



**PEACE & JUSTICE COMMISSION
MEETING**
Monday, March 3, 2025 – 7:00 p.m.
South Berkeley Senior Center
2939 Ellis St. Berkeley Ca, 94703

AGENDA

Mayor Adena Ishii
Andrea Cassidy

Rashi Kersarwani:
Sarah Bell

Terry Taplin:
Adam Weisberg

Ben Bartlett:
Carole Marasovic

Igor Tregub
Deborah Fink

Shoshana O’Keefe:
Nimrod Pitskar Elias

Brent Blackaby:
Robin Mencher

Cecilia Lunaparra:
Luke Taylor

Mark Humbert
Ilene Lee

BUSD:
Appel- Grace Morizawa
Shanoski- Jeannette McNeil
Chang- Sandy Park- Vice Chair
Vasudeo- Sheela Jivan
Babitt- Dwayne Phillips- Chair
Clark- Sonali Mascarenhas-Swan

SECTION A. PRELIMINARY MATTERS

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

SECTION B. DISCUSSION/ACTION ITEMS

1. Presentation on Ensuring and Protecting Trans Sex Equality, AJ Stone Jonathan.
Discussion and Possible Action.
2. Discussion and Possible Action on the Progress Flag at 1231 Addison.
3. Discussion and Possible Action Resolution Opposing an American Occupation of Gaza.
4. Preliminary Discussion on Elements for a Recommendation to Council on Protecting Transgender Rights in Berkeley. Discussion and Possible Action.
5. Training on Proper Procedure to Submit a Commission Recommendation to Council, Rex Brown. Discussion and Possible Action.
6. Discussion and Possible Action Sanctuary City for LGBTQIA2S+ People.
7. Discussion and Possible Action on Federal Actions Targeting the LGBTQ Community.

SECTION D. COMMUNICATIONS

8. No communications received.

SECTION E. BACKGROUND INFORMATION

SECTION F. ADJOURNMENT

 Meeting Access: To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist, at 981-6418 (V) or 981-6347 (TDD), at least three (3) business days before the meeting date.

Communications Disclaimer

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SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Old City Hall located at 2134 Martin Luther King Jr. Way, Berkeley, CA 94704.

Commission Contact Information

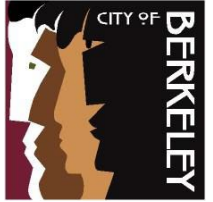
*Rex Brown, Secretary
Peace and Justice Commission
City of Berkeley*

Peace and Justice Commission
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2180 Milvia Street, 5th Floor
Berkeley, CA 94704
Rebrown@berkeleyca.gov

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.



Peace and Justice
Commission

**Peace and Justice Commission
February 3, 2025**

DRAFT MINUTES

The meeting convened at 7:07 pm with Grace Morizawa (Chair) presiding. Peter Radu, Acting Secretary.

SECTION A. PRELIMINARY MATTERS

1. Roll Call

Present: Cassidy, Bell, Jacquelin, Marasovic, Fink, Mencher, Taylor, Lee, McNeil, Park, Jivan, Phillips, Mascarenhas-Swan, Morizawa

Absent: Elias

Excused: None

Leave of Absence: None

2. Announcements

None

3. Comments from the Public

Public Attendance: 2

Public Comments: 1

4. Review and approval of meeting minutes

M/S/C Morizawa/Taylor to approve the minutes of the 1/13/25 Commission meeting as written.

Ayes: Cassidy, Jacquelin, Fink, Mencher, Taylor, Lee, McNeil, Park, Jivan, Phillips, Morizawa

Noes: None

Abstain: Marasovic, Bell, Mascarenhas-Swan

Absent: Elias

Excused: None

5. Commission Updates & Chairperson's Report:

No action taken.

6. Secretary's Report

No action taken. Discussion of intent to revisit a Gaza ceasefire resolution on the next agenda.

SECTION B. DISCUSSION/ACTION ITEMS

4. Chair and Vice-Chair Peace and Justice Commission Election

CHAIR

Nominees:

- Commissioner Phillips was nominated and accepted
- Commissioner Jivan was nominated and accepted

M/S Taylor/Cassidy to hold a roll call vote for Chair with the two nominees being Commissioner Phillips and Commissioner Jivan and the nominee receiving a quorum of votes winning.

M/S/C Jacquelin/Lee - to hold a roll call vote for Chair with the two nominees being Commissioner Phillips and Commissioner Jivan and the nominee receiving a majority of votes winning.

Ayes: Cassidy, Bell, Jacquelin, Marasovic, Fink, Mencher, Lee, Morizawa, Phillips

Noes: Taylor, McNeil, Park, Jivan, Mascarenhas-Swan

Abstain: None

Absent: Elias

Excused: None

Vote for Chair:

Cassidy - Phillips
Bell - Phillips
Jacquelin - Phillips
Marasovic - Phillips
Fink - Phillips
Mencher - Phillips
Taylor - Jivan
Lee - Phillips
Morizawa - Jivan
McNeil - Jivan
Park - Jivan
Jivan - Jivan
Phillips - Phillips
Mascaranhas-Swan - Jivan
Elias – Absent

Commissioner Phillips elected Chair.

VICE-CHAIR

Nominees:

- Chair Morizawa was nominated and accepted
- Commissioner Taylor was nominated and accepted, but then withdrew nomination
- Commissioner Cassidy was nominated and accepted
- Commissioner Park was nominated and accepted

M/S/C Jivan/Taylor to hold a roll call vote for Vice Chair with the three nominees being Commissioner Cassidy, Commissioner Park, and Chair Morizawa and the nominee receiving a majority of votes winning

Ayes: Cassidy, Bell, Jacquelin, Marasovic, Fink. Mencher, Lee, Morizawa, Phillips

Noes: Taylor, McNeil, Park, Jivan, Mascarenhas-Swan

Abstain: None

Absent: Elias

Excused: None

M/S/C Taylor/Phillips to proceed to the vote

Ayes: Cassidy, Bell, Jacquelin, Marasovic, Fink. Mencher, Lee, Morizawa, Phillips

Noes: Taylor, McNeil, Park, Jivan, Mascarenhas-Swan

Abstain: None

Absent: Elias

Excused: None

Vote for Vice Chair:

Cassidy - Cassidy

Bell - Abstain

Jacquelin - Morizawa

Marasovic - Morizawa

Fink - Cassidy

Mencher - Cassidy

Lee - Cassidy

Morizawa - Morizawa

Phillips - Park

Taylor - Park

McNeil - Park

Park - Park

Jivan - Park

Mascaranhas-Swan - Park

Elias - Absent

Commissioner Park is elected Vice Chair.

Recess: 8:57 - 9:05

5. Resolution to Mount Progress Flag in School Board Meeting Room

Discussion, no action taken. Item will be continued to the next meeting.

6. Discussion and Possible Action for the Peace and Justice Work Plan.

M/S/C Taylor/Phillips to approve the workplan without removing marginalized populations targeted by the Trump administration, to include three subcommittees to focus on immigration, racial justice, and LGBTQI issues, and to collaborate with other commissions on issues of shared interest.

Ayes: Cassidy, Bell, Jacquelin, Marasovic, Fink. Mencher, Lee, Morizawa, Phillips

Noes: Taylor, McNeil, Park, Jivan, Mascarenhas-Swan

Abstain: None

Absent: Elias

Excused: None

SECTION C. COMMUNICATIONS

7. No communications received prior to meeting.

SECTION D. ADJOURNMENT

The meeting was adjourned at 9:59 PM (by consensus).

Respectfully Submitted,

Peter Radu, Acting Secretary
Peace and Justice Commission

Draft
Resolution Calling for The Adoption of the Progress Flag at 1231 Addison Street School Board Room

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

WHEREAS the School Board has, from time to time, permanently posted flags in solidarity with urgent social justice issues, including the Pride flag and Black Lives Matter Flag at the 1231 Addison Street Board Room; and

WHEREAS the Berkeley Unified School District has in place gender-inclusive policies and guidance for students, families, educators, and school staff in compliance with Title IX and in alignment with Berkeley's moral core; and

WHEREAS, attacks on trans youth have become a political flash point with some States passing draconian laws which serve only to punish young people who do not conform to binary gender constructions; and

WHEREAS, transgender youth are at significantly higher risk for self-harm in contexts where they do not receive social support; and

WHEREAS, Executive Orders made one January 30th and February 5th, 2025, commenced a formal federal assault on transgender, nonbinary, two-spirit, and gender non-conforming people across the United States, including a federal ban on governmental units acknowledging a

gender spectrum, a ban on trans athletes, and threats to funding for any institution receiving federal dollars that offer gender-affirming care; and

WHEREAS, in 2018 the Progress Flag was designed to integrate the original Pride Flag of 1978 and the Trans Flag of 1999, expanding acknowledgement of LGBTQI+ identities, including the additions of:

- Light blue, pink, and white to represent transgender and nonbinary identities;
- Brown and black to represent queer People of Color identities;
- Black to represent those living with and lost to HIV/AIDS;

WHEREAS, the Progress Flag has been broadly (though not uniformly) adopted in queer communities around the world as identity categories are an ever expanding social phenomenon, just as the Pride Flag was quickly adopted internationally after its release in 1978.

