take effect, the City Council may make any amendments to this ordinance necessary to consolidate and align this measure with the other measure(s), that does not result in a tax authorized to be imposed greater than the tax authorized by this measure.

Section 8. California Environmental Quality Act Requirements.
This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., under, including without limitation, Public Resources Code section 21065 and CEQA Guidelines sections 15378(b)(3) and 15378(b)(4).

Section 9. Special Tax; Majority Vote Requirement. This Ordinance imposes a special tax for restricted purposes and is being placed on the ballot via signature petition. It shall be effective only if approved by a majority of the voters voting thereon.

The foregoing is a true and correct copy of Ordinance No. 7,952-N.S., and the same was approved by a vote of the electorate of the City of Berkeley on November 5, 2024.
At a special meeting of the Council of the City of Berkeley held on December 10, 2024, this Ordinance was adopted by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

Adena Ishii, Mayor

ATTEST:

Mark Numainville, City Clerk

Date signed: December 30, 2024

02a.34

Brent Blackaby
Councilmember District 6

CONSENT CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Councilmember Taplin (Co-sponsor), Councilmember O'Keefe (Co-sponsor), Councilmember Humbert (Co-sponsor)

Subject: Amend AB-645 (2023-2024) to add the City of Berkeley to California's Automated Speed Enforcement Pilot

RECOMMENDATION

Adopt a Resolution to send to Assemblymember Buffy Wicks and Senator Jesse Arreguín, requesting that the Legislature amend AB-645 (Friedman) Vehicles: Speed Safety Pilot Program (2023-2024), in order to add the City of Berkeley to the pilot.

FINANCIAL IMPLICATIONS

None. If the City of Berkeley is selected for inclusion in the pilot, additional costs for acquiring and operating new speed cameras will be identified before implementation.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is densely populated with over 124,000 people living within its 10.5 square miles of land. Its community is passionate about eliminating traffic deaths and serious injuries by 2028, which is the goal of the Vision Zero plan that Berkeley enacted in 2019. Yet 2024 saw four more fatal traffic incidents than 2023 (which had zero). Unsafe speed was the leading cause of the 877 collisions in 2024, according to the 2024 Berkeley Police Department Annual Report.

Based on traffic data, the City of Berkeley believes that reducing traffic speeds will reduce collisions, injuries, and deaths. Without sufficient enforcement resources, especially in a challenging budgetary environment, speed cameras can play a crucial role.

AB-645 (Friedman), approved Oct 13, 2023, permits selected cities to establish a Speed Safety Pilot Program, to run until Jan 2032. The initial measure included six (6) cities – Los Angeles, San Jose, Oakland, Glendale, Long Beach, and the City and County of San Francisco. Berkeley requested inclusion but was not selected.

California cities not included in the Pilot are not permitted to use speed safety systems. The Legislature wants to ensure the speed safety programs meet certain requirements and are using this pilot to measure their effectiveness. The City of Berkeley, after

significant public input, has developed several strategic plans towards creating safer transit infrastructure and made progress on their implementation. These include:

- The Berkeley Strategic Transportation (BeST) Plan to improve the physical transportation infrastructure for increased access, mobility and safety for everyone traveling within our city (adopted June 2016)
- The Berkeley Bicycle Plan to make Berkeley a model bicycle-friendly city where bicycling is a safe, attractive, easy, and convenient form of transportation and recreation for people of all ages and bicycling abilities (adopted May 2, 2017)
- The Vision Zero Action Plan to eliminate traffic deaths and severe injuries on our city streets by 2028 (adopted March 10, 2019)
- The Berkeley 2020 Pedestrian Plan to move forward with pedestrian infrastructure improvements focused on safety and equity (adopted Jan 26, 2021)

The City has also taken steps to use modern technology to support safety and enforcement. Berkeley is ideally situated to implement a Speed Safety Pilot Program and to reap the benefits. Such programs offer a high rate of detection, and, in conjunction with education and traffic engineering, can significantly reduce speeding, improve traffic safety, and prevent traffic-related fatalities and injuries. Further, they can reduce disparate impacts on communities of color, and implicit or explicit racial bias in police traffic stops which put drivers of color at risk nationwide.

This item seeks to urge the State Legislature to amend AB-645 to include the City of Berkeley in the Pilot. If that is not possible, then we request Berkeley be included in the next phase of California's Speed Safety Program as soon as possible.

BACKGROUND

Adopted by the California Legislature and approved by Governor Newsom on October 13, 2023, AB-645 (Friedman) included six California Cities in its automated speed enforcement pilot: Los Angeles, San Jose, Oakland, Glendale, Long Beach, and the City and County of San Francisco. The pilot runs through January 1, 2032. The City of Berkeley requested inclusion[1] before the bill was passed, but was not selected as one of the initial six cities.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By reducing traffic speeds, the City of Berkeley can improve traffic safety and reduce greenhouse gas emissions. Slower speeds support alternate forms of transportation such as biking and walking.

CONTACT PERSON

Councilmember Brent Blackaby Council District 6 510-981-7160

Attachments: 1: Resolution

[1] Berkeley City Council Agenda, April 11, 2023, Sending a letter to Assemblymembers Friedman and Wicks to request Berkeley's Inclusion in AB 645

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

AMEND AB-645 (FRIEDMAN) TO ADD THE CITY OF BERKELEY TO CALIFORNIA'S SPEED SAFETY PILOT PROGRAM

WHEREAS, The City of Berkeley is densely populated with over 124,000 people living within its 10.5 square miles of land; and

WHEREAS, AB-645 (Friedman) Vehicles: Speed Safety Pilot Program was approved on October 13, 2023 and authorized six California cities to implement an automated speed enforcement pilot, but Berkeley's initial request to be included was not accepted; and

WHEREAS, the City of Berkeley saw 877 total collisions in 2024, including 4 fatal incidents, with unsafe speed the leading cause, according to the 2024 Berkeley Police Department Annual Report; and

WHEREAS, given budget constraints and hiring challenges, Berkeley does not have sufficient traffic enforcement capacity to serve speeding tickets to every unsafe driver to change behavior; and

WHEREAS, on June 1, 2016 the City Council adopted the Berkeley Strategic Transportation (BeST) Plan to improve the physical transportation infrastructure for increased access, mobility and safety for everyone traveling within our city; and

WHEREAS, on May 2, 2017, the City Council approved the Berkeley Bicycle Plan to make Berkeley a model bicycle-friendly city where bicycling is a safe, attractive, easy, and convenient form of transportation and recreation for people of all ages and bicycling abilities; and

WHEREAS, on March 10, 2019, the City Council adopted its Vision Zero Action Plan to eliminate traffic deaths and severe injuries on our city streets by 2028; and

WHEREAS, on January 26, 2021, the City Council adopted the Berkeley 2020 Pedestrian Plan to move forward with pedestrian infrastructure improvements focused on safety and equity; and

WHEREAS, on October 1, 2024 the City Council approved a controlled pilot of Automated License Plate Readers (ALPR) to support investigations and efficient response to stolen vehicles and vehicles associated with a felony; and

WHEREAS, the ALPR pilot proved successful, playing a role in 14 arrests, helping recover 10 stolen vehicles, generating 14 investigative leads, and contributing to the issuance of 2 warrants in the first three months – and led to Council approval of full roll-out of the ALPR program; and

WHEREAS, in 2025 the City of Berkeley will be installing Fixed Surveillance Cameras in intersections with high pedestrian traffic to capture incidents in real time; and

WHEREAS, the City of Berkeley has a track record of deploying modern technology to support safety and enforcement and has developed several strategic plans to create safer transit infrastructure, making significant progress on their implementation.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley, a densely populated city with passion and drive towards eliminating traffic deaths and serious injuries by 2028, requests that the California Legislature amend AB-645 (Friedman) Vehicles: Speed Safety Pilot Program (2023-2024) to expand the program to include the City of Berkeley.

BE IT FURTHER RESOLVED that the City of Berkeley has experience with modern technology to support safety and enforcement, and speed cameras would be a natural extension of existing investments.

BE IT FURTHER RESOLVED that if it is not deemed possible to include the City of Berkeley in the AB-645 pilot program at this time, we ask the Legislature to include Berkeley in the next phase of California’s Speed Safety Program as soon as possible.

BE IT FURTHER RESOLVED that copies of this resolution shall be transmitted to the offices of Senator Jesse Arreguín and Assemblymember Buffy Wicks to request their support in amending AB-645.

02a.35

INFORMATION CALENDAR
APRIL 29, 2025

To: Honorable Mayor Ishii and Members of the City Council

From: Police Accountability Board

Submitted by: Hansel A. Aguilar, Director of Police Accountability (DPA)

Subject: 2025 Police Accountability Board Workplan

INTRODUCTION
The Police Accountability Board (PAB) hereby submits a work plan for the year 2025.

SUMMARY
On February 1, 2025, the PAB conducted a strategic planning session at the ODPA to evaluate key priorities and establish objectives for the year. The discussion emphasized the importance of achieving full staffing, enhancing community engagement, and assessing workload efficiency to maximize effectiveness. As part of its strategic planning, the PAB identified the following objectives for 2025:

- Strengthening stakeholder engagement to achieve full staffing and enhance community participation
- Overseeing the implementation of an effective Early Intervention System (EIS)
- Finalizing an updated operations manual that aligns with operational needs
- Cataloging and prioritizing pending policy reviews
- Expanding the PAB's academic network to enhance research capabilities and overall work product
- Finalizing the review of regulations for investigating personnel complaints

CURRENT SITUATION AND ITS EFFECTS
The PAB holds at least 18 regular meetings each year per Berkeley City Charter Section 125(13)(a)[1]. Currently, 5 of the 9 Board Member positions, are filled.[2] The PAB is

[1] Berkeley City Charter Section 125(13)(a): https://berkeley.municipal.codes/Charter/125(13)(a)
[2] The PAB currently has six appointed members, with one Board Member on an extended leave of absence. Please refer to the attached PAB Roster for more details.

responsible for carrying out the duties and authority as defined in Berkeley City Charter Section 125.

BACKGROUND

The Police Accountability Board (PAB) was established to enhance public trust by providing independent civilian oversight of the Berkeley Police Department. It serves as a platform for community engagement in reviewing police policies, practices, and procedures while ensuring timely and impartial investigations of complaints against sworn officers.

In 2016, the City Council required most commissions to submit an annual work plan outlining their mission, goals, resources, activities, and expected outcomes. These plans serve as a roadmap for the fiscal year and should align with relevant departmental work plans while staying within the commission's legislative scope[3].

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability or climate impacts associated with the adoption of this work plan.

POSSIBLE FUTURE ACTION

The PAB will review the work plan annually and revise the plan as appropriate.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no fiscal impacts in accepting this work plan.

CONTACT PERSON

Hansel A. Aguilar, Director of Police Accountability
Phone: (510) 981-4950
Email: HAguilar@berkeleyca.gov

Attachments:
1: 2025 Police Accountability Board Workplan
2: PAB Roster

[3] Berkeley Commissioner's Manual Section E "Development of a Work Plan": https://berkeleyca.gov/sites/default/files/2022-03/Commissioners-Manual.pdf



2025
PAB WORKPLAN

Police Accountability Board

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Mission Statement

"The purpose of the Police Accountability Board is to promote public trust through independent, objective, civilian oversight of the Berkeley Police Department, provide community participation in setting and reviewing Police Department policies, practices, and procedures, and to provide a means for prompt, impartial and fair investigation of complaints brought by members of the public against sworn employees of the Berkeley Police Department" (Berkeley City Charter Section 125(1)).

Guiding Authorities

The Police Accountability Board's (PAB) work plan is guided by Berkeley City Charter Section 125[1], ordinances enacted by City Council[2], the City of Berkeley's Commissioner's Manual[3], and the PAB's adopted standing rules. These authorities define the PAB's responsibilities, establish its procedural framework, and ensure alignment with city policies to promote effective civilian oversight of law enforcement.

Recurring Mandates

The Police Accountability Board has annual mandatory responsibilities outlined in the City Charter and the Berkeley Municipal Code.

Charter Powers and Duties

The mandatory provisions for the PAB in the City Charter deal with the composition and procedures of the PAB. Many of the provisions deal with the requirements of individual board members such as the training requirement or term limits. The active actions the PAB, as a whole, is required to take in the City Charter are:

- approve the annual report from the DPA as outlined in the Charter (Berkeley City Charter Section 125(16)(c));
- reviewing and making recommendations on newly adopted policies submitted by the Chief of Police (Berkeley City Charter Section 125(17)(a));

[1] Berkeley City Charter Section 125: https://berkeley.municipal.codes/Charter/125
[2] Currently, Berkeley Municipal Code 2.99 and 2.100 assign the PAB with additional reviews not listed in the charter: https://berkeley.municipal.codes/
[3] City of Berkeley's Commissioner's Manual: https://berkeleyca.gov/sites/default/files/2022-03/Commissioners-Manual.pdf

- adopt regulations for handling complaints filed with the DPA (Berkeley City Charter Section 125(18));
- consult with the City Manager for the hiring of a new Chief of Police during a vacancy (Berkeley City Charter Section 125(22));
- receiving information on any agreed contracts adopted by the City Council related to the PAB's work (Berkeley City Charter Section 125(25));
- creating a regular commendation program for sworn employees of the BPD (Berkeley City Charter Section 125(26)); and
- conducting a review of its internal processes every two years (Berkeley City Charter Section 125(28)).

The City Charter also puts mandatory limits of the PAB's power. The PAB is unable to limit the City Council, Chief of Police, or City Manager's authority derived from other provisions of the City Charter to act on policing matters. The PAB does not have the authority to supplant the authority of the City Manager or Chief of Police.

Requirements Under the Berkeley Municipal Code

According to Chapter 2.99 of the Berkeley Municipal Code, the PAB plays a role in reviewing the city's use of surveillance technology by:

- **Reviewing Surveillance Use Policy:** The City Manager must present a Surveillance Use Policy and report for each new surveillance technology to the PAB before it goes to the City Council for approval. (Section 2.99.030(2))
- **Providing Recommendations:** The PAB can then vote to recommend approval of the policy, object to it, suggest modifications, or take no action. However, their decision is not binding, and the City Council can still proceed with adopting the policy. (Section 2.99.030(2))

The Berkeley Municipal Code Chapter 2.100, titled "Police Equipment and Community Safety Ordinance," establishes the **PAB's** role in regulating the acquisition and use of "Controlled Equipment" by the police department. Here's how the PAB is involved:

- **Review and Recommendation:** Before the City Council approves the acquisition or use of any Controlled Equipment, the Police Department must submit a **Controlled Equipment Impact Report** and a **Controlled Equipment Use Policy** to the PAB for review and recommendation. (Section 2.100.040(A))
- **Specific Requirements:** The PAB is tasked with reviewing the proposed equipment and policy based on specific criteria, including:
    - Potential impact on the community, particularly on protected groups. (Section 2.100.050(A)(2)(a))
    - Whether alternative equipment or de-escalation tactics could achieve the same goal. (Section 2.100.050(A)(2)(b))
    - Consistency with the City's values and community policing principles. (Section 2.100.050(A)(2)(c))
- **Recommendation Outcome:** The PAB then issues a written recommendation to the City Council, which can be approval, disapproval, or suggestions for modification. However, the City Council has the final say on whether to approve the acquisition or use of the Controlled Equipment. (Section 2.100.040(A))

PAB Objectives for 2025

On February 1, 2025, the PAB held a strategic planning session at the Office of the Director of Police Accountability (ODPA). During the retreat, the Board reviewed its key strategic goals and priorities, identifying the following objectives for 2025:

No.	Objectives	Charter Section
1	Achieve full PAB staffing and enhance community participation through strengthened stakeholder engagement.	125(5)(a)
2	Oversee the effective implementation of the Early Intervention System (EIS).	125(17)(a)
3	Finalize an updated operations manual that aligns with the PAB's operational needs.	125(3)(a)(6)
4	Catalog and prioritize pending policy reviews before the PAB.	125(17)(a)
5	Expand the PAB's academic network to strengthen research capabilities and overall work product.	125(3)(a)(1)
6	Complete the review of the PAB's regulations for investigating personnel complaints.	125(18)(a)

2025 PAB Meeting Calendar

JAN

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28	29	30	31			

PAB ROSTER

Updated 3/27/2025

District	Board Member	Nominated by
Mayor	Vacant	**Mayor Ishii**
D1	Vacant	**Councilmember Kesarwani**
D2	David Williams[1]	**Councilmember Taplin**
D3	Vacant	**Councilmember Bartlett**
D4	Calavita, Kitty	**Councilmember Tregub**
D5	Wilson, Leah (Vice-Chair)	**Councilmember O'Keefe**
D6	Leftwich, Juliet	**Councilmember Blackaby**
D7	Cayetano, Joshua (Chair)	**Councilmember Lunaparra**
D8	Randy Wells	**Councilmember Humbert**
Alternate	Vacant	**Mayor and Council**

[1] Councilmember Williams on leave of absence from March 19, 2025 to June 19, 2025

02a.36

BERKELEY CITY AUDITOR

INFORMATION CALENDAR
April 29, 2025

To: Honorable Mayor and Members of the City Council

From: Jenny Wong, City Auditor

Subject: Restaurant Inspections Audit Report Wins National Recognition

INTRODUCTION

The City of Berkeley Auditor's Office has won the 2024 Distinguished Knighton Award for one of the best performance audit reports in the medium shop category from the Association of Local Government Auditors (ALGA). The report, *Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets*, was judged on several key elements, such as the potential for significant impact, the persuasiveness of conclusions, the focus on improving government efficiency and effectiveness, and its clarity and conciseness.

CURRENT SITUATION AND ITS EFFECTS

Each year, local government audit organizations from around the U.S. and Canada submit their best performance audit reports for judging. The judges from peer organizations determined that our audit of the City of Berkeley's food inspection program was among the best of 2024.

BACKGROUND

We issued our audit report, *Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets*, on July 10, 2024.[1]

The purpose of the audit was to determine:

1. To what extent is the Food Safety and Inspection Program meeting its inspection targets?

2. To what extent is the Food Safety and Inspection Program adequately funded and staffed?

3. How well does the Food Safety and Inspection Program keep the public informed about food safety?

We found that the Environmental Health Division (Division) did not meet its targets for food facility inspections in 2023, increasing health risk. Almost half (45 percent) of Berkeley's food facilities were not inspected, including 193 restaurants. Further, the Division responded to only 26 percent of potential foodborne illness complaints within the target of one business day.

[1] https://berkeleyca.gov/sites/default/files/documents/Berkeley_Restaurant_Inspections_-_Chronically_Understaffed_Program_Did_Not_Meet_Targets.pdf

Additionally, the Division did not separately track food inspection revenue and spending from its other inspection programs over the audit period. Short staffing increased inspectors' workloads and made it difficult to meet targets and monitor program performance. Public information on food inspections was limited and hard to access. Berkeley provided less information about inspections online compared to other jurisdictions. Berkeley did not use placards, a common practice for communicating food safety used by other jurisdictions including Alameda County.

We made nine recommendations to improve inspection coverage and quickly respond to alleged foodborne illness complaints, as well as increase transparency and accessibility. City Management agreed or partially agreed to our findings, conclusions, and recommendations. Since audit issuance, the Division has made progress in implementing the audit recommendations.

ENVIRONMENTAL SUSTAINABILITY

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

POSSIBLE FUTURE ACTION

We will continue to follow up on the status of audit recommendation implementation to ensure the City mitigates the risks that could prevent the City from providing efficient, effective, and equitable service delivery.

FISCAL IMPACTS OF RECOMMENDATION

Audit work leads to new or enhanced revenue, cost recovery, and increased efficiency, with economic impact well beyond the audit costs. Implementing the audit recommendations from the restaurant inspections audit will ensure that the Environmental Health Division improves coverage of food inspections and can provide the public with complete and accessible information on food safety, minimizing public health risk to the community.

Staffing up the food inspection program may carry financial implications depending on the specific implementation strategies. However, filling budgeted positions is necessary to meet inspection targets. Additionally, updating the information shared online and implementing placarding may require initial investments in design and implementation. We anticipate the ongoing costs of placarding to be minimal, as placards are updated as part of the routine inspection process.

CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

Attachments:

1: 2024 Knighton Award Letter from ALGA

Association of Local Government Auditors

April 4, 2025

Jenny Wong
2180 Milvia St. Third Floor
Berkeley, California 94704

RE: 2024 Knighton Award Winner

Dear Jenny,

The Association of Local Government Auditors' Awards Program Committee is pleased to announce that the City of Berkeley, City Auditor's Office's report, "Berkeley Restaurant Inspections: Chronically Understaffed Program Did Not Meet Targets," won the 2024 Distinguished Knighton Award in the medium shop category.

ALGA was founded in 1985 to serve auditors who specialize in working with local governments, and our members represent over 300 local government audit organizations across the United States and Canada. As you well know, local government auditors are committed to helping their governments provide services to the public more efficiently and effectively with the limited resources available to them.

To encourage increasing levels of excellence among local government auditors, ALGA created the Knighton Award in 1995 to recognize the best performance audit reports produced by local government audit shops in the previous year. Each year, local government audit organizations, like yours, submit their best performance audit report to be evaluated against four criteria:

(1) An audit scope that has the potential for significant impact and is responsive to the needs and concerns of decision-makers and/or the public.

(2) Audit conclusions that are persuasive, logical, and firmly supported by the evidence, which was gathered using appropriate research methods and tools.

(3) Audit recommendations that are feasible and will make government programs more effective and efficient.

(4) Audit results that are communicated clearly and concisely.

Judges from peer organizations determined your office's report was among the best of 2024.

The judges commented:

The report is well written, easy to follow, and digs all the way down to root causes. The comparison of the auditee's performance to similar entities is very effective in judging the magnitude of the findings. The auditors' use of visuals helps clearly articulate their

Association of Local Government Auditors

messaging and capture readers' attention; specifically, figure 8 highlights the extent to which inspectors are overworked.

Congratulations on receiving this award!

Sincerely,

Kathie Harrison,
Acting ALGA President

Annamarie McNiel,
Awards Program Committee Chair

Upcoming Worksessions and Special Meetings	
Scheduled Dates	
April 15 (4pm)	Adoption of Cal Fire Map Adoption of Fire Code Amendments
April 22 (6pm)	City Council ZAB Appeal Hearing for UA Theater Project
April 28 (5pm)	Peace & Justice Commission Ceasefire Resolution
April 29 (4pm)	Presentation on City's Unfunded Liabilities
May 6 (4pm)	Brown Act Training
May 13 (6pm)	Evacuation Study and Response Times

Unscheduled Presentations and Special Meetings

1. Council Referral: Social Housing (June or July)
2. Comprehensive Summary of Homeless Response

Future Information Reports

1. Reimagining Public Safety Update
2. Affordable Housing Fee Feasibility Study
3. Berkeley Fire Department Annual Report

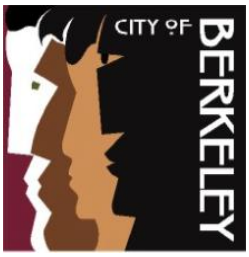
	City Council Referrals to the Agenda & Rules Committee and Unfinished Business for Scheduling
	None

CITY CLERK DEPARTMENT

WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL

Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
0/1117 Virginia Street (construct residential building)	ZAB	4/15/2025	
2700 Ninth Street - Berkeley Humane (modify Use Permit)	ZAB	4/15/2025	
Public Hearings Scheduled			
2274 Shattuck Avenue (UA Theater Project)	ZAB		4/22/2025
1048 Keith Avenue (single-family dwelling)	ZAB		5/6/2025
2500-12 San Pablo Avenue/1094-98 Dwight Way (Landmark designation for Union Investment Company Building No. 1)	LPC		5/20/2025
1950-1998 Shattuck Avenue (University Corners)	ZAB		6/3/2024
2138 Kittredge Street (Landmark designation for The Fitzpatrick House and Pepper Tree Tea Room)	LPC		6/3/2024
2655 Shattuck Street (mixed-use residential building)	ZAB		7/22/2025
Remanded to ZAB or LPC			
Notes			

4/10/2025



Rashi Kesarwani
Councilmember, District 1

REVISED
AGENDA MATERIAL

Meeting Date: **September 24, 2024**

Item Number: **Item #11**

Item Description: **City Council Rules of Procedure and Order Revisions**

Submitted by: **Rashi Kesarwani**

This revised recommendation modifies the City Council Rules of Procedure and Order Revisions presented by the City Manager and passed by the Agenda and Rules Committee.

Rashi Kesarwani
Councilmember, District 1

ACTION CALENDAR
September 24, 2024

TO: Honorable Mayor Jesse Arreguín and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Council Rules and Procedures Amendments

Summary of Recommendation:

Amend the Council Rules and Procedure in the following areas:

1) Delete change that permits three no votes to cause a Consent item to automatically shift to the Action calendar.
2) Recognize BUSD spring break in the City Council recess schedule.
3) Objectively define “Major Items.”
4) Simplify “Standards for Agenda Items.”
5) Eliminate Supplemental #3 Items.
6) Reinstate Council approval for reordering of the agenda.
7) Simplify language and require a budget referral for “Major Items.”
8) Clarify that legal and operational concerns should be discussed at policy committees.
9) Legislation introduced by a member of the Council who is no longer serving on the City Council must be resubmitted by a sitting member of the Council and reconsidered by the Agenda and Rules Committee.
10) Prohibit a speaker from speaking on the same issue twice.
11) Shorten debate on the non-debatable Consent Calendar.
12) Eliminate Appendix B, as it is not substantive.

Issue #1: Rationale for Amendment to II.D. Council Meeting Conduct of Business

This new rule, which requires that a Consent item is automatically moved to the Action calendar simply when three Councilmembers wish to record a no vote or abstention is a poor use of limited meeting time. Under a different rule, if at least three Council members wish to have discussion about an item on Consent, then it is moved to the Action calendar for consideration.

This new policy, as written, has the potential to cause unwarranted delay of important Action items–potentially to a future meeting. Councilmembers already have the ability to express an interest in pulling an item to Action so this change is unnecessary.

Recommendation:

~~With respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar prior to the vote on the Consent Calendar. However, if three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.~~

Issue #2: Rationale for Amendment to II.G. City Council Schedule and Recess Periods

In recent years, the Council's spring recess has been adjusted to coincide with the Berkeley Unified School District's spring recess, facilitating alignment of breaks for City employees and Councilmembers. It is recommended that this alignment be formally codified in the City Council Rules of Procedures and Order.

Recommendation

II.G. "Regular meetings of the City Council shall be held generally two to three Tuesdays of each month except during recess periods; the schedule to be established annually by Council resolution taking into consideration holidays, Berkeley Unified School District Spring recess, and election dates.

Issue #3 Rationale for Amendments to III. B. 11. "Major Items"

It is essential to establish objective criteria for determining what qualifies as a "Major" action in order to ensure the integrity of the legislative process.

Recommendation

"Major Item" means an Agenda Item with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts submitted by the Mayor or Councilmember.

The determination of a Major Item is based on the following objective criteria:

1. In consultation with the City Manager, an item is deemed to have moderate to significant administrative, operational, or resource impacts due to an implementation timeline that would take six months or longer; or
2. An item is considered to have significant budgetary impacts if either it does not specify fiscal impacts or if the City Manager's overall budget estimate exceeds $200,000; or
3. An item is identified as having significant programmatic impacts or if existing city programming must be adjusted to accommodate the new initiative.

Issue #4: Rationale for Amendments to III.C. "Standards for Agenda Items"

1. The Standards for Agenda Items are overly prescriptive. Strike the unnecessary and superfluous standards. Consolidate “Review of Existing Plans, Programs, Policies and Laws and Consultation/Outreach Overview and Results” into “Background.”

2. Strike Implementation, Administration and Enforcement. This is for the City Manager to address, not City Council.

3. Since this is the *City Council’s* Rules and Procedures, reference to city contracts is unnecessary.

Recommendation

1. Agenda Items, other than Major Items submitted by the Mayor or any Councilmember, shall contain all relevant documentation, including the information listed below:
    - **a.** A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;
    - **b.** Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
    - **c.** Recommendation of the report’s Primary Author that describes the action to be taken on the item, if applicable;
    - **d.** Fiscal impacts of the recommendation
    - **e.** A description of the current situation and its effects;
    - **f.** Background information as needed;
    - **g.** Rationale for recommendation;
    - **h.** Alternative actions considered;
    - ~~**i.** For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);~~
    - **j.** Person or persons to contact for further information, with telephone number;
    - **k.** Additional information and analysis, as may be required.
    - **l.** Environmental sustainability and climate impacts.

It is recommended that Regular Item reports also include, to the exten~~d~~t relevant, the points of analysis in Major Council Item Standards in Section C.

2. Major Items submitted by the Mayor or any Councilmember shall contain all relevant documentation, including the information listed below ~~and more fully described in Appendix B~~, Guidelines for City Councilmember/Mayor Major Items:
    - **a. <u>Title</u>**
        - i. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.
    - **b. <u>Consent/Action/Information Calendar</u>**
        - i. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

c. **Recommendation**
   i. A clear, succinct statement of actions to be taken. More lengthy/detailed actions can be detailed within the item and incorporated by reference.

d. **Summary Statement/Current Situation and its effects**
   i. A short resume of the circumstances that give rise to the need for the recommended actions.

e. **Background**
   i. A full discussion of the evidence, history, circumstances and concerns to be addressed by the item. Background may include stakeholder input and review of existing plans, programs, policies, and law.

~~f. **Review of Existing Plans, Programs, Policies and Laws**~~
   ~~i. Review, identification, and discussion of relevant/applicable City of Berkeley, State, and other relevant Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from, or run contrary to them.~~

g. **Actions/Alternatives Considered**
   i. A listing of solutions/measures that other jurisdictions, or advocates, experts, or organizations have studied or adopted to address the same or similar subject matter, the range of actions considered, and the reasons why those solutions/measures are proposed to be adopted, modified, or rejected.

~~h. **Consultation/Outreach Overview and Results**~~
   ~~i. Review/listing of external and internal City of Berkeley stakeholders that were consulted and reports, articles, books, websites and other materials that were consulted and discussion of approaches that were accepted, modified, or rejected.~~

i. **Rationale for Recommendation**
   i. A clear and concise statement that explains why the proposed policy is the best alternative. ~~as to whether t~~The item should explain if proposed~~s~~ actions (a) conform to, clarify or extend, (b) make major or minor changes/amendments, (c) create an exception, or (d) reverse/go contrary to existing City of Berkeley Plans, Programs, Policies and Laws, or (e) create largely or entirely new Plans, Programs, Policies or Laws.

~~j. **Implementation, Administration and Enforcement**~~
   ~~i. A discussion of how the recommended action would be implemented, administered and enforced by the City of Berkeley.~~

k. **Environmental Sustainability and Climate Impacts**
   i. A discussion of the impacts of recommended actions, if any, on the environment and the recommendation's relationship to the City's Climate Action, Resilience, and other sustainability goals.

l. **Fiscal Impacts**
   i. A review of the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as expected or potential direct and indirect costs.

m. **Outcomes and Evaluation***
   i. A statement of the specific outcomes expected and what reporting and/or evaluation is recommended to ensure the outcomes are being achieved.

n. **Contact Information**

o. **Attachments/Supporting Materials**

Issue #5: Rationale for Amendments to III.5.c Submission of Supplemental and Revised Agenda Material

This section pertaining to Supplemental Communications #3 should be removed. To promote transparency, any revisions or supplemental materials submitted less than 24 hours before a meeting should not be allowed.

Recommendation

~~After 12:00 p.m. one calendar day prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 40 copies of the supplemental/revised material to the City Clerk for distribution at the meeting and submitting the material electronically to the City Clerk. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for public review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the Agenda Item in order for the material to be considered.~~

Issue #6 Rationale for Amendments to III.F. "Agenda Sequence and Order of Business"

The September 24, 2024 version eliminates the consent of the Council and allows the Chair sole discretion. The Chair should have approval from the Council with regard to agenda sequence.

Recommendation

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

Issue #7: Rationale for Amendments to 3.H. "Major Items"

The current language is confusing and unclear. This section should also mandate that Major Items must include a budget referral.

Recommendation

The Agenda & Rules Committee must take action on an item as prescribed in Chapter III.D. at the first meeting that the item appears before the Agenda & Rules Committee. The Agenda & Rules Committee may only assign the item to a single Policy Committee, except that an item meeting the definition of a Major Item that also includes a budget referral may be referred to both the Budget & Finance Committee in the form of a notice that a budget referral is under consideration at another Committee, and one other Policy Committee for subject matter review.

The Agenda & Rules Committee may ~~only~~ assign the item to a single Policy Committee. ~~except that~~ However, if an item ~~meeting the definition of~~ qualifies as a Major Item ~~that also includes a budget referral may be referred to both,~~ it must include a budget referral and be sent to the Budget & Finance Committee in the form of a notice that a budget referral is under consideration at another Committee, and one other Policy Committee for subject matter review.

Issue #8: Rationale for Amendments to III.4.h "Functions of the Policy Committee"

Report standards are already listed above in III.C. Instead of "reports" including operational and legal analysis that may be beyond the subject matter expertise of a Council office, the policy committee should discuss with appropriate staff, budget implications, administrative feasibility, and legal considerations.

Recommendation

~~Reports leaving a~~ Policy Committees must adequately ~~include~~ discuss budget implications, administrative feasibility, basic legal concerns, and staff resource demands before sending reports to the full Council. ~~in order to~~ This allows for informed consideration by the full Council.

Issue #9: Rationale for Amendments to "Agenda Items Authored by Former Mayors and Councilmembers"

If a Councilmember wants to adopt an item originally submitted by a former member of the Council, that item must be resubmitted for reconsideration. It cannot be fast-tracked for a vote if the former official is no longer on the Council.

Recommendation

Agenda Items Authored by Former Mayors and Councilmembers

Upon the date that the elected official leaves office, all Agenda Items in the legislative process for which the former official is the Primary Author shall be placed on the next available draft Council Agenda to be reviewed by the Agenda & Rules Committee. The Agenda & Rules Committee shall then place the items on the Council Agenda under consideration or the next Council Agenda. At the Council meeting where the items appear on the Agenda, the Mayor or any Councilmember may assume primary authorship of any item authored by the former official. If the item is adopted by a member of the Council, it must be resubmitted and reconsidered at a future Agenda and Rules Committee. ~~The Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure~~. If any of the items from the former

official are not assumed by the Mayor or any Councilmember, the Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure, except that the item may not be referred to a policy committee.

Issue #10: Rationale for Amendments to IV.2. "Public Comment on Consent Calendar and Information Items"

It is redundant to permit a speaker to speak twice on the same matter within one Council meeting.

Recommendation

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

Issue #11: Rationale for Amendments to V.G "Procedural Matters: Debate Limited"

The purpose of a Consent calendar is to facilitate efficient decision-making without extensive discussion. Allowing each Councilmember and the Mayor up to seven minutes each of comment could extend the duration of the consent calendar to more than one hour and defeats the purpose of a Consent calendar.

Recommendation

G. Debate Limited

For the Consent Calendar, the Mayor and Councilmembers will ~~initially~~ have three ~~up to five~~ minutes each to make comments. ~~After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.~~

Issue #12 Rationale for Amendments to Appendix B "Guidelines for City Council/Mayor Major Items"

See Issue #4 Rationale above. This section is unnecessary, given the "Standards for Agenda Items" section.

Recommendation

Delete Appendix B (p.44-47).

CONTACT PERSON

Rashi Kesarwani (510) 981-7110

Office of the City Manager

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ACTION CALENDAR
September 24, 2024
(Continued from the September 10, 2024 meeting)

To: Honorable Mayor and Members of the City Council

From: LaTanya Bellow, Interim City Manager

Submitted By: Mark Numainville, City Clerk

Subject: City Council Rules of Procedure and Order Revisions

RECOMMENDATION
Adopt a Resolution revising the City Council Rules of Procedure and Order to clarify and reorganize existing language, make technical corrections related to account for hybrid meetings; incorporate temporary provisions from Appendix C into the main body of the document; add revisions recommended by the Open Government Commission and approved by Council; Add new language and update existing language related to the legislative process recommended by the Agenda & Rules Committee; and rescinding any preceding amendatory resolutions.

POLICY COMMITTEE RECOMMENDATION
On August 26, 2024, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the proposed amendments to the Rules of Procedure, as discussed and further amended on August 26, 2024, to the City Council with a positive recommendation. Vote: Ayes – Hahn, Arreguin; Noes – None; Abstain – Wengraf.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
This review and update of the Rules of Procedure was precipitated several factors, 1) the end of the state-declared emergency and the return to in-person meetings in the hybrid format; 2) approval of the Open Government Commission (OGC) recommendations by Council on May 7, 2024; and 3) the legislative redesign process that has been discussed for several years by the full Council and at the Agenda & Rules Committee. In addition, all defined terms have been capitalized for consistency.

During the review, other technical corrections and updates were identified that will keep the Rules of Procedure current and effective. The updates are shown in track changes with explanatory comments in Attachment 2. The primary categories of updates are noted below.

(Continued from the September 10, 2024 meeting)

- Add new amendments to the legislative process related to “Major Items” submitted by Councilmembers, the authority of the Agenda & Rules Committee with regards to items submitted by the Mayor and Council, and process improvements for policy committees.

- Incorporate the recommendations from the OGC that Council adopted on May 7, 2024 related to public comments, consideration of consent calendar items, and meeting/agenda management.

- Modify the noticing procedures for ad hoc committees to align with the rules in the Brown Act, and for consistency with City boards and commissions.

- Update the legislative process rules to account for the new Charter Offices of City Attorney and Director of Police Accountability, and properly account for the role of the Auditor in the process.

- Update public comment procedures to account for speakers participating both remotely and in-person under the hybrid meeting model.

- Remove Appendix C, specific to all-remote pandemic meetings, and incorporate certain successful provisions into the main body regarding moving items to the Action Calendar, public comments, and Council debate procedures.

BACKGROUND

The City Council Rules of Procedure and Order governs the duties of the Council, the conduct of meetings, the agenda, procedural matters and facilities. The rules have been amended as necessary over time to improve the function of the legislative process and the conduct of City Council meetings.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

The changes to the Rules are intended to keep the document current and directly applicable to Council meeting format and procedure.

ALTERNATIVE ACTIONS CONSIDERED

The Council may adopt all, some, or none of the proposed amendments.

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:
1: Resolution
    Exhibit A: City Council Rules of Procedure and Order
2: Track Changes Version - City Council Rules of Procedure and Order

Office of the City Manager

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

RE-ADOPTING THE CITY COUNCIL RULES OF PROCEDURE

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council Rules of Procedure and Order attached hereto as Exhibit A shall govern all proceedings of the City Council therein described, subject to the exception and deviations provided for in such rules.

BE IT FURTHER RESOLVED that violation of these rules shall not be construed as a penal offense, except as provided for by the adopted Rules of Procedure.

BE IT FURTHER RESOLVED that this update is to clarify and reorganize existing language, make technical corrections related to hybrid meetings; incorporate temporary provisions from Appendix C into the main body of the document; add certain new provisions approved by Council; and make changes related to improvements in the legislative process.

BE IT FURTHER RESOLVED that all preceding amendatory resolutions are hereby rescinded.

Exhibit A: City Council Rules of Procedure and Order

Exhibit A

The Berkeley City Council Rules of Procedure and Order

Adopted by Resolution No. ##,###–N.S.

Effective [Date]

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I. DUTIES

A. Duties of Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. In the Mayor's absence, the Vice President of the Council (hereafter referred to as the Vice-Mayor) shall preside.

B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

C. Motions to be Stated by Chair

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

D. Decorum by Councilmembers

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. The Presiding Officer may set a limit on the speaking time allotted to Councilmembers during Council discussion.

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

E. Voting Disqualification

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to recuse themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

F. Requests for Technical Assistance and/or Reports

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.

II. MEETINGS

A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting Agenda and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

D. Council Meeting Conduct of Business

The Agenda for the regular business meetings shall include the Order of Business described in Chapter III.F. Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) on Action will be heard.

Three or more members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent at least three members concurring, the item will stay on the Consent or Information Calendar.

With respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar prior to the vote on the Consent Calendar. However, if three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.

Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.

A public hearing that is not expected to be lengthy may be placed on the Agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the Agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

The Council will endeavor to inform meeting attendees of the approximate time for high interest items. In addition, the Council will make best efforts to determine if items should be carried over to future meetings earlier in the meeting rather than later.

E. Adjournment

No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific Agenda Items to be covered and shall specify in which order these items shall be handled.

Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

F. Unfinished Business

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council Agenda. The 60 day period is tolled during a Council recess.

G. City Council Schedule and Recess Periods

Pursuant to the Open Government Ordinance, the City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.

Regular meetings of the City Council shall be held generally two to three Tuesdays of each month except during recess periods; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

Regular City Council meetings shall begin no later than 6:00 p.m.

A recess period is defined as a period of time longer than 21 days without a regular meeting of the Council.

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the Agenda & Rules Committee meeting for the last regular meeting before a Council

recess and this authority shall extend up to the date of the Agenda & Rules Committee meeting for the first regular meeting after the Council recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

H. Pledge of Allegiance to the Flag

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the Ceremonial Calendar will be the Pledge of Allegiance.

I. Ad Hoc Subcommittees

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from residents, related commissions, and other groups, as appropriate to the charge or responsibilities of such subcommittee. Ad hoc subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

III. AGENDA

A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the Agenda of the meeting and posted in accordance with Section III.E.2. Exceptions to this rule are limited to circumstances listed in Section III.E.4.b and items continued from a previous meeting and published on a revised Agenda.

B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the Agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember, a Charter Officer, the Auditor, or any board/commission/committee created by the City Council or City Charter, or any Report For Information which may be acted upon if the Mayor or a Councilmember so requests. For purposes of this section, appeals shall be considered action items. All information from a Charter Officer concerning any item to be acted upon by the Council shall be submitted as a report on the Agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney-client communication concerning a litigation matter. Council Agenda Items are limited to a maximum of four Authors and Co-Sponsors, in any combination that includes at least one Author.

   Authors must be listed in the original item as submitted by the Primary Author. Co-Sponsors may only be added by the Primary Author (1) at the Agenda Committee meeting where the item is placed on a Council Agenda; or (2) after the item has been placed on a Council Agenda, through the Supplemental process, or (3) at the Council meeting where the item appears on the Agenda.

2. “Author” means the Mayor or other Councilmembers who actually authored an item by contributing to the ideas, research, writing or other material elements.

3. “Primary Author” means the Mayor or Councilmember listed first on the item. The Primary Author is the sole contact for the City Manager with respect to the item. Communication with other Authors and Co-Sponsors, if any, is the responsibility of the Primary Author.

4. “Co-Sponsor" means the Mayor or other Councilmembers who wish to indicate their strong support for the item, but are not Authors, and are designated by the Primary Author to be Co-Sponsors of the Council Agenda Item.

5. "Agenda" means the compilation of the descriptive titles of Agenda Items submitted to the City Clerk, arranged in the sequence established in Section III.F hereof.

6. "Packet" means the Agenda plus all of its corresponding Agenda Items.

7. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:

   a) A work stoppage or other activity which severely impairs public health, safety, or both exists;

   b) A crippling disaster, which severely impairs public health, safety or both exists.

   c) Notice of the Council's proposed consideration of any such Emergency Matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.

8. “Continued Business” means Items carried over from a prior Agenda of a meeting occurring 11 or fewer days earlier.

9. "Old Business" means Items carried over from a prior Agenda of a meeting occurring more than 11 days earlier.

10. “Charter Officer” means the City Manager, City Attorney, and the Director of Police Accountability.

11. “Major Item” means an Agenda Item with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts submitted by the Mayor or any Councilmember.

12. “Regular Item” means any Agenda Item not classified as a Major Item.

C. Standards for Agenda Items

1. Agenda Items, other than Major Items submitted by the Mayor or any Councilmember, shall contain all relevant documentation, including the information listed below:

   i. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;

   ii. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;

   iii. Recommendation of the report’s author that describes the action to be taken on the item, if applicable;

   iv. Fiscal impacts of the recommendation;

   v. A description of the current situation and its effects;

   vi. Background information as needed;

   vii. Rationale for recommendation;

viii. Alternative actions considered;

ix. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);

x. Person or persons to contact for further information, with telephone number;

xi. Additional information and analysis as may be required.

xii. Environmental sustainability and climate impacts.

It is recommended that Regular Item reports also include, to the extend relevant, the points of analysis in Major Council Item Standards in Section C.2.

2. Major Items submitted by the Mayor or any Councilmember shall contain all relevant documentation, including the information listed below and more fully described in Appendix B, Guidelines for City Councilmember/Mayor Major Items:

i. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

ii. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

iii. Recommendation

A clear, succinct statement of actions to be taken. More lengthy/detailed actions can be detailed within the item and incorporated by reference.

iv. Summary Statement/Current Situation and its effects

A short resume of the circumstances that give rise to the need for the recommended actions.

v. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

vi. Review of Existing Plans, Programs, Policies and Laws

Review, identification, and discussion of relevant/applicable City of Berkeley, State, and other relevant Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from, or run contrary to them.

vii. Actions/Alternatives Considered

A listing of solutions/measures that other jurisdictions, advocates, experts, or organizations have studied or adopted to address the same or similar subject matter, the range of actions considered, and the reasons why those solutions/measures are proposed to be adopted, modified, or rejected.

viii. Consultation/Outreach Overview and Results

Review/listing of external and internal City of Berkeley stakeholders that were consulted and reports, articles, books, websites and other materials that were consulted and discussion of approaches that were accepted, modified, or rejected.

ix. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that (a) conform to, clarify or extend, (b) make major or minor changes/amendments, (c) create an exception, or (d) reverse/go contrary to existing City of Berkeley Plans, Programs, Policies and Laws, or (e) create largely or entirely new Plans, Programs, Policies or Laws.

x. Implementation, Administration and Enforcement

A discussion of how the recommended action would be implemented, administered and enforced by the City of Berkeley.

xi. Environmental Sustainability and Climate Impacts

A discussion of the impacts of recommended actions, if any, on the environment and the recommendation's relationship to the City's Climate Action, Resilience, and other sustainability goals.

xii. Fiscal Impacts

A review of the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as expected or potential direct and indirect costs.

xiii. Outcomes and Evaluation

A statement of the specific outcomes expected and what reporting and/or evaluation is recommended to ensure the outcomes are being achieved.

xiv. Contact Information

xv. Attachments/Supporting Materials

D. Procedure for Bringing Matters Before City Council

1. Persons Who Can Place Matters on the Agenda.

Matters may be placed on the Agenda by the Mayor or any Councilmember, the Auditor, Charter Officers, or any board/commission/committee created by the City Council, ballot measure, or the City Charter. All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules

and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council.

The Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the Agenda of that City Council meeting. Pursuant to BMC Section 1.04.080, if the 15th day prior to the Council meeting falls on a holiday, the Committee will meet the next business day. The Agenda & Rules Committee Packet, including a draft Agenda and reports from the Mayor and Councilmembers, the Auditor, and Commission shall be distributed by 5:00 p.m. four days before the Agenda & Rules Committee meeting.

The Agenda & Rules Committee shall have the powers set forth below.

a) Regular Items Authored by the Mayor or a Councilmember.
As to Regular Items authored by the Mayor or a Councilmember, the Agenda & Rules Committee shall review the item and may take the following actions:

i. Refer the item to a commission for further analysis (Primary Author may decline and request Policy Committee assignment).

ii. Refer the item to the City Manager for further analysis (Primary Author may decline and request Policy Committee assignment).

iii. Refer the item back to the Primary Author for requested amendments, adherence to required form, or for additional analysis, as required in Section III.C.1 (Primary Author may decline and request Policy Committee assignment).

iv. Refer the item to a Policy Committee.

v. Schedule the item for the Agenda under consideration or one of the next three regular Council Agendas.

b) Major Items.
The Agenda & Rules Committee retains the authority to designate which Agenda Items are classified as Major Items. With regards to Major Items, the Agenda & Rules Committee shall review the item and may take the following actions:

i. Return the item to the Author if the committee determines that the item is not substantially compliant with Chapter III.C.2 and the guidelines in Appendix B.

ii. Refer the item to a policy committee and send a notice to the Budget & Finance Committee if the item contains a budget referral.

iii. Schedule the item for the Council Agenda under consideration.

iv. Schedule the item for one of the susequent three Council Agendas or a special meeting.

v. Refer the item to a commission with the consent of the Primary Author.

c) For referrals of Regular Items under Chapter III.D.1.a.i, ii, or iii, the Primary Author must inform the City Clerk within 24 hours of the adjournment of the Agenda & Rules Committee meeting whether they prefer to:

1) re-submit the item for a future meeting with modifications as suggested by the Agenda & Rules Committee; or

2) withdraw the item completely; or

3) re-submit the item with revisions as requested by the Agenda & Rules Committee within 24 hours of the adjournment of the Agenda & Rules Committee meeting for the Council Agenda under consideration; or

4) accept the referral of the Agenda & Rules Committee in sub paragraphs III.D.1.a. i, ii, or iii, or request Policy Committee assignment.

If the Primary Author requests a Policy Committee assignment, the item will appear on the next draft Agenda presented to the Agenda & Rules Committee for assignment.

In the event that the City Clerk does not receive guidance from the Primary Author of the referred item within 24 hours of the Agenda & Rules Committee's adjournment, the item will appear on the next draft Agenda for consideration by the Agenda & Rules Committee.

Items being resubmitted for a future meeting to allow for modifications will be placed on the next available Council meeting Agenda at the time that the revised version is submitted to the City Clerk.

d) Items Authored by Charter Officers and the Auditor.
The Agenda & Rules Committee shall review agenda descriptions of items authored by Charter Officers and the Auditor. The Committee can recommend that the matter be referred to a commission, to a Policy Committee, or back to the Charter Officer or the Auditor for adherence to required form, additional analysis as required in Section III.C.1, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the Charter Officer or the Auditor determines that their item should proceed notwithstanding the Agenda & Rules Committee's recommendation, it will be placed on the Agenda as directed by the Charter Officer or the Auditor. All Charter Officer and Auditor items placed on the Council Agenda against the recommendation of the Agenda & Rules Committee will automatically be placed on the Action Calendar.

e) Items Authored by Boards and Commissions.
Agenda Items submitted by boards and commissions are subject to City Manager review and must follow procedures and timelines for submittal of reports as described in the Commissioners' Manual. The content of commission items is not subject to review by the Agenda & Rules Committee unless referred for policy review to the Agenda & Rules Committee.

i) For a commission item that does not require a companion report from the City Manager, the Agenda & Rules Committee may act on an agendized commission item in the following manner:

1. Move a commission report from the Consent Calendar to the Action Calendar or from the Action Calendar to the Consent Calendar.

2. Re-schedule the commission report to appear on one of the next three regular Council meeting Agendas that occur after the regular meeting under consideration. Commission reports submitted in response to a Council referral shall receive higher priority for scheduling.

3. Refer the item to a Policy Committee for review.

4. Allow the item to proceed as submitted.

ii) For any commission report that requires a City Manager companion report, the Agenda & Rules Committee may schedule the item on a Council Agenda. The Committee must schedule the commission item for a meeting occurring not sooner than 60 days and not later than 120 days from the date of the meeting under consideration by the Agenda & Rules Committee. A commission report submitted with a complete companion report may be scheduled pursuant to subparagraph e.i. above.

f) The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in Chapter III, Section F.

2. Removal of Agenda Items from the Legislative Process
A Primary Author may withdraw their Agenda Item from the legislative process as follows: 1) during the time it is pending at a policy committee by sending written notification to the City Clerk or verbally at the meeting; 2) verbally at the Agenda & Rules Committee meeting when the item appears on a draft Council Agenda; or 3) verbally at the City Council meeting when the item appears on the Council Agenda or in writing through the supplemental process.

3. **Scheduling Public Hearings Mandated by State, Federal, or Local Statute.** The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

4. **Submission of Agenda Items.**
   a) **Charter Officer Items.** Except for Continued Business and Old Business, as a condition to placing an item on the Agenda, Agenda Items from departments, including Agenda Items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.

   b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and Councilmembers is 5:00 p.m. on Monday, 22 days before each regular Council meeting.

   c) **Time Critical Items.** A Time Critical item is defined as a matter that is considered urgent by the Author and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by a Charter Officer, the Auditor, Mayor or Councilmember is received by the City Clerk after established deadlines and is not included on the Agenda & Rules Committee's published Agenda.

      The Primary Author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

   d) **Timelines.** The City Clerk may not accept any Agenda Item after the adjournment of the Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring 11 or fewer days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

5. **Submission of Supplemental and Revised Agenda Material.** Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an Agenda Item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

   a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council

meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for public review or City Councilmember evaluation.

b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for public review or City Council evaluation.

c) After 12:00 p.m. one calendar day prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 40 copies of the supplemental/revised material to the City Clerk for distribution at the meeting and submitting the material electronically to the City Clerk. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for public review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the Agenda Item in order for the material to be considered.

6. Submission of Late Urgency Items Pursuant to Government Code Section 54954.2(b)

Late Urgency Items are items proposed for submission to the Council Agenda pursuant to Government Code Section 54954.2(b)

All items to be submitted for consideration for addition to an Agenda as Late Urgency Items shall be accompanied by a cover sheet that includes 1) boxes to check for the Author to affirm whether the item is submitted under the Emergency or Immediate Action Rule (and a short explanation of what is required to meet each rule, as well as the vote threshold required for the item to be placed onto the Agenda by the City Council); 2) a disclaimer in BOLD 14pt. CAPS stating that the item is not yet agendized and may or may not be accepted for the Agenda as a

Late Urgency Item, at the City Council's discretion according to Brown Act rules; 3) a prompt requiring the Author to list the facts which support consideration of the item for addition to the Agenda as either an Emergency or Immediate Action item; and 4) a copy of the City Attorney memo on Late Urgency Items.

Late Items must be submitted to the City Clerk no later than 12:00 p.m. (noon) the day prior to the meeting.

All complete Late Items submitted by the deadline will be distributed with Supplemental Communication Packet #2 by 5:00 p.m. the day before the Council meeting. A Late Item is not considered "complete" and will not be distributed unless submitted with the required cover sheet, filled out in a complete manner.

Very Late Urgency Items of an extremely urgent nature (e.g., earthquake, severe wildfire, pandemic) may be submitted for addition to the Agenda after the deadline of 12:00 p.m. the day before the meeting to accommodate unforeseeable, extreme and unusual circumstances. A Very Late Urgency Item will be distributed at the Council meeting prior to any vote to add it to the Agenda and the Presiding Officer may provide an appropriate break to allow Councilmembers and the public to review the item before voting on whether to add it to the Agenda and possibly again, at the Presiding Officer's discretion, before the item is voted on.

The required cover sheet should be included with the Very Late Urgency Item unless extremely exigent circumstances underlie the Very Late Urgency Item submission and a written cover sheet could not be prepared (for example, power is out and printing or emailing is not possible), in which case the individual "walking in" the item should be ready to provide all required information verbally at the meeting before a vote is taken to add or not add the item to the Agenda.

7. Scheduling a Presentation.
Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda. The Agenda & Rules Committee may request a presentation by staff in consultation with the City Manager.

E. Packet Preparation and Posting

1. **Preparation of the Packet.**
Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the Packet, which shall include the Agenda plus all its corresponding Agenda Items. No item shall be considered if not included in the Packet, except as provided for in Section III.D.5. and Section III.E.4.

2. **Distribution and Posting of Agenda.**
   a) The City Clerk shall post each Agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each Agenda of a special meeting at least 24 hours prior to the meeting on the official bulletin

board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each Agenda.

b) The City Clerk shall also post Agendas and annotated Agendas of all City Council meetings and notices of public hearings on the City's website.

c) No later than 11 days prior to a regular meeting, copies of the Agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

3. **Distribution of the Agenda Packet.**
The Agenda Packet shall consist of the Agenda and all supporting documents for Agenda Items. No later than 11 days prior to a regular meeting, the City Clerk shall:

a) distribute the Agenda Packet to each member of the City Council;

b) post the Agenda Packet to the City's website;

c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and

d) make the Agenda Packet available to members of the press.

4. **Failure to Meet Deadlines.**
a) The City Clerk shall not accept any Agenda Item or revised Agenda Item after the deadlines established.

b) Matters not included on the published Agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:

- A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.7.

- Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the Agenda as required by law.

c) Matters listed on the printed Agenda but for which supporting materials are not received by the City Council on the eleventh day prior to said meeting as part of the Agenda Packet, shall not be discussed or acted upon.

F. Agenda Sequence and Order of Business

The Council Agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Land Acknowledgement Statement, Comments from the City Manager, Comments from the City Auditor [if requested], Non-Agenda Public Comment, Public Comment by Employee Unions)
    a) The Land Acknowledgement Statement and Public Comment from Employee Unions are regularly agendized only for the first regular meeting of each month.
2. Consent Calendar
3. Action Calendar
    a) Appeals
    b) Public Hearings
    c) Continued Business
    d) Old Business
    e) New Business
4. Information Reports
5. Non-Agenda Public Comment
6. Adjournment
7. Communications

Action items may be reordered at the discretion of the Chair.

The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

G. Closed Session Documents

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and members of the City Council.

1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.

2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.

3. Removal of confidential materials from a binder is prohibited.
4. Duplication of the contents of a binder by any means is prohibited.
5. Confidential materials shall be retained in the binders for at least two years.
6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

H. Regulations Governing City Council Policy Committees

1. Legislative Item Process

All Agenda Items begin with submission to the Agenda & Rules Committee.

Exempt Items
Regular Items under this category submitted by the Mayor or Councilmembers are exempt from Agenda & Rules Committee discretion to refer them to a Policy Committee. Items in this category may be submitted for the Agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of Exempt Items are listed below.

a. Position Letters and Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
b. Donations from the Mayor and Councilmember District Office Budgets
c. Referrals to the Budget Process that are not related to a Major Item
d. Proclamations
e. Sponsorship of Events
f. Information Reports
g. Presentations from Outside Agencies and Organizations
h. Ceremonial Items
i. Committee and Regional Body Appointments

The Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember is classified as an Exempt Item or if the item is subject to Policy Committee review

Major Items
Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council Agenda.

The Agenda & Rules Committee must take action on an item as prescribed in Chapter III.D. at the first meeting that the item appears before the Agenda & Rules Committee. The Agenda & Rules Committee may only assign the item to a single Policy Committee, except that an item meeting the definition of a Major Item that also includes a budget referral may be referred to both the Budget & Finance Committee

in the form of a notice that a budget referral is under consideration at another Committee, and one other Policy Committee for subject matter review.

Time Critical Items

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

The Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

Time Critical items that would otherwise be assigned to a Policy Committee, may bypass Policy Committee review if determined to be time critical. If such an item is deemed not to be time critical, it may be referred to a Policy Committee.

Time Critical items that are submitted at a meeting of the Agenda & Rules Committee may go directly on a Council Agenda if determined to be time critical.

2. Council Referrals to Policy Committees

The full Council may refer any Agenda Item to a Policy Committee by majority vote.

3. Participation Rules for Policy Committees Pursuant to the Brown Act

a. The quorum of a three-member Policy Committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.

b. Two Policy Committee members may not discuss any item that has been referred to the Policy Committee outside of an open and noticed meeting.

c. Notwithstanding paragraph (b) above, two members of a Policy Committee may be listed as Authors or Co-Sponsors on an item provided that one of the Authors or Co-Sponsors will not serve as a committee member for consideration of the item, and shall not participate in the committee's discussion of, or action on the item. For purposes of the item, the appointed alternate, who also cannot be an Author or Co-Sponsor, will serve as a committee member in place of the non-participating Author or Co-Sponsor.

d. All three members of a Policy Committee may not be Authors or Co-Sponsors of an item that will be heard by the committee.

e. Only one Author or Co-Sponsor who is not a member of the Policy Committee may attend the committee meeting to participate in discussion of the item.

f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an Author who is not a member of the committee

is present to participate in the discussion of their item, no other non-committee member Councilmembers, nor the Mayor, may attend as observers.

g. An item may be considered by only one Policy Committee before it goes to the full Council.

4. Functions of the Policy Committees

Committees shall have the following qualities/components:

a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting Agendas will be posted at least 72 hours in advance of the meeting.

b. Minutes shall be available online.

c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.

d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.

e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.

f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.

g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.

h. Committees will review items for completeness in accordance with Section III.C.1 and III.C.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.

i. Reports leaving a Policy Committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.

j. Per Brown Act regulations, any revised or supplemental materials must be direct revisions or supplements to the item that was published in the Agenda Packet.

Items referred to a Policy Committee from the Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, either (1) the committee Chair may accept the Primary Author's request, either in writing, or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item

to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below. The Committee Chair shall report any extension granted outside of a meeting to the Committee and the City Clerk by email or verbally at the next Committee meeting.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's recommendation will be included in a separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a City board or commission.

The Primary Author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate City staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and recommendations originating from the Policy Committee are submitted to the City Clerk by the members of the committee.

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council Agenda. The Agenda & Rules Committee may leave the item on the Agenda under consideration or place it on the next Council Agenda. Items appearing on a City Council Agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council Agenda for consideration.

Policy Committees may add discussion topics that are within their purview to their Agenda with the concurrence of a majority of the Committee. These items are not subject to the 120-day deadline for action.

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available Agenda. The Agenda & Rules Committee may leave the item on the Agenda under consideration or place it on the following Council Agenda. The Agenda & Rules Committee may agendize the item on the Consent Calendar or Action Calendar.

The Primary Author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the committee approves expedited review.

5. Number and Make-up of Policy Committees

Six committees are authorized, each comprised of three Councilmembers, with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee. The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The Agenda & Rules Committee shall establish the Policy Committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing Policy Committees of the City Council are considered “legislative bodies” under the Brown Act and must conduct all business in accordance with the Brown Act.

6. Role of City Staff at Committee Meetings

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

I. Agenda Items Authored by Former Mayors and Councilmembers

Upon the date that the elected official leaves office, all Agenda Items in the legislative process for which the former official is the Primary Author shall be placed on the next available draft Council Agenda to be reviewed by the Agenda & Rules Committee. The Agenda & Rules Committee shall then place the items on the Council Agenda under consideration or the next Council Agenda.

At the Council meeting where the items appear on the Agenda, the Mayor or any Councilmember may assume primary authorship of any item authored by the former official. The Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure.

If any of the items from the former official are not assumed by the Mayor or Councilmember, the Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure, except that the item may not be referred to a policy committee.

IV. CONDUCT OF MEETING

A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.

- At the first regular meeting of the month, a period of public comment reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.

- Public comment on the Consent and Information Calendars.

- Public comment on the Action Calendar at the onset of the Action calendar with the exception of appeals, public hearings, and quasi-judicial matters requiring public comment for due process purposes (if invoked by the Presiding Officer).

- Public comment on Action items by those who did not speak in the earlier Action Calendar public comment period, any appeals, public hearings, and/or other quasi-judicial matters requiring extended public comment for due process purposes as they are taken up under procedures set forth in the sections governing each below.

- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Except in the case of public comment by employee unions, speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

With respect to public comment by employee unions, each union's allocated time may be shared between more than one representative, and representatives and other members of unions may speak during other public comment periods in the same manner as members of the public.

If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking on an item, the Presiding Officer may limit the public comment for all speakers on the item to one minute per speaker.

This procedure also applies to public hearings except those types of public hearings specifically provided for in this chapter.

The Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council.

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry, or unless the individual is speaking with respect to a public hearing, a quasi-judicial matter, and/or any other item requiring extended public comment as a matter of due process.

1. **Public Comment on Non-Agenda Matters.**
   Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions, up to ten persons will be selected to address matters not on the Council Agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council Agenda, each person selected will be allotted one minute each.

   In-person attendees wishing to address the Council on matters not on the Council Agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

   The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the Agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.

   Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

   For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized or raise their hand on the videoconference application to determine the number of persons interested in speaking at that time. Each speaker will be

entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate.

If the meeting is automatically adjourned at 11:00 p.m., or the expiration of any extension after 11:00 p.m., the meeting shall be automatically extended for up to fifteen minutes to hear public comment on non-agenda items.

2. **Public Comment on Consent Calendar and Information Items.**
The Council will first determine whether to move items on the Agenda for "Action" or "Information" to the "Consent Calendar," or move "Consent Calendar" items to "Action." Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent."

   The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. No additional items can be moved onto the Consent Calendar once public comment has commenced.

   At any time during, or immediately after, public comment on Information and Consent items, the Mayor or any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

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

3. **Public Comment on Action Items.**
After the initial ten minutes of public comment on non-agenda items, reserved public comment by employee unions, public comment on Consent and Information items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the Agenda for action as the item is taken up.

   At the discretion of the Presiding Officer, with the consent of the Council, there may be a public comment period for one or several of the Action Calendar items at the beginning of the Action Calendar. Speaking time during this comment period is subject to the standard rules for public comments in Chapter IV.A. Speakers may speak to multiple items, but may only speak once during this period. This provision is not applicable to public hearings, appeals, and/or quasi-judicial matters. Attendees that speak on an action item at the scheduled public comment period may not speak again when the action item is taken up by the Council.

   During the public comment period for each Action Item, the Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and raise their hand on the videoconference application to determine the number of persons interested in speaking on that item.

4. Appeals Appearing on Action Calendar.

With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of a proposed lien (nuisance abatement/special assessment) lien, the appellant shall have seven minutes to comment.

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council Agenda.

5. Ralph M. Brown Act Pertaining to Public Comments.

The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the Agenda. However, the Council may refer a matter to the City Manager.

B. Consent Calendar

There shall be a Consent Calendar on all regular meeting Agendas on which shall be included those matters which the Mayor, Councilmembers, boards, commissions, City Auditor, and Charter Officers deem to be of such nature that no debate, prolonged discussion, or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of Consent Calendar items can be minimized.

C. Information Reports Called Up for Discussion

Reports for Information designated for discussion at the request of the Mayor or any Councilmember shall be added to the appropriate section of the Action Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The Agenda will indicate that at the request of the Mayor or any Councilmember a Report for Information may be acted upon by the Council.

D. Written Communications

Written communications from the public will not appear on the Council Agenda as individual matters for discussion but will be distributed as part of the Council Agenda Packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the Agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council Agenda to the Council to be reproduced in the "Communications" section of the Council Packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. The Mayor or a Councilmember may refer a communication to the City Manager for action, if appropriate, or prepare a Consent or Action item for placement on a future Agenda.

Communications related to an item on the Agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.D.5.

E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, and prior to opening the public hearing, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date, place, and content of the contact. Written reports shall be available for public review in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by first the appellant and then the applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons

supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

The Presiding Officer will request that persons wishing to speak line up at the podium to be recognized or raise their hand on the videoconference platform, to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

F. Work Sessions

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent Agenda under the Action portion of the Council Agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak line up at the podium or raise their hand on the videoconference to be recognized and to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

G. Protocol

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.

V. PROCEDURAL MATTERS

A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council.

C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the Presiding Officer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

D. Precedence of Motions

When a question or motion is before the Council, no motion shall be entertained except:

1. To adjourn;
2. To fix the hour of adjournment;
3. To lay on the table;
4. For the previous question;
5. To postpone to a certain day;
6. To refer;
7. To amend;
8. To substitute; and
9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to amend or substitute, shall be put to a vote without debate.

E. Robert's Rules of Order

Robert's Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall supersede.

F. Rules of Debate

1. **Presiding Officer May Debate.**
   The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

2. **Getting the Floor - Improper References to be avoided.**
   Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themself to the question under debate.

3. **Interruptions.**
   A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

4. **Privilege of Closing Debate.**
   The Mayor or Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Mayor or Councilmember moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

5. **Motion to Reconsider.**
   A motion to reconsider any action taken by the Council may be made only during the same session such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by a member on the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

6. **Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.**
   Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

G. Debate Limited

For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.

For non-Consent items, the Mayor and Councilmembers will have five minutes each to make initial comments on an Agenda Item. After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

H. Motion to Lay on Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

I. Division of Question

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

J. Addressing the Council

Under the following headings of business, unless the presiding officer rules otherwise, any interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

1. **Written Communications.**
   Interested parties or their authorized representatives may address the Council in the form of written communications in regard to matters of concern to them by submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.D.5.

2. **Public Hearings.**
   Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

3. **Public Comment.**
   Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

K. Addressing the Council After Motion Made

When a motion is pending before the Council, no person other than the Mayor or a Councilmember shall address the Council without first securing the permission of the presiding officer or Council to do so.

L. Use of Cellular Phones and Electronic Devices

The use of cell phones during City Council meetings is discouraged for the Mayor and Councilmembers. While communications regarding Council items should be minimized, personal communications between family members and/or caregivers can be taken outside in the case of emergencies. In order to acknowledge differences in learning styles and support tactile learners, note-taking can continue to be facilitated both with a pen and paper and/or on electronic devices such as laptop computers and tablets.

The use of cell phones during Closed Session Meetings is explicitly prohibited for the Mayor and Councilmembers.

VI. FACILITIES

A. Meeting Location Capacity

Attendance at Council meetings shall be limited to the posted seating capacity of the meeting location. Entrance to the meeting location will be appropriately regulated by the City Manager on occasions when capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the meeting room except to address the Council, and sitting on the floor shall not be permitted.

B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the Board Room.

C. Amplified Sound, Signs, Objects, and Symbolic Materials

Amplified sound devices such as bullhorns, megaphones, portable sound systems, and similar devices are prohibited within the meeting location during Council meetings.

Objects and symbolic materials such as signs and banners are permitted in the meeting location provided that they do not interfere with the cameras that broadcast the meeting, obstruct the view of other attendees, or create a fire or safety hazard.

Any type of stick, pole, or similar object is prohibited in the meeting location during Council meetings.

D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the meeting location has reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

F. Format of Meetings

The City Council may conduct regular meetings or special meetings held at the School District Boardroom in the hybrid format with both in-person and virtual participation as provided for in the Brown Act, and as noticed on the meeting Agenda. Council meetings at other locations may be conducted in the hybrid format if technologically feasible.

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

Purpose
To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

Objective
A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

Section 1 – Lead Commission
The City Council designates the following commissions as the 'Lead Commissions' in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

Board of Library Trustees

Parks, Recreation & Waterfront Commission – Parks, recreation centers, camps, plazas, public open spaces, and public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

Transportation and Infrastructure Commission – Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

Section 2 – General Policy
A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.

B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.

C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.

D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.

E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

Section 3 – Criteria for Naming of Public Facilities

When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an established park), or, the renaming of an existing public facility the following criteria shall be applied:

A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.

B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.

C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.

D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.

E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.

F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.

B. The honoree has a record of outstanding service to their community.

C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

Section 5 –Procedures for Naming or Renaming of Public Facilities

A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
    1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.

B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
    1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.

C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
    1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination.

D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.
    1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.

E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

APPENDIX B. GUIDELINES FOR CITY COUNCILMEMBER/MAYOR MAJOR ITEMS

Requirements for City Councilmember/Mayor Major Items are provided in Chapter III.C.2 of the City Council Rules of Procedure and Order. These guidelines further explain the requirements and are intended to assist in the preparation of fully researched and documented items that are likely to be eligible to move forward in the legislative process as determined by the Agenda & Rules Committee.

_____

1. **Title**
   A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. **Consent/Action/Information Calendar**
   Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. **Recommendation**
   Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

   Common action options include:
   - Adopt first reading of ordinance
   - Adopt a resolution
   - Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
   - Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
   - Referral to a Commission or to a Standing or Ad Hoc Council Committee
   - Referral to the budget process
   - Send letter of support
   - Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
   - Designate members of the Council to perform some action

4. **Summary Statement/ "Current situation and its effects"**
   A short resume of the circumstances that give rise to the need for the recommended action(s).
   - Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
   - Example (fictional):
     Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season,

hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process $40,000 to cover costs of an additional two months of shelter operations.

5. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

- For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. Review of Existing Plans, Programs, Policies and Laws

Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

Review of all pertinent/applicable sections of:

- The City Charter
- Berkeley Municipal Code
- Administrative Regulations
- Council Resolutions
- Staff training manuals

Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan
Review of similar legislation previously introduced/passed by Council
Review of County, State and Federal laws/policies/programs/plans, if applicable

7. **Actions/Alternatives Considered**
    - What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
    - What solutions/measures are recommended by **advocates, experts, organizations**?
    - What is the range of actions considered, and what are some of their major pros and cons?
    - Why were other solutions not as feasible/advisable?

8. **Consultation/Outreach Overview and Results**
    - Review/list external and internal stakeholders that were consulted
        - **External**: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
        - **Internal**: staff who would implement policies, the City Manager and/or Deputy CM, Department Heads, City Attorney, City Clerk, etc.
    - What reports, articles, books, websites and other materials were consulted?
    - What was learned from these sources?
    - What changes or approaches did they advocate for that were accepted or rejected?

9. **Rationale for Recommendation**

    A clear and concise statement as to whether the item proposes actions that:
    - Conform to, clarify or extend existing Plans, Programs, Policies and Laws
    - Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
    - Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
    - Create an exception to existing Plans, Programs, Policies and Laws
    - Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

    Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. **Implementation, Administration and Enforcement**

    Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. Environmental Sustainability and Climate Impacts

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Impacts

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

13. Outcomes and Evaluation

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

14. Contact Information

15. Attachments/Supporting Materials

Attachment 2

The Berkeley City Council
Rules of Procedure and Order

Adopted by Resolution No. ~~71,174~~##,###–N.S.

Effective ~~January 22, 2024~~[Date]

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I. DUTIES

A. Duties of Mayor

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. The Mayor shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. In the Mayor's absence, the Vice President of the Council (hereafter referred to as the Vice-Mayor) shall preside.

B. Duties of Councilmembers

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

C. Motions to be Stated by Chair

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

D. Decorum by Councilmembers

While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other's time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council, use personal, impertinent or slanderous remarks, nor disturb any other member while that member is speaking or refuse to obey the orders of the presiding officer or the Council, except as otherwise provided herein.

All Councilmembers have the opportunity to speak and agree to disagree but no Councilmember shall speak twice on any given subject unless all other Councilmembers have been given the opportunity to speak. The Presiding Officer may set a limit on the speaking time allotted to Councilmembers during Council discussion.

The presiding officer has the affirmative duty to maintain order. The City Council will honor the role of the presiding officer in maintaining order. If a Councilmember believes the presiding officer is not maintaining order, the Councilmember may move that the Vice-Mayor, or another Councilmember if the Vice-Mayor is acting as the presiding officer at the time, enforce the rules of decorum and otherwise maintain order. If that motion receives a second and is approved by a majority of the Council, the Vice-Mayor, or other designated Councilmember, shall enforce the rules of decorum and maintain order.

E. Voting Disqualification

No member of the Council who is disqualified shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry. Where no clearly disqualifying conflict of interest appears, the matter of disqualification may, at the request of the member affected, be

decided by the other members of the Council, by motion, and such decision shall determine such member's right and obligation to vote. A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to recuse themselves. Any member having a "remote interest" in any matter as provided in Government Code shall divulge the same before voting.

F. Requests for Technical Assistance and/or Reports

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual council member.

II. MEETINGS

A. Call to Order - Presiding Officer

The Mayor, or in the Mayor's absence, the Vice Mayor, shall take the chair precisely at the hour appointed by the meeting Agenda and shall immediately call the Council to order. Upon the arrival of the Mayor, the Vice Mayor shall immediately relinquish the chair. In the absence of the two officers specified in this section, the Councilmember present with the longest period of Council service shall preside.

B. Roll Call

Before the Council shall proceed with the business of the Council, the City Clerk shall call the roll of the members and the names of those present shall be entered in the minutes. The later arrival of any absentee shall also be entered in the minutes.

C. Quorum Call

During the course of the meeting, should the Chair note a Council quorum is lacking, the Chair shall call this fact to the attention of the City Clerk. The City Clerk shall issue a quorum call. If a quorum has not been restored within two minutes of a quorum call, the meeting shall be deemed automatically adjourned.

D. Council Meeting Conduct of Business

The ~~agenda~~Agenda for the regular business meetings shall include the Order of Business described in Chapter III.F. ~~following: Ceremonial Items (including comments from the City Auditor if requested); Comments from the City Manager; Comments from the Public; Consent Calendar; Action Calendar (Appeals, Public Hearings, Continued Business, Old Business, New Business); Information Reports; and Communication from the Public.~~ Presentations and workshops may be included as part of the Action Calendar. The Chair will determine the order in which the item(s) on Action will be heard. ~~with the consent of Council.~~

Three ~~(3)~~ or more members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent at least three members concurring, the item will stay on the Consent or Information Calendar.

~~and, w~~With respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar prior to the vote on the Consent Calendar. However, if three or more Councilmembers object to a Consent item by expressing their intent to abstain or vote no, the item shall be moved from Consent to Action.

Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.

~~Upon request by the Mayor or any Councilmember, any item may be moved from the Consent Calendar or Information Calendar to the Action Calendar. Unless there is an objection by the Mayor or any Councilmember, the Council may also move an item from the Action Calendar to the Consent Calendar.~~

Commented [NML1]: Eliminates redundancy within the document. Chapter III.F. is more detailed.

Commented [NML2]: Per Council action on 5/7/24.

Commented [NML3]: Process moved here from Appendix C

Commented [NML4]: Per Council action on 5/7/24.

A public hearing that is not expected to be lengthy may be placed on the ~~agenda~~Agenda for a regular business meeting. When a public hearing is expected to be contentious and lengthy and/or the Council's regular meeting schedule is heavily booked, the Agenda & Rules Committee, in conjunction with the staff, will schedule a special meeting exclusively for the public hearing. No other matters shall be placed on the ~~agenda~~Agenda for the special meeting. All public comment will be considered as part of the public hearing and no separate time will be set aside for public comment not related to the public hearing at this meeting.

Except at meetings at which the budget is to be adopted, no public hearing may commence later than 10:00 p.m. unless there is a legal necessity to hold the hearing or make a decision at that meeting or the City Council determines by a two-thirds vote that there is a fiscal necessity to hold the hearing.

The Council will endeavor to inform meeting attendees of the approximate time for high interest items. In addition, the Council will make best efforts to determine if items should be carried over to future meetings earlier in the meeting rather than later.

Commented [NML5]: Per Council action on 5/7/24.

E. Adjournment

No Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend the meeting beyond 11:00 p.m. shall include a list of specific Agenda Items to be covered and shall specify in which order these items shall be handled.

Any items not completed at a regularly scheduled Council meeting may be continued to an Adjourned Regular Meeting by a two-thirds majority vote of the Council.

F. Unfinished Business

Any items not completed by formal action of the Council, and any items not postponed to a date certain, shall be considered Unfinished Business. All Unfinished Business shall be referred to the Agenda & Rules Committee for scheduling for a Council meeting that occurs within 60 days from the date the item last appeared on a Council ~~agenda~~Agenda. The 60 day period is tolled during a Council recess.

G. City Council Schedule and Recess Periods

Pursuant to the Open Government Ordinance, the City Council shall hold a minimum of twenty-four (24) meetings, or the amount needed to conduct City business in a timely manner, whichever is greater, each calendar year.

Regular meetings of the City Council shall be held generally two to three Tuesdays of each month except during recess periods; the schedule to be established annually by Council resolution taking into consideration holidays and election dates.

Regular City Council meetings shall begin no later than 6:00 p.m.

A recess period is defined as a period of time longer than 21 days without a regular meeting of the Council.

When a recess period occurs, the City Manager is authorized to take such ministerial actions for matters of operational urgency as would normally be taken by the City Council during the period of recess except for those duties specifically reserved to the Council by the Charter, and including such emergency actions as are necessary for the immediate preservation of the public peace, health or safety; the authority to extend throughout the period of time established by the City Council for the period of recess.

The City Manager shall have the aforementioned authority beginning the day after the Agenda & Rules Committee meeting for the last regular meeting before a Council recess and this authority shall extend up to the date of the Agenda & Rules Committee meeting for the first regular meeting after the Council recess.

The City Manager shall make a full and complete report to the City Council at its first regularly scheduled meeting following the period of recess of actions taken by the City Manager pursuant to this section, at which time the City Council may make such findings as may be required and confirm said actions of the City Manager.

H. Pledge of Allegiance to the Flag

At the first meeting of each year following the August recess and at any subsequent meeting if specifically requested before the meeting by any member of the Council in order to commemorate an occasion of national significance, the first item on the Ceremonial Calendar will be the Pledge of Allegiance.

I. Ad Hoc Subcommittees

From time to time the Council or the Mayor may appoint several of its members but fewer than the existing quorum of the present body to serve as an ad hoc subcommittee. Only Councilmembers may be members of the ad hoc subcommittee; however, the subcommittee shall seek input and advice from residents, related commissions, and other groups, as appropriate to the charge or responsibilities of such subcommittee. Ad hoc subcommittees must be reviewed annually by the Council to determine if the subcommittee is to continue.

Upon creation of an ad hoc subcommittee, the Council shall allow it to operate with the following parameters:

1. A specific charge or outline of responsibilities shall be established by the Council.
2. A target date must be established for a report back to the Council.
3. Maximum life of the subcommittee shall be one year, with annual review and possible extension by the Council.

~~Subcommittees shall conduct their meetings in locations that are open to the public and meet accessibility requirements under the Americans with Disabilities Act. Meetings may be held at privately owned facilities provided that the location is open to all that wish to attend and that there is no requirement for purchase to attend. Agendas for subcommittee meetings must be posted in the same manner as the agendas for regular Council meetings except that subcommittee agendas may be posted with 24-hour notice. The public will be permitted to comment on agenda items~~

Commented [NML6]: Ad hoc committees are not legislative bodies under the Brown Act. These requirements have been repealed for commissions and need to be repealed for the Council for consistency.

~~but public comments may be limited to one minute if deemed necessary by the Committee Chair. Agendas and minutes of the meetings must be maintained and made available upon request.~~

Ad hoc subcommittees will be staffed by City Council legislative staff. As part of the ad hoc subcommittee process, City staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item(s) under consideration. Staff analysis at ad hoc subcommittees is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

Subcommittees must be comprised of at least two members. If only two members are appointed, then both must be present in order for the subcommittee meeting to be held. In other words, the quorum for a two-member subcommittee is always two.

~~Ad hoc subcommittees may convene a closed session meeting pursuant to the conditions and regulations imposed by the Brown Act.~~

III. AGENDA

A. Declaration of Policy

No ordinance, resolution, or item of business shall be introduced, discussed or acted upon before the Council at its meeting without prior thereto its having been published on the ~~agenda~~Agenda of the meeting and posted in accordance with Section III.E~~D~~.2. Exceptions to this rule are limited to circumstances listed in Section III.E~~D~~.4.b and items continued from a previous meeting and published on a revised ~~agenda~~Agenda.

B. Definitions

For purposes of this section, the terms listed herein shall be defined as follows:

1. "Agenda Item" means an item placed on the ~~agenda~~Agenda (on either the Consent Calendar or as a Report For Action) for a vote of the Council by the Mayor or any Councilmember, ~~the City Manager~~a Charter Officer, the Auditor, or any board/commission/committee created by the City Council or City Charter, or any Report For Information which may be acted upon if the Mayor or a Councilmember so requests. For purposes of this section, appeals shall be considered action items. All information from ~~the City Manager~~a Charter Officer concerning any item to be acted upon by the Council shall be submitted as a report on the ~~agenda~~Agenda and not as an off-agenda memorandum and shall be available for public review, except to the extent such report is privileged and thus confidential such as an attorney~~-~~-client communication concerning a litigation matter. Council Aagenda litems are limited to a maximum of four Authors and Co-Sponsors, in any combination that includes at least one Author.

   Authors must be listed in the original item as submitted by the Primary Author. Co-Sponsors may only be added ~~in the following manner:~~ by the Primary Author (1) at the Agenda Committee meeting where the item is placed on a Council ~~agenda~~Agenda; or (2) after the item has been placed on a Council ~~agenda~~Agenda, through the Supplemental process, or (3) at the Council meeting where the item appears on the Agenda~~. for action.~~

   - ~~In the original item as submitted by the Primary Author~~
   - ~~In a revised item submitted by the Primary Author at the Agenda & Rules Committee~~
   - ~~By verbal request of the Primary Author at the Agenda & Rules Committee~~
   - ~~In a revised item submitted by the Primary Author in Supplemental Reports and Communications Packet #1 or #2~~
   - ~~By verbal or written request of the Mayor or any Councilmember at the Policy Committee meeting or meeting of the full Council at which the item is considered~~

2. ~~Agenda items shall contain all relevant documentation, including the information listed below:~~

   a) ~~A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;~~

Commented [NML7]: Per discussion at Agenda & Rules on 7/8/24; replaces text immediately below

Commented [NML8]: Moved to C. below

~~b) Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~

~~c) Recommendation of the report's Primary Author that describes the action to be taken on the item, if applicable;~~

~~d) Fiscal impacts of the recommendation;~~

~~e) A description of the current situation and its effects;~~

~~f) Background information as needed;~~

~~g) Rationale for recommendation;~~

~~h) Alternative actions considered;~~

~~i) For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);~~

~~j) Person or persons to contact for further information, with telephone number;~~

~~k) Additional information and analysis as required. It is recommended that reports include the points of analysis in Appendix B - Guidelines for Developing and Writing Council Agenda Items.~~

2. "Author" means the Mayor or other Councilmembers who actually authored an item by contributing to the ideas, research, writing or other material elements.

3. "Primary Author" means the Mayor or Councilmember listed first on the item. The Primary Author is the sole contact for the City Manager with respect to the item. Communication with other Authors and Co-Sponsors, if any, is the responsibility of the Primary Author.

4. "Co-Sponsor" means the Mayor or other Councilmembers who wish to indicate their strong support for the item, but are not Authors, and are designated by the Primary Author to be ~~co-sponsor~~Co-Sponsors of the Ccouncil ~~agenda item~~Agenda Item.

5. "Agenda" means the compilation of the descriptive titles of Aagenda ~~i~~items submitted to the City Clerk, arranged in the sequence established in Section III.F~~E~~ hereof.

6. "Packet" means the ~~agenda~~Agenda plus all of its corresponding ~~agenda item~~Agenda Items.

7. "Emergency Matter" arises when prompt action is necessary due to the disruption or threatened disruption of public facilities and a majority of the Council determines that:

a) A work stoppage or other activity which severely impairs public health, safety, or both exists;

b) A crippling disaster, which severely impairs public health, safety or both exists.

b)c) Notice of the Council's proposed consideration of any such ~~emergency matter~~Emergency Matter shall be given in the manner required by law for such an emergency pursuant to Government Code Section 54956.5.

8. "Continued Business" means Items carried over from a prior ~~agenda~~Agenda of a meeting occurring ~~less than~~ 11 or fewer days earlier.

9. "Old Business" means Items carried over from a prior ~~agenda~~Agenda of a meeting occurring more than 11 days earlier.

10. "Charter Officer" means the City Manager, City Attorney, and the Director of Police Accountability.

11. "Major Item" means an Agenda Item with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts submitted by the Mayor or any Councilmember.

9.12. "Regular Item" means any Agenda Item not classified as a Major Item.

C. Standards for Agenda ~~i~~Items

1. ~~Agenda item~~Agenda Items, other than Major Items submitted by the Mayor or any Councilmember, shall contain all relevant documentation, including the information listed below:

i. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report;

ii. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;

iii. Recommendation of the report's ~~Primary A~~author that describes the action to be taken on the item, if applicable;

iv. Fiscal impacts of the recommendation;

v. A description of the current situation and its effects;

vi. Background information as needed;

vii. Rationale for recommendation;

viii. Alternative actions considered;

Commented [NML9]: Per discussion at Agenda & Rules on 7/8/24

Commented [NML10]: Moved here from above

ix. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items);

x. Person or persons to contact for further information, with telephone number;

xi. Additional information and analysis as may be required.

xii. Environmental sustainability and climate impacts.