NOW, THEREFORE BE IT RESOLVED, that the City of Berkeley rejects all forms of hate on the basis of identity and affirms each person's right to live with dignity as they are, free from harm and harassment;

NOW, THEREFORE BE IT RESOLVED, that the Berkeley School Board shall permanently erect the Progress Flag on the 1231 Addison Street School Board Room wall behind the dais;

NOW, THEREFORE BE IT RESOLVED, that the City Council and School Board will endeavor to fill the gap of now federally rescinded educational resources including the "U.S. Department of Education Toolkit: Creating Inclusive and Nondiscriminatory School Environments for LGBTQI+ Students" and "Supporting Transgender Youth in School", and to further enact and preserve gender-inclusive policies that create a safe and affirming community for all;

NOW, THEREFORE BE IT RESOLVED, that the City of Berkeley reaffirm its use of gender-inclusive language in the City's Municipal Code as established in ORDINANCE NO. 7,670–N.S. and take measures to continue promoting a safe and affirming environment for transgender, non-binary, two-spirit, and gender non-conforming people;

Resolution Opposing an American Occupation and the Ethnic Cleansing of Palestinians from Gaza

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code Chapter 3.68.070);¹ and

WHEREAS, the findings that established the Commission's charter notes that "The intentional destruction of cities in war is the rule and not the exception" and that "the wealth that could be spent to help the poor, heal the sick, house the homeless, educate the children, and care for the elderly is now spent on ever more costly weapons of mass destruction," and, that "Initiatives are needed to reverse the drift toward war and to remove the causes of war"; and

WHEREAS, Berkeley residents have watched with horror as between 60-70% of Gaza has been decimated including 90% of housing units over the last 16 months, funded by American financial support for Israel's military action²; and

WHEREAS, prior to the most recent war, 1.6 million Palestinians living in Gaza –70% of the population of Gaza– were already refugees, having once and in some cases twice already fled their homes during the ethnic cleansing campaigns of 1947 and 1967³; and

WHEREAS, every major international human rights organization has documented the decades-long history of ethnic cleansing of Palestinians from Palestine; and

WHEREAS, on February 4th, 2025, Donald Trump declared and repeated in subsequent statements that the United States would "take over" Gaza and remove the Palestinian population permanently, an illegal and morally repugnant act; and

WHEREAS, the forcible transfer of a civilian population living under occupation is illegal under article 49 of the Fourth Geneva Convention⁴; and

WHEREAS, in April, 2024, the United States vetoed Palestine's bid to become a full member in the U.N. General Assembly, which would have afforded it representation and voting rights;

WHEREAS, the international community has uniformly rejected this proposal; and

WHEREAS, an American occupation of Gaza risks further devolving the region into more widespread war; and

¹ <https://berkeley.municipal.codes/BMC/3.68>

² <https://www.doctorswithoutborders.org/latest/destruction-homes-leaves-palestinians-unable-safely-return-rafah#:~:text=After%20more%20than%2015%20months,scale%2Dup%20of%20humanitarian%20aid.>

³ <https://www.unrwa.org/where-we-work/gaza-strip>

⁴ https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf

WHEREAS, tens of thousands of Palestinians have fled the West Bank as settler violence against the indigenous Palestinian population escalates⁵;

NOW THEREFORE, BE IT RESOLVED, that the City of Berkeley calls on the Trump administration to withdraw its demolition, ethnic cleansing and development plan and renew its commitment to working with the international community to rebuild Gaza for the Palestinian people; and

1) Urges the Trump administration to immediately end all weapons shipments and military aid to Israel.

3) Urges the Trump administration to demand the immediate end of Israel's illegal occupation of Palestinian territories – the West Bank and East Jerusalem – and an end to the 16-year-long siege and blockade of Gaza in compliance with international law, and full withdrawal from Gaza.

4) Calls for the immediate release of political prisoners regardless of nationality;

5) Urges the Trump administration to formally recognize the State of Palestine, support its full membership into the United Nations, and affirm the Palestinian right to self-determination through self-governance and the Right of Return.

BE IT FURTHER RESOLVED that the City of Berkeley vows to combat all forms of hate, including Islamophobia, antisemitism, anti-Arab and anti-Palestinian racism, xenophobia, and ethnonationalism.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to President Donald Trump, Secretary of State Marco Rubio, Vice President J.D. Vance, Representative Latifa Simon, Senator Alex Padilla, Senator Adam Schiff, and Representative Rashida Tlaib.

⁵<https://apnews.com/article/israel-palestinians-west-bank-gaza-militants-displaced-2fb430ce6eeeff40b416df566712eb99>

CHAPTER VI. COUNCIL REPORTS AND REPORTS TO COUNCIL

CHAPTER VI. INDEX

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The City Council values commissions and commission recommendations are an important part of Council's consideration of issues. Reports are how Council reviews and considers commission recommendations and these reports should reflect the care, analysis, and effort commissions put into studying and discussing the topic. High quality reports are an essential element of providing recommendations and information to Council. Following these guidelines will help commissioners create better reports.

A. AGENDA PROCESS (OPEN GOVERNMENT ORDINANCE AND A.R. 5.1)

Each year the Council adopts a schedule establishing the specific dates of all regular meetings and recess periods. The agenda schedule is structured to provide the City Council with copies of their agenda packet 12 days prior to the Council meeting. This allows Councilmembers and the public time to review the agenda material in order to be fully prepared to discuss and consider the agenda items.

The City Clerk is the coordinator for the agenda process. The City Clerk routes commission reports and the accompanying City Manager report, if any, to reviewers in the City Manager and City Attorney departments. The City Manager cannot prevent a commission report from going to the Council, but the review process may result in a request that the commission clarify some portion of its report in order to provide the Council with the best information possible.

The City Clerk posts City Council agendas, annotated agendas, and all reports including proposed resolutions and ordinances on the City's website. The City Clerk also provides live captioned webcast and video archives of Council meetings. The City offers e-mail subscription notification for newly posted Council information at www.cityofberkeley.info/subscribe. Commissioners who wish to be notified when new electronic copies of agendas and annotated agendas are posted may subscribe to the City's e-mail subscription service.

B. COUNCIL AGENDA SCHEDULE

Coordinating, organizing, and assembling the large volume of information and reports that comprise the agenda packet is a complex task. The City Manager establishes an agenda schedule setting forth the various deadlines for submittal of agenda items based on meeting dates of the Council Agenda Committee and the City Council.

Commissions must comply with the agenda submission deadlines when planning to make a recommendation to the City Council. Reports to the City Council are due to the City Clerk 33 days prior to the meeting. Reports not submitted in accordance with this schedule will be delayed to a later meeting date.

C. COMMISSION REPORTS TO COUNCIL

1) Method of Communication

A commission transmits its findings and responds to referrals and other communications to the City Council through a report on the City Council agenda. Commissions must stay within their purview when making recommendations to Council.

When the City Manager differs with the recommendations of a commission or wishes to include additional or different information, the City Manager may present a City Manager Companion Report to the Council highlighting alternate recommendations or additional information. Otherwise, the City Manager section of the report should state "City Manager [concurs with/takes no position on] the content and recommendations of the commission's report."

Alternately, commissions may relay their position on an issue to the Council in the form of a letter. These communications to Council must be approved by the full commission. The letter is then signed by the chair, and the secretary submits it to the City Clerk as a communication. These are less formal documents that do not carry the weight of an officially adopted recommendation. This type of communication is typically used when, for example, an item on the Council agenda is of interest to the commission and under their purview, but the timeline doesn't allow the commission an adequate opportunity to prepare a formal report.

For reports on the Council agenda, commissions may prepare the types of reports described below. These reports go through the agenda review process and are distributed to Council as part of the agenda packet. All three types of commission reports to Council shall state the full commission motion and the listing of how each commissioner voted. It must also state whether or not any commissioner was recused and the reason for recusal.