It is recommended that Regular Item reports also include, to the extend relevant, the points of analysis in Major Council Item Standards ~~at~~in Section C. ~~(~~2~~)~~.

2. Major Items submitted by the Mayor or any Councilmember shall contain all relevant documentation, including the information listed below and more fully described in Appendix B, Guidelines for City Councilmember/Mayor Major Items:

Commented [NML11]: Moved here from Appendix B

i. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

ii. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

iii. Recommendation

A c~~C~~lear, succinct statement of actions to be taken. More lengthy/detailed actions can be detailed within the item and incorporated by reference.

iv. Summary Statement/Current Situation and its effects

A short resume of the circumstances that give rise to the need for the recommended actions.

v. Background

A full discussion of the history, circumstances and concerns to be addressed by the item.

vi. Review of Existing Plans, Programs, Policies and Laws

Review, identification, and discussion of relevant/applicable City of Berkeley, State, and other relevant Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from, or run contrary to them.

vii. Actions/Alternatives Considered

A listing of solutions/measures that other jurisdictions, ~~or~~ advocates, experts, or organizations have studied or adopted to address the same or similar subject

matter, the range of actions considered, and the reasons why those solutions/measures are proposed to be adopted, modified, or rejected.

viii. Consultation/Outreach Overview and Results

Review/listing of external and internal City of Berkeley stakeholders that were consulted and reports, articles, books, websites and other materials that were consulted and discussion of approaches that were accepted, modified, or rejected.

ix. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that (a) conform to, clarify or extend, (b) make major or minor changes/amendments, (c) create an exception, or (d) reverse/go contrary to existing City of Berkeley Plans, Programs, Policies and Laws, or (e) create largely or entirely new Plans, Programs, Policies or Laws.

x. Implementation, Administration and Enforcement

A discussion of how the recommended action would be implemented, administered and enforced by the City of Berkeley.

xi. Environmental Sustainability and Climate Impacts

A discussion of the impacts of recommended actions, if any, on the environment and the recommendation's relationship to the City's Climate Action, Resilience, and other sustainability goals.

xii. Fiscal Impacts

A review of the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as expected or potential direct and indirect costs.

xiii. Outcomes and Evaluation

A statement of the specific outcomes expected and what reporting and/or evaluation is recommended to ensure the outcomes are being achieved.

xiv. Contact Information

xv. Attachments/Supporting Materials

D. Procedure for Bringing Matters Before City Council

1. **Persons Who Can Place Matters on the Agenda.**
   Matters may be placed on the ~~agenda~~Agenda by the Mayor or any Councilmember, ~~the City Manager,~~ the Auditor, Charter Officers, or any board/commission/committee created by the City Council, ballot measure, or the City Charter. All items are subject to review, referral, and scheduling by the Agenda & Rules Committee pursuant to the rules and limitations contained herein. The Agenda & Rules Committee shall be a standing committee of the City Council.

The Agenda & Rules Committee shall meet 15 days prior to each City Council meeting and shall approve the ~~agenda~~Agenda of that City Council meeting. Pursuant to BMC Section 1.04.080, if the 15th day prior to the Council meeting falls on a holiday, the Committee will meet the next business day. The Agenda & Rules Committee ~~packet~~Packet, including a draft ~~agenda~~Agenda and reports from the Mayor and Councilmembers, the Auditor, and Commission ~~reports~~ shall be distributed by 5:00 p.m. four days before the Agenda & Rules Committee meeting.

The Agenda & Rules Committee shall have the powers set forth below.

a) **Regular Items Authored by the Mayor, or a Councilmember~~, or the Auditor~~.**

As to ~~item~~Regular Items authored by the Mayor, or a Councilmember~~, or the Auditor~~, the Agenda & Rules Committee shall review the item and may take the following actions:

i. Refer the item to a commission for further analysis (Primary Author may decline and request Policy Committee assignment).

ii. Refer the item to the City Manager for further analysis (Primary Author may decline and request Policy Committee assignment).

iii. Refer the item back to the Primary Author for requested amendments, adherence to required form, or for additional analysis, as required in Section III.C~~B~~.1~~2~~ (Primary Author may decline and request Policy Committee assignment).

iv. Refer the item to a Policy Committee.

Commented [NML12]: Auditor moved to paragraph (c) below with the consent of the Auditor

v. Schedule the item for the ~~agenda~~Agenda under consideration or one of the next three ~~full~~regular Council ~~agenda~~Agendas.

b) Major Items ~~Authored by the Mayor, a Councilmember, or the Auditor.~~

The Agenda & Rules Committee retains the authority to designate which Agenda Items are classified as Major Items. With regards to Major Items, the Agenda & Rules Committee shall review the item and may take the following actions:

~~vi.~~i. Return the item to the Author if the committee determines that the item is not substantially compliant with Chapter III.C.2 and the guidelines in Appendix B.

ii. Refer the item to a policy committee and send a notice to the Budget & Finance Committee if the item contains a budget referral.

iii. Schedule the item for the Council Agenda under consideration.

iv. Schedule the item for one of the susequent three Council Agendas or a special meeting.

v. Refer the item to a commission with the consent of the Primary Author.

Commented [NML13]: Per discussion at Agenda & Rules on 7/8/24 to create a process for the new category of "Major Items"

c) For referrals of Regular Items under Chapter III.D~~C~~.1.a.i, ii, or iii, the Primary Author must inform the City Clerk within 24 hours of the adjournment of the Agenda & Rules Committee meeting whether they prefer to:

1) re-submit the item for a future meeting with modifications as suggested by the Agenda & Rules Committee; or

2) withdraw~~pull~~ the item completely; or

3) re-submit the item with revisions as requested by the Agenda & Rules Committee within 24 hours of the adjournment of the Agenda & Rules Committee meeting for the Council ~~agenda~~Agenda under consideration; or

4) accept the referral of the Agenda & Rules Committee in sub paragraphs III.~~C~~D.1.a. i, ii, or iii, or request Policy Committee assignment.

If the Primary Author requests a Policy Committee assignment, the item will appear on the next draft ~~agenda~~Agenda presented to the Agenda & Rules Committee for assignment.

In the event that the City Clerk does not receive guidance from the Primary Author of the referred item within 24 hours of the Agenda & Rules Committee's adjournment, the item will appear on the next draft ~~agenda~~Agenda for consideration by the Agenda & Rules Committee.

Items ~~held~~ being resubmitted for a future meeting to allow for modifications will be placed on the next available Council meeting ~~agenda~~Agenda at the time that the revised version is submitted to the City Clerk.

~~c)~~d) **Items Authored by ~~the City Manager~~Charter Officers and the Auditor.**

The Agenda & Rules Committee shall review agenda descriptions of items authored by ~~the City Manager~~Charter Officers and the Auditor. The Committee can recommend that the matter be referred to a commission, to a Policy Committee, or back to the ~~City Manager~~Charter Officer or the Auditor for adherence to required form, additional analysis as required in Section III.C.1~~B.2~~, or suggest other appropriate action including scheduling the matter for a later meeting to allow for appropriate revisions.

If the ~~City Manager~~Charter Officer or the Auditor determines that their item ~~matter~~ should proceed notwithstanding the Agenda & Rules Committee's recommendation~~action~~, it will be placed on the ~~agenda~~Agenda as directed by the ~~Manager~~Charter Officer or the Auditor. All Charter Officer and Auditor ~~City Manager~~items placed on the Council ~~agenda~~Agenda against the recommendation of the Agenda & Rules Committee will automatically be placed on the Action Calendar.

d)e) **Items Authored by Boards and Commissions.**

Agenda 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 agendized 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 e~~c~~.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~~E~~.

2. Removal of Agenda Items from the Legislative Process

A Primary Author may withdraw their Agenda Item from the legislative process as follows: 1) during the time it is pending at a policy committee by sending written notification to the City Clerk or verbally at the meeting; 2) verbally at the Agenda & Rules Committee meeting when the item appears on a draft Council Agenda; or 3) verbally at the City Council meeting when the item appears on the Council Agenda or in writing through the supplemental process.

Commented [NML14]: Per discussion at Agenda & Rules on 7/8/24

~~2.~~3. **Scheduling Public Hearings Mandated by State, Federal, or Local Statute.**

The City Clerk may schedule a public hearing at an available time and date in those cases where State, Federal or local statute mandates the City Council hold a public hearing.

3.4. **Submission of Agenda Items.**

a) **~~City Manager~~Charter Officer Items.** Except for Continued Business and Old Business, as a condition to placing an item on the ~~agenda~~Agenda, ~~agenda item~~Agenda Items from departments, including ~~agenda item~~Agenda Items from commissions, shall be furnished to the City Clerk at a time established by the City Manager.

b) **Council and Auditor Items.** The deadline for reports submitted by the Auditor, Mayor and ~~City~~ Councilmembers is 5:00 p.m. on Monday, 22 days before each regular Council meeting.

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

The Primary Author of the report shall bring any reports submitted as Time Critical to the meeting of the Agenda & Rules Committee. Time Critical items must be accompanied by complete reports and statements of financial implications. If the Agenda & Rules Committee finds the matter to meet the definition of Time Critical, the Agenda & Rules Committee may place the matter on the Agenda on either the Consent or Action Calendar.

d) **Timelines.** The City Clerk may not accept any ~~agenda item~~Agenda Item after the adjournment of the Agenda & Rules Committee meeting, except for items carried over by the City Council from a prior City Council meeting occurring ~~less than~~ 11 or fewer days earlier, which may include supplemental or revised reports, and reports concerning actions taken by boards and commissions that are required by law or ordinance to be presented to the Council within a deadline that does not permit compliance with the agenda timelines in BMC Chapter 2.06 or these rules.

4.5. **Submission of Supplemental and Revised Agenda Material.**

Berkeley Municipal Code Section 2.06.070 allows for the submission of supplemental and revised agenda material. Supplemental and revised material cannot be substantially new or only tangentially related to an ~~agenda item~~Agenda Item. Supplemental material must be specifically related to the item in the Agenda Packet. Revised material should be presented as revised versions of the report or item printed in the Agenda Packet. Supplemental and revised material may be submitted for consideration as follows:

a) Supplemental and revised agenda material shall be submitted to the City Clerk no later than 5:00 p.m. seven calendar days prior to the City Council meeting at which it is to be considered. Supplemental and revised items that are received by the deadline shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. five calendar days prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for publiccitizen review or City Councilmember evaluation.

b) Supplemental and revised agenda material submitted to the City Clerk after 5:00 p.m. seven days before the meeting and no later than 12:00 p.m. one day prior to the City Council meeting at which it is to be considered shall be distributed to Council in a supplemental reports packet and posted to the City's website no later than 5:00 p.m. one day prior to the meeting. Copies of the supplemental packet shall also be made available in the office of the City Clerk and in the main branch of the Berkeley Public Library. Such material may be considered by the Council without the need for a determination that the good of the City clearly outweighs the lack of time for publiccitizen review or City Council evaluation.

c) After 12:00 p.m. one calendar day prior to the meeting, supplemental or revised reports may be submitted for consideration by delivering a minimum of 4240 copies of the supplemental/revised material to the City Clerk for distribution at the meeting and submitting the material electronically to the City Clerk. Each copy must be accompanied by a completed supplemental/revised material cover page, using the form provided by the City Clerk. Revised reports must reflect a comparison with the original item using track changes formatting. The material may be considered only if the City Council, by a two-thirds roll call vote, makes a factual determination that the good of the City clearly outweighs the lack of time for publiccitizen review or City Councilmember evaluation of the material. Supplemental and revised material must be distributed and a factual determination made prior to the commencement of public comment on the agenda itemAgenda Item in order for the material to be considered.

Commented [NML15]: For web posting so that virtual attendees have access

5.6. Submission of Late Urgency Items Pursuant to Government Code Section 54954.2(b)

Late Urgency Items are items proposed for submission to the Council Agenda pursuant to Government Code Section 54954.2(b)

All items to be submitted for consideration for addition to an agendaAgenda as Late Urgency Items shall be accompanied by a cover sheet that includes 1) boxes to check for the Author to affirm whether the item is submitted under the Emergency or Immediate Action Rule (and a short explanation of what is required to meet each rule, as well as the vote threshold required for the item to be placed onto the agendaAgenda by the City

Council); 2) a disclaimer in BOLD 14pt. CAPS stating that the item is not yet agendized and may or may not be accepted for the ~~agenda~~Agenda as a Late Urgency Item, at the City Council's discretion according to Brown Act rules; 3) a prompt requiring the ~~author~~Author to list the facts which support consideration of the item for addition to the ~~agenda~~Agenda as either an Emergency or Immediate Action item; and 4) a copy of the City Attorney memo on Late Urgency Items.

Late Items must be submitted to the City Clerk no later than 12:00 p.m. (noon) the day prior to the meeting.

All complete Late Items submitted by the deadline will be distributed with Supplemental Communication Packet #2 by 5:00 p.m. the day before the Council meeting. A Late Item is not considered "complete" and will not be distributed unless submitted with the required cover sheet, filled out in a complete manner.

Very Late Urgency Items of an extremely urgent nature (e.g., earthquake, severe wildfire, pandemic) may be submitted for addition to the ~~agenda~~Agenda after the deadline of 12:00 p.m. the day before the meeting to accommodate unforeseeable, extreme and unusual circumstances. A Very Late Urgency Item will be distributed at the Council meeting prior to any vote to add it to the ~~agenda~~Agenda and the Presiding Officer may provide an appropriate break to allow Councilmembers and the public to review the item before voting on whether to add it to the ~~agenda~~Agenda and possibly again, at the Presiding Officer's discretion, before the item is voted on.

The required cover sheet should be included with the Very Late Urgency Item unless extremely exigent circumstances underlie the Very Late Urgency Item submission and a written cover sheet could not be prepared (for example, power is out and printing or emailing is not possible), in which case the individual "walking in" the item should be ready to provide all required information verbally at the meeting before a vote is taken to add or not add the item to the Agenda.

6.7. **Scheduling a Presentation.**
Presentations from staff are either submitted as an Agenda Item or are requested by the City Manager. Presentations from outside agencies and the public are coordinated with the Mayor's Office. The Agenda & Rules Committee may adjust the schedule of presentations as needed to best manage the Council Agenda. The Agenda & Rules Committee may request a presentation by staff in consultation with the City Manager.

E. Packet Preparation and Posting

1. **Preparation of the Packet.**
Not later than the thirteenth day prior to said meeting, the City Clerk shall prepare the ~~packet~~Packet, which shall include the ~~agenda~~Agenda plus all its corresponding ~~agenda item~~Agenda Items. No item shall be considered if not included in the ~~packet~~Packet, except as provided for in Section III.D.5.~~C.~~4 and Section III.~~D~~E.4.

2. **Distribution and Posting of Agenda.**

a) The City Clerk shall post each ~~agenda~~Agenda of the City Council regular meeting no later than 11 days prior to the meeting and shall post each ~~agenda~~Agenda of a special meeting at least 24 hours prior to~~in advance of~~ the meeting ~~in~~on the official bulletin board. The City Clerk shall maintain an affidavit indicating the location, date and time of posting each ~~agenda~~Agenda.

b) The City Clerk shall also post ~~agenda~~Agendas and annotated ~~agenda~~Agendas of all City Council meetings and notices of public hearings on the City's website.

c) No later than 11 days prior to a regular meeting, copies of the ~~agenda~~Agenda shall be mailed by the City Clerk to any resident of the City of Berkeley who so requests in writing. Copies shall also be available free of charge in the City Clerk Department.

3. **Distribution of the Agenda Packet.**
The Agenda Packet shall consist of the Agenda and all supporting documents for ~~agenda item~~Agenda Items. No later than 11 days prior to a regular meeting, the City Clerk shall:

a) distribute the Agenda Packet to each member of the City Council;

b) post the Agenda Packet to the City's website;

c) place copies of the Agenda Packet in viewing binders in the office of the City Clerk and in the main branch of the Berkeley Public Library; and

d) make the Agenda Packet available to members of the press.

4. **Failure to Meet Deadlines.**
a) The City Clerk shall not accept any ~~agenda item~~Agenda Item or revised ~~agenda item~~Agenda Item after the deadlines established.

b) Matters not included on the published ~~agenda~~Agenda may be discussed and acted upon as otherwise authorized by State law or providing the Council finds one of the following conditions is met:

- A majority of the Council determines that the subject meets the criteria of "Emergency" as defined in Section III.B.7~~8~~.

- Two thirds of the Council determines that there is a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the ~~agenda~~Agenda as required by law.

c) Matters listed on the printed ~~agenda~~Agenda but for which supporting materials are not received by the City Council on the eleventh day prior to said meeting as part of the ~~agenda~~Agenda ~~packet~~Packet, shall not be discussed or acted upon.

~~E.~~F. Agenda Sequence and Order of Business

The Council ~~agenda~~Agenda for a regular business meeting is to be arranged in the following order:

1. Preliminary Matters: (Ceremonial, Land Acknowledgement Statement, Comments from the City Manager, Comments from the City Auditor [if requested], Non-Agenda Public Comment, Public Comment by Employee Unions)
    a) The Land Acknowledgement Statement and Public Comment from Employee Unions are regularly agendized only for the first regular meeting of each month.

~~1.~~2. Consent Calendar

~~2.~~3. Action Calendar
    a) Appeals
    b) Public Hearings
    c) Continued Business
    d) Old Business
    e) New Business

~~3.~~4. Information Reports

~~4.~~5. Non-Agenda Public Comment

~~5.~~6. Adjournment

~~6.~~7. Communications

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

The Agenda & Rules Committee shall have the authority to re-order the items on the Action Calendar regardless of the default sequence prescribed in this section.

Commented [NML16]: Per discussionn at Agenda & Rules on 7/8/24 – for clarity.

~~F.~~G. Closed Session Documents

This section establishes a policy for the distribution of, and access to, confidential closed session documents by the Mayor and members of the City Council.

1. Confidential closed session materials shall be kept in binders numbered from one to nine and assigned to the Mayor (#9) and each Councilmember (#1 to #8 by district). The binders will contain confidential closed session materials related to Labor Negotiations, Litigation, and Real Estate matters.

2. The binders will be maintained by City staff and retained in the Office of the City Attorney in a secure manner. City staff will bring the binders to each closed session for their use by the Mayor and Councilmembers. At other times, the binders will be available to the Mayor and Councilmembers during regular business hours for review in the City Attorney's Office. The binders may not be removed from the City Attorney's Office or the location of any closed session

meeting by the Mayor or Councilmembers. City staff will collect the binders at the end of each closed session meeting and return them to the City Attorney's Office.

3. Removal of confidential materials from a binder is prohibited.

4. Duplication of the contents of a binder by any means is prohibited.

5. Confidential materials shall be retained in the binders for at least two years.

6. This policy does not prohibit the distribution of materials by staff to the Mayor and Councilmembers in advance of a closed session or otherwise as needed, but such materials shall also be included in the binders unless it is impracticable to do so.

~~G.~~H. Regulations Governing City Council Policy Committees

1. Legislative Item Process

All ~~agenda item~~Agenda Items begin with submission to the Agenda & Rules Committee.

~~Full Council~~Exempt Items ~~Track~~

Regular Items under this category submitted by the Mayor or Councilmembers are exempt from Agenda & Rules Committee discretion to refer them to a Policy Committee. Items in this category may be submitted for the ~~agenda~~Agenda of any scheduled regular meeting pursuant to established deadlines (same as existing deadlines). Types of ~~Full Council Track~~Exempt Iitems are listed below.

a. ~~Items submitted by the City Manager and City Auditor~~
b. ~~Items submitted by Boards and Commissions~~
c. Position Letters and Resolutions on Legislation and Electoral Issues relating to Outside Agencies/Jurisdictions
~~d. Position Letters and/or Resolutions of Support/Opposition~~
~~e.~~d. Donations from the Mayor and Councilmember District Office Budgets
~~f.~~e. Referrals to the Budget Process that are not related to a Major Item
~~g.~~f. Proclamations
~~h.~~g. Sponsorship of Events
~~i.~~h. Information Reports
~~j.~~i. Presentations from Outside Agencies and Organizations
~~k.~~j. Ceremonial Items
~~l.~~k. Committee and Regional Body Appointments

The Agenda & Rules Committee has discretion to determine if an item submitted by the Mayor or a Councilmember ~~falls under a Full Council~~ is classified as an Exempt Item ~~Track exception or if it will be processed as a Policy Committee~~ or if the item is subject to Policy Committee review ~~Track item.~~

~~Policy Committee Track~~ Major Items ~~Track~~

Items submitted by the Mayor or Councilmembers with moderate to significant administrative, operational, budgetary, resource, or programmatic impacts will go first to the Agenda & Rules Committee on a draft City Council ~~agenda~~Agenda.

The Agenda & Rules Committee must ~~refer an~~take action on an item as prescribed in Chapter III.D. ~~to a Policy Committee~~ at the first meeting that the item appears before the Agenda & Rules Committee. The Agenda & Rules Committee may only assign the item to a single Policy Committee, except that an item meeting the definition of a Major Item that also includes a budget referral may be referred to both the Budget & Finance Committee in the form of a notice that a budget referral is under

Commented [NML17]: Changes in this section are primarly related to the new definitaiton of Major Items and Regular Items as well as the amended process for the Agenda & Rules Committee in Chapter III.D.

Commented [NML18]: This is already covered in Chapter III.D.1.c.

Commented [NML19]: This is not covered in Chapter III.D.1.d.

Commented [NML20]: No change in process, just reworded with new terms

consideration at another Committee, and one other Policy Committee for subject matter review.

~~For a Major Item Policy Committee Track item, the Agenda & Rules Committee, at its discretion, may either route item directly to 1) the Council Aagenda currently under consideration, 2) one of the next subsequent three full Council Agendas for a Regular Meeting of the City Council (based on completeness of the item, lack of potential controversy, minimal impacts, etc.), or 3) to a Policy Committee.~~

Commented [NML21]: These actions are now enshrined in Chapter III.D.1.b.

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

The Agenda & Rules Committee retains final discretion to determine the time critical nature of an item.

Time Critical items ~~submitted on the Full Council Track deadlines,~~ that would otherwise be assigned to a ~~the~~ Policy Committee ~~Track~~, may bypass Policy Committee review if determined to be time critical. If such an item is deemed not to be time critical, it may be referred to a Policy Committee.

Time Critical items ~~on the Full Council Track or Policy Committee Track~~ that are submitted at a meeting of the Agenda & Rules Committee may go directly on a C~~c~~ouncil ~~agenda~~Agenda if determined to be time critical.

2. Council Referrals to Policy Committees
The full Council may refer any ~~agenda item~~Agenda Item to a Policy Committee by majority vote.

3. Participation Rules for Policy Committees Pursuant to the Brown Act

a. The quorum of a three-member Policy Committee is always two members. A majority vote of the committee (two 'yes' votes) is required to pass a motion.

b. Two Policy Committee members may not discuss any item that has been referred to the Policy Committee outside of an open and noticed meeting.

c. Notwithstanding paragraph (b) above, two members of a Policy Committee may be listed as Authors or Co-Sponsors on an item provided that one of the Authors or Co-Sponsors will not serve as a committee member for consideration of the item, and shall not participate in the committee's

discussion of, or action on the item. For purposes of the item, the appointed alternate, who also cannot be an Author or Co-Sponsor, will serve as a committee member in place of the non-participating Author or Co-Sponsor.

d. All three members of a Policy Committee may not be Authors or Co-Sponsors of an item that will be heard by the committee.

e. Only one Author or Co-Sponsor who is not a member of the Policy Committee may attend the committee meeting to participate in discussion of the item.

f. If two or more non-committee members are present for any item or meeting, then all non-committee members may act only as observers and may not participate in discussion. If an Author who is not a member of the committee is present to participate in the discussion of their item, no other non-committee member Councilmembers, nor the Mayor, may attend as observers.

g. An item may be considered by only one Policy Committee before it goes to the full Council.

4. Functions of the Policy Committees

Committees shall have the following qualities/components:

a. All committees are Brown Act bodies with noticed public meetings and public comment. Regular meeting ~~agenda~~Agendas will be posted at least 72 hours in advance of the meeting.
b. Minutes shall be available online.
c. Committees shall adopt regular meeting schedules, generally meeting once or twice per month; special meetings may be called when necessary, in accordance with the Brown Act.
d. Generally, meetings will be held at 2180 Milvia Street in publicly accessible meeting rooms that can accommodate the committee members, public attendees, and staff.
e. Members are recommended by the Mayor and approved by the full Council no later than January 31 of each year. Members continue to serve until successors are appointed and approved.
f. Chairs are elected by the Committee at the first regular meeting of the Committee after the annual approval of Committee members by the City Council. In the absence of the Chair, the committee member with the longest tenure on the Council will preside.
g. The Chair, or a quorum of the Committee may call a meeting or cancel a meeting of the Policy Committee.

h. Committees will review items for completeness in accordance with Section III.C.1 and III.C.2~~B.2~~ of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.
i. Reports leaving a Policy Committee must adequately include budget implications, administrative feasibility, basic legal concerns, and staff resource demands in order to allow for informed consideration by the full Council.
j. Per Brown Act regulations, any revised or supplemental materials must be direct revisions or supplements to the item that was published in the ~~agenda~~Agenda ~~packet~~Packet.

Items referred to a Policy Committee from the Agenda & Rules Committee or from the City Council must be agendized for a committee meeting within 60 days of the referral date.

Within 120 days of the referral date, either (1) the committee Chair may accept the Primary Author's request, either in writing, or in person at a meeting of the committee, that the item remain in committee until a date certain (more than one extension may be requested by the Primary Author); or (2) the committee may vote to send the item to the Agenda & Rules Committee to be placed on a Council Agenda with a Committee recommendation consisting of one of the four options listed below. The Committee Chair shall report any extension granted outside of a meeting to the Committee and the City Clerk by email or verbally at the next Committee meeting.

1. Positive Recommendation (recommending Council pass the item as proposed),
2. Qualified Positive Recommendation (recommending Council pass the item with some changes),
3. Qualified Negative Recommendation (recommending Council reject the item unless certain changes are made) or
4. Negative Recommendation (recommending the item not be approved).

The Policy Committee's recommendation will be included in a separate section of the report template for that purpose.

A Policy Committee may not refer an item under its consideration to a C~~c~~ity board or commission.

The Primary Author of an item referred to a Policy Committee is responsible for revisions and resubmission of the item back to the full Council. Items originating from the City Manager are revised and submitted by the appropriate C~~c~~ity staff. Items from Commissions are revised and resubmitted by the members of the Policy Committee. Items and recommendations originating from the Policy Committee are submitted to the City Clerk by the members of the committee.

If a Policy Committee does not take final action by the 120-day deadline, the item is returned to the Agenda & Rules Committee and appears on the next available Council ~~agenda~~Agenda. The Agenda & Rules Committee may leave the item on the ~~agenda~~Agenda under consideration or place it on the next Council ~~agenda~~Agenda. Items appearing on a City Council ~~agenda~~Agenda due to lack of action by a Policy Committee may not be referred to a Policy Committee and must remain on the full Council ~~agenda~~Agenda for consideration.

Policy Committees may add discussion topics that are within their purview to their ~~agenda~~Agenda with the concurrence of a majority of the Committee. These items are not subject to the 120-day deadline for action.

Once the item is voted out of a Policy Committee, the final item will be resubmitted to the agenda process by the Primary Author, and it will return to the Agenda & Rules Committee on the next available ~~agenda~~Agenda. The Agenda & Rules Committee may leave the item on the ~~agenda~~Agenda under consideration or place it on the following Council ~~agenda~~Agenda. The Agenda & Rules Committee may agendize the item on the Consent Calendar or Action Calendar.~~Only items that receive a Positive Recommendation can be placed on the Consent Calendar.~~

Commented [NML22]: Per discussion at Agenda & Rules on 7/8/24 to allow for more discretion to place items returning from committee on Consent

The Primary Author may request expedited committee review for items referred to a committee. Criteria for expedited review is generally to meet a deadline for action (e.g. grant deadline, specific event date, etc.). If the committee agrees to the request, the deadline for final committee action is 45 days from the date the committee approves expedited review.

5. Number and Make-up of Policy Committees

Six committees are authorized, each comprised of three Councilmembers, with a fourth Councilmember appointed as an alternate. Each Councilmember and the Mayor will serve on two committees. The Mayor shall be a member of the Agenda and Rules Committee. The committees are as follows:

1. Agenda and Rules Committee
2. Budget and Finance Committee
3. Facilities, Infrastructure, Transportation, Environment, and Sustainability
4. Health, Life Enrichment, Equity, and Community
5. Land Use, Housing, and Economic Development
6. Public Safety

The Agenda & Rules Committee shall establish the Policy Committee topic groupings, and may adjust said groupings periodically thereafter in order to evenly distribute expected workloads of various committees.

All standing Policy Committees of the City Council are considered "legislative bodies" under the Brown Act and must conduct all business in accordance with the Brown Act.

6. Role of City Staff at Committee Meetings

Committees will be staffed by appropriate City Departments and personnel. As part of the committee process, staff will undertake a high-level, preliminary analysis of potential legal issues, costs, timelines, and staffing demands associated with the item. Staff analysis at the Policy Committee level is limited to the points above as the recommendation, program, or project has not yet been approved to proceed by the full Council.

I. Agenda Items Authored by Former Mayors and Councilmembers

Upon the date that the elected official leaves office, all Agenda Items in the legislative process for which the former official is the Primary Author shall be placed on the next available draft Council Agenda to be reviewed by the Agenda & Rules Committee. The Agenda & Rules Committee shall then place the items on the Council Agenda under consideration or the next Council Agenda.

At the Council meeting where the items appear on the Agenda, the Mayor or any Councilmember may assume primary authorship of any item authored by the former official. The Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure.

If any of the items from the former official are not assumed by the Mayor or any Councilmember, the Council may then, by motion and vote, take any legislative action permitted under the Rules of Procedure, except that the item may not be referred to a policy committee.

Commented [NML23]: New policy based on discussion at Agenda & Rules on 7/8/24

Commented [NML24]: From discussion at Agenda & Rules on 8/26/24

IV. CONDUCT OF MEETING

A. Comments from the Public

Public comment will be taken in the following order:

- An initial ten-minute period of public comment on non-agenda items, after the commencement of the meeting and immediately after Ceremonial Matters and City Manager Comments.
- At the first regular meeting of the month, a period of public comment reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.
- Public comment on the Consent and Information Calendars.
- Public comment on the Action Calendar at the onset of the Action calendar with the exception of appeals, public hearings, and quasi-judicial matters requiring public comment for due process purposes (if invoked by the Presiding Officer).
- Public comment on Aaction items by those who did not speak in the earlier Action Calendar public comment period, any appeals, public hearings, and/or other quasi-judicial matters requiring extended public comment for due process purposes as they are taken up under procedures set forth in the sections governing each below.
- Public comment on non-agenda items from any speakers who did not speak during the first round of non-agenda public comment at the beginning of the meeting.

Except in the case of public comment by employee unions, speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. A speaker wishing to yield their time shall identify themselves, shall be recognized by the chair, and announce publicly their intention to yield their time. Disabled persons shall have priority seating in the front row of the public seating area.

With respect to public comment by employee unions, each union's allocated time may be shared between more than one representative, and representatives and other members of unions may speak during other public comment periods in the same manner as members of the public.

If ten or fewer persons are interested in speaking on an individual Actionagenda Iitem, each speaker may speak for two minutes. If there are more than ten persons interested in speaking on an item, the Presiding Officer may limit the public comment for all speakers on the item to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Commented [NML25]: Moved here as these rules are intended to cover all types of public comments

Commented [NML26]: Stated above, no need to repeat.

This procedure also applies to public hearings except those types of public hearings specifically provided for in this chapter.~~section, below.~~

The Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council.

Commented [NML27]: From Appendix C

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

Commented [NML28]: From Appendix C

A member of the public may only speak once at public comment on any single item, unless called upon by the Mayor or a Councilmember to answer a specific inquiry, or unless the individual is speaking with respect to a public hearing, a quasi-judicial matter, and/or any other item requiring extended public comment as a matter of due process.

1. Public Comment on Non-Agenda Matters.

Commented [NML29]: This section moved here to mirror the order of business on the agenda

Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions, up to ten persons will be selected ~~by lottery~~ to address matters not on the Council A~~a~~genda. If five or fewer persons ~~submit speaker cards for the lottery~~are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons ~~submit speaker cards for the lottery, up to ten persons will be~~are selected to address matters not on the Council ~~agenda~~Agenda, ~~and~~ each person selected will be allotted one minute each.

In-person attendees~~Persons~~ wishing to address the Council on matters not on the Council ~~agenda~~Agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items.~~commencement of that meeting.~~ Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

Commented [NML30]: Revised to account for hybrid meetings.

Commented [NML31]: Per discussion at Agenda & Rules on 7/8/24 to facilitate public participation

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the ~~agenda~~Agenda. Speaker cards are not required for this second round of public comment on non-agenda matters. Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.

For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers. ~~by subject~~. The Presiding Officer will generally request that persons wishing to speak, line up at

Commented [NML32]: Per discussion at Agenda & Rules on 7/8/24 – not current or even recent practice

the podium to be recognized or raise their hand on the videoconference application to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate. ~~given the number of speakers.~~

~~Pursuant to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agendized business remains unfinished at 11:00 p.m.~~ If the meeting is automatically adjourned at 11:00 p.m., or the expiration of any extension after 11:00 p.m., ~~it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event,~~ the meeting shall be automatically extended for up to fifteen ~~(15)~~ minutes ~~for~~to hear public comment on non-agenda items.

Commented [NML33]: Per discussion at Agenda & Rules on 7/8/24

Commented [NML34]: Language is simplified and removed repition from other sections.

2. **Public Comment on Consent Calendar and Information Items.**
The Council will first determine whether to move items on the ~~agenda~~Agenda for "Action" or "Information" to the "Consent Calendar," or move "Consent Calendar" items to "Action." Items that remain on the "Consent Calendar" are voted on in one motion as a group. "Information" items are not discussed or acted upon at the Council meeting unless they are moved to "Action" or "Consent."

   The Council will then take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. A speaker may only speak once during the period for public comment on Consent Calendar and Information items. No additional items can be moved onto the Consent Calendar once public comment has commenced.

   At any time during, or immediately after, public comment on Information and Consent items, the Mayor or any Councilmember may move any Information or Consent item to "Action." Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

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

3. Public Comment on Action Items.

After the initial ten minutes of public comment on non-agenda items, reserved public comment by employee unions, public comment on Cconsent and iInformation items, and adoption of the Consent Calendar, the public may comment on each remaining item listed on the Agenda for action as the item is taken up.

At the discretion of the Presiding Officer, with the consent of the Council, there may be a public comment period for one or several of the Action Calendar items at the beginning of the Action Calendar. Speaking time during this comment period is subject to the standard rules for public comments in Chapter IV.A. Speakers may speak to multiple items, but may only speak once during this period. This provision is not applicable to ~~the public may comment on each remaining item listed on the agenda for action. Public comment will occur for each Action item—excluding~~ public hearings, appeals, and/or quasi-judicial matters. Attendees that speak on an action item at the scheduled public comment period may not speak again when the action item is taken up by the Council.~~—in separate but consecutive public comment periods before the Action Calendar is discussed by Council and staff and as the item is taken up. The Presiding Officer will open and close the public comment period for each Action Item, and each period will occur based on the order of the items on the agenda, or based on the discretion of the Presiding Officer.~~

Commented [NML35]: Per discussion at Agenda & Rules Committee this is a re-working of the previous language adopted by Council in 2023.

During the public comment period for each Action Item, the Presiding Officer will request that persons wishing to speak, line up at the podium to be recognized and raise their hand on the videoconference application to determine the number of persons interested in speaking onat that item.~~time.~~

~~If ten or fewer persons are interested in speaking on an individual Action Item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking on an item, the Presiding Officer may limit the public comment for all speakers on the item to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.~~

~~This procedure also applies to public hearings except those types of public hearings specifically provided for in this section, below.~~

4. **Appeals Appearing on Action Calendar.**
With the exception of appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission, appeals from decisions of City commissions appear on the "Action" section of the Council Agenda. Council determines whether to affirm the action of the commission, set a public hearing, or remand the matter to the commission. Appeals of proposed special assessment liens shall also appear on the "Action" section of the Council Agenda. Appeals from decisions of the Zoning Adjustments Board and Landmarks Preservation Commission are automatically set for public hearing and appear on the "Public Hearings" section of the Council Agenda.

Time shall be provided for public comment for persons representing both sides of the action/appeal and each side will be allocated seven minutes to present their comments on the appeal. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have seven minutes to comment and the applicant shall have seven minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have seven minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have seven minutes to comment and the persons supporting the action of the board or commission on appeal shall have seven minutes to comment. In the case of an appeal of a proposed lien (nuisance abatement/special assessment) lien, the appellant shall have seven minutes to comment.

Commented [NML36]: Clarification based on BMC language

After the conclusion of the seven-minute comment periods, members of the public may comment on the appeal. Comments from members of the public regarding appeals shall be limited to one minute per speaker. Any person that addressed the Council during one of the seven-minute periods may not speak again during the public comment period on the appeal. Speakers may yield their time to one other speaker, however, no speaker shall have more than two minutes. Each side shall be informed of this public comment procedure at the time the Clerk notifies the parties of the date the appeal will appear on the Council ~~agenda~~Agenda.

~~5. **Public Comment on Non-Agenda Matters.**~~
~~Immediately following Ceremonial Matters and the City Manager Comments and prior to reserved public comment by employee unions, persons will be selected by lottery to address matters not on the Council agenda. If five or fewer persons submit speaker cards for the lottery, each person selected will be allotted two minutes each. If more than five persons submit speaker cards for the lottery, up to ten persons will be selected to address matters not on the Council agenda and each person selected will be allotted one minute each. Persons wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to commencement of that meeting.~~

Commented [NML37]: Moved above

~~The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda. Speaker cards are not required for this second round of public comment on non-agenda matters.~~

~~Persons submitting speaker cards are not required to list their actual name, however they must list some identifying information or alternate name in order to be called to speak.~~

~~For the second round of public comment on non-agenda matters, the Presiding Officer retains the authority to limit the number of speakers by subject. The Presiding Officer will generally request that persons wishing to speak, line up at the podium to be recognized to determine the number of persons interested in speaking at that time. Each speaker will be entitled to speak for two minutes each unless the Presiding Officer determines that one-minute is appropriate given the number of speakers.~~

~~Pursuant to this document, no Council meeting shall continue past 11:00 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items. If any agendized business remains unfinished at 11:00 p.m. or the expiration of any extension after 11:00 p.m., it will be referred to the Agenda & Rules Committee for scheduling pursuant to Chapter II, Section F. In that event, the meeting shall be automatically extended for up to fifteen (15) minutes for public comment on non-agenda items.~~

6. **Ralph M. Brown Act Pertaining to Public Comments.**
   The Brown Act prohibits the Council from discussing or taking action on an issue raised during Public Comment, unless it is specifically listed on the ~~agenda~~Agenda. However, the Council may refer a matter to the City Manager.

B. Consent Calendar

There shall be a Consent Calendar on all regular meeting ~~agenda~~Agendas on which shall be included those matters which the Mayor, Councilmembers, boards, commissions, City Auditor, and Charter Officers~~City Manager~~ deem to be of such nature that no debate, prolonged discussion, or inquiry will be necessary at the Council meetings. Ordinances for second reading may be included in the Consent Calendar.

It is the policy of the Council that the Mayor or Councilmembers wishing to ask questions concerning Consent Calendar items should ask questions of the contact person identified prior to the Council meeting so that the need for discussion of ~~c~~Consent ~~c~~Calendar items can be minimized.

~~Consent Calendar items may be moved to the Action Calendar by the Council. Action items may be reordered at the discretion of the Chair with the consent of Council.~~

Commented [NML38]: Moved to Chapter II.D.

C. Information Reports Called Up for Discussion

Reports for Information designated for discussion at the request of the Mayor or any Councilmember shall be added to the appropriate section of the Action Calendar and may be acted upon at that meeting or carried over as pending business until discussed or withdrawn. The ~~agenda~~Agenda will indicate that at the request of the Mayor or any Councilmember a Report for Information may be acted upon by the Council.

D. Written Communications

Written communications from the public will not appear on the Council ~~agenda~~Agenda as individual matters for discussion but will be distributed as part of the Council ~~agenda~~Agenda ~~packet~~Packet with a cover sheet identifying the author and subject matter and will be listed under "Communications." All such communications must have been received by the City Clerk no later than 5:00 p.m. fifteen days prior to the meeting in order to be included on the ~~agenda~~Agenda.

In instances where an individual forwards more than three pages of email messages not related to actionable items on the Council ~~agenda~~Agenda to the Council to be reproduced in the "Communications" section of the Council ~~packet~~Packet, the City Clerk will not reproduce the entire email(s) but instead refer the public to the City's website or a hard copy of the email(s) on file in the City Clerk Department.

All communications shall be simply deemed received without any formal action by the Council. The Mayor or a Councilmember may refer a communication to the City Manager for action, if appropriate, or prepare a ~~c~~Consent or ~~a~~Action item for placement on a future ~~agenda~~Agenda.

Communications related to an item on the ~~agenda~~Agenda that are received after 5:00 p.m. fifteen days before the meeting are published as provided for in Chapter III.DC.54.

E. Public Hearings for Land Use, Zoning, Landmarks, and Public Nuisance Matters

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to public presentations. Staff shall introduce the public hearing item and present their comments.

Following any staff presentation, and prior to opening the public hearing, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Members shall also submit a report of such contacts in writing prior to the commencement of the hearing. Such reports shall include a brief statement describing the name, date, place, and content of the contact. Written reports shall be available for public review in the office of the City Clerk prior to the meeting and placed in a file available for public viewing at the meeting.

This is followed by five-minute presentations each by first the appellant and then the applicant. Where the appellant is not the applicant, the appellants of a single appeal collectively shall have five minutes to comment and the applicant shall have five minutes to comment. If there are multiple appeals filed, each appellant or group of appellants shall have five minutes to comment. Where the appellant is the applicant, the applicant/appellant shall have five minutes to comment and the persons supporting the action of the board or commission on appeal shall have five minutes to comment. In the case of a

Commented [NML39]: Codifies long-standing practice

public nuisance determination, the representative(s) of the subject property shall have five minutes to present.

The Presiding Officer will request that persons wishing to speak~~,~~ line up at the podium to be recognized or raise their hand on the videoconference platform,~~and~~ to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Any person that addressed the Council during one of the five-minute periods may not speak again during the public comment period on the appeal. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

F. Work Sessions

The City Council may schedule a matter for general Council discussion and direction to staff. Official/formal action on a work session item will be scheduled on a subsequent ~~agenda~~Agenda under the Action portion of the Council ~~agenda~~Agenda.

In general, public comment at Council work sessions will be heard after the staff presentation, for a limited amount of time to be determined by the Presiding Officer.

The Presiding Officer will request that persons wishing to speak~~,~~ line up at the podium or raise their hand on the videoconference to be recognized and to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

After Council discussion, if time permits, the Presiding Officer may allow additional public comment. During this time, each speaker will receive one minute. Persons who spoke during the prior public comment time may be permitted to speak again.

G. Protocol

People addressing the Council may first give their name in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof. No one other than the Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked of a Councilmember except through the Presiding Officer.

V. PROCEDURAL MATTERS

A. Persons Authorized to Sit at Tables

No person, except City officials, their representatives and representatives of boards and commissions shall be permitted to sit at the tables in the front of the Council Chambers without the express consent of the Council.

B. Decorum

No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises, such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council Dais without consent. Any written communications addressed to the Council shall be delivered to the City Clerk for distribution to the Council.