EXAMPLE:

At the [date of commission meeting] meeting, the commission took the following action:

Action: M/S/C (Fernandez/Jones) to [input text of the motion...].

Vote: Ayes – Nguyen, Okafor, Garcia, Lee, Fernandez; Noes – Wong, Jones; Abstain – Stein; Absent – Smith (Recused: lives within 300 feet of project).

Information Reports

This type of report should be used when the subject matter seeks to advise or inform the Council on a subject but does not request any action by Council. Information reports do not include formal recommendations.

Consent Calendar Reports

This type of report must include a specific recommendation for Council approval, adoption, or authorization. All items on the Consent Calendar are

approved with a single vote of the Council. Items that are controversial or complex should not be submitted for the Consent Calendar. This type of report should be used when an item needs to be acted on by Council but is routine in nature. In a Consent item, the City Manager section of the report should state "City Manager [concur with/takes no position on] the content and recommendations of the commission's report."

Action Calendar Reports

This type of report is for items that require a full dialogue with Council, have particularly high public interest, or are complex in nature. These reports must include a specific recommendation for Council approval, adoption, or authorization. If the City Manager submits a companion report to a commission report, typically with an alternative recommendation, both reports must be submitted for the Action Calendar and will appear together as items (a) and (b) under the same item number.

2) Basic Steps for Communicating to Council

1. An item is placed before the commission by Council referral, staff, or a commissioner.
2. The commission agendas the topic.
3. The commission discusses the agenda item and votes to send its recommendation or findings to Council.
4. The commission drafts a report, approving the text by motion and vote, and sends it to the secretary (it may take several commission meetings to fully discuss an item and agree on findings).
5. The secretary enters the report into the agenda review process.

3) Creating Council Reports

The commission is responsible for drafting the text of the report and providing the final text to the secretary. With the permission of the full commission, final editing duties may be assigned to specific commissioners.

4) Formatting and Submitting Council Reports

The secretary of the commission is responsible for formatting and submitting the commission report as approved by the commission and upon final review by the commission chair or his or her designee. The chair of the commission should be listed on the report on the "Submitted by:" line in the heading. The City Manager may ask the commission for additional information and/or clarification before placing the report on the agenda.

5) Timeline

Once the commission provides the complete text of the report to the secretary, the secretary ensures that it is in the proper format and submits it through the department director to the City Clerk. The secretary must submit the commission report into the agenda workflow no later than three weeks following receipt of the final report text.

Once the commission report has been placed on a draft City Council agenda, the Agenda Committee has the following options with regards to scheduling the commission item:

1. For a commission item that does not require a companion report from the City Manager, the Agenda Committee may 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; or 3) allow the item to proceed as submitted.
2. For any commission report that requires a City Manager companion report, the Agenda Committee will schedule the item on a Council agenda 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 Committee. A commission report submitted with a complete companion report may be scheduled pursuant to the paragraph above.

As stated above, the deadline to submit reports for the Council agenda is 33 days prior to the meeting. Departments may have additional deadline requirements. As a general guideline, a commission should allow at least three months for an item or recommendation to be considered and adopted by the commission, then entered into the Council agenda process, and ultimately be heard at a City Council meeting.

6) Votes Needed to Take Action

On rare occasions, a commission may be unable to achieve the number of votes needed to take official action in time for consideration of an issue by the City Council. In such cases, a commission may communicate the opinion of fewer commissioners than the officially required majority. Nothing in this section shall be construed to prevent the City Manager from reporting what occurred at the commission meeting.

Scenario:

A commission of nine Actual Appointees, where there are only five commissioners present at the meeting (thus achieving the required quorum of five). These five commissioners disagree: three voting for a proposal and two against. If time permits, the matter would be held until all commissioners were present and a definitive recommendation voted upon. If, however, the matter is time sensitive, the commission could take action to communicate the facts to the Council and indicate those voting for each of the opposing viewpoints.

7) **Reports to Council: Structure/Content/Format**

It is the commission's responsibility to provide complete, concise, and accurate reports to the Council so that the City Council fully understands the issue and what action, if any, it is being asked to take.

It is the responsibility of the commission to ensure that each report includes:

- A clear recommendation on what action the commission is asking the Council to take.
- A realistic evaluation of the financial implications of the recommendation and, if possible, potential funding sources.
- The reason(s) for making the recommendation.
- The facts on which the recommendation was made.
- The resolution or ordinance in proper format, if needed.

High quality commission reports and recommendations take into account the Council's need to view an issue from as many perspectives as possible. The Council must fully understand the relevant background and implications, including costs, if possible, of each action it is asked to take. Submission of high quality reports will enable the City Council to act knowledgeably and expeditiously on commission recommendations and will reduce the likelihood of the Council referring the report back to the commission for clarification.

High quality reports entail the following key procedural aspects:

- Review by other affected commissions, if any, prior to submission to the City Council.
- Proper report format and preparation.
- Legal review when appropriate.
- Consideration of potential monetary costs.

The format requirements for reports to the Council are the same for commissions as for staff. It is the secretary's responsibility to follow format requirements when finalizing a commission report. Format templates and examples are available to secretaries through the City's intranet.



Commission reports may be considered incomplete in one or more of the following instances.

- When the discussion and evaluation of the financial implications and, if possible, funding sources are not included.
- When the report has not been reviewed by another commission(s) whose review is essential if the Council is to make an informed decision.
- When an improper format has been used.
- When the recommendation or implications of the recommendation are unclear because of inadequate information.
- If any attachments such as resolutions, letters, or supporting documentation are missing.

The secretary must ensure that the City Manager companion report is submitted in accordance with established timelines so that it does not delay the commission item.

8) **Review by Other Commissions**

Often the spheres of interest of various commissions overlap, depending on the specific issue. Before a commission recommends action on an issue, it should invite other commissions with an interest in the topic to review the subject and offer a response, whether or not the Council specifically requested such coordination.

Scenario 1

The Children, Youth, and Recreation Commission (CYRC) is working on a recommendation regarding a children's cycling program. The CYRC should have their recommendation reviewed by the Transportation Commission and Public Works Commission to determine if there are any safety, policy, or infrastructure improvements that might need to be considered.

Scenario 2

The Commission on Aging is planning to recommend the funding of a health care clinic for seniors. It should refer the proposal to the Community Health Commission and the Mental Health Commission.

If a referral to another commission has been made, the commission writing the report indicates at the beginning of the report the fact that it made a referral and what the response to the referral was, if any.

A typical process for commission coordination would be for Commission A to develop a draft report, pass a motion to refer the draft report to Commission B and others as necessary to review the report and submit comments back to Commission A, which incorporates comments, revises the report as necessary, and submits it to Council. All of the information sharing in this sample process is conducted exclusively through the commission secretaries.

D. DISTRIBUTION WITH COUNCIL AGENDA PACKET

Reports received by the City Clerk by the established deadline that are ready for inclusion in the Council packet will be distributed by the City Clerk to the City Council as part of the agenda packet.

E. RESOLUTIONS/ORDINANCES ACCOMPANYING REPORTS

Most actions taken by the Council do not require a resolution or ordinance. When a resolution or ordinance is absolutely necessary and required for legal or financial reasons, commission secretaries should obtain the proper template from the City Clerk for inclusion with a commission's report. These guidelines should be followed.

- The secretary will ensure that all resolutions and ordinances follow the format provided in the City Clerk Department templates posted on the intranet.



- If the Commission is proposing an ordinance for adoption that will be codified in the BMC, they must follow the formatting procedures provided by the City Clerk Department on the intranet. In addition, the ordinance must be forwarded to the City Attorney and City Clerk for review prior to submitting the final report to the City Clerk for the agenda process.
- Resolutions and ordinances must be carefully proofread for accuracy.

LOCAL

City Council declares Olympia the state's first sanctuary city for trans and queer people

By Ty Vinson

Updated January 29, 2025 7:05 PM |  12

Olympia community members call for council to adopt trans, LGBTQ+ sanctuary status

00:00

Michael Connor speaks during the Dec. 10 Olympia City Council meeting in support of th
and LGBTQ+ sanctuary city before President-elect Donald Trump takes office next year. B

[Watch More](#)



Only have a minute? Listen instead

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X

The City of Olympia has joined a small group of jurisdictions in the country declaring itself a sanctuary city for LGBTQIA2S+ people, just a month after

community members came to City Council asking for leaders to expand protections.

Assistant City Manager Stacey Ray presented the council with the resolution during a meeting Tuesday, Jan. 28. The council passed the resolution unanimously.

Ray said the council asked staff in December to draft a resolution declaring Olympia a sanctuary city affirming a commitment to ensuring that all individuals, regardless of sexual orientation or gender identity, feel safe and supported in the community.

“You asked for a collaborative approach to developing the resolution that reflects our community’s values, needs and voice, and that includes actionable statements and with urgency to address rising concerns and fears in light of the new administration,” Ray said. “The resolution before you tonight meets all three requests.”

TOP VIDEOS

She said the resolution comes quickly to the council so as to be responsive to the moment. She said it was developed with input and review by LGBTQIA2S+ and allied community members and groups.

The expanded LGBTQIA2S+ acronym stands for lesbian, gay and trans, queer and questioning, intersex, asexual or age-plus-sign signifies additional identity terms to be inclusive

Ray said Olympia joins only three other places in the U.S. that have declared themselves a sanctuary city or state for queer people. They are San Francisco, Kansas City, and Ithaca, New York, she said.

[Watch More](#)

00:00

02:00

What the resolution says

Ray said the first part of the resolution includes six “Whereas” statements that clearly state the community and city values around treating people with dignity, equity and respect, regardless of sexual orientation, gender identity or gender expression.

She said it also includes an acknowledgment that sanctuary city resolutions are needed to address real threats to LGBTQIA2S+ people’s ability to live free of discrimination, violence and systemic barriers that threaten their safety, well being and human rights.

“Declaring Olympia a sanctuary city means recognizing the inherent worth and equal rights of LGBTQIA2S+ people, and demonstrating a commitment to protecting and advocating for individuals by rejecting policies and actions that promote discrimination, harm and inequity,” she said.

Ray said the second half of the resolution outlines what the city resolves to do in expanding its sanctuary status.

She said the city acknowledges that individuals have the right to gender affirming care, to speech and expression that supports LGBTQIA2S+ people, and expressing one’s own authentic gender and sexuality without regard to biological sex assigned at birth.

She said the city resolves to not dedicate city resources to support these commitments. The city also will do what it can about an individual’s sex or gender assigned at birth and actions at higher levels of government that threaten the of LGBTQIA2S+ individuals.

Lastly, Ray said the city resolves to continue ongoing dialog, partnership and collaboration with the LGBTQIA2S+ community and cultural leaders to reduce

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00:00

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barriers to accessing resources and support.



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She said the city will continue to open up channels for communication and reporting of crimes against individuals, and build on the relationship with the police department to help promote safety and the well-being of LGBTQIA2S+ people.

Council comments

Mayor Dontae Payne passed his gavel to Mayor Pro Tem Yến Huỳnh to preside over the meeting after Ray summarized the resolution. He said the council guidebook says the mayor does not make motions, but council member Clark Gilman asked that Payne make the motion to adopt the resolution.

He said the council didn't necessarily want to have to declare Olympia a sanctuary for anything, including immigrants, political refugees, reproductive rights and now LGBTQIA2S+ people. However, community members have repeatedly asked the council for protection.

"To our community members who showed up, who came here, putting themselves on the line openly in a public meeting, requesting that the council declare Olympia a sanctuary city is something that I will always remember and something that I'm so grateful to all of you for," Payne said.

He said there were many times where he thought to himself this, and he tabled it because he wanted to see if the community wanted to do it.

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"I hope that you feel some sense of relief that your city not only affirms you, but is celebrating you, celebrating us," he said. "And I look forward to a day where these types of actions at the local level are not necessary because our own federal government is attacking us. So it's an honor and a privilege to be your mayor and to be part of this moment as someone who identifies with the LGBTQIA2S+ community."

Huỳnh said it was a proud and historic moment for Olympia.

"This is when the rubber meets the road, right?" she said. "Because we have to hold each other accountable to actually implement and I'm just so proud and thankful for all of the people in this room that have gotten us here today, because this resolution is you and this city is you, and I'm just so proud to be part of it with you."

Community comments

A handful of community members spoke in favor of the council adopting the resolution. There were no comments opposing the move.

Lucas Miller is a board member of PFLAG Olympia, a nonprofit that provides support, education and advocacy for LGBTQ+ people, their friends, families and allies.

He said in declaring Olympia a safe place for people who need health care for their transgender children, or a place where their identities can be officially recognized, the council will be restoring hope to people who felt themselves losing it in the last several years.

He said since the inauguration, PFLAG Olympia has received numerous calls and welcomed new members from people relocating from states such as Florida, Texas, Tennessee, and even other parts of Washington.

"We stand ready to welcome those seeking a newer and sa community to help them find resources and to rebuild the support networks in their new home," Miller said.

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Alice Rosewater spoke as a representative of the Thurston Labor Council. She said the labor council believes that the ordinance is an important step forward towards protecting LGBT workers and their friends and family members in this region.

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“There’s a saying in the labor movement, an injury to one is an injury to all,” Rosewater said. “What this means to us is we recognize that our strength comes from the unity of all working people, regardless of who they are, who they love or where they come from.”

Rosewater said the number one strategy used against labor workers by bosses and the politicians that represent them is to divide and conquer by focusing their attacks on LGBT people and immigrants in particular.

“Right now, they hope to drive a wedge in our movement, to turn us against each other in order to make it easier to attack and exploit all working people,” Rosewater said. “The solution to this crisis is not to give up and give in. It’s to strengthen our bonds of solidarity by standing together as a community and to fight for democratic rights for all.”

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December 11, 2024 2:29 PM

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Ty Vinson covers the City of Olympia and keeps tabs on Tumwater and other communities in Thurston County. He joined The Olympian in 2021. Before that, he earned his bachelor's degree in journalism at Indiana University. In college, he worked as an intern at the Northwest Indiana Times, the Oregonian and the Arizona Republic as a Pulliam Fellow.

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Bill Text: CA SB1343 | 2017-2018 | Regular Session | Chaptered California Senate Bill 1343 (***Prior Session Legislation***)

Bill Title: Employers: sexual harassment training: requirements.

Spectrum: Partisan Bill (Democrat 3-0)

Status: (*Passed*) 2018-09-30 - Chaptered by Secretary of State. Chapter 956, Statutes of 2018. [SB1343 Detail]

Download: California-2017-SB1343-Chaptered.html

Senate Bill No. 1343

CHAPTER 956

An act to amend Sections 12950 and 12950.1 of the Government Code, relating to employment.

[Approved by Governor September 30, 2018. Filed with Secretary of State September 30, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1343, Mitchell. Employers: sexual harassment training: requirements.

The California Fair Employment and Housing Act makes specified employment practices unlawful, including the harassment of an employee directly by the employer or indirectly by agents of the employer with the employer's knowledge. The act requires employers with 50 or more employees to provide at least 2 hours of prescribed training and education regarding sexual harassment, abusive conduct, and harassment based upon gender, as specified, to all supervisory employees within 6 months of their assumption of a supervisory position and once every 2 years, as specified.

This bill would instead require an employer who employs 5 or more employees, including temporary or seasonal employees, to provide at least 2 hours of sexual harassment training to all supervisory employees and at least one hour of sexual harassment training to all nonsupervisory employees by January 1, 2020, and once every 2 years thereafter, as specified. The bill would require the Department of Fair Employment and Housing to develop or obtain 1-hour and 2-hour online training courses on the prevention of sexual harassment in the workplace, as specified, and to post the courses on the department's Internet Web site. The bill would also require the department to make existing informational posters and fact sheets, as well as the online training courses regarding sexual harassment prevention, available to employers and to members of the public in specified alternate languages on the department's Internet Web site.

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 12950 of the Government Code is amended to read:

12950. In addition to employer responsibilities set forth in subdivisions (j) and (k) of Section 12940 and in rules adopted by the department and the council, every employer shall act to ensure a workplace free of sexual harassment by implementing the following minimum requirements:

(a) (1) The department's poster on discrimination in employment shall include information relating to the illegality of sexual harassment. One copy of the poster shall be provided by the department to an employer or a member of the public upon request. The

poster shall be available at each office of the department, and shall be mailed if the request includes a self-addressed envelope with postage affixed. Each employer shall post the poster in a prominent and accessible location in the workplace.

(2) Post a poster developed by the department regarding transgender rights in a prominent and accessible location in the workplace.

(3) Provide sexual harassment training as required by Section 12950.1.

(b) Each employer shall obtain from the department its information sheet on sexual harassment, which the department shall make available to employers for reproduction and distribution to employees. One copy of the information sheet shall be provided by the department to an employer or a member of the public upon request. The information sheets shall be available at each office of the department, and shall be mailed if the request includes a self-addressed envelope with postage affixed. Each employer shall distribute this information sheet to its employees, unless the employer provides equivalent information to its employees that contains, at a minimum, components on the following:

(1) The illegality of sexual harassment.