C. Enforcement of Decorum

When the public demonstrates a lack of order and decorum, the presiding officer shall call for order and inform the person(s) that the conduct is violating the Rules of Order and Procedure and provide a warning to the person(s) to cease the disruptive behavior. Should the person(s) fail to cease and desist the disruptive conduct, the Ppresiding Oofficer may call a five (5) minute recess to allow the disruptions to cease.

If the meeting cannot be continued due to continued disruptive conduct, the presiding officer may have any law enforcement officer on duty remove or place any person who violates the order and decorum of the meeting under arrest and cause that person to be prosecuted under the provisions of applicable law.

D. Precedence of Motions

When a question or motion is before the Council, no motion shall be entertained except:

1. To adjourn;
2. To fix the hour of adjournment;
3. To lay on the table;
4. For the previous question;
5. To postpone to a certain day;
6. To refer;
7. To amend;
8. To substitute; and
9. To postpone indefinitely.

These motions shall have precedence in order indicated. Any such motion, except a motion to amend or substitute, shall be put to a vote without debate.

E. Robert's Rules of Order

Robert's Rules of Order have been adopted by the City Council and apply in all cases except the precedence of motions in Section V.D shall supersede.

F. Rules of Debate

1. **Presiding Officer May Debate.**
   The presiding officer may debate from the chair; subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges as a member of the Council by reason of that person acting as the presiding officer.

2. **Getting the Floor - Improper References to be avoided.**
   Members desiring to speak shall address the Chair, and upon recognition by the presiding officer, shall confine themself to the question under debate.

3. **Interruptions.**
   A member, once recognized, shall not be interrupted when speaking unless it is to call a member to order, or as herein otherwise provided. If a member, while speaking, were called to order, that member shall cease speaking until the question of order is determined, and, if in order, the member shall be permitted to proceed.

4. **Privilege of Closing Debate.**
   The Mayor or Councilmember moving the adoption of an ordinance or resolution shall have the privilege of closing the debate. When a motion to call a question is passed, the Mayor or Councilmember moving adoption of an ordinance, resolution or other action shall have three minutes to conclude the debate.

5. **Motion to Reconsider.**
   A motion to reconsider any action taken by the Council may be made only during the same session such action is taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by a member on the prevailing side, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or other motion at a subsequent meeting of the Council.

6. **Repeal or Amendment of Action Requiring a Vote of Two-Thirds of Council, or Greater.**
   Any ordinance or resolution which is passed and which, as part of its terms, requires a vote of two-thirds of the Council or more in order to pass a motion pursuant to such an ordinance or resolution, shall require the vote of the same percent of the Council to repeal or amend the ordinance or resolution.

G. Debate Limited

For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.

For non-Consent items, the Mayor and Councilmembers will have five~~two~~ minutes each to make initial comments on an ~~agenda item~~Agenda Item., ~~except for the author of an agenda item who will have five minutes to initially present the item.~~ After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

~~1. Consideration of each matter coming before the Council shall be limited to 20 minutes from the time the matter is first taken up, at the end of which period consideration of such matter shall terminate and the matter shall be dropped to the foot of the agenda, immediately ahead of Information Reports; provided that either of the following two not debatable motions shall be in order:~~

~~a) A motion to extend consideration which, if passed, shall commence a new twenty-minute period for consideration; or~~

~~b) If there are one or more motions on the floor, a motion for the previous question, which, if passed by a 2/3 vote, shall require an immediate vote on pending motions.~~

~~2. The time limit set forth in subparagraph 1 hereof shall not be applicable to any public hearing, public discussion, Council discussion or other especially set matter for which a period of time has been specified (in which case such specially set time shall be the limit for consideration) or which by applicable law (e.g. hearings of appeals, etc.), the matter must proceed to its conclusion.~~

~~3. In the interest of expediting the business of the City, failure by the Chair or any Councilmember to call attention to the expiration of the time allowed for consideration of a matter, by point of order or otherwise, shall constitute unanimous consent to the continuation of consideration of the matter beyond the allowed time; provided, however, that the Chair or any Councilmember may at any time thereafter call attention to the expiration of the time allowed, in which case the Council shall proceed to the next item of business, unless one of the motions referred to in Section D hereof is made and is passed.~~

H. Motion to Lay on Table

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may

Commented [NML40]: Per Council direction on 5/7/24

Commented [NML41]: Per discussion at Agenda & Rules on 7/8/24 – eliminates redundancy in this paragraph.

Commented [NML42]: This obsolete "20-minute rule" language is replaced with the language immediately above from Appendix C

be resumed only upon a motion of a member voting with the majority and with consent of two-thirds of the members present.

I. Division of Question

If the question contains two or more propositions, which can be divided, the presiding officer may, and upon request of a member shall, divide the same.

J. Addressing the Council

Under the following headings of business, unless the presiding officer rules otherwise, any interested person shall have the right to address the Council in accordance with the following conditions and upon obtaining recognition by the presiding officer:

1. **Written Communications.**
   Interested parties or their authorized representatives may address the Council in the form of written communications in regard to matters of concern to them by submitting their written communications at the meeting, or prior to the meeting pursuant to the deadlines in Chapter III.D.5.~~C.4.~~

2. **Public Hearings.**
   Interested persons or their authorized representatives may address the Council by reading protests, petitions, or communications relating to matters then under consideration.

3. **Public Comment.**
   Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

K. Addressing the Council After Motion Made

When a motion is pending before the Council, no person other than the Mayor or a Councilmember shall address the Council without first securing the permission of the presiding officer or Council to do so.

L. Use of Cellular Phones and Electronic Devices

The use of cell phones during City Council meetings is discouraged for the Mayor and Councilmembers. While communications regarding Council items should be minimized, personal communications between family members and/or caregivers can be taken outside in the case of emergencies. In order to acknowledge differences in learning styles and support tactile learners, note-taking can continue to be facilitated both with a pen and paper and/or on electronic devices such as laptop computers and tablets.

The use of cell phones during Closed Session Meetings is explicitly prohibited for the Mayor and Councilmembers.

VI. FACILITIES

A. Meeting Location Capacity

Attendance at Ccouncil meetings shall be limited to the posted seating capacity of the meeting location. Entrance to the meeting location will be appropriately regulated by the City Manager on occasions when capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the meeting room except to address the Council, and sitting on the floor shall not be permitted.

B. Alternate Facilities for Council Meetings

The City Council shall approve in advance a proposal that a Council meeting be held at a facility other than the School District Board Room.

If the City Manager has reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the Board Room and insufficient time exists to secure the approval of the City Council to hold the meeting at an alternate facility, the City Manager shall make arrangements for the use of a suitable alternate facility to which such meeting may be recessed and moved, if the City Council authorizes the action.

If a suitable alternate facility is not available, the City Council may reschedule the matter to a date when a suitable alternate facility will be available.

Alternate facilities are to be selected from those facilities previously approved by the City Council as suitable for meetings away from the Board Room.

C. Amplified Sound, Signs, Objects, and Symbolic Materials

Amplified sound devices such as bullhorns, megaphones, portable sound systems, and similar devices are prohibited within the meeting location during Council meetings.

Objects and symbolic materials such as signs and banners are permitted in the meeting location provided that they do not interfere with the cameras that broadcast the meeting, obstruct the view of other attendees, or create a fire or safety hazard.

Any type of stick, pole, or similar object is prohibited in the meeting location during Council meetings.

D. Fire Safety

Exits shall not be obstructed in any manner. Obstructions, including storage, shall not be placed in aisles or other exit ways. Hand carried items must be stored so that such items do not inhibit passage in aisles or other exit ways. Attendees are strictly prohibited from sitting in aisles and/or exit ways. Exit ways shall not be used in any way that will present a hazardous condition.

E. Overcrowding

Admittance of persons beyond the approved capacity of a place of assembly is prohibited. When the meeting location has reached the posted maximum capacity, additional attendees shall be directed to the designated overflow area.

F. Format of Meetings

Commented [NML43]: Per Council direction on 5/7/24

The City Council may conduct regular meetings or special meetings held at the School District Boardroom in the hybrid format with both in-person and virtual participation as provided for in the Brown Act, and as noticed on the meeting Agenda. Council meetings at other locations may be conducted in the hybrid format if technologically feasible.

APPENDIX A. POLICY FOR NAMING AND RENAMING PUBLIC FACILITIES

Purpose
To establish a uniform policy regarding the naming and renaming of existing and future parks, streets, pathways and other public facilities.

Objective
A. To ensure that naming public facilities (such as parks, streets, recreation facilities, pathways, open spaces, public building, bridges or other structures) will enhance the values and heritage of the City of Berkeley and will be compatible with community interest.

Section 1 – Lead Commission
The City Council designates the following commissions as the 'Lead Commissions' in overseeing, evaluating, and ultimately advising the Council in any naming or renaming of a public facility. The lead commission shall receive and coordinate comment and input from other Commissions and the public as appropriate.

Board of Library Trustees

Parks, ~~and~~ Recreation & Waterfront Commission – Parks, recreation centers, camps, plazas, ~~and~~ public open spaces, and public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.

Transportation and Infrastructure ~~Public Works~~ Commission – Public buildings (other than recreation centers), streets and bridges or other structures in the public thoroughfare.

~~Waterfront Commission – Public facilities within the area of the City known as the Waterfront, as described in BMC 3.36.060.B.~~

Commented [NML44]: Moved above due to commission consolidation

Section 2 – General Policy
A. Newly acquired or developed public facilities shall be named immediately after acquisition or development to ensure appropriate public identity.
B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
C. Public facilities that are renamed must follow the same criteria for naming new facilities. In addition, the historical significance and geographical reference of the established name should be considered when weighing and evaluating any name change.
D. The City encourages the recognition of individuals for their service to the community in ways that include the naming of activities such as athletic events, cultural presentations, or annual festivals, which do not involve the naming or renaming of public facilities.
E. Unless restricted by covenant, facilities named after an individual should not necessarily be considered a perpetual name.

Section 3 – Criteria for Naming of Public Facilities
When considering the naming of a new public facility or an unnamed portion or feature within an already named public facility (such as a room within the facility or a feature within an

established park), or, the renaming of an existing public facility the following criteria shall be applied:

A. Public Facilities are generally easier to identify by reference to adjacent street names, distinct geographic or environmental features, or primary use activity. Therefore, the preferred practice is to give City-owned property a name of historical or geographical significance and to retain these names.
B. No public facility may be named for a living person, but this policy can be overridden with a 2/3 vote of the City Council.
C. The naming of a public facility or any parts thereof in recognition of an individual posthumously may only be considered if the individual had a positive effect on the community and has been deceased for more than 1 year.
D. When a public facility provides a specific programmatic activity, it is preferred that the activity (e.g. skateboard park, baseball diamond) be included in the name of the park or facility.
E. When public parks are located adjacent to elementary schools, a name that is the same as the adjacent school shall be considered.
F. When considering the renaming of an existing public facility, in addition to applying criteria A-E above, proper weight should be given to the fact that: a name lends a site or property authenticity and heritage; existing names are presumed to have historic significance; and historic names give a community a sense of place and identity, continuing through time, and increases the sense of neighborhood and belonging.

Section 4 –Naming Standards Involving a Major Contribution

When a person, group or organization requests the naming or renaming of a public facility, all of the following conditions shall be met:

A. An honoree will have made a major contribution towards the acquisition and/or development costs of a public facility or a major contribution to the City.
B. The honoree has a record of outstanding service to their community
C. Conditions of any donation that specifies that name of a public facility, as part of an agreement or deed, must be approved by the City Council, after review by and upon recommendation of the City Manager.

Section 5 –Procedures for Naming or Renaming of Public Facilities

A. Any person or organization may make a written application to the City Manager requesting that a public facility or portion thereof, be named or renamed.
    1. Recommendations may also come directly of the City Boards or Commissions, the City Council, or City Staff.
B. The City Manager shall refer the application to the appropriate lead commission as defined in Section 1 of the City's policy on naming of public facilities, for that commission's review, facilitation, and recommendation of disposition.
    1. The application shall contain the name or names of the persons or organization making the application and the reason for the requested naming or renaming.
C. The lead commission shall review and consider the application, using the policies and criteria articulated to the City Policy on Naming and Renaming to make a recommendation to Council.
    1. All recommendations or suggestion will be given the same consideration without regard to the source of the nomination

D. The lead commission shall hold a public hearing and notify the general public of any discussions regarding naming or renaming of a public facility.
    1. Commission action will be taking at the meeting following any public hearing on the naming or renaming.
E. The commission's recommendation shall be forwarded to Council for final consideration.

The City of Berkeley Policy for Naming and Renaming Public Facilities was adopted by the Berkeley City Council at the regular meeting of January 31, 2012.

APPENDIX B. GUIDELINES FOR ~~DEVELOPING AND WRITING~~ CITY COUNCIL~~MEMBER~~/~~MAYOR MAJOR AGENDA~~ ITEMS

~~These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."~~

~~These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.~~

~~Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:~~

~~2. Agenda items shall contain all relevant documentation, including the following as Applicable:~~

~~a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;~~
~~b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~
~~c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);~~
~~d. Fiscal impacts of the recommendation;~~
~~e. A description of the current situation and its effects;~~
~~f. Background information as needed;~~
~~g. Rationale for recommendation;~~
~~h. Alternative actions considered;~~
~~i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);~~
~~j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.~~

Commented [NML45]: Eliminated here – redundant with text in the body of the ROP

~~Guidelines for City Council Items:~~ Requirements for City Councilmember/Mayor Major Items are provided in ~~Section [XXX]~~Chapter III.C.2 of the City Council Rules of Procedure and Order. These guidelines further explain the requirements and are intended to assist in the preparation of fully researched and documented items that are likely to be eligible to move forward in the legislative process as determined ~~deemed complete~~ by the Agenda ~~and~~& Rules Committee. ~~in [process].~~

~~1. Title~~
~~2. Consent/Action/Information Calendar~~
~~3. Recommendation~~
~~4. Summary Statement/Current situation and its effects~~
~~5. Background~~
~~6. Review of Existing Plans, Programs, Policies and Laws~~
~~7. Actions/Alternatives Considered~~
~~8. Consultation/Outreach Overview and Results~~
~~9. Rationale for Recommendation~~
~~10. Implementation, Administration and Enforcement~~
~~11. Environmental Sustainability~~
~~12. Fiscal Impacts~~
~~13. Outcomes and Evaluation~~
~~14. Contact Information~~
~~15. Attachments/Supporting Materials~~

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1. **Title**
   A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. **Consent/Action/Information Calendar**
   Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. **Recommendation**
   Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

   Common action options include:
   - Adopt first reading of ordinance
   - Adopt a resolution
   - Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
   - Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
   - Referral to a Commission or to a Standing or Ad Hoc Council Committee
   - Referral to the budget process

- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. **Summary Statement/ "Current situation and its effects"**
   A short resume of the circumstances that give rise to the need for the recommended action(s).
   - Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
   - Example (fictional):
     Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process $40,000 to cover costs of an additional two months of shelter operations.

5. **Background**
   A full discussion of the history, circumstances and concerns to be addressed by the item.
   - For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. **Review of Existing Plans, Programs, Policies and Laws**
   Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

   Review of all pertinent/applicable sections of:
   - The City Charter
   - Berkeley Municipal Code
   - Administrative Regulations
   - Council Resolutions
   - Staff training manuals

   Review of all applicable City Plans:
   - The General Plan

- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan
Review of similar legislation previously introduced/passed by Council
Review of County, State and Federal laws/policies/programs/plans, if applicable

7. **Actions/Alternatives Considered**
   - What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
   - What solutions/measures are recommended by **advocates, experts, organizations**?
   - What is the range of actions considered, and what are some of their major pros and cons?
   - Why were other solutions not as feasible/advisable?

8. **Consultation/Outreach Overview and Results**
   - Review/list external and internal stakeholders that were consulted
     - **External**: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
     - **Internal**: staff who would implement policies, the City Manager and/or ~~d~~Deputy CM, Department Heads, City Attorney, City Clerk, etc.
   - What reports, articles, books, websites and other materials were consulted?
   - What was learned from these sources?
   - What changes or approaches did they advocate for that were accepted or rejected?

9. **Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:
- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws

- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. **Implementation, Administration and Enforcement**
    Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. **Environmental Sustainability and Climate Impacts**
    Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. **Fiscal Impacts**
    Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

13. **Outcomes and Evaluation**
    State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

14. **Contact Information**

15. **Attachments/Supporting Materials**

APPENDIX C. TEMPORARY RULES FOR THE CONDUCT OF CITY COUNCIL MEETINGS THROUGH VIDEO CONFERENCE DURING THE COVID-19 EMERGENCY

Commented [NML46]: Relevant portions have been moved to the body of the document.

Mayor and Councilmember Speaking Time on Agenda Items

For the Consent Calendar, the Mayor and Councilmembers will initially have up to five minutes each to make comments. After all members of the Council have spoken (or passed) and after public comment, members will each have two additional minutes to discuss the Consent Calendar.

For non-Consent items, the Mayor and Councilmembers will have two minutes each to make initial comments on an agenda item, except for the author of an agenda item who will have five minutes to initially present the item. After every Councilmember has spoken or declined and after public comment, Councilmembers will each have another five minutes per person to address an item. Debate may be extended beyond a second round of Council comments by a majority vote (5 votes).

Time will toll during staff answers to questions; Councilmembers are urged to ask their questions of city staff before the meeting or in writing.

Procedure for Pulling Items from Consent or Information Calendar

Three (3) members of the City Council must agree to pull an item from the Consent or Information Calendar for it to move to Action. Absent three members concurring, the item will stay on Consent or Information Calendar and, with respect to Consent items, the Mayor or Councilmembers will be allowed to record their aye, nay or abstain votes on individual items or the entire Consent Calendar.

Moving an item from the Action Calendar to the Consent Calendar requires the unanimous consent of the entire City Council.

Public Comment Speaking Time

Commented [NML47]: Relevant portions have been moved to the body for the Rules of Procedure.

With the exception of prescribed times in the Rules of Procedure for public hearings and public comment by employee unions, the amount of time for each speaker during public comment is limited to two minutes maximum and that speakers can only address an agenda item once, however the Presiding Officer has the discretion to reduce speaker time if needed in order to allow the orderly conduct of the meeting, subject to the consent of a majority of the City Council. Speakers may yield their time for a maximum of four minutes per individual. If a speaker wishes to yield their time, they must indicate so when called on by the Presiding Officer and state who they are yielding their speaker time to. The Presiding Officer will keep a list with the names and amount of time yielded to individuals.

In order to inform members of the public of their place in the speaker's queue, the Presiding Officer will call the names of 5 speakers at a time.

Commented [NML48]: This paragraph is only applicable to virtual-only meetings, which are currently not permitted under the Brown Act.

Public Comment on Non-Agenda Matters will be conducted in the order of hands raised on the Zoom platform, and will be limited to either the first 10 speakers during the initial round of Non-Agenda public comment, as well as all hands raised during the closing round of Non-Agenda public comment at the conclusion to the meeting, until such time that the

~~meeting adjourns. If there are five or fewer speakers with hands raised for Public Comment on Non-Agenda Matters, each speaker will have two minutes to address the City Council. If there are more than five speakers with their hands raised then speaker time will be limited to one minute per person. The procedure for selection of Non-Agenda speakers prescribed in the Rules of Procedure by random draw is suspended for videoconference meetings where there is no physical meeting location.~~

Item 11
City Council Rules of Procedure Amendments

SEPTEMBER 24, 2024

Sources of Amendments

- Planned Technical Revisions from Fall 2023
- Council Direction on May 7, 2024
- Agenda & Rules Committee Recommendations

Planned Technical Revisions

- Eliminate Appendix C (Emergency Procedure from Pandemic) and incorporate useful provisions in the body of the Rules
- Account for Hybrid Meeting Format
- Ad Hoc Committee policy alignment with Brown Act and City Commissions
- Charter Officer Definition and associated revisions
- Clarification of Public Comment rules in Chapter IV
- Update Commissions in Naming Policy (Appdx A) per commission reorganization

Council Direction on May 7, 2024

- Proposed changes from Open Government Commission; reviewed by Agenda & Rules Committee; Council adopted committee recommendation
- Chair can reorder agenda without consent of the full Council
- If three members abstain or vote no on a Consent item, it moves to Action
- Five-minute time limit on initial Council comments on Action Items
- Officially specify hybrid format for Council meetings if feasible

Agenda & Rules Recommendations

- Definition of a “Major Item”
- Recommended guidelines for Major Items now mandatory
- Spells out authority of Agenda & Rules with regards to Major Items
- Clarifies process for Author to remove an item from the legislative process
- Allows for Budget & Finance committee to receive notice of Major Items at other committees
- Adds new process for disposition of items from former Councilmembers and former Mayor
- Revises the previous Rules change adding a general public comment period on Action items

Requested Action

- Approve the Rules amendments as proposed
- If further discussion is required on certain amendments, Council may adopt some/most of the proposed amendments and continue discussion on other amendments.

Office of the Mayor

Jesse Arreguín
Mayor

February 21, 2019

To: City Council Land Use, Housing and Economic Development Committee

From: Mayor Jesse Arreguin

Subject: Purposes, Procedures and Requirements for Policy Committees

As this is the first meeting of the new Land Use Policy Committee, I wanted to remind Committee members about the purposes of our committee system, the procedures adopted by the Council on December 11, 2018, and requirements for reviewing and recommending legislation to the City Council.

In thinking about a rational review process, I also wish to propose some new procedures which I hope we will adopt by unanimous consent to guide our future deliberations.

Purposes of Policy Committees:

As described in Resolution No. 68,726-N.S. which established our new Policy Committee system the purposes are to:

Ensure "*an efficient and standardized structure for public policy development and consideration*"; and

"*Provide the community and the City Council with adequate opportunity for detailed policy discussions outside of a meeting of the full City Council*"

As stated in the Governing Policies and Procedures for City Council Policy Committees adopted on December 11, 2018, items with moderate to significant administrative, operational, budgetary, resource or programmatic impacts should be referred to a Policy Committee.

Committees will review items for completeness in accordance with Section III.B.2 of the City Council Rules of Procedure and Order and alignment with Strategic Plan goals.

Committees are also designed to allow a fuller review and discussion of City Council items, to allow Councilmembers to engage with authors and ask questions, to afford citizens and commissions an opportunity to comment on proposals before they come to Council and allow for recommended changes based on discussion with the Committee and the authors.

In addition, to assist in Committee and full Council review, staff will undertake a high-level, preliminary analysis of potential costs, timelines, and staffing demands associated with the item.

Procedures Adopted by Council for Committee review:
Items must appear on a Committee agenda within 60 days of referral by either the Agenda Committee or Council.

Within 120 days of the referral date, the Committee must vote to either (1) accept the author's request that the item remain in committee until a date certain (2) send the item to the Agenda Committee to be placed on a Council agenda with a Committee recommendation.

The Committee shall review items for completeness in accordance with Section III.B.2 and use the "Guidelines for Developing and Writing Council Agenda Items" in their analysis of items for completeness.

In addition, the Committee will engage with the author to understand the purposes, costs, and impacts and feasibility of implementation and may propose amendments to the author for consideration.

After preliminary discussion, the Committee will request that staff provide the "high-level, preliminary analysis of potential costs, timelines and staffing demands associated with the item".

After substantive policy discussion and review for completeness, the Committee will make one of the four recommendations to the City Council:

- "Positive Recommendation": Recommending Council pass the item as proposed originally by the author;

- "Qualified Positive Recommendation": Recommending Council pass the item with some changes;

- "Qualified Negative Recommendation": Recommending that Council reject the item unless certain changes are made;

- "Negative Recommendation": Recommending that the item not be approved.

If a Committee does not take final action by the 120-day deadline the item is automatically returned to the Agenda Committee and appears on the next Council agenda.

Issue Focus of Land Use Committee:

- Land Use
- Preservation
- Development standards
- Housing and Affordable Housing
- Disability/Universal Access
- Business and economic growth
- Business retention, attraction and development
- Civic arts and culture

Proposed New Procedures for Committee Review:

Public Comment: Public comment at the beginning of the Committee meeting should be for non-agenda items within the purview of the policy committee.

The Committee will allow public comment when each agenda item is taken up.

Order of Committee Discussion of Items:

1. When an item is called, the Chair will permit the author of the referred item 5 minutes to introduce the item.

2. Then the Committee will ask initial questions of the author on the proposal.

3. After initial questions, the Committee will then take public comment on the item. The Committee will follow the established time limits in the Council Rules of Procedure, 2 minutes, and if 10 or more speakers 1 minute, with time yielded for a maximum of 4 minutes per speaker.

4. After public comment, the Committee will return to discussion and possible action. Items will likely take two or more meetings to complete Committee discussion and review.

The Committee will request the financial, legal, administrative high-level analysis from staff to be presented at the next Committee meeting.

The Committee after review for completeness and discussion of policy merits, can make a Positive Recommendation to Council, or a Qualified Recommendation.

Focus of Committee Process:

The Policy Committee process should not just be limited to review of referred items. If time permits, the Committee should allow for hearings on policy matters within the jurisdiction of the Committee, allowing open forums to solicit input from community members or experts on relevant policy issues, and initiate policy proposals for Council consideration.

Along these lines, I am specifically proposing that the Land Use, Housing and Economic Development Committee have an open forum of 30 minutes (or more if Committee wishes to extend time) to invite representatives of Business Associations and other small business owners to speak and engage with the Committee on issues impacting businesses.

Agenda Committee 1/16/2024
Item 10 - City Council Legislative Systems Redesign
Discussion Items - Part 1

Background:

The Agenda Committee presented materials and solicited input from the City Council during fall of 2023 regarding possible Legislative Systems Redesign options. The goal of Systems Redesign is to improve processes for developing, introducing, vetting, passing, funding, and implementation of Major Council Items and initiatives. Based on City Council input, the Agenda Committee has been tasked with proposing a new set of improvements to:

1. Consider possible refinements to the definition of Major Items
2. Make the Council Item Guidelines mandatory for Major Items (formerly referred to as “Policy Track Items”)
3. Establish transparent deadlines for budget processes and clarity about what kind of “asks” can be submitted/considered at each budget cycle
4. Strengthen the Committee System to provide more in-depth review and vetting of Major Items
5. Clarify levels of input from Staff and City Attorney at all stages, from development to implementation
6. Clarify processes and timelines for implementation of items once passed and funded
7. Establish protocols for one-time vetting/disposition of currently backlogged items
8. Consider yearly prioritization processes in light of the intended outcome of fewer, more fully considered Major Items in the queue

To facilitate focused discussion, this memo only addresses proposals related to items 1, 2, and 3, above. Additional considerations will be discussed at subsequent meetings.

1. **<u>Consider possible refinements to the definition of Major Items</u>**
   “Major Items” are items meeting the current definition of *Policy Committee Track Items*:

   > *“Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts.”*

   Some Councilmembers expressed that the definition might be further clarified. After discussing a variety of options, and considering times when the definition might have

proved problematic, it was decided that no changes should be proposed; the definition appears to provide good guidance to members of the Agenda & Rules Committee and has not been a source of controversy to date.

Consideration was given to potentially require all Ordinance changes to be labeled Major Items, but on further discussion, it was concluded that only Ordinance changes/new Ordinances with "moderate to significant administrative, operations, budgetary, resources, or programmatic impacts" would be worthy of being considered as Major Items - thus reinforcing the appropriateness of the existing definition.

One possible improvement could be to add examples of items that may be considered Major Items, rather than to amend the rule:

> *"Examples may include, but are not limited to Items that:*
> - *Clarify or extend existing Plans, Programs, Policies and Laws in moderate to significantly impactful ways*
> - *Change/Amend existing Plans, Programs, Policies and Laws in moderate to major ways*
> - *Create a new and meaningful exception to existing Plans, Programs, Policies and Laws*
> - *Reverse/change existing Plans, Programs, Policies and Laws in moderate to significant ways*
> - *May require moderate to significant increases in funding or additional FTE for start-up and/or ongoing operations"*

Recommendation: Keep existing definition, add examples, and revisit should controversies occur.

2. **Make the Council Item Guidelines mandatory for Major Items (formerly referred to as "Policy Track Items")**

In discussing this seemingly straightforward concept, a number of considerations arose that are addressed in the following proposed path forward.

The Council Rules of Procedure and Order already include an outline of what is "required" for Council items, in Section XXX of the Rules. The Guidelines – suggested but not required and included in an Appendix to the Rules – were built from the Rules, providing more elaboration and specificity.

As suggested but not required, the Guidelines have not been "in conflict" with the Rules. However, adopting the Guidelines as requirements changes this equation; *the existing Rules and the Guidelines cannot both be simultaneously required*. The proposed path forward addresses the potential conflict that arises when the Guidelines are adopted as mandatory for Major Items.

In addition, if the Guidelines are mandatory only for Major Items, we must consider what will be mandatory for "all other" items – hereinafter referred to as "Standard Items." The proposed path forward thus addresses both Major Item and Standard Item requirements.

Another consideration is how the Agenda Committee will evaluate whether an item - Major or Standard - is in compliance with mandatory requirements, and what the Agenda Committee must or may do if it finds an item falls short of the requirements. The following proposal addresses these issues as well.

Finally, the Guidelines were reviewed to identify any possible edits that might be suggested prior to adoption of the Guidelines as mandatory.

Proposal:

1. Make Edits to Guidelines:
    a. Remove "preamble" language
    b. Make light changes to the Guidelines and expand illustrative examples
    c. See Edited Version of the Guidelines

2. Remove/eliminate existing Rules about how to present/write Items and adopt a two-tiered set of Rules for **Standard Items** and **Major Items**, based on the Guidelines.
    a. For **Major Items**, make the full Guidelines MANDATORY
    b. For **Standard Items**, make elements **1, 2, 3, 4, 5, 14 and 15** of the Guidelines MANDATORY, with other elements RECOMMENDED.
    c. **Drafting Consideration** - Keep the Guidelines as an Appendix – incorporated by reference into the Rules – rather than "pasting" the full Guidelines directly into the Rules.

d. **Clerk Templates** - the Clerk's Office will create updated, more user-friendly and easily accessible templates for Major and Standard Items, as well as for Supplemental, Late, and other Submissions.
e. For "**Speciality Items**" such as D13 Account grants, letters and resolutions in support of State or Federal Legislation, and other "special" Item types, the Clerk's Office will provide updated RECOMMENDED templates.

3. **For MANDATORY elements of *both Major and Standard Items***, suggest adopting the following (or similar) standard for review by the Agenda Committee:

   If a Major or Standard Item, as submitted by the Primary Author, does not substantially and materially meet reasonably applicable Mandatory Elements of the Guidelines, the Agenda & Rules Committee shall request, and may require, that the Primary Author provide additional analysis and/or consultation to fulfill Guideline requirements.

   If the Agenda & Rules Committee requests or requires the Primary Author to provide additional analysis or consultation, the Item may or shall be referred back to the Primary Author and may be resubmitted for a future Agenda.

4. **For RECOMMENDED elements of Standard Items and Speciality Items**, authorize the Agenda Committee to do what it currently has the power to do under Rules Section (C)(1) (with some edits):

   Refer the item back to the Primary Author for adherence to ~~required~~ recommended form or for additional analysis as ~~required~~ recommended in Section III.B.2 (Primary Author may decline and request Policy Committee assignment).

5. **For Emergency/Time Sensitive Items**, Items can bypass mandatory Guidelines requirements if the Agenda Committee makes the findings for a Time Critical Track Item (existing definition).

   Proposed Standard for allowing Emergency/Time Sensitive Items to go forward without fulfilling the Mandatory Guidelines:

The Agenda Committee may make an exception to Mandatory Guidelines requirements for a Major or Standard Item if the Item meets the definition of a Time Critical Track Item, as provided in Section (3)(g)(1) of the Rules, in which case the Item may go forward as submitted on the Action Calendar for the Agenda under consideration with a notation, added by the Clerk's Office, that additional materials have been requested by the Agenda Committee. The Primary Author shall submit such additional materials as a Supplemental 1 filing.

Time Critical Track Item Definition (existing, Section (3)(g)(1)):
A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council.

6. **Appeals - provide a mechanism to appeal Agenda Committee decisions to the full Council?**
   May be advisable to have a bypass mechanism - or not?

3. **Establish transparent deadlines for budget processes and clarity about what kind of "asks" can be submitted/considered at each budget cycle**

The Council did not support a single, yearly cycle for submitting Council items, but expressed a desire for clear deadlines to be established for submission/ consideration of items for various budget processes. In addition, questions have arisen regarding what kinds of requests can/should be submitted for consideration at various junctures in the yearly/biennial budget cycle.

Overall, it was determined that *the Agenda Committee should formally ask the Budget Committee for guidance on these questions*, as they fall more squarely into the Budget Committee's purview.

- By when should Standard and Major Items with budgetary considerations be passed out from Council to be considered in the June budget adoption/update?
- Working back from that date, by when should a Major Item or Standard Item be submitted, to allow time for consideration by the appropriate

Policy Committee and/or the City Council? (This may be a question for Agenda & Rules Committee to determine, once B&F sets the deadline)

- What kinds of budget requests are allowed/appropriate for the June budget?
- Consider establishing deadlines for the City Manager to bring Budget Updates (Fall and Spring) to the City Council.
- With established deadlines for Budget Updates, work back to establish deadlines for Major and Standard items to be submitted for consideration at each Budget Update. (This may be a question for Agenda & Rules Committee to determine, once B&F sets the deadline)
- What kinds of budget requests will be considered at Fall and Spring updates - from both Council and from the City Manager/Staff?
- If only emergency/time sensitive requests will be considered (or, for example, expansions of existing programs but not new programs, etc.), how will excess funds, if any, be rolled over and made available for Council priorities at the next June budget?

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

~~These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."~~

~~These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item.~~ These ~~g~~Guidelines are mandatory for all Major Items and strongly recommended for ~~all other council reports~~Standard Items. While not all elements ~~would be~~are applicable to every type of ~~A~~agenda item, the Guidelines~~y are intended to~~ prompt Authors to consider important elements of a complete item and to present ~~presenting~~ items with as much relevant information and analysis as possible.~~–~~

~~Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:~~

~~2. Agenda items shall contain all relevant documentation, including the following as Applicable:~~

~~a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;~~

~~b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;~~

~~c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);~~

~~d. Fiscal impacts of the recommendation;~~

~~e. A description of the current situation and its effects;~~

~~f. Background information as needed;~~

~~g. Rationale for recommendation;~~

~~h. Alternative actions considered;~~

~~i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);~~

~~j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be~~

~~duplicated. In such case the agenda item distributed with the packet shall so indicate.~~

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal ~~Impacts~~Considerations
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

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1. **Title**
   A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. **Consent/Action/Information Calendar**
   Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. **Recommendation**
   Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

   Common action options, ~~-~~that can be presented singularly or in combination with others, include:
   - Adopt first reading of ordinance
   - Adopt a resolution
   - Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
   - Direction to the City Manager (City Manager is directed to execute the recommendation right away~~,~~; it is not placed on any referral list)
   - Referral to a Commission, ~~or to a Standing or Ad Hoc~~ Council Policy Committee, or other Legislative Body

- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. **Summary Statement~~/ "Current situation and its effects"~~**
   A short resume of the circumstances that give rise to the need for the recommended action(s).
   - Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
   - Example (fictional):
     Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process $40,000 to cover costs of an additional two months of shelter operations.

5. **Background**
   A full discussion of the history, circumstances and concerns to be addressed by the item.
   - For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. **Review of Existing Plans, Programs, Policies and Laws**
   Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

   Review of all pertinent/applicable sections of:
   - The City Charter
   - Berkeley Municipal Code
   - Administrative Regulations
   - Council Resolutions
   - Staff training manuals

   Review of all applicable City Plans:

- The General Plan
- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan
Review of similar legislation previously introduced/passed by Council
Review of County, State and Federal laws/policies/programs/plans, if applicable

7. **Actions/Alternatives Considered**
   - What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
   - What solutions/measures are recommended by **advocates, experts, organizations**?
   - What is the range of actions considered, and what are some of their major pros and cons?
   - Why were other solutions not as feasible/advisable?

8. **Consultation/Outreach Overview and Results**
   - Review/list external and internal stakeholders that were consulted, as relevant.
     - **External**: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
     - **Internal**: staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, City Clerk, etc.
     - **Commissions**: what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?
   - What reports, articles, books, websites and other materials were consulted?
   - What was learned from these sources?
   - What changes or approaches did they advocate for that were accepted or rejected?

9. **Rationale for Recommendation**

A clear and concise statement as to whether the item proposes actions that:
- Conform to, clarify or extend existing Plans, Programs, Policies and Laws

- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. ~~Plus~~In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- Example: *Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.*

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal ~~Impacts~~Considerations

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs and benefits. Initial, high-level consultation with the City Manager and/or the City Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

13. Outcomes and Evaluation

State the specific outcomes expected, if any.

- ~~(i.e.,~~Example: *"it is expected that ~~100~~ 300 homeless people will be ~~referred to housing every year~~able to access dry and warm shelter during the 3-month extension of the winter shelter program"~~)~~*

Also state~~and~~ what reporting or evaluation is recommended.

- Example: *The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).*

14. Contact Information

15. Attachments/Supporting Materials

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These Guidelines are mandatory for all Major Items and strongly recommended for Standard Items. While not all elements are applicable to every type of agenda item, the Guidelines prompt Authors to consider important elements of a complete item and to present items with as much relevant information and analysis as possible.

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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
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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:

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- 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. <u>Summary Statement</u>

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. <u>Background</u>

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. <u>Review of Existing Plans, Programs, Policies and Laws</u>

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:
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- Area Plans
- The Climate Action Plan
- Resilience Plan
- Equity Plan
- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan
Review of similar legislation previously introduced/passed by Council
Review of County, State and Federal laws/policies/programs/plans, if applicable

7. **Actions/Alternatives Considered**
   - What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
   - What solutions/measures are recommended by **advocates, experts, organizations**?
   - What is the range of actions considered, and what are some of their major pros and cons?
   - Why were other solutions not as feasible/advisable?

8. **Consultation/Outreach Overview and Results**
   - Review/list external and internal stakeholders that were consulted, as relevant.
     - **External**: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
     - **Internal**: staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, City Clerk, etc.
     - **Commissions**: what Commissions were or will be consulted and what were their recommendations/concerns/suggestions?
   - What reports, articles, books, websites and other materials were consulted?

- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented, but should be presented/restated/summarized. In addition, further elaboration of terms for recommendations, if any, should be spelled out with clarity.

- Example: *Keeping winter shelters open for an extra three months extends the City's existing Winter Shelter program in a minor way. The shelters have been open during inclement weather every year for decades, and have been extended to accommodate extended rainy and cold seasons in previous years. Keeping winter shelters open through April ensures our homeless neighbors will continue to have a place to keep dry and warm and supports the City's strategic plan goal of providing services to those with critical needs in our community. All services associated with the Winter Shelter program, including but not limited to meal and storage services, are specifically included in the direction to extend the program.*

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation? Initial, high-level consultation with the City Manager and/or the City Attorney regarding implementation, administration, and enforcement is strongly recommended, but not required.

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Considerations

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs and benefits. Initial, high-level consultation with the City Manager and/or the City

Attorney regarding the fiscal impacts of the proposal is strongly recommended, but not required.

13. Outcomes and Evaluation

State the specific outcomes expected, if any.

- Example: *"It is expected that 300 homeless people will be able to access dry and warm shelter during the 3-month extension of the winter shelter program."*

Also state what reporting or evaluation is recommended.

- Example: "*The shelter operator shall keep an accounting of the number and any available demographic information about individuals who use the shelter during the extension period and report to the City Council, through the City Manager, on success or challenges of the program extension).*"

14. Contact Information

15. Attachments/Supporting Materials

Kate Harrison
Councilmember District 4

SUPPLEMENTAL AGENDA MATERIAL
for Supplemental Packet

Meeting Date: **October 10, 2023**

Item Number: **1**

Item Description: **City Council Legislative Systems Redesign**

Submitted by: **Councilmembers Harrison, Robinson, and Taplin**

Refer to the Agenda Committee the elements contained in the “Alternative Legislative Alignment Process” as described in the background section.

Kate Harrison
Councilmember District 4

ACTION CALENDAR
October 10, 2023

To: Honorable Mayor and Members of the City Council

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

Subject: Alternative Council Legislative Process

RECOMMENDATION

Refer to the Agenda Committee the elements contained in the "Alternative Legislative Alignment Process" as described below in the background section:

1. Incorporate positive elements of the Councilmember Hahn proposal, including mandatory Council memo guidelines, a formal process for City staff to provide conceptual input to authors, re-evaluating backlogged items for potential removal, and policy committees' using a checklist to guide their analysis;[1]
2. Establish objective definitions and provide for comprehensive consideration of significant items;
3. Require referrals and budget requests over a given threshold to be considered first by a policy committee.
4. Preserve and formalize rolling deadlines for significant item submission;
5. Retain policy/budget judgement and prioritization to Council as a whole rather than policy committees, while tasking committees with role of ensuring items are drafted to form and sufficiently inform Council and the public's consideration.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION

At the October 2019 Council retreat, the Council and the City Manager discussed approaches to better align the legislative process to the budget and ensure implementation was feasible. In particular, many referrals to the City Manager were not well drafted and were not reviewed by policy committees before being referred. Many budget referrals were also not considered by policy committees despite their potential to have outsized impacts on staff and budgetary resources. Even with the referral ranking system, there remain a sizeable backlog of items that are not necessarily funded or considerate of staff resources. Councilmembers have not identified a sufficient number of lower-ranked items for removal from the list and may remain there for years.

[1] Councilmember Hahn, Draft Proposal, p. 44., https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-09-18%20Agenda%20Packet%20-%20Agenda%20Committee.pdf

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These considerations merit Council consideration and possible action. At the same time, proposals dictating how often Council can submit legislation and overly complex rules for policy committees risks veering into limiting councilmembers' legislative authority, fails to respond to emerging circumstances, is unprecedented in comparable cities and risks violating the spirit if not the letter of the City Charter. This item finds that (1) policy committee system created in 2018 is fundamentally sound with certain enhancements, and (2) that the problem that needs to be addressed is ending the practice of allowing significant policy and budget referrals to bypass the policy committee system.

Before Council could consider the issue in depth, the COVID-19 pandemic occurred. During the first year of the COVID-19 pandemic, the Mayor and Council briefly suspended consideration of nearly all non-emergency Council legislation and meetings of committees and commissions. As the pandemic wore on, the reality of governing and the needs of the people, including the pressing need for street improvements, responses to our affordable housing crisis, the murder of George Floyd and socio-economic factors – some related and some not to the pandemic – made introducing no new policy infeasible, and Council began legislating anew.

On June 15, 2021 City Management proffered its "Systems Alignment Proposal" proposal to Council. The proposal recommended restricting the time period for submitting Council items (exempting Departments and the City Manager) to only four months per year, among other details, citing the need for more in depth budgetary and implementation analysis. However, the Council's policy committees, created shortly before this time, were tasked with vetting items for any staffing impacts in light of vacancies and considering budget impacts Current rules provide that the policy committees are to:

- review items for completeness and alignment with Strategic Plan goals;
- ensure Council items include adequate discussion of budget implications, administrative feasibility, basic legal concerns, and staff resource demands to allow for informed consideration by the full Council;
- include a positive, qualified, or negative "Committee recommendation" based on these criteria. [2]

Many items improved significantly through the committee process.

Questions about the impact of the city management proposal on the City Charter were outlined in an alternative Council item submitted by Councilmember Harrison in June 2021.[3] Ultimately the City Manager's proposal was not adopted by Council, and was

[2] Berkeley City Council Rules of Procedure, https://berkeleyca.gov/sites/default/files/documents/City%20Council%20Rules%20of%20Procedure%20-%20July%2011%202023%20-%20FINAL.pdf.