(2) The definition of sexual harassment under applicable state and federal law.

(3) A description of sexual harassment, utilizing examples.

(4) The internal complaint process of the employer available to the employee.

(5) The legal remedies and complaint process available through the department.

(6) Directions on how to contact the department.

(7) The protection against retaliation provided by Title 2 of the California Code of Regulations for opposing the practices prohibited by this article or for filing a complaint with, or otherwise participating in an investigation, proceeding, or hearing conducted by, the department or the council.

(8) A link to, or the Internet Web site address for, the sexual harassment online training courses developed pursuant to Section 12950.1 and located on the Internet Web site of the Department of Fair Employment and Housing.

(c) The information sheet or information required to be distributed to employees pursuant to subdivision (b) shall be delivered in a manner that ensures distribution to each employee, such as including the information sheet or information with an employee's pay.

(d) The Department of Fair Employment and Housing shall make the poster, fact sheet, and online training courses available in English, Spanish, Simplified Chinese, Tagalog, Vietnamese, Korean, and any other language that is spoken by a "substantial number of non-English-speaking people," as that phrase is defined in Section 7296.2. The department shall make versions of the online training courses with subtitles in each language and shall orally dub the online training courses into each language other than English. Simplified Chinese shall be sufficient for subtitling purposes.

(e) The department shall make the poster, fact sheet, and online training courses required by this section, and the corresponding translations, available to employers and to the public through its Internet Web site in formats that may be streamed or downloaded.

(f) Notwithstanding subdivisions (j) and (k) of Section 12940, a claim that the information sheet or information required to be distributed pursuant to this section did not reach a particular individual or individuals shall not in and of itself result in the liability of any employer to any present or former employee or applicant in any action alleging sexual harassment. Conversely, an employer's compliance with this section does not insulate the employer from liability for sexual harassment of any current or former employee or applicant.

(g) If an employer violates the requirements of this section, the department may seek an order requiring the employer to comply with these requirements.

SEC. 2. Section 12950.1 of the Government Code is amended to read:

12950.1. (a) By January 1, 2020, an employer having five or more employees shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees and at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California within six months of their assumption of a position. An employer may provide this training in conjunction with other training provided to the employees. The training may be completed by employees individually or as part of a group presentation, and may be completed in shorter segments, as long as the applicable hourly total requirement is met. An employer who has provided this training and education to an employee after January 1, 2019, is not required to provide training and education by the January 1, 2020, deadline. After January 1, 2020, each employer covered by this section shall provide sexual harassment training and education to each employee in California once every two years. The training and education required by this section shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. The department shall provide a method for employees who have completed the training to save electronically and print a certificate of completion.

(b) An employer shall also include prevention of abusive conduct as a component of the training and education specified in subdivision (a).

(c) An employer shall also provide training inclusive of harassment based on gender identity, gender expression, and sexual orientation as a component of the training and education specified in subdivision (a). The training and education shall include practical examples inclusive of harassment based on gender identity, gender expression, and sexual orientation, and shall be presented by trainers or educators with knowledge and expertise in those areas.

(d) The state shall incorporate the training required by subdivisions (a) to (c), inclusive, into the 80 hours of training provided to all new employees pursuant to subdivision (b) of Section 19995.4, using existing resources.

(e) Notwithstanding subdivisions (j) and (k) of Section 12940, a claim that the training and education required by this section did not reach a particular individual or individuals shall not in and of itself result in the liability of any employer to any present or former employee or applicant in any action alleging sexual harassment. Conversely, an employer's compliance with this section does not insulate the employer from liability for sexual harassment of any current or former employee or applicant.

(f) If an employer violates this section, the department may seek an order requiring the employer to comply with these requirements.

(g) The training and education required by this section is intended to establish a minimum threshold and should not discourage or relieve any employer from providing for longer, more frequent, or more elaborate training and education regarding workplace harassment or other forms of unlawful discrimination in order to meet its obligations to take all reasonable steps necessary to prevent and correct harassment and discrimination. This section shall not be construed to override or supersede statutes, including, but not limited to, Section 1684 of the Labor Code, that meet or exceed the training for nonsupervisory employees required under this section.

(h) (1) Beginning January 1, 2020, for seasonal and temporary employees, or any employee that is hired to work for less than six months, an employer shall provide training within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first. In the case of a temporary employee employed by a temporary services employer, as defined in Section 201.3 of the Labor Code, to perform services for clients, the training shall be provided by the temporary services employer, not the client.

(2) Beginning January 1, 2020, sexual harassment prevention training for migrant and seasonal agricultural workers, as defined in the federal Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801, et seq.), shall be consistent with training for nonsupervisory employees pursuant to paragraph (8) of subdivision (a) of Section 1684 of the Labor Code.

(i) (1) For purposes of this section only, "employer" means any person regularly employing five or more persons or regularly receiving the services of five or more persons providing services pursuant to a contract, or any person acting as an agent of an employer, directly or indirectly, the state, or any political or civil subdivision of the state, and cities.

(2) For purposes of this section, "abusive conduct" means conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act shall not constitute abusive conduct, unless especially severe and egregious.

(j) For purposes of providing training to employees as required by this section, an employer may develop his or her own training module or may direct employees to view the online training course referenced in subdivision (k) and this shall be deemed to have complied with and satisfied the employers' obligations as set forth in this section and Section 12950.

(k) The Department of Fair Employment and Housing shall develop or obtain two online training courses on the prevention of sexual harassment in the workplace in accordance with the provisions of this section. The course for nonsupervisory employees shall be one hour in length and the course for supervisory employees shall be two hours in length.

(l) The department shall make the online training courses available on its Internet Web site. The online training courses shall contain an interactive feature that requires the viewer to respond to a question periodically in order for the online training courses to continue to play. Any questions resulting from the online training course described in this subdivision shall be directed to the trainee's employer's Human Resources Department or equally qualified professional rather than the department.

4. Correspondence between Karen Klatt, CoB MHSA Coordinator and Commissioner Marasovic regarding City MHSA programs provided to transgender students at BHS.

Klatt, Karen
From: kklatt@berkeleyca.gov
To: 'carole marasovic'
Fri, Feb 7 at 9:22 AM
Hi Carole,

If you look at our MHSA FY25 Annual Update which is posted on the City of Berkeley MHSA Webpage, you will find the numbers for each program on individuals served including Trans which would be under the category of Gender Identity in each program. If Transgender isn't listed in a given program in the demographic data charts, it means there weren't any Trans served during that reporting timeframe. Also in all the demographic categories we had to mask any data that was under the number 11, due to state requirements so those individuals couldn't somehow inadvertently be identified, however you will at least be able to see where Trans were served in each program, and if there is an asterisk, meaning we had to mask the data, then the number was 11 or under. Again, each program is open and available for Trans individuals who meet the criteria of the given program as well as and any other individuals that meet the criteria, however, who was actually served in those programs, is in the plan.

I will reach out to BHS on your question of the education provided to Trans students, and get back to you on it.

Thanks,

Karen

Karen Klatt, MEd
MHSA Coordinator
City of Berkeley Mental Health
1521 University Ave.
Berkeley, CA 94704
(510) 981-7644 – Office
(510) 849-7541 – Cell

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-----Original Message-----

From: carole marasovic <daphnesflight@yahoo.com>
Sent: Friday, February 7, 2025 9:06 AM
To: Klatt, Karen <KKlatt@berkeleyca.gov>
Subject: Re: Question

Karen,

Do we have any data regarding Trans students served? Do we have any data on education provided to BHS students on trans?

Thanks.

Carole

Sent from my iPhone

> On Feb 7, 2025, at 8:07 AM, Klatt, Karen <kklatt@berkeleyca.gov> wrote:

>

> Hi Carole,

>

> Each BUSD funded program has a specific purpose (as described and outlined by program in the MHSA Plans). While all of the MHSA funded programs serve any student in need regardless of gender identity, etc., the most likely program where you may see Trans students receiving services is in the High School Prevention Project, which is a part of the BHS Health Center.

>

> Thanks,

>

> Karen

>

> Karen Klatt, MEd

> MHSA Coordinator

> City of Berkeley Mental Health

> 1521 University Ave.

> Berkeley, CA 94704

> (510) 981-7644 - Office

> (510) 849-7541 - Cell

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>

> -----Original Message-----

> From: carole marasovic <daphnesflight@yahoo.com>

> Sent: Thursday, February 6, 2025 3:18 PM

> To: Klatt, Karen <KKlatt@berkeleyca.gov> Subject: Question

>

> WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

>

> Karen,

>

> Which BUSD school programs, funded through MHSA, would provide supports to trans students?

>

> Carole



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ROB BONTA

Attorney General

Know Your Rights

LGBTQ+ Discrimination Rights

You have the right to access and utilize public accommodations: In the State of California, it is illegal to discriminate against people using public accommodations on the basis of sexual orientation or gender identity.

You have the right to use the restroom consistent with your gender identity: You have the right to use the restroom consistent with your gender identity both in public settings, like schools, and at your workplace. As an employee in California, you have a right to safe and appropriate restroom facilities. Your employer cannot dictate which restroom you use. If your place of employment has single-stall restrooms, they must be labeled as "All Gender," "Unisex," "Gender Neutral," or something similar.

You have the right to rent property without fear of discrimination in California.

The federal Fair Housing Act prohibits sex discrimination by most landlords and, as the Supreme Court held in 2020 (*Bostock v. Clayton County*), discrimination on the basis of sexual orientation and gender identity is sex discrimination. Thus, the Fair Employment and Housing Act prohibits discrimination on the basis of sexual orientation or gender identity. Housing discrimination against people with HIV/AIDS, or people perceived to

have HIV/AIDS, is also illegal under the Fair Housing Act's protections against disability discrimination.

Violations of California's Fair Employment and Housing Act include:

- Refusal to sell, rent, or lease rooms, apartments, condos or houses to protected individuals
- Refusal to negotiate for the sale, rental, or lease of housing
- Representation that a housing accommodation is not available for inspection, sale, or rental when it is in fact available
- Denial of a home loan or homeowner's insurance
- Cancellation or termination of a sale or rental agreement
- Policies, practices, terms, or conditions that result in unequal access to housing or housing-related services
- Offering inferior terms, conditions, privileges, facilities or services in connection with the housing accommodation
- Sexual harassment involving unwanted sexual advances or requiring sexual favors for housing rights or privileges
- Refusal to permit, at a disabled tenant's expense, reasonable modifications when necessary to accommodate a disability
- Refusal to make reasonable accommodations in housing rules, policies, practices, or services where necessary to afford a disabled person equal opportunity to use and enjoy a dwelling
- Retaliation against someone filing a complaint
- Overly restrictive rules limiting the activities of daily life for families with children, including where children are allowed to play

You have the right to receive service, regardless of the provider's religion. This includes wedding services, medical care, and child welfare services. California has banned religious exemption laws.

You have the right to a discrimination-free workplace. Both the California Fair Employment and Housing Act (FEHA) and Title VII of the federal Civil Rights Act (Title VII) make it illegal for an employer to fire, demote, fail to hire, fail to promote, harass, or otherwise discriminate against you (such as by paying a lower wage or denying benefits that other workers receive) because of your sexual orientation, gender identity, and/or gender expression.

While the majority of employees in California are covered under these laws, there are a few types of employees that are exempt from the laws:

- Certain employees of religious entities like churches and mosques; and
- Employees of very small employers. California discrimination protections described here apply to entities with at least 5 employees (and the harassment provisions apply to every entity, even if you are the only employee); and federal discrimination protections apply to entities with at least 15 employees.

You have the right to learn about and teach LGBTQ+ history. Education Code Section 51204.5 prescribes the inclusion of the contributions of various groups in the history of California and the United States. This section includes: both men and women, Native Americans, African Americans, Mexican Americans, Asian Americans, Pacific Islanders, European Americans, lesbian, gay, bisexual, and transgender Americans, persons with disabilities, and members of other ethnic and cultural groups, to the economic, political, and social development of California and the United States of America, with particular emphasis on portraying the role of these groups in contemporary society.

You have the right to discuss LGBTQ+ issues and topics in school under Section 48907 of the California Education Code. In addition, under Section 48950, no public school, charter school, or non-religious private high school can discipline you for talking about being LGBTQ or for discussing LGBTQ issues.

You have the right to disclose – or not disclose - your gender identity on your own terms, regardless of your age. Your school, whether public or private, doesn't have the right to "out" you as LGBTQ+ to anyone without your permission, including your parents. Under the California and U.S. constitutions, you have a protected right to privacy, which includes the right to keep your sexual orientation, gender identity or that you are transgender private (what courts call a "reasonable expectation of privacy"). In other words, you have the right to control to what extent and to whom you disclose highly personal information about your sexual orientation or gender identity. This means that even if you are "out" about your sexual orientation or gender identity at school, if you're not 'out' to your parents at home, and you can reasonably expect that they're not going to find out, then school staff can't tell your family that you are LGBTQ+ without your permission. Being open about your sexuality in school doesn't mean you automatically give up your right to privacy outside school.

However, under some limited circumstances your school can tell your parents something about your sexual orientation or gender identity—but only if they have a very good reason for doing so. It really depends on the circumstances. But they can't do it just to punish you, harass you, discriminate against you, or retaliate against you for complaining about something. For example, if you complain to the principal about a teacher making or allowing anti- LGBTQ+ comments in class, they can't then call your parents (or threaten to call them) and discuss anything about your actual or perceived sexual orientation. If your principal or teachers are threatening to "out" you to your parents and you need advice, give us a call. You should also explain your desire and your right to keep this information private.

You have the right to play on a sports team that aligns with your gender identity.

You have the right to services, activities, and programs in the California Juvenile Justice System.

You have the right to refuse and prosecute conversion therapy providers in California. Conversion therapy for LGBTQ+ youth is illegal in California.

You have the right to have your gender-affirming care covered by your private or public health insurance plan. Under California law, employer-provided health plans and Medi-Cal must cover medically necessary gender-affirming care just like they cover other medically necessary treatments.

You have the right to have your same-sex spouse or registered domestic partner covered by your health insurance plan. Under California law, same-sex spouses and registered domestic partners are entitled to the same health care coverage as different-sex spouses.

You have the right to request that your California driver's license, birth certificate, and death certificate have a gender marker other than "M" or "F". California allows residents to be identified by a gender marker other than "F" or "M" on their driver's license. It is also the first State to allow a nonbinary gender marker on birth certificates. You can also choose "bride," "groom," or "neither" on your marriage certificate.

You have the right to serve on a jury. California does not allow discrimination based on sexual orientation or gender.

You have the right to donate blood and plasma.

You do NOT have the right to use a "panic defense" in murder cases (i.e. argue your way to a lesser charge of manslaughter by expressing your discomfort with, surprise at, or fear of a victim's sexual orientation or gender identity). In September 2014, California became the first state in the U.S. to officially ban the use of "trans panic" and "gay panic" defenses in court.

THE RIGHTS OF EMPLOYEES WHO ARE TRANSGENDER OR GENDER NONCONFORMING



Civil Rights
Department
STATE OF CALIFORNIA

FACT SHEET

CALIFORNIA LAW PROTECTS TRANSGENDER AND GENDER NONCONFORMING PEOPLE FROM DISCRIMINATION, HARASSMENT, AND RETALIATION AT WORK. THESE PROTECTIONS ARE ENFORCED BY THE CIVIL RIGHTS DEPARTMENT (CRD).

THINGS YOU NEED TO KNOW

1. Does California law protect transgender and gender nonconforming employees from employment discrimination?

Yes. All employees, job applicants, unpaid interns, volunteers, and contractors are protected from discrimination at work when based on a protected characteristic, such as their gender identity, gender expression, sexual orientation, race, or national origin. This means that private employers with five or more employees may not, for example, refuse to hire or promote someone because they identify as – or are perceived to identify as – transgender or non-binary, or because they express their gender in non-stereotypical ways.

Employment discrimination can occur at any time during the hiring or employment process. In addition to refusing to hire or promote someone, unlawful discrimination includes discharging an employee, subjecting them to worse working conditions, or unfairly modifying the terms of their employment because of their gender identity or gender expression.

2. Does California law protect transgender and gender nonconforming employees from harassment at work?

Yes. All employers are prohibited from harassing any employee, intern, volunteer, or contractor because of their gender identity or gender expression. For example, an employer can be liable if co-workers create a hostile work environment – whether in person or virtual – for an employee who is undergoing a gender transition. Similarly, an employer can be liable when customers or other third parties harass an employee because of their gender identity or expression, such as intentionally referring to a gender-nonconforming employee by the wrong pronouns or name.

3. Does California law protect employees who complain about discrimination or harassment in the workplace?

Yes. Employers are prohibited from retaliating against any employee who asserts their right under the law to be free from discrimination or harassment. For example, an employer commits unlawful retaliation when it responds to an employee making a discrimination complaint – to their supervisor, human resources staff, or CRD – by cutting their shifts.