[3] Councilmember Harrison, "Comments and Alternative Systems Alignment Proposal," June 15, 2021, https://records.cityofberkeley.info/PublicAccess/api/Document/AemaKwyWOMW%C3%89OLzGWGj2m%C3%81pnQxBkfMC7W2S7PsoYWkE%C3%81c3kNbNXoWpsj%C3%891iLPosUUV90e0sL0rH3HFNV2BEtmCo%3D/.

instead referred to the Agenda Committee for consideration alongside alternative proposals. The City Manager has indicated that it would be inappropriate for the City Manager under the Charter to be recommending or determining how the Council makes policy decisions. Indeed, the policy and legislative function is firmly lodged under the Council per the Charter as was noted in Councilmember Harrison's 2021 alternative item.

Some of the elements of the City Manager's 2021 proposal have reemerged as part of a new proposal led by Councilmember Hahn through the Agenda Committee. According to the Agenda Committee record, Councilmember Hahn indicated that her proposal represents an understanding between the City Manager and City Clerk's office. The City Manager noted that "there are characteristics of my [the City Manager's] proposal woven into what you [Councilmember Hahn] will be providing [the Council]" but has indicated this is clearly a matter for Council to determine.

The Council's process is not fundamentally flawed, and does not require measures such as a nearly 300-day legislative process for "major items." The Council's Policy Committee and budget process systems are sound, and among other updates the main task before Council is to close outstanding loopholes to the committee process.

This alternative item builds upon the proposal submitted by Councilmember Harrison in 2021, comments directly to the positive and less positive elements of Councilmember Hahn's proposal, and offers an updated alternative proposal that better aligns the legislative process to the budget and staff implementation process without sacrificing Berkeley's democratic process, and directly deals with referrals and budget requests submitted without sufficient budget and implementation analysis.

Certain elements of the legislative processes that have largely bypassed the policy committee process include: (1) referrals to the City Manager, (2) departmental, City Manager, including some major policy items, and (3) departmental, City Manager and Council budget referrals. All of these can have an outsized impact on limited budget resources and staff time and should be incorporated in the policy committee process ahead of the respective budget process. The policy committees are where—before passing out an item—significant budgetary impacts and feasibility, in addition to the proposals merits, ought to be determined.

We can fix the process without stripping the people's representatives of their Charter responsibility to respond to the public's needs and of due process to propose, debate, and consider legislation.

BACKGROUND

Positive Aspects of the Councilmember Hahn Proposal

- Council items are required to follow the guidelines already promulgated rather than leaving these guidelines as recommended only;[4]
- Formal process for City staff to provide high level conceptual input to authors before they submit proposals;[5]
- Process for addressing or re-prioritizing the "backlog" of unfunded items;[6]
- Major Items passed by Council but not funded are automatically rolled-over to future funding opportunities (this has already been implemented to a certain extent).[7]
- Policy Committees' analysis is enhanced using a checklist (excluding Hahn proposal to rate items).[8]

Concerns about the Councilmember Hahn Proposal

- Does not clearly articulate the specific legislative problems it is trying to solve, or provide examples of how the current system is "[in]consistent[]," how it "overwhelm[s]" City staff, and how the current system fails to "[s]uccessfully implement state of the art and/or innovative programs and policies."[9]
- Severely limits the public's access to the democratic process and extends the legislative process for "Major Items" to nearly 300-days (September to July and beyond). This compares to the current expected 120-day timeline. Items can that quickly become stale or inadequate by the time they are finally implemented.[10] The proposal does not appreciate the September deadline artificially circumscribes Council's ability to be responsive to public.[11] For example, if a Councilmember develops a non-time critical but nonetheless important piece of major legislation in October, the public will have to wait 11 months until September plus another nine months (July of the next year) before the item can be budgeted and implemented.
- Does not align with the fall budget process in which "excess equity" is considered and most council budget referrals are funded.
- Does not subject City Management's "Major Items" to the same review. Neighboring cities such as Oakland require all non-time critical staff policy items to be routed through Policy Committees so all budgetary decisions (the purview of Council) are made against the same criteria.[12]
- Provides Agenda Committee with too much power to determine pick 'winners and losers' as to what constitutes a "Major Item" or time critical. Existing and proposed definition of "Major Item" and "Time Critical" are overly subjective.[13]
- Provides Policy Committees inappropriate authority to prioritize/score items they review. Currently, Policy Committees provide recommendations about individual

[4] Councilmember Hahn Draft Proposal, p. 44.
[5] Id., p. 43.
[6] Id., p. 47.
[7] Id., p. 44.
[8] Id., p. 36.
[9] Id., p. 24.
[10] Id., p. 43.
[11] Id. p. 27.
[12] Oakland City Council Rules of Procedure, March 8, 2023, https://www.oaklandcityattorney.org/wp-content/city-council/89588%20CMS.pdf. See also Councilmember Hahn Draft Proposal, p. 27.
[13] Id., p. 44.

policies, and Council as a whole is rightly tasked with prioritizing and scoring items in terms of approval and budgeting.[14]

- Asserts that Policy Committees are a burden on staff and the Council, when in fact they have been shown to benefit the legislative process and reduce discussion at full Council. The Council's policy committees would only be allowed to meet to consider major legislation during less than six months of the year (down from the current nine months).[15]
- Requires Council to score items as part of the budget process through opaque and non-public processes, rather than through the current deliberative Council meeting process, Budget Committee, and Mayoral budget process provided for in Charter.[16]
- Creates an implementation team that includes the Councilmember author after it is passed by a policy committee. The stated goal is to "establish clarity of intentions, sketch timelines, discuss opportunities, ideas, challenges, etc." These are functions that the policy committees are tasked to do. The role for the Councilmember should be circumscribed as to prevent inappropriate meddling in administrative matters that are assigned to the City Manager under the Charter.[17]

Alternative Council Legislation Alignment Proposal

From the perspective of the authors of this item, a workable and sensible democratic process proposal should include the following:

Incorporate Positive Elements of Councilmember Hahn Proposal

- The positive elements listed above under "Positive Aspects of the Councilmember Hahn Proposal."

Establish Objective Definitions and Comprehensive Consideration of Significant Items

- Establish *objective* definitions for items with "significant" or "insignificant" budgetary or staffing implications, e.g., a dollar figure threshold, number of FTE needed, or requirement for consultant work. The current system fails to define "moderate to significant" and leaves subjective discretion to the Agenda Committee. This would ensure fairness amongst all Councilmembers. Alternatively, items could be referred directly to Policy Committees for such determination bypassing the Agenda Committee, unless deemed time critical.

  Under this proposal, significant items would be subject to the normal maximum 120-day Policy Committee review timeline and include some of the enhancements offered by Councilmember Hahn. Items with insignificant impacts could be routed directly to Council or be provided a more streamlined maximum 90-day timeline and a less intensive review. In the case that items referred under

[14] Id.
[15] Id., p. 26.
[16] Id.
[17] Id., p. 45

the 90-day timeline are found by the Policy Committee to have more significant impacts, a committee would be empowered to extend the item to 120 days for enhanced review.

- Ensure that all items submitted as referrals to the City Manager or budget referrals over the threshold are thoroughly vetted by Policy Committees and include estimates of all budget and staffing implications before coming out of the committee process so that they can be properly routed to the budget process.

- Ensure that policy items from City Management and Departments (other than time critical contracts and strictly administrative matters) are routed to policy committees as in Oakland and San Francisco.

Preserve and Formalizing Rolling Deadlines for Significant Item Submission

- Provide rolling submission deadlines ahead of applicable biennial (July), annual adjustment (July), and annual appropriation ordinance budget processes (fall/spring). The Council and City Manager may strive to encourage Councilmembers to submit the bulk of their items to the biennial and AAO #1 processes, but circumstances and community demands may warrant submission and consideration at other budget process periods. The Council, Mayor, and Budget Committee should, as in the past, continue to defer items or not fund items with significant budgetary or staffing implications as appropriate. There does not need to be an artificial deadline imposed on items.

Retain Policy/Budget Judgement and Prioritization to Council as a Body, While Tasking Committees with Ensuring Items Are Drafted to Form and Sufficiently Inform Council and Public Consideration

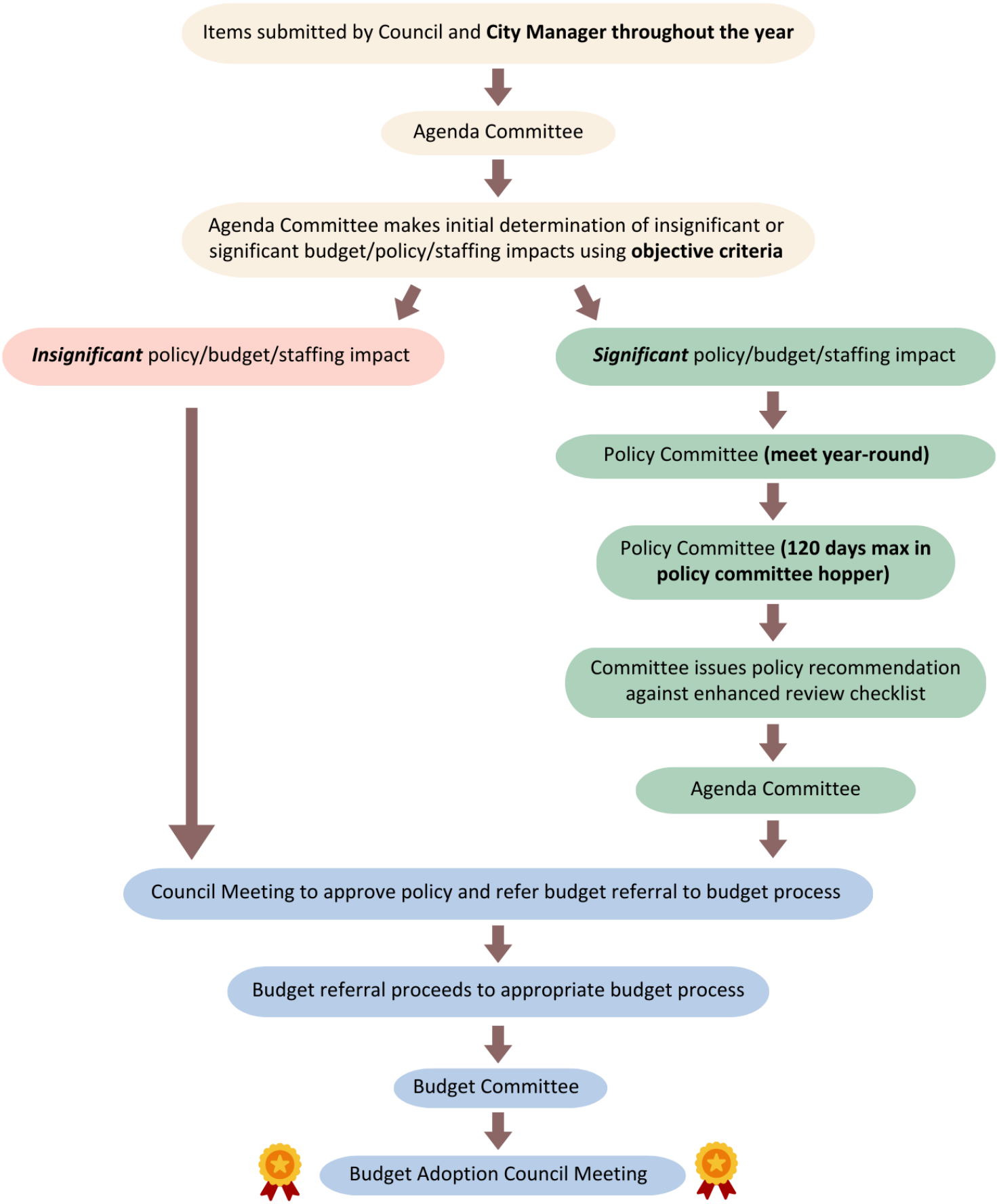
- Pursuant to the Council's historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not Committees.

This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter and the public's right to representative democracy.

CONTACT
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ATTACHMENTS:
1. Flowchart of Alternative Systems Alignment Proposal

Alternative Council Legislative Process Proposal



Office of the Mayor

WORKSESSION
October 10, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: City Council Legislative Systems Redesign

BACKGROUND
On February 8, 2021, at the direction of City Council during a retreat, the City Manager presented a Systems Alignment Proposal to the Agenda and Rules Committee. Following discussion, the Systems Alignment proposal was calendared for a future Council meeting.

On April 26, 2021 the Systems Alignment proposal was presented to All Council.

Councilmember Droste submitted a response to the Systems Alignment proposal at the May 18, 2021 meeting followed by Councilmembers Hahn and Harrison at the June 15, 2021 meeting. During the June 15, 2023 Council engaged in discussion and referred the Systems Alignment proposal to the Agenda and Rules Committee for further consideration.

On March 14, 2023, Councilmembers Robinson and Wengraf presented Reforms to Public Comment Procedures at meetings of the City Council for discussion and action.

At the Agenda & Rules Committee Councilmember Hahn, in collaboration with the City Clerk and other staff, presented “Major Item Legislative, Budgeting & Implementation Systems Redesign”. Upon deliberation, the Agenda & Rules Committee set a worksession for full council discussion on October 10, 2023.

In order to assist Council in understanding the various recommendations from previous meetings, Mayor Arreguin directed his staff, with assistance from Councilmember Wengraf’s staff, to create a matrix of all the proposals and responses from City Councilmembers at the relevant meetings which was reviewed at the September 26, 2023 Agenda and Rules Committee meeting.

CONTACT PERSON
Mayor Jesse Arreguín 510-981-7100

Attachments:
1: PowerPoint Presentation
2: Council Rules of Procedure – Appendix B
3: Comparison Matrix
4: Background Materials

MAJOR ITEM

Submission, Review, Approval, Funding, & Implementation

PROCESS SKETCH FOR DISCUSSION

Presented to Berkeley City Council
by the Agenda & Rules Committee

October ##, 2023

TERMINOLOGY

MAJOR ITEM

Is an Item meeting the *current/existing* definition of a **Policy Committee Track Item**:

Moderate to significant administrative, operational, budgetary, resource, or programmatic impacts

BIG IDEAS

COUNCIL/MAYOR - **Successfully develop and implement State of The Art/ Innovative Programs and Policies to serve Berkeley, and to model best practices**

CITY CLERK - **Consistency in process for Major Item Development, Budgeting and implementation**

CITY ATTORNEY **– Ensure legal and drafting compliance**

CITY MANAGER - **Help the Organization deliver without overwhelm; help staff be successful in their work**

YEARLY CYCLE

Built around JUNE 30 Budget Adoption/Update

July – September

COUNCIL
Finalize Y2 Items

CITY MANAGER
Implement Y1 Items

October – March

COMMITTEE SEASON

April – June

COUNCIL + BUDGET SEASON

LEGISLATIVE SESSION

One Cycle – Benefits

- **Every Year, opportunity to submit** and have Council review/vote on and fund Major Items
- **Four Subject Matter Committees** only meet during a Committee Season (except if emergency or special circumstance)
- Staff can **focus on implementation** during the "off season," and Councilmembers can finalize the next year's items
- Significantly **reduce gap between approval and implementation**

MAJOR ITEM DEVELOPMENT & SUBMISSION

All Year → End of September

- Must use **Major Item Guidelines** format (Appendix B to Council Rules of Procedure & Order)
- September 30 **Submission Deadline**
- Major Items **can be submitted prior** to September 30 and reviewed by Agenda & Rules for **compliance with guidelines**
- Timeline allows for Councilmembers to **work all year** on items, with **concentrated opportunity** July-September
- **Staff input** at Pre-submission = high level/conceptual; early vetting of concepts with **City Attorney** to identify legal & drafting inputs

AGENDA COMMITEE

OCTOBER

Review & Assign Major Items to Committees

- Early October **Special Meeting(s)**
- Review Major Items for **compliance with Guidelines**
- Assign *compliant* Major Items to Policy Committees
- Send *non-compliant* Major Items back to Authors for resubmission by End of October

POLICY COMMITTEES

OCTOBER – MARCH

- Organizing Meeting(s) Mid-October – Plan Committee Session/Schedule Hearings
- Major Items reviewed by Committee and move out on Rolling Basis, November - March
- [Committees may also prioritize/score items they review]
- All Major Items OUT of Policy Committees by March 30

CITY COUNCIL
APRIL

- Vote on all Major Items by **April 30**
- May require special meeting(s) in April
- **City Attorney** sign-off on **drafting and legal conformity** of Ordinances, Resolutions, and Formal Policies
- Approved items sent to **Budget Committee**

PRIORITIZATION OF MAJOR ITEMS*

EARLY MAY

- All **Major Items** that have been passed by Council, both NEW and PENDING/previously unfunded, to be prioritized by Councilmembers
- Prioritization due Second Friday in May (process TBD)

** Not the same as All-Item prioritization*

BUDGET COMMITTEE

MAY - JUNE

- Council [and Committee?] Prioritizations provided to Budget Committee as guides, but **not binding**
- Budget Committee makes **Recommendations** to Full Council
- Budget passed; Major Items funded move forward to **Implementation**
- ROLLOVER: Major Items passed by Council but not funded get **automatically rolled-over** to future funding opportunities

IMPLEMENTATION

JULY +

- **Implementation Lead** assigned by **City Manager**
- **Implementation Team** assembled by **Lead + CM**
- Meet with **Author(s)** to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- **Implementation Team** prepares
  - **Launch Plan**
  - **Operating Plan**
- Program/Policy is **Launched + Implemented**

SPECIAL TOPIC # 1

OVERRIDE

for Time Critical Items

- Rules of Procedure and Order already provide Override:

  An item that would otherwise be assigned to a Policy Committee may bypass Policy Review if the Agenda Committee deems it Time Critical. Agenda & Rules Committee retains discretion to decide the Time Critical nature of an item

- Time Critical definition - may need to be reviewed/amended
- May still go to a Policy Committee or directly to Council, per A&R
- [**Possible Add**: Council-level override/appeal if Author doesn't agree with the A&R decision on Time Critical nature of a Major Item].

SPECIAL TOPIC # 2

PRE-SUBMISSION DETAILS

- **Guidelines Format Mandatory** for all Major Items
- **Only Authors (no Co-Sponsors) allowed** at Pre-Submission and Committee stages, to reduce Brown Act issues
- Available: **Pre-Submission Consult with City Manager** to recommend internal subject matter experts for high-level input
- Required: **Pre-Submission Consult with City Attorney** to identify legal and drafting considerations
- ***Consider role for COMMISSIONS*** *in Pre-Submission Phase*

STRENGTHEN COMMITTEE REVIEW

SPECIAL TOPIC # 3

DEVELOP STANDARDS for review of Major Items:

- Relevance to Strategic Priorities or current needs/events
- Added value of program/policy
- Potential benefits/costs of program/policy to Community and COB
- Alternative means to achieve same or similar goals
- Phasing/timelines for implementation
- Staffing and Resources needed to Launch and Operate
- Evaluation/Metrics/Enforcement
- [Rate/Rank Major Items at end of Committee Session?]
- [Increase options re: positive and negative recommendations?]
- Other?

STRENGTHEN COMMITTEE REVIEW

SPECIAL TOPIC # 3

Public, Staff, City Attorney, Commission Inputs

- Active Outreach to all identifiable Stakeholders
- Multiple Hearings to allow for robust community, Staff, and City Attorney inputs + Discussion
- ENHANCE/EMPOWER City Attorney & Staff participation to ensure meaningful input, without requirement for formal reports
- Committee Schedule (set early October) will help ensure the right staff/attorneys are present for each item
- *Consider how to obtain/integrate input from Commissions*

PRIORITIZATION – SPECIAL *BACKLOGGED QUEUE*

SPECIAL TOPIC # 4

Need a one-time process to "clear the backlog" of Major Items *currently* in queue. Suggest sending all pending (but not initiated) items to Policy Committees for review to suggest:

- Merging items and/or Updating Referrals
- Re-approval of items "as is"
- Recommendation to Sunset/Remove moot items
- Recommend disposition of all items, ranked By Lead Department
- Council reviews and approves Committee recommendations for consolidation, removal, restatement, and re-support of items
- May need some criteria - to ensure all council members get at least some of their priorities addressed
- May also include consideration of an RRV- or other kind of prioritization by full Council, organized by Lead Department and/or holistically

SPECIAL TOPIC # 5

PRIORITIZATION – REGULAR

YEARLY QUEUE

- Enhanced Committee process should result in fewer or no backlogs and items implemented in a reasonable timeframe
- Prioritization becomes less of a BIG ISSUE

Prioritization in a rationalized system:

- More fully conceived and vetted items
- Committee scoring and/or ranking of items at end of Committee Season
- Council Ranking of items by Lead Department and Overall

SPECIAL TOPIC # 6

Need Process & Criteria for funding Items at AA01 and AA02

High Level Suggestions – need input from Budget & Finance

- Only Time Critical and Rollover (previously approved but unfunded) items considered - *same rule for Council and City Manager items*
- Not all extra funds (if any) get allocated - reservation for the annual budget process so funds are available for Council initiatives going through yearly legislative process
- AA01 and 02 only for one-time and/or time sensitive needs, except special circumstances

IMPLEMENTATION

SPECIAL TOPIC # 7

Once Major Item is passed + funded, move to Implementation

- **Implementation Lead** is assigned by City Manager – *Single Individual* Responsible for managing and ensuring implementation
- **Implementation Team** assembled by Lead + City Manager
- **Consult with Author**(s) to clarify intentions, sketch timelines, discuss opportunities, ideas, challenges
- Implementation Team prepares **LAUNCH** and **OPERATING** Plans
  - **LAUNCH** elements + Timeline
  - **OPERATING** Plan
- Long term/ongoing operation of program/policy

DISCUSSION + QUESTIONS

APPENDIX B. GUIDELINES FOR DEVELOPING AND WRITING COUNCIL AGENDA ITEMS

These guidelines are derived from the requirements for Agenda items listed in the Berkeley City Council Rules of Procedure and Order, Chapter III, Sections B(1) and (2), reproduced below. In addition, Chapter III Section C(1)(a) of the Rules of Procedure and Order allows the Agenda & Rules Committee to request that the Primary Author of an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
   a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
   b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
   c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
   d. Fiscal impacts of the recommendation;
   e. A description of the current situation and its effects;
   f. Background information as needed;
   g. Rationale for recommendation;
   h. Alternative actions considered;
   i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
   j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

Guidelines for City Council Items:

1. Title
2. Consent/Action/Information Calendar
3. Recommendation
4. Summary Statement/Current situation and its effects
5. Background
6. Review of Existing Plans, Programs, Policies and Laws
7. Actions/Alternatives Considered
8. Consultation/Outreach Overview and Results
9. Rationale for Recommendation
10. Implementation, Administration and Enforcement
11. Environmental Sustainability
12. Fiscal Impacts
13. Outcomes and Evaluation
14. Contact Information
15. Attachments/Supporting Materials

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1. Title

A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested.

2. Consent/Action/Information Calendar

Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information.

3. Recommendation

Clear, succinct statement of action(s) to be taken. Recommendations can be further detailed within the item, by specific reference.

Common action options include:

- Adopt first reading of ordinance
- Adopt a resolution
- Referral to the City Manager (City Manager decides if it is a short term referral or is placed on the RRV ranking list)
- Direction to the City Manager (City Manager is directed to execute the recommendation right away, it is not placed on any referral list)
- Referral to a Commission or to a Standing or Ad Hoc Council Committee
- Referral to the budget process
- Send letter of support
- Accept, Approve, Modify or Reject a recommendation from a Commission or Committee
- Designate members of the Council to perform some action

4. **Summary Statement/ "Current situation and its effects"**

   A short resume of the circumstances that give rise to the need for the recommended action(s).

   - Briefly state the opportunity/problem/concern that has been identified, and the proposed solution.
   - Example (fictional):
     Winter rains are lasting longer than expected. Berkeley's winter shelters are poised to close in three weeks, but forecasts suggest rain for another two months. If they do not remain open until the end of the rainy season, hundreds of people will be left in the rain 24/7. Therefore, this item seeks authorization to keep Berkeley's winter shelters open until the end of April, and refers to the Budget Process $40,000 to cover costs of an additional two months of shelter operations.

5. **Background**

   A full discussion of the history, circumstances and concerns to be addressed by the item.

   - For the above fictional example, Background would include *information and data about the number and needs of homeless individuals in Berkeley, the number and availability of permanent shelter beds that meet their needs, the number of winter shelter beds that would be lost with closure, the impacts of such closure on this population, the weather forecasts, etc.*

6. **Review of Existing Plans, Programs, Policies and Laws**

   Review, identify and discuss relevant/applicable Plans, Programs, Policies and Laws, and how the proposed actions conform with, compliment, are supported by, differ from or run contrary to them. What gaps were found that need to be filled? What existing policies, programs, plans and laws need to be changed/supplemented/improved/repealed? What is missing altogether that needs to be addressed?

   Review of all pertinent/applicable sections of:

   - The City Charter
   - Berkeley Municipal Code
   - Administrative Regulations
   - Council Resolutions
   - Staff training manuals

   Review of all applicable City Plans:

   - The General Plan
   - Area Plans
   - The Climate Action Plan
   - Resilience Plan
   - Equity Plan

- Capital Improvements Plan
- Zero Waste Plan
- Bike Plan
- Pedestrian Plan
- Other relevant precedents and plans

Review of the City's Strategic Plan
Review of similar legislation previously introduced/passed by Council
Review of County, State and Federal laws/policies/programs/plans, if applicable

7. Actions/Alternatives Considered

- What solutions/measures have **other jurisdictions** adopted that serve as models/cautionary tales?
- What solutions/measures are recommended by **advocates, experts, organizations**?
- What is the range of actions considered, and what are some of their major pros and cons?
- Why were other solutions not as feasible/advisable?

8. Consultation/Outreach Overview and Results

- Review/list external and internal stakeholders that were consulted
  - **External**: constituents, communities, neighborhood organizations, businesses and not for profits, advocates, people with lived experience, faith organizations, industry groups, people/groups that might have concerns about the item, etc.
  - **Internal**: staff who would implement policies, the City Manager and/or deputy CM, Department Heads, City Attorney, Clerk, etc.
- What reports, articles, books, websites and other materials were consulted?
- What was learned from these sources?
- What changes or approaches did they advocate for that were accepted or rejected?

9. Rationale for Recommendation

A clear and concise statement as to whether the item proposes actions that:

- Conform to, clarify or extend existing Plans, Programs, Policies and Laws
- Change/Amend existing Plans, Programs, Policies and Laws in **minor** ways
- Change/Amend existing Plans, Programs, Policies and Laws in **major** ways
- Create an exception to existing Plans, Programs, Policies and Laws
- Reverse/go contrary to or against existing Plans, Programs, Policies and Laws

Argument/summary of argument in support of recommended actions. The argument likely has already been made via the information and analysis already presented,

but should be presented/restated/summarized. Plus, further elaboration of terms for recommendations, if any.

10. Implementation, Administration and Enforcement

Discuss how the recommended action(s) would be implemented, administered and enforced. What staffing (internal or via contractors/consultants) and materials/facilities are likely required for implementation?

11. Environmental Sustainability

Discuss the impacts of the recommended action(s), if any, on the environment and the recommendation's positive and/or negative implications with respect to the City's Climate Action, Resilience, and other sustainability goals.

12. Fiscal Impacts

Review the recommended action's potential to generate funds or savings for the City in the short and long-term, as well as the potential direct and indirect costs.

13. Outcomes and Evaluation

State the specific outcomes expected, if any (i.e., *"it is expected that 100 homeless people will be referred to housing every year"*) and what reporting or evaluation is recommended.

14. Contact Information

15. Attachments/Supporting Materials

Attachment 3

Systems Realignment Matrix - Updated 10-3-2023

		JM	LM	LM	JM	LM	LM	JM	JM
	Item	City Manager's System's Realignment Proposal	Droste Response	Council Feedback from Work Session	Hahn Proposal	Harrison Proposal	2021 Council Feedback	Droste BERIPE Plan	Hahn/City Clerk Proposal to A & R
	Date	4/26/2021	5/18/2021	5/18/2021	6/15/2021	6/15/2021	6/15/2021	3/14/2023	10/10/2023
Item Summary	Decisions/ Actions Taken	Thesis: Councilmembers to return with thoughts/proposals	Thesis: Supports CM Proposal. Recommends template adjustments to increase effectiveness and clarify reason for proposal and its recomendations and increase effectiveness.	Thesis: Mayor proposed and Council approved continuing the item to the June 15, 2021 regular meeting to allow Councilmembers to submit written comments for the public record.	Thesis: Legislative process should support Council in passing legislation of important local concerns and value-based issues with impact locally and more broadly. New legislation should be thoroughly reseached, revised and vetted with input from stakeholders, the public, City Staff and Council collegues. City staff contribute with increased levels of input and participation as the legislation moves forward.	Thesis: Does not support CM Proposal. Major items only put forward Jan - April to conincide with budget process limits public and Council voices. Harrison's proposal operates continuously with deadlines for each step of review.	Thesis: Council recommendation was to review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption. Sent back to A&R to prepare a new proposal No Councilmembers commented on the Consent Item during the meeting.		Thesis: Align with budget process, create consistency in process and proposal writing; ramp-up staff engagement as proposal moves through process. Create "seasons" (specific annual timeframes for development, policy committee, council and budget approval)
	Process for Council Items	A & R determines if Major Item If not major, agendized for Council meeting	Council Agenda Item Template recommended adjustments: - add: Define the Problem -Include Criteria Considered & -Rationale for Recommendatio -Make Equity its own category Sample red-lined template in item	Some Councilmembers expressed concern about the yearly April deadline for Major items because it would create stale items and/or limit ability to respond to the concerns of the moment. CM reminded public and Council that this process is just for the 15 -20 Major items drafted each year.	Guideline Format drives development of Council, City Manager or Commission proposals All Major Items, regardless of where originated follow the prescribed process Council is encouraged to consult with staff during proposal development but may wait until during the Committee process CAO must provide preliminary review prior to initial submittal	Council Streamlines Existing Backlog of staff involved items through Policy Committees' review and recommendations to Council.	N/A		Built around June Budget Adoption Divided into Seasons with deadlines for each phase
	Major Item Definition	- Cannot be operationalized over time with existing resources - Displaces an existing prioritzed item - Not implementable with existing resources - Unable to sustain enforcement activities - Subject to legal challenge and/or pre-emption - Additional/new FTE on a temporary or permanent basis - Additional or new infrastructure or technology costs			Any law, program, or policy that represents a significant change or addition to existing law, program, or policy and/or is likely to call for or elicit significant study, analysis, or input from the community, staff or Council colleagues, and/or is likely to require significant new resources or staffing to implement.		N/A		Definition required
	Major Item Determination	A & R in consultation with CM EXCEPTIONS: - Grant deadlines - Public Safety Issues - Declared local emergencies If exceptions granted, projects "in process" must be identified and delayed	Major Item Determination Checklist recommended adjustments: Define "smaller" and "less impactful" and state how that is determined.		(see definition above) Can originate from Coucilmembers, City Manager (often as referral responses) or Commissions A & R makes determination if a submittal is a Major Item - can be sent back to originator for more information and compliance with Guildelines	Should be determined by Policy Committees, not Agenda Committee, via objective determination. No determination criteria given.	N/A	N/A	Submittal Season: Year round submittal September 30 cut off for consideration through process Submittals reviewed by A & R for Major Item Determination and compliance with Guidelines
	Major Item Deadline	A & R agenda prior to April 30 to be considered in legislative year Agendized at A & R on rolling basis	none provided		none provided	120 days maximum, which includes the Implementation Conference.	N/A	LIMITS NUMBER OF MAYOR ITEM SUBMITTALS Councilmember limited to submitting 1 major legislative item or set of amendments to existing ordinances/yr Mayor limited to submitting 2 major legislative items or set of amendments to existing ordinances/yr DEADLINE TBD	September 30 for next fiscal year consideration

Systems Realignment Matrix - Updated 10-3-2023

		JM	LM	LM	JM	LM	LM	JM	JM
	Item	City Manager's System's Realignment Proposal	Droste Response	Council Feedback from Work Session	Hahn Proposal	Harrison Proposal	2021 Council Feedback	Droste BERIPE Plan	Hahn/City Clerk Proposal to A & R
	Date	4/26/2021	5/18/2021	5/18/2021	6/15/2021	6/15/2021	6/15/2021	3/14/2023	10/10/2023
Item Distinction/ Process	Policy Committee Review	Referred by A & R Reviewed for completeness and alignment with Strategic Plan goals. Commission review. Once approved for consideration moves to Implementation Conference	Policy Committee Ranking Form recommended adjustments: -Use score rather than rank NOTE: CM presentation no longer recommends using the Ranking Form	See Implementation Conference	A & R makes determination if a proposal meets information in Guidelines prior to sending on to Committees - Author has right to appeal Committees plan a timeline for hearing over multiple meetings and identify stakeholders and experts to provide input. Committee meetings to discuss proposal should be taken in order of the required components of the Guidelines Staff agendized to engage in every discussion and provides budget resources needs for Launch and	Policy Committees send their recommendation and finalized Implementation report to A & R for scheduling at Council.	N/A	N/A	Committee Season: October 1 - March 1 A & R - October: will require special meetings. determines completeness based on Major Items Guildelines edits must be completed by 3rd Friday in October in order to move to Committees Committees determine order of hearings, create calendar, group like items together, understand staffing impacts, follow Enhanced Review Process
	Implementation Conference	CM or designee, CAO, Department Head or designee Collaborate with author to detail fiscal and operational impacts. Implementation Conference outcomes to be incorporated into Concil Report (see detail in 4.26.21 proposal, p3)	Implementation Conference Worksheet recommended adjustments: -Reduce amount of redundant components and specify what impact means. -Include similar additions as Council Item Template. -See sample redlined template in the item	Timing for conference: Earlier timing, perhaps just after referred to policy committee, before the Committee takes it up. Staff analysis: Former Auditor in her 2018 presentation talked about importance of Council needing a staff analysis, resource analysis and opportunity costs in their items. Councilmember noted incredible importance for Council to have this info before passing items. At the same time, don't want staff to spend too much time on an item that doesn't pass. Tension here. Definitions: Council needs to be comfortable with them.		The Policy Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report. This happens during the Policy Committee Review.	N/A	N/A	N/A
	Implementation Conference Deadline	August 31	No calendar deadline		No calendar deadline	No calendar deadline. Rolling basis.	N/A	N/A	N/A
	Initial Prioritization	July 31. Policy Committees make recs Submitted to City Council	Sunset current RRV process Committee to "score" each proposal			Prioritized on rolling basis. Upon Council adoption, the budget aspect of the item would proceed to either the June or November budget process.	N/A	N/A	ONE TIME clearing of backlog on current list of projects
	Council Approval and Final Prioritization	October Council Calendar Council approval, prioritization, assign fiscal year for implementation, identify removal of items that new initiatives will replace If Council does not approve, item can be reintroduced the following year November 30 deadline for all major item actions	Sunset current RRV process Committee to "score" each proposal		Author revises proposal to include required changes/clarifications and resources required for Launch and Implemention	Council approves before item goes through budget process.	N/A	Council prioritizes all new legislative submittals through RRV process. Year 1 ONLY: Combine new legislative submittals and outstanding/incomplete items for prioritization through RRV process. Council and staff should determine what can be reasonably accomplished by staff based on RRV outcome and delete those projects that did not rise to top of priorities and cannot be accomplished. Year 2 and ongoing: Only new legislative submittals will be prioritized	Council Season: Feb 1 - April 30 CAO must confirm compliance with Ordinances Prioritization: Council and Committee prioritize and send to Budget Commitee

Systems Realignment Matrix - Updated 10-3-2023

Item	JM City Manager's System's Realignment Proposal	LM Droste Response	LM Council Feedback from Work Session	JM Hahn Proposal	LM Harrison Proposal	LM 2021 Council Feedback	JM Droste BERIPE Plan	JM Hahn/City Clerk Proposal to A & R
Date	4/26/2021	5/18/2021	5/18/2021	6/15/2021	6/15/2021	6/15/2021	3/14/2023	10/10/2023
Budget & Strategic Planning	**December/January** Staff to incorporate approved items into Budget/workplan ranked by priority **January - March** Council and Staff revise the budget based on department presentations to BC **May/June** Budget hearings, adjustments and adoption			Budget Implementation Conference: approves moving toward implementation or implementation is declined to proceed	Council approved items go through the next budget process.	N/A	(see note above) Budget referrals and allocations must be explicitly tied to previously established or approved policy program, planning/strategy document and/or external funding opportunity related to one of these. No budget referral can directly fund a specific organization or event. Organizations recieving City funding must submit application that includes civic goals/purposes, previous funding history and quantitative/qualitative results/outcomes. Funding greater than $20,000 must include data on number of persons served and other outcomes.	Budget Season: May 1 - June 30 Council prioritization to Budget committee not binding. Budget Committee makes recommendations to full Council Funded Council approved items move to Implementation Unfunded Council approved items rollover to future funding opportunities
Implementation						N/A		July (Month 1 of new fiscal year) Implementation Lead and Team assigned Meeting with Authors for clarity, timelines, challenges Implementation Team prepared Launch and Operational Plans
Tools	Council Item template outlining required information Major Item checklist Implementation Conference Worksheet	Major Item Determination Checklist	Policy Committee Ranking Form	Guildelines for Proposals/Council Items	Alternateive Systems Alignment Proposal flowchart.	N/A		Major Items Guidelines Format Enhanced Review Process
Consolidated Yearly Cycle	**Major Item Deadline:** April 30 **Implementation Conference Deadline:** August 31 **Council Prioritization Deadline:** July 31 **Council Approval Deadline:** November 30 **Budget Cycle:** January -	none addressed	N/A	none addressed	Rolling basis rather than yearly cycle.	N/A	Based on "to be established" deadline to align with RRV process	**Submittal Season:** Year round with August 1 deadline for next fiscal year consideration **Committee Season:** Sept 1 - January 30 A & R and council committee review **Coucil Season:** Feb 1 - April 30 **Budget Season:** May 1 - June 30
Recomm **Consensus**	1 - Staff input in legislative drafting is important							
Variable Differences	1 - Different timelines for different types of items (some staggered, some ongoing)							
Outstanding Questions	1 - What impact does this have on the RPP process? What needs to change? What limits revisions to a systems redesign process?							

Office of the City Manager

BACKGROUND MATERIAL

The following documents were previously submitted to the City Council for consideration, and are being provided with this item as background material.

The City Manager has removed staff's Systems Alignment Proposal from consideration. It is included in this attachment for reference and context.

Attachments:

March 14, 2023 Council Meeting
1. Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)
    a. Report – Submitted by Councilmember Droste

June 15, 2021 Council Meeting
2. Systems Alignment Proposal
    a. Supplemental Material – Submitted by Councilmember Hahn
    b. Supplemental Material – Submitted by Councilmember Harrison
    c. Report – Submitted by City Manager

May 18, 2021 Council Meeting
3. Systems Alignment Proposal
    a. Supplemental Material – Submitted by Councilmember Droste
    b. Presentation – Submitted by City Manager
    c. Report – Submitted by City Manager

Lori Droste
Councilmember, District 8

Action Calendar
March 14, 2023

To: Honorable Mayor Jesse Arreguín and Members of the City Council

From: Councilmember Lori Droste

Subject: Bureaucratic Effectiveness and Referral Improvement and Prioritization Effort (BE RIPE)

Recommendation

In order to ensure that the City focuses on high-priority issues, projects, and goals and affords them the resources and funding such civic efforts deserve, the City Council should consult with the City Manager's Office to develop and adopt a suite of revisions to the City Council Rules of Procedure and Order that would implement the following provisions:

1. Beginning in 2023, Councilmembers shall submit no more than one major legislative proposal or set of amendments to any existing ordinance per year, with the Mayor permitted to submit two major proposals, for a maximum of ten major Council items per year.
2. In 2023 and all future years, Councilmembers shall be required to submit major items before an established deadline. Council shall then prioritize any new legislative items as well as any incomplete major items from the previous year using the Reweighted Range Voting (RRV) process. This will help establish clear priorities for staff time, funding, and scheduling Council work sessions and meetings. For 2023 alone, the RRV process should include outstanding/incomplete Council items from all previous years. In 2024 and thereafter, the RRV process should only incorporate outstanding/incomplete major items from the prior year. However, Councilmembers may choose to renominate an incomplete major policy item from an earlier year as their single major item.
3. During deliberations at a special worksession, Council retreat, and/or departmental budget presentations, Council and the City Manager should develop a work plan that establishes reasonable expectations about what can be accomplished by staff given the list of priorities as ranked by RRV. Council should also consult with the City Manager and department heads, particularly the City Attorney's office, Planning Department, and Public Works Department on workload challenges (mandates outside Council priorities, etc.), impacts, reasonable staff output expectations, and potential corrective actions to ensure that mandated deadlines are met, basic services are provided, and policy proposals are effectively implemented.
4. Budget referrals and allocations from City Council must be explicitly related to a previously established or passed policy/program, planning/strategy document, and/or an external funding opportunity related to one of these. As a good government practice, councilmembers and the Mayor may **not** submit budget referrals which direct funds to a

specific organization or event. Organizations which receive City funding must submit at least annually an application detailing, at a minimum: the civic goal(s)/purpose(s) for which City funds are used, the amount of City funding received for each of the preceding five years, and quantitative or qualitative accounting of the results/outcomes for the projects that made use of those City funds. Organizations receiving more than $20,000 in City funds should be required to provide quantitative data regarding the number of individuals served and other outcomes.

5. Ensuring that any exceptions to these provisions are designed to ensure flexibility in the face of an emergency, disaster, or urgent legal issue/liability and narrowly tailored to be consistent with the goals of enhanced efficiency, effectiveness, fairness, and focus.

Policy Committee Recommendation

On February 14, 2023, the Agenda and Rules Committee adopted the following action: M/S/C (Hahn/Arreguin) to send the item to the City Council with a Qualified Positive Recommendation to refer the relevant concepts of the original item to the Agenda & Rules Committee for consideration under the existing committee agenda item regarding enhancements to the City's legislative process. Vote: All Ayes.

Current Situation and Its Effects

Over the past few years (excluding the COVID-19 state of emergency), City Council has grappled with potential options to reduce the legislative workload on the City of Berkeley staff. While a significant portion of this workload is generated from non-legislative matters and staffing vacancies, it is important to recognize that staff also continue to struggle to keep up with Council directives while still accomplishing the City's core mission or providing high quality public infrastructure and services.

Background and Rationale

Berkeley faces an enormous staffing crisis due in part to workload concerns; as such, Council should take steps to hone its focus on legislative priorities. November 2022's Public Works Off-Agenda Memo offers a benchmark for problems faced by City departments. Public Works staff struggles to complete its top strategic plan projects, respond to audit findings, and provide basic services, in addition to fulfilling legislative priorities by Council. While the "Top Goals and Priorities" outlined by Public Works is tied to 130+ directives by the City Council, it is not reasonable to assume that all will be implemented.

The challenges faced by the Public Works department are not an anomaly. Other departments share the same challenges. In addition to needing to ensure that the City can adopt a compliant state-mandated Housing Element, process permits, secure new grant funding, mitigate seismic risks, and advance our Climate Action Plan, Planning Department staff have been tasked with addressing multiple policy proposals from the City Council. The sheer number of referrals also impacts the ability of staff in the City Attorney's office to vet all ordinances, protect the City's interests, participate in litigation, and address the City's other various legal needs.

Best Practices

A number of nearby, similarly-sized cities were contacted to request information about how these cities approach Councilmember referrals and prioritizations processes. Cities contacted

included Richmond, Vallejo, Santa Clara, Concord, and Sunnyvale. Of these cities, Santa Clara, Concord, and Sunnyvale replied.

Santa Clara
Overall, Santa Clara staff indicated that—similar to Berkeley—the Council referrals and prioritization process is not especially formalized, with additional referrals being made outside of the prioritization process.

Each year, the Council holds an annual priority setting session at which the Council examines and updates priorities from the previous year and considers what progress was made toward those priorities. The prioritization process takes place in February so that any priorities that rise to the top may be considered for funding ahead of the budget process. In any given year, some priorities may go unfunded and even holding those priorities over to a second year is not necessarily a guarantee of funding.

Despite conducting this annual prioritization exercise, Councilmembers in Santa Clara often still do bring forward additional referrals outside of this process. Part of this less restricted approach in Santa Clara's 030 ("zero thirty") policy, which allows members of the the City Council to add items to the Council agenda with sufficient notice and even allows members of the public to petition to have items added to a special section of the Council agenda.

Despite the overally looseness of Santa Clara's approach. Council members still rely upon staff to provide direction with respect to what priorities are or are not feasible based upon available funding and staff bandwidth.

Concord
According to Concord City staff, although Concord—like Berkeley and Santa Clara—does have a process for Councilmembers to request items be added to Council agendas, Councilmembers generally agree not to add referrals outside of the formal priority-setting process.

Concord City staff only work on "new" items/policies that are mandated by law, recommended by the City Manager, and have been recommended for review/work of some kind by a majority (three of the five members) of the City Council.

In general, Councilmembers agree to not add work items outside of the Council's formal priority setting process. The Concord City Council has a once-a-year goal setting workshop each spring where the City plans its Tier 1 and Tier 2 priorities for the year (or sometimes for a 2-year cycle). Most Councilmembers abide by this process and refrain from bringing forward additional items. However any Councilmember may put forward a referral outside of the process and use the method outlined below.

Outside of the prioritization process, Councilmembers can request that their colleagues (under Council reports at any Council meeting) support placing an item on a future Council meeting agenda for a discussion. The Concord City Attorney has advised councilmembers that they can make a three sentence statement, e.g. "I would like my colleagues' support to agendize [insert item]" or "to send [insert item] to a Council standing committee for discussion." Followed by: "This is an important item to me or a timely item for the Council because [insert reasoning]. Do I have your support?" The other Councilmembers then cannot engage in any detailed discussion or follow up, but may only vote yes or no to agendizing the item.

If two of the Councilmember's colleagues (for a total of 3 out of 5) agree to the request to have the item agendized for a more detailed discussion by Council, then the item will be added to a future agenda for fuller consideration. An additional referral outside the prioritization process is suggested perhaps once every month in Concord, but the Concord City Council usually does not provide the majority vote to agendize these additional items.

Sunnyvale

Of all the cities surveyed, Sunnyvale has the most structured approach for selecting, rating, and focusing on City Council priorities. "Study issues" require support from multiple councilmembers before being included in the annual priority setting, and then must go through a relatively rigorous process to rise to the top as Council priorities. And, perhaps most importantly, policy changes *must* go through the priority setting process to be considered. The Sunnyvale City Council's Policy 7.3.26 Study Issues reads, in part:

> *Any substantive policy change (large or relatively small) is subject to the study issues process (i.e. evaluated for ranking at the Council Study Issues Workshop).*
>
> *Policy related issues include such items as proposed ordinances, new or expanded service delivery programs, changes to existing Council policy, and/or amendments to the General Plan. Exceptions to this approach include emergency issues, and urgent policy issues that must be completed in the short term to avoid serious negative consequences to the City, subject to a majority vote of Council.*

If a study issue receives the support of at least two Councilmembers, the issue will go to staff for the preparation of a study issue paper. Council-generated study issues must be submitted to staff at least three weeks ahead of the priority-setting session, with an exception for study issues raised by the public and carried by at least two Councilmembers, if the study issues hearing takes place less than three weeks before the priority setting.

At the Annual Study Issues Workshop, the Council votes whether to rank, defer, or drop study issues. If a majority votes to drop the issue, it may not return the following year; if the issue is deferred, it returns at the following year's workshop; and if a majority votes to rank an issue, it proceeds to the ranking process. Sunnyvale's process uses "forced ranking" for "departments" with ten or fewer issues and "choice ranking" for departments with eleven or more issues. (The meaning of "departments" and the process for determining the number of issues per department are not elucidated within the policy.) Forced ranking involves assigning a ranking to every policy within a given subset, while choice ranking only assigns a ranking to a third of policies within a given subset, with the others going unranked.

After the Council determines which study issues will be moving forward for the year based on the rankings, the City Manager advises Council of staff's capacity for completing ranked issues. However, if the Council provides additional funding, the number of study issues addressed may be increased.

In 2022, Sunnyvale had 24 study issues (including 17 from previous years and only 7 new ones) and **zero** budget proposals. Although Sunnyvale does consider urgency items outside the prioritization process, this generally happens only 1 to 3 times per year and usually pertains to highly urgent items, such as gun violence.

Status Quo and Its Effects
Council currently uses a reweighted range proportional representation voting method to determine which priorities represent both a) a consensus and b) district/neighborhood concerns. This process allows Council to coalesce around a particular common area of concern; but if there is a specific neighborhood or district issue that is not addressed by Council consensus, it also allows for that district's councilmember's top priority to be elevated in the ratings even without broad consensus, so long as there are not multiple items designated as that councilmember's "top" item. More information about this process can be found here. This system was established in 2016 due to the sheer amount of referrals by Council and the lack of cohesive direction on which of the 100+ referrals the City Manager should act upon.

Subsequent to this effort, Council created a "short-term referral" pool which was intended to be light-lift referrals that could be accomplished in less than 90 days. However, that designation was always intended to be determined by the City Manager, not Council, with respect to what was operationally feasible in terms of the 90 day window. The challenge with Council determining what is a short-term referral is that it is not always realistic given other duties that the staff has to attend to and inappropriate determinations can stymy work on other long term priorities if staff have to drop everything they are doing to attend to an "short-term" or "emergency" referral.

An added challenge is that the City Auditor reported in 2018 that the City of Berkeley's Code Enforcement Unit (CEU) had insufficient capacity to enforce various Municipal Code provisions. This was due to multiple factors, including understaffing—some of which have since improved. Nevertheless, the City Auditor wrote,

> *"Council passes some ordinances without fully analyzing the resources needed for enforcement and without understanding current staffing capacity. In order to enforce new ordinances, the CEU must take time away from other enforcement areas. This increases the risk of significant health and safety code violations going unaddressed. It also leads to disgruntled community members who believe that the City is failing to meet its obligations. This does not suggest that the new ordinances are not of value and needed. Council passes policy to address community concerns. However, it does mean that the City Council routinely approves policy that may never result in the intended change or protections."*

Subsequent to that report, an update was published in September of 2022. A staffing and resource analysis for Code Enforcement is still needed to ensure that the laws Council passes can be implemented.

Fiscal Impacts
These reforms are likely to result in significant direct savings related to reduced staff time/overtime as well as potential decreases to costs associated with the recruitment/retention of staff.

Alternatives Considered
Alternatives were considered using effectiveness and efficiency as the evaluative criteria for referrals. One missing criterion that will be necessary in developing this process will be operational considerations so the City of Berkeley can continue to deliver basic services in an efficient manner.

All-Council determination
Council could vote *as a body* on the top 10 legislative priorities. The drawback of this method is that it, by default, eliminates any remaining priorities that have been passed by Council. It also eliminates "minority" voices which may disproportionately impact neighborhood-specific concerns as the remainder of the Council may not value district-specific concerns outside of their council district.

Councilmember parameters
Councilmembers could select their top two legislative priorities (as a primary author) for the year and the Mayor could select four legislative priorities for the year for a total of 10 legislative priorities per year. These "legislative priorities" would not include resolutions of support, budget referrals for infrastructure or traffic mitigations or other non-substantive policy items…..

Status Quo Sans Short-Term Referrals
The status quo of rating referrals is the fairest and most equitable if Council wishes to continue to pass the same quantity of referrals; however, it does not address the overall volume and that certain legislative items skip the prioritization queue due to popularity or perceived community support. Council enacts ordinances that fall outside of the priority setting process and designates items as short-term referrals. This loophole has made this process a bit more challenging. One potential option is to continue the prioritization process but eliminate the short-term referral option unless it is undeniably and categorically an emergency or time-sensitive issue.

Contact Person
Councilmember Lori Droste (legislative aide Eric Panzer)
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Attachments
Update on Public Works' Goals, Projects, Measures, and Challenges

Office of the City Manager

November 15, 2022

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Re: Update on Public Works' Goals, Projects, Measures, and Challenges

This memo shares an update on the department's *Performance Measures* and *FY 2023 Top Goals and Projects*, and identifies the department's highest priority challenge. I am proud of this department's work, its efforts to align its work with City Council's goals, and the department's dedication to improving project and program delivery.

Performance Measures
The department's performance measures were first placed on the department's website (https://berkeleyca.gov/your-government/about-us/departments/public-works) in 2020. They are updated annually in April. Progress continues in preventing trash from reaching the Bay, reducing waste, increasing bike lane miles, reducing the City fleet's reliance on gas, increasing City-owned electric chargers, expanding acres treated by green infrastructure, and reducing the sidewalk repair backlog. Challenges remain with the City's street condition and safety.

Top Goals and Projects
Public Works' top goals and projects are also on the department's website (https://berkeleyca.gov/your-government/about-us/departments/public-works). Department goals are developed annually. This year, after reviewing the 130+ directives from open City Council referrals, FY 2023 adopted budget referrals, audit findings, and strategic plan projects, staff matched existing resources with City Council's direction and the ability to deliver on this direction while ensuring continuity in baseline services.

The *FY 2023 Top Goals and Projects* is staff's projection of the work that the department has the capacity to advance this fiscal year. This list is intended to be both realistic and a stretch to achieve. More than tthree-quartersof the work on the *FY 2023 Top Goals and Projects* is tied to the existing 130+ directives from City Council referrals, budget referrals, audit findings, and strategic plan projects. The remainder are initiatives internal to the department aimed at increasing effectiveness and/or improving baseline services.

Public Works conducts quarterly monitoring of progress on the goals and projects, and status updates are shared on the department's website using a simple status reporting

procedure. Each goal or project is coded green, yellow, or red. A project coded green is either already completed or is on track and on budget. A project in yellow is at risk of being off track or over budget. A project in red either will not meet its milestone for this fiscal year or is significantly off track or off-budget. Where a project or goal has multiple sub-parts, an overall status is color-coded for the numbered goal and/or project, and exceptions within the subparts are identified by color-coding. Quarter 1's status update is here. The 2nd, 3rd, and 4th quarter results will be posted at the same location.

Challenge

Besides the volume of direction, the most significant challenge in delivering on City Council's directions is the department's high vacancy rate. The Public Works Department is responsible for staff retention and serves as the hiring manager in the recruitment and selection process. Both retention and hiring contribute to the department's vacancy rate, and the department collaborates closely with the Human Resources Department to reduce the rate. Over the last year, the vacancy rate has ranged from 12% to 18%, and some divisions, such as Equipment Maintenance (Fleet), Transportation,[1] and Engineering, have exceeded 20%. While the overall vacancy rate is lower than in Oakland and San Francisco, it is higher than in Public Works Departments in Alameda, Albany, Emeryville, and San Leandro.

The high vacancy rate obviously reduces the number of services and projects that staff can deliver. It leaves little room for new direction through the course of the fiscal year and can lead to delays and diminished quality. It also detracts from staff morale as existing staff are left to juggle multiple job responsibilities over long periods with little relief. The department's last two annual staff surveys show that employee morale is in the lowest quarter of comparable public agencies and the vacancy rate is a key driver of morale.

Attachment 1 offers an excerpted list of programs and projects that the department is unable to complete or address in this fiscal year due to the elevated vacancy rate and/or the volume of directives.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

cc: Paul Buddenhagen, Deputy City Manager
LaTanya Bellow, Deputy City Manager
Jenny Wong, City Auditor
Mark Numainville, City Clerk
Matthai Chakko, Assistant to the City Manager

[1] Three of the City's five transportation planner positions will be vacant by December 3. Before January 1, 2023, the City Manager will share an off agenda memo that explains the impact of transportation-specific vacancies on existing projects and programs.

Attachment 1: Selected list of program, project, referral, and audit finding impacts

Project and Program Impacts

- Major infrastructure planning processes are 6+ months behind schedule, including comprehensive planning related to the City's Zero Waste goal, bicycle, stormwater/watershed, sewer, and streetlight infrastructure.
- Some flashing beacon installations have been delayed for more than 18 months, new traffic maintenance requests can take 2+ months to resolve, and the backlog of neighborhood traffic calming requests stretches to 2019.
- The City may lose its accreditation status by the American Public Works Association because of a lack of capacity to gain re-accreditation.
- Some regular inspections and enforcement of traffic control plans for the City's and others' work in the right of way are missed.
- Residents experience missed waste and compost pickups as drivers and workers cover unfamiliar routes and temporary assignments.
- Illegal dumping, ongoing encampment, and RV-related cleanups are sometimes missed or delayed.
- The backlog of parking citation appeals has increased.
- Invoice and contracting approvals can face months-long delays.
- The Janitorial Unit has reduced service levels and increased complaints.
- Maintenance of the City's fleet has declined, with preventative maintenance happening infrequently, longer repair response times, and key vehicles being unavailable during significant weather events.

Prior Direction Deferred or Delayed

- Referral: Expansion of Paid Parking (DMND0003994)
- Referral: Long-Term Zero Waste Strategy (DMND0001282)
- Referral: Residential Permit Parking (PRJ0016358)
- Referral: Parking Benefits District at Marina (DMND0003997)
- Referral: Prioritizing pedestrians at intersections (DMND0002584)
- Referral: Parking Districts on Lorin and Gilman (DMND0003998)
- Budget Referral: Durant/Telegraph Plaza, 12/14/2021
- Referral: Traffic Calming Policy Revision (PRJ0012444)
- Referral: Public Realm Pedestrianization Opportunities (PRJ0019832)
- Referral: Long-Term Resurfacing Plan (PRJ0033877)
- Referral: Street Sweeping Improvement Plan (DMND0002583)
- Audit: Leases: Conflicting Directives Hinder Contract Oversight (2009)
- Audit: Underfunded Mandate: Resources, Strategic Plan, and Communication Needed to Continue Progress Toward the Year 2020 Zero Waste Goal (2014)
- Audit: Unified Vision of Zero Waste Activities Will Help Align Service Levels with Billing and Ensure Customer Equity (2016)

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SUPPLEMENTAL AGENDA MATERIAL

for Supplemental Packet 2

Meeting Date: **June 15, 2021**

Item Number: **3**

Item Description: **Systems Alignment Proposal**

Submitted by: **Councilmember Sophie Hahn**

This Supplemental offers suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guildelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.

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CONSENT CALENDAR
June 15, 2021

To: Honorable Mayor and Members of the City Council
From: Councilmember Sophie Hahn (Author)
Subject: Systems Alignment Proposal

COMMENTS ON SYSTEMS REALIGNMENT

My Frame for Systems Realignment: *Systems Aligned to Support Change*

We are in a time of rapid change both locally and globally. The impacts of climate change, globalization, and inequality; growing threats to democracy; and the rise of a new generation of leaders illustrate that change is both a fact and an imperative.

Berkeley has been and should continue to be on the cutting edge of that change, and our legislative processes as well as our City organization must be designed to do more than just manage the status quo, with change viewed as a threat, cost, or nuisance. *Our systems must be aligned to stimulate, support, and implement meaningful change across all sectors - quickly.*

With that framing in mind, I believe the legislative process in Berkeley should be designed to support Councilmembers and the Mayor in producing and passing legislation that addresses important local concerns as well as value-based issues with both local and broader impact. Some legislation may simply strengthen the City of Berkeley as an organization - improving the basic functions and services we provide to our community. Other legislation is designed to address city, community, regional, national, and sometimes global needs, values and priorities.

Because of the City's commitment to progressive and democratic principles and its role as a leader and innovator across many sectors, legislation will often push the envelope, which I believe requires a nimble, can-do City organization. While logistics, staffing, costs and other elements of feasibility and implementation are key to the ultimate success of any new policy or program, I view the exploration of these questions as a supporting rather than driving force for legislation; internal feasibility under the status quo should not be an end unto itself.

Systems Aligned to Support Excellence and Effectiveness in Change:
While I believe change is an imperative and innovation should be core to our City systems, I also know that not every idea brought forward is ultimately optimal, relevant, or feasible. We are much more than an incubator for ideas and concepts - we serve a real community and must balance a wide variety of needs and viewpoints with every decision we make. I believe our systems must therefore be aligned to ensure new programs and policies are thoroughly researched, revised, and vetted for Berkeley - to meet the needs of our community without overwhelming the City organization. If the Council has priorities for which funds or capacity are not currently available, we must identify resources to build capacity.

To achieve these goals in this frame, I envision a process wherein major items of legislation that begin with the well-researched and articulated proposals of one or a few councilmember/mayor-authors are progressively reviewed and improved with input from stakeholders, members of the public, City staff and Council colleagues.

The end result should be high quality, relevant, thoughtfully tailored and right-sized programs and policies accompanied by realistic assessments of the resources required for successful launch and implementation. City staff, with their subject matter expertise and knowledge of operations play a uniquely important role in contributing to legislative success, and should actively partner throughout the process, *with progressively increased levels of input and participation as legislation is moved forward.*

The adoption of Guidelines for legislative items and the implementation of the Committee system provide a good foundation. By clarifying expectations and improving the value we derive from our existing processes we can avoid bogging things down with too many steps.

The following are my suggestions for a legislative process better aligned with the goal of creating and supporting meaningful and effective change. Our current system is strengthened by (1) supporting the completeness of Major Items as introduced by Authors by requiring adherence to the existing Guildelines, and (2) significantly strengthening the Committee process - to support robust analysis and community/stakeholder consultation and ensure items moving forward to Council include realistic estimates of resources required related to launch and implement new programs and policies.

Proposed Systems Alignment Improvements for Major Items:

PROCESS ELEMENT	CONTENT	NOTES
MAJOR ITEM SUBMISSION	***Strongly encourage Authors to present Major Items in the full Guidelines format, which prompts for deep research, analysis and consultation***	
Define Major Item	Any law, program, or policy that represents a significant change or addition to existing law, program, or policy, and/or is likely to call for or elicit significant study, analysis, or input from the community, staff, or Council colleagues, and/or is likely to require significant new resources or staffing to implement .	Major items are, essentially, "Policy Committee Track" items (see Rules) that are routed to a Policy Committee because they are substantial. *The adoption of a definition for Major Items clarifies a practice that is already in place*. Some items are not "Major" because they propose less significant changes or additions to existing law, programs or policies. In addition, some Major Items may be routed directly to the City Council due to urgency ("Time Critical Track"). *All of this is already reflected in the Rules governing Policy Committees.*
Major Item Routing	Major items may originate with Councilmembers, the City Manager (often as referral responses), or Commissions. Major Items generally should be routed to a Committee to be reviewed by Committee members and, if necessary, revised, with input from stakeholders, the public, and City staff.	Currently, only Councilmember/Mayor items are subject to review by Policy Committees. *The Rules should be amended to require all Major Items, regardless of where they originated, to be reviewed in Committee* unless they fall under the Time Critical Track or another exception.
Make **Guidelines Mandatory** for presentation of Major Items for review	Council/Mayor and Commission authors of Major Items should present their items in accordance with the Guidelines at Appendix B of the City Council Rules of Procedure and Order. Authors should make a good faith effort to undertake the research, analysis and consultation necessary to complete all sections in substance.	Need to specify format for "non-Major" items.
Staff Consultation is encouraged, but not required at the initial	Councilmembers and the Mayor are encouraged to consult with Staff before presenting Major Items, but may choose to engage with staff later, through the Committee process.	Staff should keep confidential and seek to support the positive development of ideas and initiatives of electeds who reach out for initial

development of a legislative item.		input. Concerns, if any, should be addressed with a problem-solving lens.
City Attorney Consultation	Authors should submit Major Items for preliminary review by the City Attorney to determine if there are any legal implications - which may need to be addressed before the item is submitted or could be developed/addressed later. The author should state in the section on consultation that the City Attorney has been consulted.	Not all items have legal implications. The City Attorney's role at this juncture would be to identify whether there are legal considerations, or not. If there are, the Author can work with the City Attorney's office to determine if the issues can be avoided/addressed, or if the legislation may not be possible/advisable.
Agenda Committee makes an initial determination of whether an Item is "Major" and will be referred to a Committee, with input from the Author(s).	*This tracks the current practice* - except that with an adopted definition of a Major Item the determination to send an item to Committee will be made according to more clearly articulated, objective standards.	Per the existing rules, proclamations, sponsorships, ceremonial and similar items; Time Critical Items; and "Policy Track" items that are complete and have minimal impacts are currently *not* referred to Committees. *This practice will be unchanged.*
The Agenda Committee may **require a Major Item not presented and/or fully rendered according to the Guidelines to be more amply developed** before being sent to Committee.	Authors of Major Items should do substantial research, analysis, and consultation before sending them to a Committee for further input and development. The Agenda Committee should be authorized to request that a major item not presented according to the Guidelines, or not substantially meeting the requirements, be further developed by the Author(s) before being sent to Committee.	Analysis should go beyond diagnosing the problem to be solved and focus on explaining and understanding the specific solutions/policies/programs being proposed, as well as alternatives considered.
Appeal/Override of Agenda Committee recommendation to revise Major Item before submission to a Committee	Authors should be offered the opportunity to discuss an Agenda Committee recommendation to rework a Major Item at the time the recommendation is made. If, after discussion, the lead author disagrees with the Agenda Committee's request for further elaboration according to the Guidelines, the item may be referred to a Committee "as is" with a note that the Agenda Committee had requested the item be revised.	Authors should have a means to appeal a decision of the Agenda Committee to send an item back to the author for revision/expanded research, analysis or consultation and still move their items forward if they disagree with the request.
Major Items that are Complete go to Committee (or items that are incomplete but subject to an override)	*Per existing rules*, Major Items will be routed to a policy committee unless an exception applies.	Exceptions are already listed in the Rules.

MAJOR ITEM COMMITTEE REVIEW	***Clarify and significantly improve process and substance of Major Item review @ Committee, including development of a preliminary launch and implementation plan and associated costs***	
Committee hears Major Item more than once - First hearing includes development of a plan for review	As a general matter, Committees should plan to schedule Major Items to be heard more than once. At the first hearing, the Committee should discuss the level of analysis and consultation envisioned, identify specific stakeholders and questions Commitee members would like to explore, and sketch a process for moving the item forward over several Committee meetings.	Depending on how complex and significant the Major Item appears to be, the Committee can plan out its process of review and consultation.
Committee reviews specific elements of the proposed Major Item	The Guidelines require, under bullets 5-9, (5) full background on the problem/issue to be addressed, (6) the existing regulatory/legal framework, (7) potential alternative solutions to address the identified concern, (8) consultation with stakeholders, and (9) a rationale for the recommendation. Each of these sections should be specifically agendized for discussion (can all be same day, but should be individually considered) to ensure robust consideration of the legislation as proposed.	By requiring the Committee to focus on each of these elements as a baseline review, Committee members are encouraged to do a deep dive into the basis, rationales and alternatives for the Major Item.
Committee identifies and does specific outreach to Stakeholders and Experts	The “public” is always welcome at Committee Meetings. In addition to general public notice, the Committee in its first meeting to review a Major Item should identify stakeholders and experts who may have valuable input. If needed, those individuals/groups should be invited by the Committee to share their perspectives. Staff can support outreach to ensure identified stakeholders and experts are aware of the opportunity to comment.	Sectors/individuals that are supported or otherwise impacted by new policies and programs are well positioned to provide useful comments and input for the Committee. Subject matter experts may also be helpful to hear from.
Staff input is agendized and includes preliminary review of Launch and Implementation	Staff is encouraged to provide input and answer questions throughout the Committee process. Staff should be encouraged to volunteer comments and Committee Chairs should call on staff to ensure time is provided for their comments throughout the process. *In addition, a specific time for staff input should be agendized.* The Staff presentation should include *preliminary review of staffing and budget/resource needs for both Launch and Implementation.*	Launching a new program or policy and running it are two different undertakings. Staff should specify what will need to be in place to LAUNCH (development of regulations, preparation of informational mailings, website updates, back-end systems, funding, etc.) and to RUN/IMPLEMENT new programs and policies over the long run.

Manage/reduce **Staffing of Committees**	With a better articulated “plan” for Committee review of Major Items, staffing of meetings can be more closely managed to reduce waiting time for staff members/City Attorney when not needed for one or another matter.	Only need Clerk + Staff Lead - Chair can work with Staff Lead to bring other Staff into discussions on as-needed basis. The City Attorney may be able to be on standby for advice when presence is not required.
Major Item moves forward to Council (all recommendations)	Lead Author must revise/update item to include information about resources required for Launch and Implementation of the Major Item, and to reflect any other changes, before submission to City Council.	
Major Item gets **passed by Council**	Goes to Budget Implementation Conference, or vote no and it’s over	

Background Material
Attachment 2b

Kate Harrison
Councilmember District 4

REVISED AGENDA MATERIAL
for Supplemental Packet 2

Meeting Date: **June 15, 2021**

Item Number: **3**

Item Description: **Systems Alignment Proposal**

Submitted by: **Councilmember Harrison**

The attached item includes Councilmember Harrison's comments about the proposed Systems Alignment Proposal as well as an alternative proposal.

It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.

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Kate Harrison
Councilmember District 4

CONSENT CALENDAR
June 15, 2021

To: Honorable Mayor and Members of the City Council

From: Councilmember Harrison

Subject: Comments and Alternative Systems Alignment Proposal

COMMENTS AND ALTERNATIVE PROPOSAL

At the October 2019 Council retreat, the Council and the City Manager discussed various approaches to better align the legislative process to budget and implementation resources. These considerations are important and merit Council consideration and possible action. However, the proposed solution from the City Manager would also limit the voice of the public and the Council by restricting the time period for Council referrals to only four months per year.

At a Worksession on May 18, 2021 dedicated to the Systems Alignment proposal, the Council heard overwhelming public comment strongly opposed to such an approach.

A better solution lies in reexamining and modifying certain elements of the Policy Committee process as opposed to overhauling fundamental elements of Council duties.

This Supplemental discusses the shortcomings of the proposal in greater detail and advances an alternative and simpler approach to “Systems Alignment” achieving the original objective of the October 2019 retreat without sacrificing and abdicating fundamental values and responsibilities.

A. The Proposed Systems Alignment Proposal Unduly Limits Council Duties and Responsibilities Under the City Charter

The City Charter provides that the City Council is the “governing body of the municipality” and “shall exercise the corporate powers of the City, and… be vested with all powers of legislation in municipal affairs adequate to a complete system of local government.”

However, the proposal subjects “new significant legislation” to a labyrinth of new bureaucratic processes that will invariably and unduly limit the democratic organ of city government—the City Council—which is directly answerable to the will of the people.

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The following list provides a non-comprehensive overview/discussion of the ways the current Systems Alignment Proposal could violate the letter and spirit of the Charter:

- The proposal limits Council from submitting "new significant legislation" to four months out of the year, effectively making the Council only responsive to the people's "significant" needs on a part-time basis as any legislation that misses the deadline is inactive for the remainder of the year. Not only does this violate the necessity of providing the Council with "all powers of legislation in municipal affairs," but it appears to contradict the voter's will pursuant to Measure JJ, wherein they reaffirmed the scope and appropriate renumeration of Council's myriad legislative and oversight responsibilities.

- The determination of which legislation will be subject to additional scrutiny and processes is based on *subjective* findings by the Agenda Committee in consultation with the City Manager. This is in contrast to alternative approaches, such as those adopted in other cities, which rely upon *objective* measures such as the consideration of a piece of legislation's budgetary or staffing implications informed by thorough discussion and investigation by Policy Committees. Furthermore, pursuant to the Council's historic rules of procedures, *subjective judgements* of legislation are appropriately the purview of the Council as a whole, not subcommittees. The current proposal adopts an inherently conservative and subjective framework that judges all legislation by whether it "represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff." Legislation meeting that definition is then subjected to lengthy bureaucratic processes of more than a year.

  In short, the proposed framework stands in contrast to the current Policy Committee system, whereby subcommittees are tasked with improving the quality, thoroughness and comprehension of legislation, as opposed to a subjective consideration and determination of whether a given policy change is merited largely within the narrow confines of considering limited budget and staff resources.

- Under the Charter, the Council is responsible for adopting a biannual budget. However, the proposal limits Council's ability to adopt significant new legislation with budget implications at only one of the two primary budget processes per year.

- Legislative consultation with City staff is absolutely necessary. But the proposal encourages authors to "initially consult[] with the City Manager or city staff regarding their proposed Major Item and [note] the substance of those conversations, and initial staff input" before the item is even introduced. This system could potentially create an inappropriate layer of staff power over Council legislative prerogative, a division that the Charter is very clear about.

- The proposal requires that items align with Strategic Plan goals. While these goals are important and represent a snapshot of Council and City Staff's vision for the city, they do not necessarily represent the totality of the people's will as expressed

through their elected representatives at any given time.

- The Council is artificially constrained from acting upon legislation receiving an unfavorable review at the Policy Committee level. Council is reduced to a choice between proceeding through the next phase, or to vetoing a matter for the remainder of the legislative calendar if a policy committee forwards a negative recommendation. Currently, under the committee system, items not acted upon in committee withing 120 days are forwarded to the Council. In this way, the proposal violates the Charter by imposing unreasonable hurdles to the exercise of "all powers of legislation in municipal affairs adequate to a complete system of local government."

- The proposal states that all significant legislation must be submitted by April 30, and City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year. This raises the question of what the Council is engaged in for the majority of the year?

- Implementation Conferences, while a good idea, are currently crafted in a way that they will delay items unnecessarily and remove discussion of budgetary impacts from the substantive discussion by policy committees. Furthermore, the proposal imposes an artificial limit with respect to holding Implementation Conferences to once per year, which will further constrain the Council's legislative obligations.

- After the implementation conference, Policy Committees are required to provide an additional subjective consideration of major items through prioritization. This is late in the life of an item. Additionally, under this proposal, the Council is expected to once again rank significant items as part of the RRV process (behind closed doors), despite the items having already endured the lengthy Systems Alignment process and final Council approval.

- When an item fails to receive Council approval, the author is barred from resubmitting it until the following year.

B. Alternative Systems Alignment Proposal

This item presents a simpler and less disruptive Systems Alignment proposal that conforms to the existing Council and Policy Committee processes and prioritizes research and investigation of items with significant budgetary and staff implications in order to better inform Council's decision-making process as opposed to hard limits on legislation:

1. To address the backlog of outstanding items that may impact staff resources and availability to implement Council and other citywide priorities, the Council should immediately direct Policy Committees to review all such referrals and items in staff's queue for which implementation work has not yet begun.

Upon this review, Policy Committees would be tasked with making a recommendation to the full Council to modify or reconsider certain items in the queue.

Next, the Council should schedule worksessions (outside of the RRV process) to consider Policy Committee recommendations in a public forum and prepare a Resolution potentially dispensing with and/or reprioritizing items in the queue.

In totality, this process would contribute to streamlining the existing queue, and facilitate staff resources for implementation and development of other new and existing legislative items. In sum, through revisiting the existing queue, Council can continue to conduct substantial legislative work throughout the year.

2. The Council should revise Policy Committee process with respect to the budget and legislative implementation.

   Specifically, to address potential incongruity between Council items with significant budget implications, the Council should modify its Rules of Procedure to task Policy Committees (not the Agenda Committee) with making an initial and objective determination of whether a prospective item has significant budget and/or staffing impacts (**See Attachment 1** for a detailed flowchart of the Alternative Proposal):

   - Upon an insignificant budget determination, the item and any related budget referral would proceed through the normal Policy Committee track process on a maximum 90-day timeline.

   - Upon a significant determination, the item would be placed on a different Policy Committee track such that the Policy Committee would have a maximum of 120 days to research and investigate the budget and staffing implications of the item, any related budget referral, and policy implications, in order to *inform* Council's ultimate consideration. As part of the 120 day process, the Committee would facilitate an Implementation Conference hearing(s) with City staff, the author, and Committee members in order to prepare an Implementation Report.

   - Once the Committee has made its policy recommendation and finalized its Implementation Report, the item would proceed to the Agenda Committee for scheduling at Council.

   - Upon Council adoption of items with either significant or insignificant budget/staffing implications, the budget aspect of the item would proceed to either the June or November budget process pursuant to Council-established deadlines for consideration of budget items. For example, the

Council could establish deadlines of May and October for the respective budget processes. Therefore, the Budget Committee would only consider budget items that were passed ahead of the respective deadlines. Those that miss the deadline or are ultimately unfunded would be automatically carried over to the next budget process.

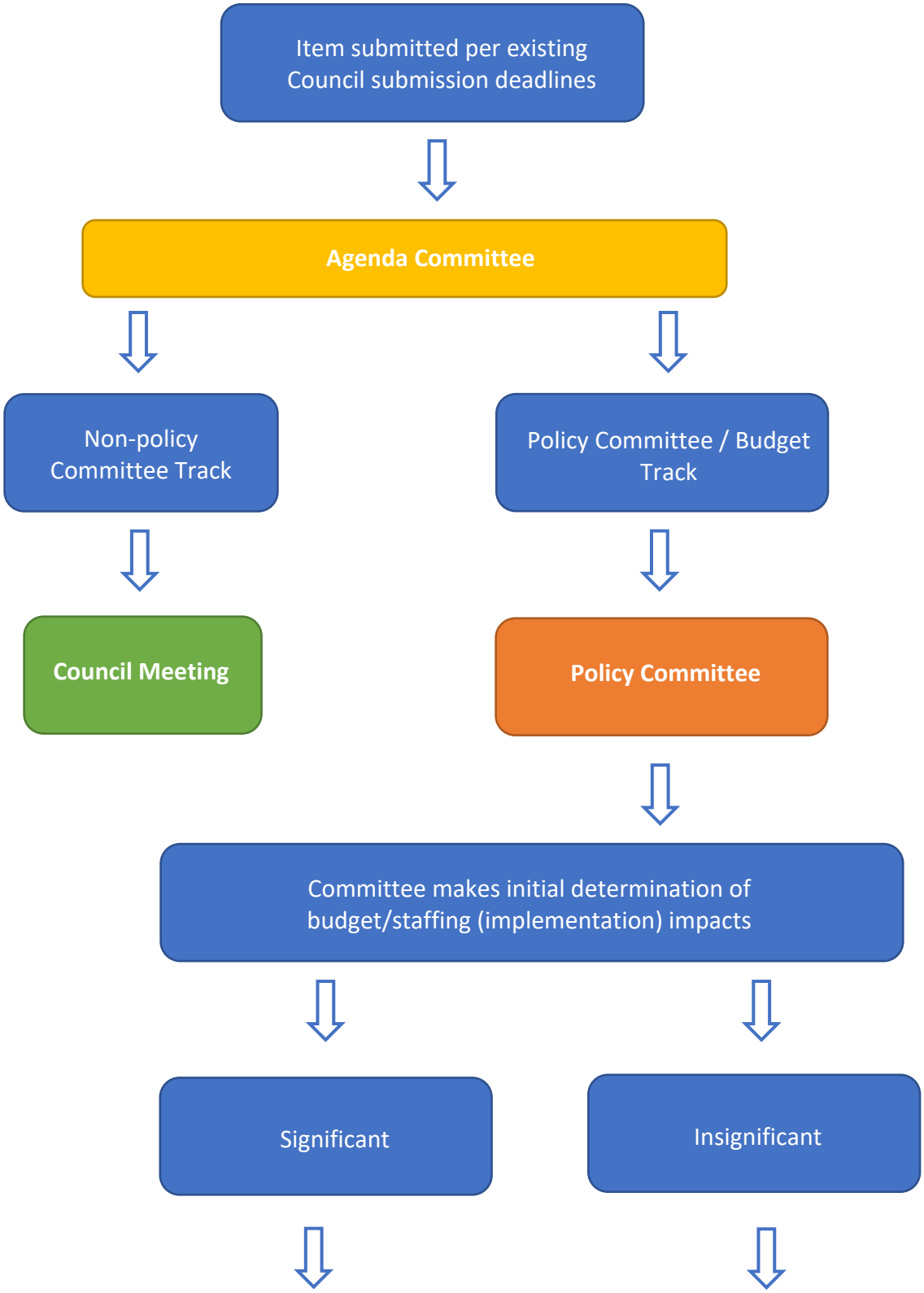
This alternative proposal would achieve the important goal of aligning Council items with significant budget and staff impacts with legislation in an objective way that is not detrimental to the Council's obligations under the Charter.

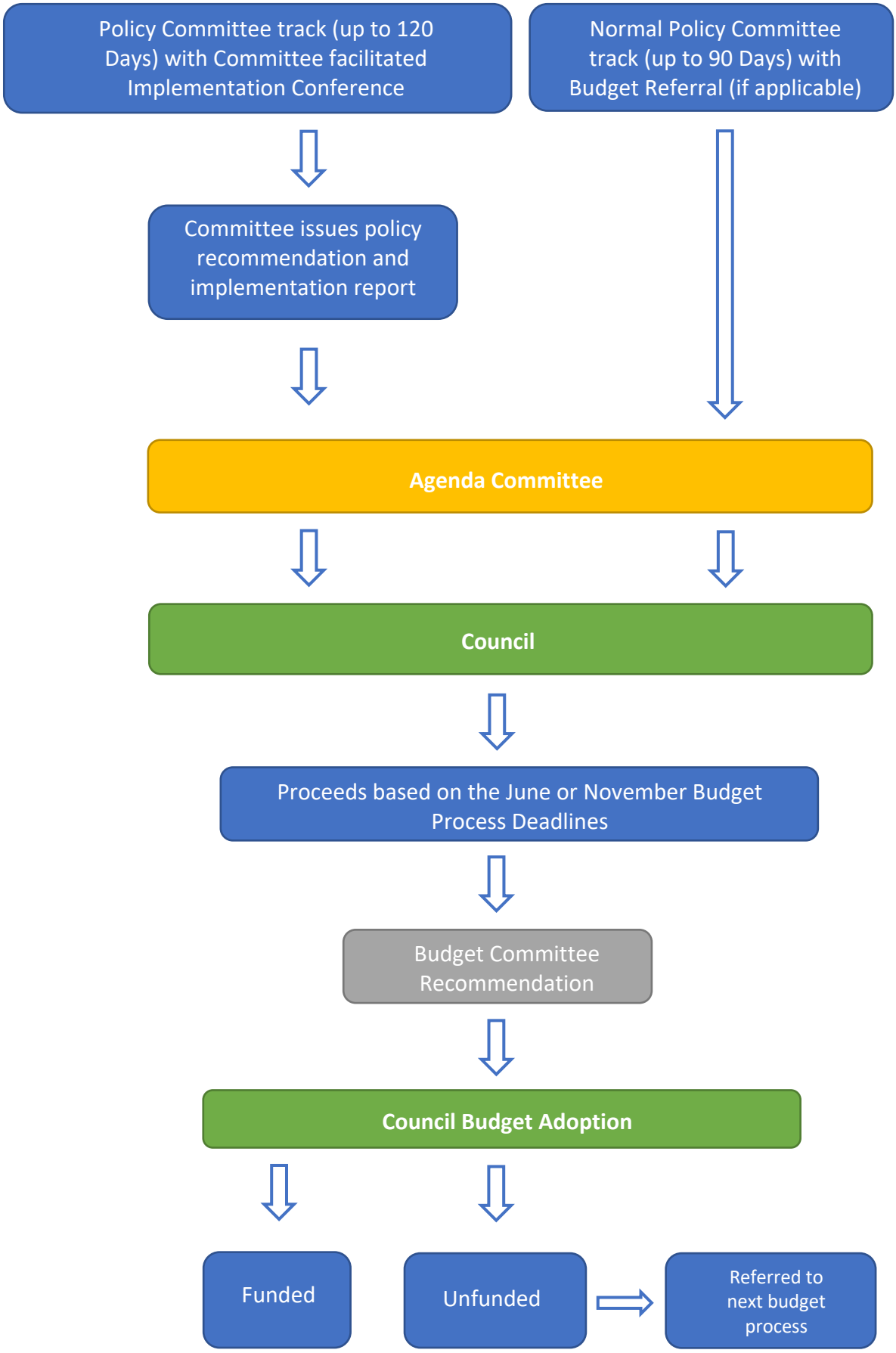
It is in the public interest that the Council consider this alternative proposal as part of the Mayor's development of a revised proposal for discussion and adoption at a later date.

CONTACT
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ATTACHMENTS:
1. Flowchart of Alternative Systems Alignment Proposal

Alternative Systems Alignment Proposal




Policy Committee track (up to 120 Days) with Committee facilitated Implementation Conference
Normal Policy Committee track (up to 90 Days) with Budget Referral (if applicable)
Committee issues policy recommendation and implementation report
Agenda Committee
Council
Proceeds based on the June or November Budget Process Deadlines
Budget Committee Recommendation
Council Budget Adoption
Funded
Unfunded
Referred to next budget process

Office of the City Manager

CONSENT CALENDAR
June 15, 2021
(continued from May 18, 2021)

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION
Review the proposal for systems alignment and provide edits and suggestions in order to compile Council feedback for the purpose of drafting a revised proposal for adoption.

SUMMARY
The City Council discussed the Systems Alignment proposal at a Worksession on May 18, 2021. The item was continued to June 15 to allow Councilmembers to submit suggestions and changes to the original plan. The Mayor will consolidate the input from the Council and the public and return with a revised proposal for discussion and adoption at a later date.

FISCAL IMPACTS OF RECOMMENDATION
While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation[1] (Major Item).

CURRENT SITUATION AND ITS EFFECTS
This report proposes a process to integrate various systems (e.g., budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve

[1] New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf.

vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

PROPOSED PROCESS

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of "type" or origin will be subject to this process.

Step 1: Major Item Determination

The systems alignment proposal outlines a process for Major Items.

Defined in Council Rules of Procedure

Major Items are "new significant legislation" as defined in Appendix D of the City Council Rules of Procedure:

> Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

> New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response[2], including but not limited to health and

[2] If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

Required Conformance and Consultation
All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

Required Submission Date
A Major Item must be submitted in time to appear on the agenda of an Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year's legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis.

Step 2: Policy Committee Review
A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the *Council Rules of Procedure*,[3] the Policy

[3] https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf

Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year.

Step 3: Implementation Conference (Vetting and Costing)
At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and the City Attorney or designee.

Identifying Fiscal, Operational and Implementation Impacts
The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
    - Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
    - Summarizes and confirms what was learned from consultation,
    - Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,[4]
- *Implementation, Administration, and Enforcement*, which
    - Identifies internal and external benefits and impacts, and

[4] While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

    - Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
    - Summarizes any operational impacts,
    - Identifies necessary resources, including specific staff resources needed and costs.[5]

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

Revising the Major Item

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

Step 4: Initial Prioritization

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and Strategic Plan process.

Step 5: City Council Approval and Final Prioritization

Under this proposal, all Major Items that the City Council considers for approved prioritization must have:

1. Received a City Council Policy Committee review and recommendation,
2. Received a City Council Policy Committee prioritization,
3. Completed the Implementation Conference, and
4. Been placed on the Agenda for a regular of special Council meeting in October for approval and inclusion in the RRV process.

[5] Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

If a Major Item *does not receive the endorsement* of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its Major Items approval, and RRV process no later than the final meeting in December of each year.[6] This ensures that staff is able to develop the budget starting from and based on Council priorities.