4. If bathrooms, showers, and locker rooms are sex-segregated, can employees choose the one that is most appropriate for them?

Yes. All employees have a right to safe and appropriate restroom and locker room facilities. This includes the right to use a restroom or locker room that corresponds to the employee's gender identity, regardless of the employee's sex assigned at birth. In addition, where possible, an employer should provide an easily accessible, gender-neutral (or "all-gender"), single user facility for use by any employee. The use of single stall restrooms

THE RIGHTS OF EMPLOYEES WHO ARE TRANSGENDER OR GENDER NONCONFORMING

FACT SHEET



Civil Rights
Department
STATE OF CALIFORNIA

and other facilities should always be a matter of choice. Employees should never be forced to use one, as a matter of policy or due to harassment.

5. Does an employee have the right to be addressed by the name and pronouns that correspond to their gender identity or gender expression, even if different from their legal name and gender?

Yes. Employees have the right to use and be addressed by the name and pronouns that correspond with their gender identity or gender expression. These are sometimes known as “chosen” or “preferred” names and pronouns. For example, an employee does not need to have legally changed their name or birth certificate, nor have undergone any type of gender transition (such as surgery), to use a name and/or pronouns that correspond with their gender identity or gender expression. An employer may be legally obligated to use an employee’s legal name in specific employment records, but when no legal obligation compels the use of a legal name, employers and co-workers must respect an employee’s chosen name and pronouns. For example, some businesses utilize software for payroll and other administrative purposes, such as creating work schedules or generating virtual profiles. While it may be appropriate for the business to use a transgender employee’s legal name for payroll purposes when legally required, refusing or failing to use that person’s chosen name and pronouns, if different from their legal name, on a shift schedule, nametag, instant messaging account, or work ID card could be harassing or discriminatory. CRD recommends that employers take care to ensure that each employee’s chosen name and pronouns are respected to the greatest extent allowed by law.

6. Does an employee have the right to dress in a way that corresponds with their gender identity and gender expression?

Yes. An employer who imposes a dress code must enforce it in a non-discriminatory manner. This means that each employee must be allowed

to dress in accordance with their gender identity and expression. While an employer may establish a dress code or grooming policy in accord with business necessity, all employees must be held to the same standard, regardless of their gender identity or expression.

7. Can an employer ask an applicant about their sex assigned at birth or gender identity in an interview?

No. Employers may ask non-discriminatory questions, such as inquiring about an applicant’s employment history or asking for professional references. But an interviewer should not ask questions designed to detect a person’s gender identity or gender transition history such as asking about why the person changed their name. Employers should also not ask questions about a person’s body or whether they plan to have surgery.

8. Does California law protect transgender and gender nonconforming employees from hate violence?

Yes. Acts or threats of violence against a person because of their gender identity or gender expression is forbidden everywhere, including the workplace. A person targeted for hate violence can file a claim with CRD, and may be eligible for civil remedies, such as money damages and a restraining order. Also, contact the CA vs. Hate Resource Line and Network for information and support for people targeted by hate at stop hate@calcivilrights.ca.gov or 833-8-NO-HATE.

9. Can my employer-provided health insurance plan exclude gender-affirming care?

No. Under California law, employer-provided health plans must cover medically necessary gender-affirming care.

THE RIGHTS OF EMPLOYEES WHO ARE TRANSGENDER OR GENDER NONCONFORMING

FACT SHEET



Civil Rights
Department
STATE OF CALIFORNIA

COMMON TERMS

Gender expression means a person's gender-related appearance or behavior, such as their mannerisms, clothes, or hairstyle. How someone expresses their gender may or may not be stereotypically associated with their gender identity or the sex they were assigned at birth. For example, someone who identifies as male may express his gender in stereotypically feminine ways, such as having long hair, wearing make-up, or acting "sensitive."

Gender identity means each person's internal understanding of their gender, such as being male, female, a combination of male and female, neither male nor female, and/or nonbinary. A person may have a gender identity different from the sex the person was assigned at birth.

Gender nonconforming refers to people who do not follow societal norms or stereotypes about gender identity or gender expression. A person of any gender identity can be gender nonconforming, such as a female-identified person who wears clothes typically associated with men and who uses the pronouns "they/them" and "she/her."

Gender transition refers to a process that some people who are transgender or gender nonconforming go through to affirm their gender identity. This can, but does not necessarily, include transitioning socially and/or physically. A person does not need to complete any particular step in a gender transition in order to be protected by the law.

- *Social transition* is a process of socially aligning one's gender expression with the internal sense of self (e.g., changes in name and pronoun, bathroom facility usage, dress, speech, or appearance).

- *Physical transition* refers to medical treatments an individual may undergo to physically align their body with their gender identity (e.g., hormone therapies or surgical procedures).

Non-binary is a general term for any gender identity that falls outside the gender binary of strictly male or strictly female. California officially recognizes non-binary as a gender.

Sexual orientation refers to a person's sexual or romantic attraction to others and may – but does not necessarily – include identification with terms like straight, gay, lesbian, bisexual, or pansexual.

Transgender is a general term that refers to a person whose gender identity differs from the sex they were assigned at birth, such as someone who identifies as male but whose sex on their original birth certificate was marked female.

If you have been subjected to discrimination, harassment, or retaliation at work, please contact CRD.

TO FILE A COMPLAINT

Civil Rights Department

calcivilrights.ca.gov/complaintprocess

Toll Free: 800.884.1684

TTY: 800.700.2320

Have a disability that requires a reasonable accommodation? CRD can assist you with your complaint.

For translations of this guidance, visit:
www.cacivilrights.ca.gov/posters/employment

1 Proposal for Peace & Justice work plan for 2025

2 Drafted by George Lippman

3
4 This memo proposes a structure for the Peace and Justice Commission to
5 create policy recommendations in 2025 on a variety of issues, from a social
6 justice perspective.

7
8 At our last meeting in 2024, commissioners each contributed to a list of eleven
9 issues we would like the body to address this year.

10
11 The commission's history suggests that there are four ways an item can come
12 to the agenda. Most often the item is agendized by an individual member or
13 group of members. The item can be developed by a formal commission
14 subcommittee, created by commission vote. The item can be developed within
15 a commission meeting itself. Finally, it can be referred to the commission by
16 the city council or the school board.

17
18 I suggest that most topics would benefit from development in a small-group
19 process, either a subcommittee or informal. A subcommittee may hold public
20 workshop-style meetings. Commissioner attendance at a subcommittee may
21 not exceed half of the serving commission members. Commissioners are also
22 free to talk with community members or groups on their own initiative.

23
24 Here is a slightly shorter list of nine topics where I think the commission could
25 likely succeed in proposing an item for the city council's consideration. This
26 list is not exhaustive, nor is it exclusive. It's understood that issues will arise
27 that the commission needs to address, and that the Trump administration's
28 unpredictability will require our urgent reaction.

29
30 Many of these issues are in the domain of other city commissions, but also in
31 ours. Peace and Justice may consult with those commissions in developing
32 its recommendations, but its work is distinguished by the social justice lens
33 with which it views all policy development.

- 35 1. Immigration: Participate in a proposed City of Berkeley immigrant rights
36 task force. Help to draft an ordinance to codify Berkeley's sanctuary
37 principles into law.

38 Mencher, Jacquin, Taylor, Morizawa

- 39
40 2. Affordable Housing: Offer a proposal of how Berkeley can maximize the
41 amount of permanent, accessible, and decent housing for those who
42 need it most.

43 Lee, McNeil, Jivan, Phillips, Jacquin

- 44
45 3. Homelessness: Propose a human rights-based approach to short,
46 medium and long-term solutions, based on dignity for all, creating the
47 basis for reduction of tensions with housed neighbors.

48 Jivan, Phillips, Lippman, Jacquin, Lee

- 49
50 4. Racial Disparities: Work with Black and other communities of color in
51 Berkeley to illuminate the picture of persistent racial inequity in health,
52 housing, labor, policing, education, and other spheres, and how the City
53 can remediate it.

54 Cassidy, Lee, Jacquin, Phillips, Park, Taylor, Jivan, Morizawa, Lippman,
55 McNeil

- 56
57 5. Public Safety: Clarify both the successes and the constraints facing the
58 Police Accountability Board, the Specialized Care Unit, the Fair and
59 Impartial Policing program, and other aspects of Reimagining Public
60 Safety. Give integrated oversight of public safety from a social justice
61 perspective.

62 Lippman, Phillips, Jivan, McNeil

- 63
64 6. Disability Rights: Work with multiple commissions and stakeholders to
65 explore shortcomings in Berkeley's treatment of disability rights and
66 justice movement.