Step 6: Budget & Strategic Plan Process

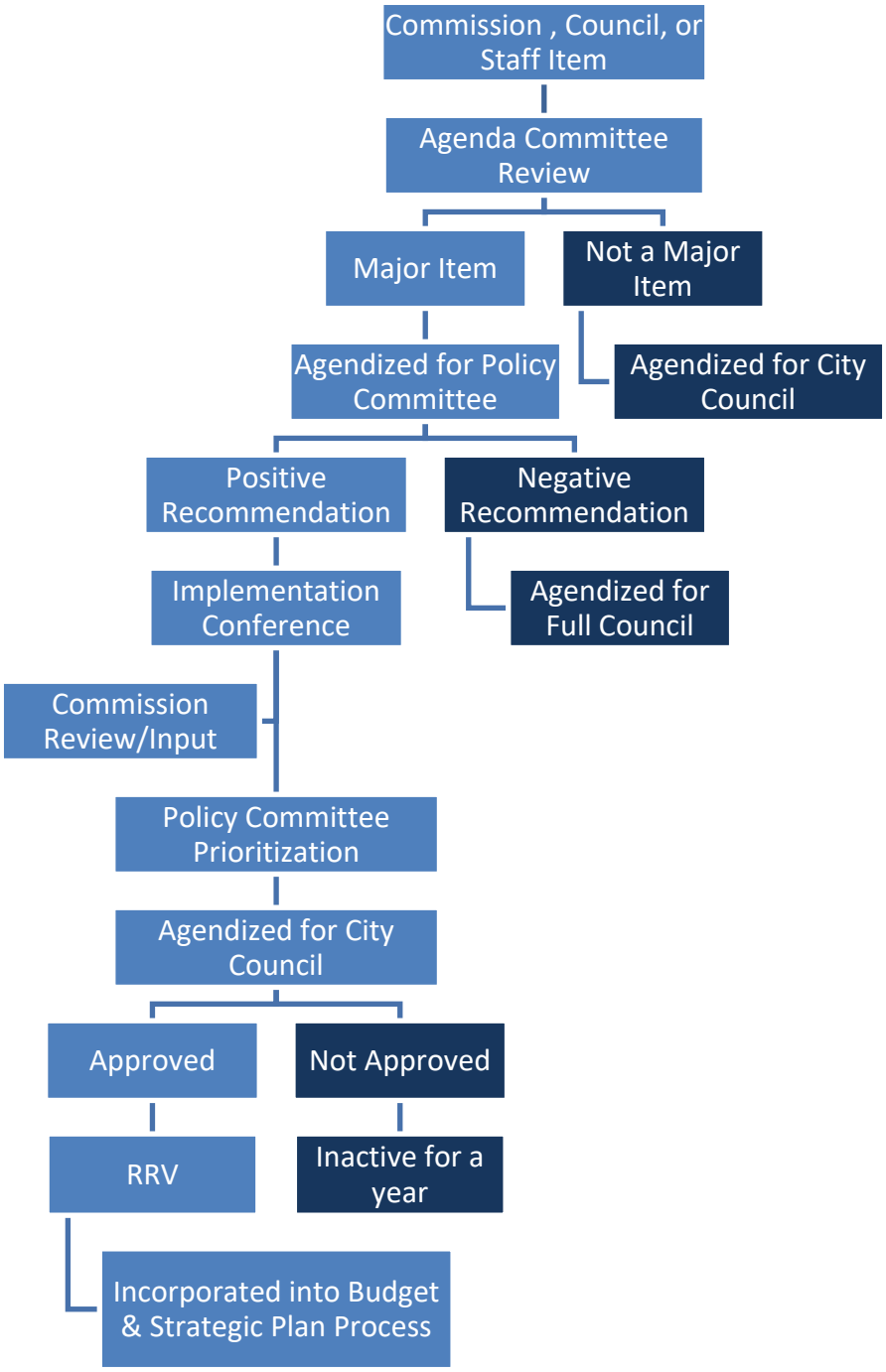
The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain biennual. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

[6] Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

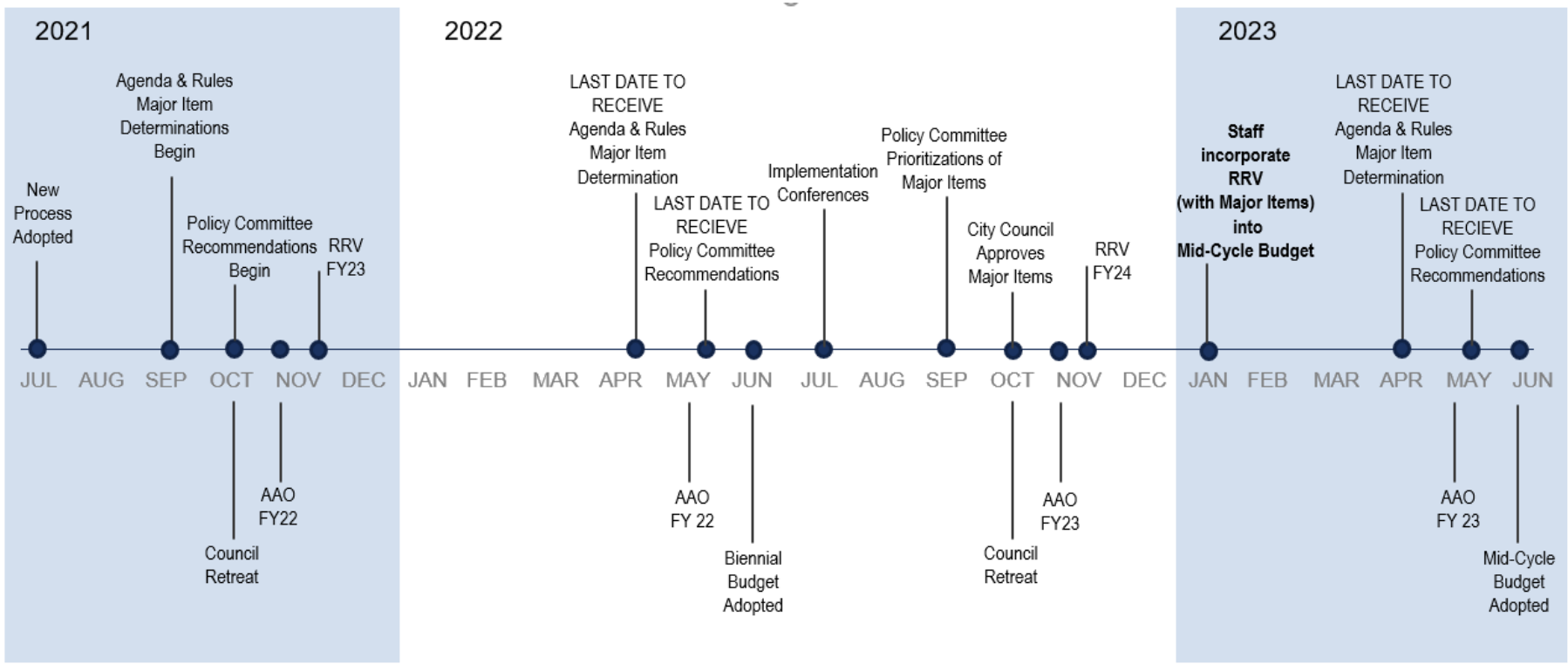
Figure 1, Proposed Process[7]



[7] Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.

Office of the City Manager

Figure 2, Proposed Launch



Office of the City Manager

Next Steps
Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input< into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

Benefits
The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. Finally, since implementation only occurs after operational considerations are reported, and funds are

allocated, the resulting Major Item should move more quickly from idea to successful completion.

BACKGROUND
In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

ENVIRONMENTAL SUSTAINABILITY
By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

RATIONALE FOR RECOMMENDATION
The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

ALTERNATIVE ACTIONS CONSIDERED
At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

CONTACT PERSON
David White, Deputy City Manager, (510) 981-7012

Attachments:
1: Major Item Determination Checklist
2: Council Report Template and Implementation Conference Worksheet
3: Policy Committee Ranking Form
4: Vice Mayor Droste Supplemental

Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

Yes	No	
☐	☐	Item represents a significant change to existing law, program, or policy.
☐	☐	Item represents a significant addition to existing law, program, or policy.
☐	☐	Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public

Is this eligible for an Exemption?

Yes	No	
☐	☐	Item is related the City's COVID-19 response.
☐	☐	Item is related to the City Budget process.
☐	☐	Item is related to essential or ongoing City processes or business.
☐	☐	Item is urgent.
☐	☐	Item is time-sensitive.
☐	☐	Item is smaller.
☐	☐	Item is less impactful.

Agenda Committee Determination:

☐ Major Item ☐ Exempted

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

Policy Committee Confirmation:

☐ Determination Confirmed ☐ Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

DRAFT

[First Lastname]
Councilmember District [District No.]

[CONSENT *OR* ACTION]
CALENDAR
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution…
or Support …
or write a letter to ___ in support of _____…
or other recommendation….

~~FINANCIAL~~ FISCAL & OPERATIONAL IMPACTS ~~IMPLICATIONS~~

This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.

CURRENT SITUATION AND ITS EFFECTS

For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:
[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

DRAFT

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.

BACKGROUND

INITIAL CONSULTATION

This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]
1: Resolution
Exhibit A: [Title or Description of Exhibit]
Exhibit B: [Title or Description of Exhibit]
2: [Title or Description of Attachment]
3: [Title or Description of Attachment]

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

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.).

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.).

Exhibits **[Delete if there are NO exhibits]**
A: Title of the Exhibit
B: Title of the Exhibit

Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

Descriptive title:
Is this for Consent, Action, or Information Calendar?
Recommendation:
Summary statement:
Background (history, circumstances and concerns to be addressed by the item):
Plans, programs, policies and/or laws were taken into consideration:
Actions/alternatives considered:
Internal stakeholders consulted:
Name/date of Commission(s) item submitted to for input:
List of external stakeholders consulted:

DRAFT

Summary of what was learned from consulting stakeholders:
Rationale for recommendation:
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Equity Considerations:
Launch and Implementation Milestones (see staff section)
Environmental Impacts:
Operational Impacts:
Staff Resources Needed: Number of FTE/hours: Type of staff resource needed:
Costs: Amount(s): Funding Source:

DRAFT

STAFF SECTION

Staff may complete section to provide required information for the report.

Estimated Launch/implementation Deliverables/Dates:	
Month/Year	*Deliverable*
Estimated Administration Deliverables/Dates:	
Month/Year	*Deliverable*

Legal Consultation:

☐ Confirmed

Name/Date _____

Staff Consultation:

☐ Confirmed

Name(s)/Date(s) _____

DRAFT

Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M) or low (L). Then rank the list of priorities. The highest priority would be "1", the next highest "2" and so on.

Priority 1 is highest	**Major Item Name**	**Major Item Author**	**Considerations** H high M medium L low		
			Staff Resources	**Cost**	**Benefits/ Savings**

Policy Committee Determination:

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

DRAFT

Lori Droste
Vice Mayor District 8

SUPPLEMENTAL AGENDA MATERIAL
for Supplemental Packet 3

Meeting Date: May 18, 2021

Item Number: 2

Item Description: Systems Realignment

Submitted by: Vice Mayor Lori Droste

Subject: Comments on Systems Realignment

Lori Droste
Vice Mayor District 8

To: Mayor and Council
From: Vice Mayor Lori Droste
Subject: Comments on the Systems Realignment

P. 13- what is “smaller” and “less impactful” and how is that determined?

P. 14- the council item template should include a problem definition and frontload the evidence (background, consultation, review) and include criteria considered. Strategic plan alignment, fiscal and operational impacts, environmental sustainability can be embedded under this heading. I would also argue that “Benefit” or “Effectiveness” should be included in Criteria Considered. Also, equity and administrative feasibility are separate criteria to be considered. Council is not involved in enforcement so I recommend that it be eliminated. Furthermore, as currently written the Current Situation and Its Effects describes the Strategic Plan goals and not the status quo situation.

General Template Outline:

1) Recommendation
2) Problem Statement
3) Background and Consultation
4) Current Situation and Its Effects
5) Criteria Considered (*new heading*)
    a) Benefit or Effectiveness (*new*)
    b) Fiscal Considerations
    c) Strategic Plan Alignment (pick a goal)
    d) Environmental Sustainability
    e) Equity
    f) Operational and Administrative Considerations *(moved operational considerations to a separate category)*
6) Rationale for Recommendation (*new)*

P. 15 Implementation Conference Worksheet
I recommend reducing the amount of redundant components in the implementation conference worksheet and specifying what “impact” means. Does it mean benefit? Does it mean tradeoff? In either case, I believe it is covered by other elements of this worksheet.

P. 19- There is no description of *how* policy committee members' rankings will be aggregated. Furthermore, the "ranking" is orthogonal and could be completely contradictory to the staffing, benefit, and costs. Scoring legislative items instead of ranking them will allow for easier prioritization. A cardinal voting system like this is more expressive, accurate and easier to understand. It also lessens vote splitting.

[CONSENT OR ACTION] CALENDAR [Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION Adopt a Resolution… or Support … or write a letter to ___ in support of _____… or other recommendation….

PROBLEM STATEMENT

This section should identify the problem with specifics and enough context to explain why it merits public amelioriation.

(Background and Evidence Should be Provided At the Beginning)

BACKGROUND **AND** INITIAL CONSULTATION This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

CURRENT SITUATION AND ITS EFFECTS

This section should explain the status quo and how it attempts to address the defined problem.

CRITERIA CONSIDERED

- FINANCIAL FISCAL & OPERATIONAL IMPACTS IMPLICATIONS This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

~~IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.~~ *Equity should be a standalone category separate from administrative feasibility. Rename this section Operational and Administrative Considerations*

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    - attract and retain a talented and diverse City government workforce.
- ENVIRONMENTAL SUSTAINABILITY

RATIONALE FOR RECOMMENDATION

This section should describe how the author landed on the recommendation using the criteria considered. This section can also describe other alternatives considered.

CONTACT PERSON
Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]
Attachments: [Delete if there are NO Attachments]
1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]
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Implementation Conference Worksheet

Descriptive Title
Consent Action or Information
Recommendation
Problem Statement
Background, etc
Plans, etc.
Current Situation and Its Effects
Actions/Alternatives Considered
Stakeholders Consultation and Results
~~Internal Stakeholders Consulted~~
~~Name/date of Commission(s) item submitted to for input~~
~~List of external stakeholders consulted~~
~~Summary of what was learned from consulting stakeholders~~
~~Rationale for Recommendation~~ *should go at the end after evaluative criteria*
Policy Benefit
~~Internal Benefits of Implementation:~~
~~Internal Impacts of Implementation:~~
~~External Benefits of Implementation:~~
~~External Impacts of Implementation:~~
Equity Considerations
Environmental Considerations
Operational Impacts
Strategic Plan Goal Alignment
Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):
Costs (Amount(s), Funding Source):
Rationale for Recommendation *(after analysis)*

Lori Droste
Vice Mayor District 8

SUPPLEMENTAL AGENDA MATERIAL
for Supplemental Packet 3

Meeting Date: May 18, 2021

Item Number: 2

Item Description: Systems Realignment

Submitted by: Vice Mayor Lori Droste

Subject: Comments on Systems Realignment

Lori Droste
Vice Mayor District 8

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Subject: [Brief Report Title (No underline and not all caps.)]

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CONTACT PERSON
Councilmember [First Last Name] Council District [District No.] 510-981-[XXXX]
Attachments: [Delete if there are NO Attachments]
1: Resolution Exhibit A: [Title or Description of Exhibit] Exhibit B: [Title or Description of Exhibit]
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Implementation Conference Worksheet

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Recommendation
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Background, etc
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~~External Benefits of Implementation:~~
~~External Impacts of Implementation:~~
Equity Considerations
Environmental Considerations
Operational Impacts
Strategic Plan Goal Alignment
Staff Resources Needed (Number of FTE/hours, Type of staff resource needed):
Costs (Amount(s), Funding Source):
Rationale for Recommendation *(after analysis)*

SYSTEMS ALIGNMENT

PROCESS PROPOSAL FOR VETTING & PRIORITIZING MAJOR ITEMS

THE TEAM

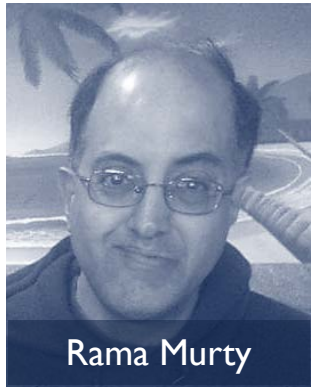






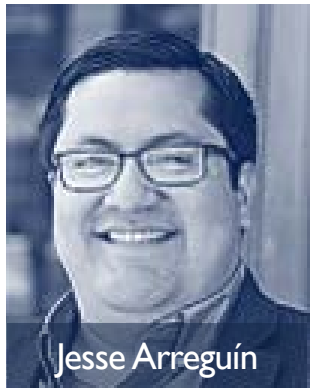








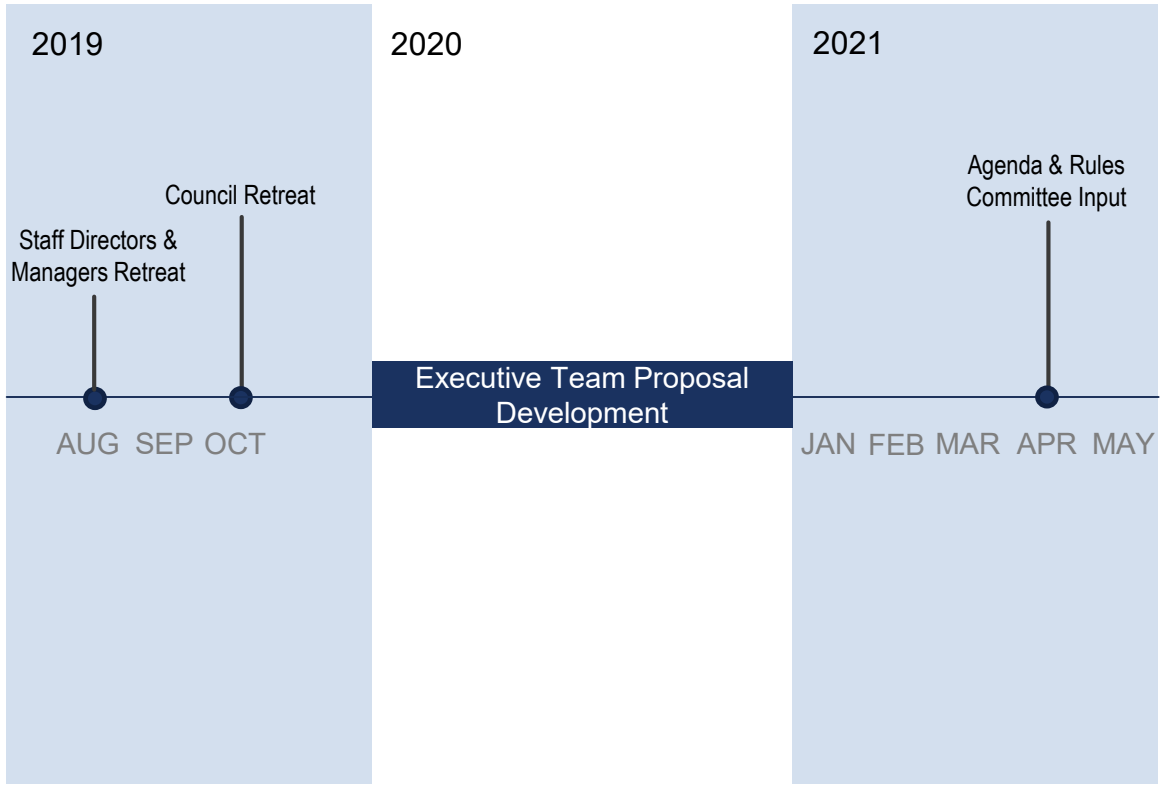
AGENDA & RULES COMMITTEE

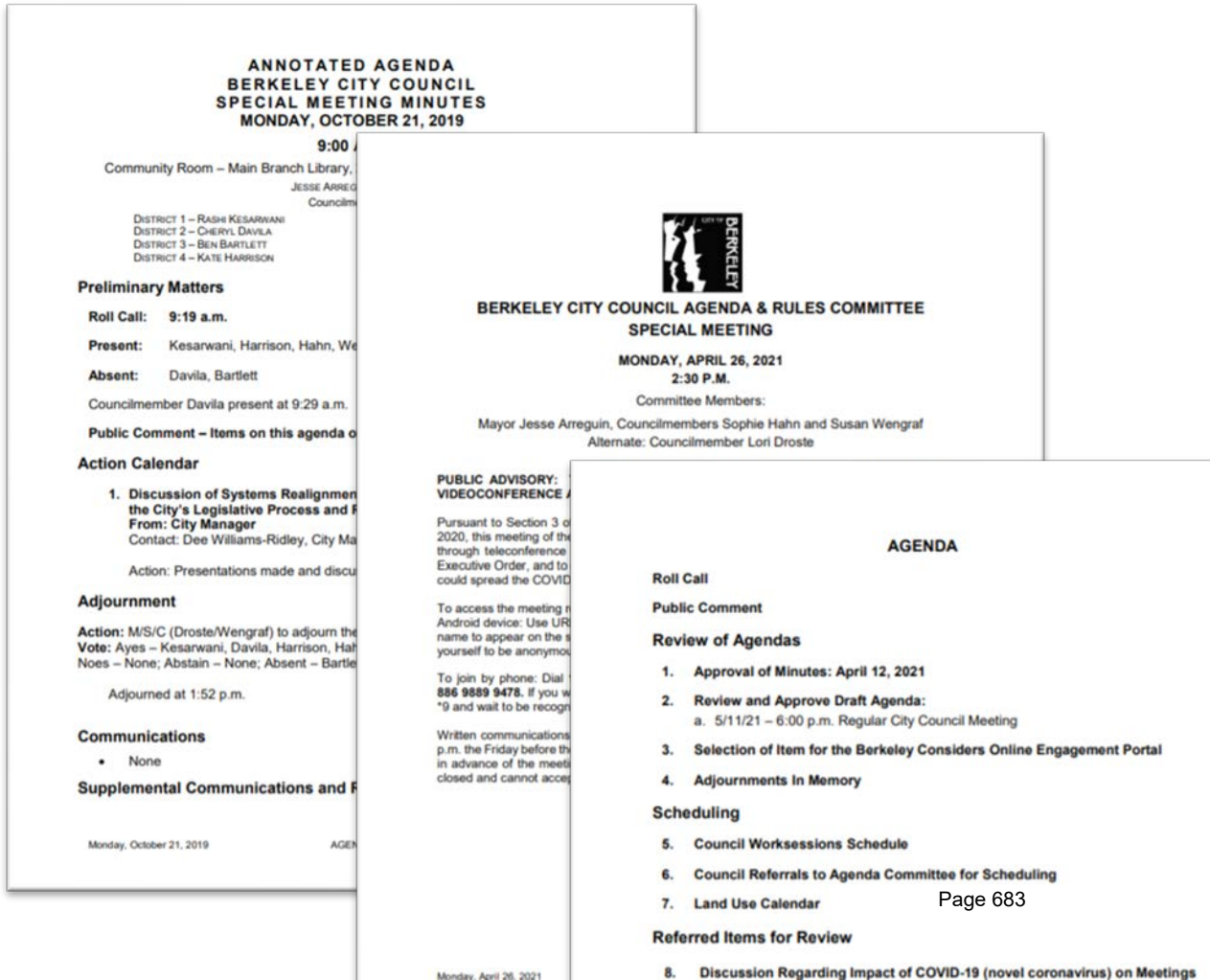






BACKGROUND





ANNOTATED AGENDA
BERKELEY CITY COUNCIL
SPECIAL MEETING MINUTES
MONDAY, OCTOBER 21, 2019

Preliminary Matters

Action Calendar

Adjournment

Communications

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

MONDAY, APRIL 26, 2021
2:30 P.M.

Committee Members:

Mayor Jesse Arreguin, Councilmembers Sophie Hahn and Susan Wengraf
Alternate: Councilmember Lori Droste

AGENDA

Roll Call

Public Comment

Review of Agendas

1. Approval of Minutes: April 12, 2021
2. Review and Approve Draft Agenda:
   a. 5/11/21 – 6:00 p.m. Regular City Council Meeting
3. Selection of Item for the Berkeley Considers Online Engagement Portal
4. Adjournments In Memory

Scheduling

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

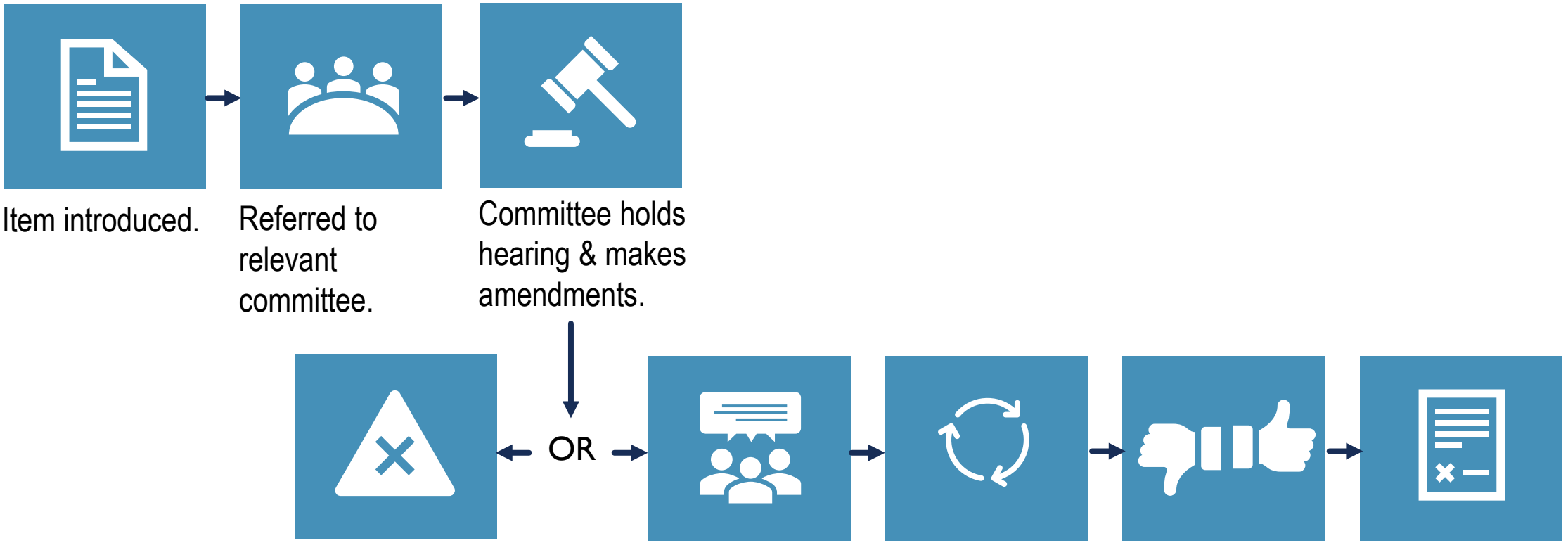
Referred Items for Review

8. Discussion Regarding Impact of COVID-19 (novel coronavirus) on Meetings

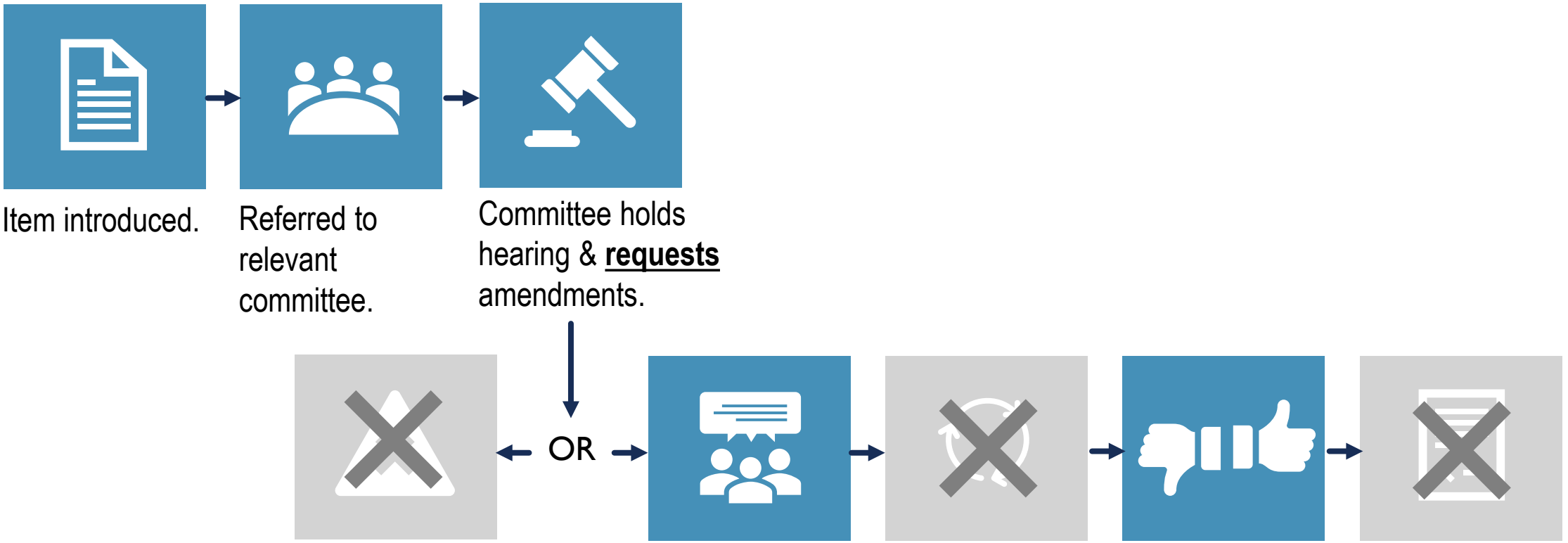
OBJECTIVES

- Align timing of Council approval and resource (budget) allocation
- Communicate resource needs (and any tradeoffs) well
- Ensure Council priorities are resourced and implemented

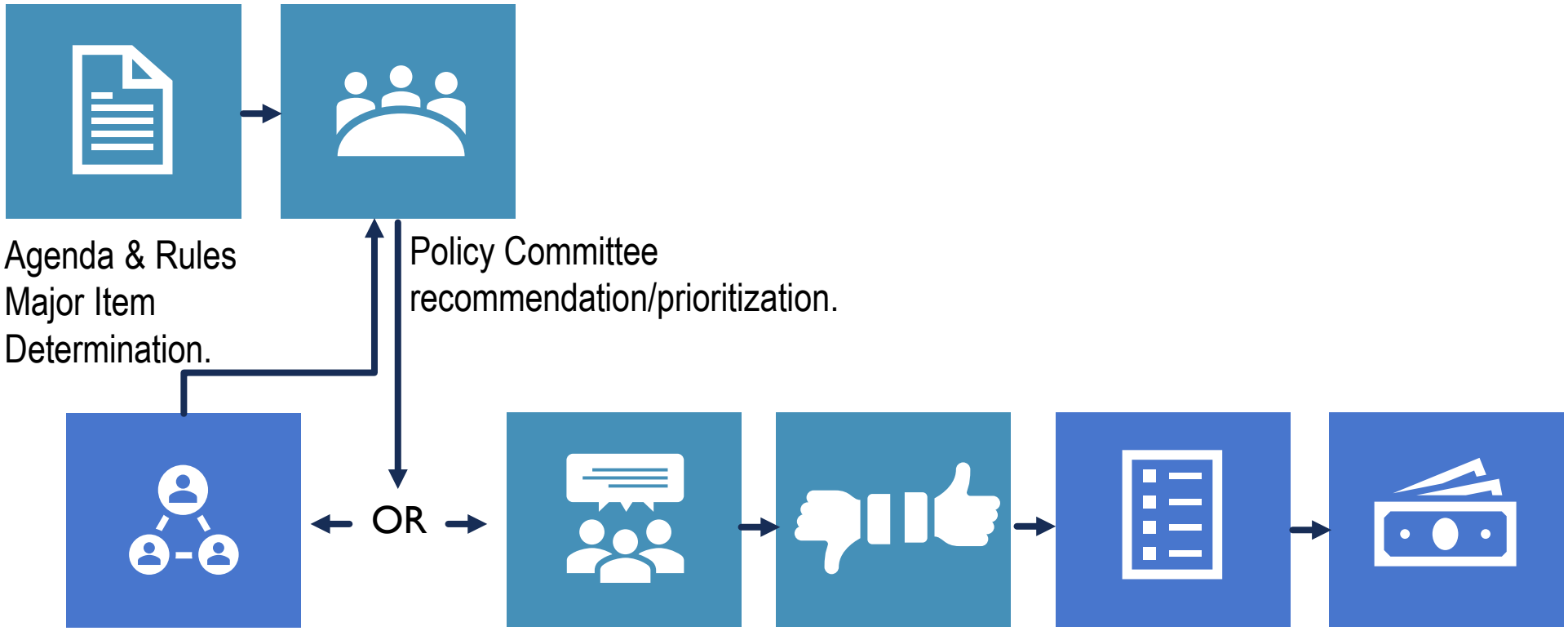
STATE OR FEDERAL MODEL



HYBRID MODEL



PROPOSED MODEL



IMPLEMENTATION CONFERENCE?

- What: Strong analysis and collaborative consultation
  - Identify costs\benefits
  - Identify resource needs
  - Outline high level work plan
- Who:
  - Commission Input (e,g, Chair or Vice Chair)
  - Staff & Legal
  - External Stakeholders
- How:
  - Ensure you've done your due diligence with the above
  - Meet with staff/legal



VETTING IS TIME WELL SPENT!

Cousin Janice

- Researched online, in magazines
- Talked to friends, designer, contractor
- Obtained supplies
- Contractor starts work
- Moved out for **weeks**
- **Loves** the result

Friend Cathy

- Talked to contractor
- Contractor starts work
- Waited for supplies→Contractor stops work
- Supplies arrive→Contractor restarts work
- Moved out for **months**
- **Still refining** the result

WHY PRIORITIZE AT POLICY COMMITTE

NOT RECOMMENDED

- Agenda & Rules Committee
  - **Appointees:**
    Jesse Arreguin, Mayor
    Sophie Hahn, Councilmember, District 5
    Susan Wengraf, Councilmember, District 6
  - **Alternate:** Lori Droste, Councilmem
- Budget & Finance Committee
  - **Appointees:**
    Jesse Ar
    K
    , Councilmember, District 1
    are, Transportation, Environment & Sustainability Committee
    ittees:
    erry Taplin, Councilmember, District 2
    Kate Harrison, Councilmember, District 4
    Rigel Robinson, Councilmember, District 7
  - **Alternate:** Sophie Hahn, Councilmember, District 5

nment, Equity & Community Committee
ppointees:
Rashi Kesarwani, Councilmember, District 1
Terry Taplin, Councilmember, District 2
Ben Bartlett, Councilmember, District 3
- **Alternate:** Rigel Robinson, Councilmember, District 7

- Land Use, Housing & Economic Development Committee
  - **Appointees:**
    Sophie Hahn, Councilmember, District 5
    Rigel Robinson, Councilmember, District 7
    Lori Droste, Councilmember, District 8
  - **Alternate:** Ben Bartlett, Councilmember, District 3
- Public Safety Committee
  - **Appointees:**
    Rashi Kesarwani, Councilmember, District 1
    Ben Bartlett, Councilmember, District 3
    Susan Wengraf, Councilmember, District 6
  - **Alternate:** Terry Taplin, Councilmember, District 2

A QUICK NOTE ON FORMS

- Major Item Determination Checklist
- Implementation Conference Worksheet
- Policy Committee Ranking Form
- Revised Report Template

Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

Yes	No	
☐	☐	Item represents a significant change to existing law, program, or policy.
☐	☐	Item represents a significant addition to existing law, program, or policy.
☐	☐	Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public

Is this eligible for an Exemption?

Yes	No	
☐	☐	Item is related the City's COVID-19 response.
☐	☐	Item is related to the City Budget process.
☐	☐	Item is related to essential or ongoing City processes or business.
☐	☐	Item is urgent.
☐	☐	Item is time-sensitive.
☐	☐	Item is smaller.
☐	☐	Item is less impactful.

Agenda Committee Determination:

☐ Major Item ☐ Exempted

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

Policy Committee Confirmation:

☐ Determination Confirmed ☐ Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

Use this section to help record required informat

Descriptive title:
Is this for Consent, Action, or Information Caler
Recommendation:
Summary statement:
Background (history, circumstances and conce
Plans, programs, policies and/or laws were tak
Actions/alternatives considered:
Internal stakeholders consulted:
Name/date of Commission(s) item submitted to
List of external stakeholders consulted:

Summary of what was learned from consulti
Rationale for recommendation:
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Launch and Implementation Milestones (see
Environmental Impacts:
Operational Impacts:
Staff Resources Needed:

STAFF SECTION

Use this section to provide required information for the report.

Estimated Launch/implementation Deliverables/Dates:	
Month/Year	*Deliverable*

Estimated Administration Deliverables/Dates:	
Month/Year	*Deliverable*

Legal Consultation:

☐ Confirmed

Name/Date _____

Staff Consultation:

☐ Confirmed

Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each co… …ow (L). Then rank the list of priorities. The highest priority would be "1", the …

Priority 1 is highest	Major Item Name		Considerations H high M medium L low		
			Staff Resources	Cost	Benefits/ Savings

Policy Committee Determination:

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

NOT RECOMMENDED

[First Lastname]
Councilmember District [District No.]

[CONSENT *OR* ACTION]
CALENDAR
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION
Adopt a Resolution…
or Support …
or write a letter to ___ in support of _____…
or other recommendation….

FISCAL IMPACTS
This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT
This section must describe benefits and impacts to both internal and external stakeholders. It should also describe the launch or initiation of the item, as well as its ongoing administration once implemented.

CURRENT SITUATION AND ITS EFFECTS
For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:
[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental

- attract and retain a talented and diverse City government workforce.

BACKGROUND

CONSULTATION OVERVIEW
This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON
Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]
1: Resolution
Exhibit A: [Title or Description of Exhibit]
Exhibit B: [Title or Description of Exhibit]
2: [Title or Description of Attachment]
3: [Title or Description of Attachment]

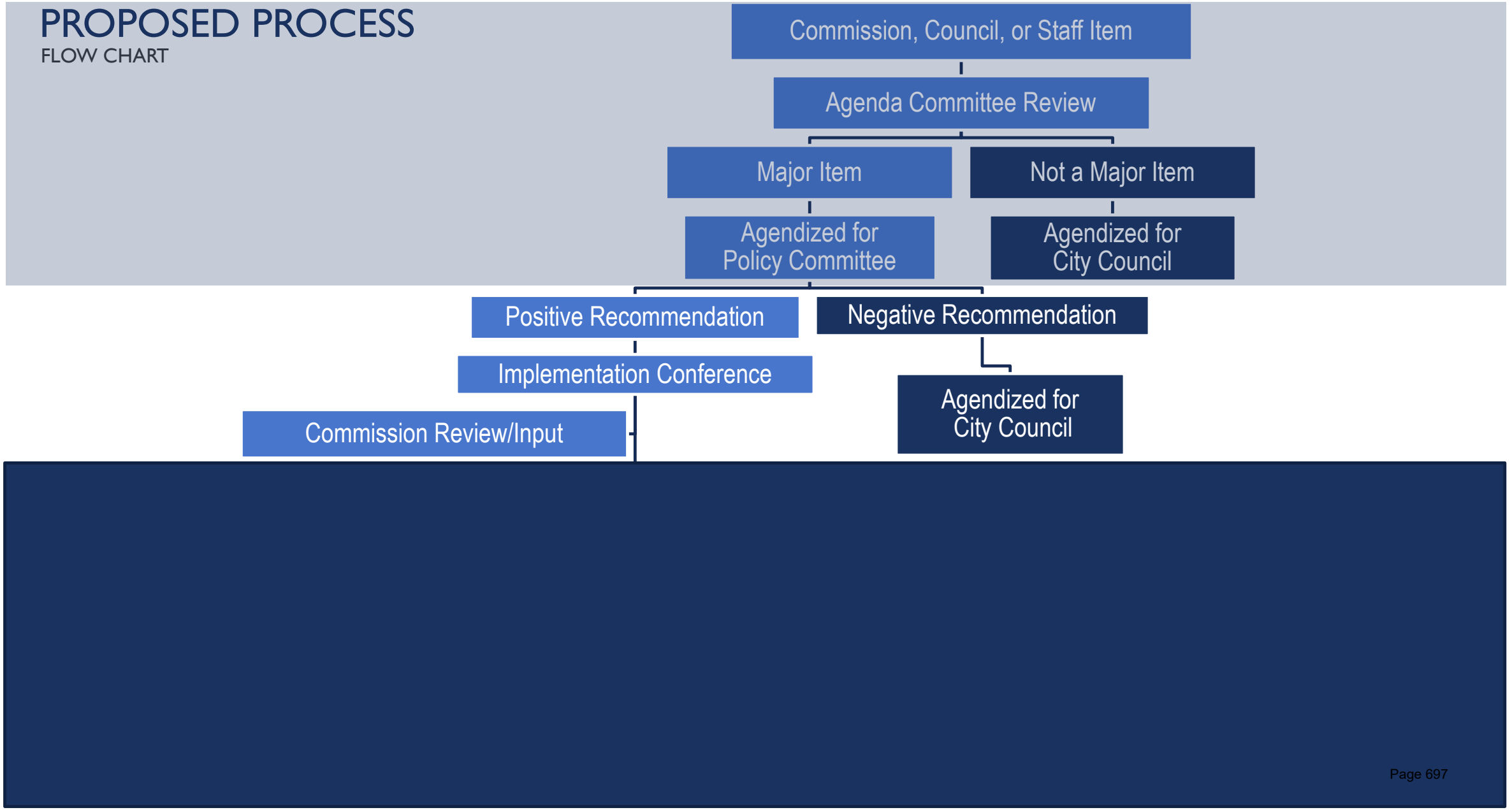
PROPOSED PROCESS

FLOW CHART



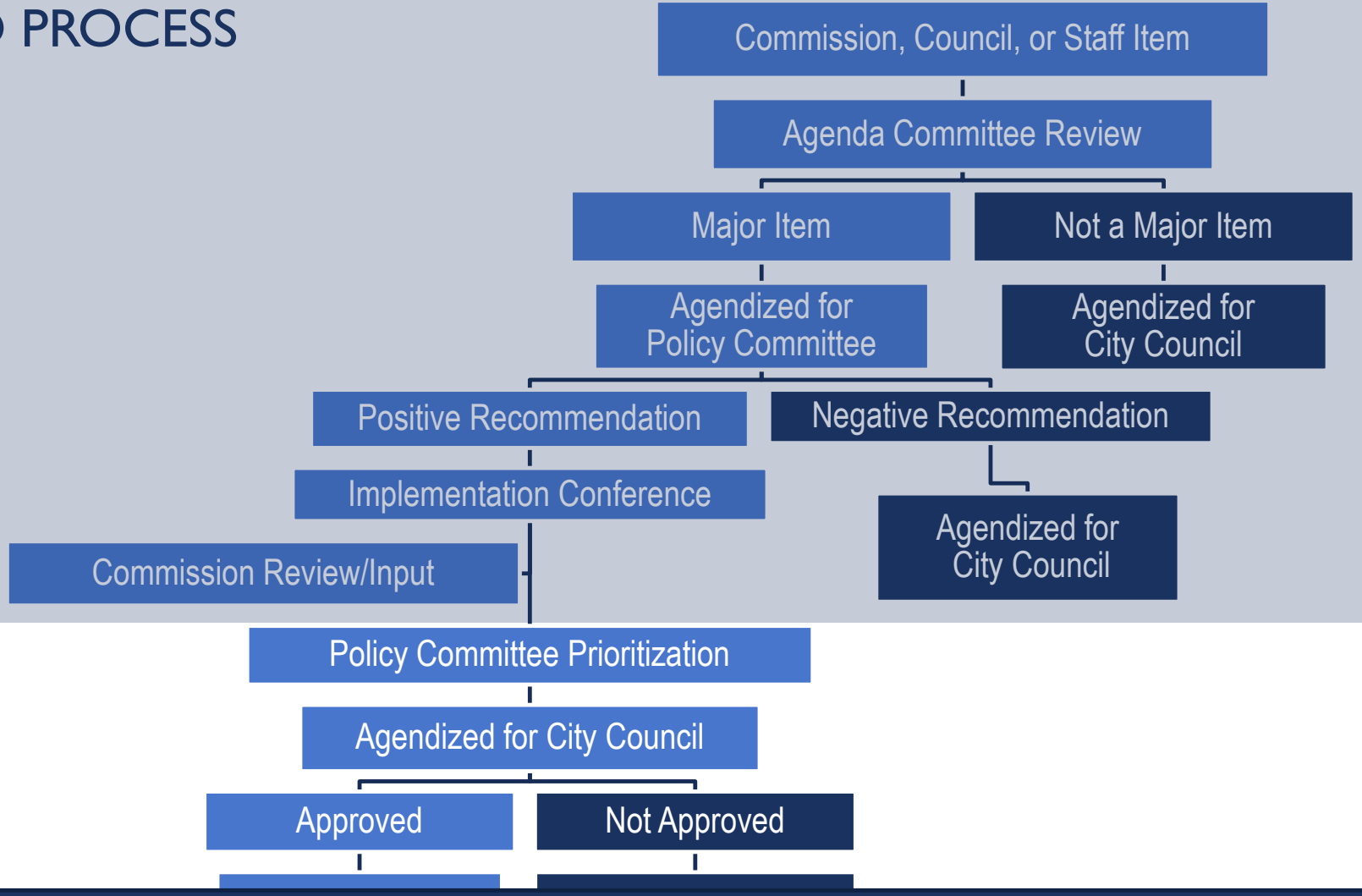
PROPOSED PROCESS

FLOW CHART



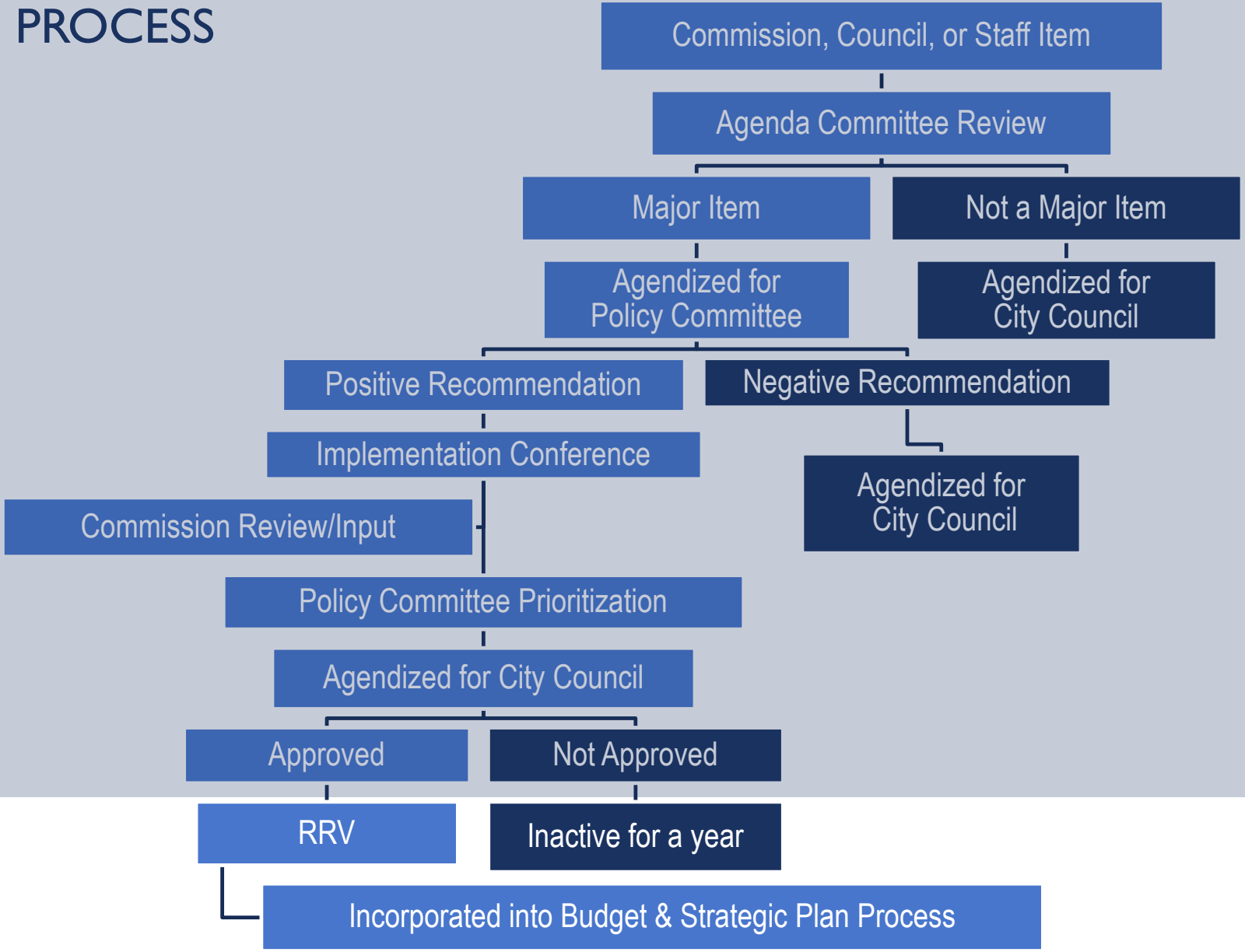
PROPOSED PROCESS

FLOW CHART



PROPOSED PROCESS

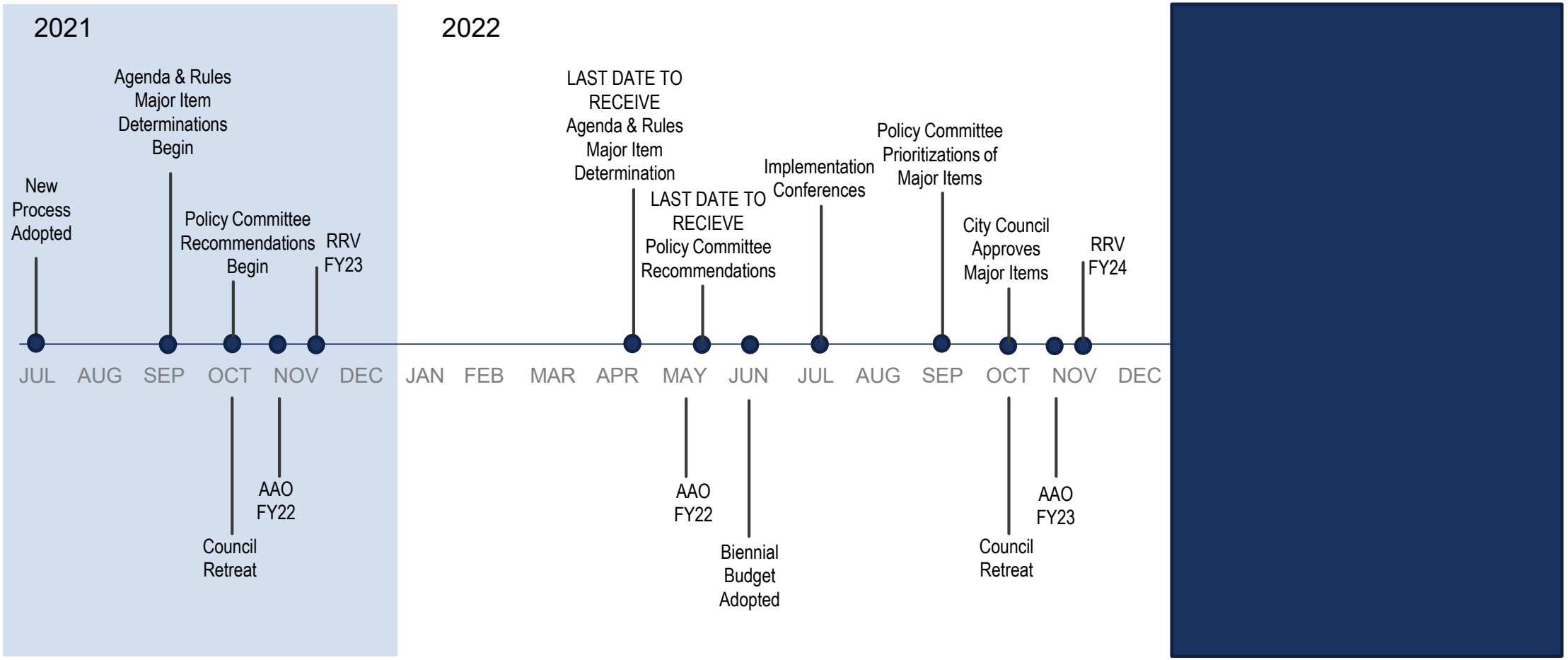
FLOW CHART





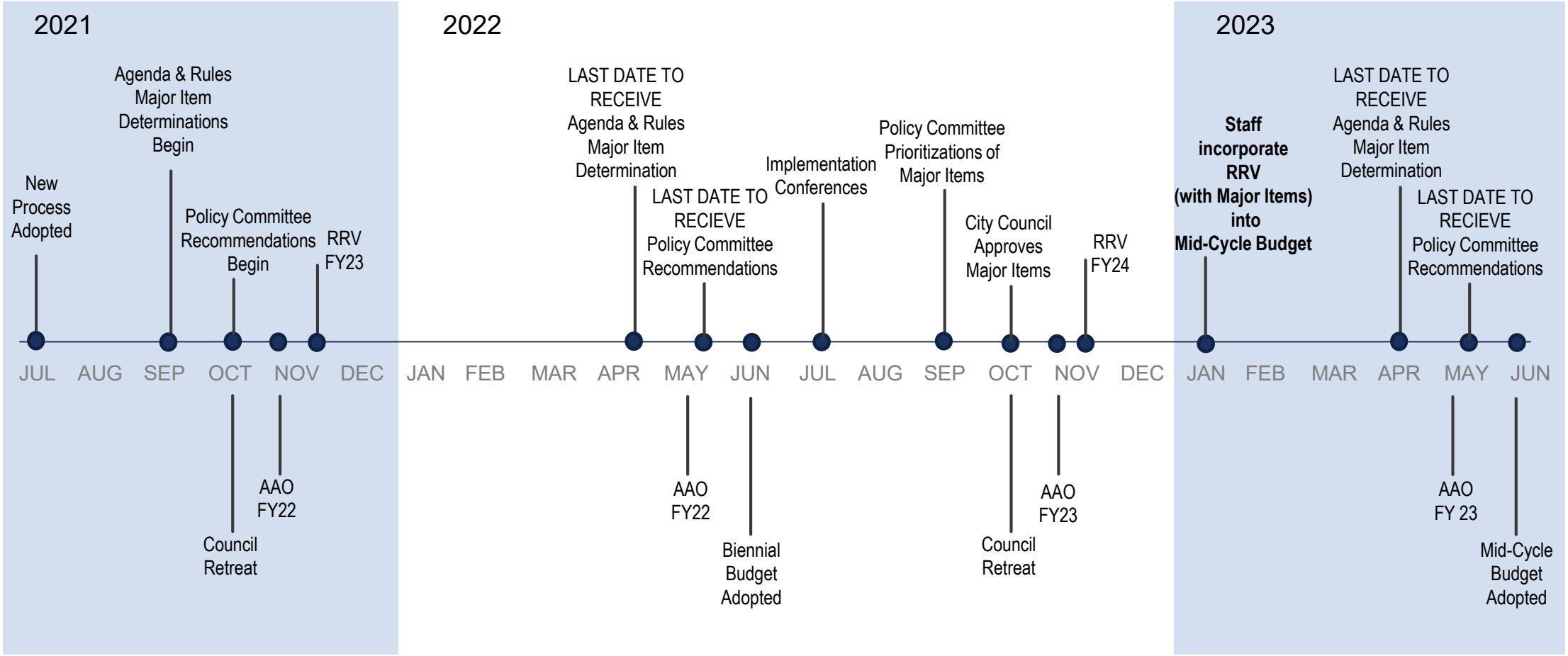
PROPOSED IMPLEMENTATION

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

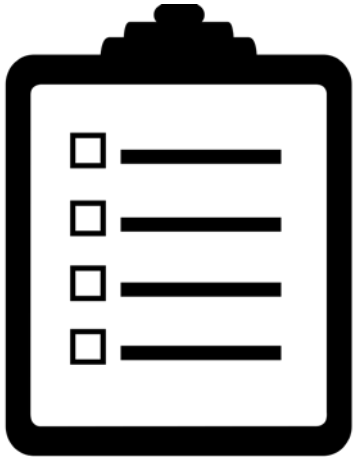
Proposed

1. Idea
2. Committee Consideration
3. Vetting & Costing
4. Council Approval
5. RRV
6. Budget development

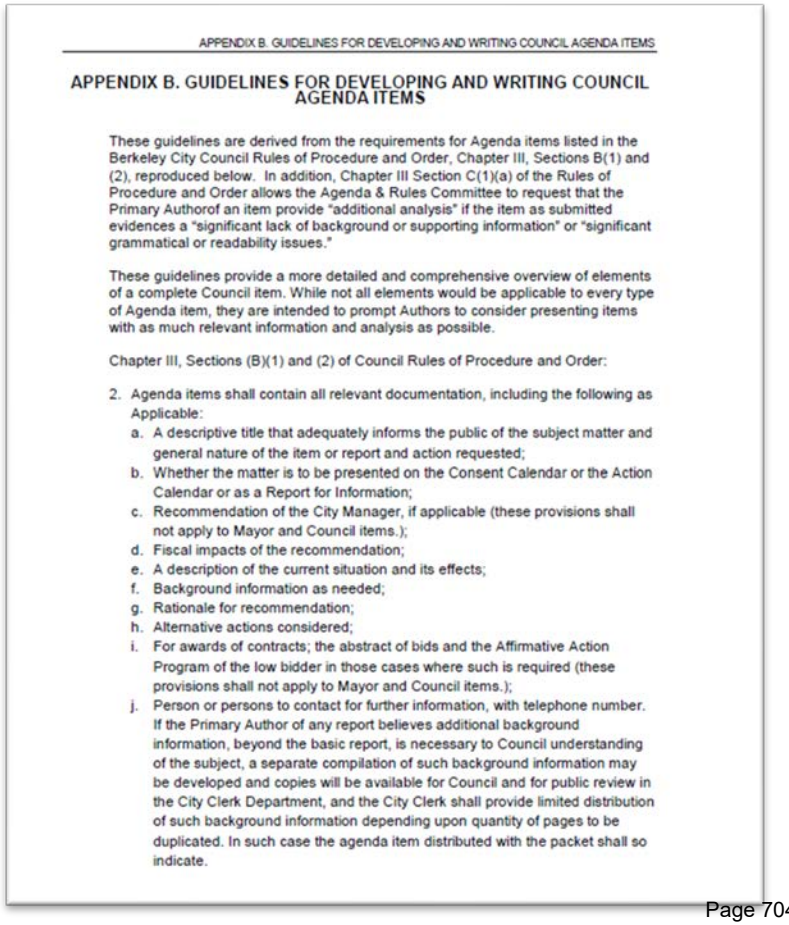


Certain Timeline

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 Authorof an item provide "additional analysis" if the item as submitted evidences a "significant lack of background or supporting information" or "significant grammatical or readability issues."

These guidelines provide a more detailed and comprehensive overview of elements of a complete Council item. While not all elements would be applicable to every type of Agenda item, they are intended to prompt Authors to consider presenting items with as much relevant information and analysis as possible.

Chapter III, Sections (B)(1) and (2) of Council Rules of Procedure and Order:

2. Agenda items shall contain all relevant documentation, including the following as Applicable:
   a. A descriptive title that adequately informs the public of the subject matter and general nature of the item or report and action requested;
   b. Whether the matter is to be presented on the Consent Calendar or the Action Calendar or as a Report for Information;
   c. Recommendation of the City Manager, if applicable (these provisions shall not apply to Mayor and Council items.);
   d. Fiscal impacts of the recommendation;
   e. A description of the current situation and its effects;
   f. Background information as needed;
   g. Rationale for recommendation;
   h. Alternative actions considered;
   i. For awards of contracts; the abstract of bids and the Affirmative Action Program of the low bidder in those cases where such is required (these provisions shall not apply to Mayor and Council items.);
   j. Person or persons to contact for further information, with telephone number. If the Primary Author of any report believes additional background information, beyond the basic report, is necessary to Council understanding of the subject, a separate compilation of such background information may be developed and copies will be available for Council and for public review in the City Clerk Department, and the City Clerk shall provide limited distribution of such background information depending upon quantity of pages to be duplicated. In such case the agenda item distributed with the packet shall so indicate.

SO, HOW DO WE MAKE THIS HAPPEN?

- Adopting aligned timeline and new process
  - Incorporating vetting and costing (i.e., implementation conferences)
  - Prioritizing vetted Major Items (prioritize, assign fiscal year, identify projects to remove to accommodate new Major Items)
  - Revising City Council Rules of Procedure and Order
- Making Appendix B guidelines mandatory
- Addressing adopted, open referrals
- Addressing Council items under consideration

BENEFITS

- Ensures **continuous improvements**
- Provides adequate context and impacts of items to **enhance Council decision-making**
- Identifies appropriate and necessary resources so that **adopted items are adequately resourced**
- Aligns processes to **ensure efficient implementation/realization of Council items**
- **Increases collaboration** among and between stakeholders

NEXT STEPS



Legislative aide roundtable



City Manager and Councilmember One-on-Ones



Revise and return item in July

THANK YOU.

Office of the City Manager

WORKSESSION
May 18, 2021

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: David White, Deputy City Manager

Subject: Systems Alignment Proposal

RECOMMENDATION
Direct the City Manager to bring back a resolution for adoption of the Systems Alignment proposal as described in this document and incorporating direction and input received from City Council during the worksession.

SUMMARY
This report proposes a process to integrate various systems (e.g., budget, Strategic Plan, prioritization of referrals, etc.) to ensure that resources are appropriately allocated, to focus the organization and employees on those priorities established by the City Council and City Manager, and to enhance legislative and budget processes. Ultimately, aligning systems will help ensure our community's values as reflected in the policies of our City Council are implemented completely and efficiently, with increased fiscal prudence, while supporting more meaningful service delivery. In light of the economic and financial impacts of COVID-19 and resource constraints, it is imperative to improve vetting and costing of new projects and legislative initiatives to ensure success. In addition, the purpose of this proposal will align our work with the budget process.

FISCAL IMPACTS OF RECOMMENDATION
While the recommendation of this report would not entail fiscal impacts, if adopted, the proposal would have budgetary effects. Broadly speaking, the proposal is designed to better ensure adequate financial and staffing resources are identified and approved with any adopted significant legislation[1] (Major Item).

CURRENT SITUATION AND ITS EFFECTS
The proposed changes outlined in this memorandum will better guide and inform budget development, clarify tradeoffs by identifying operational impacts, and develop a more effective and time-efficient path to implementation. These changes support a clear and

[1] New significant legislation is defined, with some explicit exceptions, as "any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public". See Council Rules of Procedure, https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure.pdf.

full realizing of City Council policies, programs, and vision. The major features of the proposal are:

- Changing the order of the legislative process to ensure that Major Items (defined below) passed by Council are funded, as well as folded into staff workplans and staffing capacity,
- Making the City Council Rules of Procedure Appendix B guidelines mandatory,
- Ensuring that Major Items that are adopted by City Council are vetted and clearly identify the resources needed for implementation,
- Consolidating and simplifying reporting and tracking of Major Items, and
- Creating a deadline for each year's Major Items that allows for alignment with prioritization, the Strategic Plan, and the budget process.

Additionally, the proposed Systems Alignment would advance the City's Strategic Plan goal to provide an efficient and financially-health City government.

PROPOSED PROCESS

The proposed process outlined in this memorandum replaces the current system of referrals (short and long term, as well as Commission referrals), directives, and new proposed ordinances, that is, all Major Items, regardless of "type" or origin will be subject to this process.

Step 1: Major Item Determination

The systems alignment proposal outlines a process for Major Items.

Defined in Council Rules of Procedure

Major Items are "new significant legislation" as defined in Appendix D of the City Council Rules of Procedure:

> Except as provided below, "new significant legislation" is defined as any law, program, or policy that represents a significant change or addition to existing law, program, or policy, or is likely to call for or elicit significant study, analysis, or input from staff, Councilmembers or members of the public.

The exceptions to the definition of new significant legislation and process state:

> New significant legislation originating from the Council, Commissions, or Staff related to the City's COVID-19 response[2], including but not limited to health and economic impacts of the pandemic or recovery, or addressing other health and safety concerns, the City Budget process, or other essential or ongoing City processes or business will be allowed to move forward, as well as legislative items that are urgent, time sensitive, smaller, or less impactful.

[2] If this proposal is adopted, "COVID-19" should be replaced with "declared emergency response" in the exception language.

The Agenda & Rules Committee, in consultation with the City Manager, will make the initial determination of whether something is a Major Item, using the Major Item Determination Checklist (see attachment 1). At any time in the process, if evidence demonstrates that the initial determination of the proposal as a Major Item proves incorrect, then it is no longer subject to this process. Additionally, if any legislation it originally deemed not to be a Major Item, the author or City Manager may appeal to the Agenda and Rules Committee or to the full Council and present evidence to the contrary.

Required Conformance and Consultation
All Major Items must use the agenda guidelines in Appendix B of the Council Rules, which require more detailed background information and analysis. The Agenda and Rules Committee can send the item back to the author if it is not complete and/or does not include all of the information required in Appendix B. The author must make a good faith effort to ensure all the guideline prompts are completed in substance not just in form.

Major Items must include a section noting whether the author has initially consulted with the City Manager or city staff regarding their proposed Major Item and the substance of those conversations, and initial staff input.

Required Submission Date
A Major Item must be submitted in time to appear on the agenda of an Agenda & Rules Committee meeting occurring no later than April 30 of every year. Any item submitted after that deadline, that does not meet an exemption, will be continued to the following year's legislative process.

Major Items will be referred by the Agenda & Rules committee on a rolling basis.

Step 2: Policy Committee Review
A Major Item, once introduced and deemed complete and in conformance by the Agenda and Rules Committee, will be referred to one of City Council's Policy Committees (i.e., Health, Life Enrichment, Equity and Community, Public Safety, etc.), for review, recommendation, and high-level discussion of implementation (i.e., ideas, rough cost estimates, benefits, etc.). Per the *Council Rules of Procedure*,[3] the Policy Committee will review the Major Item and the completed Major Item Determination Checklist to confirm Agenda & Rules initial determination that the Major Item is complete in accordance with Section III.B.2 and aligns with Strategic Plan goals. If the Major Item receives a positive or qualified positive recommendation, then it will go to an Implementation Conference (See step 3, Vetting and Costing).

[3] https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/City%20Council%20Rules%20of%20Procedure%20-%20Feb%2011%202020%20-%20FINAL.pdf

If the Major Item receives a negative or qualified negative recommendation, then it will be returned to the Agenda and Rules Committee to be placed on a City Council Agenda. When heard at a City Council meeting, the author can advocate for the Major Item to be sent to an Implementation Conference. If the Major Item does not receive a vote by the majority of City Council at this step, it becomes inactive for that year's legislative calendar but may be reintroduced for the next year's calendar.

City Council Policy Committees must complete review of all Major Items assigned to them no later than June 30 of each year.

Step 3: Implementation Conference (Vetting and Costing)
At an Implementation Conference, the primary author will meet with the City Manager or designee, City Manager-selected staff subject matter experts, and the City Attorney or designee.

Identifying Fiscal, Operational and Implementation Impacts
The intended outcome of an Implementation Conference is a strong analysis containing all of the considerations and resources necessary to support implementation should Council choose to approve the Major Item.

The Implementation Conference is an informal meeting where the primary author can collaborate with the City Manager, City Attorney, and staff to better define the Major Item and identify more detailed fiscal and operational impacts, as well as implementation considerations. The information discussed during the Implementation Conference will be summarized in the Council Report as part of newly required sections (see attachment 2), in conformance with Appendix B:

- *Initial Consultation*, which
    - Lists internal and external stakeholders that were consulted, including whether item was concurrently submitted to a Commission for input,
    - Summarizes and confirms what was learned from consultation,
    - Confirms legal review addressing any legal or pre-emption issues, ensuring legal form,[4]
- *Implementation, Administration, and Enforcement*, which
    - Identifies internal and external benefits and impacts, and
    - Considers equity implications, launch/initiation of Major Item and its ongoing administration, and
- *Fiscal & Operational Impacts*, which
    - Summarizes any operational impacts,

[4] While consultation with the City Attorney is mentioned in Appendix B, the legal review and "confirmations" recommended in this proposal is a more specific and robust requirement.

- Identifies necessary resources, including specific staff resources needed and costs.[5]

As part of the Implementation Conference, staff will provide a high level work plan, indicating major deliverables/milestones and dates. This information can be collected and recorded using the Implementation Conference Worksheet (see attachment 2).

Implementation Conferences will be date certain meetings held in July.

Revising the Major Item

After the Major Item's author revises the original Council Report based on information from the Implementation Conference, the Major Item will be submitted to the Council agenda process. If additional full time equivalent employee(s) (FTE) or fiscal resources are needed, the Major Item must include a referral to the budget process and identify the amount for implementation of the policy or program.

Step 4: Initial Prioritization

At their first meetings in September, Policy Committees must complete the ranking of the Major Items which were referred to them and also completed the Implementation Conference. The Policy Committees will provide these rankings in the form of a recommendation to the City Council. The Policy Committees prioritization will use the Policy Committee Ranking Form (see attachment 3) to standardize consideration of Major Items across Policy Committees. The Policy Committee priority rankings will be submitted to the City Council when the Council is considering items to move forward in the budget and Strategic Plan process.

Step 5: City Council Approval and Final Prioritization

Under this proposal, all Major Items that the City Council considers for approved prioritization must have:

1. Received a City Council Policy Committee review and recommendation,
2. Received a City Council Policy Committee prioritization,
3. Completed the Implementation Conference, and
4. Been placed on the Agenda for a regular of special Council meeting in October for approval and inclusion in the RRV process.

At the designated Council meeting in October, staff will provide the Council with a list of all approved Major Items, including the initial prioritization by Policy Committee. The Council will consider each Major Item for approval. All approved Major Items then will be added to the RRV process (i.e., with other items, referrals, etc) and ranked. The RRV ranking will begin in late October. These rankings will be adopted by Council and

[5] Appendix B does require a Fiscal Impacts section, but the inclusion of operational impacts and specific noting of required staff resources and costs recommended in this proposal is a more specific and robust requirement.

used to inform the development of the draft budget. Approved and ranked Major Items have multiple opportunities to be approved for funding, when the biennial budget or mid-cycle budget is adopted in June or when the Annual Appropriations Ordinances are adopted in May and November.

If a Major Item *does not receive the endorsement* of City Council at this step, it becomes inactive for that year's legislative calendar and may be reintroduced for the next year's calendar.

City Council must complete its Major Items approval, and RRV process no later than the final meeting in December of each year.[6] This ensures that staff is able to develop the budget starting from and based on Council priorities.

Step 6: Budget & Strategic Plan Process

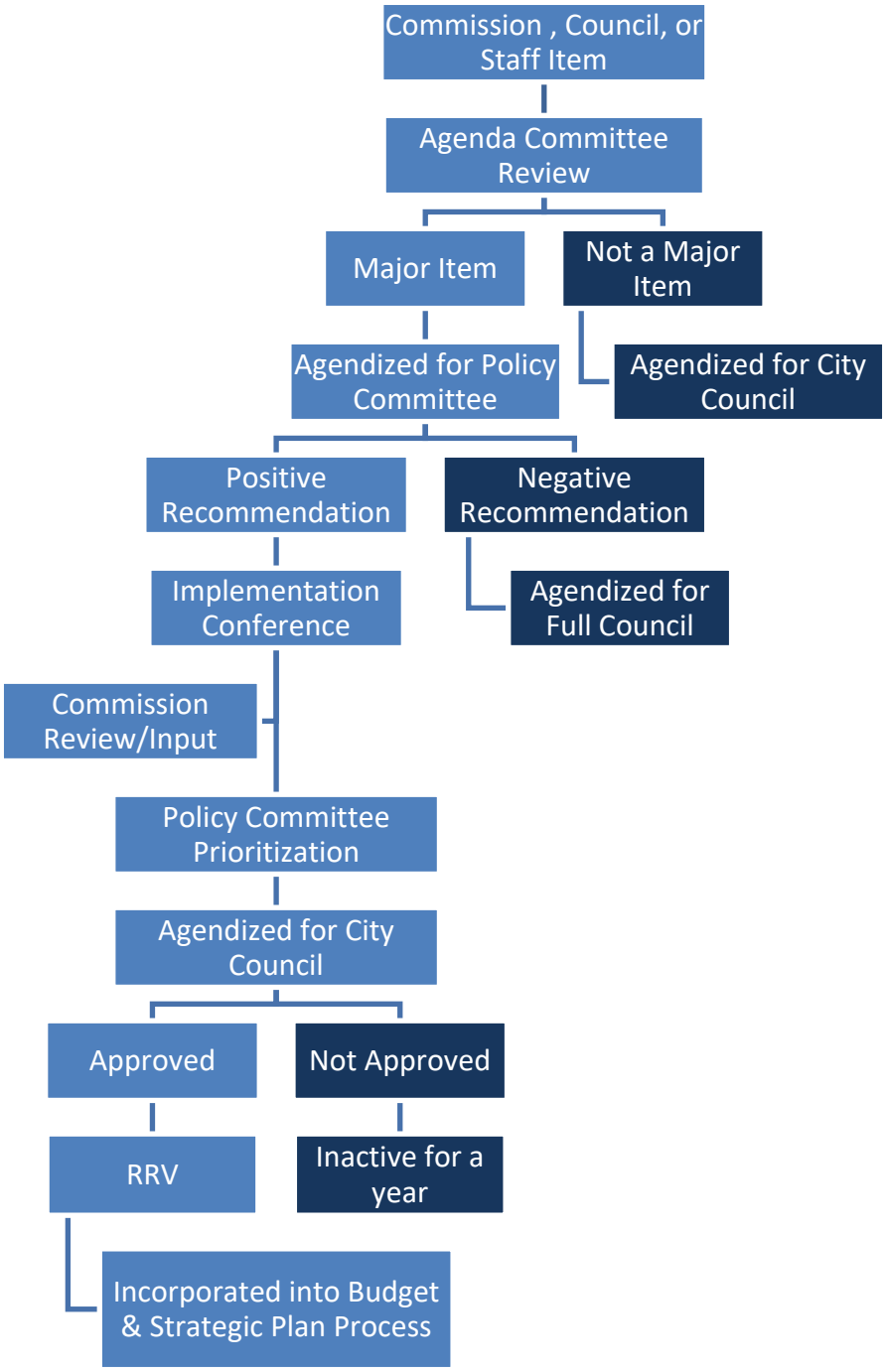
The Council's rankings are also forwarded to the Budget and Finance Committee for consideration as part of budget development. If the proposal is not ultimately funded in the biennial budget, mid-cycle budget or the Annual Appropriations Ordinance (mid-year budget amendment), then it does not move forward that year and will be added to a list of unfunded proposals for the future budget process.

During December and January, city staff will prepare budget proposals that incorporate the ranked City Council Major Items, Strategic Plan, and work plan development. In the late winter/early spring, the City Manager and Budget Office will present the draft budget to Council. This will be followed by department presentations to the Budget and Finance Policy Committee. From late March and through early May, Council and staff will refine the budget. Council will hold budget hearings in May and June, with adoption of the budget by June 30. Although the legislative process (i.e., Policy Committee review, Implementation Conference, Prioritization) is annual, staff recommends the budget process remain biennual. A significant mid-cycle budget update can easily accommodate additions to or changes in priorities arising through the legislative process.

The proposed process is depicted in Figure 1 and the proposed launch calendar in Figure 2.

[6] Due to noticing requirements, an RRV process completed by November 30 may not appear on a City Council Agenda for adoption until January.

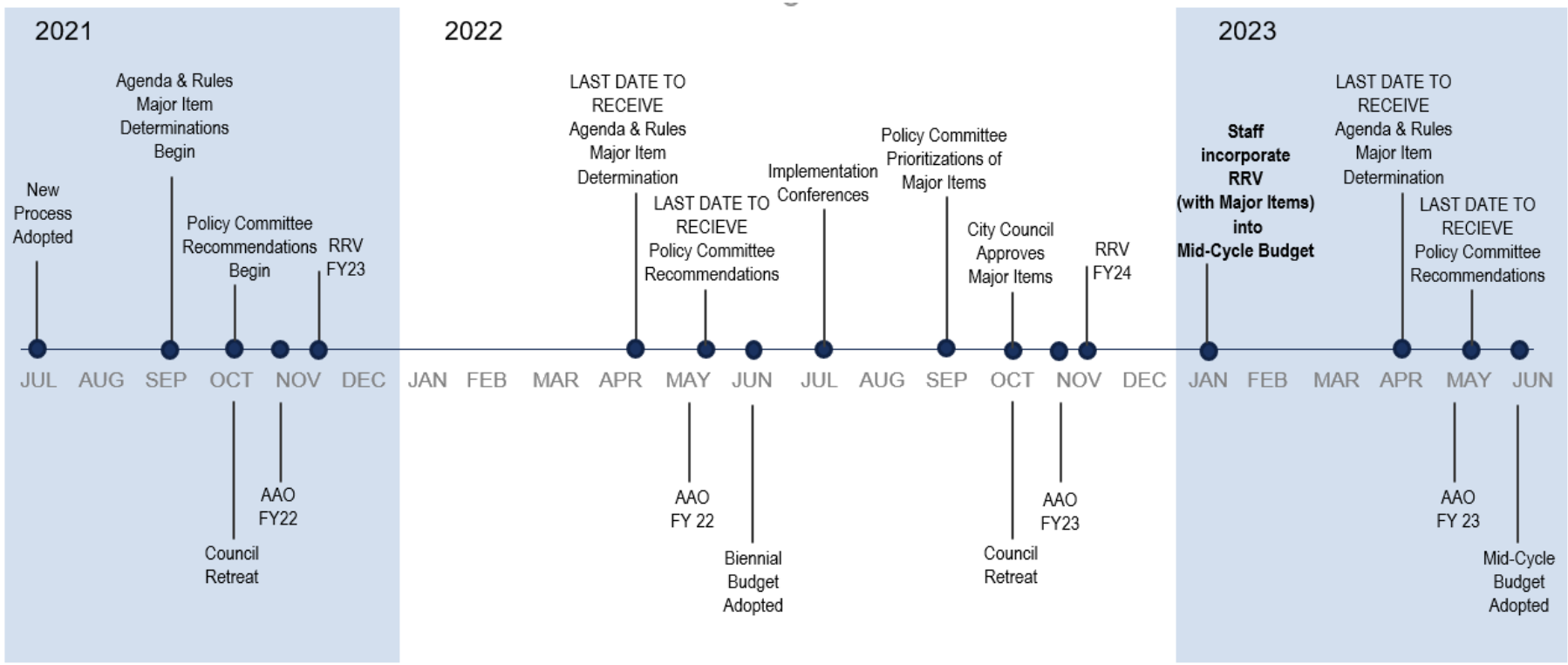
Figure 1, Proposed Process[7]



[7] Major Items that are ordinances will need to be examined on a case-by-case basis. Once adopted, ranked, and, if requiring resources, budgeted, the ordinance will need to be given an effective date and scheduled for first and second readings at Council.

Office of the City Manager

Figure 2, Proposed Launch



Office of the City Manager

Next Steps
Staff will reach out to legislative aides for input and the City Manager will meet individually with Councilmembers to discuss this proposal. Staff will incorporate Council input from the worksession, and from subsequent input< into a resolution and return to Council with a final Systems Alignment item for adoption by July 2021.

Benefits
The addition of an Implementation Conference will ensure that Major Items considered by Council are properly resourced, improving our City's responsible management of fiscal resources. Analysis from the Implementation Conference will help Council to balance and consider each Major Item within the context of related programs and potential impacts (positive and negative). When considered holistically, new policy implementation can be supportive of existing work and service delivery.

Since the proposed process places the City Council prioritization of Major Items immediately before budget preparation, the Prioritization will guide and inform budget development, including components such as the Strategic Plan and work plans. Fixing the sequencing of the process is a key benefit. Currently, with prioritization occurring in May and June, the budget process is nearing completion when City Council's priorities are finally decided. This leads to inconsistencies between adopted priorities and budgeting for those priorities.

Under the current process, an idea may go into prioritization, proceed to the short term referral list or referred to the budget process. However, the resulting Major Item may not have addressed operational considerations. Adding such items to a department's work at any given time of the year may lead to staff stopping or slowing work on other prioritized projects in order to develop and implement new Major Items. Also, it may be difficult for staff to prioritize their projects: is stopping/slowing of work that is already underway in order to address new items the preference of the full Council?

Also, because consideration of implementation currently occurs after the adoption of a Major Item, features of the adopted language may unintentionally constrain effective implementation, complicating and slowing progress on the Major Item and hindering the effectiveness of the new program or regulation.

With the proposed process, a Major Item does not go through prioritization until there is an opportunity for staff to identify operational considerations. Finally, since implementation only occurs after operational considerations are reported, and funds are

allocated, the resulting Major Item should move more quickly from idea to successful completion.

BACKGROUND
In October 2019, City Council held a half-day worksession to discuss systems realignment and provide direction on potential changes to the city's legislative process. The purpose of the meeting was to develop recommendations for how various systems (e.g., budget, Strategic Plan, RRV, etc) could better work together to ensure that the organization is able to focus on the priorities established by the City Council. The City Manager took direction from that meeting and worked with department directors and the Budget Office to create this proposal.

ENVIRONMENTAL SUSTAINABILITY
By improving efficiency, ensuring adequate resources, and strengthening implementation, this proposal would increase the speed and full adoption of new significant legislation, including sustainability work.

RATIONALE FOR RECOMMENDATION
The City of Berkeley is unique in comparison to many cities. It considers and approves many more policies, often at the cutting edge, than a typical city and especially for a city of its size. This proposal is a hybrid, incorporating city processes while mirroring State and Federal legislative processes which accommodate a larger number of policies and items in a given cycle. The disadvantage of this proposal is that it introduces additional steps, such as the implementation conference. The advantages of this proposal, are:

- Ensuring adopted legislation is adequately resourced, in terms of both staffing and budget;
- Providing adequate context for Council to balance and consider items in relation to potential positive and negative impacts; and
- Strengthening the effectiveness and efficiency of policy implementation.

ALTERNATIVE ACTIONS CONSIDERED
At the Council retreat in October 2019, a variety of approaches and ideas were discussed and considered. Additionally, the original version of this proposal was substantively revised through the Policy Committee process.

If the Council takes no action on this item, the existing process will continue to result in inadequately resourced adopted legislation and inefficient and complicated implementation.

CONTACT PERSON
David White, Deputy City Manager, 510-981-7012

Attachments:
1: Major Item Determination Checklist
2: Council Report Template and Implementation Conference Worksheet
3: Policy Committee Ranking Form

Major Item Determination Checklist

Item Name:

Item Author:

Is this a Major Item?

Yes	No	
☐	☐	Item represents a significant change to existing law, program, or policy.
☐	☐	Item represents a significant addition to existing law, program, or policy.
☐	☐	Item is likely to call for or elicit significant study, analysis or input from staff, Councilmembers, or members of the public

Is this eligible for an Exemption?

Yes	No	
☐	☐	Item is related the City's COVID-19 response.
☐	☐	Item is related to the City Budget process.
☐	☐	Item is related to essential or ongoing City processes or business.
☐	☐	Item is urgent.
☐	☐	Item is time-sensitive.
☐	☐	Item is smaller.
☐	☐	Item is less impactful.

Agenda Committee Determination:

☐ Major Item ☐ Exempted

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

Policy Committee Confirmation:

☐ Determination Confirmed ☐ Sent back to be agendized for full Council consideration

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

DRAFT

[First Lastname]
Councilmember District [District No.]

[CONSENT *OR* ACTION]
CALENDAR
[Meeting Date (MM dd, yyyy)]

To: Honorable Mayor and Members of the City Council

From: [Councilmember (lastname)]

Subject: [Brief Report Title (No underline and not all caps.)]

RECOMMENDATION

Adopt a Resolution…
or Support …
or write a letter to ___ in support of _____…
or other recommendation….

~~FINANCIAL~~ FISCAL & OPERATIONAL IMPACTS ~~IMPLICATIONS~~

This section must include operational impacts, identify any staff resources (full time exempt employee/FTE) required, and financial costs.

IMPLEMENTATION, ADMINISTRATION AND ENFORCEMENT

This section must describe benefits and impacts to both internal and external stakeholders. It should also consider equity; the launch or initiation of the item; and its ongoing administration once implemented.

CURRENT SITUATION AND ITS EFFECTS

For items that relate to one of the Strategic Plan goals, include a standard sentence in the Current Situation and Effects or Background section:
[Insert project name] is a Strategic Plan Priority Project, advancing our goal to [pick one:]

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.
- provide an efficient and financially-health City government.
- foster a dynamic, sustainable, and locally-based economy.
- create affordable housing and housing support service for our most vulnerable community members.
- create a resilient, safe, connected, and prepared city.
- champion and demonstrate social and racial equity.
- be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

DRAFT

- be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.
- attract and retain a talented and diverse City government workforce.

BACKGROUND

INITIAL CONSULTATION

This section should list the external and internal stakeholders, indicate whether the item was submitted to a commission for input, and summarize what was learned from consulting with stakeholders.

ENVIRONMENTAL SUSTAINABILITY

CONTACT PERSON

Councilmember [First Lastname] Council District [District No.] 510-981-[XXXX]

Attachments: [Delete if there are NO Attachments]
1: Resolution
Exhibit A: [Title or Description of Exhibit]
Exhibit B: [Title or Description of Exhibit]
2: [Title or Description of Attachment]
3: [Title or Description of Attachment]

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

SHORT TITLE OF RESOLUTION HERE

WHEREAS, (Whereas' are necessary when an explanation or legislative history is required); and

WHEREAS, (Insert Additional 'Whereas Clauses' as needed); and

WHEREAS, enter text here; and

WHEREAS, enter text here; and

WHEREAS, (The last "Whereas" paragraph should contain a period (.) .

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that (Action to be taken) - ends in a period (.).

BE IT FURTHER RESOLVED that (for further action if needed; if not delete) - ends in a period (.).

Exhibits **[Delete if there are NO exhibits]**
A: Title of the Exhibit
B: Title of the Exhibit

Implementation Conference Worksheet

Item Name:

Item Author:

AUTHOR SECTION

The author of the item may complete this section to help record required information for the report.

Descriptive title:
Is this for Consent, Action, or Information Calendar?
Recommendation:
Summary statement:
Background (history, circumstances and concerns to be addressed by the item):
Plans, programs, policies and/or laws were taken into consideration:
Actions/alternatives considered:
Internal stakeholders consulted:
Name/date of Commission(s) item submitted to for input:
List of external stakeholders consulted:

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Summary of what was learned from consulting stakeholders:
Rationale for recommendation:
Internal Benefits of Implementation:
Internal Impacts of Implementation:
External Benefits of Implementation:
External Impacts of Implementation:
Equity Considerations:
Launch and Implementation Milestones (see staff section)
Environmental Impacts:
Operational Impacts:
Staff Resources Needed: Number of FTE/hours: Type of staff resource needed:
Costs: Amount(s): Funding Source:

DRAFT

STAFF SECTION

Staff may complete section to provide required information for the report.

Estimated Launch/implementation Deliverables/Dates:	
Month/Year	*Deliverable*
Estimated Administration Deliverables/Dates:	
Month/Year	*Deliverable*

Legal Consultation:

☐ Confirmed

Name/Date _____

Staff Consultation:

☐ Confirmed

Name(s)/Date(s) _____

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Policy Committee Ranking Form

Starting on the right, think about and then indicate whether each consideration is high (H), medium (M) or low (L). Then rank the list of priorities. The highest priority would be "1", the next highest "2" and so on.

Priority 1 is highest	**Major Item Name**	**Major Item Author**	**Considerations** H high M medium L low		
			Staff Resources	**Cost**	**Benefits/ Savings**

Policy Committee Determination:

Indicate name and date below.

Per Committee Member_____

Per Committee Member_____

Per Committee Member_____

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