67
68 Morizawa, Jivan

69 7. Public Health: The country's healthcare system will soon be in the
70 hands of the president who gave us Covid-19. In Berkeley, racial
71 disparities in health worsened during the pandemic.

72
73 Berkeley has done ground-breaking work on health disparities, but has
74 not published its Health Status Report, which evaluates these racial
75 disparities, since 2018. It is time for Berkeley and other cities and
76 counties to tell the true story about health outcomes for racial and other
77 marginalized populations.

78
79 Peace and Justice can work with community groups, health
80 professionals, city council and staff to report the truth and then take
81 corrective action.

82
83
84 8. Climate: Much needs to be done, and urgently, at all levels of
85 government. One critical issue is how to help residents pay for the
86 electrification of their homes and businesses that will soon be required
87 by regional regulations. This issue demands attention to environmental,
88 economic, and racial justice.

89 Park, Phillips, Mencher, Jacquelin, Morizawa, Lee, Lippman

90
91 9. Governance/Transparency/Commissions: Propose a path to raise the
92 profile of city commissions, as a lever to encourage community
93 participation in governance. Consider proposing a formal role for the
94 Peace and Justice Commission in advising on the social justice impact
95 of upcoming council action.

96
97 Park, Lippman

98
99 Additional Topic:

100 LGTBQ: Taylor, Park, Cassidy, Fink, Jacquelin, Morizawa

101 Appendix.

102
103 Here I will offer background on the thinking behind some of the issue
104 recommendations above.

105
106
107 *Immigration:* After the November 2024 election and over the winter break, the
108 commission chair and vice-chair met with immigrant rights and services
109 organizations coordinated by the East Bay Sanctuary Covenant. The group
110 consulted with several city council members on wording for a Sanctuary City
111 resolution for the council to consider in January. Two follow-on actions are
112 proposed in the resolution that may include a role for this commission:

- 113 1. Creation of a broad-based immigrant rights task force that would
114 continually assess threats to Berkeley's immigrant communities. Peace
115 and Justice, given our historic role on sanctuary issues, can request
116 representation in this task force.
- 117 2. The task force concept includes, at community request, the
118 development of an ordinance codifying Berkeley's sanctuary principles
119 into law. Peace and Justice can play a role in proposing the scope of
120 the ordinance.

121
122
123
124
125 *Homelessness:* Short, medium and long-term solutions are needed. The
126 overall principle should be respect for the humanity and dignity of our
127 unhoused neighbors. The City must stop criminalizing the unhoused. Officials
128 should work to create the conditions to reduce civic tensions between
129 businesses, housed residents, and homeless encampments. Enhance
130 transparency and oversight of homeless enforcement, shelter availability and
131 conditions.

132
133
134
135 *Racial Disparities:* The U.S. has elected a known racist as its president—
136 again. Trump's lifelong prejudices influenced the policies of his first
137 administration, including the border wall, the Muslim ban, elimination of
138 Obama-era guidelines supporting affirmative action in university admissions
139 and also fair housing and the Civil Rights Act. [Trump's plans](#) are described in
140 his "Agenda 47" and informed by his supporters' book, Project 2025. Both call

for banning teaching critical views of racism in the U.S. [Project 2025](#) would ban collection of data on race and other demographics and “handcuff” the Equal Employment Opportunity Commission. [Agenda 47](#) calls for police agencies that receive DOJ grants to return to discredited racist practices like stop-and-frisk.

In Berkeley, the NAACP has long urged the city to overturn racial discrimination in both the government and the private sector affecting health, housing, labor, policing, and education. Peace and Justice is the closest Berkeley has to a racial justice commission. It can work with Black and other communities of color in Berkeley to illuminate the picture of persistent racial inequity and how the City can remediate it.

In 1903, W.E.B. Du Bois wrote that “the problem of the twentieth century is the [problem of the color line](#).” A quarter of the way through the twenty-first, we are clearly stuck on this problem at both national and the local levels. We cannot resist MAGA as a community if we do not fight to overturn discriminatory patterns in our city.

Public Safety: Under public pressure in response to multiple killings of Black and Brown people by police, City leaders began a process of reimagining public safety—not just how it is ensured, but what it even means. Using the rubric of “reduce, improve, and invest,” the city council funded programs to analyze how policing dollars are spent, to confront racism, profiling, excessive force, and militarization, and to reduce the police footprint in mental health and violence prevention arenas. Berkeley voters also created a stronger community-based Police Accountability Board (PAB).

However, community voices, particularly in the African American community, continue to point out weaknesses in all of these initiatives. Peace and Justice could play a valuable role in clarifying both the successes and the constraints facing the PAB, the Specialized Care Unit, and the Fair and Impartial Policing program. Public Safety in Berkeley is an area where responsibility for both management and civilian oversight is divided among numerous groups.

Peace and Justice is well positioned to give integrated oversight of public safety from a social justice perspective.

Disability Rights: Berkeley has a storied history in birthing the disability rights and justice movement. It instituted curb cuts and helped inspire the ADA. But concerns remain as well. It took a lawsuit to force the city government to allow disabled commissioners and members of the public to participate in city meetings from home without letting strangers into their intimate living space.

Disabled people report being treated with disdain by City staff, who question their right to reasonable accommodations. The treatment of unhoused individuals with physical or mental challenges, both outdoors and in shelters, has also come under criticism.

What is at stake is the ability of humans at all levels of ability to be fully part of society. This participation runs the gamut from typical activities like work, school, worship, shopping etc., to being part of the decision-making for the city government.

Public Health: The country's approach to health is about to turn upside down, or perhaps more accurately, be blown up.

Politico reports that HHS Secretary-designate Robert Kennedy Jr. has "touted the debunked claim that vaccines cause autism, [written a book](#) accusing former NIH official Anthony Fauci of conspiring with tech mogul Bill Gates and drug makers to sell Covid vaccines," and promoted an end to fluoridation of drinking water. Equally disturbing, the Trump administration is expected to propose early, severe cuts to Obamacare marketplace subsidies and Medicaid funding (MediCal in California), which could throw millions of low-income people off health insurance in this state alone.

People can easily lose sight of the deep racial disparities in health, especially between white people and African Americans, Native Americans, and Latino/as. The MAGA movement hates what they call “woke” discussion of racialized health outcomes.

Berkeley has done ground-breaking work, led by groups like Healthy Black Families, to not only document but mitigate issues like the high rate of low-birthweight African American babies. But Berkeley has not published its Health Status Report, which evaluates these racial disparities, since 2018. It is time for Berkeley and other cities and counties to tell the true story about health outcomes for racial and other marginalized populations, and counter the Trump agenda by fighting for health for all.

Peace and Justice can work with community groups, health professionals, city council and staff to achieve these goals.

Climate: It is undeniable that our global environment is collapsing around us. The tools to soften the impact are within reach, but humanity has not sufficiently taken them up.

Several strategies have been developed or even adopted in Berkeley to eliminate fossil fuels. Two were targeted by petro-industry and property interests. In the end, one was overturned by a court, another rejected by voters

One bright spot of local government action is the Bay Area Air Quality Management District’s ([BAAQMD](#)) [new regulations](#) to ban new methane gas-powered residential water heaters beginning Jan. 1, 2027, and furnaces, beginning Jan. 1, 2029, throughout the region.

But with the November loss of Berkeley’s Measure GG, the climate tax on large landowners, there is no financial help for homeowners and small businesses to make the required upgrades. This outcome demonstrates how environmental justice requires both economic and racial justice. And time is

running out, both for the planet, and more immediately to prevent a financial shock to local residents.

Nothing less than the survival of humanity is at stake. Trump threatens to reverse all the gains on climate, even the consensus that there is a threat from fossil fuels. Our local action will not be enough to save the planet, but Berkeley and the Bay can once again set an example that will inspire others to take urgent action.

Climate justice is social justice. Peace and Justice can be part of the process of creating solutions.

Governance/Transparency/Commissions: The time is overdue for a meaningful conversation about the role of Berkeley's commission in the city government.

Historically, the approximately 35 commissions have been seen as a way to promote public participation, bring diverse perspectives into the discussions, and even assume some of the government's workload with free labor, often bringing lived experience or subject matter expertise.

Some members of a range of commissions, however, express a feeling that the City no longer values their contribution. To some their input seems simply tolerated, not actively sought nor seriously considered. Commissions have been slated for merger, reduction, or outright abolition. Their impact is minimized in other ways as well, including under-appointment and under-staffing.

The Peace and Justice Commission may consider proposing an expanded responsibility in which it advises on the social justice impact of upcoming council action.